UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
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May 29, 2009

Penny Woods
Project Manager
Bureau of Land Management
Nevada Groundwater Projects Office
Nevada State Office (NV-910-2)
P.O. Box 12000
Reno, NV 89520-0006

Subject: Final Environmental Impact Statement for the Lincoln County Land Act Groundwater Development and Utility Right-of-Way Project (CEQ# 20090135)

The Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) for the above project. Our review and comments are pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

We appreciate the inclusion of our recommended Project Access Plan to reduce potential inappropriate off highway vehicle use along the permitted right of way, and the additional information in the FEIS on groundwater resource effects and climate change. We continue to have concerns with the long-term reliability and sustainable use of the groundwater provided by this project. Our concern stems from the many pending water right applications, all of which anticipate use of the same carbonate-rock aquifer; uncertainties regarding the long-term sustainable yield of this aquifer; the projected regional population increase of more than 500,000 and 44,000 dwellings; and the effects of changing climate and drought.

We understand the Bureau of Land Management's (BLM) action is to grant or deny the Lincoln County Water District's (LCWD) application for a right-of-way across public lands managed by BLM. We also recognize the jurisdiction of the Nevada State Engineer and Nevada Department of Water Resources over Nevada water rights and water resources. However, in light of the likely indirect and cumulative effects of BLM's approval of the right-of-way, we continue to believe that the long-term interests of the public, LWCD, and BLM would be best served by using this opportunity to evaluate the long-term sustainable use of the carbonate-rock aquifer system, water use efficiency, conservation and reuse measures, and climate change adaptation.

We urge the BLM, LWCD, Cooperating Agencies, Vidler Water Company, Coyote Springs Investments, and other water right applicants to build on existing efforts to evaluate the Lower Colorado Flow system, and to develop a regional groundwater framework to: 1) ensure efficient, long-term, sustainable use of the deep carbonate-rock aquifer, and 2) avoid adverse impacts to third parties and surface and groundwater quality/quantity. We recommend the Record of Decision (ROD) describe water use efficiency, conservation and reuse measures, and back-up water supplies that could be implemented by water users. We advocate a clear demonstration by project beneficiaries that a comprehensive and integrated demand management program, including conservation, efficiency, and reuse components, will be implemented prior to, or simultaneously with, water allocations from this project.

The proposed project and associated land developments are located in the Mojave Desert, which is characterized by low humidity, minimal annual rainfall, and scarce water supply sources. The effects of changing climate and drought could have significant adverse effects on this area. We recommend the ROD describe specific climate change adaptation measures and fall-back options, if the quantity and/or quality of appropriated water is not sufficient to meet proposed beneficial uses.

We appreciate the opportunity to review this FEIS. Please send one copy of the Record of Decision to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3521, or contact Laura Fujii, of my staff, at 415-972-3852 or fujii.laura@epa.gov.

Sincerely,

Kathleen M. Goforth, Manager
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