IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 79270
FILED BY Southern Nevada Water Authority
ON January 28, 20 10, TO APPROPRIATE THE
WATERS OF Snake Valley Basin 195

PROTEST

FILED
APR 12 2010
STATE ENGINEER'S OFFICE

RECEIVED
2010 APR 12 PM 3:05
STATE ENGINEER'S OFFICE

Comes now Peter M. Coroon
Printed or typed name of protestant

whose post office address is 2001 South State Street, N2100, Salt Lake City, Utah 84190
Street No. or PO Box, City, State and ZIP Code

whose occupation is Mayor, Salt Lake County, Utah and protests the granting

of Application Number 79270, filed on January 28, 20 10

by Southern Nevada Water Authority to appropriate the

waters of groundwater (UG/MUN) Snake Valley Basin 195 situated in White Pine County, Nevada
Underground or name of stream, lake, spring or other source

County, State of Nevada, for the following reasons and on the following grounds, to wit:
See, Attached.

THEREFORE the Protestant requests that the application be Denied
Denied, issued subject to prior rights, etc., as the case may be

and that an order be entered for such relief as the State Engineer deems just and proper.

Signed
Agent or protestant

Peter M. Corroon, Mayor
Printed or typed name, if agent

Address 2001 South State Street, N2100
Street No. or PO Box

Salt Lake City, Utah 84190
City, State and ZIP Code

801-468-2500
Phone Number

Subscribed and sworn to before me this 5 day of April, 20 10

Deborah E. Scott
Notary Public

State of Utah
County of Salt Lake

+ $25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

ATTACHMENT TO PROTEST OF SALT LAKE COUNTY AGAINST APPLICATION NO. 79270 FILED JANUARY 28, 2010 BY THE SOUTHERN NEVADA WATER AUTHORITY

This attachment lists and briefly describes the reasons and grounds for the protest of Salt Lake County ("Protestant") against Application No. 79270 ("Application"). The Southern Nevada Water Authority ("SNWA" or "Applicant") has filed an Application to appropriate groundwater from Snake Valley as part of its massive proposed network of wells and pipelines stretching across eastern Nevada from Clark County through Lincoln County and into White Pine County (the "Pipeline Project").

In sum, Protestant asserts as reasons and grounds for the Protest that: (1) the appropriation and export of water proposed in the applications will not be environmentally sound and will be detrimental to the public interest; (2) the appropriation and export of water proposed in the application will jeopardize public health and be detrimental to the public interest; and (3) the appropriation and export of water proposed in the application will impact recreation, aesthetic values and have economic consequences detrimental to the public interest. These protest grounds are further explained below.

I. The Appropriation and Export of Water Proposed in the Application Will Not Be Environmentally Sound and Will Be Detrimental to the Public Interest

A. Environmental Impacts of the Application

NRS §§ 533.324 to 533.435 govern applications to appropriate public waters. In reviewing an application for an interbasin transfer of groundwater, the State Engineer must determine whether the application "threatens to prove detrimental to the public interest." The very nature of an inter-basin transfer of groundwater involves broad public issues. In considering an application for an interbasin transfer of groundwater, the State Engineer shall consider whether the proposed action is "environmentally sound as it relates to the basin from which the water is exported." NRS 533.370(5)(c). The State Engineer previously considered the issue of what constitutes "environmentally sound" in the Spring Valley determination (State Engineer Ruling 5726) as follows:

> While there are no definitions [in the statutes] of what environmentally sound is, there are examples of what environmentally sound is not, such as the Owens Valley project in California. The State Engineer believes that the legislative intent of NRS Section 533.370(6)(c) was to protect the natural resources of the basin of origin and prevent a repeat of the Owens Valley while at the same time allowing for responsible use of the available water resources by the citizens of Nevada.

B. Fugitive Dust Impacts

The public interest ramifications for the one million residents of Salt Lake County cannot be overstated. Pumping will result in severely lowered groundwater levels in the basin from which the appropriation and export is proposed and in hydrologically connected down-gradient basins within the same interbasin flow system. Groundwater pumping will lower the water table drying out springs, seeps, wetlands, wet meadows and moist playas, killing groundwater dependent vegetation. The loss of vegetation and root systems binding soil will cause a loss of barriers to wind.

Soil instability in the basin from which the water is exported will increase wind blown dust in the region. The desiccation of these areas will result in more frequent and severe dust storms in the basin targeted by this application and in down-gradient hydrologically connected basins in the same flow system. Among other things, dust storms impair visibility, creating traffic hazards and restricting airport operations. The disruption of transportation will have an economic impact in the County. In addition, visibility impairment caused by light scattering from particulates ($PM_{2.5}$) in the atmosphere, including wind blown dust creates a condition known as regional haze. These impacts are detrimental to the public interest and the State Engineer should deny this application pursuant to NRS §§ 533.370(5) and 533.370(6)(c).

C. Regional Air Quality Impacts

Wind blown dust conditions will aggravate the already challenged air quality in the Salt Lake Valley causing a reasonably foreseeable direct and immediate public health threat to the residents of Salt Lake County.[1] The Environmental Protection Agency ("EPA") has included Tooele County and Salt Lake County in a single non-attainment area under the Clean Air Act. Tooele County is recognized by the Bureau of Land Management's Nevada State Office as being located in one of the defined hydrologic basins designated in the draft project environmental impact statement. For these reasons, regional air quality impacts affecting Salt Lake County must be considered. These impacts are detrimental to the public interest and the State Engineer should deny this application pursuant to NRS §§ 533.370(5) and 533.370(6)(c).

D. Snowpack and Recreation Impacts

A recent study has found that particulates settling on mountain tops creates a dark layer that absorbs sunlight causing snow to melt earlier. Researchers at the University of Utah have determined that dust storms in 2006 which originated hundreds of miles away coated the snowpack with a brown layer of dust.[2] The dust heated the surface and caused the snow to melt as much as a month early. The environmental and economic consequences of early melting are enormous affecting everything from water supplies to recreational activities. A shortened ski season in the Wasatch mountain range would have a severe economic impact in Salt Lake County. These impacts are detrimental to the public interest and the State Engineer should deny this application pursuant to NRS §§ 533.370(5) and 533.370(6)(c).

---

[1] "Winds Wreak Havoc on Air Quality, Ski Lifts" Salt Lake Tribune, March 31, 2010. Copy attached, Ex. "A".
[2] "Hydrologic Observations in the Great Salt Lake Basin: Interactions Between Particulate Transport and Hydrologic Response."

E. Climate Change Impacts

In addition to wind blown dust, a reduction in vegetative cover will contribute to climate change. Growing vegetation absorbs carbon dioxide (CO_2) and is a natural reservoir for the accumulation and storage of greenhouse gas. The loss of these biological carbon sinks (e.g. vegetation) due to groundwater pumping will increase the atmospheric amounts of CO_2 causing a net warming effect of the atmosphere, by decreasing the amount of heat energy radiated by the earth back into space. An increase in atmospheric temperatures will, among other things, extend the wild fire season.

Wild fires will, in turn, release the absorbed CO_2 back into the atmosphere. Air quality will be further aggravated by soot and fine $PM_{2.5}$ particulates generated by combustion. Furthermore, the accumulation of dead and dying vegetation caused by the loss of groundwater will increase the availability of fuel making fires more frequent and severe. Climate change impacts are regional and must be evaluated when assessing whether the proposed action is environmentally sound. These impacts are the direct result of decreased groundwater and are detrimental to the public interest. For these reasons, the State Engineer should deny this application pursuant to NRS §§ 533.370(5) and 533.370(6)(c).

F. Wildlife and Wildlife Habitat Impacts

The loss of water caused by pumping will have an adverse impact on wildlife and wildlife habitat in the basin from which this application proposes to appropriate and export water and in hydrologically connected down-gradient basins within the same interbasin flow system. The species and species habitat likely to be adversely impacted by the appropriation and export of water proposed in this application includes fish, amphibians, other aquatic species, groundwater-dependent mammals and other terrestrial species, birds and insects. Among the species likely to be impacted by a loss of water are a number of federally and state protected species. The loss of species and habitat in the immediate down-gradient basins will have a regional impact, limiting development in other habitat areas. These impacts are detrimental to the public interest and the State Engineer should deny this application pursuant to NRS §§ 533.370(5) and 533.370(6)(c).

II. The Appropriation and Export of Water Proposed in the Applications Will Jeopardize Public Health and be Detrimental to the Public Interest

On December 7, 2009, EPA announced its "endangerment finding" on CO_2 and five other greenhouse gases.[3] After a great deal of debate and analysis, the EPA concluded that scientific evidence supports its decision to classify the six green house gases as pollutants that endanger public health and welfare. The direct human health risks linked to climate change in the endangerment finding are wide ranging. In simple terms, deteriorating air quality will exacerbate respiratory and cardio-pulmonary disease. These public health impacts will result in increased health care costs, reduced productivity and have significant economic consequences. These impacts are detrimental to the public interest and the State Engineer should deny this application pursuant to NRS §§ 533.370(5) and 533.370(6)(c).

[3] EPA Endangerment Finding. 74 Fed. Reg. 66496 (2009) (to be codified at 40 CFR Ch. I).

III. The Appropriation and Export of Water Proposed in the Applications Will Impact Recreation, Aesthetic Values and Result in Economic Consequences Detrimental to the Public Interest

Economic impacts will not be limited to the basin targeted in this application, but will extend to down-gradient hydrologically connected basins within the same interbasin flow system and to downwind basins. The loss of water, wildlife, air quality, visibility and snowpack will destroy the recreational uses and the value of these basins and downwind areas. As previously noted, dust settling on mountain tops causes snow to melt earlier shortening the skiing season in the Wasatch mountain range and reduces the availability of surface water runoff for irrigation. These environmental conditions and the associated public health impacts, will have an adverse effect on existing economic activities and potential future economic growth in Salt Lake County. These impacts are detrimental to the public interest and the State Engineer should deny this application pursuant to NRS §§ 533.370(5) and 533.370(6)(c).

IV. Protestant Reserves the Right to Amend this Protest as May be Warranted by Future Developments

SNWA's proposed groundwater export project is on a scale never before seen in Nevada or in the United States. It is not possible to anticipate all potential adverse impacts without further study. New scientific or other data and changed circumstances may disclose additional basis for protest. For these reasons, the above-named Protestant reserves the right to amend the subject protest to include other issues as they may develop.

V. Incorporation of Other Protests to SNWA's Applications by Reference

The above-named Protestant additionally incorporates by reference as though fully set forth herein and adopts as its own, each and every reason or grounds for other protests to this application and/or to any application filed that is included in SNWA's groundwater export project and filed pursuant to NRS §533.365.

C12viic.word

The Salt Lake Tribune http://www.sltrib.com

Winds wreak havoc on air quality, ski lifts

Weather » Grassfire fueled by gusts destroys three buildings; dust devastates air quality.

By Erin Alberty
And Anne Wilson
The Salt Lake Tribune

Salt Lake Tribune
Updated:03/31/2010 06:19:53 AM MDT

The Salt Lake Tribune http://www.sltrib.com

A small grassfire was whipped into a raging blaze that destroyed three buildings at the Great Salt Lake Marina, where winds almost reached 60 mph Tuesday afternoon.

"It was a wall of fire coming down this way," said harbor master Dave Shearer.

High winds wreaked havoc across the state Tuesday, covering northern Utah with a dust cloud and creating traffic hazards throughout the state.

Near the lake, Shearer watched the flames hop from one side of Interstate 80 to the other, lighting the lakeside weeds into a 90-foot blaze about one mile from the marina.

Two minutes later, the fire had consumed two maintenance storage buildings and a shed, Shearer said.

The flames were just 100 yards from the main marina building when the winds changed.

"Considering all the personal property that's out here, with all the boats, we really feel very lucky," Shearer said.

A fourth building, an environmental monitoring station owned by Kennecott Utah Copper, also was damaged on the other side of Interstate 80.

The wildfire burned about 60 acres after it erupted around 12:30 p.m. in the cattails and marsh grasses between eastbound I-80 and State Road 201 in west Salt Lake County and eastern Tooele County, said Utah Highway Patrol spokesman Cameron Roden.

Motorists stalled for miles until slightly calmer winds allowed crews to subdue the fire about 4:30 p.m., said Unified Fire Authority Capt. Clint Smith.

Gusts tore across the state Tuesday, with Signal Mountain near St. George clocking the fastest winds at 109 mph. Winds faster than 80 mph were reported at Ogden Peak, Sundance, Snowbasin and Cardiff Peak. Snowbird reported online that its tram was closed due to high winds. Brian Head Ski Resort, east of Cedar City, closed three lifts due to wind.

Across northern Utah, incoming dust devastated air quality. Particulate matter in the air normally ranges from 10 to 30 micrograms per cubic liter of air, said Neal Olson, spokesman for the state Division of Air Quality. From 11 a.m. to noon Tuesday, measurements spiked to 763.

Winds also toppled a semitrailer truck in Sardine Canyon, halting traffic between Logan and Brigham City, Utah High Patrol said.

Winds died down late Tuesday afternoon in northern Utah. Southern and southeastern Utah will see high winds continue until today, said Monica Traphagan, lead forecaster with the National Weather Service.

The forecast calls for heavy precipitation in northern Utah todnight through Thursday. The Wasatch Mountains could see between one and two feet of snow, Traphagan said, but there should be some accumulation in valleys as well.

Highs both days will be in the mid- to low 40s.

Southern and southeastern Utah will see high winds continue until today, Traphagan said. Rain and snow is likely at higher elevations, including Cedar City, where highs will be in the low 50s.

The cold front will hit St. George today, as well, when temps will drop to the low 60s, with a 40 percent chance of rain.

Judy Fahys, Bill Oram and Bob Mims contributed to this report.

z

Close Window | Send To Printer

Exhibit "A"