COMMENT FORM

EFFLUENT INTERCEPTOR
PUBLIC INFORMATION & SCOPING MEETING

Please provide the requested information and place the completed form in the box marked "Comments" at the meeting, or mail to:

James (Pat) Green, Regulatory Compliance Officer
U.S. Bureau of Reclamation
Lower Colorado Region
P.O. Box 61470
Boulder City, NV 89006-1470
Or
Clean Water Coalition
C/O PBS&J
Carrie Stewart
901 N. Green Valley Parkway, Suite 100
Las Vegas, NV 89074-7105

NOTE: Name, Address, Phone, and E-mail information is optional. However, without that information, we will be unable to send you responses to your comments/questions or additional information pertaining to this project.

ROBERT W. HALL, PRESIDENT

Name: NEVADA ENVIRONMENTAL COALITION, INC.

Address: 10720 BUTTON WILLOW DR., LAS VEGAS, NV 89134

Phone: 702 - 360 - 3118

E-Mail: RWHKC @ EARTHLINK. NET

Please list your comments below and on the next page.

THE MEETING WAS ADVERTISED AS A PUBLIC INFORMATION AND SCOPING MEETING. THE U.S. BUREAU OF RECLAMATION, REGULATORY COMPLIANCE OFFICER TOLD

Comments continued

THE MEETING AT THE OUTSET THAT THERE WOUD BE NO QUESTIONS FROM THE FLOOR AND NO ANSWERS. THE COMPLIANCE OFFICER INSISTED THAT THOSE ATTENDING HAD TO DISCUSS THE ISSUES ONE ON ONE. I INFORMED THE COMPLIANCE OFFICER THAT THE MEETING DID NOT MEET ANY FEDERAL REQUIREMENT AND COULD NOT BE CONSIDERED FOR ANY LAWFUL PURPOSE. THE PUBLIC HAS BEEN AND IS BEING MISLEAD BY THE PUBLIC NOTICES AND THE LACK OF A FULL, FEDERAL ADMINISTRATIVE PROCEDURES ACT PROCESS. THE PROJECT IS A MAJOR, NEPA ACTION AT THE OUTSET.

[signature] PRESIDENT
NEVADA ENVIRONMENTAL
COALITION, INC.

Nevada Wildlife Federation, Inc.

An Affiliate of the National Wildlife Federation

Post Office Box 71238
Reno, Nevada 89570

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RECEIVED 1/10/02
REPLY DATE

DATE	INITIALS	CODE
		2000
1/14/02	SDR.	2530

CLASSIFICATION
PROJECT
CONTROL NO.
FOLDER I.D.
KEYWORD

January 8, 2002

James Green, Regulatory Compliance Officer
U.S. Bureau of Reclamation
Lower Colorado Region
P.O. Box 61470
Boulder City, NV 89006-1470

Dear Mr. Green:

The Nevada Wildlife Federation has a number of concerns with the proposed pipeline that would convey treated effluent from sewage treatment plants to a lower point in the Las Vegas Wash, where the effluent would be discharged into a riparian area. A number of those concerns were expressed by Dr. Larry Paulson and Jeff van Ee at scoping meetings in Las Vegas. This letter reiterates many of those concerns in a more formal manner and identifies additional concerns with the proposal and environmental assessment process.

THE EIS PROCESS

The federation firmly believes that an environmental impact statement (EIS) is required for this project. The Bureau of Reclamation is the "lead agency" in evaluating the proposed pipeline that will be constructed by local governments. The pipeline may be considered as a part of a larger effort to:

- reduce erosion of the Las Vegas Wash,
- improve the ability of reconstructed wetlands to handle flood waters and urban runoff,
- and to convey larger amounts of effluent to the Las Vegas arm of Lake Mead for assimilation.

Additional projects are expected in the future to ensure that water quality in Lake Mead is not degraded further and that the primary drinking water supply for Las Vegas is further protected. In addition, return flow credits are an issue with respect to the withdrawal of water from Lake Mead for the state of Nevada. The interrelationship of the proposed pipeline to these other issues and to the plans of other agencies needs to be examined through the development of an EIS. An environmental assessment is not sufficient to gather the information that is needed to look at the proposed pipeline as part of a larger effort; nor is the environmental assessment the vehicle to obtain review and comments from a broad group of parties and the public.

The fact that the Bureau of Reclamation held "scoping" meetings for the proposed pipeline suggests that more than a perfunctory environmental assessment seems to be a consideration for

the Bureau of Reclamation. Scoping is mandated in the preparation of EISs, but may be used in the preparation of environmental assessments. Should the Bureau decide, or be required, to do an EIS at a later date, another more formal scoping is required[1]. We do not wish to see additional, unnecessary delays to badly needed changes to the management of Las Vegas Wash and Lake Mead water that might result from the Bureau's failure to embark on an EIS at an early stage when an environmental assessment is likely to be judged to be inadequate.

The Bureau of Reclamation appears intent on not preparing an environmental impact statement by indicating that the environmental assessment will be inclusive, comprehensive and reference additional documents and materials. While we laud this goal, it sounds more like the goal for an environmental impact statement. The Council on Environmental Quality has provided guidance on what an environmental assessment should look like, compared to an EIS.

> Since the EA is a concise document, it should not contain long descriptions or detailed data, which the agency may have gathered. Rather, it should contain a brief discussion of the need for the proposal, alternatives to the proposal, the environmental impacts of the proposed action and alternatives, and a list of agencies and persons consulted. Section 1508.9.
>
> While the regulations do not contain page limits for EAs, the Council has generally advised agencies to keep the length of EAs to not more than approximately 10-15 pages. Some agencies expressly provide page guidelines (e.g., 10-15 pages in the case of the Army Corps). To avoid undue length, the EA may incorporate by reference background data to support its concise discussion of the proposal and relevant issues. [36a A.., "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations," 46 Fed. Reg. 18026 (Mar. 23, 1981)]
>
> Agencies should avoid preparing lengthy EAs except in unusual cases where a proposal is so complex that a concise document cannot meet the goals of Section 1508.9 *and* where it is extremely difficult to determine whether the proposal could have significant environmental effects. In most cases, however, a lengthy EA indicates that an EIS is needed. [36b A.., "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations," 46 Fed. Reg. 18026 (Mar. 23, 1981)]

We believe the following questions regarding technical and environmental aspects of the proposed pipeline must be carefully evaluated in an EIS:

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[1] "...scoping that is done before the assessment, and in aid of its preparation, cannot *substitute* for the normal scoping process after publication of the NOI, unless the earlier public notice stated clearly that the possibility was under consideration, *and* the NOI expressly provides that written comments on the scope of alternatives and impacts will still be considered. [13. A., "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations," 46 Fed. Reg. 18026 (Mar. 23, 1981)]

1) What is the purpose of the proposed pipeline, and how does its construction affect ongoing efforts of other agencies to improve water quality in Las Vegas Wash and develop the Clark County Desert Wetlands Park?

2) Lake Mead provides 88 percent of the drinking water for the Las Vegas Valley. The drinking water intakes are located six miles downstream of inflows from Las Vegas Wash. How will the proposed pipeline affect drinking water quality at existing and projected water elevations in Lake Mead?

3) Serious algae blooms occur in Lake Mead, especially Las Vegas Bay, as a result of inflows from Las Vegas Wash. The distribution and mixing of nutrients from wash inflows in Las Vegas Bay are directly influenced by temperature and salinity. How will the proposed pipeline affect temperature and salinity in Las Vegas Wash, as well as mixing patterns and availability of nutrients, and algae blooms, in Las Vegas Bay?

4) The Nevada Division of Environmental Protection (NDEP) has established water quality standards and requires the cities of Henderson and Las Vegas and Clark County Sanitation District to monitor water quality in Las Vegas Wash and Lake Mead. How will the proposed pipeline affect existing water quality monitoring programs and water quality standards? Will the water quality standards and monitoring programs in Las Vegas Wash and Lake Mead be reviewed by NDEP before the pipeline is implemented?

5) Treated wastewater currently comprises most of the perennial flow in Las Vegas Wash. How much base flow will there be in the upper reaches of the wash if the proposed pipeline is constructed? Will the water quality in the remaining base flows support beneficial uses established for those reaches by the Nevada Division of Environmental Protection? What criteria will be used to decide how much water flows through the pipeline versus the wash? Who will decide, from day to day, how the flows will be regulated?

6) Flow data from Las Vegas Wash are used by the Southern Nevada Water Authority and Colorado River Commission to calculate Nevada's return flow credits. Will the proposed pipeline require changes in flow measurements or calculations of return flow credits?

7) Erosion is a serious problem in Las Vegas Wash. Downstream, sedimentation at the head of Las Vegas Bay has formed an extensive delta that now encroaches on the Las Vegas Bay Marina. How will the proposed pipeline affect flow rates and erosion patterns in various reaches of Las Vegas Wash and sedimentation in Las Vegas Bay?

8) Lake Mead is used extensively for swimming, boating and fishing. Las Vegas Bay is one of the most heavily used parts of the Lake Mead National Recreation Area. How will the proposed pipeline affect those recreational uses?

We look forward to being a part of the NEPA process initiated by the Bureau. We believe the proposed project will have a significant impact on the environment of Las Vegas Wash and Las Vegas Bay of Lake Mead. We believe a comprehensive review of this project by the public and regulatory agencies will help ensure that the proposed project achieves its intended benefits.

Please feel free to contact me with any questions, comments.

Sincerely,

Elsie Dupree

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Nevada Wildlife Federation
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