
WOTUS RULE IMPACT: CALLAWAY PLANT, UNIT 1

SUMMARY

On October 2014, the U.S. Nuclear Regulatory Commission (NRC) prepared a Supplemental Environmental Impact Statement (SEIS) for an application submitted by Union Electric Company to renew the operating license for Callaway Plant in Portland, MO. The SEIS proposed various alternatives to generate power including: Natural gas-fired combined-cycle (NGCC), supercritical pulverized coal-fired (SCPC), a new nuclear reactor, and combination generation (NGCC, wind power, and energy efficiency). The NRC must assess if an applicant has met the environmental and safety requirements to renew a license. As part of this process NRC will need to issue a final Environmental Impact Statement.

ECONOMIC BENEFIT TO MISSOURI

According to the EIS, renewing the operating license will continue employment for nearly 900 workers.

WHY THE PROPOSED WOTUS RULE AFFECTS THIS PROJECT

The EIS does not discuss significant wetland impacts. In fact, the only potential issue regarding wetlands discussed in the SEIS is that periodic vegetation control is necessary in forested wetlands underneath power lines.

In the SEIS, NRC recommended that the adverse environmental impacts of license renewal are not significant to deny the option for license renewal. Despite this recommendation, the SEIS is not consistent with EPA's proposed definition of waters of the United States in several ways:

Under the proposed WOTUS rule, storm water basins and ditches that are connected to jurisdictional waters are themselves waters of the United States. It is clear from the attached image that various ditches connect to wetlands. The SEIS does not consider that these features are jurisdictional and thus require analysis by the SEIS.

Moreover, all jurisdictional waters must meet national water quality standards. The facility may need individual NPDES permits for its storm water runoff and other discharges into the ditches and other jurisdictional features on site. Once the WOTUS and WQS rule are effective, the facility may be out of compliance and subject to enforcement action and citizen suits.

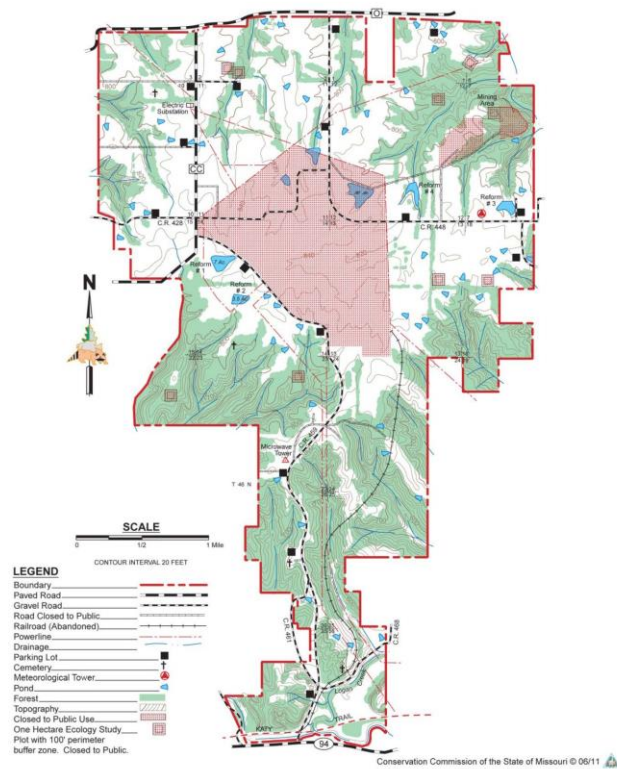
CONSEQUENCES OF PROPOSED RULE

The EIS does not measure the environmental impacts based on the proposed rule. In the final EIS, the applicant may need to analyze water resource impact under WOTUS, offset these impacts, and probably expand its wetland permitting. These additional NEPA analyses and NPDES permit requirements could increase costs and delay the permission to renew the operating license, creating financial uncertainty to Union Electrical Company and its employees.

FACILIY MAP WITH WETLANDS

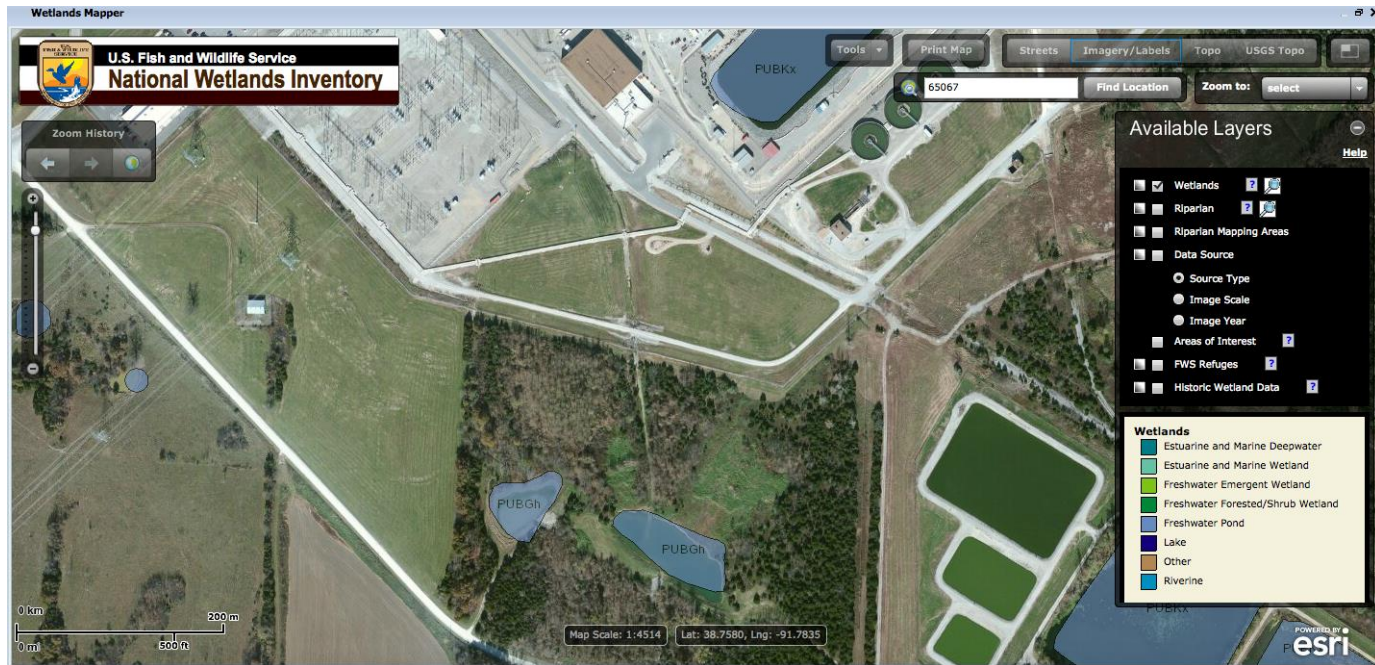
Affected Environment

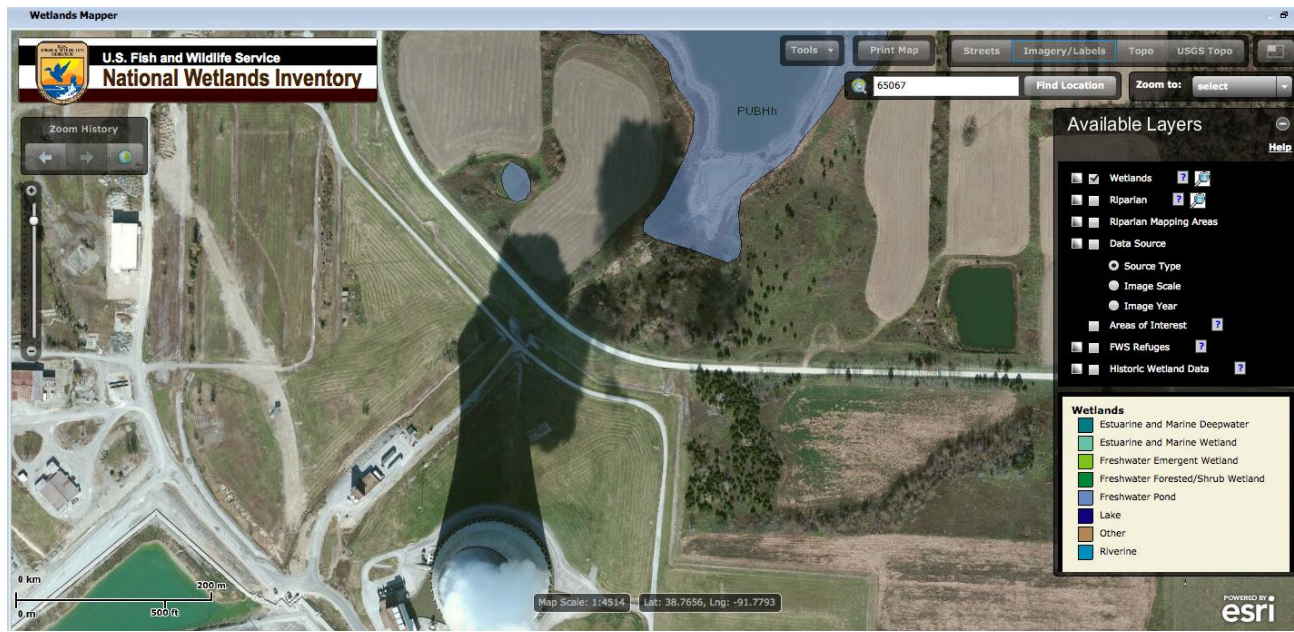
Figure 2-5. Reform Conservation Area



Source: Conservation Commission of the State of Missouri © 2011. Reprinted by permission.

AERIAL VIEW OF DITCHES POTENTIALLY CONNECTING TO WETLANDS





WOTUS RULE IMPACT: ELDORA MOUNTAIN SKI RESORT EXPANSION

SUMMARY

In February 2014, the Forest Service issued a draft Environmental Impact Statement (EIS) and proposed to allow the Eldora Mountain Resort ski resort expand and refurbish its facilities. The Proposed Action includes the construction of 15 new ski trails, two new chairlifts, and snowmaking for all trails in the resort. Because part of the resort is on Forest Service land, the Forest Service must issue a record of decision under the National Environment Protection Act (NEPA) before the project can proceed.

ECONOMIC BENEFIT TO COLORADO

In the proposed EIS, the Forest Service estimates this project will add nearly 800 jobs and \$83 million in economic activity to the state over ten years.

WHY THE PROPOSED WOTUS RULE AFFECTS THIS PROJECT

The EIS defines the jurisdictional wetland and water quality impacts of the project. The EIS environmental impact analysis is not consistent with EPA's proposed definition of waters of the United States in several ways:

Under the proposed WOTUS rule, ephemeral streams are jurisdictional waters of the United States. The project will convert several ephemeral channels into ski runs; these channels will be eliminated through grading (see attached figures from EIS). The EIS does not propose wetland mitigation offsets for this filling of jurisdictional waters.

Under the proposed rule, all jurisdictional waters must meet national water quality standards. Increased sedimentation is predicted to occur into streams along the resort due to forest clearing for the new ski trails. The EIS does not indicate whether these effects are consistent with the water quality standards for jurisdictional waters.

CONSEQUENCES OF PROPOSED RULE

The proposed EIS does not measure the environmental impacts based on the proposed rule. If the final rule defines intermittent streams as jurisdictional, the proposed EIS will not be consistent with current rules. At a minimum, the Forest Service would have to issue a supplemental EIS updating the water resource impacts and would have to accept public comments on the supplemental EIS. In addition, the resort would have to expand its wetland permitting and offset these impacts. This delay and additional permitting costs increases the risk that the project is uneconomical.

If the project moves forward, it would be delayed at least year due to the additional NEPA analysis and the permit application. If the project does not go forward, Colorado will lose the 800 additional jobs and the over \$80 million economic activity from an expanded resort.

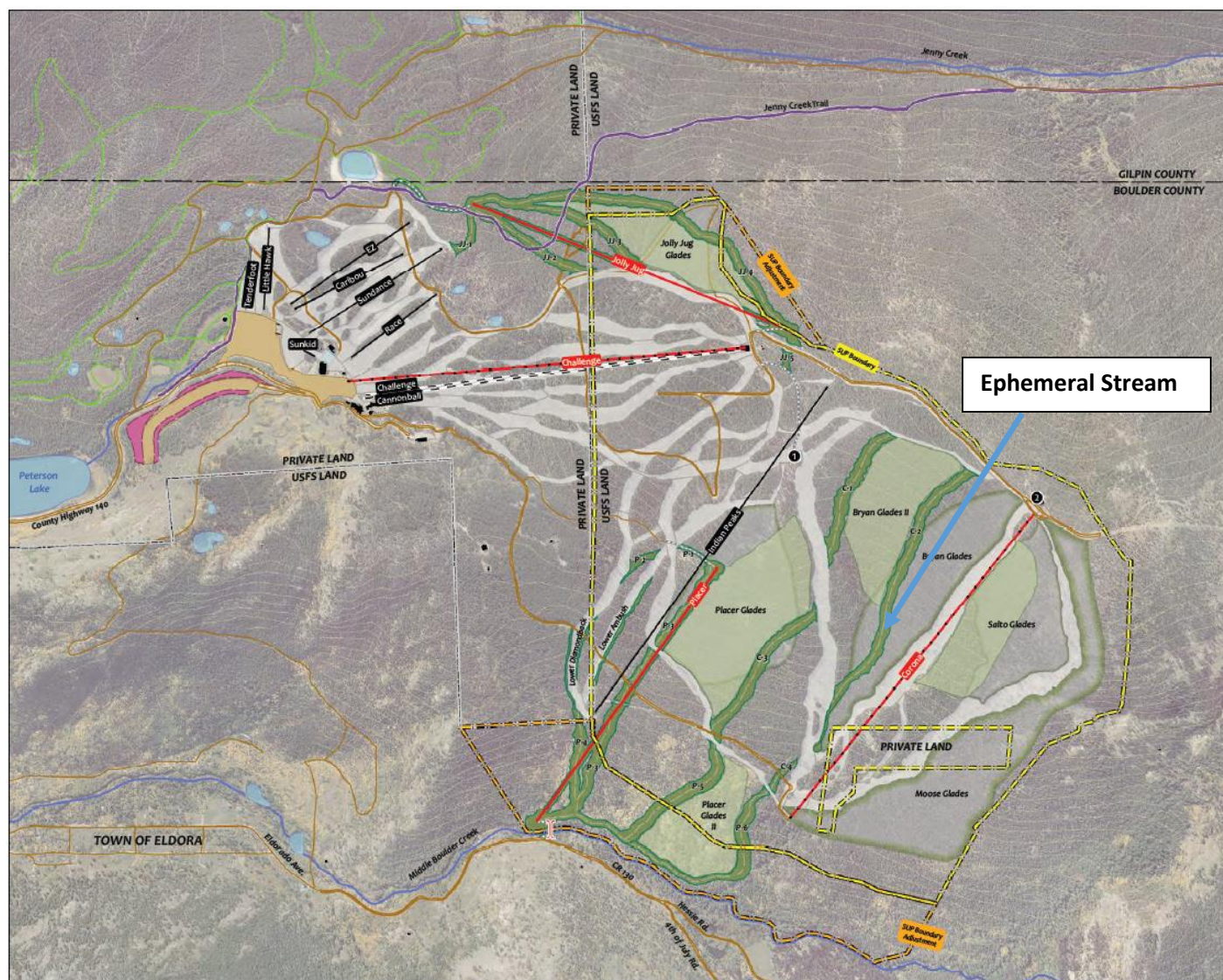


Arapaho and Roosevelt National Forests
and Pawnee National Grassland

Boulder Ranger District

Eldora Mountain Resort
Ski Area Projects
Environmental Impact Statement

Figure 2:
Alternative 2
Proposed Action



LEGEND

Existing Conditions	Proposed Projects
Lifts	New Lift
Ski Trails	Lift Removal
Tree and Gladed Sking Areas	Lift Replacement
SUP Boundary	Ski Trails
Buildings	Tree and Gladed Sking Areas
Parking	SUP Boundary Adjustment
Roads	Additional Parking
Nordic Trails	Challenge Mountain Facility
Lake/Pond	Lookout Facility Renovation
	New Road
	Bridge

Note: Snowmaking coverage is proposed on all proposed trails, excluding the glading projects.

0 450 900 1,800 Feet

1 inch = 900 feet

Date: February 2014
Prepared By:

SE GROUP



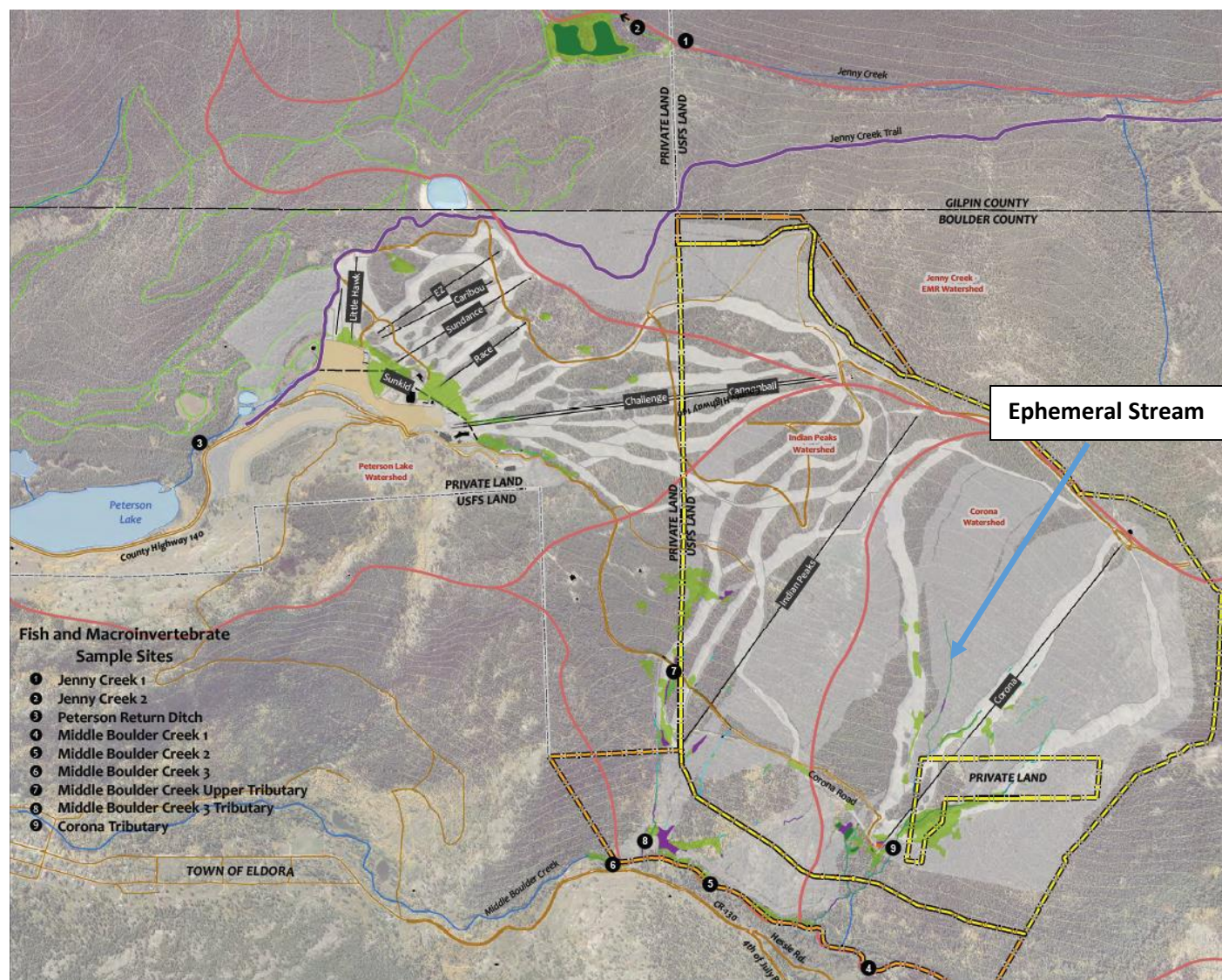


Arapaho and Roosevelt National Forests
and Pawnee National Grassland

Boulder Ranger District

Eldora Mountain Resort Ski Area Projects Environmental Impact Statement

**Figure 12:
Water Resources
and
Alternative 2 Impacts**



WOTUS RULE IMPACT: I-70 EAST PROJECT

SUMMARY

On August 29, 2014, the Colorado Department of Transportation (CDOT) issued a Supplemental Environmental Impact Statement (SEIS) for a project to improve safety, to reduce congestion, and to improve transportation efficiency in this important highway project. The Proposed Alternative includes adding new traffic lanes, overpasses, and features to improve traffic flow and safety. Because CDOT receives Federal funds for this interstate highway, CDOT must have a record of decision under the National Environment Protection Act (NEPA) before the project can proceed.

ECONOMIC BENEFIT TO COLORADO

In the SEIS, the CDOT estimates this project will add over 15,300 job-years and over \$700 million in economic activity to the state.

WHY THE PROPOSED WOTUS RULE AFFECTS THIS PROJECT

The SEIS defines the jurisdictional and non-jurisdictional wetland impacts of the project. The SEIS environmental impact analysis is not consistent with EPA's proposed definition of waters of the United States in several ways:

Under the proposed WOTUS rule, storm water basins and ditches that are connected to jurisdictional waters are themselves waters of the United States. The project defines much of these features along the highways as "non-jurisdictional wetlands." See attached pages for examples. The SEIS does not propose wetland mitigation offsets for this filling of jurisdictional waters.

Under the proposed rule, all jurisdictional waters must meet national water quality standards. Increased sedimentation is predicted to occur into the ditches and storm water basins defined as "non-jurisdictional wetlands." The SEIS does not indicate whether these effects are consistent with the water quality standards for jurisdictional waters.

CONSEQUENCES OF PROPOSED RULE

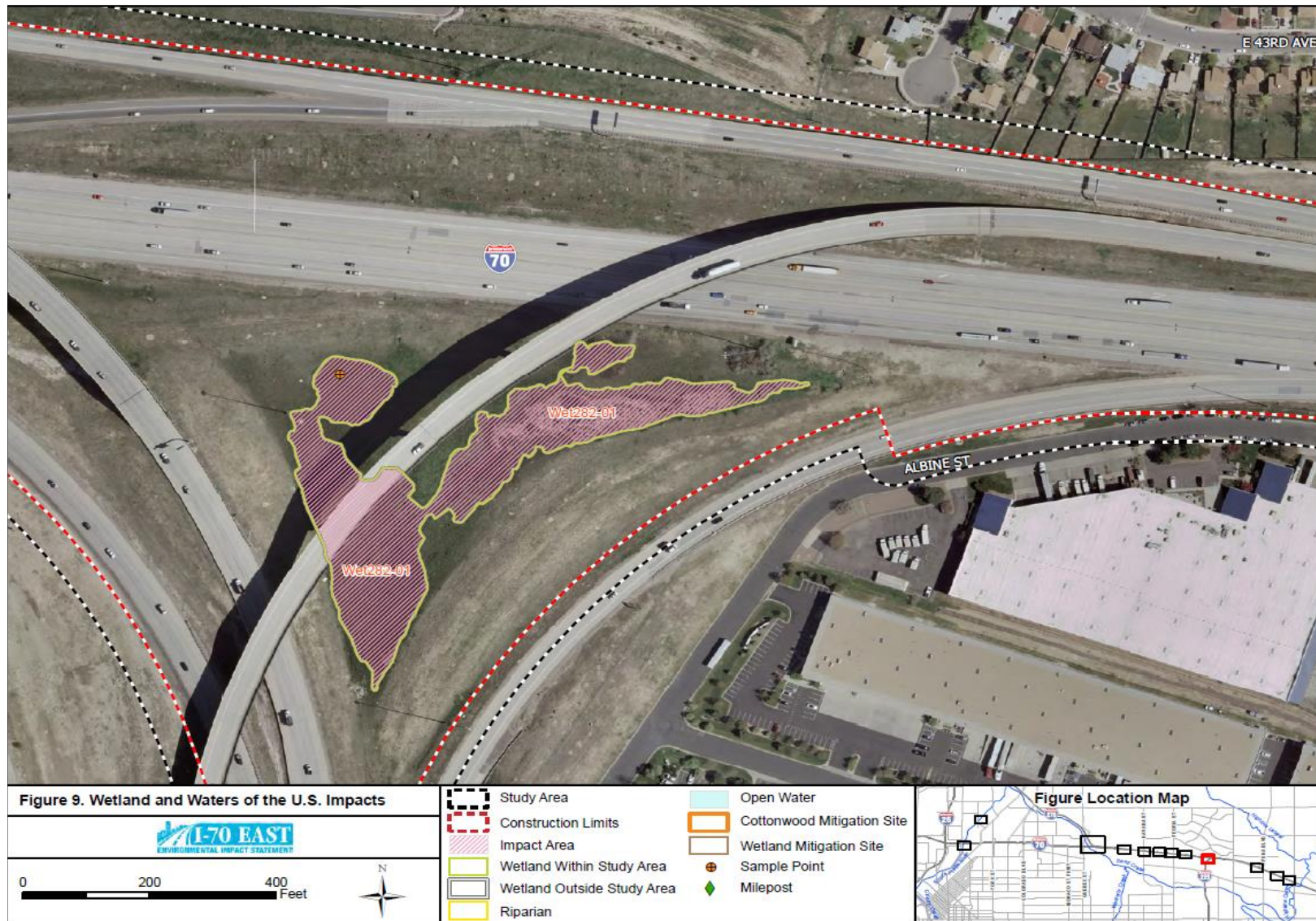
The SEIS does not measure the environmental impacts based on the proposed rule. If the final rule defines ditches and storm water systems as jurisdictional, the SEIS will not be consistent with current rules. CDOT may have to issue another supplemental EIS updating the water resource impacts and may have to accept additional public comments. In addition, CDOT would have to expand its wetland permitting and offset these impacts.

If the project moves forward, it would be delayed due to the additional NEPA analysis. Travelers on I-70 will bear continued delays and increase accident risks. If the project does not go forward, Colorado will lose the additional jobs and the nearly \$700 million economic activity from an expanded resort.

FEATURES LISTED AS NON-JURISDICTIONAL IN SEIS

[illegible]

EXAMPLE OF CLAIMED NON-JURISDICTIONAL FEATURE IN SEIS



WOTUS RULE IMPACT: ROUTE I-70 JACKSON COUNTY MISSOURI

SUMMARY

On January 17th 2014, the Missouri Department of Transportation (MoDOT) and the Federal Highway Administration (FHWA) prepared a Draft Second Tier Environmental Impact Statement (EIS) to improve I-70 in downtown Kansas City. The proposed alternative includes rebuilding and rehabilitating pavement and bridges, constructing a connector, improving curves, and adding an auxiliary lane. Because MoDOT receives Federal funds for this interstate highway, MoDOT must have a record of decision under the National Environmental Policy Act (NEPA) before the project can proceed.

ECONOMIC BENEFIT TO COLORADO

In the EIS, the MoDOT estimates this project will create up to 3,100 job-years, resulting from over \$200 million spent on this development.

WHY THE PROPOSED WOTUS RULE AFFECTS THIS PROJECT

The EIS discusses the potential effects of the I-70 on wetlands. While the EIS evaluated potentially jurisdictional wetlands, it was not consistent with EPA's proposed definition of waters of the United States in several ways:

Under the proposed WOTUS rule, storm water basins and ditches that are connected to jurisdictional waters are themselves waters of the United States. The project defines most of identified wetlands as non-jurisdictional, even though some are drainage ditches or are located adjacent to drainage ditches. The EIS also shows isolated waters as non-jurisdictional (see attached). If the proposed rule's approach that isolated waters within certain ecoregions are Federal waters, the EIS has not characterized their status correctly.

CONSEQUENCES OF PROPOSED RULE

The EIS does not measure the environmental impacts based on the proposed rule. If the final rule defines ditches, these isolated waters, and storm water systems as jurisdictional, the EIS will not be consistent with the WOTUS rule. MoDOT would have to add these features into the next EIS. In addition, MoDOT would have to expand its wetland permitting and offset these impacts.

If the project moves forward, it would be delayed due to the additional NEPA analysis. The local economy will also be affected as the I-70 is an important connection for the movement of goods and transports thousands of workers to and from their jobs in Kansas City.

WATERS LISTED AS NON-JURISDICTIONAL IN THE STUDY AREA

Table 3.14-1 Identified Wetlands	
Identification	
Number	

EXAMPLE OF CLAIMED NON-JURISDICTIONAL WETLANDS IN EIS



Wetland W-4



Wetland W-7 – Emergent Wetland



Wetland W-6

WOTUS RULE IMPACT: DOWNEAST LIQUIFIED NATURAL GAS (LNG) PROJECT

SUMMARY

On May 23, 2014 the Federal Energy Regulatory Commission (FERC) issued a Final Environmental Impact Statement (FEIS) for the Downeast LNG Project. Under this project, a LNG import terminal and a pipeline would be constructed and operated in Washington County, Maine. The LNG project would supply with 500 million cubic feet per day of imported natural gas to New England. The U.S. Coast Guard, the U.S. Army Corps of Engineers, the National Oceanic and Atmospheric Administration, Natural Marine Fisheries Service, U.S. Environmental Protection Agency, U.S. Department of Transportation, and the Main Department of Environmental Protection have jurisdiction over the potential resources affected by the project. Therefore, they will need to issue a Record of Decision under the National Environmental Policy Act (NEPA) before they can proceed. In addition, wetland delineations and jurisdictional determinations will need to be performed for various portions of the project.

ECONOMIC BENEFIT TO MAINE

In the FEIS, FERC estimates that the project will create over 300 jobs to operate the LNG terminal. During the three-year construction phase 1,000 jobs will be created. Workers will receive \$15.3 million in income per year. Moreover, \$400 million will be spent to construct the LNG project. Over 50 percent of this amount is expected to be spent within the state over a three-year period.

WHY THE PROPOSED WOTUS RULE AFFECTS THIS PROJECT

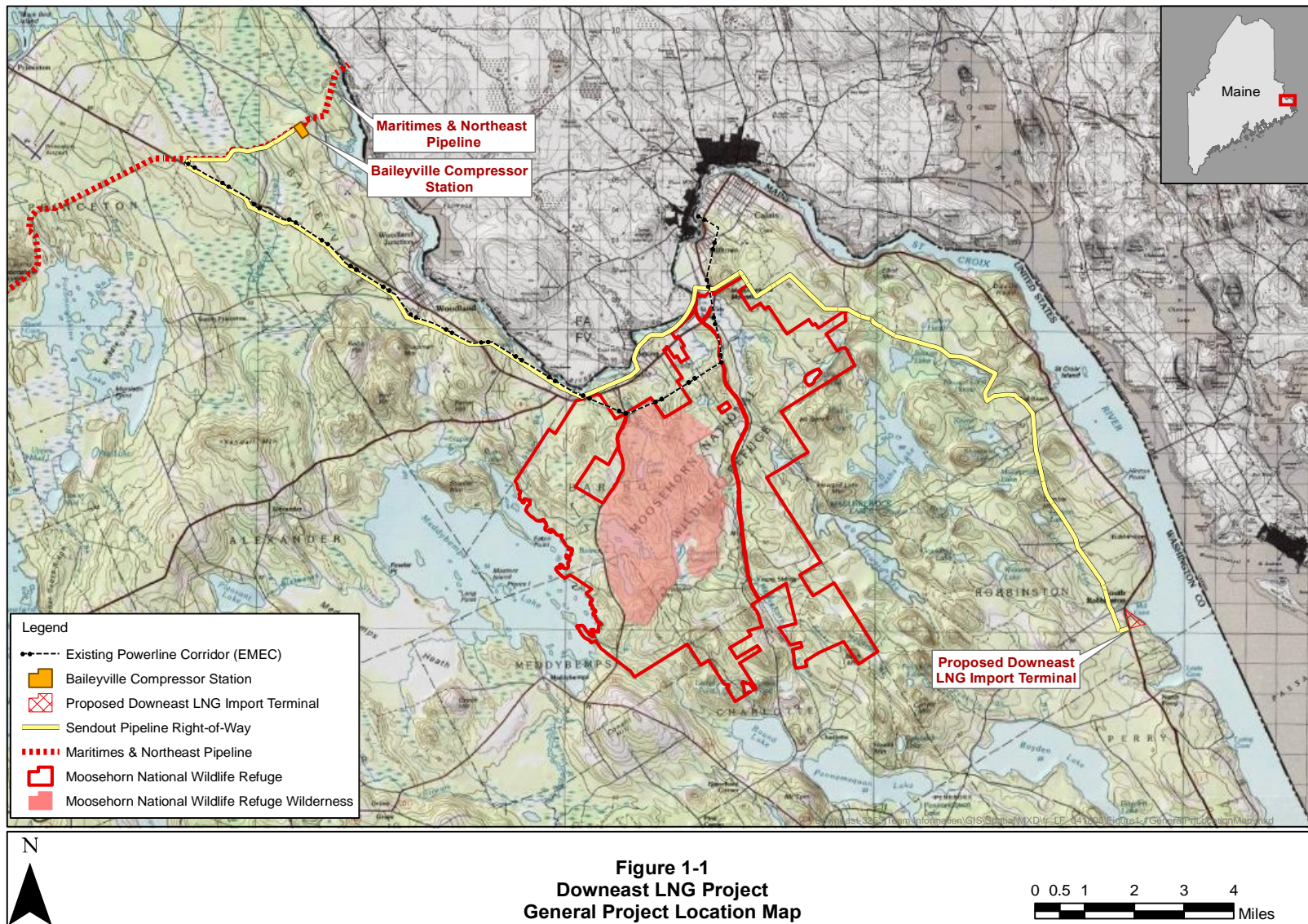
A decision has not been reached on the final route for the pipeline, but for the terminal project, wetlands were delineated in September 2005. The terminal area sits across over 9 acres of wetlands. Constructing the sendout pipeline to the ship loading area crosses many vernal pools.

The FEIS does not measure the environmental impacts based on the proposed WOTUS rule. If isolated waters in Level III ecosystems are deemed jurisdictional, all of the vernal pools that the pipeline will cross would be Federal waters (see attached). This determination would add over 100 acres of wetland impacts to the project, requiring expensive mitigation and/or pipeline route changes.

CONSEQUENCES OF PROPOSED RULE

In the FEIS, FERC has required the project sponsor to identify jurisdictional waters under the new WOTUS definition and devise a mitigation plan to offset wetland impacts. Through this action, FERC may avoid the requirement to reopen the FEIS due to the rule change. However, the project sponsor faces greater costs due to the potentially dramatic expansion of Federal jurisdiction. The new rule requirements are likely to result in delays for the project. As consequence, the economic benefits associated with this project will take longer to materialize.

MAP OF THE LNG PROJECT



Vernal Pools Deemed Non-Jurisdictional in FEIS

(Pool IDs marked with a/ are significant under Maine regulations; others are not)

TABLE 4.4.1.3-1										
Vernal Pool Locations and Loss of Forested Land (acres) Associated with the Sendout Pipeline										
Appr. MP	Vernal Pool ID	250' Buffer			500' Buffer			750' Buffer		
		Impact (acres)	Total Area (acres)	Percent of Buffer Impacted	Impact (acres)	Total Area (acres)	Percent of Buffer Impacted	Impact (acres)	Total Area (acres)	Percent of Buffer Impacted
1.1	6	0	4.3	0%	0.4	17.0	3%	1.0	38.8	3%
1.2	7	0	3.8	0%	0.3	15.9	2%	0.8	38.1	2%
1.2	8 a/	0	4.3	0%	0	16.8	0%	0.4	39.8	1%
3.2	21S a/	0	5.8	0%	0.7	20.3	4%	2.0	43.7	5%
3.2	21N a/	0	6.2	0%	0.6	20.2	3%	1.8	43.9	4%
3.7	23 a/	0	5.4	0%	1.1	19.5	6%	2.3	40.3	6%
4.9	20CF	0.8	5.3	14%	1.6	19.7	8%	2.5	43.0	6%
4.9	28	0	4.9	0%	1.2	18.9	6%	2.2	41.7	5%
4.9	05BK	0	4.6	0%	1.2	18.2	6%	2.1	40.7	5%
4.9	06BK	0.1	4.6	3%	1.3	18.2	7%	2.2	38.4	6%
9.0	44	0	5.2	0%	1.1	19.3	6%	2.6	42.0	6%
9.3	46 a/	0	4.1	0%	0.8	18.0	5%	2.0	41.4	5%
9.5	48	0	4.3	0%	1.2	17.6	7%	2.5	39.4	6%
9.7	17EA	0.7	4.9	15%	1.5	18.7	8%	2.1	41.3	5%
12.0	11EA	0	4.8	0%	0	18.2	0%	0	40.8	0%
12.0	01BK	0	5.1	0%	0	18.9	0%	0	41.9	0%
12.0	02BK	0	5.1	0%	0	18.8	0%	0	41.7	0%
12.0	03BK	0	4.7	0%	0	18.2	0%	0	40.4	0%
12.0	04BK	0	4.9	0%	0	18.5	0%	0	41.5	0%
12.1	12EA a/	0	6.5	0%	0.1	21.6	0%	0.7	45.7	1%
12.8	13EA	0	4.7	0%	0.8	18.4	4%	1.8	40.8	4%
13.0	14EA a/	0.7	6.1	11%	1.2	20.7	6%	2.1	44.0	5%
13.0	15EA a/	0.7	5.1	14%	1.4	16.8	9%	2.2	42.2	5%
13.0	16EA	0.9	4.6	19%	2.0	16.2	13%	2.8	36.1	8%
15.2	01EA	0	4.8	0%	2.0	14.1	14%	4.6	28.4	16%
15.3	02EA	0.5	4.8	10%	4.6	18.3	25%	7.3	38.9	19%
15.3	03EA	1.5	6.1	25%	4.4	20.8	21%	8.0	42.2	19%
15.3	04EA	1.4	7.9	17%	3.6	24.4	15%	7.3	47.2	16%
15.3	05EA	1.1	5.2	20%	3.7	19.1	19%	6.6	40.8	16%
15.3	06EA	1.3	6.6	20%	2.7	20.7	13%	6.7	41.0	16%
15.3	07EA	1.3	5.2	25%	2.5	17.1	15%	3.9	36.5	11%
15.3	08EA	0	5.9	0%	0	19.6	0%	1.3	37.2	4%
15.3	09EA	1.0	4.6	23%	2.3	18.0	13%	5.1	39.1	13%
15.4	10EA	0.9	5.1	19%	4.2	18.5	23%	6.2	36.4	17%
15.4	07BK	0.7	5.1	14%	4.2	18.4	23%	6.6	39.9	17%
17.0	18EA	0	2.6	0%	0.9	10.7	9%	1.9	23.1	8%
17.1	19EA	0	3.2	0%	0.9	12.5	7%	1.8	29.9	6%
24.4	138	0	2.4	0%	0.1	13.5	1%	0.1	31.6	0%
27.2	164W	0	1.6	0%	0	11.9	0%	0	30.4	0%
27.2	164E	0	2.1	0%	0	11.8	0%	0	31.1	0%
29.2	174 a/	0	5.6	0%	0.6	18.1	3%	1.2	40.7	3%
29.6	178	0.9	2.7	33%	1.3	13.6	10%	1.6	33.7	5%
29.8	179 a/	0	5.5	0%	0.5	14.9	3%	0.8	34.4	2%

a/ denotes SVP

***WOTUS RULE IMPACT: BOTTINEAU TRANSITWAY CORRIDOR
LIGHT RAIL PROJECT***

SUMMARY

On April 11, 2014, the U.S. Department of Transportation (DOT), the Federal Transit Administration (FTA) together with the Metropolitan Council, Minnesota and Hennepin County Regional Railroad Authority issued a Draft Environmental Impact Statement (EIS) for a project to construct and operate a light rail transit (LRT) project in Hennepin County, MN. The project is a 13-mile corridor of light rail service to address the issue of growing travel demand and increased traffic congestion. Because Federal funds would be spent on the project, a Final Environmental Impact Statement and a Record of Decision must be prepared before the project can proceed.

ECONOMIC BENEFIT TO MINNESOTA

The EIS estimates that construction of this project would generate over \$300 million in additional employment earnings for households and payroll expansion and between 6,800 to 7,700 person-year jobs for all industries in the Minneapolis-St. Paul-Bloomington Area.

WHY THE PROPOSED WOTUS RULE AFFECTS THIS PROJECT

The EIS identified wetlands within the project area and considered waters that were potentially under US jurisdiction. Although a detailed wetland delineation still needs to be conducted to obtain a jurisdictional determination, the EIS analysis is not consistent with EPA's proposed definition of waters of the United States in several ways:

The potential operation and maintenance facilities and some park-and-ride locations clearly sit over stream channels that are not deemed jurisdictional in the EIS (see attached). In addition, various segments of the preferred alternative (B-C-D1) are in the rail corridor that cuts through jurisdictional wetlands. It is unclear whether the wetland definition of uplands in the EIS analysis matches with the upland areas and adjacent water definitions in the proposed rule.

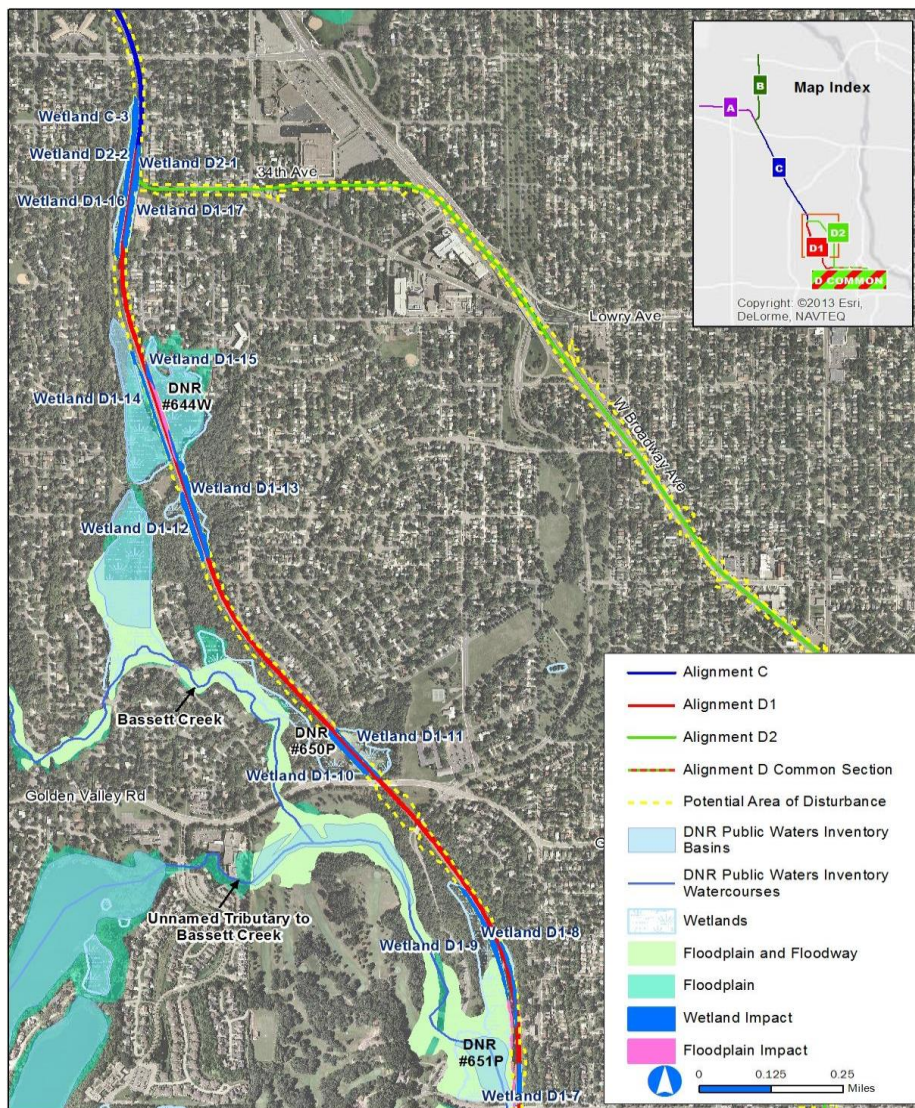
In addition, under WOTUS, all jurisdictional waters must meet national water quality standards. Disturbance or placement of fill within the wetland boundary is proposed to occur in areas not currently deemed as wetlands in the EIS. Therefore, it is unclear whether filling in these new jurisdictional feature would comply with the state's water quality standards.

CONSEQUENCES OF PROPOSED RULE

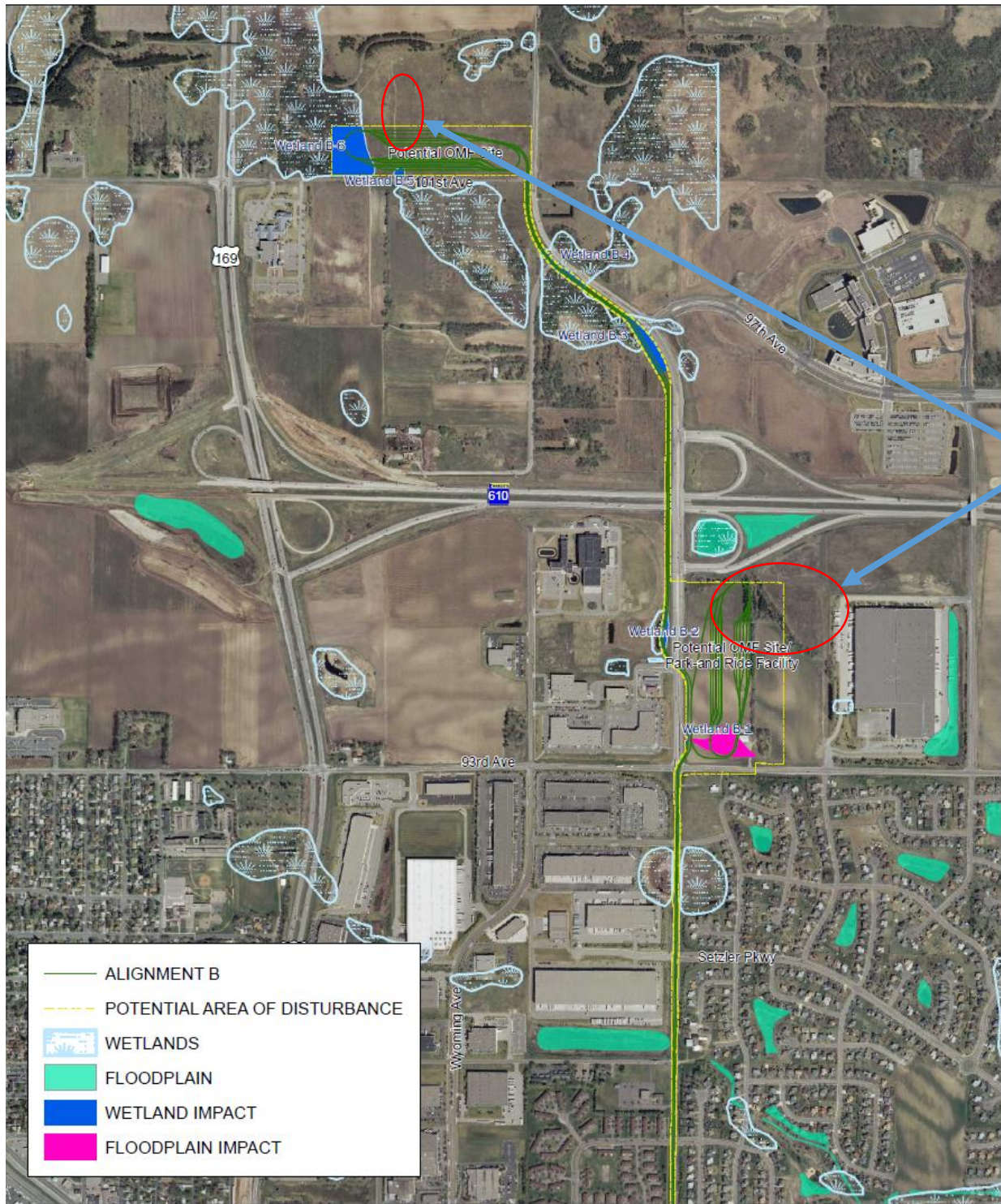
The EIS does not measure the environmental impacts based on the proposed WOTUS rule. In the final EIS, DOT and FTA would need to analyze the water resource impacts under WOTUS and expand its wetland permitting and offset these impacts. These additional NEPA analyses could delay the project and/or require modifications to the preferred option. Meanwhile, transportation demand will continue to increase and over 7,000 person-year jobs will need to be put temporarily on hold.

EXAMPLES OF UNDERSTATED WETLAND IMPACT IN PROJECT SECTIONS

Figure 5.2-4. Alignments D1 and D2 Floodplain and Wetland Resources and Impacts (north end)¹²



¹² Sources: Aerial: Minnesota Geospatial Information Office, 2010; Wetland: National Wetlands Inventory modified by Kimley-Horn, June 2012; Floodplain: Federal Emergency Management Agency GIS, 2010; DNR Public Waters Inventory: DNR 2008



Features

FIGURE 3a. ALIGNMENT B:
WATER RESOURCES IMPACT

WOTUS RULE IMPACT: GOLD ROCK MINE PROJECT

SUMMARY

In February, the Bureau of Land Management (BLM) issued a draft Environmental Impact Statement (EIS) to permit a nearly 4,000 acre gold mine in White Pine County, Nevada. Under the preferred alternative (A), the project would be developed in a 4,180 acre area administered by BLM. Therefore, BLM must issue a record of decision under the National Environment Protection Act (NEPA) before the project can proceed.

ECONOMIC BENEFIT TO NEVADA

In the proposed EIS, BLM estimates that constructing the mine would cost \$300 million, leading to 150 to 250 permanent jobs during mine operations.

WHY THE PROPOSED WOTUS RULE AFFECTS THIS PROJECT

The EIS states that waters of the U.S. do not occur on the project site. The EIS environmental impact analysis is not consistent with EPA's proposed definition of waters of the United States in several ways:

Under the proposed WOTUS rule, ephemeral streams connected to jurisdictional waters are waters of the United States. The project analysis does not follow this approach:

Field surveys were conducted in the Plan area from 2011 through 2013 to determine if any wetlands or other water bodies that could be disturbed under the Proposed Action would be jurisdictional waters of the U.S. (Ecosynthesis and Wildlife Resource Consultants 2012a,b, 2013). The surveys identified partially scoured channel beds in several of the largest intermittent tributaries; however, they determined that water flowed in these channels only for a few days following heavy precipitation and at no other time. Consequently, no jurisdictional waters of the U.S. were identified (Ecosynthesis and Wildlife Resource Consultants 2013).¹

In addition, all jurisdictional waters must meet national water quality standards. The project features complex diking and other constructed systems to route storm water from the mine to created storm water collection systems and the existing dry drainage channels. It is unlikely that this system would comply with the state's water quality standards for these new jurisdictional waters.

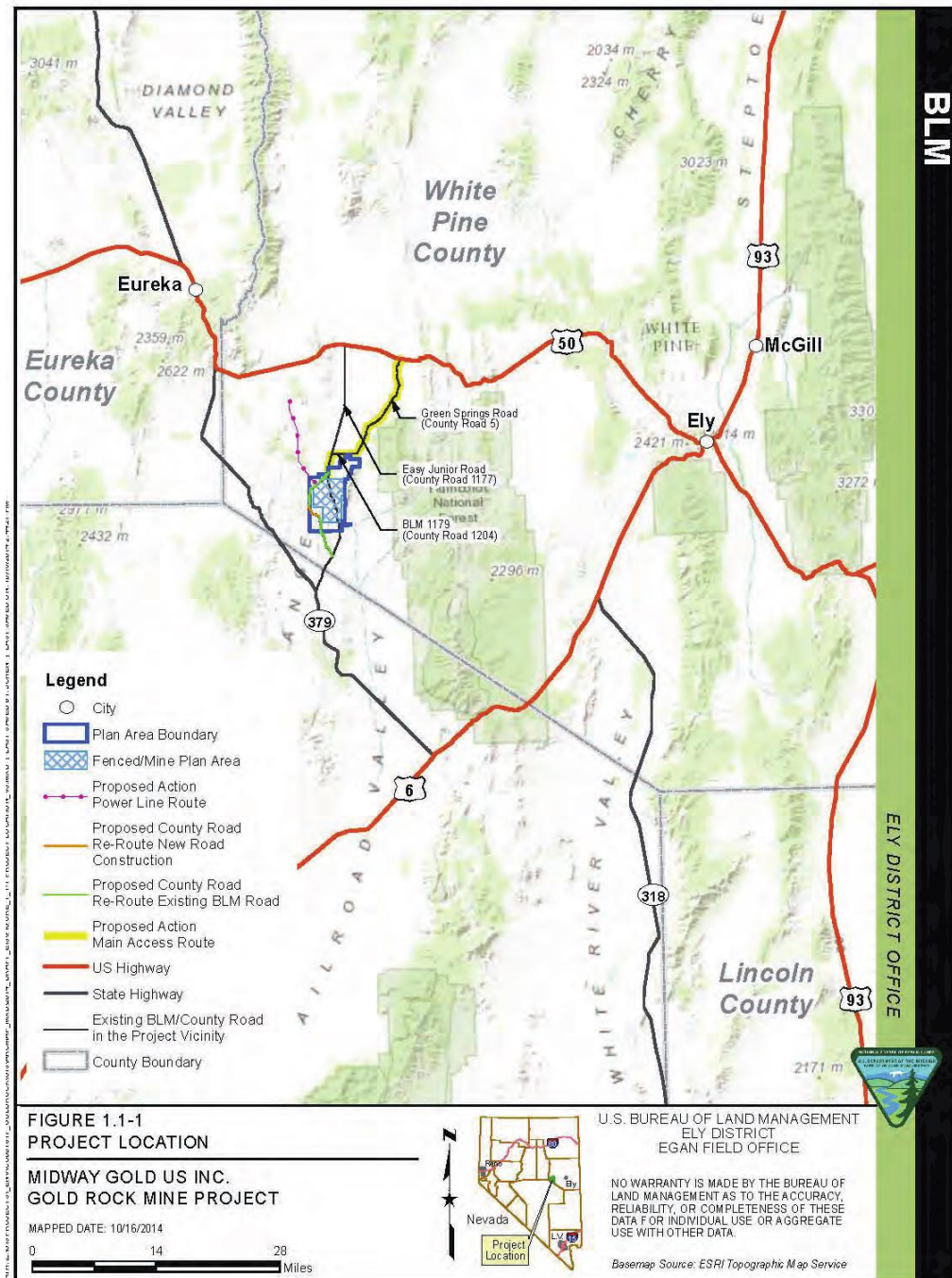
CONSEQUENCES OF PROPOSED RULE

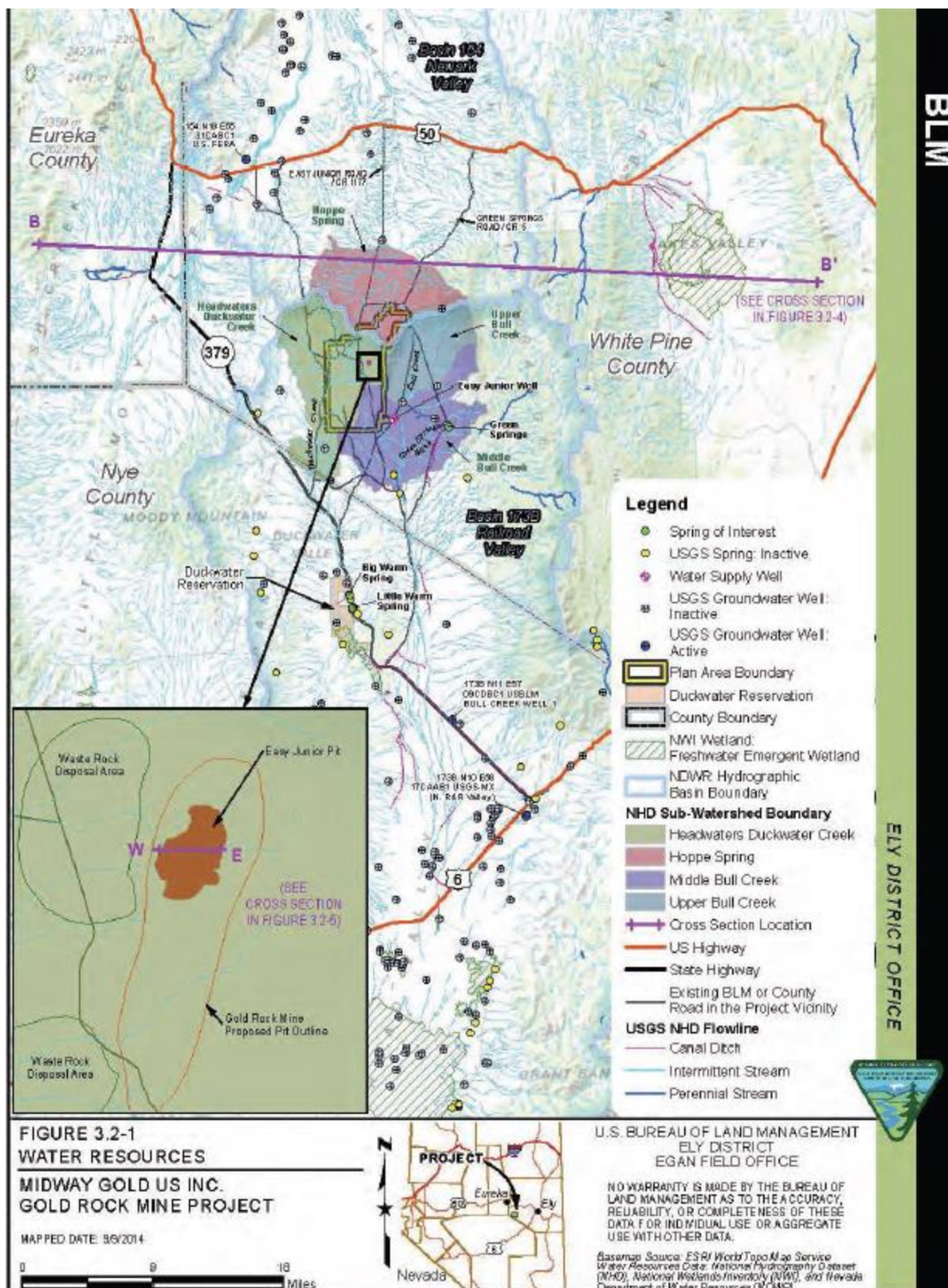
The proposed EIS does not measure the environmental impacts based on the proposed rule. If the final rule defines ephemeral dry washes as jurisdictional, the proposed EIS will not be consistent with current rules. At a minimum, BLM would need to address the water resource impacts and would have to accept additional public comments on the final EIS. In addition, the project applicant must at a minimum expand its permitting and offset these impacts.

¹*Draft Environmental Impact Statement for the Gold Rock Mine Project*, Volume 1, BLM/NV/EL/ES/15-05+1793, February 2015, pg. 3-2.

These additional requirements could delay the project and/or may require modifications to the preferred option.

POTENTIAL JURISDICTIONAL WATERS OCCURRING WITHIN THE PROJECT AREA





WOTUS RULE IMPACT: SODA MOUNTAIN SOLAR PROJECT

SUMMARY

In November 29, 2013, the Bureau of Land Management (BLM) issued a draft Environmental Impact Statement (EIS) as part of the process to allow Soda Mountain Solar to develop a 358-megawatt solar energy project in San Bernardino County, California. Under the preferred alternative (A), the project would be developed in a 4,180 acre area administered by BLM. Therefore, BLM must issue a final Environmental Impact Statement and a record of decision under the National Environment Protection Act (NEPA) before the project can proceed.

ECONOMIC BENEFIT TO CALIFORNIA

In the proposed EIS, BLM estimates that the total annual direct employment compensation for this project is expected to be \$2.9 million, with indirect and induced economic benefits of \$9.7 million. The economic value of the electricity generated would be substantial and in addition to these wages.

WHY THE PROPOSED WOTUS RULE AFFECTS THIS PROJECT

The EIS states that waters of the U.S. do not occur on the project site. For the preferred alternative, it is expected that almost 500 acres of ephemeral dry washes labeled as water of the state would be affected. The EIS environmental impact analysis is not consistent with EPA's proposed definition of waters of the United States in several ways:

Under the proposed WOTUS rule, ephemeral streams connected to jurisdictional waters are waters of the United States. The project will include direct removal, filling, and hydrological interruption of ephemeral channels that connect to the culverts under the highway, a featured deemed jurisdictional in the EIS (see attached). However, the EIS does not propose wetland mitigation offsets for this filling of jurisdictional waters.

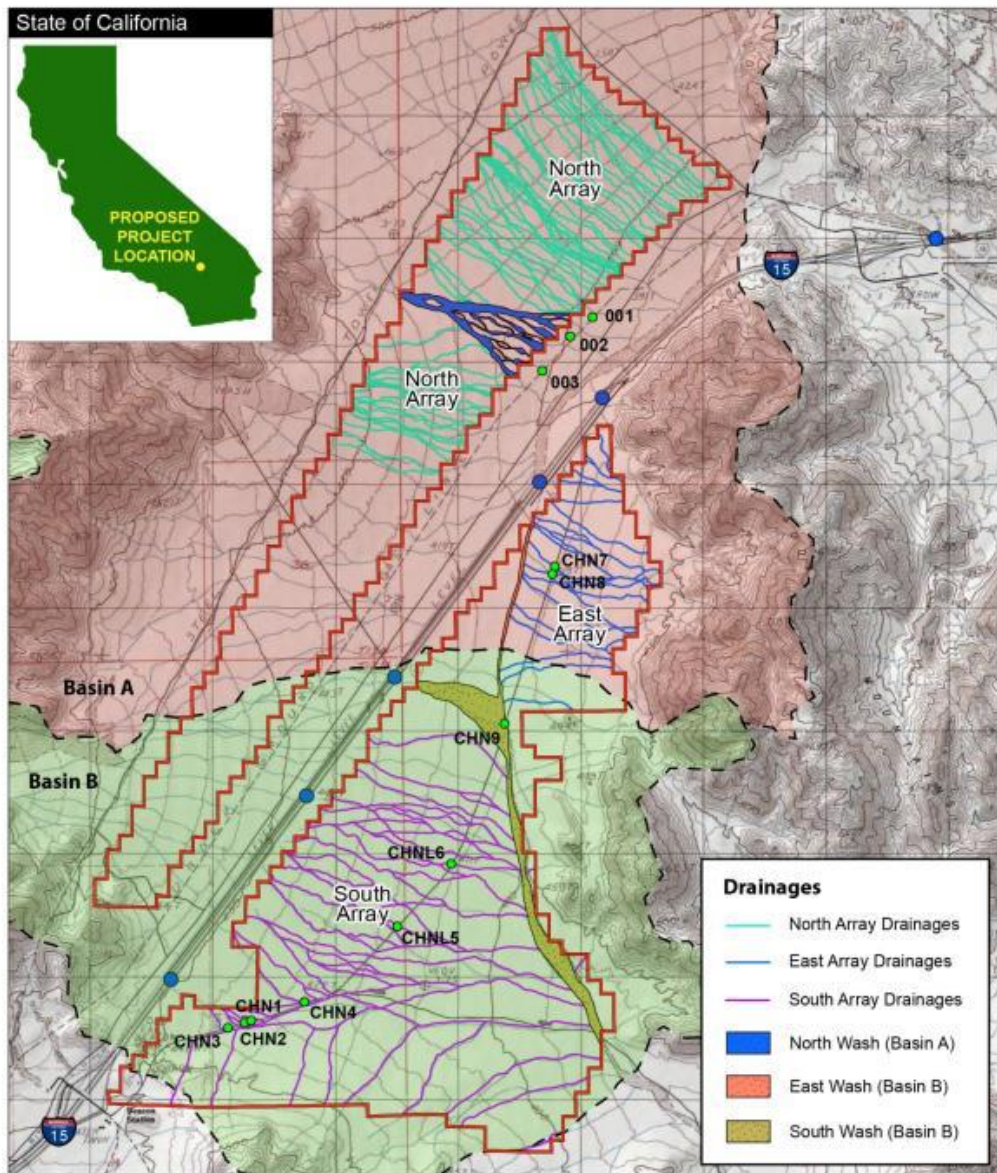
In addition, all jurisdictional waters must meet national water quality standards. The project features complex diking and other constructed systems to route storm water from the solar arrays to created storm water collection systems and the existing dry drainage channels. It is unlikely that this system would comply with the state's water quality standards for these new jurisdictional waters.

CONSEQUENCES OF PROPOSED RULE

The proposed EIS does not measure the environmental impacts based on the proposed rule. If the final rule defines ephemeral dry washes as jurisdictional, the proposed EIS will not be consistent with current rules. At a minimum, BLM would need to address the water resource impacts and would have to accept additional public comments on the final EIS. In addition, the project applicant must at a minimum expand its permitting and offset these impacts. These additional requirements could delay the project and/or may require modifications to the preferred option.

POTENTIAL JURISDICTIONAL WATERS OCCURRING WITHIN THE PROJECT AREA

Figure 3.4-1: Water Features



SOURCE: USGS 2005, National Geographic Society 2011, and Panorama Environmental, Inc. 2013

Scale: 1:50,000

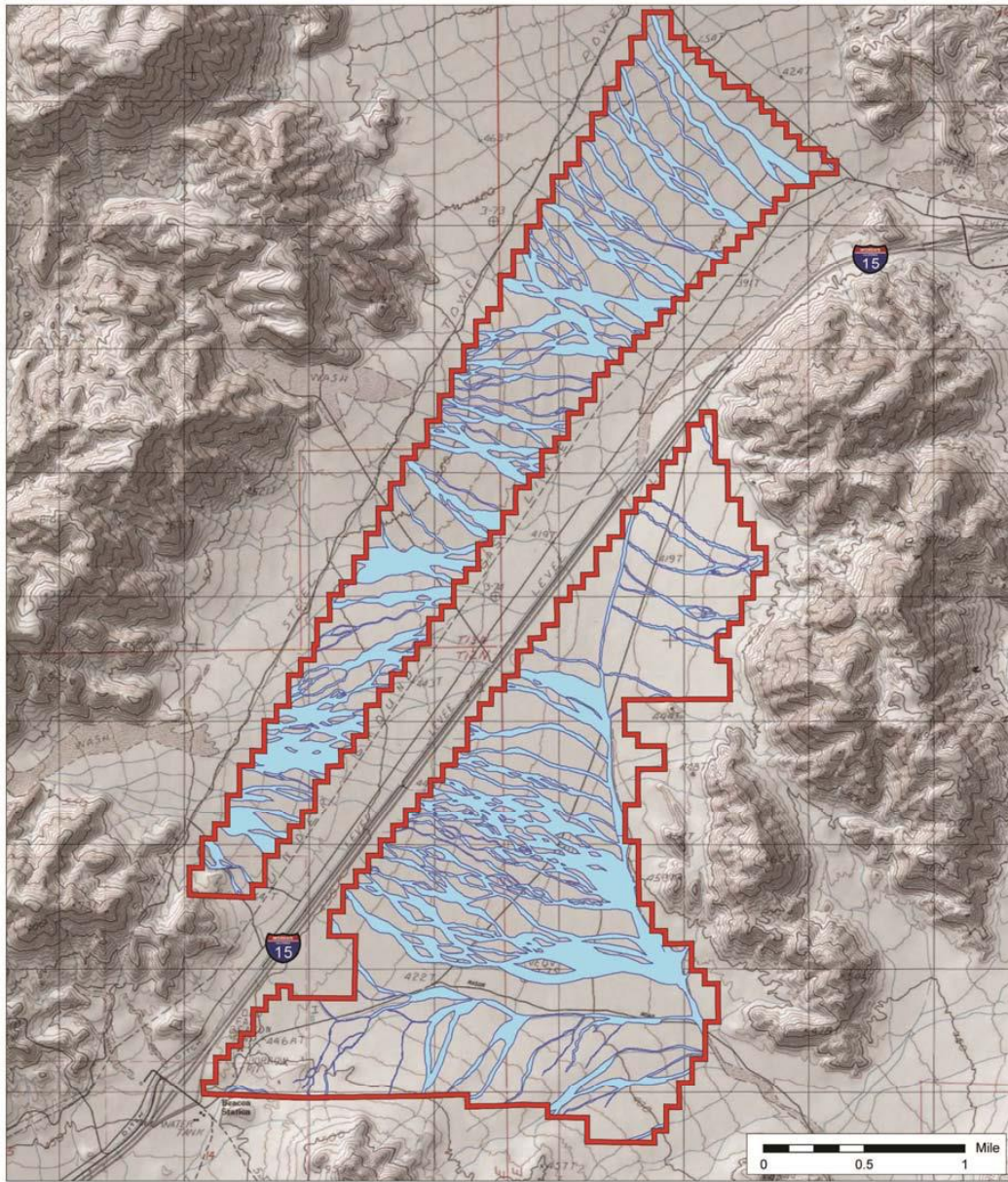
LEGEND

- Proposed Project ROW
- Drainage Basin A
- Drainage Basin B
- Sample GPS Points
- Culvert

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POTENTIAL JURISDICTIONAL WATERS OCCURRING WITHIN THE PROJECT AREA

Figure 3.4-3: Waters of the State (2012)





SOURCE: ESRI 2013 and Panorama Environmental, Inc. 2013

Scale: 1:50,000

LEGEND



-  Proposed Project ROW
-  State Jurisdictional Drainage

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Table 3.4-1: Acreage of Ephemeral Drainages/Washes

Area	Linear Feet of Water Feature*	Average Width of Water Feature (Feet)*	Acres of Water Features
North Array	248,045	29	165
East Array	53,858	16	20
South Array	173,555	21	84
North Wash			47
East Wash			6
South Wash			89
Total 475,458			411

Notes:

* Linear feet and average width is not provided for the washes. These features are polygons. Acreage is calculated for these features using GIS.

Source: Panorama 2013

