

NEVADA LEGISLATURE'S COMMITTEE
ON PUBLIC LANDS



BULLETIN NO. 85-22

LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA

JULY 1985

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LEGISLATIVE COMMITTEE ON PUBLIC LANDS *

218.536 Legislative findings and declarations. The legislature finds and declares that:

1. Policies and issues relating to public lands and state sovereignty as impaired by federal ownership of land are matters of continuing concern to this state.

2. This concern necessarily includes an awareness that all federal statutes, policies and regulations which affect the management of public lands are likely to have extensive effects within the state and must not be ignored or automatically dismissed as beyond the reach of the state's policymakers.

3. Experience with federal regulations relating to public lands has demonstrated that the State of Nevada and its citizens are subjected to regulations which sometimes are unreasonable, arbitrary, beyond the intent of the Congress or the scope of the authority of the agency adopting them and that as a result these regulations should be subjected to legislative review and comment, and judicially tested where appropriate, to protect the rights and interests of the state and its citizens.

4. Other western states where public lands comprise a large proportion of the total area have shown an interest in matters relating to public lands and those states, along with Nevada, have been actively participating in cooperative efforts to acquire, evaluate and share information and promote greater understanding of the issues. Since Nevada can both contribute to and benefit from such interstate activities, it is appropriate that a committee on matters relating to public lands be assigned primary responsibility for participating in them.

(Added to NRS by 1979, 5; A 1983, 208)

218.5361 "Committee" defined. As used in NRS 218.5361 to 218.5371, inclusive, "committee" means the legislative committee on public lands.

(Added to NRS by 1979, 5; A 1983, 209)

218.5363 Establishment; membership; chairman; vacancies.

1. There is hereby established a legislative committee on public lands consisting of three members of the senate, three members of the assembly and one elected ~~official~~ **officer** representing the governing body of a local political subdivision, appointed by the legislative commission with appropriate regard for their experience with and knowledge of matters relating to public lands. The members who are state legislators must be appointed to provide representation from the various geographical regions of the state.

2. The members of the committee shall select a chairman from one house of the legislature and a vice chairman from the other. After the initial selection of a chairman and a vice chairman, each such officer shall hold office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the committee shall select a replacement for the remainder of the unexpired term.

*Amendments from the 1985 legislative session are reflected.

3. Any member of the committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the convening of the next session of the legislature.

4.

4. Vacancies on the committee must be filled in the same manner as original appointments.

(Added to NRS by 1979, 5; A 1983, 209)

218.5365 Meetings; regulations; compensation of members.

1. The members of the committee shall meet throughout each year at the times and places specified by a call of the chairman or a majority of the committee. The director of the legislative counsel bureau shall act as the nonvoting recording secretary. The committee shall prescribe regulations for its own management and government. Four members of the committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the committee.

or a person he has designated

research

2. The members of the committee who are state legislators are entitled to receive a salary of \$80 and the subsistence allowances and travel expenses provided by law for each day of attendance at a meeting of the committee and while engaged in the business of the committee.

for state officers and employees generally

3. The member of the committee who represents a local political subdivision is entitled to receive the subsistence allowances and travel expenses provided by law for his position for each day of attendance at a meeting of the committee and while engaged in the business of the committee, to be paid by his local political subdivision.

(Added to NRS by 1979, 5; A 1981, 170; 1983, 209)

218.5367 Powers of committee.

1. The committee may:

(a) Review and comment on any administrative policy, rule or regulation of the:

(1) Secretary of the Interior which pertains to policy concerning or management of public lands under the control of the Federal Government; and

(2) Secretary of Agriculture which pertains to policy concerning or management of national forests;

(b) Conduct investigations and hold hearings in connection with its review, including but not limited to investigating the effect on the state, its citizens, political subdivisions, businesses and industries of such policies, rules, regulations and related laws;

(c) Consult with and advise the state land use planning agency on matters concerning federal land use, policies and activities in this state.

(d) Direct the legislative counsel bureau to assist in its research, investigations, review and comment;

(e) Recommend to the legislature as a result of its review any appropriate state legislation or corrective federal legislation; and

(f) Advise the attorney general if it believes that any federal policy, rule or regulation which it has reviewed encroaches on the sovereignty respecting land or water or their use which has been reserved to the state pursuant to the Constitution of the United States.

2. Any reference in this section to federal policies, rules, regulations and related federal laws includes those which are proposed as well as those which are enacted or adopted.

(Added to NRS by 1979, 5; A 1981, 170)

218.5368 Duties of committee. The committee shall:

1. Actively support the efforts of state and local governments in the western states regarding public lands and state sovereignty as impaired by federal ownership of land.
 2. Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands.
 3. Support legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands.
- (Added to NRS by 1983, 208)

218.5369 Oaths; depositions; subpoenas.

1. In conducting the investigations and hearings of the committee:
 - (a) The secretary of the committee, or in his absence any member of the committee, may administer oaths.
 - (b) The secretary or chairman of the committee may cause the deposition of witnesses, residing either within or without the state, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.
 - (c) The secretary or chairman of the committee may issue subpoenas to compel the attendance of witnesses and the production of books and papers.
 2. If any witness refuses to attend or testify or produce any books and papers as required by the subpoena, the secretary or chairman of the committee may report to the district court by petition, setting forth that:
 - (a) Due notice has been given of the time and place of attendance of the witness or the production of the books and papers;
 - (b) The witness has been subpoenaed by the committee pursuant to this section; and
 - (c) The witness has failed or refused to attend or produce the books and papers required by the subpoena before the committee which is named in the subpoena, or has refused to answer questions propounded to him, and asking for an order of the court compelling the witness to attend and testify or produce the books and papers before the committee.
 3. Upon such petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days from the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the committee. A certified copy of the order shall be served upon the witness.
 4. If it appears to the court that the subpoena was regularly issued by the committee, the court shall enter an order that the witness appear before the committee at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness shall be dealt with as for contempt of court.
- (Added to NRS by 1979, 6)

218.5371 Fees and mileage for witnesses. Each witness who appears before the committee by its order, except a state officer or employee, is entitled to receive for his attendance the fees and mileage provided for witnesses in civil cases in the courts of record of this state. The fees and mileage shall be audited and paid upon the presentation of proper claims sworn to by the witness and approved by the secretary and chairman of the committee.

(Added to NRS by 1979, 6)

REPORT OF THE NEVADA LEGISLATURE'S COMMITTEE ON PUBLIC LANDS
TO THE MEMBERS OF THE NEVADA LEGISLATURE:

This report is transmitted to the members of the legislature for their information. Appointed to the committee by the legislative commission in 1983 were:

Senator Norman D. Glaser, (Chairman - July 1983 through November 1984)*
Senator Alan H. Glover (Chairman - November 1984 through June 1985)
Assemblyman Danny L. Thompson, Vice Chairman
Senator James H. Bilbray
Assemblyman David D. Nicholas
Assemblyman John W. Marvel
Clark County Commissioner Karen W. Hayes

The 1975 legislature originally directed a study of public lands. The study was carried out pursuant to Senate Concurrent Resolution No. 35 (file No. 136, Statutes of Nevada, 1975) of the 1975 session. One recommendation of the 1975-1977 study was that a select committee on public lands be created to attempt to carry out several of the goals set forth in the study. The select committee was created in 1977 with the adoption of S.C.R. 9 (file No. 42, Statutes of Nevada, 1977). The select committee, continued by S.C.R. 5 (file No. 87, Statutes of Nevada, 1979) in 1979 and S.C.R. 17 (file No. 99, Statutes of Nevada, 1981) in 1981, made significant strides in promoting and gaining support for public land reform measures in Nevada and the West.

During the 1983 legislative session, Senate Bill 33 (chapter 56, Statutes of Nevada, 1983) was enacted creating the Nevada legislature's committee on public lands (Nevada Revised Statutes 218.536, et seq.). Effectively, the bill combined two legislative committees which were found to have complementary functions: the select committee on public lands (a nonstatutory committee), and the legislative committee for the review of federal regulations (a statutory committee).

This report, although not required by state law, summarizes the activities of the Nevada legislature's committee on public lands over the past biennium.

Respectfully submitted,

Nevada Legislature's Committee
on Public Lands
Legislative Counsel Bureau
State of Nevada

Carson City, Nevada
July 1985

*Senator Glaser retired from office in November 1984 and Senator Dean A. Rhoads was appointed to fill this vacancy.

SUMMARY OF 1985 PUBLIC LANDS LEGISLATION

Recommendations pertaining to the public lands were suggested by the Nevada legislature's committee on public lands and drafted into proposed legislation for consideration by the 63rd session of the legislature. Other public lands bills and resolutions originated in the senate committee on natural resources and the assembly committee on natural resources, agriculture and mining. Eleven of the most significant public lands measures adopted by the 1985 Nevada legislature are summarized and briefly discussed below.

DESERT LAND ENTRY

Senate Joint Resolution No. 22 (file No. 64) requests Congress to amend federal law to require a person filing for lands in Nevada under the Desert Land Entry Act to be a resident of the state. Nevada currently is the only state in which residency is not required in order to file for lands under this federal law.

This exemption was authorized in 1921 at Nevada's request in order to encourage additional settlement of the state. Today, there is an overabundance of applicants under the Desert Land Entry Act for land in Nevada's water-short basins; many of whom are from out-of-state. Amendment of the Desert Land Entry Act to restore the residency requirement in Nevada would make the act's provisions consistent throughout the Western States.

FEDERAL RESOURCES REVENUES

Senate Bill 232 (chapter 269) provides for the distribution of revenue received by the state from federal land leases for gas, geothermal, mineral and oil resources. In any fiscal year, the state treasurer is allowed to deposit no more than \$10 million received by the state from these federal leases into the state distributive school fund. Any amount received in excess of \$10 million is to be deposited in a separate account created for this purpose. Money in this account is to be distributed as follows:

1. Twenty-five percent to the state distributive school fund;
2. Twenty-five percent to the office of community services for distribution as grants to agencies and political subdivisions of the state; and

3. Fifty percent to the counties from which the minerals and resources are extracted. One-fourth of this amount must be distributed to the school district in each affected county.

This measure is intended to offset some of the adverse impacts of mineral development in Nevada's counties.

INTERIM STUDY OF PUBLIC LAND LAWS

Senate Concurrent Resolution No. 47 (file No. 132) directs the legislative commission to conduct an interim study of state public land laws. This study will review and evaluate all of the existing public land laws in the State of Nevada. The study will seek to identify and clarify conflicts in those laws and suggest ways that the legislature can resolve those conflicts. The study also will include public land laws relating to access to public and private lands and the use of eminent domain for mining activities.

LAND EXCHANGES

Senate Joint Resolution No. 3 (file No. 38) was adopted in response to the announcement by the United States Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) that approximately 35 million acres of land, primarily in the West, are proposed to be transferred between the two agencies. The resolution urges the Federal Government to delay the proposed transfer of Nevada's two national forests to the BLM until there is full public disclosure and congressional review of the effects of the transfer.

Senate Joint Resolution No. 29 (file No. 94) urges Congress to enact legislation requiring the transfer of federal land to Nevada in the same proportion that federal land in this state is withdrawn from multiple-use status for such single-use purposes as military operations, nuclear energy facilities, and areas designated as wilderness. The Federal Government is urged to cooperate with the State of Nevada in developing a plan for the disposition and management of federal land proposed for transfer. This plan would include: a list of federal lands which the state and local governments wish to acquire by transfer; the identification of land which the Federal Government intends to withdraw from public use; and the procedure for the transfer of federal land to Nevada.

LAND GRANTS

Senate Joint Resolution No. 19 (file No. 92) is similar to a resolution passed in the 1983 session calling for a grant of 6,205,522 acres of public land to the State of Nevada for the benefit of the public schools. This figure was derived by comparing the acreage of land granted to neighboring

Western States upon entering the Union and the acreage granted to this state. The 6.2-million acre figure is the amount of land required to give Nevada parity with other "public land" states in terms of federal land grants.

LIVESTOCK GRAZING

Senate Joint Resolution No. 25 (file No. 53) urges Congress to retain the current formula used to establish fees for grazing on federal rangelands.

When Congress passed the Public Rangelands Improvement Act of 1978, it established the current grazing fee formula and directed that it be used for a 7-year trial period, pending the completion of a comprehensive fee study and report to the Congress.

The grazing fee study has been prepared and released by the BLM and the USFS. The study lists six alternatives, including the present grazing fee formula. After the end of the public review and comment period, the Secretaries of the Interior and Agriculture will be recommending a grazing fee formula to Congress for final action.

Nevada's livestock and agricultural industries are supporting retention of the current grazing fee formula. The other alternatives in the study would significantly increase the fees for grazing on federal rangelands and would be very harmful to agriculture and ranching in Nevada and the economy of the state's rural counties.

WILDERNESS

Assembly Joint Resolution No. 1 (file No. 76) supports the Nevada wilderness bill introduced in March of 1985 by U.S. Senators Chic Hecht and Paul Laxalt and U.S. Representative Barbara Vucanovich. The bill calls for the designation of 136,900 acres of U.S. Forest Service land as wilderness. In addition, A.J.R. 1 supports the inclusion of 1.3 million acres within the Desert National Wildlife Range as wilderness.

WILD HORSES

Senate Bill 485 authorizes the management and disposition of the Heil Wild Horse Bequest--money left to the State of Nevada for "the preservation of wild horses." The bill establishes a trust fund for the principal of the trust (\$900,000); authorizes the expenditure of the balance of the bequest and of income to the trust; creates the commission for the preservation of wild horses and a staff position; authorizes cooperative agreements with federal land management agencies; and declares the harming and unauthorized

killing of wild horses to be a gross misdemeanor. This bill incorporates most of the recommendations made by Governor Richard H. Bryan's committee on wild horses, chaired by Peter Echeverria.

Senate Joint Resolution No. 20 (file No. 89) urges Congress to enact legislation to control strictly the populations of wild horses and burros on public lands and to authorize additional methods for removing these animals from public lands in Nevada. The additional methods include the sale of excess wild horses and burros at public auction or the destruction of the animals in the most humane and economical manner possible.

CONSTITUTIONAL AMENDMENT

The 1985 Nevada legislature also adopted a proposed constitutional amendment related to public lands. Senate Joint Resolution No. 21 (file No. 68) proposes an amendment to the Nevada constitution to clarify historic language pertaining to land grants that is obsolete and confusing. The amendment clarifies the intent to permanently pledge several types of revenue, including all proceeds of school grant lands, for educational purposes. This proposed amendment will be returned to the 1987 session of the legislature and, if adopted, will be placed on the ballot of the 1988 general election for approval or rejection by the voters.

REPORT ON THE ACTIVITIES OF THE
NEVADA LEGISLATURE'S COMMITTEE ON PUBLIC LANDS

I. INTRODUCTION

During the 1983 legislative session, Senate Bill 33 (chapter 56, Statutes of Nevada, 1983) was passed amending the purposes and structure of the Nevada legislature's committee on public lands. Effectively, the bill combined two legislative committees which were found to have complementary functions: the select committee on public lands (a nonstatutory committee), and the legislative committee for the review of federal regulations (statutory committee).

Among the bill's legislative findings and declarations is a statement regarding the importance of having a legislative body to review and evaluate federal regulations and policies as they relate to the federal public lands in Nevada. Another statement refers to the necessity of becoming part of an information network with other Western States which share public land concerns. The committee's purposes, then, are to provide oversight and review of federal land management policies and practices and to provide a forum for the discussion and hearing of public land matters, particularly as they affect state sovereignty.

This report summarizes some of the more significant public lands legislation approved by the 1983 Nevada legislature as well as the six meetings held by the committee in the 1983-1985 biennium.

II. PUBLIC LANDS LEGISLATION OF THE 62ND SESSION
OF THE NEVADA STATE LEGISLATURE

A. AUTHORITY TO MANAGE STATE LANDS FOR THE PRODUCTION OF
REVENUE

Assembly Bill 248 (chapter 475 of Statutes of Nevada, 1983) allows the division of state lands, state department of conservation and natural resources, to acquire and hold land for any public purpose, including the production of public revenue. The administrator of the division of state lands is also allowed to lease for private development any state-owned land, except contract land, to produce public revenue. However, the terms of these leases may not exceed 99 years.

B. STATE LAND USE PLANNING

Senate Bill 40 (chapter 587, Statutes of Nevada, 1983) directs the state land use planning agency, division of state lands, state department of conservation and natural resources, to work cooperatively with local units of government in the preparation of plans and policy statements concerning the use of federal lands in Nevada. The primary purpose of this legislation is to inform federal land management agencies of local plans and policies so that federal decisionmakers may take such plans and policies into account. This bill is perhaps the most significant piece of public lands legislation passed in the 1983 session because it takes advantage of the "consistency" provisions found in the Federal Land Policy and Management Act of 1976.

C. WILD HORSES

Assembly Joint Resolution No. 17 (file No. 96, Statutes of Nevada, 1983) urges Congress to provide strict control on numbers of wild horses and burros. As of this date, consensus over the proper management of wild horses and burros still has not been reached, resulting in maintenance of the status quo by the U.S. Bureau of Land Management. Thus, the agency is relying entirely on its adoption program to dispose of excess wild horses and burros. Without sales authority, however, or a similar method of expeditiously and cost-effectively removing animals from the range, the wild horse and burro program will continue to be a costly and ineffective portion of BLM's operations.

D. CHECKERBOARD LANDS

Senate Joint Resolution No. 14 (file No. 114, Statutes of Nevada, 1983) memorializes Congress to sell approximately 2.5 million acres of public lands within the "checkerboard" area of northern Nevada, excluding mineral interests, to the State of Nevada for \$2.50 an acre. Some of these lands are to be sold subsequently by the state at fair market value and the proceeds from these sales used to eliminate hazardous grade crossings of railroads over streets and highways in Nevada.

E. REQUEST FOR A 6-MILLION ACRE LAND GRANT

Senate Joint Resolution No. 15 (file No. 113, Statutes of Nevada, 1983) memorializes Congress to grant Nevada an additional 6,205,522 acres of public land for the benefit of the public schools. This figure was derived by comparing the acreage of land granted to neighboring Western States upon entering the Union and the acreage granted to this state. The 6.2 million acre figure is the amount of land required to give Nevada parity with other "public land" states in terms of federal land grants.

F. CONSTITUTIONAL AMENDMENT RELATIVE TO PUBLIC LAND MANAGEMENT AND REVENUES

Senate Joint Resolution No. 19 (file No. 100, Statutes of Nevada, 1983) proposes to amend the state constitution to regulate the management and disposal of state-owned lands. The amendment would guarantee that the State of Nevada would manage its public lands under the "multiple-use" concept, preserve public access, protect renewable natural resources, and provide for beneficial uses of natural resources.

This proposed amendment was reconsidered in the 1985 session of the Nevada legislature as Senate Joint Resolution No. 21. Senate Joint Resolution No. 21 (file No. 68) was adopted by the legislature (see page xii of this report). However, the new resolution does not include the land management provisions which were discarded due to technical problems or language which was too broad.

G. WILDERNESS

Senate Joint Resolution No. 25 (file No. 149, Statutes of Nevada, 1983) memorializes Congress to enact legislation which would ratify the legal adequacy of the USFS 1979 Final Environmental Impact Statement concerning "RARE II" wilderness recommendations. The 1985 legislature also studied this matter but decided that this proposed course of action was no longer viable.

III. INTERIM ACTIVITIES

During the 1983-1985 biennium, the committee shifted its emphasis from highly visible policy areas to programs designed to improve actual management of public lands. This emphasis included Nevada's efforts to obtain additional public lands through its innovative land use planning program. The committee sought to improve earlier gains made in terms of a stronger state voice in federal land matters and increased federal cooperation.

In addition to several meetings around the state, the committee met for 3 days in June 1984 with selected officials of the Administration, and key United States senators and congressmen and their staffs, in Washington, D.C. The purpose of going to Washington, D.C., was to present Nevada's position on public land matters, including proposals from the 1983 session. Because Nevada has a small population and a large federal presence, state sovereignty and the wishes of its citizens can easily be overlooked. Face-to-face meetings are particularly important in Nevada's case to remind Washington, D.C., policymakers of how Nevadans feel about their land and its use and management.

IV. SUMMARY OF MEETINGS OF THE NEVADA LEGISLATURE'S
COMMITTEE ON PUBLIC LANDS

Committee meetings and other activities held in the interim between the 1983 and 1985 legislative sessions are briefly summarized below. Minutes of these meetings are available in the research division of the legislative counsel bureau.

A. AUGUST 22, 1983

The first meeting of the Nevada legislature's committee on public lands was held in Reno, Nevada. Several bills were discussed as was the acceptance of federal agency applications under state water law by the state engineer, division of water resources, state department of conservation and natural resources. Discussed at some length was the development of a proposal to block and buy from the Federal Government, at a nominal price, land in the "checkerboard" area. In turn, proceeds from land sales by the state could be used to eliminate dangerous railroad crossings. A subcommittee representing a cross-section of interests was appointed to address this proposal in greater depth.

B. NOVEMBER 4, 1983

At the second meeting of the committee, held in Reno, Nevada, Robert E. Erickson, research director, research division of the legislative counsel bureau, reported on the activities of the committee's subcommittee which was established to resolve various issues regarding the "checkerboard" land exchange proposal. Several people, including mining interests and representatives of The Sierra Club, testified that they saw problems with the "checkerboard" land proposal (Senate Joint Resolution No. 14 of the 1983 session).

Other discussion ensued regarding wilderness, pending U.S. Navy and U.S. Air Force withdrawals of airspace for use as supersonic operations areas, and deep water wells drilled as a result of the study of central and eastern Nevada as a location for the MX missile project.

A presentation followed in which the possibility of a massive international, interbasin, water and power project was discussed. If implemented, such a proposal could bring water from Canada and the Pacific Northwest into Nevada and the southwestern part of the United States. The Ash Meadows proposal for the preservation of the desert pupfish and other endemic species was briefly discussed, as was the wild horse situation.

C. MARCH 5, 1984

At the third meeting of the Nevada legislature's committee on public lands, in Reno, Nevada, discussion centered around the federal land management agencies' applications for water rights and subsequent actions taken by the state engineer. A presentation on the legal and policy implications of federal water rights was made by Harry W. Swainston, deputy attorney general, office of the attorney general. The committee also discussed the "checkerboard" land proposal and various concerns associated with it.

D. MAY 4, 1984

The fourth meeting of the committee was held in Las Vegas, Nevada. Discussion focused on the status of federal water studies, federal land withdrawals for military purposes; attempts by the division of state parks within the department of conservation and natural resources to acquire federal land for park expansion; the possibility of developing a state rangeland improvement act; the status of various land exchanges between private parties and the federal land management agencies; the status of the Colorado River Commission's efforts to buy, sell and develop land in the Laughlin, Nevada, area; and progress in implementing the Burton-Santini Act. Following the meeting, the committee proceeded with a tour of the Laughlin area.

E. JUNE 11-13, 1984

Committee members and staff traveled to Washington, D.C., for 3 days to meet with selected officials of the Administration and key senators, congressmen and their staffs. The purpose of this trip was to inform certain members of the Administration and Congress of the inequitable land ownership situation in the State of Nevada and to mobilize support for land grants, sales, and exchanges that would permit the state to advance certain public purposes. In addition to meetings held with individual members of Congress, an oversight hearing was held before the Senate's Subcommittee on Public Lands and Reserved Water concerning Nevada's proposals involving the "checkerboard" area and an additional land grant.

Other issues discussed in Washington, D.C., included possible U.S. Forest Service wilderness designations for the State of Nevada, Nevada's land use planning program for the public lands, grazing fees, water resources, and wild horses. Discussions with U.S. Representative John F. Seiberling (D-Ohio) were particularly noteworthy as he chairs the House Subcommittee on Public Lands. Representative Seiberling advised that he supported land transfers to the State of

Nevada for the purpose of expanding the state's economic base, but not before an "acceptable" Nevada wilderness proposal was submitted to Congress. He also advised that the wilderness proposal would have to coincide with the recommendations made by national environmental groups.

Appendix A provides a detailed record of the briefing materials and activities of the committee during the visit to Washington, D.C., in 1984.

F. SEPTEMBER 7, 1984

The fifth meeting of the committee was held in Ely, Nevada. The primary topic of discussion was the proposal by the division of state parks to acquire BLM land in the vicinity of the Ward Charcoal Ovens Historic State Monument in White Pine County. Roland D. Westergard and John Richardson, director of the department of conservation and natural resources and acting administrator of the division of state parks, respectively, described their proposal.

Several people from Lincoln County testified they feared undue restrictions on mining and ranching activities in the future if similar proposals were allowed to go forward around certain state parks in that county. Following this hearing, committee members toured Ward Charcoal Ovens Historic State Monument and Cave Lake State Recreation Area in White Pine County.

G. NOVEMBER 30, 1984

The sixth meeting of the committee was held in the legislative building, Carson City, Nevada. This meeting was primarily a work session in which members of the committee addressed certain matters that had been discussed in previous meetings.

Also at this meeting, committee members bid a fond farewell to their chairman, Senator Norman D. Glaser, who did not run for reelection in the 1984 general election. Senator Alan H. Glover was nominated and unanimously approved to complete the remainder of the chairman's term.

V. RECOMMENDATIONS OF THE NEVADA LEGISLATURE'S COMMITTEE ON PUBLIC LANDS

A. FUTURE OUTLOOK

The goals of the "Sagebrush Rebellion" have not been abandoned. As was voiced at one time by a member of the committee, more land is needed in the private sector in

our state because "we haven't got enough." This member thought the state should be concentrating on the problem of acquiring more land for the next 5 to 10 years and that this was almost more important than any other public land problem in the state. However, acquiring land is only half the battle. What to do with it once it is under state jurisdiction has proven to be as difficult a problem. Lack of consensus regarding how and for what purpose blocks of state land in northern Nevada were to be managed and sold led to lack of action on the "checkerboard" measure (S.J.R. 14, file No. 114, Statutes of Nevada, 1983) at the congressional level and led to its indefinite postponement when it was reintroduced in the 1985 legislature (S.J.R. 18).

Although few can argue with the inequity of a land status situation in which 87 percent of a state's lands are under federal control, many will argue against federal land transfers to the state if they perceive their interests to be at stake. It appears, then, that federal land management policies will have to be replaced, not with a vacuum, but with state and local land management policies. The first step in developing such policies is to review and put in order existing state land laws. The 1985 legislature directed that such a study be conducted during the interim (S.C.R. 47).

The 1985 legislature also produced S.J.R. 29, which urges the Congress to enact legislation to transfer to the State of Nevada land equivalent in area to land that is withdrawn for single-purpose uses, such as military operations and wilderness areas. The resolution calls for the development of a long term comprehensive plan in which certain lands would be identified for disposal and certain other lands would be identified for single-purpose uses.

Therefore, the outlook for the next 2 years appears to be that the Nevada legislature's committee on public lands will continue to press for land conveyances while, at the same time, develop a policy plan and legislative recommendations for the management and disposal of such lands.

B. OTHER ISSUES

Aside from the conveyance of land, other public land issues are of concern to the committee. Wild horses are of continuing interest. Although the BLM still does not dispose of its excess wild horses other than through adoption, a special congressional appropriation was made in the fall of 1984 to reduce the number of wild horses on Nevada's ranges by approximately one-third. This reduction is to be complete by July 1985. These animals will be held for adoption in various holding facilities across the country,

including Nevada. The 1985 legislature recommended that Congress amend the Wild Free-Roaming Horse and Burro Act to allow additional methods of disposal of excess animals, including commercial sales.

In a related action, the 1985 legislature authorized the expenditure of income from the Heil Wild Horse Bequest, established a trust fund for the principal of the bequest, and created the commission for the preservation of wild horses. These two separate legislative measures involving wild horses are complementary in that one action calls for the reduction of numbers to the carrying capacity of the range while the other calls for the protection of the animals remaining on the range.

In regard to wilderness, the legislature has endorsed the USFS wilderness bill introduced by U.S. Senators Chic Hecht and Paul Laxalt and U.S. Representative Barbara Vucanovich. This bill calls for the designation of approximately 137,000 acres of USFS wilderness. In addition, the 1985 legislature recommended the inclusion in the wilderness system of 1.3 million acres in the Desert National Wildlife Range.

In regard to grazing, the committee will be closely watching the development in Congress of the "omnibus range bill." This proposal includes issues such as the Experimental Stewardship Program, grazing advisory boards, the grazing fee, riparian area management, and wild horses.

The committee has expressed interest in returning to Washington, D.C. This would include one major effort in the fall of 1985, followed by several smaller followup visits. Members of the committee felt that face-to-face discussions with members of Congress were very productive. A concept brought up in the course of discussions with Representative Seiberling in June 1984 involved the conveyance of land to the State of Nevada in exchange for land that is withdrawn from unrestricted multiple-use, such as wilderness. In light of the 1985 legislature's endorsement of S.J.R. 29, which addresses the transfer of land for such purposes, the committee may decide to actively pursue the development of this concept. Future meetings in Washington, D.C., may be most productive after the committee has developed some concrete proposals for such transfers.

VI. APPENDIX A

Briefing Materials and Summary of Trip to Washington, D.C.,
in June 1984:

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EXHIBIT A

Exhibit A is an overview of the visit of the Nevada legislature's committee on public lands to Washington, D.C., June 11 through June 13, 1984.

The legislature's committee on public lands was in Washington, D.C., between June 11 and 13, 1984. Legislators in attendance included the committee's chairman, Senator Norman Glaser, as well as Senators Jim Bilbray and Alan Glover, and Assemblymen Danny Thompson and Dave Nicholas. The local government representative on the committee, Clark County Commissioner Karen Hayes, was also in attendance. Robert E. Erickson and Lyndl L. Payne of the legislative counsel bureau's research division served as staff for the committee in Washington, D.C.

The meetings and congressional hearing in Washington, D.C., were very positive and Nevada now appears to be much closer to its goal of obtaining additional land from the Federal Government. It is important to note that key members of Congress, such as Representative Morris Udall of Arizona (chairman of the House Committee on Interior and Insular Affairs), Representative John Seiberling of Ohio (chairman of the House Subcommittee on Public Lands) and Senator Dale Bumpers of Arkansas (former chairman of the Senate Committee on Public Lands), were all quite receptive to Nevada's proposals to acquire additional federal lands in the "checkerboard area" and other parts of the state.

There is the strong possibility that Nevada's request for lands will be considered at the same time that Congress evaluates possible wilderness areas located on lands of the United States Forest Service in Nevada. Hearings in Congress will probably be held sometime in 1985. The Nevada legislature's committee on public lands will be serving as a catalyst to bring together various user and interest groups before the 1985 Congress.

If a satisfactory proposal can be developed, and then approved by the Congress, Nevada and its citizens stand much to gain from an increase in state-owned lands. For example, revenues from these lands could be used to improve hazardous rail/highway crossings or to provide additional support for public schools. Through the state's land use planning program, lands needed by local governments for economic development and community expansion would be made available. With additional state-owned lands, Nevada should be able to expedite needed land exchanges in the "checkerboard area," Tahoe Basin and elsewhere in the state. Also, any lands to be sold into private ownership would increase Nevada's limited tax base.

In addition to the members of Nevada's congressional delegation, the committee on public lands met with the following elected officials while in Washington, D.C.:

United States Senators

Senator Dale Bumpers of Arkansas
Senator Pete V. Domenici of New Mexico
Senator Daniel J. Evans of Washington
Senator Mark O. Hatfield of Oregon
Senator J. Bennett Johnston of Louisiana
Senator James A. McClure of Idaho
Senator Malcolm Wallop of Wyoming

United States Congressman

Representative Beverly B. Byron of Maryland
Representative James V. Hansen of Utah
Representative Ray Kogovsek of Colorado
Representative Richard H. Lehman of California
Representative Manuel Lujan, Jr., of New Mexico
Representative Ron Marlenee of Montana
Representative Jerry M. Patterson of California
Representative John F. Seiberling of Ohio
Representative Morris K. Udall of Arizona
Representative Bruce F. Vento of Minnesota
Representative James Weaver of Oregon
Representative Don Young of Alaska

In addition to these meetings, the Senate's Subcommittee on Public Lands and Reserved Water held an oversight hearing concerning Nevada's proposals involving the "checkerboard area" and additional land grant. Senator Chic Hecht served as chairman of the subcommittee for this hearing which was held on June 13, 1984. In addition to testimony by the Nevada legislature's committee on public lands, other persons testifying before the subcommittee included: Representative Barbara Vucanovich; Assistant Director of the Bureau of Land Management, Frank Edwards; Mark Chilton of Elko, Nevada; and Charles Callison and Terry Sopher representing environmental and wilderness groups.

While in Washington, D.C., the committee also met with the Director of the Bureau of Land Management, Bob Burford, and the Chief of the United States Forest Service, Max Peterson.

EXHIBIT B

Exhibit B contains various materials which were used by the Nevada legislature's committee on public lands during its visit with various executive and congressional groups in Washington, D.C., June 11 through June 13, 1984.

B-1 Briefing Team Members and Schedules.

a. Blue Team

Senator Norman D. Glaser, Chairman
Senator James H. Bilbray
Assemblyman David D. Nicholas
Lyndi L. Payne, Administrative Secretary

b. Silver Team

Assemblyman Danny L. Thompson, Vice Chairman
Senator Alan H. Glover
Clark County Commissioner Karen W. Hayes
Robert E. Erickson, Staff Director

B-2 Topics For Discussion.

- a. Public lands issues in Nevada - 1984.
- b. Nevada's proposal to purchase lands in the "checkerboard" area of northern Nevada.
- c. Nevada's proposal to obtain an additional land grant from the Federal Government.
- d. Recommendations pertaining to possible wilderness areas on United States Forest Service lands in Nevada.
- e. Nevada's land use planning program for public lands.
- f. Issues pertaining to public rangelands in Nevada - grazing fees, water resources and wild horses.
- g. Recommendations concerning federal land sales and exchanges.

B-3 Senate Joint Resolution No. 14 which memorializes the Congress of the United States to sell public lands within the "checkerboard" area of northern Nevada to Nevada to be sold for eliminating grade crossings of railroads.

B-4 Senate Joint Resolution No. 15 which memorializes Congress to grant an additional 6,205,522 acres of public lands to Nevada.

- B-5 Senate Bill 40 which relates to lands in Nevada which are under federal management; providing for the preparation of plans or policy statements concerning the use of those lands; and providing other matters properly relating thereto.
- B-6 Copy of a memorandum dated April 24, 1970, from Elmo J. DeRicco, former director of Nevada's department of conservation and natural resources, regarding Nevada's request for an additional land grant.
- B-7 Copy of a paper prepared by the Nevada state committee on federal land laws (February 1970) entitled "Request for 6,000,000 Acre Land Grant."

T E A M S C H E D U L E S

Silver Team

Thompson
Glover
Hayes
Erickson

Blue Team

Glaser
Bilbray
Nicholas
Payne

MONDAY, JUNE 11TH

Silver Team

9:45 a.m. Tony Bevinetto (Staff for Senate Subcommittee
on Public Lands & Reserved Water)
Room 308, Dirksen
(Give copies of testimony to be given Tuesday)

10 a.m. Tom Winn for Senator Hatfield
Room 711, Hart

1 p.m. Bureau of Land Management Director Burford
Room 5660, Interior Building

3 p.m. United States Forest Service Chief Peterson
Room 3008, South Agriculture Building

4 p.m. Senator Bumpers
Room 229, Dirksen

Blue Team

11:30 a.m. Senator Johnston
Room 136, Hart

1 p.m. Bureau of Land Management Director Burford
Room 5660, Interior Building

3 p.m. United States Forest Service Chief Peterson
Room 3008, South Agriculture Building

T E A M S C H E D U L E S

Silver Team

Thompson
Glover
Hayes
Erickson

Blue Team

Glaser
Bilbray
Nicholas
Payne

TUESDAY, JUNE 12TH

Silver Team

1:30 p.m. Congressman Marlenee
Room 409, Cannon

2:15 p.m. Congressmen Weaver and Seiberling
Room 1225 or 1226, Longworth

3:45 p.m. Congresswoman Byron
Room 1216, Longworth

6:15 p.m. Hogate's Restaurant

Blue Team

12 noon Congressman Udall
Room 235, Cannon

2:30 p.m. Congressman Kogovsek
Room 430, Cannon

3:30 p.m. Jim Hughes for Senator Domenici
Room 434, Dirksen

4 p.m. Senator Evans
Room 818, Hart

6:15 p.m. Hogate's Restaurant

T E A M S C H E D U L E S

Silver Team

Thompson
Glover
Hayes
Erickson

Blue Team

Glaser
Bilbray
Nicholas
Payne

WEDNESDAY, JUNE 13TH

Silver Team

8 a.m. Hearing of Senate Subcommittee on Public Lands
and Reserved Water
Room 366, Dirksen

9 a.m. Senator Wallop
Energy Committee Library
Room 370, Dirksen

11:15 a.m. Congressman Lujan
Room 1323, Longworth

2 p.m. Congressman Hansen
- Room 1113, Longworth

2:30 p.m. Congressman Lehman
Room 1319, Longworth

Blue Team

8 a.m. Hearing of Senate Subcommittee on Public Lands
and Reserved Water
Room 366, Dirksen

9 a.m. Senator Wallop
Energy Committee Library
Room 370, Dirksen

12 noon Congressman Young
Room 2331, Rayburn

2 p.m. Congressman Vento
Room 2433, Rayburn

2:30 p.m. Congressman Patterson
Room 2238, Rayburn

Contact persons: Kelton Abbott 224-3542
 Diana Forrest 225-5965

COMMITTEE ON PUBLIC LANDS

LEGISLATIVE BUILDING

CAPITOL COMPLEX

CARSON CITY, NEVADA 89710



ASSEMBLYMAN DANNY L THOMPSON, Vice Ch
SENATOR JAMES H BILBRAY
SENATOR ALAN H. GLOVER
ASSEMBLYMAN JOHN W MARVEL
ASSEMBLYMAN DAVID D NICHOLAS
CLARK COUNTY COMMISSIONER KAREN W H.

STAFF DIRECTOR: ROBERT E ERICKSON (702)

PUBLIC LANDS ISSUES IN NEVADA - 1984

Background

- Although it lacked the required population for statehood, Congress made Nevada a state in 1864 because of the Civil War. As late as the census of 1900, Nevada's population was under 43,000. In order to bring settlers into the state, Nevada had to sell most of the lands obtained under its original land grant.
- Approximately 86.5 percent of Nevada's land area is still federal land - a higher percentage than that of any other state. It should be noted that 93 percent of all federal land is located in just 12 western states.
- Nevada's small property tax base (10 percent of the state's land area) caused it to legalize gambling in 1931 to provide needed revenue.
- Nevada and other western states have promoted the "Sagebrush Rebellion" and other proposals to rectify the inequities of the past and to promote efficient state and local land management while protecting the multiple use concept.

NEVADA'S PROPOSAL TO PURCHASE LANDS IN THE
"CHECKERBOARD" AREA OF NORTHERN NEVADA

- The 1983 Nevada Legislature adopted Senate Joint Resolution No. 14 to help correct long-standing problems in the "checkerboard" area of northern Nevada.

- The Federal Government administers nearly 61 million acres of land in Nevada, of which approximately 3.5 million acres was granted by Congress to the railroads in the 19th century and remains as a 40-mile strip of land across northern Nevada in a difficult to manage "checkerboard" pattern of alternating sections of public and private land.

- A problem related to the railroads of Nevada is the presence of a significant number of railroad grade crossings which are both hazardous and disruptive to the development of commercial, agricultural and urban interests in the state.

- The Nevada Legislature, therefore, memorializes the Congress of the United States to sell the public lands within this area, excluding the mineral interests, to the State of Nevada for \$2.50 per acre. The subsequent sale of this land (except for those lands identified by state and local planning agencies as being desirable for parks, wildlife or recreational and other public purposes) would produce revenue which could, among other things, be used to eliminate hazardous grade crossings of railroads over highways in this state.

June 6, 1984

NEVADA'S PROPOSAL TO OBTAIN AN ADDITIONAL LAND GRANT
FROM THE FEDERAL GOVERNMENT

- The United States Government, after nearly 120 years have elapsed since Nevada became a state, still retains 86.5 percent of the land in Nevada.

- Between 1960 and 1984, the population of Nevada grew from 285,000 to over 900,000. This growth in population, and the resulting change in the use of the land, has placed a heavy demand on the state and local governments to provide additional facilities and land needed for governmental services.

- The vast federally owned areas of Nevada create a major tax burden on the owners of private property in this state to meet the needs of children for public schooling and other services.

- Intermingled ownership of land among private persons and federal governmental agencies severely restricts proper practices for the conservation of this state's natural resources and the preservation of recreational, wildlife and environmental areas which are best suited for management by the state and local governments.

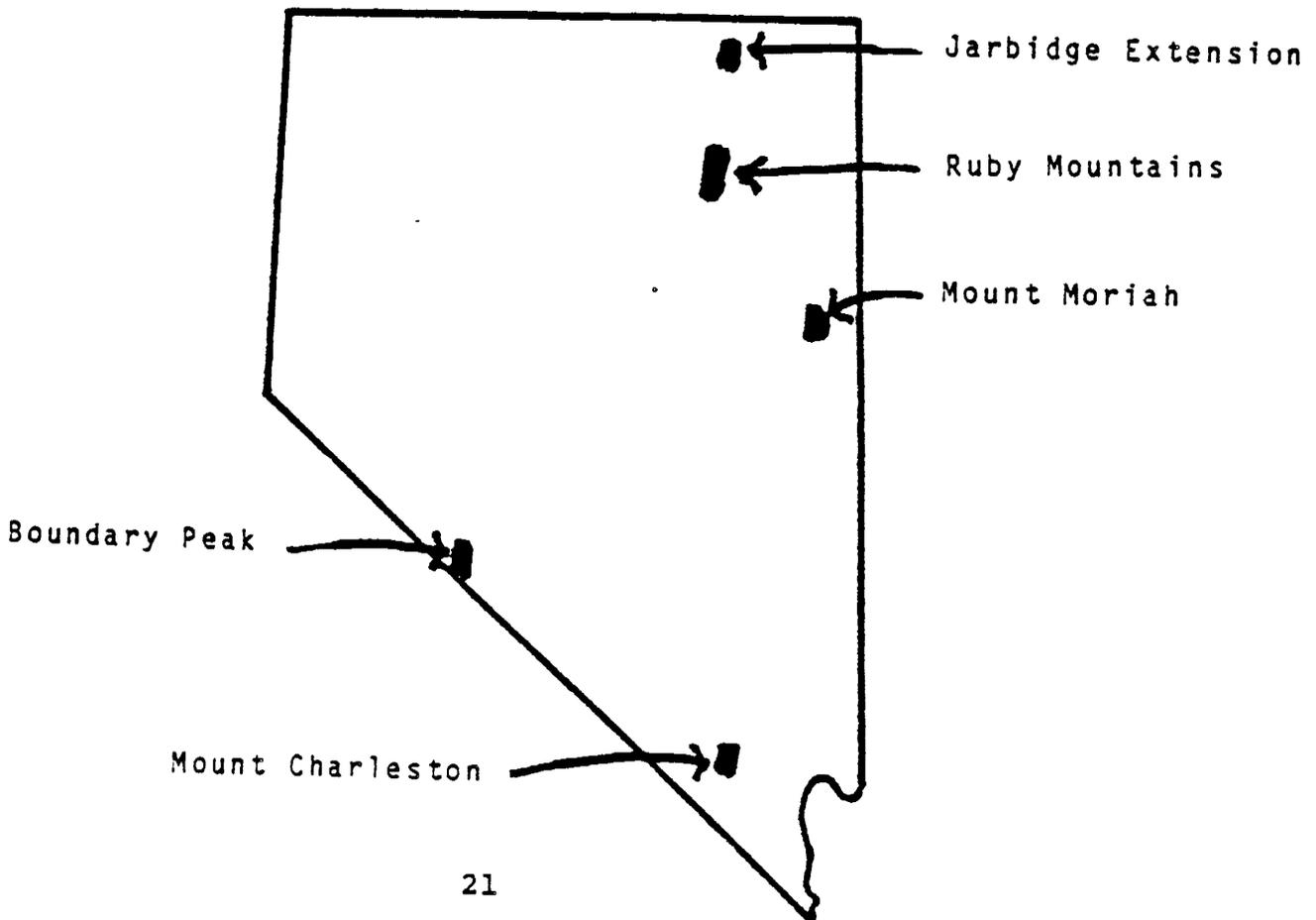
- Federal ownership of so much of the land in this state prohibits the orderly expansion of landlocked cities on a planned basis, without an adverse effect on the existing economy of local areas.

- The Nevada Legislature, therefore, memorializes the Congress of the United States to review the 1970 report of the Nevada State Committee on Federal Land Laws and, pursuant thereto, grant to Nevada an additional 6,205,522 acres of public land for the benefit of the public schools.

June 6, 1984

RECOMMENDATIONS PERTAINING TO POSSIBLE WILDERNESS AREAS ON
UNITED STATES FOREST SERVICE LANDS IN NEVADA

- This committee recognizes the establishment of wilderness areas as an appropriate specific use of some of the public lands in Nevada.
- Because federal agencies control nearly 87 percent of Nevada's land area, there should be a deliberate approach to the designation of wilderness areas in the state until such time as the wilderness recommendations of all federal agencies are known, including the 49 million acres of land managed by the Bureau of Land Management.
- A consensus position concerning lands of the United States Forest Service in Nevada which are appropriate for wilderness has not been reached. Even those areas which have been agreed upon jointly by the mining industry and the proponents of wilderness are not uniformly supported by local units of governments or other entities.
- As a start, this committee believes that with the establishment of proper boundaries, the following areas should be considered initially for inclusion in the wilderness system of the United States Forest Service in Nevada.



NEVADA'S LAND USE PLANNING PROGRAM FOR PUBLIC LANDS

- With passage and funding of Senate Bill 40 by the Nevada Legislature, the State of Nevada has taken another positive step forward in improving state and federal relations concerning the public lands.
- This measure, which now appears as section 321.7355 of the Nevada Revised Statutes, will result in the preparation of land use plans and policies for the federal land areas of the state. These plans and policies, which must be approved by the Governor and affected units of local government, will provide an excellent guide for subsequent planning efforts of the various federal agencies.
- The Federal Land Policy and Management Act of 1976 recognizes the importance of state and local plans in federal land planning programs. Nevada's planning efforts will help inform the federal agencies of state and local needs and desires before future federal plans are formulated.
- Another related measure now being promoted by this committee and the Nevada Legislature is the proposed amendment to the Nevada Constitution (Senate Joint Resolution No. 19) to regulate the management and disposal of state-owned lands. This amendment must be approved by the Nevada Legislature again in 1985, and by a vote of the general public in 1986 before it can go into effect. The amendment provides that the State of Nevada will manage its public lands under a "multiple use" concept, as well as promote the public interest, provide for the most beneficial uses of natural resources and protect the renewable resources of the land.

June 6, 1984

ISSUES PERTAINING TO PUBLIC RANGELANDS IN NEVADA -
GRAZING FEES, WATER RESOURCES AND WILD HORSES

Grazing Fees

- Because of the limited amount of private land in most parts of rural Nevada, ranching operations are vitally dependent upon supplemental feed for livestock as provided by grazing on the public rangelands.

- Because Nevada is the driest state in the Nation, livestock grazing in the state is measured by numbers of acres of rangeland needed to maintain each head of livestock. As such, the fees charged by the Federal Government for livestock grazing on public rangelands in Nevada should take into account the economics of permitholders, including factors such as provision of water, fencing, transportation and similar constraints.

- Nevada's state grazing boards have authorized the preparation of detailed reports to outline the economics of Nevada's ranching operations which use the public rangelands. The reports will also examine the prospects for ownership of Nevada ranches by large conglomerates and the creation of premature rural subdivisions if excessive increases in grazing fees force some livestock operators out of business.. These reports will be provided to the Congress and federal agencies in 1985.

Water Resources

- The State of Nevada should retain control over the administration of the beneficial use of waters within its boundaries.

- Agencies of the Federal Government should continue to comply with state water law, and applications for water made by these agencies should be associated with land resources owned by the Federal Government.

Wild Horses

- According to statistics of the Bureau of Land Management, there has been a net increase of 2,726 wild horses on the public lands of Nevada in the last 2 years. During this same time period, the number of horses removed from the public lands has decreased from 3,672 horses in fiscal year 1981 to 2,533 horses in fiscal year 1983.
- Field investigations support the claim that without greater numbers of horses removed from the public lands each year, and without more efficient management of these animals, damage to Nevada's sensitive environment will continue to accelerate because of overgrazing and overuse of certain areas by wild horses.
- Legislation should be passed by Congress to allow the BLM to sell excess numbers of wild horses which are not adopted. Proceeds should go directly into programs to manage, remove and sell wild horses.
- The Congress and BLM should consider establishing an experimental wild horse range in Nevada. This type of range should be used to evaluate optimum numbers of horses and livestock in conjunction with available forage. There should not be an impairment of wildlife habitat or outdoor recreation, and the range should be accessible to the general public.

June 6, 1984

RECOMMENDATIONS CONCERNING FEDERAL LAND SALES & EXCHANGES

- The following proposed changes should be incorporated into the land sales regulations of both the Bureau of Land Management and the United States Forest Service:
 1. Full cash payment required in 180 days instead of 30 days;
 2. A variable rate downpayment;
 3. Allowances for the use of private real estate brokers;
 4. Allowance for the authorized officer to determine the scope of an appraisal;
 5. Provisions concerning modified competitive bidding and direct sales; and
 6. Requirement of a 2-year notice to a grazing permittee before affected lands could be offered for sale, with the possibility of sales being conditioned on the continuation of the grazing permit.

- The completion of land exchanges with willing private parties should be given higher priority by the federal agencies, particularly in those instances where the private lands being offered for exchange possess high values for public recreation, wildlife habitat or scenic enjoyment.

June 6, 1984