

# What Happens in Vegas... Needs Legislative Backup

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# WHAT HAPPENS IN VEGAS. . . NEEDS LEGISLATIVE BACKUP

by Ursula Kazarian\*


The U.S. Southwest currently faces a water crisis that experts have projected will only get worse, due to regional effects of climate change.<sup>1</sup> Nevada, the state with the fewest guaranteed water rights to the Colorado River,<sup>2</sup> has experienced unprecedented population growth in Las Vegas amidst an equally unprecedented economic boom over the past few decades.<sup>3</sup> While its economy may currently be languishing,<sup>4</sup> population forecasts still project a significant increase in demand in the next several decades,<sup>5</sup> even as water sources are projected to diminish and even disappear.<sup>6</sup> This article examines the current legislative and policy responses to climate change projections in the state of Nevada, and particularly the Las Vegas metropolitan area, concluding that such responses are in urgent need of development and expansion.

Federal climate change legislation has been introduced in previous years, but none has passed.<sup>7</sup> State legislative action in the region to address the potential looming crisis has been slow to form.<sup>8</sup> Unlike California, Arizona and Nevada, the two other Lower Basin states that share the same portion of Colorado River water resources with California, have not adopted their own climate change plans. Arizona, however, has published a Climate Action Plan<sup>9</sup> and has launched the Southwestern Climate Initiative together with New Mexico.<sup>10</sup> In contrast, Nevada's Climate Action Committee only just published its report to Governor Jim Gibbons in 2008, recommending in part that a state action plan be drafted.<sup>11</sup>

Additionally, California and Arizona are active members of the Western Climate Initiative, a group of U.S. governors and Canadian premiers "created to identify, evaluate, and implement . . . ways to reduce greenhouse gas emissions" while Nevada is merely an observer state.<sup>12</sup> Nevada's Governor has, however, taken a more active role as a participating member of the Western Governors' Association ("WGA"), which has declared its intention to combat climate change by increasing energy efficiency and developing cleaner energy sources.<sup>13</sup> WGA's effectiveness will be measured by its ability to translate policy positions to implementation strategies.

Fortunately, basic Nevada legislation does exist upon which more extensive climate change legislation could be built, including statutes encouraging renewable energy technologies as well as regulating a greenhouse gas registry to counter air pollution.<sup>14</sup> In addition, Nevada has more traditional statutes outlining the state's responsibility in governing natural resources, including water planning. However, no overarching legislative framework currently exists that incorporates these various interests with climate change issues. Such a broad framework would be an immensely useful tool to address the various causes and effects of climate change.

While Nevada develops the legislative capacity to govern water planning in a projected climate of extreme drought, the Southern Nevada Water Authority ("SNWA") has taken an aggressive and proactive stance on finding new sources of water to satiate the needs of the Las Vegas metropolitan area. In 2008, SNWA chief Patricia Mulroy cited climate change impacts and lowered Colorado River water levels as impediments to a previously-considered system of water transfers employing desalination plants in California.<sup>15</sup> One year later, Mulroy has proposed an even more extreme concept: to pipe floodwaters in to Nevada from the Mississippi River.<sup>16</sup> The Mississippi proposal is in addition to another multimillion dollar project SNWA is currently studying to pipe water from rural Eastern Nevada to Las Vegas, which has drawn much criticism from ecologists and rural ranchers.<sup>17</sup> The audacity of these ideas conveys the exigency of the situation and the seriousness with which officials are addressing future water supply. It will be interesting to see if such massive water pipeline proposals will be implemented in the future; and, if not, what long-term solutions will feed the growing water needs in Las Vegas and the rest of the Southwest.

The Nevada state government and water managers clearly realize the severity of projected climate change impacts on the local water supply. Plans for a network of water pipelines are currently underway to provide a solution to what could be an extreme water shortage for Las Vegas as well as the entire U.S. Southwest region. However, without a comprehensive legal and policy framework, such piecemeal projects will not address the implications of climate change. Such a framework is needed to ensure compliance with any future federal climate change legislation, and further would ensure efficient policy planning by linking the causes of global warming with responses to the effects of localized climate change. In a time of increasing uncertainty regarding future water supply exacerbated by climate change, Nevada cannot afford a timid response to local and regional climate projections. Only time will tell whether Las Vegas and other cities in the Southwest will effectively address these issues before the water supply runs out. 

## Endnotes:

<sup>1</sup> *Lake Mead, Key Water Source for Southwestern US, Could Be Dry By 2021*, SCIENCE DAILY, Feb. 12, 2008, available at <http://www.sciencedaily.com/releases/2008/02/080212141424.htm> (last visited Feb. 27, 2009).

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## ENDNOTES: WHAT HAPPENS IN VEGAS . . . NEEDS LEGISLATIVE BACKUP *continued from page 36*

<sup>2</sup> Southern Nevada Water Authority, Apportionment, [http://www.snwa.com/html/wr\\_colrvr\\_apportion.html](http://www.snwa.com/html/wr_colrvr_apportion.html) (last visited Feb. 24, 2009).

<sup>3</sup> Tim Richardson, *Nevada Falls to No. 8 in Population Growth*, LAS VEGAS SUN, Dec. 22, 2008, available at <http://www.lasvegassun.com/news/2008/dec/22/nevada-falls-no-8-population-growth/> (last visited Feb. 27, 2009).

<sup>4</sup> Zack O'Malley Greenburg, *America's Emptiest Cities*, FORBES, Feb. 12, 2009, available at [http://www.forbes.com/2009/02/12/cities-ten-top-lifestyle-real-estate\\_0212\\_cities.html](http://www.forbes.com/2009/02/12/cities-ten-top-lifestyle-real-estate_0212_cities.html) (last visited Feb. 27, 2009).

<sup>5</sup> Sean Whaley, *State's Growth Projected to Continue*, LAS VEGAS REV.-J., Oct. 7, 2008, available at <http://www.lvrj.com/news/30557039.html> (last visited Feb. 27, 2009).

<sup>6</sup> *Lake Mead*, *supra* note 1.

<sup>7</sup> See, e.g., Lieberman-Warner Climate Security Act of 2007, § 2191, 110th Cong. (2d Sess. 2007), Global Warming Pollution Reduction Act, § 309, 110th Cong. (1st Sess. 2007), Safe Climate Act of 2007, H.R. 1590, 110th Cong. (1st Sess. 2007).

<sup>8</sup> *But see* California Global Warming Solutions Act Assem. B. 32, (“AB32”), Ch. 488, (Cal. 2006) (laying out the notable exception to the dearth of climate change legislation in the American Southwest).

<sup>9</sup> ARIZONA CLIMATE CHANGE ADVISORY GROUP, CLIMATE CHANGE ACTION PLAN (2006), available at <http://www.azclimatechange.gov/download/O40F9347.pdf> (last visited Feb. 28, 2009).

<sup>10</sup> Arizona Climate Action Initiative, Arizona Initiatives, <http://www.azclimatechange.gov/initiatives/index.html> (last visited Feb. 24, 2009).

<sup>11</sup> NEVADA CLIMATE CHANGE ADVISORY COMMITTEE, REPORT TO GOVERNOR GIBBONS 63 (2008), available at <http://gov.state.nv.us/Climate/FinalReport/ClimateChangeReport.pdf> (last visited Feb. 27, 2009).

<sup>12</sup> Western Climate Initiative, <http://www.westernclimateinitiative.org/> (last visited Feb. 17, 2009).

<sup>13</sup> Western Governors' Association Working Groups, Climate Change, <http://www.westgov.org/wga/initiatives/climate/index.htm> (last visited Feb. 17, 2009).

<sup>14</sup> NEV. REV. STAT. § 701B (2007), NEV. REV. STAT. § 540 (2007).

<sup>15</sup> Phoebe Sweet, *Desalination Gets a Serious Look*, LAS VEGAS SUN, Mar. 21, 2008, available at <http://www.lasvegassun.com/news/2008/mar/21/desalination-gets-serious-look/> (last visited Feb. 27, 2009).

<sup>16</sup> Henry Brean, *Mulroy Advice for Obama: Tap Mississippi Floodwaters*, LAS VEGAS REV.-J., Jan. 12, 2009, available at <http://www.lvrj.com/news/37431714.html> (last visited Feb. 27, 2009).

<sup>17</sup> *Id.*

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