CENTER for BIOLOGICAL DIVERSITY Because life is good.

Bureau of Land Management
Groundwater Projects Office
POB 12000
Reno, NV 89520-0006

September 25, 2012

Via E-mail: nvgwprojects@blm.gov

RE: Comments on the FEIS and Project Record for the Clark, Lincoln, and White Pine Counties Groundwater Development Project

To Whom It May Concern:

On behalf of The Center for Biological Diversity ("Center"), please accept the following Comments on the DEIS for the Clark, Lincoln, and White Pine Counties Groundwater Development Project ("project").

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 375,000 members and on-line activists throughout Nevada and the United States. We submit these comments on behalf of our members, activists, staff, and members of the general public who are interested in protecting native species and their habitats, native ecosystems and scenic values and the fundamental natural heritage of the Great Basin on BLM public lands, particularly those lands impacted by this project.

The proposed project is ill-conceived, unneeded, and morally and ethically wrong.

The proposed pipeline and especially the pumping of ancient groundwater to fill it would at the most fundamental levels destroy natural ecosystems and human communities located within its zone of impacts, which is far reaching, far beyond the physical locations of the pipeline right-of-way ("ROW") or well locations.

The fossil groundwater intended to be pumped and mined[1] largely comes from the carbonate aquifers of the White River and Great Salt Lake systems. There is much science to support the contention that these aquifers are inner-connected systems, and direct, indirect and cumulative impacts in one basin will have temporally removed impacts on the rest of the basins of the system.

[1] Throughout these comments the terms "mined" or "mining" will be used to describe the proposed pumping of groundwater to fill the pipeline. We believe these terms better describe the activity, since the pumping of 176,000 acre-feet per year of groundwater is by no means a sustainable venture. It will not only "capture" the annual recharge of the aquifer basins by precipitation, but also take the water needed by native plants that currently utilize it, resulting in the catastrophic impacts described in the DEIS and the subject of these comments.

Declines in groundwater elevations will in some areas exceed 200-feet, resulting in subsidence of an area over 3,000 square miles. This subsidence, besides threatening local water supplies and causing extensive infrastructure damage, will dry up to 192,000 acres of iconic Great Basin shrubland, over 8,000 acres of wetlands, and adversely impact up to 310 springs and 125miles of perennial streams. As a result of the loss of native vegetation and aquatic flows, hundreds of native species of plants and animals will be faced with extirpation or even in some cases extinction. At least 25 species of native springsnails, 14 species of rare desert fish, 4 species of amphibians, the greater sage grouse, southwestern willow flycatcher, pronghorn antelope, mule deer and elk, plus many other species are threatened by the core ecological changes that would be caused by the groundwater mining. Some of these species are already protected by the Endangered Species Act ("ESA") such as the Moapa dace, White River spinedace, Pahranagat roundtail chub, White River springfish, Hiko White River springfish and Pahrump poolfish, Big Springs spinedace, and southwestern willow flycatcher; other species have been found to be warranted for protections under the ESA, including the greater sage grouse and relict leopard frog; other species such as 35 springsnails and the northern leopard frog have been found warranted for a 12-month review under the ESA. Still others such as over 11 new or undescribed species of cave fauna or dozens of other aquatic or terrestrial species depend on the conditions of the Great Basin ecosystems and its ties to the groundwater systems, but have not received extensive inventory or scientific study.

The subsidence and loss of native vegetation and water features will give rise to unrivaled clouds of new dust and particulate matter – some carrying radioactive materials deposited downwind from historic atomic weapons tests on the former Nevada Test Site. The DEIS discloses that up to 37,000 tons of new dust per year will be generated as a result of direct or cumulative impacts. This source of hazardous particulate matter will pose serious health impacts on downwind communities, such as Salt Lake City, leading to increased diseases and rates of death. The dust will also impair the scenic and visual quality of the impacted basins and surrounding areas, including the Great Basin National Park and Congressionally-designated Wilderness Areas and potential Wilderness found in Wilderness Study Areas and Inventoried Roadless Areas.

Rural communities and ranchers will be hard hit as their wells are contaminated from pollution seeping in from land surface cracks, and the need to re-drill and deepen their wells due to drops in groundwater elevation caused by the groundwater mining. Valuable local water that might have gone to foster increased local economic health and development, including water needed by proposed future solar renewable energy zones, will be "stolen" to fuel unsustainable growth in the greater Las Vegas Valley.

The true irony and shame is that the Southern Nevada Water Authority ("SNWA") does not need the proposed project to meet its current and reasonable future needs. The population basis that the SNWA used to forecast future supply needs are vastly outdated and irrelevant. By their own accounting in water resource plans and from data contained in third-party reports on future southern Nevada water supply and demand, enough water to meet needs far into the future could be obtained through enhanced indoor and outdoor conservation. Further into the future, new sources of water could be obtained from desalinization of ocean and other brackish water and possible augmentation of the Colorado River system with imported Mississippi River flood waters, among other options.

The Center's bottom-line request is that the BLM deny the SNWA's request for this pipeline right-of-way.

Our specific comments on the FEIS and project record are as follows:

1. **The FEIS and ROD are premature**

   a. Population and growth projections are outdated and unrealistic

   The DEIS narrowly defines the Purpose as considering the SNWA's request for construction and operation of a proposed groundwater conveyance system, and the Need as arising from responsibilities under the FLPMA to respond to such requests.

   In defining the water needs for these areas, the DEIS errs in using out-of-date information[2] to document the future supply demands. The reason this is important is that the information in the DEIS comes from 2008 data which only begins to reflect the current economic reality of the SNWA service area which is a declining population. Between 2009 and 2010, almost 50,000 left Clark County.[3] The economic turmoil being experienced in Nevada and Clark County are nationally known. Nevada leads the nation in home foreclosures and Clark County leads Nevada and is commonly reported as the "foreclosure capital" of the country.[4] In August of 2011, there were 5279 new notices of default issued, and there were over 62,500 houses in the various stages of the foreclosure process.[5]

   The EIS states that based on 2008 data, the population of Clark County would surge to an estimated 3.65 million by 2035. However, using Information from the State Demographer's Office October 2010 report, the population is forecasted to be between 1,979,045 based on the "low job growth" scenario, or 3,066,872 based on the "high job growth" scenario.[6]

   The latest report from the UNLV Center for Business and Economic Research ("CBER")[7] reports that the new population estimate for 2035 is around 2.8 million, but even it is in doubt as the report's growth projections for 2011 and likely 2012 will not be reached.

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[2] CBER, 2008.
[3] Nevada State Demographer's Office. October, 2010. Nevada County Population Projections 2010 to 2030.
[4] See: http://www.lvrj.com/business/nevada-said-to-be-u-s-foreclosure-sales-leader-128451408.html .
[5] See: http://www.foreclosureradar.com/nevada/clark-county-foreclosures .
[6] See Nevada State Demographer's Office. October, 2010.
[7] CBER, 2012. Population Forecasts: Long-Term Projections for Clark County, Nevada 2012-2050. Available at: http://cber.unlv.edu/reports/2012PopulationForecasts.pdf .

Despite rhetoric by elected officials that the economy is diversifying, facts suggest that tourism remains the primary economic driver by far.[8] According to the Bureau of Labor Statistics, unemployment in the Las Vegas-Paradise census area was 14% in July, 2011.[9] Construction jobs had fallen from 95,000 in January 2008 to just under 40,000 in July 2011 – a 42% decline.[10]

Applying common sense, it would seem more likely that the 2035 population would be closer to the lower figure than the higher. Even applying an arithmetic mean of 2,522,958, the difference with the projected demand figure used in the EIS is almost 550,000 people.

b. SNWA's request for a right-of-way is speculative and likely in violation of CFRs.

This calls to question the true nature of the SNWA stated need, which in turn directly relates to the alternatives analyzed in the EIS. Moreover, SNWA's recent decision to abandon important conservation programs (such as by allowing homeowners to re-install water-wasting lawns) further calls into question SNWA's purpose and its water "needs" estimates. To further call into question the need for the pipeline, General Manager Pat Mulroy stated on the "State of Nevada" public radio program, "We are not planning to build it", in reference to the pipeline. She asserted that the SNWA merely want to have that option on the shelf in case it was needed in the future.[11] Purpose and need aside, this is in direct violation of federal regulations that require a construction be begun within 5-years of the issuance of a right-of-way permit.[12] By Code of Federal Regulation, the BLM must require that construction be initiated on each section of the pipeline within five years of issuance of the right-of-way permit.[13] For this to be realistic, it seems that the SNWA would have to have a decision from the envisioned second tier in-hand before they would be willing to begin the $15.5 billion or more project. This is a speculative venture at best given that the development of this DEIS has been on-going since 2005.

c. There is important new published or readily available data that should in considered in the EIS and inform the ROD

[8] See: http://www.clarkcountynv.gov/Depts/comprehensive_planning/demographics/Documents/DemographicsBrochure.pdf .
[9] See: http://www.bls.gov/eag/eag.nv_lasvegas_msa.htm#eag_nv_lasvegas_msa.f.P .
[10] See: http://data.bls.gov/timeseries/SMU32298202000000001?data_tool=XGtable .
[11] KNPR Public Radio, State of Nevada Program, September 29, 2011. Pat Mulroy, Southern Nevada Water Authority. Available at: http://www.knpr.org/son/archive/detail2.cfm?SegmentID=8221&ProgramID=2333 .
[12] 43 CFR 2807.17.
[13] 43 CFR 2807.17.

- It is widely known that the U.S. Geologic Service ("USGS") is conducting a geo-hydrological report of the potential impacts of the project on the resources in and around the Great Basin National Park. This report is still a work in progress and nearing the stage of external peer review. Regardless of the alternative chosen in the ROD, this study will be important to informing the decision and the public.
- The CBER report mentioned above needs to be incorporated into the EIS and considered in the ROD.[14]
- The voluminous materials of expert testimony from the state engineer's hearings on water rights to be granted to the SNWA needs to be incorporated into the EIS and considered in the ROD.[15]
- The Natural Resources Defense Council, in June 2012, issued a report looking at large water pipeline projects from the policy perspective.[16]

2. The Center is hereby presenting new information on springsnails.

On September 13, 2012 the Center filed a complaint in the U.S. District Court for the District of Columbia seeking declaratory and Injunctive relief regarding the U.S. Fish and Wildlife Service's delay in producing a 12-month finding under the Endangered Species Act for four springsnails (bifid duct pyrg, Lake Valley pyrg, flag pyrg and Hardy pyrg) threatened by this project.[17] To move forward with a decision while this is before the Court is a preemption of justice.

In June 2012, I (Rob Mrowka) conducted visits and surveys of over 20 springs known to harbor, now or in the past, springsnails that may potentially be vulnerable to the impacts from this project. I wish to add the following information to the project record:

Turnley Spring – The EIS Appendix F3.7-6, with respect to the bifid duct pyrg states that, "However, it may be extirpated at Turnley Spr".[18] During my visit I observed and photographed springsnails at Turnley Spring.[19] The FEIS says the spring and snails will not be impacted, however provides no explanation why this is the case.[20]

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[14] CBER, 2012. Population Forecasts: Long-Term Projections for Clark County, Nevada 2012-2050. Available at: http://cber.unlv.edu/reports/2012PopulationForecasts.pdf .

[15] Spring, Cave, Dry and Delamar State Engineer Water Hearings on Remand: Correspondence, Exhibits, Final Rulings, Information Statements, Interim Orders and Notices, Motions, Opening and Closing Arguments, Draft Rulings and Public Comment. Available at: http://water.nv.gov/hearings/past/springetal/documents.cfm?DIR= .

[16] NRDC. 2012. Pipe Dreams: Water Supply and Pipeline Projects in the West. Available at: http://www.nrdc.org/water/management/pipelines-project.asp .

[17] A copy of the complaint is submitted with these comments as Attachment 1.

[18] Appendix F3.7, Page F3.7-21.

[19] See Attachment 2.

[20] "Populations exist at two other springs in Spring Valley (Rock and Turnley/Woodsman), which would not be affected by Proposed Action pumping.". FEIS, Chapter 3, page 3.7-47.

Rock Spring – The DEIS omitted reference to this spring, however, it has been added to the FEIS. Bifid duct springsnails are evident and I photographed them during my visit.[21] The FEIS does not evaluate the potential impacts to the snails at this source – see footnote 19.

Unnamed springs 1 and 2. Situated between Turnley and Rock Springs are two spring shown but unnamed on topographic maps. Springsnails may exist at the upper spring (#1) but were not observed during my trip, perhaps due to fading daylight. Springsnails (assumed to be bifid duct pyrg) were observed at the lower spring (#2), although they were very scarce.[22] Again, the FEIS claims they will not be impacted by the project but offers no immediate reason for this conclusion.

3. The proposed construction, operation, maintenance, monitoring, mitigation, and management plan ("COM") fails to provide adequate assurances and invites unanticipated and undesired environmental degradation.

The purposes for which the NEPA was enacted are:

"To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality."[23]

An integral way through which the NEPA process accomplishes its purposes is through the identification of mitigation measures. Measures considered to be mitigation include:
"(a) Avoiding the impact altogether by not taking a certain action or parts of an action.
(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
(e) Compensating for the impact by replacing or providing substitute resources or environments."[24]

A long-standing concern about mitigation in the NEPA context is with follow-through – was what was promised in a NEPA document and decision actually implemented, and if it was, did the action have the intended results?

[21] See Attachment 3.
[22] See Attachment 3.
[23] 42 USC § 4321 Sec 2.
[24] 40 CFR §1508.20.

In 2011, the CEQ issued a memorandum for the heads of federal departments and agencies to clarify what was expected when mitigation is used in the NEPA process.[25] The CEQ noted that failure to implement, document and monitor mitigation fails to advance the NEPA purpose of informed and transparent environmental decisionmaking and could undermine the very integrity of the Act.[26]

We believe major portions of the proposed mitigation flawed not only scientifically, but also legally, particularly with respect to CEQ regulations and memorandums.

Stipulated Agreements and Monitoring, Management and Mitigation Plans

The EIS makes repeated incorporation by reference to several external documents created by Stipulated Agreements between Department of Interior Agencies and the SNWA – the Spring Valley and the Delamar, Dry Lake and Cave Valleys Hydrologic Monitoring and Mitigation Plans, and the draft Snake Valley Monitoring, Mitigation and Management Plan.[27] Unfortunately, these plans have fundamental flaws which may them useless for purposes of this EIS and meeting the requirements of the NEPA. We will highlight the major ones in the following.

Using the Spring Valley Agreement and Plan as a representative for the others, the general theme of these agreements and plans is that the federal agencies will drop or not file protests before the Nevada State Engineer with regards to any SNWA groundwater right applications in the covered valleys (basins). In return, monitoring, management and mitigation plans are to be mutually developed, which in theory would lead to achieving common goals such as studying and characterizing the groundwater flow systems, manage the development of groundwater by the SNWA to avoid *unreasonable* adverse effects to water-dependent ecosystems, and to avoid *unreasonable* degradation of the scenic values and visibility from Great Basin National Park due to particulate pollution and loss of surface vegetation (emphasis added).[28]

The agreement also established three groups to facilitate the implementation of the Monitoring, Management, and Mitigation Plan ("MMMP"). An Executive Committee ("EC") comprised of one manager from each of the parties to the agreement would be a decision body that receives and acts upon information and data from the other two groups. A Technical Review Panel ("TRP") comprised of one representative from each of the parties, would meet to address the geo-hydrologic concerns such as development of a regional groundwater flow numerical model, aquifer studies, and review of results from the monitoring of

[25] Council on Environmental Quality. January 14, 2011. Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact.
[26] Ibid
[27] For example, DEIS, pages 3.3-113 to 122.
[28] Stipulation for Withdrawal of Protests – Spring Valley. 2006. DEIS Appendix C.

production pumping. A Biological Working Group ("BWG") would mirror the TRP but have the appropriate expertise related to water-dependent ecosystems. Both the TRP and the BWG would make recommendations to the EC on the needs and conduct of the MMMP.[29]

This structure is flawed for a number of reasons:

a. <u>The structure could easily result in decision delays that could threaten ecosystems and species.</u>

All three bodies were to fulfill their purposes using consensus decision-making. Consensus is a long, often drawn out process, which can result in excellent decisions under the right circumstances, but also allows a minority of members to hold the others hostage in making a decision.

The EC was to make decisions based on recommendations from the TRP and BWG, and if either of those groups could not reach consensus (no guidance as to the time allowed for consensus to be reached) would make the ultimate decision. Nothing in the agreement or plans describe upon what basis the EC was to reach consensus, leaving such decisions on the welfare of water-dependent ecosystems at rick to political rather than best- available science.

If the EC could not reach consensus, the matter would be referred to the State Engineer or another agreed upon third-party.[30]

Given the number of layers and the time to reach consensus, it is quite probable that reaching an ultimate decision will take months and possibly years. Such delays when poorly understood groundwater systems and imperiled species are involved could lead to disastrous results.

b. <u>The system for collection of data, and its interpretation and handling and reporting is wide open to malfeasance.</u>

Another fundamental flaw is that the SNWA is the primary entity charged with data collection, handling, summarizing, analyzing, interpreting and reporting. This lack of unbiased oversight and control leads to dubious scientific credibility. A much improved structure would be to have a neutral third-party handle these tasks and then report them to the BWG and TRP.

c. <u>The MMPS do not have pre-set biological triggers or threshold points to prompt action.</u>

Even if good, unbiased monitoring occurs, the question what it means to ecosystems and species remains. There is a lack of a priori biological or

[29] Ibid.
[30] Ibid.

physical indicators that would trigger an appropriate reduction or stoppage of groundwater pumping to protect water-dependent ecosystems. Without such pre-set triggers, due to the factors discussed in #1 above, there could be a considerable delay in response which could imperil species or even drive them to extinction. Any monitoring or triggers should be conservative in nature and in accordance with the precautionary principle. The BWG should establish an acceptable range of variation of nested targets and ecological indicators.

a. <u>The aquifer response time adds considerable uncertainty and risk.</u>

Mitigation based on aquifer monitoring has an inherent problem with its efficacy – aquifer systems don't have instantaneous response times like a faucet, there are inherent delays in response to cessation of pumping. Bredehoeff and Durbin reported on this phenomenon in the journal *Ground Water*. They observed that particularly in large aquifer systems there is a delayed response between observation of an impact and its maximum effect, along with a long time lag between changing the stress and observing an impact at a distant location. The result is that the maximum impacts are larger than those observed when pumping is halted, and once halted the recovery to the pre-pumping state occurs very slowly – perhaps over a millennium for large systems.[31]

SNWA proposes to reduce or cease groundwater withdrawals to avoid adverse unacceptable environmental impacts. Setting aside immense doubt and skepticism that once the pipeline is built that it will ever be allowed to have reduced flows, this mitigation is another case of something that sounds good, but which in fact is unreliable.

For this measure to have any hope of success, very detailed resource-specific thresholds and criteria for curtailing pumping in response to adverse impacts would need to be in place, based on soil and plant water requirements throughout the pumping impact area. In theory, for instance, if soil water needed by native plants is insufficient to sustain their health and vigor, pumping from well linked to discrete monitoring sites would then be shutdown or have pumping reduced. This theoretical mitigation measure, however, runs up against the problem of aquifer response time. Production wells can reduce spring flows and groundwater levels relatively quickly compared to the time needed for the water table to replenish and be able to supply the water needs in question.

Nothing in the EIS or MMMPs suggest a proposed measure with enough scientific vigor or specificity to address this concern. At best such a measure is speculative and a theory that should be subjected to small scale experimentation rather than being the foundational piece of mitigation.

[31] Bredehoeff, J. and T. Durbin. 2009. Ground Water Development – The Time to Full Capture Problem. Ground Water: 1-9.

Given this uncertainty with timing and impacts, the use of the MMMPs as mitigation measures in the EIS is highly inappropriate and scientifically unjustified.

d. The Stipulated Agreements and MMMPs have low standards.

As previously mentioned, the lack of a clear basis on which decisions will be made is a fundamental flaw. Likewise, goals and objectives modified with the undefined terms "reasonable" or "unreasonable" provide little or no certainty or assurance of what is being gained through the MMMPs. It is easy to produce a great sounding document, but without regulatory or other assurances, the words can be hollow and meaningless.

e. The Stipulated Agreements lack regulatory and other assurances that the mitigation measures proscribed will be actually carried out.

The Stipulated Agreements governing the MMMPs include the provision: "Any commitment to funding by the DOI bureaus or the SNWA in the stipulation, including specifically any monitoring, management, and mitigation actions provided for in Exhibit A is subject to appropriations by Congress or the governing body of the SNWA as appropriate."

In the present (and long-term) political climate, funding from public sources is under extreme pressure. Long-term survival of the MMMPs is therefore highly speculative and even unlikely. The MMMPs as described will, over the long term, make aquatic biological resources in the area of impact increasingly dependent on continuation of the program, while the program itself becomes increasingly unlikely to exist.

The EIS must acknowledge that fact and explain how it is to be overcome, and what adequate and reliable regulatory and administrative assurances will be put in place to ensure the MMMPs as included in the EIS will actually be implemented.

f. Reliance on the Stipulated Agreements and MMMPs violates the CEQ Memorandum on Mitigation Measures

Reliance on the Stipulated Agreements and MMMPs violates the CEQ Memorandum on Mitigation Measures[32] for several reasons. First, there is no clear and secure assurance in place that the SNWA will actually have the monies available to fulfill their commitments and nothing in place to address what would occur if they didn't. The CEQ memorandum addresses this concern in several places. First it states,

[32] Council on Environmental Quality. January 14, 2011. Appropriate Use of Mitigation and Monitoring and Clarifying the Appropriate Use of Mitigated Findings of No Significant Impact.

"Agencies should not commit to mitigation measures considered in an EIS or EA absent the authority or expectation of resources to ensure the mitigation is performed."[33]

Once the pipeline ROW is granted and water flowing in the pipe, it is not clear that the BLM would have any authority or leverage to enforce the implementation of the mitigation measures, particularly those in the MMMPs.

The Memorandum also addresses the concern that SNWA is both the proponent and the monitoring agency, casting doubt on the credibility of any monitoring results and reports. Citing the Memorandum with respect to monitoring, it states, "Any outside parties consulted should be neutral parties without a financial interest in implementing the mitigation and monitoring plans, and should have expert knowledge, training, and experience relevant to the resources potentially affected by the actions and – if possible – the potential effects of similar actions."[34]

Clearly, this is not the case under the Stipulated Agreements and MMMPs, where SNWA hold disproportionate power and control over the process (see previous comments on MMMPs).

The Memorandum also calls for the agency to put in place a suitable tracking system to ensure the mitigation measures are implemented. It states that, "For mitigation commitments that warrant rigorous oversight, an Environmental management System (EMS), or other data or management system could serve as a useful way to integrate monitoring efforts effectively."[35]

In the EIS, the BLM is silent as to how it would achieve either implementation of effectiveness monitoring of the mitigation measures, seemingly deferring to and processes described in the Stipulated Agreements.

Finally, the CEQ Memorandum calls for full public involvement in implementation and effectiveness monitoring, stating:
"Public involvement is a key procedural requirement of the NEPA review process, and should be fully provided for in the development of mitigation and monitoring procedures. Agencies are also encouraged, as a matter of transparency and accountability, to consider public involvement components in their mitigation and monitoring programs."[36]

From what is disclosed in the EIS, it is unclear how the BLM envisions including the public in monitoring the SNWA's commitments for mitigation and holding them accountable.

[33] Ibid, page 3; also page 6.
[34] Ibid, page 5.
[35] Ibid, page 11.
[36] Ibid, page 13.

4. **Error in Table F3.7-13C**

This table discloses pumping effects for special status invertebrate species. With regards for the longitudinal gland pyrg at Big Springs in Snake Valley, the table reflects a "Y" (yes) for impacts both at 75 and 200 years. At the same time, for the bifid duct pyrg, the table reflects a "N" (no) for the same spring and the same times. We believe the information for the bifid duct pyrg is incorrect and should be changed to "yes" unless some data is provided to justify the difference.

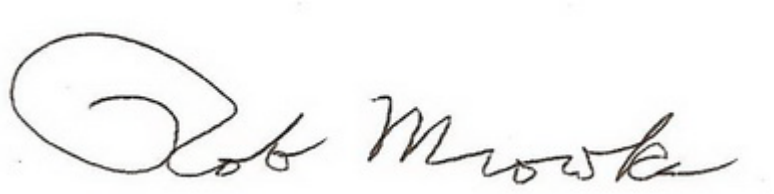
The Center strongly advocates for the position that the decision on granting the pipeline ROW should be placed on-hold until:

- the new information provided to the BLM during this comment period can be assimilated and provided to the public for review in a supplemental EIS;
- the need for it can be clearly demonstrated;
- all other options and alternatives to procure water are exhausted by the SNWA; and,
- the SNWA has soundly demonstrated it can fund and operate such a project if built.

The Center is not alone in feeling this way – over 38,000 letters have gone to Secretary Salazar and Director Leuders opposing the granting of the pipeline ROW. Clearly, it is a project whose time has not yet come and that merits further in-depth analysis and discussion.

Please take the logical and common-sense action, the deny or postpone a decision on granting the requested ROW.

Sincerely yours in conservation,



Rob Mrowka
Ecologist/Conservation Advocate

Attachments: (sent via separate e-mail)

#1- Complaint filed by the Center for Biological Diversity against the U.S. Fish and Wildlife Service for declaratory and injunctive relief on behalf of 4 species of Great Basin springsnail.
#2 – Report with photos documenting bifid duct pyrg at Turnley Spring.
#3 – Report with photos documenting bifid duct pyrg at Rock Spring, an unnamed spring, and possibly at a second unnamed spring.