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A water-and-wilderness bill kicks up dust in Nevada

BY RYAN SLATTERY

LAS VEGAS, Nevada -- Usually, a congressional bill to create 14 new wilderness areas would be applauded and praised by the environmental community. But wilderness is only part of a newly introduced omnibus bill for eastern Nevada's Lincoln County, which would also sell off federal land to feed development, and boost a controversial Las Vegas water scheme.

"It's a terrible bill," says Dennis Ghiglieri, who represents the Toiyabe Chapter of the Sierra Club. "It will destroy rural Nevada."

Speaking before a House Resources subcommittee in June, Sen. Harry Reid, D-Nev., described the Lincoln County Conservation, Recreation and Development Act as "a tough compromise." Along with Reid, the bill is backed by U.S. Reps. Jim Gibbons and Jon Porter, both Nevada Republicans, Rep. Shelley Berkley, D-Nev., and Sen. John Ensign, R-Nev. Modeled on a 2002 wilderness-and-development bill for the Las Vegas area (HCN, 3/3/03: The Wild Card), the bill protects nearly 770,000 acres of wilderness, in Lincoln County; it releases roughly 246,000 acres of land in the county from wilderness study protection; it allows about 100,000 acres of federal land in the county to be auctioned off; and it establishes a half-mile wide corridor through the

county that will be used for a pipeline by both the Lincoln County Water District and Las Vegas¹ Southern Nevada Water Authority.

For Lincoln County, the bill could be a means to financial independence.

The 10,635 square-mile county is 98 percent publicly owned. Selling some of that land to private owners will help the county increase its tax base. The proposed pipeline would allow the Lincoln County Water District and its contractor, Vidler Water Co., to deliver the groundwater the county needs to grow (HCN, 8/4/03: County's hopes rest on a roller-coaster power market).

But 13,000 of the 100,000 acres the bill directs the BLM to sell off,

located near the fast-growing city of Mesquite, have already been at the center of a controversy. The BLM tried to auction off the land in 2002, but environmental groups challenged the sale, saying the agency needed to complete an environmental impact statement (EIS). This March, a U.S. district judge agreed with them < but the new bill would allow the sale to go forward without an EIS.

A much bigger concern for conservationists is the pipeline corridor, which the Southern Nevada Water Authority will be able to use to ship water from Lincoln County and other counties to Las Vegas. In 1989,

Las Vegas first announced an ambitious plan to draw up to 300,000 acre-feet of water < enough for 1.2 million people < from rural counties in Nevada. The water authority has quietly reduced the scope of the plan and kept it on the back burner for 15 years. Now, however, in the fifth year of the drought, Vegas is using its entire share of the Colorado River, and activists fear that the pipeline corridor is a crucial first step in turning the city's water-importation scheme into reality.

Water war

Forty-five organizations and individuals, representing conservation, ranching, business and other groups, have banded together to form the Nevada Ad Hoc Water Network in an effort to fight the Lincoln Lands Act. "We don't think that if a county can't control its own growth, it should be raiding other counties' water to compensate for its inability to do so," Ad Hoc member Tina Nappe wrote in a June 14 letter to Nevada Gov. Kenny Guinn, R. The group claims the legislation (H.R. 4593 and S. 2532) circumvents federal environmental protection laws.

Sen. Reid says the bill "is not intended to provide shortcuts" around those laws, but critics point out that, by designating a pipeline corridor, Congress may make it more difficult

to deny the pipeline itself.

Environmentalists say that an independent study of the entire state's water needs and supply options should be conducted. They fear the impact of groundwater pumping on the wildlife that depends on the region's desert springs, including those in Ash Meadows, the Desert National Wildlife Range, Devil's Hole and Death Valley. It could, they say, harm endangered species, including bighorn sheep, the desert tortoise, and the Pahrump and Devil's Hole pupfish.

"Once you start pumping, you can lose surface water and springs," explains Daniel Patterson, an ecologist with the Center for Biological Diversity. "Once you do, you'll lose habitat, and the wildlife that lives there."

Model for the future?

The bill itself won't actually transfer any water from the county to Las Vegas, so the brunt of the fight will play out before the state engineer, who grants or denies groundwater applications. In April, state engineer Hugh Ricci held hearings on the Southern Nevada Water Authority's groundwater applications for northwestern Clark County and Lincoln County; he is expected to make a decision by the end of this year.

Las Vegas has also applied to pump groundwater in Nye and White Pine counties, where residents and officials are concerned that the proposed pipelines would take water away from them. White Pine County is believed to be home to one of the state's largest groundwater sources, and although the Southern Nevada Water Authority hasn't moved forward with the water-rights application process there, it may soon.

Wilderness groups still stand behind

the bill, but even they have concerns, and hope to refine it when Congress returns this month. "They left out some incredible areas," says Shaaron Netherton, executive director of the Friends of Nevada Wilderness. "Our focus is to make the wilderness portion of the bill better."

Meanwhile, congressional leaders including Reid and Ensign have made it clear that future bills for White Pine and Nye counties will likely be modeled after the Lincoln County bill.

"This is establishing a very dangerous precedent that will be repeated in other areas in Nevada, and could serve as a model in other states for public land sales," says Jeff van Ee, another Ad Hoc member. "It's very troubling."

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