

# U.S. Bureau of Land Management Nevada Groundwater Projects

Southern Nevada Water Authority

Right-of-Way Project Update

November 2012 – Newsletter No. 10

## Comments Received on the Final Environmental Impact Statement

The Clark, Lincoln, and White Pine Counties Groundwater Development (GWD) Project Final Environmental Impact Statement (EIS) was issued with a 60 day Availability Period from August 3, 2012 until October 1, 2012. During that period, the public could submit comments describing information or analyses that were new or had been missed by the Bureau of Land Management (BLM) in the Final EIS. The BLM received approximately 43 unique letters and over 40,000 form letters in response to the Final EIS. The BLM determined that the new information received had been appropriately and adequately addressed or analyzed in the EIS and that no further analysis was necessary. Although BLM has determined the comments did not identify missing analyses or missing information that would require a change to the analyses in the Final EIS, pertinent issues raised in comments will be described and addressed in the Record of Decision (ROD) as necessary to clarify or support a position taken by the BLM. See Summary Table below summarizes the major

| Summary of the Comments received on the Final EIS |  |
|---|--|
| Topic Area  | Comment Themes   |
| General   | Questions and concerns regarding the analysis process used in the EIS which included: 1) The specific analysis for the action before the BLM (granting a right-of-way [ROW] for the main pipeline), and 2) The programmatic analysis performed as a base for subsequent National Environmental Policy Act (NEPA) tiering related to additional ROW requests for future facilities. |
|   | Uncertainty on how and when subsequent (future) NEPA tiers will be applied and how they will be tiered to this programmatic analysis.  |
| Air Quality and Climate Change                    | Concerns related to climate change and desertification.  |
|   | Concerns related to the potential for increased particulate matter being blown throughout the Great Basin and Wasatch Front; in both attainment and non-attainment areas.  |
| Water Resources                                   | Concerns related to the validity of the groundwater model used as a basis for the water resource and water-dependent resource analyses.  |
|   | References to other water models that have been developed to address projects or other needs within the project area. The majority of comments questioned the decision to not include the data produced from those models in the EIS analysis.   |
| Biological Resources                              | Concerns related to the spread of invasive species on disturbed areas and the relatively slow vegetation recovery times due to the low precipitation levels in the area.   |
|   | Lack of specific biological resource management objectives for use as a comparative benchmark for measurement of the project impacts.  |
|   | Concerns related to springsnails and the springs in which they are located.  |
|   | Concerns related to under-reporting the extent of hydric soils related to differences in analysis methods.   |
| Human Resources                                   | Questions on project costs, particularly related to who will pay and how they will pay.  |
|   | Concerns that the Final EIS overestimated the population estimates (in Clark County) to support demand for the project.  |
|   | Statements that the BLM conducted inadequate tribal consultation.  |
|   | Statements that the BLM failed to protect Indian resources and ignored Indian concerns.  |
| Monitoring, Management, and Mitigations           | Questions related to how the monitoring, management, and mitigation process presented in the Final EIS will be used by the BLM to ensure that the processes are actionable and will provide timely information that can be used to address on-the-ground impacts.  |





## Record of Decision Document

### Introduction

This section will provide a brief summary of the project and background information related to the ROW application and applicable laws and regulations. It also will contain process-related information, such as participation of cooperating agencies, establishment of the BLM as the lead agency for completing the EIS, and the tiered approach used for the NEPA documentation for this project.

### Information Received since the Publication of the Final EIS

The ROD also will present information received or developed since the publication of the Final EIS, such as the soils information and U.S. Environmental Protection Agency (USEPA) filing date correction provided in the August, 2012, Final EIS errata. This section also provides a summary of new information submitted by the public through comment letters, as well as new information provided by the SNWA after the publication of the Final EIS.

### Decision

The decision being made at this time is to approve or deny ROW grants for the main conveyance pipeline and transmission line, and their associated ancillary facilities. The ROD will provide specific details of the authorized officer's decision, as well as terms and conditions for the ROW grant. Because this is a programmatic EIS, this section also will explain the process and requirements for subsequent (future) portions of this project. It is important to note that this ROD is a decision record that provides the authorized officer direction to issue a ROW grant, and includes the conditions under which that grant will be issued. This ROD will not issue the ROW grant itself. The SNWA will not be authorized to initiate any activities in connection with the project until a ROW

grant or grants and written Notices to Proceed are provided by the BLM. It also is important to note that this decision will not approve groundwater development in any of the basins, nor will it obligate the BLM to grant ROWs for such in the future.

### Considerations Informing the Decision

The decision portion of the ROD is followed by information that the authorized officer considered when making the decision. This information includes:

- identification and justification for the alternatives analyzed and not analyzed;
- management considerations such as legal and policy mandates and programmatic considerations;
- agency and public involvement including tribal consultation; and
- the environmentally preferred alternative.

In addition, considerable detail is provided regarding the agency's preferred alternative.

### Attachments to the ROD

Attachments to the ROD include materials that support the decision being made and other background items that provide additional information for the current and future implementation of the ROD as related to the ROW grant. These attachments are generally described below.

### Project Conditions of Approval

The conditions of approval/mitigation associated with the Tier 1 ROW include mitigation identified in the EIS, Best Management Practices, the Weed Risk Assessment, and terms and conditions provided by the U.S. Fish and Wildlife Service (USFWS) as part of the ESA section 7 consultation. Mitigation that is outside of the BLM jurisdiction or mitigation identified in the EIS that is associated with subsequent NEPA analyses will not be included in this attachment. It also will not list specific requirements of existing land use plans; however, as identified in the Final EIS, the project is in conformance with both the BLM Ely District Resource Management Plan (RMP) and the BLM Las Vegas District RMP, and the project must comply with the requirements provided in each document.

### COM Plan Framework

This attachment, introduced in Section 3.20 of the Final EIS, presents a structure for the management, monitoring, and mitigation for this and future phases of the project. This Framework is an integral component of both this Tier 1 portion of the project, and subsequent tiers of the project.

## [SNWA Conceptual Plan of Development \(POD\)](#)

This attachment presents detailed information on the project components, and includes maps and legal descriptions for the Project. The POD is conceptual at this point in the process because it is based on the preferred alternative and written without specific knowledge of the BLM decision and associated conditions of approval. The ROD will identify elements that must be included in the final POD and SNWA will incorporate all conditions of approval, as well as, engineered project specifications, terrain drawings, and other construction related information and submit a final POD to the BLM. For example, SNWA would be required to include specific plans in their final POD, such as the Bird Conservation Strategy, Construction Plan, and Construction Water Supply Plan. SNWA must obtain BLM approval of the final POD before they are granted a notice to proceed for construction.

## [USFWS Consultation](#)

The Biological Opinion (BO) and a BLM Letter to the USFWS detailing how BLM will incorporate USFWS conservation recommendations into the project will be included as attachments. Since the majority of the conservation recommendations relate to future tiers of the project (i.e., wells, collector pipelines, pipelines and access roads to individual wells), many of these recommendations will be considered further through the interagency process described within the COM Plan. Under section 7 of the Endangered Species Act (ESA), the BLM initiated formal consultation for eight listed species: Mojave desert tortoise, White River springfish, Hiko White River springfish, Pahrump poolfish, Pahranaagat roundtail chub, White River spinedace, Ute ladies'-tresses, and southwestern willow flycatcher. The BLM also requested to conference on proposed (revised) critical habitat for southwestern willow flycatcher. Informal consultation was initiated for Yuma clapper rail, Big Spring spinedace, and Moapa dace. The BO will be a programmatic consultation that will include both project-specific aspects to address the Tier 1 portion of the project, and programmatic aspects to address subsequent tier portions of the project. The project-specific consultation will address the specific effects of project components for which details are known, while the programmatic-level consultation will conceptually evaluate effects of project components for which details are not yet known. The USFWS also is the regulatory agency responsible for enforcing the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The SNWA has committed to

developing a Bird Conservation Strategy to address potential impacts related to species protected under these Acts. The USFWS has provided a letter of concurrence, which will be attached to the ROD, enabling the BLM to move forward with a ROD in the absence of a completed Bird Conservation Strategy.

## [Section 106 Compliance](#)

The BLM has entered into a Programmatic Agreement with the Nevada State Historic Preservation Office, the Advisory Council on Historic Preservation, and the SNWA regarding National Historic Preservation Act Section 106 compliance for this project. The Agreement describes the roles and responsibilities of the agencies who are a party to the agreement, including identification of historic properties and the requirement for BLM to continue Tribal Consultation. This attachment also includes an updated matrix detailing BLM coordination and consultation with tribes to date.

## [Comments on the Final EIS](#)

Comments submitted to the BLM on the Final EIS during the 30-day availability period will be included in their entirety, including examples of the form letters received in response to action alerts from non-governmental organizations.

## [Publication and Distribution](#)

The ROD is expected to be signed in December 2012. A Notice of Availability for the ROD will be issued for this project and published in the Federal Register (<http://www.gpoaccess.gov/fr/index.html>).

All individuals on the mailing list for this project will receive a paper copy of the ROD and CD of the attachments. The ROD also will be posted on the BLM website for this project (<http://www.blm.gov/5W5C>).



## Public Response to the Record of Decision

The ROD is a decision record that provides the authorized officer direction to issue a ROW grant (at a later date), and specifies the conditions under which that grant will be issued. The ROD and subsequent ROW grant will require the applicant to prepare and submit for the BLM approval a detailed revised POD for the main water conveyance pipeline and related facilities. This revised POD will incorporate all of the mitigation for the main conveyance pipeline and associated facilities specified by the BLM in the ROD.

## Right-of-Way Grant and Notices to Proceed

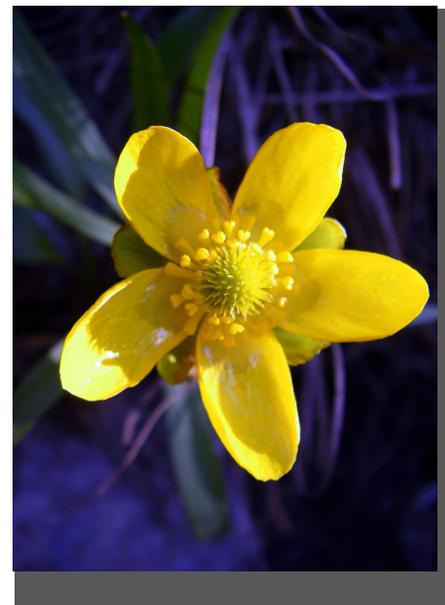
Prior to development of the revised POD, SNWA must collect and develop detailed information such as engineering designs, soil and terrain profiles, and maps showing the exact siting of all facilities associated with the project as well as any construction sites. SNWA may need to complete field work to gain this information, and therefore may request, and the BLM may grant, one or more Notices to Proceed specifically to conduct these necessary studies and/or inventories before developing a detailed POD. However, the BLM will not issue Notices to Proceed for construction associated with this project until the detailed POD is submitted by SNWA and approved by BLM.

When SNWA has developed all required plans related to construction and operation for the ROW and ancillary facilities, the BLM may issue construction Notices to Proceed on a segmented basis. The Notices to Proceed will specify how the applicant must continue to move forward with the project, including defining additional requirements that were not specified in the ROD and/or ROW grant. In the ROW grant, the BLM will require that progress on implementation of the project must begin within a reasonable period of time.

Although the ROD and associated decisions do not carry an expiration date, the data, analyses, and other information used to reach a decision may change over

time. A delay in project implementation of even a few years could result in the need to supplement the NEPA process and associated processes such as Section 7 and Section 106 consultation. A decision on the need for supplemental analyses would be made at the time the implementation request was made and would take into account any significant new circumstances or information relevant to environmental concerns and bearing on the decision or its impacts.

As SNWA submits future ROW applications and BLM completes related NEPA analyses, they will submit additional PODs and BLM will create COM Plans specific to the area and facilities specified in the application. The COM Plans will identify monitoring, management, and mitigation requirements relating to the construction, operation, and maintenance of the planned development. Future groundwater development may require a new COM Plan or amendments of the existing COM Plan. At the conclusion of the NEPA process, the decision document will contain requirements for the submission of a final POD to the BLM. The BLM must approve the final POD and the ROW grant prior to issuing a Notice to Proceed.



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*The BLM would like to thank the Cooperating Agencies for their extraordinary efforts to help bring this project to completion.*

### Cooperating Agencies

Central Nevada Regional Water Authority  
National Park Service  
Nellis Air Force Base  
Nevada Counties: Clark, Lincoln, White Pine  
Nevada Department of Wildlife  
State of Utah

U.S. Army Corps of Engineers  
U.S. Bureau of Indian Affairs  
U.S. Bureau of Reclamation  
U.S. Fish and Wildlife Service  
U.S. Forest Service  
Utah Counties: Juab, Millard, Tooele