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GREAT BASIN
WATER NETWORK

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August 21, 2019

The Honorable Senator Catherine Cortez Masto
516 Hart Senate Office Building
Washington, DC 20510

RE: Pipeline Provisions (Sections 802(a) and 804) in Clark County Lands Bill

Senator Cortez Masto:

Lands bills in Nevada often come with their own sets of controversies, and the current discussion draft of the *Southern Nevada Conservation and Development Act* is no different. We write regarding the proposed pipeline provisions in the bill, specifically Sections 802 (a) and 804.

The language in Sections 802 (a) and 804 of the draft version dated May 10, 2019 (“discussion draft”), contains dangerous provisions that would allow the Southern Nevada Water Authority to circumvent bedrock environmental laws in order to advance its “Groundwater Development Project” known publicly as the Las Vegas Pipeline, the 300-mile project to drain 58 billion gallons annually from aquifers in Eastern Nevada and Western Utah.

The language in Section 802 (a) appears to be an innocuous provision about electricity transmission. But it would allow a result that is untenable and unconscionable. The discussion draft language would exempt the pipeline EIS from further administrative and judicial review at the federal level.

The pipeline was the subject of a Bureau of Land Management EIS that is referenced in the current draft of the lands bill as N-78803. That EIS was the result of an earlier lands bill, *The Lincoln County Conservation, Recreation, and Development Act of 2004*, which directed the U.S. Department of Interior to grant the Southern Nevada Water Authority a Right of Way in Clark and Lincoln Counties to facilitate the pipeline. The law, however, specified that the project must be subject to the *National Environmental Policy Act (NEPA)*.

A federal judge in 2017 found that the EIS conducted under the aegis of NEPA violated mitigation provisions of the *Clean Water Act* and the *Federal Land Policy and Management Act*,

remanding the EIS back to the BLM and preventing SNWA from receiving the necessary permits to construct the pipeline on our public lands for now. *Center for Biological Diversity v. U.S. Bureau of Land Management*, 2017 U.S. Dist. LEXIS 137089 (D. Nev. 2017).

What that decision tells us is that SNWA and federal land managers cannot figure out how to mitigate a project that would — when fully built — destroy 305 springs, 112 miles of streams, 8,000 acres of wetlands, and 191,000 acres of shrubland habitat on public lands, according to the BLM. In the path of this destruction is Nevada’s first national park, Great Basin, which hosts the state’s only glacier, supports magnificent stands of ancient bristlecone pines, and dazzles visitors with a majestic network of limestone caves.

With Section 802 in the discussion draft, the great irony is that the bill is not a “Clark County” bill. It includes White Pine and Lincoln Counties along with two Western Utah counties. Additionally, the bill affects the Confederated Tribes of the Goshute Reservation, the Ely Shoshone, and the Duckwater Shoshone. According to these entities, Clark County officials have not contacted them to discuss the far-reaching provision that attacks rural communities, indigenous spiritual sites, and the environment.

Section 804 would provide that any public water agency could upon request receive title to federal lands on which water infrastructure owned or managed by the agency is located within Clark County without payment or any administrative or judicial review. This would be a windfall for SNWA, and shifting the title of these lands to SNWA could also undermine needed NEPA and ESA review for the proposed pipeline infrastructure and many other projects.

Bedrock environmental protections must continue to guide large-scale development proposals that have far-reaching effects on water resources and the environment throughout the region. With so many other environmental atrocities occurring nationwide, Nevadans are counting on you to defend our public lands from attack and stop dangerous proposals like Section 802(a) and 804 in the discussion draft.

Sincerely,



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