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LINCOLN COUNTY: Land sale put on hold

Judge orders BLM to complete environmental impact statement

By [HENRY BREAN](#)
 REVIEW-JOURNAL



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 Illustration by [Mike Johnson](#).

Three conservation groups from outside of Nevada have won a federal court ruling that could delay for two years a plan by Lincoln County to boost its faltering economy by selling federal land north of Mesquite.

In a summary judgment handed down in Reno Monday, U.S. District Judge David Hagen ruled that the Bureau of Land Management could

not dispose of the land until it completes an environmental impact statement for the area.

As a result of the order, the BLM has canceled plans to hold an auction in August for more than 6,300 acres in the disposal area, some 75 miles northeast of Las Vegas.

Christopher Krupp, staff attorney for the Western Land Exchange Project, represented the three groups that brought the lawsuit in June 2002.

"BLM acts as though its role is to expedite the rapid development of southeastern Nevada, but this decision says that's not the case," Krupp said. "Development can't go forward until the BLM takes an honest look at its consequences."

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Lincoln County Commissioner Tommy Rowe, who had not yet seen the court's ruling Wednesday, said the land sale was critical to the county that has so little revenue it was forced to lay off its county manager.

"It's going to hurt us," Rowe said of the court's decision. "We're in a bad budget shortage right now. Anything would have helped."

Jeff Weeks, assistant field manager for the BLM's Ely field office, said bureau officials would review the court order and examine their options, including a possible appeal to the 9th Circuit Court of Appeals in San Francisco.

The BLM already completed an environmental assessment of the property that was up for auction. A more detailed environmental impact statement could take two years or more to prepare, in part because of the much higher level of public involvement that is involved, Weeks said.

The federal court handed down its ruling just as testimony began Monday at a week-long hearing in Carson City on the Southern Nevada Water Authority's plans to pipe groundwater to Las Vegas from northwestern Clark County and southwestern Lincoln County.

Those protesting the water authority's plans used a similar argument to that used in the lawsuit against the BLM, namely that more study is needed to determine the impact of all groundwater pumping planned for the area.

The lawsuit that targeted the Lincoln County land sale was filed by the Seattle-based Western Land Exchange Project; the Boise, Idaho-based Committee for the High Desert; and the Tucson, Ariz.-based Center for Biological Diversity.

Lincoln County was due to receive 10 percent of the proceeds from the sale. Development there would provide a new source of property taxes to a county of 4,000 that has seen its assessed value steadily decline, Rowe said.

Lincoln County is desperate to expand its shrinking tax base, a task made more difficult when all but 2 percent of county land is government owned and virtually all of its unclaimed water rights were tied up in one sweeping grab by the Las Vegas Valley Water District 15 years ago.

Things got so bad last year the county was forced to lay off its manager, Doug Carriger, because it could not afford to pay his salary.

"We can't do much planning without a county manager," said Rowe, whose family came to Lincoln County in 1862,

two years before Nevada became a state.

The more than 6,300 acres set for auction in August was expected to fetch at least \$3.58 million.

The land failed to sell when it was last offered in 2001. During that same auction, however, an adjacent 112 acres was snapped up for \$110,000, \$15,000 more than its appraised value.

Under the Lincoln County Land Act approved by Congress in 2000, about 13,000 acres were identified for disposal.

Krupp described the land as "classic Mojave Desert."

"It's pretty rugged," he said. "There's nothing out there right now."

Daniel Patterson, desert ecologist with the Center for Biological Diversity, said the area is important because of its proximity to the Virgin River and critical habitat for the endangered Mojave Desert tortoise.

"This is a victory for the public interest in federal land," Patterson said. "These land disposals are really serious issues, and they cannot be handled in this cut-corner approach."

Members of Nevada's congressional delegation are in the process of drafting a second Lincoln County Lands Act, which is expected to designate new wilderness and establish hundreds of miles of utility corridors for water pipelines leading to Las Vegas.

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