

BLM_NV_NVSO_GWProjects

From: Abigail Johnson <saged183@gmail.com>
Sent: Tuesday, October 11, 2011 6:34 PM
To: Woods, Penelope D; Penny_Woods@nv.blm.gov; BLM_NV_NVSO_GWProjects
Subject: Water Grab DEIS Comments from Abby Johnson
Attachments: Abby DEIS comments 101111.pdf

Penny, Please find my comments attached to this email. If questions or problems with receiving the comments, please let me know. Abby Johnson

Abigail Johnson
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October 11, 2011

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Dear Ms. Woods:

I appreciate the opportunity to comment on the BLM's Groundwater Development Project Draft Environmental Impact Statement (DEIS). I am a property owner and part time resident of Baker, Nevada; a resident of Carson City; a board member of Great Basin Water Network; and a member of the League of Women Voters. I bring all of those perspectives to these comments, as someone directly affected, as a Nevadan, as a leader in the Water Network, as someone who respects public participation and open government, and as a conservationist who treasures the landscape and environment of the Great Basin.

Introduction

Thank you, BLM, for disclosing to the public how extremely damaging the Groundwater Development Project will be to the natural and human resources of the project region. BLM has disclosed enough impacts so that it is clear to the public that BLM resources in the affected region are threatened with destruction and defoliation that no mitigation plan can remediate. BLM also makes clear that there are many "known unknowns" that are critical to the disclosure of impacts. The four pages of irretrievable and irreversible impacts alone should compel BLM to deny the Right of Way applications. BLM says that it is directed by Congress to grant a ROW. However, BLM has a sworn and solemn trust responsibility to protect the resources under its jurisdiction under FLPMA. *The stark reality is that that the "Pipeline" project will create a sacrifice zone: Southern Nevada thrives; rural Nevada dries and dies. This is wrong and BLM has the power to stop it by denying the Right of Way applications of Southern Nevada Water Authority.*

This DEIS is premature, does not disclose enough information about the impacts of pumping specific wells, and has major information gaps detailed in the myriad of comments received on this DEIS. The socioeconomic portion of the document was

notably weak. In light of these deficiencies, BLM should withdraw this EIS and redo and reissue it for full public review once the information gaps have been filled, and when (if ever) the project is timely.

Process Concerns

While the 30 day comment extension was helpful, it was not nearly enough time to review a document of this size, depth and complexity, six years in the making. It is evident that the full 180 days requested by Great Basin Water Network would have been a more practical and appropriate review period, given the controversial and multi-generational nature of the project and the number of individual and groups that have expressed interest in participating over the years.

BLM is to be commended for holding hearings throughout the state. However, holding the Reno hearing in a stifling hot gymnasium in Sparks was not effective for public involvement. In general, the hearings in gymnasiums did not promote...*hearing*, that is, good acoustics for a public meeting.

General Comments

The DEIS predicts dire impacts to the resources within the project area of pumping. BLM should consider that the model may underestimate the pumping impacts, and consider how the agency as well as the Department of Interior will protect its resources at the projected levels, and at levels greater than shown. BLM must condition the Right of Way permits to ensure that BLM has authority to set triggers and enforce pumping cessation in order to limit effects on its resources.

ES-10 2.9 Relationship between BLM environmental process and Nevada's water rights process

The Executive Summary 2.9, page ES-10, states, "The BLM has no legal authority over water rights in Nevada or the SNWA water resource plan." The chart on the same page attempts to sort out the BLM and State Engineer responsibilities. The blue arrow is labeled "Time" but more appropriately should be labeled "The Public" because the public is caught in the middle between two agencies playing a shell game, hiding responsibility for the destruction and defoliation of rural Nevada from the public.

In the DEIS, BLM repeatedly asserts that it only has authority over the right of way, not the water. However, it also has public water reserves in the valleys in question. BLM has inappropriately comingled its separate responsibilities as a water user and as a protector of lands and resources. They are not the same. As a water rights holder, BLM has entered into a stipulated agreement in Spring and Cave, Dry Lake and

Delamar Valleys years prior to the preparation of this EIS. BLM is choosing to carry those agreements forward and “check off the box” for monitoring, management and mitigation (3M) by using agreements forged in secret between SNWA and BLM prior to SE water hearings. It is inappropriate to use agreements forged in secret prior to the release of the DEIS to address impacts disclosed for the first time in the DEIS.

BLM's DEIS demonstrates long term irreversible and destructive impacts to water resources and the ecology of the affected area. As a resource manager, it is BLM's responsibility to ensure that the proposed action and alternatives do not adversely affect BLM's claims. BLM's own studies show SNWA drawdowns will eliminate or adversely impact its public water reserves (PWRs). BLM should have similar concern for all other water rights or claims to water that are connected to resources under its jurisdiction. BLM cannot and must not disregard the stewardship of its resources.

ES-75: Impacts to Snake Valley and Great Basin National Park

On Page ES-75, BLM states, “BLM is particularly interested in seeing comments and suggestions for the analysis of the Snake Valley portion of the proposed project and identification of impacts to resources in the area, especially to those in GBNP.” To put it bluntly, SNWA's water mining project will destroy the environment of Snake Valley, threaten precious resources in GBNP and the region, and decimate tourism. The project as described will have irreversible impacts on Great Basin National Park and the Great Basin Heritage Area. Short of selecting the No Action Alternative, any of the proposed alternatives will result in permanent adverse affects to GBNP. We do not accept the “emeralds in the dust” approach, that destroying everything around a protected area is acceptable and appropriate as long as that area is protected within its legal boundary. Parks and wilderness areas are both apart and joined with the region, ecosystem, and communities that surround and support them. Defoliating the valleys of the Great Basin that surround and support the GBNP is unacceptable. The DEIS itself admits that the source of cave waters in GBNP and in the region are unknown. The caves are at risk, the delicate ecosystem of the Park is at risk, and so are the lands that BLM has sworn to protect for present and future generations. The irreversible and irretrievable section in the DEIS should be a reason to protect Snake Valley and to reject the pipeline project. Think of Great Basin National Park as the mast of a sailing ship. If the ship is allowed to sink, the mast will sink too - not as fast, but ultimately it will be destroyed.

2.7 Alternatives Considered But....

There are many alternatives to this project, and BLM should consider them in the analysis of alternatives rather than rejecting them. These include and are not limited

to the 17 alternatives cited by Mark Bird in his article, "17 alternatives to the water pipeline proposed by Nevada" published in the Salt Lake Tribune on March 2, 2008.

3.0.3 Incomplete and Unavailable Information

In light of the listed incomplete or unavailable information, this DEIS is premature. The "known unknowns" and "unknown unknowns" confirm that this DEIS should be withdrawn and updated and resubmitted for full public review after the information described in this section is obtained. Note that key Visual Resource Information was omitted, and that the Visual Resource section (3.15) suffers from the lack of visual simulations at 75 and 200 years of pumping.

3.15 Visual Resources

The visual resources analysis is deficient. The section of text and related Appendix only address the visual impacts of the right of way, roads and power lines. While these ROW impacts are studied, in order to fully and accurately disclose the impacts of the proposed action and alternatives, the EIS should provide visual simulations at 75 and 200 years of the various alternatives from Key Observation Points (KOP). Visual resources are the lifeblood of tourism in the Pony Express Territory, at Great Basin National Park, and in the region. The lack of KOPs depicting the die-off of vegetation, presence of dust, and the extent of subsidence make it appear that BLM does not want the public to see the extent of destruction (comparable to Owens Valley.)

For example, the DEIS should contain a KOP visual simulation from the Wheeler Peak road over Snake Valley after 200 years of pumping for each alternative. The same approach should be taken for a view from east Snake Valley and from Garrison. Special attention should be given to views from the Great Basin National Park into Spring Valley. Similar KOP simulations should be done for the other valleys. Full disclosure in the DEIS should include what the public and the Department of Interior needs to see and consider - the treasured valley and mountain vistas after 200 years of pumping, defoliation, and air quality impacts.

Because the visual simulations of the drying up of the project area were not done and disclosed to the public during the Draft EIS review, BLM should complete the simulations and including them in a new DEIS or SEIS which will be subject to full public review and hearings.

3.18 Socioeconomics and Environmental Justice

Overall the socioeconomics section is weak and lacks the detail and specificity that the public expects. The analysis of economic impacts ignores the basic fact that without water everyone in the region will lose their livelihoods and will have to move away to survive. Most of the analysis centered on pumping costs for agriculture. Where is the analysis of effects on local tourist dependent businesses, for example. This section needs to be redone to provide the detail, information and analysis needed for decision-making.

While the environmental justice analysis does not identify issues under the EJ executive order it is clear that this project is disproportionately affecting small rural communities whose ability to fight a \$15 billion project is limited, especially without BLM fighting for the survival of its resources including wildlife, fish, and plants. Members of the Goshute Tribe have testified before the State Engineer that this project threatens their ability to survive and thrive. That is an environmental justice issue that must be addresses, really addressed in this DEIS.

3.20 Monitoring and Mitigation Summary

The monitoring management and mitigation (3M) plans proposed will not protect BLM's public water reserves or the other water rights in the valleys; they will only document their destruction.

BLM is using the stipulated agreements it forged with SNWA to protect its water rights in Spring and Cave, Dry Lake and Delamar Valleys as the 3M plans for this EIS. This is inappropriate and unacceptable.

BLM has two primary responsibilities in this instance. One is to manage the federal lands under its jurisdiction. Separately, BLM has water rights for some of its activities on the public lands in the above mentioned valleys. By entering into stipulated agreements with SNWA prior to the first State Engineer hearings on Spring Valley and on Cave, Dry Lake and Delamar Valleys, BLM gave up its right to protest SNWA's applications for groundwater in exchange for an agreement with SNWA to monitor in an effort to "protect" those water rights, including public water reserves and other rights and claims.

Now, years later, BLM's own DEIS provides much more information, insight, and data on the extent and severity of impacts on the lands and resources BLM is supposed to be preserving for present and future generations.

BLM's stipulated agreement with SNWA cannot and must not be used to abrogate BLM's responsibilities as a land manager. These responsibilities include but are not limited to water, air, habitat, wildlife, aquatic life, and recreation.

BLM has a commitment to public involvement at the local level but there is little evidence of it in the plans attached to the EIS for monitoring, management and mitigation. The Snake Valley draft includes representation from the States of Nevada and Utah, but no involvement at the local level. We strenuously object to this top down process which excludes local involvement and participation.

The 3M process should be open rather than a secret cabal of federal agencies and the applicant, SNWA. At a minimum, the management committee and technical working group should have representation from County government officials and their technical experts from the basins of origin, and should also include representation of other affected parties including local water rights holders and representation from local agriculture. Participation in these 3M groups should be funded by the applicant. A model to emulate is the successful funding for "affected units of local government" in section 116 of the Nuclear Waste Policy Act to ensure local oversight and participation on the Yucca Mountain nuclear waste repository issue.

The 3Ms for Spring and Cave, Dry Lake, and Delamar Valleys were forged in secret. By endorsing them as done deals, BLM is endorsing a secret process - a back room deal with SNWA - that did not have the advantage of public involvement or scrutiny. 3M plans for this project must stand the test of time, and be inclusive. If BLM does not require local representation from Counties and other affected parties in the 3M agreements for the EIS process and the Record of Decision, BLM is complicit in imposing a paternalistic and feudalistic structure where decisions that affect local communities are made at a distance by parties not affected by the outcome, to the detriment of local interests. BLM must reopen the 3M process to include public involvement and the involvement of the Nevada State Engineer in drafting of the documents and participation in 3M. This is one of the many areas where a new DEIS or a Supplemental EIS with full public involvement will be necessary.

5. Consultation and Coordination

5.3.1 Cooperating agencies are explained, but not listed here, although they are listed in the very beginning of the entire document. A list of "involved agencies, entities or individuals" is shown at 5.5, but not all of these were Cooperating Agencies. Please list them here again for clarity or refer the reader to Chapter 6.

5.5.3 Southern Nevada Water Authority is not listed as an involved agency. Why? They

certainly seem to be involved. Wasn't much of the information and material obtained from them? I believe that many meetings of the Cooperating Agencies were held in southern Nevada at SNWA's convenience and at other agencies' expense.

5.6 We note that SNWA is listed as receiving a copy of the EIS under "Companies and Businesses" rather than under "Local Government and Agencies." Why?

For Media, only one newspaper in Utah was provided a copy. At a minimum, the newspaper of record for each County affected by the project should have been provided a copy of the document as well as the newspaper for Nevada's capital, the Nevada Appeal in Carson City. Why only one newspaper for Salt Lake City?

6. List of Preparers and Reviewers

Chapter 6 lists the Cooperating Agencies. Please reference this in Chapter 5.3.1 to provide clarity for the reader.

Appendix F3.18

Page F3.18-22: EskDale is in Millard County, not Juab County.

Page F3.18-42 Paragraph 2 combines worship and community events and lacks key information about both in Snake Valley. The researcher has failed to recognize the School of the Natural Order, an intentional community located for over 50 years in Baker at Home Farm off the highway leading to GBNP. BLM, please note that Home Farm depends on the health of springs as a source of water in order to survive.

When the appendix is updated, it will be important add that the newest building in Baker is a church. In August, 2011, the first non denominational church building in Baker was dedicated, and is now used for weekly services. Paragraph 2 also omits recognition of the annual summer Snake Valley Festival which raises funds to support community preservation in the Snake Valley.

Appendix G - BLM Interaction with the Public

Appendix G lists the meetings that BLM representatives attended regarding the development of this document. As a matter of clarification, many of the meetings where representatives of the Great Basin Water Network were present were initiated by GBWN. The list gives the impression that BLM arranged outreach in all cases. Many times, BLM staffers were available to meet but representatives of Great Basin Water Network initiated the contact. This is likely to be true for others on the list as well.

Conclusion

In light of its many deficiencies and information gaps, BLM should withdraw the DEIS. If necessary, BLM could revise and resubmit the DEIS to the public for a full review if BLM wants the EIS to serve the required institutional role and be legal. In addition, in order for BLM to carry out its mandates to protect the resources under its stewardship, the only alternative for BLM that is reasonable and protective of its resources is the No Action Alternative. It is clear from the extent of this massive project that mitigation to protect resources is not possible. The reality is that if BLM chooses any alternative other than No Action, it is abrogating its responsibilities as a land manager. BLM must deny the ROW applications in order to protect the resources under its stewardship.

Thank you for considering my comments. I look forward to learning how my comments and the comments of GBWN and the thousands of citizens who participated will be addressed. **I request a series of public meetings in the project area to explain to the public how the document has changed as a result of comments received.**

Sincerely,

Abigail Johnson