

Dow, Kimberly D

From: BLM_NV_NVSO_Web_Mail
Sent: Wednesday, October 12, 2011 11:39 AM
To: Dow, Kimberly D
Subject: FW: comments on DEIS
Attachments: image001.png; image002.png; image003.png; Utah Rivers Council comments DEIS.pdf

From: Zach Frankel [mailto:zach@utahrivers.org]
Sent: Tuesday, October 11, 2011 4:35 PM
To: nvsoweb@nv.blm.gov
Cc: nvprojects@blm.gov
Subject: comments on DEIS

Dear BLM,

Please find attached our comments on the Draft EIS for the Southern Nevada Water Authority groundwater project. Please reply to this email at your convenience to confirm that you received the pdf attachment.

We appreciate the opportunity to comment and your hard work (and thankless effort) in preparing the DEIS.

Cordially,

Zachary Frankel
Executive Director
Utah Rivers Council
1055 East 2100 South
Suite 204
Salt Lake City, Utah 84106
801-486-4776
www.utahrivers.org
Zach@utahrivers.org

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Penny Woods, BLM Project Manager
PO Box 12000
Reno, NV 89520
nvgwprojects@blm.gov

October 10, 2011

Dear Ms. Woods:

I am writing in regards to the Draft Environmental Impact Statement (DEIS) for the Southern Nevada Water Authority for Clark, Lincoln and White Pine Counties Groundwater Development Project. I am writing on behalf of the Utah Rivers Council, a 501(c)3 nonprofit organization working to conserve aquatic ecosystems and ensure equitable water policy in Utah. Thank you for this opportunity to comment on the Draft EIS for this Groundwater Development Project and thank you for scheduling a comment meeting in Salt Lake City last Summer to provide information and collect input from the public. We greatly appreciate the BLM's efforts in coming to Salt Lake to present this information.

The DEIS clearly shows the many substantial and long-lasting impacts of this proposed project upon the desert landscapes, aquatic ecosystems, Confederated Tribe of the Goshute Nation culture and livelihood, community farming and ranching operations, future and existing real estate developments, tourism operations and activities, National Park management and resources and threatened and endangered species among other impacts. Given the scope and significance of these effectively permanent impacts, we hereby oppose the proposed action and request that the BLM deny the right of way for the Southern Nevada Water Authority by adopting the No Action Alternative as presented in the DEIS. We outline our concerns regarding some of these impacts below.

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We also believe that if the BLM adopts any of the alternatives presented in the DEIS, the agency will effectively be violating the multi-use policy of the Federal Lands Policy Management Act (FLPMA) by disfavoring all other uses for BLM lands in this area save for water development itself. Since both Spring Valley and Snake Valley contain many more resources and uses than simply harboring an unnecessary water source for Las Vegas, if the BLM approves the Right of Way the agency is effectively determining that all other uses of these federal lands must come to a stop. This in no way constitutes adherence to the multi-use concept which FLPMA and the BLM have routinely celebrated and practiced in the past.

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However, we must also protest the exemption of federal laws which the Southern Nevada Water Authority is receiving for the greater project south of the Lincoln County line. The fact that this project has been exempted from NEPA, among other federal statutes, clearly shows that the

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Southern Nevada Water Authority has no interest in ensuring that appropriate safeguards are created to ensure the continued existence of community livelihoods and native ecosystems in both rural Utah and Nevada.

We openly question whether these exemptions conferred by the lobbying activities of the Southern Nevada Water Authority are ethical and stand up to legal scrutiny. In contrast to recent public claims of the SNWA which have highlighted 'the

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environmental safeguards of the project, the fact that the southern portion of the proposed project have never been subject to NEPA analysis demonstrates both the surreptitious efforts of SNWA and the destructive cultural and environmental nature of this project.

Specific Concerns

I. Questionable Purpose and Need for the Project

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The BLM greatly fails in adequately demonstrating purpose and need for the project, which lies at the core of this DEIS' problems and the justification for the immense amount of environmental destruction the BLM is considering permitting. In the DEIS, the BLM asserts:

The BLM has no administrative or regulatory authority over the SNWA's demand projections, the timing or quantity of water required, potential alternative sources of water, or priorities established with respect to procuring additional sources. Such issues are more properly addressed in proceedings before the NSE.

The Utah Rivers Council respectfully disagrees, particularly given the NEPA requirement that the BLM consider a suitable array of alternatives. To understand this inadequacy, one must look closer at the water use and water rate policies in Las Vegas. Although the Southern Nevada Water Authority claims the proposed groundwater project is essential to the future of Las Vegas' growth, this claim is largely erroneous. A 2007 study completed by the Pacific Institute and the Western Resources Advocates found that at least 86,000 acre-feet of water could be provided for the city by various water conservation and water demand reduction programs. The study found that water demand could be reduced inside and outside the home by 40 percent among single family homeowners in Las Vegas which comprise nearly half of the water meters within the service area of the SNWA.

The per capita water use of Las Vegas is between 250 and 300 gallons per person per day (gpcd) depending upon the year and data source. This range is roughly twice the U.S. average and much higher than many Southwestern cities such as Phoenix, Tuscon and Albuquerque which have gpcd use rates below 200. Although Las Vegas has a similar aridity and temperature range to these cities, its water rate structure is significantly lower in price than these cities and its water conservation programming has relied heavily upon turf removal and passive education efforts, e.g., radio and television advertising. Although Las Vegas has made some strides in its water conservation work, a comprehensive water conservation goal of 30 – 40 percent reduction in use within 10 years would easily provide more water (with less capital) than this proposed groundwater withdrawal project without any of the environmental impacts caused by the proposed groundwater mining project. Yet the BLM's DEIS completely fails to note this obvious fact.



C5 In fact, claims that Las Vegas is on the verge of running out of water are ludicrous since the current real estate sector collapse is greatly deterring population influx into Las Vegas. Yet the BLM does not adequately address this change in describing the water use projections for the region in the DEIS. Instead, the DEIS falsely implies that the Southern Nevada Water Authority's water conservation goal of reducing water use to 199 is somehow an aggressive goal. Perhaps to a laymen, this may at first sound like an aggressive goal, but when examines this claim in further detail, several problems arise. Firstly, 199 is hardly a laudable water use goal since other Southwestern communities have lower gpcd rates as mentioned above.

Secondly, the deadline for achieving this goal – 2035 – makes clear that the SNWA isn't serious about reducing water use, but seeks to give lip service to this effort for several decades until it is forced to reduce water use in a meaningful manner. This may at first seem like a bold claim, but consider what would happen if the SNWA reduced its constituents' water use to 199 within a short time, say 5 or 10 years. If SNWA's water use today was 199, the water use projection presented in Appendix A would have to be delayed by several decades, assuming population growth was to continue in Clark County at pre-recession levels, which isn't clear.

Many Western cities have greatly reduced their water use in a very short period of time. Albuquerque reduced its water use by an incredible 40 percent in about 15 years. Cities in Southern California have greatly reduced their water use between 15 and 25 percent within 10 or 15 years through a suite of water conservation programs and incentives. Yet the SNWA is taking its sweet time in reducing water use by simply waiting to reduce its use to that of sister Western cities for an incredible 25 years from now.

The Utah Rivers Council believes that the SNWA seeks to delay the implementation of meaningful water conservation efforts to ensure that on paper the agency can demonstrate to taxpayers, federal agencies and Congress that there is a valid "need" for water projects such as this proposed groundwater project. If water conservation reduced demand, it would reduce the justification to build this project. Hence its easier for SNWA to sell the project with higher demand figures.

C7 In other words, the BLM is premature in asserting that this project is necessary at this time absent a carefully analysis about the true purpose of this project. The SNWA doesn't truly need to implement this project since less expensive and less damaging alternatives exist to provide Clark County with more water, which are not being considered in the DEIS, such as water demand reduction strategies and policies. The BLM boldly asserts that this justification falls upon the Nevada State Engineer, as if somehow NEPA no longer requires that alternatives be considered during the planning process.

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The DEIS must consider a suitable stand alone Alternative in this DEIS which provides the Las Vegas area with water through water demand reduction. This Alternative is just as valid as any of the other Alternatives currently presented in the DEIS. The supposed purpose of this DEIS is to provide water to the community. If this is truly the purpose, than an Alternative which considers only water demand reduction programs similar to what other Colorado River Basin cities have implemented in the past is an equally valid means of providing water to Las Vegas. Unless the real Purpose and Need of the project is simply to build a water project – any water project – which utilizes groundwater pumps.

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The BLM's republishing the SNWA's water demand publications does not constitute a clear demonstration of need for this project. ~~Since the BLM is conducting the NEPA analysis, we hereby request that the BLM prepare a suitable purpose and need section through its own planning effort and analysis, instead of simply pointing members of the public to another agency (SNWA) with a different set of planning criteria, oversight controls and public mission. This is hardly a justifiable NEPA process.~~

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For this reason, the Utah Rivers Council believes the BLM has not considered a full array of alternatives in this NEPA planning process and must add another alternative which provides the Clark County community with additional water but without this groundwater project. This is the reason the DEIS must consider a new, as of yet unprepared Alternative in the DEIS – that of providing the same volume, or nearly the same volume of water through a collection of water conservation and water demand reduction programs and strategies.

Upon further reflection and analysis of this DEIS, it is clear the BLM has created an utterly useless analysis that greatly fails to understand the current Affected Environment of Clark County. By essentially tabling the real Purpose and Need of this document and simply incorporating Appendix A prepared by the SNWA, the BLM has published greatly contradictory information that fails to meet NEPA requirements. Permit us to expand upon this critical point.

In regards to population growth estimates asserted in the DEIS, the BLM notes that:

These projections primarily reflect on a continuation of historic trends, unconstrained by legal, environmental, or political factors. In other words, they are generally reflective of the future in economic development and growth influences, including those associated with Congressionally approved land disposal actions in southern Nevada, but do not reflect information or assumptions regarding specific economic activities.

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The short population analysis of the DEIS does a poor job addressing the fact that Las Vegas has entered an entirely new era of record foreclosures, population decline, economic stagnation and record real estate value decreases. In fact, the DEIS nearly ignores the immense changes felt across the entire country as a function of the real estate bubble. Instead, lip service is given to changes in population growth.



Worse yet, the DEIS completely misses the mark in describing how the new economy has greatly altered the future water needs of Clark County. This can be seen in the following quote from the DEIS:

Pre-recession economic and demographic projections for Clark County, prepared by the UNLV-CBER in 2008, underlie SNWA's 2009 Water Resource Plan. Those projections portrayed unabated, but slowing long-term growth, yielding a population of 3.45 million residents by 2030.

In other words, the BLM is asserting that the water demand needs of the entire water project are based on the 'go-go' years of real estate bubble-growth in Clark County witnessed from 2000 - 2006, which are widely considered not to be the norm, but to be a historic aberration. To our

C12 knowledge, NO ONE is predicting these incredibly inflated real estate growth rates will return anytime soon to Las Vegas. Therefore, making claims that Las Vegas will double in population by the year 2035 are without merit as is claiming that its water needs will double in this period of time. It goes without saying that the world economy has entered a massive economic recession which has not been seen in 80 years. Now called the Great Recession, it seems incredible that the BLM fails to address this change in predicting the future water needs for Clark County since it lies at the core Purpose and Need for this project.

C13 Although we respect the BLM's work in the preparation of the DEIS, these gross oversights do not do the agency justice, satisfy the public interest, or comply with NEPA. We respectfully request that a completely new Purpose and Need section be prepared that adequately addresses future water needs without basing these projections on the rapid population growth observed during the real estate bubble years. The Las Vegas Economy is reeling from this bubble and the DEIS and future water demand projections need to be based on this reality, not some illusion to sell the project and its massive impacts and capital costs to an unsuspecting public. The new public knows better.

II. Impacts to Utah's Rural Communities

The DEIS fails to carefully analyze the specific economic impacts from the likely future abandonment of many key rural Utah and Nevada settlements by virtue of the proposed groundwater mining operation. Many farmers and ranchers alongside rural businesses have expressed concerns about their ability to continue their operations in the Great Basin if the BLM approves the Right of Way as is currently proposed yet the BLM fails to adequately address this concern in the DEIS.

Farmers and ranchers in both States depend upon groundwater and other water resources to continue their agricultural operations. These agricultural operations are important to sustaining rural lifestyles in part because they help support other businesses both inside and outside the agricultural sector.

C14 In addition to farming and ranching, it is quite likely that once groundwater levels are lowered by this groundwater mining project, small towns will not have the necessary capital required to drill groundwater wells deeper into the earth. **The immense capital costs of drilling deeper for water after the Southern Nevada Water Authority lowers the aquifer below the level which these communities may withdraw water may be prohibitive to the continued habitation in these areas.**

Yet the DEIS makes little mention of which communities would have to be abandoned, when this would occur or what the economic impacts of these changes would have upon rural Utah and Nevada. Simply monitoring the depletion rates of groundwater aquifers does not do enough to prevent these impacts from occurring. THE BLM must select the No Action alternative since the existing use of water resources by rural agriculture is currently a valid use of public lands under FLPMA. **The EIS needs to carefully predict which communities will need to be abandoned and when based on the actions of the Southern Nevada Water Authority.**

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III. Tribal Sovereignty and Impacts to Tribal Resources, Cultures and Economies

All 7 Native American Tribes with lands inside Utah have expressed opposition to the proposed project by the signing of the Joint Inter-Tribal Resolution Number UTLAUG 06-11 dated August 2011. We share the concerns of these sovereign governments regarding the scope of impacts and ~~the planning and decisions which are part of this project.~~ Specifically, **the Utah Rivers Council is concerned that the proposed project does not adhere to past treaty obligations made between these Tribes and the United States.** As the DEIS indicates, the proposed project would draw down the aquifers of the lands where some of these Tribes have resided for countless generations. This drawdown will make continued existence in these areas both problematic if not impossible and therefore represents a clear contradiction to the intention and language of these treaty obligations.

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Likewise the LCCRDA does not adhere to these treaty obligations itself and represents a direct contradiction to past actions taken by all 3 branches of U.S. Government which respect these Tribes' Sovereignty in these lands. The springs, wetlands, marshes, creeks, seeps, wet marshes, rivers, streams, riparian areas and ephemeral washes of the Great Basin are more than simply environmental features of these lands. **The Tribes of the Great Basin consider these areas sacred areas that are therefore subject to cultural analysis when the proposed project would effectively permanently dewater these cultural treasures. Yet the DEIS fails to address the cultural impacts of**

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this dewatering upon the Tribes of the Great Basin. Similarly, the DEIS fails to address the economic impacts of this dewatering upon these Tribes or evaluates the extent to which this dewatering effectively violates above treaty obligations.

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IV. Impacts to Fish and Wildlife

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The DEIS fails to adequately address specific impacts to fish and wildlife of the Great Basin areas affected by the proposed project especially given the massive area which would be affected. The many streams, creeks, riparian areas, seeps and other water features of Snake and Spring Valleys could not continue to exist given the proposed lowering of the groundwater aquifer. It is widely known that aquifers are connected to such springs and creeks throughout their watersheds.

Given the future expectations that less precipitation will occur across the region as a function of climate change, it is likely that many of these water resources will become even more important for the survival of native species who depend upon as the region grows increasingly drier over time. The proposed lowering of area aquifers through this groundwater mining project will only exacerbate these impacts and therefore further create survival stresses upon fish and wildlife species. Many threatened and endangered species in the region may not survive if this groundwater project is approved.

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these and other reasons, we hereby request that the BLM prepare a new DEIS which adequately addresses the oversights of this outdated document and considers a new Alternative which allows Clark County to provide for its water needs without destroying the livelihoods of rural Utah and Nevada residents and fish and wildlife species.

Thank you for the opportunity to comment on this document.

Sincerely,

Zachary Frankel
Executive Director