
Chapter 8:

Summary of Unresolved Issues

8. SUMMARY OF UNRESOLVED ISSUES

Unresolved issues for the Proposed Action have to do with the steps that must be completed before the Water Lease can be issued, which issues must necessarily be resolved before the "commencement of the action", that is to say, before the BLNR issues any Water Lease.

The Water Lease must accommodate a reservation in favor of the DHHL. The DHHL is formulating the reservation amount that it will ultimately present to CWRM, as discussed in Chapter 2. However, the exact timing for when the DHHL will wish to make use of any reservation or portions thereof is not known at this time. In any event,, the Water Lease will be subject to the DHHL's reservation. Similarly, by law the Water Lease must either contain a covenant requiring the lessee and the DLNR to jointly develop and implement a watershed management plan, or a watershed management plan must be in place at the time of the approval of the Water Lease. The content and parameters of a watershed management plan related to the proposed Water Lease are unresolved at this time, but will be resolved before the BLNR can issue the Water Lease.

Other unresolved issues related to the proposed Water Lease will also be resolved before the Water Lease is issued. The BLNR must set upset rental through appraisal of fair market value, and disposition of the Water Lease must be by public auction, including extensive public notice and bidder qualification requirements. Therefore, at this point the amount of rental payment that will be required under the Water Lease, the identity of the awarded lessee, and the specific terms of the Water Lease, are unknown, and therefore may be considered "unresolved" for the purposes of this DEIS.