

Honorable Governor Gary Herbert
Utah State Capitol Complex
350 North State Street, Suite 200
PO Box 142220
Salt Lake City, Utah 84114-2220

March 29, 2013

Dear Governor Herbert,

We the undersigned respectfully request you not sign the proposed Agreement with Nevada concerning the permanent withdrawal of water from the West Desert of Utah. There is a daunting list of reasons why it is clear to us and the majority of Utahns that signing this Agreement is not in the best interest of our wonderful State. We have articulated just a few of these problems in this letter and we would like to ask you several questions about the wisdom of signing this Agreement.

We believe this decision is the most pivotal water decision any Utah Governor has made going back several decades, if not more. The impacts stemming from your approval of this water project will have dire consequences upon the air quality of the entire Wasatch Front, and the majority of Utah's population, virtually guaranteeing higher incidences of respiratory diseases among your constituents in the coming decades.

In 1913, Los Angeles began diverting water from the Owens River Valley for their municipal use. By 1924 Owens Lake had been drained of its water. The desiccated Owens Valley recently set the record for the highest particulate pollution ever recorded in the U.S. Los Angeles has spent \$1.2 billion just to mitigate the dust storms that have been created by this water project. These dust storms can rise as high as 10,000 feet above the ground and cause air quality problems which violate EPA PM10 standards.

Utah is virtually assured to have to spend taxpayer funds on dust abatement as a function of Las Vegas' water project. We do not believe the Agreement will protect either Utah's air quality, or Utah's taxpayers, due to both medical and legal costs as a function of these well-documented air quality impacts. Since this Agreement has not been vetted through Utah's medical community nor the circle of air quality experts and activists for their input, we question why only a very small handful of water attorneys have been given the chance to evaluate this Agreement.

We know you understand the grave impacts of Utah's horrible winter air conditions upon children, pregnant mothers and the elderly, not to mention impacts upon our State's ability to attract new businesses to Utah. After this last winter, many of us are frankly shocked that even though members of your cabinet admit approving this water project will make our air pollution even worse, there doesn't seem to be a determination on your

part to vigorously defend the state and its citizens from this looming public health disaster.

Given these grave impacts upon Utahns health, we implore you not to sign this Agreement until you have heard from more of your constituents about their opinion of this Agreement. Your recent announcement that you are hosting a series of public meetings on water issues this summer provides a unique opportunity for your constituents to offer much needed perspective on this proposed Agreement. We wonder why the Agreement would be taken off the table of public input, given that you created these public hearings for the express purpose of getting input on water management. Since you have created a public process to receive input, it seems reasonable and conservative to allow Utahns the chance to voice their opinion about this critical Agreement.

As further evidence of need for a more public decision making process, some have claimed the Governor's Office is under "mounting pressure" from Nevada interests to sign this Agreement. As your constituents and Utah taxpayers we openly seek more clarity about the nature of this "pressure." What exactly is being threatened? Why has the Utah public not been allowed to know about this pressure from outside interest groups?

Many have heard that Nevada is threatening to kill the Lake Powell Pipeline in Congress if Utah does not sign this Agreement. Is this true?

As you are aware, the Division of Water Resources has postponed the "need" for water from this project to the year 2030. If Nevada is threatening to hold the Lake Powell Pipeline hostage were this Agreement not signed, why are we concerned about protecting a water project the State of Utah believes isn't necessary for another 20 years, if not more?

Utah's portion of the Colorado River is protected by the Colorado River Compact which is not subject to forfeit because of one Congressional delegation. If Nevada is threatening to take us to court to ensure we sign the Agreement, what exactly is the concern?

As you well know, the courts are full of litigation over water disagreements between any number of parties. As many have pointed out, the State of Utah is willing to spend taxpayer funds on lawsuits contesting federal ownership of public lands that many legal scholars believe have little chance of winning. Why therefore, are we not willing to spend taxpayer money to fight for Utah's water in the West Desert and the communities that depend upon it, not to mention the health of Wasatch Front residents? Are the water and the people themselves somehow less valuable than the land itself?

We believe we have a right to know what the nature of this pressure is, before this unprecedented decision is made.

We also question what the rush of signing this document is, given the fact that the Southern Nevada Water Authority does not have the financial resources to construct this project anytime soon. The projected \$15.5 billion in construction costs for this project when financed over 50 years with 3% interest will cost roughly \$30.1 billion for Las Vegas residents. What determination has your staff made to ascertain whether this water agency can afford this level of debt? In 2012, this water supplier was forced to impose large fee increases to its water customers across the city because of the agency's financial difficulties. These difficulties led this water supplier's credit rating to be downgraded by Moody's from AA1 to AA2. It is clear construction of this water project will not begin anytime soon, so why would Utah limit its legal liberties at this time?

Moreover, claims that this proposed Agreement protects Utahns from harm suffer from a fatal lack of logic and are rather naïve. Do we Utahns really believe this water supplier would indebt itself with \$30 billion to build this project, then simply turn the switch off once the impacts are experienced and Utah protests?

Furthermore, some have claimed the Agreement protects Utah's water interests. Various studies and documents vetted by credible scientists from a variety of backgrounds, attest to the obvious problem that the Agreement enables the mining of this groundwater aquifer. The water in this aquifer will drop at least scores, if not hundreds of feet as a function of Utah's willingness to let this aquifer perish. Since this water has taken tens of thousands of years to accumulate, it would be a one-time water mining operation, not a sustainable water development project. The impacts upon the Goshute Nation are equally disturbing and we are opposed to your signing this Agreement since it does not respect their sovereignty and our treaty obligations to them.

Our organizations respectfully disagree with the statement that the Agreement is a step in the right direction as we believe it will not protect or defend Utah's interests. The proposed "safeguards" provided by monitoring are inadequate and are too little too late to prevent a catastrophic disaster. If monitoring detects vanishing vegetation, the hydrological consequences will have already become irreversible. Once the ancient aquifer that was created during the last ice age is gone, the water, the vegetation and the people are never going to return.

Western dust storms already hasten snowmelt in the Rocky Mountains, reducing runoff into the upper Colorado River by 5 percent, causing the loss of 250 billion gallons of water a year, more than would be carried in the Las Vegas pipeline. Furthermore, the hydro-geologic framework and ecological balance of the West Desert and surrounding areas is not very well understood, even by hydrologists. Our impact on the hydrology and overall ecology and communities of the West Desert could be overwhelming and

irreversible. Because it will affect areas larger than the West Desert, we insist the input of Utahns is important and should be considered before the Governor's Office makes this decision.

This Agreement does nothing to protect the vegetation, fish and wildlife populations of the West Desert. When claims have been made that the Agreement protects Utah's water, we wonder whether these interests are intending to ignore the use of water by our glorious fish and wildlife populations, which are part of a robust \$6 billion of economic input to the Utah economy.

Some ranchers in the Great Basin have had to decide whether to dry-up a spring to pump water out of the ground for irrigation, or whether to allow natural occurring seepage and graze cattle. Everything in the Snake Valley culture, economy and ecology rests on a knife's edge. Rather than blunt this edge forever and lose its use as a vibrant part of Utah's economy, its people, culture and heritage, we the undersigned recommend you not sign this Agreement.

Respectfully,

Zachary Frankel
Executive Director
Utah Rivers Council

Brian Moench, President
Utah Physicians
for A Healthy Environment

Tim Wagner, Public
Lands Specialist
Sierra Club

Christopher Thomas
Executive Director
HEAL Utah

Abby Johnson
President
Great Basin Water Network

Terry Marasco
Snake Valley
Business Owner

John Bellmon
Utah Technical Committee
Utah Audubon Council

Linda Johnson
Natural Resource Director
League of Women Voters

John Weisheit
Director
Living Rivers

Gary Wockner
President
Save the Colorado Foundation

Matt Rice
Colorado Conservation Director
American Rivers

Heather Dove,
President, Great Salt
Lake Audubon

Lynn de Freitas
Executive Director
Friends of the Great Salt Lake

Cherise Udell
Founder
Utah Mom's for Clean Air

Jim Catlin
Executive Director
Wild Utah Project

Jeff Parker
Executive Director
Utah Environmental Congress

Nathan Fey
Director, Colorado River Stewardship Program
American Whitewater

Christi Wedig
Executive Director
Citizens for Dixie's Future

Dick Cumiskey,
President
Sevier Citizens for Clean Air & Water

Joan M. Gregory
Chair
Peaceful Uprising

Kirk Robinson, Ph.D.
Executive Director
Western Wildlife Conservancy

Shelley Marshall, RN
Sustain Utah

Colby Poulson
Utah Voters for Clean Air

David Nimkin
Senior Director, Southwest Region
National Parks Conservation Association

Prof Charles Nuckolls, Founder
Mormon Stewardship Alliance

Carl Ingwell
Utah Student Clean Air Network
We Cannot Breathe