



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
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In Reply Refer To:  
2800 (NV910)  
N-78803

**OCT 31 2012**

Ms. Lisa Luptowitz  
Southern Nevada Water Authority  
P.O. Box 99956  
Las Vegas, NV 89193-9956

Dear Ms. Luptowitz:

We would like to draw your attention to several mitigation measures developed within the Clark, Lincoln and White Pine Counties Groundwater Development EIS that are outside of BLM jurisdiction (please see enclosure to this letter). It is important to note that the analysis in the Final EIS was completed based on the implementation of these measures. In reviewing them, we note that most of these would require SNWA to coordinate with county and/or state agencies. Therefore, we strongly encourage SNWA, *at the proper time* to coordinate with the appropriate agency or local government to address these measures.

1. Measure GW-WR-6 concerns effects of SNWA groundwater pumping on existing water rights, wells and other water dependent resources. You would need to coordinate and consult with the Nevada State Engineer on the implementation of this measure. This would probably occur sometime during the processing of change in points of diversion applications, if appropriate and the development of tiered NEPA for groundwater development.
2. Measures ROW-SE-1 through ROW-SE-5 concern effects of the construction of the main pipeline conveyance system on local communities. Please coordinate with Lincoln and White Pine counties on implementation of these measures. This should be done during the development of the final POD -- estimated to be sometime during 2014 or 2015, dependent on any post-ROD actions that may occur.
3. Measures ROW-SE-1 through ROW-SE-5 and GW-SE-6 through ROW-SE-10 concern effects of the groundwater development on local communities. These measures would apply to groundwater pumping and construction and operation of infrastructure (collection pipelines, ancillary power, access roads, etc.) which would be assessed in future tiered NEPA. Please coordinate with Lincoln and White Pine counties on implementation of these measures. This should be done during the time that each final POD is prepared for each subsequent ROW (assumed, at this point, to be on the basis of a

groundwater pumping valley or group of valleys). It may be appropriate to apply the agreements with the counties reached on measures ROW-SE-1 through ROW-SE-5 during the coordination under item number 2 above. However, it may not be appropriate to finalize this item until after each tiered NEPA document is completed.

Please let me know if you have any questions on the contents of this letter. I have provided a copy of this letter to the other affected agencies and local governments. BLM would be interested in receiving updates on your efforts in this regard. Please let us know if we can participate in any meaningful way.

Sincerely,



Penelope Dunn Woods  
Project Manager  
Nevada Groundwater Projects Office

Enclosure

CC: Jason King, Nevada State Engineer  
Tommy Rowe, Lincoln County Board of Commissioners  
Wade Paulson, Lincoln County Water District  
Gary Perea, White Pine County Board of Commissioners  
Jim Garza, White Pine County Economic Development  
Rosemary Thomas, BLM Ely District Manager

**Mitigation Measures for the Clark, Lincoln, and White Pine Counties  
Groundwater Development Project N-78803  
Outside BLM Jurisdiction**

**GW-WR-6: Existing Water Rights, Domestic Water Supply Wells and Other Water-Dependent Resources.** Impacts to existing water rights and domestic water supply wells would be mitigated, as required by the State of Nevada. The NSE would oversee the groundwater development and is required by law to take action to resolve groundwater withdrawal conflicts with existing water rights; to protect the water supply used by domestic water supply wells, or to determine the resolution of conflicts with other provisions of Nevada water law. The NSE also “*recognizes that existing rights must be protected, as well as concerns for the wildlife and maintenance of wetlands and fisheries*” (NDWR 2012a,b,c,d). Mitigation for impacts to existing water rights and domestic water supply wells, as well as water dependent resources, would depend on the site-specific conditions and impacts and could include a variety of measures. Methods to avoid or minimize impacts to existing water rights, water dependent resources and domestic water supply wells, may include such measures as alterations to the groundwater pumping activities (e.g., modifying the pumping regime, changing the location of pumping). The NSE could require the implementation of other proven and cost-effective mitigation measures at the water source locations. These measures may include but would not be limited to the following: 1) for wells, mitigation could include lowering the pump, deepening an existing well, drilling a new well, or providing a replacement water supply of equivalent yield and water quality; and 2) for surface water rights and water dependent resources, mitigation could require providing a replacement water supply of equivalent yield and water quality.

**ROW-SE-1: To Address Local Judicial and Law Enforcement Staffing and Equipment Needs.** When SNWA develops its Emergency Management Plan (ACM A.1.1), SNWA would work with the boards of county commissioners of Lincoln and White Pine counties to develop county-level Emergency Management Plans (and if needed, supplement law enforcement and criminal justice capabilities – including provision of multi-year grants for staff recruiting, training, payroll, and purchases of patrol vehicles, providing grants for training, purchases of ambulances, and associated equipment and communications equipment. The timing for financial assistance would correspond to the anticipated timing of major construction activity in/near the affected counties.

**ROW-SE-2: To Address Local Emergency Response Needs.** The SNWA would work with the boards of county commissioners of Lincoln and White Pine counties to develop an Emergency Management Plan (see V-2 in Vegetation) – including providing grants for training, purchases of ambulances and other equipment. Some needs could also be addressed via requirements for contractor-provided on-site first response capabilities.

**ROW-SE-3: To Address Local Government Fiscal Needs.** The SNWA would require all major contractors to obtain the necessary sales tax licenses and/or complete the necessary report to properly assign all major taxable purchases to the appropriate county of use/installation. The negotiated payments should be estimated in advance for the upcoming construction year, with adjustments made the following year for variances in actual outlays.

**ROW-SE-4: To Address Temporary Housing Needs In The Rural Areas.** In the event that one or more temporary construction worker facilities are not developed in Lincoln County during the construction of the main pipeline and transmission line, the SNWA and its major contractors would work cooperatively with the Board of County Commissioners to identify temporary housing resources, and secure additional resources if required, e.g., provide direct funding or occupancy commitment for one or more RV parks.

**ROW-SE-5: To Assist Local Counties and Communities Planning Efforts.** The SNWA and its contractors would prepare and distribute an annual socioeconomic monitoring report summarizing its construction activities during the past year, planned activity over the next 2 years, and key characteristics of its work force, e.g., level of employment (low, peak, average), residency patterns, turnover rates, and impacts on local communities. Representatives of local governments and service providers, for instance, the board of County Commissioners and town mayors, should be consulted regarding the scope and details addressed in this monitoring report.

**GW-SE-6: To Provide a Source Of Emergency Financial Assistance and Equitable Treatment of Potentially Affected Ranchers and Public Water Systems that Rely on Groundwater.** SNWA would create and fund a mitigation/protection program for holders and users of water rights in Nevada comparable to that proposed for water rights holders in Utah outlined in the draft Nevada/Utah Snake Valley agreement. Examples of future needs include providing funding to provide emergency water or develop a new community water well in case of a project-related impact.

**GW-SE-7: To Provide a Source Of Emergency Financial Assistance to Individual Businesses Adversely Affected By Factors Linked to Groundwater Drawdown.** SNWA should expand the impact assistance and compensation program to compensate/provide economic relief to individual businesses for losses due to business interruption or other factors that are reasonably linked to groundwater drawdown.

**GW-SE-8: To Promote Income Stability and Long-Term Sustainability of Local Agricultural Industry.** SNWA should work cooperatively with DRI, University of Nevada - Reno, University of Utah, USDA, and others to assist farmers and ranchers to implement water conservation practices and to transition to higher value, less water consumptive crops.

**Mitigation Measures for the Clark, Lincoln, and White Pine Counties  
Groundwater Development Project N-78803  
Outside BLM Jurisdiction (Continued)**

**GW-SE-9: To Facilitate Local Planning and Ensure Timely Response in the Event of Problems.** A cooperative effort should be undertaken by the respective state engineers of Nevada and Utah, SNWA, and White Pine, Lincoln, and Millard counties, to develop and implement a comprehensive socioeconomic monitoring program as an adjunct to the stipulated agreement for Spring Valley and proposed 3M Plan for Snake Valley. This effort could include creation of an "Ombudsmen" position, perhaps within the NSE, to ensure public access and timely response regarding groundwater issues.

**GW-SE-10: To Help Maintain Local Government Fiscal Strength.** If SNWA purchases additional private property or pays another party to establish a permanent conservation easement on productive agricultural or timber lands that results in a reduction in taxable value, SNWA should provide annual "payments in lieu of taxes" to the affected county to offset any resulting reductions in ad valorem taxes.