



Senator Catherine Cortez-Masto
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Washington, D.C. 20510

Congressman Steven Horsford
562 Cannon HOB
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Senator Jacky Rosen
713 Hart Senate Office Building
Washington, D.C. 20002

Congresswoman Susie Lee
522 Cannon HOB
Washington, D.C. 20515

Congresswoman Dina Titus
2464 Rayburn HOB
Washington, D.C. 20515

Congressman Mark Amodei
104 Cannon HOB
Washington, D.C. 20515

Dear Nevada Congressional Delegation:

On behalf of Sierra Club's more than 4 million members and supporters nationwide including in excess of 40,000 in Nevada; and 13,000 in Clark County, we write in response to the Southern Nevada Economic Development and Conservation Act (SNEDCA) that was introduced on Wednesday, March 3, 2021 in both the U.S. Senate and House of Representatives. Sierra Club learned about this version of the bill after it was introduced. We are pleased to see improvements that have been made after the discussion draft from last year, and we hope we can continue to work with the delegation. Given our concerns about sprawl, climate, water, and equity, Sierra Club cannot support the Southern Nevada Economic Development and Conservation Act as written. We would be willing to support the bill if significant changes are made. This letter outlines our concerns and requested changes.

Sierra Club supports land conservation and climate change mitigation. We support the return of more than 40,000 acres to the Moapa Band of Paiutes Tribe — with equitable water that recognizes the Tribe's ancestral rights, we support the addition of 52,333 acres to Red Rock Canyon National Conservation Area, and we support the permanent protection as Wilderness of the proposed areas within Desert National Wildlife Refuge, Gold Butte National Monument, and the additional acreage of proposed wilderness surrounding the Muddy Mountains and on Mount Stirling. Although it is not included in this legislation, we also support the proposed Avi Kwa Ame National Monument. Thank you for proposing these important conservation measures that add or strengthen the protections of public lands in Southern Nevada.

At the same time, we have several concerns with the legislation that are addressed in this letter in detail: sprawl, climate change, water use, environmental justice and air pollution, affordable housing, off-highway vehicle impacts, and the lack of a public process surrounding the formulation of this bill. Sierra Club shares the delegation's disappointment with the termination

of the Bureau of Land Management's (BLM) Resource Management Plan update and believes that several of the problems this bill seeks to tackle would be better resolved through the BLM's planning process because of the National Environmental Policy Act (NEPA) analysis, transparent public meetings, and flexibility that those plans contain relative to legislation. Will this bill be changed so that each of these concerns are adequately addressed?

Suburban Sprawl

Sierra Club disagrees with the sentiment that "some future growth is necessary into the Ivanpah Valley to ensure non-residential land supply for industrial/light manufacturing."¹ This is additionally concerning when considering the City of Henderson and the Clark County Department of Aviation's long standing plans, according to Clark County Lobbyist Marcus Faust, to eventually move the disposal boundary through the Ivanpah Valley all of the way to Primm.

The justification for this sprawling development to Jean comes from a 2019 population projection of Nevada's growth, but the study provides no evidence to support the claim that "Increases in population translate directly into increased land demand for non-residential and residential uses to support such an increase in population."² Any discussion of an increase in population needs to answer growing national concerns and questions about tackling climate change, sprawl, water use, air pollution, habitat protection, etc. How can a complete discussion of an increase in population not include these issues? The history of sprawl in Southern Nevada is a pattern of development that helped create these problems. Accommodating future population growth demands we find ways to reduce these impacts, not perpetuate them.

Clark County is currently undergoing a process called Transform Clark County that will update the County's master plan (including new zoning) for the first time since 1983.³ This plan combined with the "All-In" sustainability planning process will drive changes in the development code within Clark County that will call for sustainability with a focus on transportation corridors for walking, biking, buses, and increased density.⁴ The Transform Clark County and All-In Clark County planning processes are not slated to be complete until 2022. Neither of these were underway when the Clark County Commission passed the 2018 resolution asking the delegation for these additional acres of sprawl. We believe it would be appropriate and prudent to wait until those processes are complete to evaluate the real potential for accommodating population growth within the current SNPLMA boundary. We need policies to improve climate, public health and environmental justice outcomes, not make them worse.

¹ Updated Section-by-Section & Analysis, page 2.

² Ibid, page 5 with the study referenced accessed at <https://files.clarkcountynv.gov/clarknv/Planning/Demographics/2019%20CBER%20Population%20Forecasts.pdf>

³ <https://www.transformclarkcounty.com/master-plan-timeline>

⁴ https://files.clarkcountynv.gov/clarknv/Environmental%20Sustainability/Sustainability/Sustainability%20and%20Climate%20Action%20Plan_FINAL.pdf

Sierra Club is opposed to sprawl because it increases traffic, pollutes our air and water, increases carbon emissions, destroys open space (including desert plants that absorb large amounts of carbon), wastes tax money, and overcrowds our schools.⁵ Sprawl also increases car dependency because of the ever-expanding distances between home, job opportunities, and other parts of our community. These impacts have been witnessed in past decades of sprawl in Southern Nevada and will be further felt when this additional land becomes available. The areas proposed for development also include habitat for the federally threatened Desert Tortoise and other sensitive species. Despite the wilderness and other conservation designations proposed elsewhere in the bill, SNEDCA will mean a net loss of wildlife, habitat, and other important ecological services natural landscapes provide.

One of the main reasons people come to Clark County is for the amount of open spaces as well as access to public lands (hiking and backpacking; wildlife viewing; dark skies; snow sledding, skiing, and other winter sports; nature photography; bicycling; weekend getaways; and more). Sprawl impacts the ease with which people will be able to access open spaces and outdoor recreation opportunities.

Climate Change

Senator Cortez Masto's press release⁶ hails this legislation as addressing climate change. While the wilderness and other proposed conservation designations in this bill are necessary and appreciated, they would not offset the loss of carbon-sequestration from lands lost through disposal and the additional carbon emissions that will come from the sprawl and associated vehicle travel this bill would increase. Additional carbon pollution would also come from a proposed logistics and commercial shipping facility and the planned Ivanpah airport.⁷ The development of this facility would remove desert plants that extract carbon dioxide from the air and that have deep roots that hold the soil and sequester carbon deep below ground. Researchers "also estimate that deserts already account for 15 to 28 percent of the current land-based uptake of carbon emissions today."⁸ Another report says, "If the Mojave readings represent an average CO₂ uptake, then deserts and semiarid regions may be absorbing up to 5.2 billion tons of carbon a year—roughly half the amount emitted globally by burning fossil fuels, says John 'Jay' Arnone, an ecologist in Desert Research Institute's Reno lab and a co-author of the Mojave paper."⁹ This bill would result in a net increase of carbon emissions and the intensification of Las Vegas' urban heat, increased air pollution, and other impacts, some of which are discussed

⁵<https://vault.sierraclub.org/sprawl/factsheet.asp#:~:text=Smart%20growth%20provides%20a%20range,open%20space%20will%20be%20protected>.

⁶<https://www.cortezmasto.senate.gov/news/press-releases/cortez-masto-introduces-southern-nevada-economic-development-and-conservation-act>

⁷ <https://knpr.org/knpr/2021-03/sen-cortez-masto-unveils-clark-county-lands-bill>

⁸ <https://www.biologicaldiversity.org/news/center/articles/science-07-13-2008.html>

⁹https://www.huffpost.com/entry/states-local-officials-30-2030-conservation-biden-administration_n_600f41c0c5b634dc373790be

elsewhere in this letter. Nothing in this bill would result in decreased carbon emissions over current levels. Is it not important to protect our natural methods of carbon-sequestration? Is it not important for all congressional legislation under the Biden administration to be developed in a context of mitigating carbon emissions and improving environmental justice? Unfortunately, as written SNEDCA would only worsen the climate impacts currently being felt in the region.

We recommend evaluating the carbon emissions this bill would create using metrics and indicators presented by the Nevada Climate Strategy¹⁰, Senate Bill 254 (2019)¹¹, and the State of Nevada Governor’s Office of Energy 2020 Status of Energy Report¹².

Although Section 208 of the bill directs SNPLMA funds to climate projects, how will the success of these projects be measured? Will they create a measurable net decrease in emissions or impacts such as urban heat or increased air pollution? If not, they cannot claim to be climate mitigation. An appropriate way to resolve these questions would be through a climate audit of the bill to determine potential impacts.

In approaching any bill in which federal public lands are involved, our legislators should be mindful of the majority party’s clear objective to mitigate climate change. Indeed, the US House Select Committee on the Climate Crisis produced a sweeping majority report in 2020 that states: “...Federal offices that calculate benefits and costs of proposed policies, including the Congressional Budget Office (CBO) for legislative action and the Office of Management and Budget (OMB) for executive action and rulemaking, need to establish benefit-cost methodologies that fully account for climate change...”¹³ That report also speaks to urban sprawl with: “The condition of nature in America, however, is rapidly declining as the country loses large swaths of natural areas to roads, suburban sprawl, energy development, and other human activities. Moreover, the mismanagement of America’s public lands and waters currently makes them a part of the climate change problem.”¹⁴ The bill introduced in Congress by our delegation does not seem to have taken these matters into account. A more pertinent constraint may be the Executive Order 14008 by President Biden, signed January 27, 2021, in which (Sec. 203) a *National Climate Task Force* is created with this purpose: “The Task Force shall facilitate the organization and deployment of a Government-wide approach to combat the climate crisis.”¹⁵ The President has articulated an all-in approach to mitigating climate change in describing his EO to the press. It remains for our legislators to join the task. A climate audit, as suggested

¹⁰<https://climateaction.nv.gov/our-strategy/#:~:text=NEVADA'S%20CLIMATE%20STRATEGY,clean%20energy%20and%20technology%20revolution.>

¹¹ <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6431/Overview>

¹²<https://energy.nv.gov/uploadedFiles/energynvgov/content/Media/2020%20Status%20of%20Energy%20Report.pdf>

¹³<https://climatecrisis.house.gov/sites/climatecrisis.house.gov/files/Climate%20Crisis%20Action%20Plan.pdf> page 530

¹⁴ *Ibid*, p. 428

¹⁵ <https://www.govinfo.gov/content/pkg/FR-2021-02-01/pdf/2021-02177.pdf>

above, needs to be applied in changes to this bill; and that audit needs to examine environmental justice issues, also mentioned in Biden's EO 14008.

Risk to Water Resources

The majority of Southern Nevada's water is used outdoors, even after the Southern Nevada Water Authority (SNWA) has spent several hundred million dollars to assist residents and businesses to transition to water-smart landscaping.¹⁶ Nonetheless, additional sprawl (even with aggressive watering restrictions) will cause additional water loss due to the landscaping needs of sprawling development.

We are experiencing a 21-year drought driven by climate change, and there is a high likelihood that Lake Mead levels will drop below 1,075 feet before the end of the summer 2021, triggering more cuts under the Drought Contingency Plan passed by Congress in 2019.¹⁷¹⁸ Additionally, the United State Bureau of Reclamation¹⁹ forecasts it is more likely than not that Lake Mead's levels will continue to drop throughout the 50-year planning horizon. We share the views of SNWA that climate change will drive additional demand within the Las Vegas Valley, and thus it is prudent to plan beyond the extremely dry modeling scenarios in SNWA's Water Resource Plan. SNWA's scenarios in the Water Resource Plan are based upon a relatively dry period from 1953 to 1977 where natural flows at Lee's Ferry averaged 12.9 million acre feet annually. SNWA used that data to average a 50-year period for its planning purposes. Between 2000 and 2018, natural flows at Lee's Ferry averaged 12.4 million acre feet — and it is reasonable to believe that in upcoming years natural flows will be considerably less than what we have seen in recent years due to increased warming. Our point: SNWA's planning shows that we will likely need a new, additional water supply (Other Future Resources) by 2056. Considering the data used to make those claims and the continual decline in Colorado River flows, there is reason to believe that we will need to find a new water supply sooner than 2056. Where will we get that water? What will it cost? These are just a few of the questions we are asking as it relates to Section 204(b) in the legislation and beyond. Additionally, Colorado River water users are also working on developing a new management regime that must be in place by December 31, 2025. Because of that we do not know what the future holds. Some of what we assume to be true now about management, storage, and curtailment could be different beyond 2026.

Clark County's website has an FAQ page that discusses water loss from sprawl by saying "SNWA has implemented proactive strategies for water supplies used outside the Las Vegas valley, mandating water recycling policies through direct and/or indirect reuse, as well as aquifer

¹⁶ <https://www.snwa.com/importance-of-conservation/restricting-outdoor-water-use/index.html>

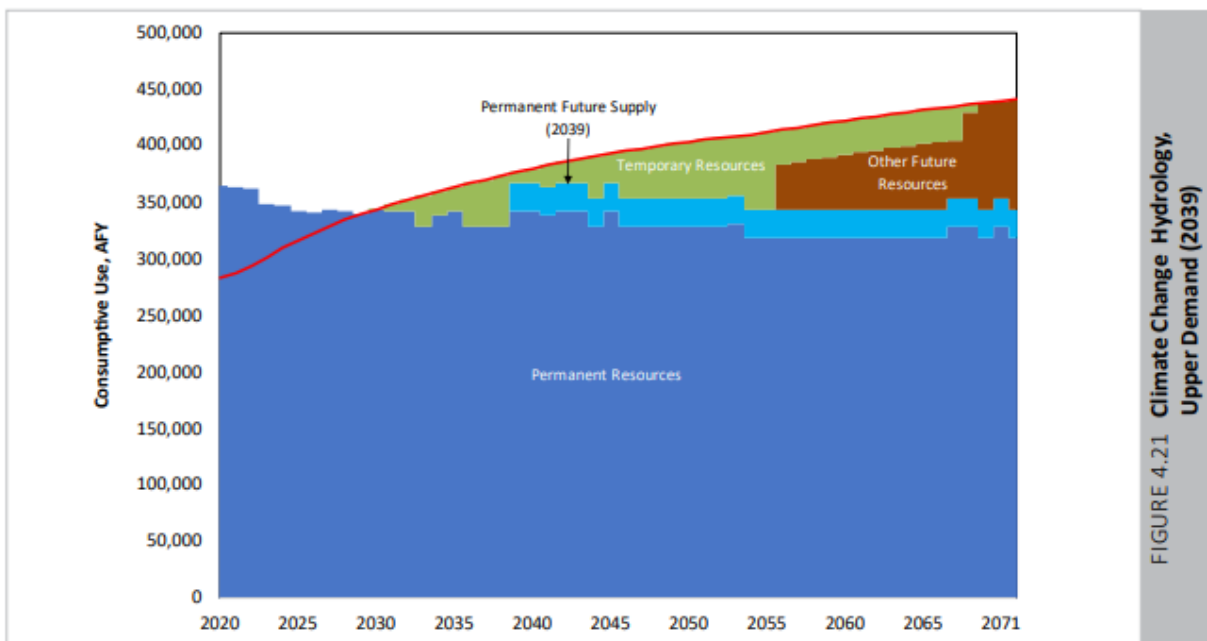
¹⁷ https://www.usbr.gov/uc/water/crsp/studies/24Month_02.pdf

¹⁸ <https://apnews.com/article/arizona-colorado-lakes-water-shortages-colorado-river-09302e61c5e0ef051f50459f3dcb771f>

¹⁹ <https://lasvegassun.com/news/2020/sep/15/water-shortages-us-west-likelier-previously-though/#:~:text=Stress%20test%20models%20suggest%20a,by%2050%20feet%20by%202026>.

storage and recovery.”²⁰ Is there a projection of how much additional water loss (meaning water that is not recaptured and sent into Lake Mead) would be caused annually from the sprawl made possible in this bill?

This bill has areas on the map slated for sprawl around the Spring Mountains National Recreation Area that are already facing water shortages. Kyle Canyon is in the “Concerned” status and Las Vegas Valley Water District expects the water level to become “Critical” or worse by the summer of 2021.²¹ In the Spring Mountain National Recreation Area, it takes one to two years for rain or snow to reach the water table. Is the proposed sprawl northbound on US-95 going to take water from the strained Kyle Canyon watershed, or from Lake Mead?



Source: Southern Nevada Water Authority Water Management Plan, page 51, Figure 4.21

We write this because our state is no stranger to acrimonious water battles. SNWA recently deferred its dangerous Groundwater Development Project -- putting forward a bold vision that focused on conservation and Colorado River collaboration. We are concerned that the legislation as introduced will undermine SNWA’s innovative focus and could potentially lead to the reintroduction of inequitable groundwater importation projects that jeopardize the environment, rural communities, Tribal governments and ratepayers in Southern Nevada.

Environmental Justice and Air Quality

²⁰<https://files.clarkcountynv.gov/clarknv/Environmental%20Sustainability/SNEDCA/Lands%20Bill%20FAQ.PDF?t=1614706350275&t=1614706350275>

²¹ <https://www.lvwd.com/service-areas/kyle-canyon/index.html>

The Las Vegas Valley already has some of the worst air quality of any metropolitan area in the United States.²² Sprawl increases air pollution²³, and those impacts are most acutely felt in the urban core of Las Vegas. Air pollution is especially dangerous to people who suffer from asthma, which is estimated to be more than 8% of the students enrolled in the Clark County School District. Rates of asthma in Clark County are highest among the Black and Latinx population, who are disproportionately impacted by air pollution.²⁴ The sprawl created by this bill would only make this worse and focus these impacts on these hardest-hit members of our community. There are areas slated for disposal in this bill that currently have no roads, so roads and highways will need to be built. According to the EPA, CO₂ emissions from one gallon of gasoline is 8,887 gram CO₂/gallon and one gallon of diesel is 10,180 grams CO₂/gallon.²⁵ Each ton of cement produces 2,044 lbs of CO₂.²⁶ There are ways to estimate and calculate the overall increases in greenhouse gas emissions from this development. Will an estimate of those emissions and their impact on air quality in the Las Vegas Valley be provided?

Living in Southern Nevada is already challenging for people who do not have access to private vehicles. The Regional Transportation Commission of Southern Nevada (RTC) currently does not provide bus service to several residential and commercial areas within the Las Vegas Valley.²⁷ Sierra Club supports additional light rail and/or bus rapid-transit services within Clark County that allow for increased density, decreased air pollution, fewer vehicles traveling, with access to transportation for people who do not have vehicles. Affordable housing developments within the Las Vegas Valley should have dependable access to public transportation services. The bill does not create a dedicated funding stream for transit, and additional revenue created by this legislation would need to pay for transit access into the sprawling areas, instead of strengthening the existing system. This is on top of the challenge and expenditure involved in electrifying RTC's existing bus fleet, not to mention the fleet of CCSD school buses that are also emitting harmful pollutants that are endured by the children in our community.²⁸

²²<https://www.lung.org/media/press-releases/state-of-the-air-nevada#:~:text=The%20American%20Lung%20Association's%202020,ever%20ranking%20for%20particle%20pollution.>

²³ Frumkin H, Frank L, Jackson R. *Urban Sprawl and Public Health*. Washington, DC: Island Press; 2004 | Jackson R, Kochtitzky C. *Creating a healthy environment: the impact of the built environment on public health*. Atlanta, GA: Centers for Disease Control and Prevention; 2009. Available at: <http://www.cdc.gov/healthyplaces/articles/Creating%20A%20Healthy%20Environment.pdf>.

²⁴ <https://digitalscholarship.unlv.edu/thesesdissertations/3807/>

²⁵<https://nepis.epa.gov/Exe/ZyNET.exe/P100JPPH.TXT?ZyActionD=ZyDocument&Client=EPA&Index=2011+Thru+2015&Docs=&Query=&Time=&EndTime=&SearchMethod=1&TocRestrict=n&Toc=&TocEntry=&QField=&QFieldYear=&QFieldMonth=&QFieldDay=&IntQFieldOp=0&ExtQFieldOp=0&XmlQuery=&File=D%3A%5Czyfiles%5CIndex%20Data%5C11thru15%5Ctxt%5C00000011%5CP100JPPH.txt&User=ANON YMOUS&Password=anonymous&SortMethod=h%7C-&MaximumDocuments=1&FuzzyDegree=0&ImageQuality=r75g8/r75g8/x150y150g16/i425&Display=hpfr&DefSeekPage=x&SearchBack=ZyActionL&Back=ZyActionS&BackDesc=Results%20page&MaximumPages=1&ZyEntry=1&SeekPage=x&ZyPURL>

²⁶ https://www.greenconcrete.info/downloads/11_ConcreteCO2.pdf

²⁷ <https://rtcws.rtcnv.com/routepdf/systemmap.pdf>

²⁸ <https://cleanride4kids.org/>

Clark County participated in a report from the Southern Nevada Regional Planning Coalition titled “Clark County Regional Emissions Inventory” in 2014²⁹ that shows consistent increases in transportation sector pollution. The Nevada Department of Environmental Protection released similar findings in 2020 that show transportation emissions will continue to increase and outpace gains made by transitioning to renewable energy — even with additional electric vehicles.³⁰

There is also a strong link between transit, walkability, health, and upward economic mobility. The history of sprawl development in Southern Nevada has left Las Vegas, North Las Vegas, and Henderson ranked poorly in a 2021 study of best cities to live without a car.³¹ Walkable communities are healthier both physically and mentally.³² Walkability is also related to upward economic mobility, meaning that building denser and more pedestrian friendly communities allow for people — especially youth living in poverty — to ascend the economic ladder with fewer obstacles.³³ Our community’s dependency on cars is also dangerous for pedestrians as Southern Nevada consistently experiences tragic death and injury to cyclists and pedestrians.

These findings about sprawl, its associated air quality impacts, and suggestions for the alternative development of better public transit systems were all conclusions made through the multi-jurisdictional Southern Nevada Strong planning process.³⁴ Sierra Club is committed to exploring the linkages between environmental quality and social justice. The proposed sprawl in this legislation would produce harmful emissions that disproportionately impact disadvantaged communities, and not create a more walkable, transit friendly community that would nurture the upward economic mobility of people without vehicles. We ask our federal delegation to propose legislation that reverses these trends, not legislation that makes it worse.

Affordable Housing

Senator Cortez-Masto’s press release announcing this legislation mentions affordable housing thirteen times, but the legislation does not contain any mechanism that guarantees the construction or preservation of affordable housing units. We understand the language in Section 204(c) is to remove a barrier currently keeping the Bureau of Land Management from approving leases for affordable housing in a timely manner. We support this provision as it could open up more opportunities for Clark County to approve affordable housing projects if applied within the current SNPLMA disposal boundary in areas with adequate transit access. It is clear that the solutions to Southern Nevada’s affordable housing crisis need to come from a mixture of policy changes at the local, state, and federal level.

²⁹ <https://files.lasvegasnevada.gov/planning/2017-01-23-PD-Regional-Emissions.pdf>

³⁰ https://ndep.nv.gov/uploads/air-pollutants-docs/ghg_report_2020.pdf

³¹ <https://www.lawnstarter.com/blog/studies/best-cities-for-living-without-a-car/>

³² <https://www.cdc.gov/nccdphp/dnpao/features/walk-friendly-communities/index.html>

³³ <https://pubmed.ncbi.nlm.nih.gov/30556702/>

³⁴ <http://sns.rtcsnv.com/chapter-four-pt-2/>

There is no evidence that additional sprawl preserves or creates affordable housing in the Las Vegas Valley — more houses does not necessarily lead to more affordable housing. Rather, affordable housing without adequate public transit is a barrier keeping residents in need from moving into these possible new affordable housing units. Clark County’s “Regional Analysis of Impediments to Fair Housing 2020” states “there are nearly 10,000 families currently on the public housing waiting list in Clark County. The vast majority of these (89%) are extremely low-income and the majority (53.4%) are families with children. Over 63% of the families on the waiting list are Black, the largest racial or ethnic group by far.”³⁵ We recognize this as an affordable housing crisis and one that must be solved in tandem with access to public transit.

The report lists several barriers to providing affordable housing that are not addressed in this legislation. While all of them are important to address when looking at ensuring affordable housing is readily available, Impediment #4 connects affordable housing to transportation accessibility. Impediment #4 is “Lack of access to transportation options reduces housing and economic opportunities.” The report explains several reasons for this that are related to sprawl:

- Areas of the city that are outside major corridors struggle with access to public transportation;
- Lack of access impedes residents’ ability to efficiently get to job centers, educational opportunities, and services for basic needs such as health care and grocery stores; and
- People with disabilities and the elderly have greater challenges accessing transportation.”³⁶

Sierra Club holds core to its tenets the ideals of Equity, Justice, and Inclusion; and therefore greatly appreciates Senator Cortez Masto for “introducing the Housing Fairness Act to fully fund nationwide fair housing efforts and the Home Loan Quality Transparency Act to reinstate federal housing protections to ensure lenders are held accountable for discriminatory lending practices.”³⁷ This measure would make important data public, but further action will be needed to prevent discriminatory lending practices in Nevada that have long burdened communities of color and low-income communities. However, the Southern Nevada Economic Development and Conservation Act, in its current form, does not support our vision to ensure every neighborhood can host its fair share of affordable and low-income housing through equitable zoning, regulation, and investment.³⁸ Continuing sprawl will lengthen commutes between work and affordable housing, especially where public transportation is a necessity.

³⁵<https://files.clarkcountynv.gov/clarknv/Social%20Services/Community%20Resources%20Management/0%20Final%20Clark%20County%20AI.pdf?t=1607537560572&t=1607537560572> Pages 103-104

³⁶<https://files.clarkcountynv.gov/clarknv/Social%20Services/Community%20Resources%20Management/0%20Final%20Clark%20County%20AI.pdf?t=1607537560572&t=1607537560572> Page 166

³⁷

<https://www.cortezmasto.senate.gov/news/press-releases/cortez-masto-introduces-bills-to-combat-housing-discrimination>

³⁸ https://www.sierraclub.org/sites/www.sierraclub.org/files/Infill%20Policy_5.18.2019.pdf page 3

Finally, several measures to preserve and grow affordable housing are currently being heard at the Nevada Legislature.³⁹ Proven strategies⁴⁰ like inclusionary zoning requirements have been resisted by the home building interest groups, including the organizations that praised the introduction of this legislation.⁴¹ Due to the efforts of the home building industry, most legislation that would have preserved existing affordable housing, and mandated the construction of new units, were killed in committee.⁴² In 2003, the BLM attempted to auction 1,940 acres in Henderson that would have required building some affordable housing units for the purchaser, and received no bids from developers.⁴³ Inclusionary zoning requirements within the current SNPLMA boundary would mandate construction of affordable housing units, and ensure that affordable housing is distributed more evenly throughout the valley.

Off-Highway Vehicles (OHV)

Section 206(b) establishes nine “Special Management Areas” for habitat conservation. Several of the acres that the bill seeks to designate for disposal and as Special Management Areas are currently popular OHV recreational areas including the Jean Dry Lake. The expansion would also impact the annual Mint 400 race’s current course.⁴⁴ Section 701 seeks to mitigate these losses by opening up 121,856 acres for OHV vehicle use. Sierra Club is concerned that there has not been any Environmental Impact Study done about the suitability of these lands for OHV use or the habitat quality of these lands. Will off-road enthusiasts in Las Vegas travel an additional hour or more to these areas, rather than risk getting caught riding inside of a Special Management Area or other conservation unit?

Instead of making these designations, Sierra Club is requesting that the delegation ask BLM to resume the Resource Management Planning (RMP) process. The RMP planning process is the appropriate forum for designating Areas of Critical Environmental Concern (ACECs) and subsequent OHV planning processes. We are confident that the BLM under the Biden Administration can deliver an updated plan on an accelerated timeline within the next 2-3 years.

Public Process

There has been only one public information session conducted on this bill; it occurred in 2018. No public comment was taken. If this bill is such a winning proposition, then why not invite public comment at every stage? We are concerned because development interests are some of the

³⁹<https://www.nevadacurrent.com/2021/03/10/state-must-not-only-create-but-preserve-affordable-housing/>

⁴⁰ <https://www.huduser.gov/portal/periodicals/em/spring13/highlight3.html>

⁴¹ https://www.leg.state.nv.us/App/NELIS/REL/80th2019/ExhibitDocument/OpenExhibitDocument?exhibitId=41731&fileDownloadName=0430sb398_TarD_CEO_BANN_NVHomeBuildersAssn_OppositionStatement.pdf

⁴² <https://thenevadaindependent.com/article/raiders-ticket-tax-affordable-housing-bills-and-conservative-election-proposals-die-at-deadline>

⁴³ http://wakeforestlawreview.com/wp-content/uploads/2014/10/Pindell_LawReview_04.07.pdf page 433

⁴⁴ <https://www.reviewjournal.com/news/politics-and-government/clark-county/federal-lands-law-jeopardizes-future-of-nevadas-mint-400/>

largest contributors to state⁴⁵ and local elections, and these corporations have the most to gain economically from sprawl development. Sierra Club believes that the decisions over the future development of the Las Vegas Valley should be made openly through public meetings with ample opportunities for public participation, comment, responses to questions, and peer-reviewed scientific analysis.

Requests

Sprawl

To avoid the harmful impacts of sprawl, in addition to not undermining community efforts currently underway such as the Transform Clark County and “All-In” sustainability processes, Sierra Club recommends altering Section 204(a) to remove any further expansion of the disposal boundary outside of the Las Vegas Valley. Any additional alteration of the disposal boundary should wait for Clark County to finish both planning processes.

Climate Change

The Biden administration has set the tone for all federal departments and programs. We ask that climate change leads the way in shaping this legislation using the Biden Administration’s guidance in planning for this bill, as expressed in Executive Order 13990.⁴⁶ We ask that all members of our federal delegation work with our state and county champions to bring tangible climate relief in the form of infill, urban design and materials that reduce urban heat, transportation infrastructure that reduces the need for more cars and eliminates carbon and other toxic emissions; and meaningful and measurable improvements to public health and development practices that have unfairly harmed communities of color and others in the Las Vegas Valley. We ask that the carbon net decreases in pollution and carbon emissions, and net improvements to the health and lives of environmental justice communities in Las Vegas should be the measures of success with any legislation.

Risk to Water Resources

Clark County is in a 21-year drought. We need to make water usage an ongoing area of concern. Water is essential to life, as well as to our economy. We believe an analysis of water consumption from additional sprawl is prudent before the disposal boundary is extended.

Environmental Justice and Air Quality

We request that no federal legislation be passed that would increase air pollution within Clark County, especially that targets our most impacted communities that experience the highest rates

⁴⁵<https://thenevadaindependent.com/article/follow-the-money-real-estate-development-industries-gave-legislators-more-than-1-3-million-ahead-of-2021-session>

⁴⁶<https://www.federalregister.gov/documents/2021/01/25/2021-01765/protecting-public-health-and-the-environment-and-restoring-science-to-tackle-the-climate-crisis>

of asthma. We support additional language that would strengthen public transit and walkability within the Las Vegas Valley.

Affordable Housing

We request real mandates for affordable housing interwoven throughout the valley, not sprawl set aside for luxury homes. While several of the solutions for affordable housing can be reached at the state and local level, we support requiring inclusionary zoning within all future SNPLMA parcels, legislation to further combat predatory loans, racial bias in mortgage lending, and improved public transportation access.

Off Highway Vehicles

In order to better manage conservation and other uses of public land south along I-15 and US 95, we are requesting that the Nevada Congressional Delegation ask BLM to resume and complete their RMP planning process for Southern Nevada.

Public Process

Public process is best described by “Transparency increases credibility and accountability.” We look forward to seeing and having a public dialogue. This is the best way to protect our community’s water supply and ensure a healthy, vibrant, climate-resilient future for Nevada.

By working to limit sprawl, we decrease air pollution, improve transportation, preserve carbon-sequestration, reduce water usage, create a more pedestrian friendly urban area, and help our community contribute to the global mitigation of climate change. Sprawl does not benefit disadvantaged communities within the Las Vegas Valley.

We appreciate the delegation’s consideration of Sierra Club’s comments and requests. And we also reiterate our gratitude for the delegation’s consideration of substantial additions to the wilderness portfolio of Southern Nevada. We leave you with our Mission Statement:

To explore, enjoy, and protect the wild places of the earth;

To practice and promote the responsible use of the earth's ecosystems and resources;

To educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives

Sincerely,



Brian Beffort, Director, Sierra Club Toiyabe Chapter,
on behalf of 40,000 members and supporters in Nevada and 4 million nationwide.