



March 11, 2022

Bureau of Land Management  
Cedar City Field Office  
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**Submitted Via Email:** pvwsproject@gmail.com

**SUBJECT: PVWS DEIS COMMENTS**

The Central Nevada Regional Water Authority (“CNRWA”) is a nine-county unit of local government in the State of Nevada that collaboratively and proactively addresses water resource issues common to the 9 counties. The CNRWA exists under Nevada’s Interlocal Cooperation Act and has delegated authority separate and apart from its member counties. The Authority has a 21-member board of directors appointed by the county commissions of the 9 counties. The CNRWA members are Churchill, Elko, Esmeralda, Eureka, Humboldt, Lander, Nye, Pershing and White Pine Counties. The Central Region is Nevada’s largest hydrographic region and consists of 78 groundwater basins that are often interconnected by subsurface flow, deep bedrock aquifers, and some productive alluvial aquifers. Future pumping in Pine and Wah Wah Valleys as part of the Pine Valley Water Supply Project is projected to have long term effects on three groundwater basins in the Central Region: Dry Lake, Lake Valley and Spring Valley.

CNRWA’s mission is to prepare communities in central and eastern Nevada for sound water-resource decisions that promote prosperous economies and strong civic institutions in a healthy natural environment. In accordance with its mission CNRWA actively engaged in the *Clark, Lincoln and White Pine Counties Groundwater Development Project* that was the subject of a past environmental review by the Bureau of Land Management (“BLM”). During that effort we collectively worked to educate communities and work with federal officials to ensure that sound decision-making led any and all efforts to export water from the state’s groundwater basins. We continue to work in that spirit and submit the following comments in order to ensure that the BLM is properly considering Nevada’s resources in relation to a right of way on federal lands for the Pine Valley Water Supply Project (“PVWSP”), DOI-BLM-UT-C010-2020-0012-EIS. PVWSP is the first leg of Central Iron County Water Conservancy District’s (“CICWCD”) West Desert Supply Project. All phases of the West Desert effort have implications for Nevada.

## CONSIDERATIONS

The Central Nevada Regional Water Authority urges the BLM to choose the No Project Alternative and withdraw the DEIS application for the following reasons:

1. The DEIS segments the project by not considering the full West Desert Project.
2. The DEIS' hydrographic and geographic scope are too narrow — jeopardizing the lands and waters of Nevada including lands within the Central Hydrographic Region.
3. The DEIS' hydrologic and hydrographic analysis are flawed.
4. The DEIS does not comply with the Federal Lands Policy and Management Act and the Ely District Resource Management Plan ("RMP").
5. The DEIS' adaptive management plan excludes White Pine County.
6. The ANWS Alternative is inadequately analyzed.  
Alternative 3—Adaptive Northern Well Sites Alternative

- I. The DEIS segments the project by not considering the full West Desert Project.

The PVWSP and its subsequent stages are a massive undertaking in the West Desert. The impacts are bound to have sizeable impacts throughout Nevada's Central Hydrographic Region, specifically in White Pine County that have not been at all considered in the DEIS. The 15,000 acre foot pumping and piping proposal for PVWSP is just phase one. The second and third stages in Wah Wah (12,000 acre feet annually) and Hamlin Valley (10,000 acre feet annually), respectively, were not addressed at all in the DEIS. By excluding the second and third phases of the total proposal, the BLM is narrowing the scope of the applicant's true intent for the Right of Way.

NEPA's implementing regulations require agencies to consider cumulative, similar, and connected actions in the same environmental impact statement. 40 C.F.R. § 1508.25(a)(1), (2), & (3); *Citizens' Committee to Save Our Canyons v. U.S. Forest Service*, 297 F.3d 1012, 1029 (10th Cir. 2002); *Thomas v. Peterson*, 753 F.2d 754, 758 (9th Cir. 1985). Cumulative Actions are actions which "when viewed with other proposed actions have cumulatively significant impacts." 40 C.F.R. § 1508(a)(2). Similar actions are actions that "when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography." 40 C.F.R. § 1508.25(a)(3). Connected actions are those actions that:

1. Automatically trigger other actions which may require environmental impact statements.
2. Cannot or will not proceed unless other actions are taken previously or simultaneously.
3. Are interdependent parts of a larger action and depend on the larger action for their justification.

40 C.F.R. § 1508.25(a)(1); *see also Utahns for Better Transp. v. U.S. Dept. of Transp.*, 305 F.3d 1152, 1182-83 (10th Cir. 2002).

For example, projects that do not have independent utility must be considered connected actions; where one action could not occur but for the occurrence of the other, two actions are connected and must be considered in one EIS. *Citizens' Committee to Save Our Canyons v. U.S. Forest Service*, 297 F.3d 1012, 1029 (10th Cir. 2002). Where two actions are "inextricably intertwined" they are connected actions that must be considered together. *Thomas*, 753 F.2d at 759; *Save the Yaak Committee v. Block*, 840 F.2d 714, 720 (9th Cir. 1988). Likewise, cumulative actions "which when viewed with other proposed actions have cumulatively significant impacts [] should [] be discussed in the same impact statement." 40 C.F.R. § 1508.25(a)(2). Similar, reasonably foreseeable actions also should be considered together in the same environmental review document when the actions "have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography," and the "best way to assess adequately [their] combined impacts [...] or reasonable alternatives" is to consider them together. 40 C.F.R. § 1508.25(a)(3).

"NEPA instructs that significant cumulative impacts are not to be made to appear insignificant by breaking a project down into small component parts." 40 C.F.R. § 1508.27(b)(7). *Utahns for Better Transp. v. U.S. Dept. of Transp.*, 305 F.3d 1152, 1183 (10th Cir. 2002). The requirement that connected, cumulative, and/or similar actions be evaluated together prevents an agency from dividing a single project into segments that individually seem to have limited environmental impact, but as a whole have considerable impact. *See Thomas v. Peterson*, 753 F.2d at 758. It is important for federal agencies to consider connected actions together in a single NEPA process as opposed to segmenting review. *Daly v. Volpe*, 514 F.2d 1106, 1110 (9th Cir. 1975) (where actions are interconnected in terms of fulfilling a joint purpose it may be necessary to conduct a single NEPA review); *Sierra Club v. U.S. Dept. of Energy*, 255 F.2d 1177, 1184 (D. Colo. 2002).

For years, Phase 1 and Phase 2 have been cast as essentially a one-in-the-same effort. The CICWCD's board meetings, going back many years, included Pine and Wah Wah as a single agenda item.<sup>1</sup> Broad discussion on the topics of Pine and Wah Wah were considered as one.<sup>2</sup> The hearings for the water rights applications for CICWCD in Pine and Wah Wah Valleys were

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<sup>1</sup> <https://www.utah.gov/pmn/files/611771.pdf>

<sup>2</sup> <https://www.utah.gov/pmn/files/348943.pdf>

conducted in unison.<sup>3</sup> Studies and reports included financial analysis for both projects.<sup>4</sup> Maps created by the applicant's consultants detail the true intent of the applicant.<sup>5</sup>

The map is an especially striking visual of CICWCD's overall goals and raises an important point about the rights attained by CICWCD in Wah Wah Valley and the 50-year Right of Way ("ROW") for PVWSP: The map highlights that CICWCD intends to use PVWSP infrastructure to put Wah Wah water to beneficial use within 50 years — the timeframe required by Utah Code Ann. § 73-3-12(2)(b). If there is no intention to beneficially use the water, then when will CICWCD forfeit the rights? CICWCD has not yet filed for an extension of time via Utah Code Ann. § 73-3-12. So, the public is only left to believe that it will put the water to beneficial use within 50 years of having received the Pine and Wah Wah rights on February 27, 2019. The map gives an indication of how the water will be put to use via PVWSP. However, this DEIS gave no consideration to Wah Wah water rights at all. Also, we are left to wonder if CICWCD will file for an extension of time on the Wah Wah Rights if construction occurs with PVWSP as a means to demonstrate attempts at making beneficial use of the water applied for by CICWCD. These points and others underscore the deficiencies as it relates to segmentation.

## II. The DEIS' hydrographic and geographic scope are too narrow — jeopardizing the lands and waters of Nevada

### 1. Unclear and insufficient data

The CICWCD has made its intentions about West Desert water exportation very clear via administrative, legal, internal and public actions. Moreover, this DEIS fails to consider the efforts of CICWCD in conjunction with existing, peer-reviewed USGS science. In fact, the analysis limits the scope by which modeling and other predictive methods are used to assess the long-term implications.

The DEIS does not include all the data that predicates decision-making about pumping water from the headwaters of the Great Salt Lake Desert Interbasin Flow System and, via Wah Wah, the Sevier Desert Interbasin Flow System — both of which ultimately connect with the Great Salt Lake Interbasin Flow System. This DEIS does not consider the hydrologic effects as it relates to PVWSP pumping and that of pumping likely to take place in the subsequent phases of CICWCD's West Desert water exportation efforts. The cumulative effects of pumping in Pine, Wah Wah and Hamlin Valleys — 37,000 acre feet per year — amounts to 18 percent of the total recharge in the Great Salt Lake Desert flow system in Utah (inclusive of Snake Valley), according

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<sup>3</sup> <https://www.waterrights.utah.gov/docSys/v920/p920/P920003B.MP3>

<sup>4</sup> CICWCD and Applied Analysis, *Water Resource and Economic Analysis*, 131-136 (June 2019).

<sup>5</sup> CICWCD and Ensign Engineers, *Water Master Plan Report*, 54 (2014).

to a 1981 reconnaissance report.<sup>6</sup> Despite that striking figure, the strict and limited parameters do not reasonably allow for thoughtful analysis on what is likely a much larger area of impact.

White Pine County includes Snake Valley and Spring Valley. Those hydrographic areas are likely to experience impacts from the first and subsequent stages of this project. The DEIS did not adequately address the drawdown in Pine Valley — nor did it properly address the groundwater impacts in White Pine County. The same problems exist in the DEIS' Groundwater Resource Impact Analysis ("GRIA") and the Supplemental Groundwater Impact Analysis ("SGRIA").

One of the fundamental flaws in the DEIS, GRIA and SGRIA is that they are based on data that have not been made public. The foundation for the proposal's hydrologic analysis is based on aquifer test data that have not been publicly vetted which is absolutely necessary to understand how the BLM, CICWCD and its consultants reached conclusions about potential impacts of the project including drawdown scenarios.

## 2. No analysis on Regional Water Resources

In Section 3.8.4 of the GRIA, there is an admission that Pine Valley is the headwaters of a groundwater system that flows within White Pine County and terminates in Fish Spring Flat — ultimately connecting with the Great Salt Lake Interbasin Flow System. However, the recognition of connectivity did not lead to analysis of impacts.

The GBCAAS-PV narrowly defines the boundaries of analysis in the model with the result being the exclusion of White Pine County. Therefore, the DEIS, GRIA and SGRIA are not looking at the bigger picture – especially when taking into consideration the issues of segmentation that we highlighted in the previous section of our DEIS comments. Section 3-7 in the GRIA underscores that there is no detailed regional analysis. Basin-wide resource analysis outside of Pine and Wah Wah Valleys does not exist in this review.

However, a 2017 U.S. Geologic Survey ("USGS") report showed that pumping in Pine and Wah Wah Valleys could have a massive impact on a 10,500 square mile region over time.<sup>7</sup> Snake Valley will see massive groundwater declines, along with Spring Valley and at least 10 other basins in Nevada.<sup>8</sup> Snake Valley will experience up to 50 feet of drawdown within the first 62 years after pumping begins.<sup>9</sup>

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<sup>6</sup> Gates, Joseph S., and Kruer, Stacie A., 1981. *Hydrologic Reconnaissance of the Southern Great Salt Lake Desert and Summary of the Hydrology of West-Central Utah*. State of Utah Department of Natural Resources Technical Publication No. 71. 55p.

<sup>7</sup> Brooks, Lynette E., *Groundwater Model of the Great Basin Carbonate and Alluvial Aquifer System Version 3.0: Incorporating Revisions in Southwestern Utah and East Central Nevada*. USGS Scientific Investigations Report 2017-5072, 56-61, (2017).

<sup>8</sup> Id.

<sup>9</sup> Id.

Additionally, we are concerned about what's being put forth from the project applicant and its consultants compared to USGS data.

A 2020 report says that between Pine and Wah Wah Valleys, there is only up to 14,000 acre feet of recharge annually.<sup>10</sup> On paper, CICWCD has 27,000 acre feet worth of annual water rights. The regional implications of the wet water vs paper water impacts on federal resources are not at all discussed in the DEIS, GRIA, SGRIA.

In section 1.4.2 of the GRIA, the project applicant and its consultants make the claim that data gaps exist. They conclude that the only way forward is pumping for 50 years. That is dangerous logic, considering that the applicant and its consultants acknowledge that they do not understand the region in which they want to export an outdated perennial yield estimate annually.

As it relates to timing, on Page 41 of the GRIA there are claims that there's not enough information in the region to do 200-year analysis. Simultaneously, the GRIA, DEIS and SGRIA put forth 50-year pumping analysis. The same gaps that would make a 200-year analysis impossible should also apply to a 50-year scenario.

Furthermore, the project applicant and its consultant's reasoning on this matter doesn't pair with past analysis from state and federal water officials. A 2005 report on the Southern Nevada Water Authority Groundwater Development Project referenced a steady-state model.<sup>11</sup> A 2014 USGS analysis in the region also used a steady-state model.<sup>12</sup>

### III. The DEIS' hydrologic and hydrographic analysis are flawed

Existing USGS data exemplify that pumping 15,000 acre feet annually in Pine and 6,500 acre feet in Wah Wah would lead to large scale declines in the short and long term.<sup>13</sup> Existing USGS Data<sup>14</sup> claim that recharge is significantly lower than what was awarded to CICWCD by the Utah State Engineer in Pine and Wah Wah Valleys (15,000 afy in Pine and 12,000 afy in Wah Wah).<sup>15</sup>

Overdraft will lead to drawdown and spring decline. But the DEIS and GBCAAS-PV have not analyzed decline aside from a very narrow scope, with limited data, and on a select number of

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<sup>10</sup> Gardner, Philip M., Marston, Thomas M., Buto, Susan G., and Brooks, Lynette E. *Hydrologic and Geochemical Characterization of Groundwater Resources in Pine and Wah Wah Valleys, Iron, Beaver, and Millard Counties, Utah. USGS Scientific Investigations Report 2019-5139*, 41 (2020).

<sup>11</sup> Kirby, Stefan and Harlow, Hugh. *Proposed Ground-water Withdrawal in Snake Valley, Nevada and Utah* (2005).

<sup>12</sup> Masbruch, Melissa D., Gardner, Philip M., and Brooks, Lynette E., 2014. *Hydrology and Numerical Simulation of Groundwater Movement and Heat Transport in Snake Valley and Surrounding Areas, Juab, Millard, and Beaver Counties, Utah, and White Pine and Lincoln Counties, Nevada. USGS Scientific Investigations Report 2014-5103*. 107p.

<sup>13</sup> Brooks, Lynette E., *supra* 56-61.

<sup>14</sup> Gardner, Phillip, *supra* at 41.

<sup>15</sup> *Id.*

springs in Pine and Wah Wah Valleys despite the recognition of connectivity in Section 3.8.4 in GRIA. Additionally, GBCAAS-PV fails to incorporate hundreds of springs throughout the region that will likely face drawdown, See Zdon Memorandum.<sup>16</sup> There is no evidence that the CICWCD and its consultants for this review conducted a field test of springs that would correspond with the connectivity that's recognized in 3.8.4 of GRIA. GBCAAS-PV failed to incorporate the USGS' latest recharge figures (Gardner, 2020). Consequently, there is substantial reason to believe that there is not enough water to fulfill CICWCD's paper water right of 15,000 afy for 50 years.

#### IV. The DEIS does not properly consider FLPMA and BLM Resource Management Plans in multiple jurisdictions

A consistent theme in our comments is the relationship to geographic scope. The failure of the DEIS to consider the real magnitude of the project also implicates that this application for a right of way has not fully considered the Resource Management Plans ("RMP") outside of the Cedar City Field Office and requirements under the Federal Lands Policy and Management Act ("FLPMA").

##### 1. Inadequate assurances under FLPMA

Pursuant to NEPA, agencies are required to address in an EIS whether a proposed action will comply with other environmental laws and policies, 40 C.F.R. § 1502.2(d), and address the "[m]eans to mitigate adverse environmental impacts," 40 C.F.R. § 1502.16(h). FLPMA requires that:

[T]he public lands be managed in a manner that will protect the quality of the scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use.

43 U.S.C. § 1701(a)(8).

FLPMA obligates the BLM to "take any action necessary to prevent unnecessary or undue degradation of the lands." 43 U.S.C. § 1732(b). FLPMA requires BLM to limit any ROW with terms and conditions that will, inter alia: "minimize damage to scenic and esthetic values and

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<sup>16</sup> Andy Zdon & Josh Osborne. *Memorandum: Groundwater impacts of the proposed Pine Valley Water Supply Project, Utah on Nevada groundwater basins with a Focus on Snake Valley, Nevada & Utah*, 2021, [https://greatbasinwater.org/wp-content/uploads/2021/09/2021-9-20-Zdon\\_GW-Impacts-of-Proposed-PVWP-On-NV-GW-Basins\\_Final.pdf](https://greatbasinwater.org/wp-content/uploads/2021/09/2021-9-20-Zdon_GW-Impacts-of-Proposed-PVWP-On-NV-GW-Basins_Final.pdf)

fish and wildlife habitat and otherwise protect the environment”; “require compliance with applicable air and water quality standards established pursuant to applicable Federal or State law”; “protect the other lawful users of the lands adjacent to or traversed by such right-of-way”; “protect lives and property”; “protect the interests of individuals living in the general area traversed by the right-of-way who rely on the fish, wildlife, and other biotic resources of the area for subsistence purposes.” 43 U.S.C. § 1765. FLPMA further requires that a ROW “be limited to a reasonable term in light of all the circumstances concerning the project,” and “specify whether it is or is not renewable and the terms and conditions applicable to the renewal,” 43 U.S.C. § 1764(B), and permits BLM to grant a ROW “only when . . . satisfied that the applicant has the technical and financial capability to construct the project for which the right-of-way is requested,” 43 U.S.C. § 1764(j).

The cornerstone of FLPMA’s multiple use and sustained yield framework requires that the BLM “take any action necessary to prevent unnecessary or undue degradation” of lands it is charged with managing. 43 U.S.C. § 1732(a) & (b). Neither FLPMA nor implementing regulations defines the term undue or unnecessary degradation in the context of rights of way for projects such as CICWCD’s proposed Project. The Department of the Interior’s Board of Land Appeals has interpreted “unnecessary or undue degradation” to mean the occurrence of “something more than the usual effects anticipated” from appropriately mitigated development. *Biodiversity Conservation Alliance, et al.*, 174 I.B.L.A. 1, 5–6 (Mar. 3, 2008).

The BLM’s EIS contains minimal discussion of avoidance of unnecessary and undue degradation or compliance with FLPMA. Forthcoming sections will detail the inadequacy of the mitigation measures that are lacking site specificity and standards, triggers and thresholds to ensure that the BLM can prevent unnecessary and undue harms per FLPMA.

## 2. Non-Compliance with RMPs

The actual scope of the project includes multiple jurisdictions covering multiple RMPs. However, the RMP covering White Pine County and other affected areas in Nevada are not included in the analysis. The BLM’s DEIS only addresses two RMPs: The Cedar/Beaver/Garfield/Antimony Resource Area Management Plan (BLM 1986), as amended, and the Pinyon Management Framework Plan (BLM 1983), as amended. It does not include the Ely District Resource Management Plan (BLM 2008).

The DEIS does not comply with FLPMA if we are to believe the USGS data<sup>17</sup> and make the reasonable assumption that White Pine County will experience impacts from CICWCD’s West Desert effort. The BLM must ensure that the existing RMPs within White Pine County and other areas outside of the DEIS’ existing apply to this DEIS.

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<sup>17</sup> Brooks, *supra*, at 58



## V. The DEIS does not provide a sufficient or adequate Adaptive Management Program

NEPA requires plans such as the Adaptive Management Program to be described in detail. See 40 C.F.R. § 1502.16(h); 1502.14(f). The DEIS does not live up to that standard. There are no standards, triggers and thresholds to adequately assure impacts will be identified. The final pages of the DEIS (pages 230-237) show the applicant “will” develop plans. How can the public know the accuracy or efficiency of an adaptive management regime if it has not yet been developed by the applicant?

NEPA charges agencies with mitigating the adverse environmental impacts of their actions.<sup>18</sup> NEPA’s implementing regulations require a federal agency to describe mitigation measures in detail. 40 C.F.R. §§ 1502.14(f), 1502.16(h). The Council on Environmental Quality also has stated:

All relevant, reasonable mitigation measures that could improve the project are to be identified, even if they are outside the jurisdiction of the lead agency or the cooperation agencies ... Because the EIS is the most comprehensive environmental document, it is an ideal vehicle in which to lay out not only the full range of environmental impacts but also the full spectrum of appropriate mitigation.

A reasonable person reading the DEIS could not find a “full spectrum” of mitigation options or “full range” of impacts — largely because the DEIS is limited in its geographic and hydrographic scope. The DEIS does not provide the information needed to evaluate mitigation and management plans and inhibits the ability to recognize that those impacts are there. There are no descriptions that meet the NEPA standard. There are no baselines, standards, triggers, thresholds. There is no way to judge the potential effectiveness. There are no insights into replacement water’s timing, quantity and quality. The narrow scope of the DEIS is limiting the protective measures that the applicant should be taking. Currently the DEIS fails to require monitoring wells that are cited with flow path references in hydrographic areas that will be impacted per USGS data: Snake Valley, Sevier Desert, and Tule Valley and more. The public needs a monitoring regime that will detect drawdown in time for an effective response. Adaptive management programs place a significant and new burden on existing water right holders and domestic well owners who may need to spend significant time and money to monitor impacts of groundwater pumping by the applicant, and address adverse impacts created by the groundwater pumping in order to protect their rights.

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<sup>18</sup> *Holy Cross Wilderness Fund v. Madigan*, 960 F.2d 1515, 1522-23 (10th Cir. 1992).

It is well known that once impacts are noticed, it is already too late. Stopping pumping won't ameliorate the situation and the time from cessation of pumping until full recovery can be longer than the time that the well was pumped.<sup>19</sup>

## 1. APPENDIX F ANALYSIS

**APMs 1a through 2f:** There is no draft work plan for the public review. This failure falls short of NEPA's requirements, missing necessary standards, triggers and thresholds that could give the public meaningful insights into the proposed viability.

**APM-3a through APM-3d:** There are no plans for wellfield operation. There is no work plan that identifies standards, triggers and thresholds. No requirements to stop pumping if impacts occur. No guarantees that if BLM requested a cessation of pumping that the Utah Division of Water Rights, per the order granting the water rights in Pine Valley, would impose curtailment.

**WR-4a through WR-4c:** No baselines, standards, triggers or thresholds for the resource.

**WR-1a through WR-1e:** No work plans or evidence of adequate reporting requirements that the public can vet. The DEIS fails to outline an adequate area of ET monitoring as the plan suggests a fraction of the regional springs will serve as the means for baseline data collection for the region used in GBCAAS-PV. That will, therefore, affect the Leaf Area Index monitoring. These triggers are inadequate and not verifiable or quantifiable – especially considering the problems relating to geographic scope. There are no provisions regarding quantity, quality and timing of replacement water. No discussion of consent between parties. The 2014 Order from the Utah Division of Water Rights granting the applicant 15,000 afy in Pine Valley required a monitoring and mitigation regime to be approved by the state. It says that the state shall have the ultimate say in approving those monitoring and mitigation measures.

**WR-2a through WR-2e:** There are no standards, triggers and thresholds as it relates to the Groundwater Discharge Area monitoring. This inadequate monitoring will lead to inadequate management and mitigation — especially when considering the deficient and inadequate geographic scope and hydrological analysis.

**WR-3a through WR-3f:** No information on creation of baseline data. CICWCD "will" and "shall" create reports and plans. There is nothing verifiable.

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<sup>19</sup> Brooks, *supra*, at 56

## VI. The DEIS does not include any substantial analysis for Project Alternatives

Section 2.4 of the GRIA states that the ANWS Alternative “is a possible result of implementing the Proposed Action if the Wellfield Construction Adaptive Management Program is fully implemented, it is evaluated as a separate alternative under NEPA in this GRIA for comparison.”

However, we find that the DEIS does not actually evaluate the ANWS Alternative as an actual Alternative per NEPA. The ANWS Alternative is based off of modeling from Southern Pine Valley. Impacts to the region occur faster in the model runs relating to the ANWS Alternative. The ANWS Alternative locates the wellfield even closer to White Pine County. None of this is considered.

## VII. CONCLUSION

The only acceptable action is the No Action Alternative and a withdrawal of the DEIS by the BLM. The DEIS, GRIA and SGRIA do not account for the proper hydrographic and geographic scope. The environmental review does not account for the regional hydrology and impacts. The BLM’s analysis fails to comply with FLPMA, RMPs and monitoring/management/mitigation via NEPA. The DEIS, GRIA and SGRIA fail to actually vet the ANWS Alternative.

Sincerely,



Jeff Fontaine  
Executive Director