

Rebuttal to Biological Evidence on Wetland Dependent Sensitive Species
Submitted by SNWA in Support of Applications for Groundwater Withdrawal in
Cave, Dry Lake, and Delamar Valleys.

By

James E. Deacon

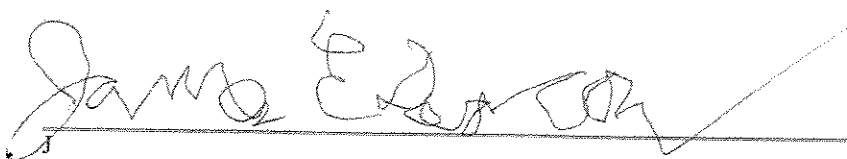
The report submitted by Southern Nevada Water Authority entitled, "Biological Resources for Cave, Dry Lake, and Delamar Valleys" (Exhibit 239) identifies at risk aquatic-dependent species occurring in those three valleys. The SNWA hydrological analysis (Exhibit 236) concludes that the proposed groundwater withdrawals will have little to no effect on surface waters in the three target valleys. It is therefore not surprising that the report on biological resources concludes that effects on aquatic dependent species in the three target valleys are highly unlikely. Conclusions would be very different if the hydrological analysis demonstrated diminished spring flow or reductions in wetland area in the target valleys. In fact, diminished spring flow and reduction in wetland area in the target valleys and downstream in the groundwater flow system is demonstrated or implied by Exhibits 1101, 1130, 501, and references cited in those exhibits that have been published on groundwater hydrology and biology in the region over the past approximately 40 years.

The expert witness testimony, Exhibit 609 "Ichthyologic Assessment of SNWA Water Right Application for Delamar, Dry Lake, and Cave Valley in the White River Flow System", makes no claim of reliance on hydrological analysis, but identifies native fish species in White River and Pahrangat Valleys that would be harmfully impacted by SNWA's proposed development and export of groundwater from the three target valleys. Expert witness testimony, Exhibit 598 identifies native snail species in Cave, Dry Lake, White River, and Pahrangat Valleys that would be harmfully impacted by SNWA's proposed development and export of groundwater from the three target valleys. Exhibit 314 identifies sensitive species in the three target valleys and downstream in the flow system in White River and Pahrangat valleys that would be harmfully impacted by SNWA's proposed development and export of groundwater from the three target valleys. These reports identify the sensitive species occurring in the area. They do not identify the fact that virtually all of the spring and wetland dependent species named will be adversely affected by reduced discharge resulting from the proposed groundwater withdrawals in Cave, Dry Lake, and Delamar Valleys.

The likely impact of SNWA's proposed groundwater development in Cave, Dry Lake, and Delamar Valleys on biological resources in hydrologically connected downstream basins is well illustrated in the materials submitted by the Fish and Wildlife Service and the Bureau of Land Management, which discuss impacts to the Moapa Dace, Southwestern Willow Flycatcher, Montane Vole, springsnail,

sage grouse, wild horse, and leopard frog, and which I have reviewed and incorporated in my analysis. Exhibits 539; 542-561; 563-566; 568-570; 572-574; 582-589; 590-609; 611-636; 801; 807-809; 812; 825; 827; and 830.

Submitted December 20, 2007

A handwritten signature in black ink, appearing to read "James Edwards", is written over a horizontal line. The signature is stylized and cursive.