

# Committee on Resources

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## **Ellen Pillard Sierra Club**

Good morning. I am Ellen Pillard, chair of Sierra Club's Toiyabe Chapter in Nevada. Thank you for the opportunity to present our views on H.R. 4593, the Lincoln County Conservation, Recreation, and Development Act. Your consideration of our testimony is greatly appreciated. I also want to thank members of Nevada's congressional delegation for their attention to these important issues.

I am here today representing the 5,500 members of the Toiyabe Chapter and the 750,000 national Sierra Club members. We are concerned citizens who believe strongly in the conservation of our natural resources. On behalf of those dedicated volunteers, many of whom are long-time community leaders and activists working to safeguard Nevada's environmental well-being, I offer the following comments.

Sierra Club and its Toiyabe Chapter oppose the Lincoln County bill as currently written, and will highlight our concerns below. Before outlining our recommendations, I would like to acknowledge that despite our opposition, common ground exists on several fronts and Sierra Club supports many of the goals encompassed in this legislation.

For example, we agree there is a need to resolve wilderness issues, address problems related to finding additional water supplies for sustainable development of southern Nevada and the states that depend upon the Colorado River, and tackle the difficulties in obtaining additional land for growth and economic opportunities. Similarly, we want to enhance recreational opportunities in ways that encourage tourism to Nevada.

We urge Congress to seek additional citizen input prior to passing this Act. Our understanding is that only two hearings were held in Lincoln County, Nevada prior to this bill's introduction. Sierra Club thanks the House Resources Subcommittee members for today's Congressional hearing to present our views. Still, to ensure that more community members' perspectives on this newly introduced legislation are considered, we ask the Committee and the bill's sponsors to hold additional hearings on Capitol Hill, in Lincoln County, and other affected counties. Concerned citizens should be fully informed of the legislation's content and impact, particularly since H.R. 4593, as drafted, would establish precedents and problems affecting Nevada's environment and public policy throughout the Nation.

### **Maintain a strong National Environmental Policy Act (NEPA)**

First, and foremost, the legislation appears to shortchange long-established administrative and legal procedures. Specifically, the bill would undermine the National Environmental Policy Act (NEPA) of 1969. Enacted into law with strong bi-partisan support, NEPA is a long-standing policy that serves two key functions. One is to provide decision makers with detailed environmental assessment so that they can make informed decisions. The other is to protect the role of public participation, oversight in and understanding of the environmental impacts that development has on communities.

NEPA has withstood the test of time and remains one of the cornerstones of our environmental ethic. Consequently, compliance with NEPA should be explicitly stated in the bill. Under Title I of H.R.4593, two sizable parcels of land (one is 6,335 acres, the other 6,986 acres) would be put up for auction. The sales could occur within 75 days, which would override compliance with NEPA. Sierra Club supports NEPA and a timely completion of the environmental impact statement process; we ask that the override provision be stricken from the bill.

Title III of the bill designates water pipeline right-of-ways and a utility corridor. Sierra Club strongly opposes this language, and in particular feels there should be language that requires NEPA be implemented to ensure environmental impacts of the pipeline be considered.

Similarly, Title IV, which outlines off-highway vehicle trails, should state that agencies shall implement the

NEPA process. This process must include input from the public, wildlife biologists, and others.

Title V of the bill would not only authorize the transfer public lands to the county for recreational purposes, but also the transfer of lands between land management agencies. This provision must include language requiring further public review and discussion in accordance with NEPA.

NEPA's purpose is not to generate paperwork, but rather is intended to help public officials make decisions that are based on an understanding of environmental consequences, and take actions that protect, restore, and enhance the environment. [1] Many of the significant actions in this bill, which affect our public lands, wildlife, the environment, agencies, and the public, would be better supported if adequate studies, public involvement and consideration of the impacts and alternatives preceded those actions.

#### Expand the Study of Water Resources and Conservation

As you know, Nevada is dealing with the effects of a severe drought. Recent actions taken by the Southern Nevada Water Authority (SNWA) to reduce demands for water are commendable. During this historic drought, the demand for water is reduced to the point where Nevada is under its allotment from the Colorado River and water can be banked into the ground for future use. This shows that conservation works, and that even now, actions and planning by the SNWA ensure that southern Nevada will have adequate water for future growth.

Additionally, conservation efforts in southern Nevada would provide us even more time to live within our existing water supplies, allowing time to consider the costs and impacts of the groundwater-from-rural-Nevada option. The SNWA recently established a diverse committee of citizens and elected officials from rural Nevada to consider water options.

Actually, given the region-wide drought, a study of the entire aquifer is needed, and should address issues such as the prolonged drought, rapid growth in the southwest, and predictions of global warming.

Foremost, we commend the bill's provision that authorizes a ground water study in White Pine County. However, Sierra Club asks that the study be expanded to include Lincoln and Nye Counties. We see adoption of this recommendation as a key improvement to the bill.

Hydrological and environmental information is lacking on whether any ground water is available for exportation without harming existing rural water users and the desert environment whose springs support threatened and endangered species as well as rural communities and Indian tribes.

The bill's mandated water pipeline rights-of-way will allow ground water pumping and exportation resulting in adverse impacts to eastern Nevada on Great Basin National Park, Death Valley National Park, the desert, Pahrnagat and Ash Meadow National Wildlife Refuges, and other public lands as well as state parks and wildlife management areas is not in the public interest.

#### Remove Power Line Rights-of-Way Provision

Title VI, of the Lincoln County bill would permit a longstanding power line right-of-way through the area to be moved to permit easier development of the lands. The Club opposes the development of this property when the environmental impacts have not been thoroughly considered. Moving the power line to the western side of Highway 93 will have long-term impacts on Coyote Springs Valley and could lead to expansive development of the area. Consequently, a study that examines how the right-of-way will impact the environment, wildlife habitat, and limited water resources is needed.

#### Revise Public Land Disposal Provision

As noted earlier, Title I authorizes several land disposal sales. In total, nearly 100,000 acres of public land in Lincoln County is earmarked in this bill for disposal.

We do agree that some public land in Lincoln County should be sold, and the proceeds used to support environmental and recreational enhancements in the County. However, the wilderness qualities of the lands identified in the legislation must be studied and publicly discussed before Sierra Club would support such a transfer.

## Designate Additional Wilderness Areas

Finally, the Club wishes to commend what is one of the most promising area of the bill – Title II - authorizes the designation of additional wilderness acres in Nevada, including nearly 770,000 acres of wilderness. These are places that Sierra Club activists have advocated for protection within the "Big Four" - the Mormon, Meadow Valley, Delamar and Clover mountain ranges. Wilderness protection remains a major focus of the environmental community. The Club joins with other groups in supporting the efforts of the delegation and Congress in making progress with this issue. This provision is a good, first step.

We also support the bill's designation of two additional citizen-proposed wilderness areas: Big Rocks and Mt. Irish Wilderness. These areas were not included in the original BLM review of Lincoln County lands that qualify for wilderness.

Unfortunately, critical wilderness areas have been left out of the bill. Such areas include the archeologically significant "shooting gallery" and other areas in the Pahrnagat and Desert National Wildlife Ranges. Moreover, the legislation releases more than 245,000 acres from wilderness consideration. We encourage modifications to the bill that would continue to protect these lands' wilderness quality. They are as valuable and important as lands currently protected by wilderness law.

In addition, some management considerations are troubling, including too many cherry stems. Cherry stems fragment wildlife habitat, spread invasive species, and contribute to other management problems. Also, the areas and boundaries drawn on the map challenge us to question whether critical environmental and wilderness interests will indeed be protected in the face of rapid growth predicted for Nevada.

## Move Forward Together

Since the bill was just introduced in late June of this year, the legislative language and details in this comprehensive bill were known only to a few. As more people consider the legislation there will be more comments. To promote citizen input, we close by referring back to our request for additional venues, such as field hearings in Nevada.

Thank you for consideration of our comments. As noted before, Sierra Club remains committed to working with the Nevada delegation and other members of Congress. Through our collective efforts, we hope to resolve the many and varied public lands issues in Nevada.

[1] 40 CFR, § 1500.1 Purpose (c)