

1 **NYE COUNTY RESOLUTION NO. 2019-36**

2 A RESOLUTION OPPOSING SECTIONS 702 AND 703 IN THE SEPTEMBER 4TH DRAFT OF  
3 THE SOUTHERN NEVADA ECONOMIC DEVELOPMENT AND CONSERVATION ACT

4 WHEREAS, *The Southern Nevada Economic Development and Conservation Act (SNEDCA)* is  
5 a threat to the public interest — jeopardizing senior water rights holders, agriculture producers,  
6 economic development, tourism, and wildlife in Nye County; and

7 WHEREAS, the draft proposal dated September 4 includes provisions that would advance the  
8 interests of the Southern Nevada Water Authority's (SNWA) "Groundwater Development Project,"  
9 which includes the Las Vegas Pipeline and an effort to pump billions of gallons of water out of Eastern  
10 and Central Nevada annually; and

11 WHEREAS, The SNWA maintains at least 20 applications for more than 106,000 afa in basins  
12 173A and 173B in Railroad Valley that were filed in 1989 as part of the Groundwater Development  
13 Project. Nye County has opposed those applications for three decades and maintains the position that  
14 SNWA's effort to advance its federal Right of Way for the pipeline will harm Nye County's water  
15 resources; and

16 WHEREAS, specifically, we see the Groundwater Development Project as a threat to our oil and  
17 gas industry, lithium industry, agriculture, and resources like Key Pittman, Sunnyside, Kirch, and  
18 Railroad Valley Wildlife Management Areas that are frequented by outdoor recreationists; and

19 WHEREAS, Nye County does not want to halt economic development or conservation efforts in  
20 Clark County. But Nye County expects the same in return. Sections 702 and 703 pose great dangers for  
21 Nye County's future by advancing the interests of the SNWA's Groundwater Development Project. For  
22 the following reasons we must oppose the bill:

23 1. Section 702 and N-78803:

24 • SNWA does not have a "previously granted Right of Way." Judge Andrew Gordon for  
25 the United States District Court for the District of Nevada found the ROW application,

1 N-78803, to be in violation of the National Environmental Policy Act. The Lincoln  
2 County Conservation Recreation and Development Act of 2004 required that N-78803  
3 abide by the National Environmental Policy Act.

- 4 • N-78803 is in violation of the Clean Water Act
- 5 • N-78803 is in violation of the Federal Lands Policy and Management Act.
- 6 • Judge Gordon required the BLM to fix the deficiencies in N-78803. The agency has yet  
7 to do so.
- 8 • N-78803's purpose — giving the SNWA a Right of Way for the Groundwater  
9 Development Project — will enable the project to advance to its Second Phase, which  
10 includes the applications in Railroad Valley. By removing the project from administrative  
11 and judicial review, Nye County will lose its ability to fight components of the  
12 Groundwater Development Project.

13 2. Section 703 and Land Transfers:

- 14 • Without question, the section would advance the Groundwater Development Project's  
15 sections in Clark County — which would ultimately pose grave threats to the long-term  
16 interests of Nye County.
- 17 • The section removes transfers of public lands from further administrative or judicial  
18 review, eliminating the protections of laws that have stalled the development of SNWA's  
19 pumping and piping proposal.
- 20 • The section's prospective and broad language is not consistent with past lands bills like  
21 the *Lincoln County Conservation, Recreation, and Development Act of 2004* or policies  
22 outlined in the *Southern Nevada Public Land Management Act*.

23 NOW THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Nye  
24 County, State of Nevada oppose Sections 702 and 703 in the September 4 Draft of *Southern Nevada*  
25 *Economic Development and Conservation Act*. We will maintain opposition to any future provisions

1 by which we deem beneficial to the SNWA's Groundwater Development Project.

2 APPROVED this 5<sup>th</sup> day of November, 2019

3 NYE COUNTY  
4 BOARD OF COUNTY COMMISSIONERS:

5   
6 John Koenig, Chairman

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
ATTEST:

6   
7 Sandra B. Merlino, Nye County Clerk  
8 And Ex-Officio Clerk of the Board