

Environmentalists threaten suit over NV water pact

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An environment group said Tuesday that it's preparing to sue two federal agencies, claiming that plans to pump groundwater in southeastern Nevada imperil two protected species.

The Center of Biological Diversity sent a formal notification of its intent to sue to the U.S. Fish and Wildlife Service and the Bureau of Land Management. The nonprofit advocacy group alleges the water agreements violate the Endangered Species Act by jeopardizing the habitats of Moapa dace, an endangered fish, and the threatened desert tortoise.

The group's spokesman, Rob Mrowka, said it hopes the agencies will avoid a lawsuit by agreeing to talks.

At issue is a series of agreements that helped secure water for development, including the massive Coyote Springs community, 50 miles north of Las Vegas. The new desert city is the brainchild of developer Harvey Whittemore. Promoters say it could hold as many as 150,000 new homes.

The agreements include a 2006 plan for groundwater withdrawals affecting the upper Muddy River. Also in dispute are two other plans that divvy up water from the Kane Springs Valley and portions of Lincoln County.

"Taken together, the projects approved through these actions may lead to the extinction of the Moapa dace and destruction of its remaining habitat. ... and will both destroy and adversely modify desert tortoise critical habitat," the letter said.

BLM spokeswoman Kirsten Cannon said the bureau had no immediate comment because it had not received the letter.

Bob Williams, field supervisor at the Fish and Wildlife Service, said the agency had ensured there was "adequate protection" for the Moapa dace and desert tortoise in the agreements.

The Moapa dace spawns in the warm pools that feed the Muddy River and was listed as an endangered species in 1967. Their ranks slipped below 500 last year, according to The Center of Biological Diversity.

The 2006 memorandum and subsequent plans promised additional money for research and monitoring of the effect of test pumping on the fish habitat. If the springs' flow falls below a certain level, pumping could be ceased, Williams said.

The Center of Biological Diversity argued the barometer used to trigger a halt to the pumping isn't based on adequate research. Mrowka said an immediate stop to pumping wouldn't necessarily prevent the endangered fish from being harmed.

"There's a lag period," he said.

Williams said the agency had taken that concern into account.

"It's hard to predict, we don't know," Williams said of how pumping would affect the fish. "But we're putting in a lot more monitoring wells so that we can see it coming as opposed to just knowing when it's there."

The Center of Biological Diversity also argued the agencies did not consider the effect climate change could have on available water. Climate change, decreased precipitation and the proposed groundwater pumping could lead to a drying of the region. That would jeopardize the livelihood of the desert tortoise, as well as the Moapa dace, the group argued.

Williams said climate change "was not on my radar" at the time of the 2006 agreement. He said its effects were taken into account in the Kane Springs Valley and Coyote Springs plans.

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