

REPORT OF THE
NEVADA LEGISLATURE'S
COMMITTEE ON PUBLIC LANDS



Bulletin No. 89-9

LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA

JANUARY 1989

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LEGISLATIVE COUNSEL BUREAU

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NEVADA REVISED STATUTES

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 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.

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

(Added to NRS by 1979, 5; A 1983, 209; 1985, 589)

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 research director of the legislative counsel bureau or a person he has designated 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.

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 for state officers and employees generally for each day of attendance at a meeting of the committee and while engaged in the business of the committee. Per diem allowances, salary and travel expenses of the legislative members of the committee must be paid from the legislative fund.

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; 1985, 398, 1131; 1987, 1208)

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 65th SESSION OF THE NEVADA LEGISLATURE:

This report presents the recommendations, reviews issues and summarizes the activities of the Nevada legislature's committee on public lands over the past biennium. Members of the committee appointed by the legislative commission include:

Senator Dean A. Rhoads, Chairman
Assemblyman David D. Nicholas, Vice Chairman
Assemblyman Virgil M. Getto
Assemblyman John W. Marvel
Senator Kenneth K. Redelsperger
Senator John M. Vergiels
Clark County Commissioner Karen W. Hayes

Legislative counsel bureau staff services for the committee were provided by Brian L. Davie of the research division (lead staff), Brenda J. Erdoes of the legal division (legal counsel) and Debby Richards of the research division (committee secretary).

In this report, the committee has attempted to summarize issues and its activities and to present its recommendations in a concise form. The committee received an extensive amount of testimony and supporting documentation in addition to the information summarized in this report. All supporting documents and minutes of meetings are on file with the research library of the legislative counsel bureau.

This report, although not required by state law, is transmitted to the members of the 1989 legislature for their information, consideration and appropriate action.

Respectfully submitted,

Nevada Legislature's
Committee on Public Lands

Carson City, Nevada
January 1989

SUMMARY OF RECOMMENDATIONS

This summary presents the recommendations to the 65th session of the Nevada legislature by the committee on public lands.

The committee recommends:

1. That the staff of the public lands committee work with the administrator of the division of state lands, state department of conservation and natural resources, to continue development of the concept and provide recommendations concerning a trigger mechanism for possible legislation to implement a gradual land acquisition process. The mechanism should include the staff, procedures and financial requirements which would be necessary to implement a land transfer process.
2. That the legislature continue the Senate Bill 40 (1983) land planning process as an ongoing program and approve one additional staff person in the division of state lands to conduct the program and facilitate the acquisition of federal lands under existing processes. (BDR 26-1734)
3. That the legislature remove the moratorium on the sale of state lands and modify the procedures for the exchange, lease and sale of state lands to provide for approval of such actions by the state board of examiners. (BDR 26-1735)
4. That the legislature place a policy statement in the statutes to establish designated purposes and goals for the gradual acquisition of federal lands. The purposes are to include the acquisition of lands which:
 - a. Provide reparation for expanding and multiple military land and airspace withdrawals and United States Department of Energy withdrawals;
 - b. Meet the state's needs for economic expansion which allow for logical commercial, industrial and residential development and are within good planning practices;
 - c. Provide for commercial and geographical diversity; and

- d. Have potential to generate revenues to the state either through leases, sales or taxation.
(BDR 26-1736)
5. That the legislature consider a joint resolution to urge the United States Congress to obtain permission from a state in which any major federal project is proposed to be located on federal lands in that state.
(BDR R-1737)
6. That the legislature consider a joint resolution to urge Congress to provide in lieu tax payments to states for compensation for the use and withdrawal of military airspace. (BDR R-1738)
7. That the issue of impact assistance be investigated as a way to help with infrastructure needs for local governments and communities that are affected by large-scale developments; and that sales taxes during construction be the primary method investigated to finance this assistance.
8. That the legislature amend Nevada Revised Statutes 218.5365, "Meetings; regulations; compensation of members," to include the standard language for compensation for members of the public lands committee as is provided for other permanent legislative committees. (BDR 17-1739)
9. That the legislature adopt a joint resolution to Congress to reaffirm its support of the existing formula for grazing fees on federal lands.
(BDR R-1740)
10. That the legislature adopt a joint resolution to urge Congress to consider proposals to enlarge the sanctuary system for unadoptable wild horses and to establish a system of privately-owned wild horse ranges to help resolve the issue of and excessive costs for wild horse and burro management. (BDR R-1741)
11. That the legislature consider statutory changes to provide a procedure and funds for Nevada's department of wildlife for mitigation and damages caused by the introduction or reintroduction of any new or old wildlife species in the state; and that the legislation include provisions for compensation by the department of wildlife for the loss of grazing rights to permittees due to a reduction of animal unit month allocations caused by the introduction or reintroduction of any wildlife species. (BDR 45-1742)

REPORT TO THE 65TH SESSION OF THE NEVADA LEGISLATURE
FROM THE NEVADA LEGISLATURE'S COMMITTEE
ON PUBLIC LANDS

I. INTRODUCTION

The Nevada legislature's committee on public lands was created in 1983 as a permanent statutory committee of the Nevada state legislature. Its purposes are to review and comment on proposals and practices affecting public lands under the control of the Federal Government in this state, and to provide a forum for the discussion and hearing of public lands matters.

Public lands issues are of vital concern to Nevada and its citizens since approximately 86 percent of the land in this state is controlled by agencies of the Federal Government.

This bulletin is the third interim report of the committee. The first report--Legislative Counsel Bureau Bulletin No. 85-22, "Nevada Legislature's Committee On Public Lands"--was submitted to the members of the Nevada legislature and dated July 1985. The second report--Legislative Counsel Bureau Bulletin No. 87-17 with the same title--was provided to the members of the 64th session of the Nevada legislature and dated January 1987.

II. PUBLIC LANDS LEGISLATION OF THE 64TH SESSION
OF THE NEVADA STATE LEGISLATURE

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 64th session of the legislature. Other public lands bills and resolutions originated with other members and the appropriate standing committees--the senate committee on natural resources and the assembly committee on natural resources, agriculture and mining. The most significant public lands measures adopted by the 1987 Nevada legislature are summarized below.

A. CONSTITUTIONAL AMENDMENT

Senate Joint Resolution No. 21 (File No. 30) of the 63rd legislative session proposes to amend section 3 of article 11 of the Nevada constitution to clarify historic language that is obsolete and confusing. Unnecessary

references to specific land grants of the 1800's are deleted. The amendment also simplifies the remaining provisions. It clarifies the intent to pledge permanently several types of revenue, including all proceeds of school grant lands, for educational purposes. The new language more clearly complements state law, which provides that these revenues are placed in the permanent school fund, and that the interest from that fund is placed in the state distributive school fund.

This resolution was placed on the ballot as Question No. 2 for a vote of the people at the 1988 general election. The amendment was approved by a strong majority vote of 76 percent to 24 percent.

B. LANDS POLICY

Senate Bill 81 (chapter 177) establishes policy for the use of state lands. It declares that state lands are to be used in the best interest of the residents of the state, and to that end the lands may be used for recreational activities, the production of revenues and other public purposes. The bill further declares that state agencies, in determining the best uses of state lands, are to give primary consideration to the principles of multiple use and sustained yield insofar as the status and the resources of the lands permit.

C. MILITARY AIRSPACE

Senate Joint Resolution No. 6 (File No. 72) urges the United States Congress to investigate the designation and control of military airspace by the Federal Aviation Administration. The measure also calls upon Congress to enact legislation to enhance public participation in the process of establishing classifications of airspace and placing restrictions on its use.

The resolution expresses support and respect for the military, and it recognizes the need for realistic training of pilots in the military service. However, it also points out that the United States Department of Defense currently controls nearly 40 percent of all airspace in Nevada, and it highlights the lack of adequate procedures for public comments on proposals concerning airspace.

During the 100th session of Congress, the Airspace Protection Act (S. 1584) was introduced by United States Senator Harry Reid (D-Nevada). This bill would have established a procedure through the National Environmental

Policy Act to provide opportunities for public participation in decisions to designate and restrict airspace.

Two congressional hearings were held on this proposal--one in 1987 in Washington, D.C., and one in January 1988 in Sparks, Nevada. The public lands committee was represented in testimony at the hearing in Sparks, and S.J.R. 6 was read into the record of the congressional hearing.

The airspace bill passed both houses of Congress, but in slightly different forms, and time ran out on that session of Congress before further action could be taken on the airspace proposal. Congressional staff have indicated that the proposal will be reintroduced in the next session of Congress, and they believe it will be adopted. In addition, the U.S. General Accounting Office (GAO) is conducting a study of the designation and control of military airspace throughout the Nation.

D. GRADUAL LAND ACQUISITION

Senate Joint Resolution No. 8 (File No. 56) urges Congress to support and cooperate with the State of Nevada in its efforts to gradually acquire its fair share of federal land.

The resolution represents one step toward implementation of a redirected approach by the public lands committee and the state toward obtaining additional federal land. The committee is recommending that the state undertake a thorough analysis to identify specific lands which should be obtained and the reasons for the necessary transfers. This resolution seeks the cooperation and assistance of Congress in this effort.

See section V, "Findings And Recommendations," of this report for further information and recommendations concerning a gradual land acquisition process for the State of Nevada.

E. WATER RIGHTS

Senate Joint Resolution No. 9 (File No. 49) urges Congress to enact legislation prohibiting the federal reservation of water rights within wilderness areas. It further urges Congress to include in future wilderness bills language specifying that federal water rights are not reserved as part of the designation.

F. BUREAU OF LAND MANAGEMENT WILDERNESS

Senate Joint Resolution No. 10 (File No. 48) urges the United States Bureau of Land Management (BLM) to develop a procedure to allow the citizens of Nevada to review directly and comment on a draft statewide wilderness report so that public comments can be considered and included in the final statewide report.

G. LAND EXCHANGE

Assembly Joint Resolution No. 21 (File No. 98) urges the President to support, and Congress to enact, legislation consummating the exchange of private land owned by Aerojet-General Corporation in Florida for public land located in southern and western Nevada. It indicates, however, that a right of way for electric transmission lines should be reserved across the Nevada property.

The resolution notes the high percentage of public land in Nevada and the state's efforts to diversify its economy. It also points out that the Florida land will be used to achieve the protection of valuable natural vegetation in the Everglades.

The Nevada-Florida Land Exchange Authorization Act of 1988 was finally passed by Congress on March 23, 1988, and signed into law (Public Law 100-275) by the President on March 31, 1988. This act gives Aerojet-General Corporation use of 42,000 acres of public lands in Nevada--title to 28,000 acres and a 99-year lease on 14,000 acres--in exchange for the transfer of 4,600 acres of wetlands in south Florida from Aerojet to the Federal Government. The Florida land then will be sold and the proceeds (estimated at \$2.4 million) will be used to acquire land for two south Florida wildlife refuges. The company apparently will use the land in Nevada primarily as a buffer zone and for security around a rocket engine plant to be established in Lincoln County, Nevada.

III. SUMMARY OF INTERIM ACTIVITIES

The Nevada legislature's committee on public lands deals with numerous public lands issues which involve ongoing activities, problems and programs that are subject to administrative, congressional and other federal action. The committee was active and involved in a wide variety of public lands issues during the 1987-1988 interim period.

This section of the report provides a brief summary of the committee's meetings and the major issues. Further information on the committee's meetings and certain issues is provided in sections IV, "Overview Of Committee Meetings," and V, "Findings And Recommendations," of this report.

A detailed list of the meetings, issues and actions of the public lands committee from July 1987 through December 1988 is provided at Appendix A.

A. MEETINGS

The committee held nine regular meetings throughout the state as follows:

<u>Date</u>	<u>Nevada Location</u>
August 31, 1987	Reno
October 8, 1987	Elko
December 14, 1987	Las Vegas
February 25 and February 26, 1988	Laughlin
April 28, 1988	Reno
May 25, 1988	Reno
June 29 and June 30, 1988	Ely
October 7, 1988	Reno
December 14, 1988	Carson City

A teleconference meeting was held from Carson City on January 13, 1988.

In addition, members of the committee traveled to Washington, D.C., on two occasions to meet with United States Senators and Representatives and with federal executive branch officials who are involved in public lands matters. These meetings took place from October 28 to October 30, 1987, and from February 17 to February 19, 1988.

B. ISSUES

The Nevada legislature's committee on public lands monitored developments and heard testimony on a broad range of public lands issues of interest to Nevada and its citizens. The committee helped to inform the public through presentations and reports, and provided recommendations, as necessary, to federal officials and Nevada's congressional delegation.

The following is a list of the issues reviewed and investigated by the committee during the 1987-1988 interim period:

1. Geothermal operations in Nevada;
2. Gradual land acquisition process and study;
3. Gravel and sand operations in the Las Vegas Valley;
4. Grazing fees and regulations;
5. Introduction of game species and depredation;
6. Landfills on public lands and related federal legislation;
7. Land transactions in Clark County, Nevada (Aerojet land exchange, APEX site, lands for mobile home park, and Red Rock land exchange);
8. Laughlin area development;
9. Military land and airspace;
10. Minerals industry and a "boom bust reclamation" proposal;
11. National Wildlife Federation lawsuit and its effects in the state;
12. Oil and gas lease sales on federal lands;
13. Planning for the Great Basin National Park;
14. Riparian management;
15. The "Special Nevada Report";
16. Water importation projects in Washoe County, Nevada;
17. Water negotiations in northern Nevada and the operating criteria and procedures (OCAP) for the Newlands Project area;
18. Western States Public Lands Coalition;
19. Wild horse sanctuaries and other programs;
20. Wilderness proposals on United States Forest Service (USFS) lands; and
21. Wilderness review process on BLM lands.

C. CONSULTANTS' STUDY

The public lands committee funded a scoping study by consultants to evaluate and provide recommendations on a gradual process of federal land acquisition for the state. The final report was submitted to the committee in July 1988 in a document entitled "Feasibility Of Acquiring More Federal Lands To The State Of Nevada." This report is available for review from the research division of the legislative counsel bureau.

The executive summary and recommendations sections of the consultants' study are in Appendix B. Further discussion of this issue is provided in section V, "Findings And Recommendations," of this report.

IV. OVERVIEW OF COMMITTEE MEETINGS

The Nevada legislature's committee on public lands maintained an active schedule during the interim between the 1987 and 1989 legislative sessions. This section of the report summarizes and highlights the committee's regular meetings and other activities.

A. REGULAR MEETINGS

The public lands committee held nine meetings throughout the state including four meetings in Reno and one meeting each in Carson City, Elko, Ely, Las Vegas and Laughlin.

The committee's first meeting in Reno on August 31, 1987, included organizational matters and reports by committee staff and representatives of the BLM on various public lands issues. The committee also reviewed the studies involving the United States Navy Supersonic Operations Area near Fallon, Nevada, and heard testimony on the proposed Silver State Water and Power Project in Washoe County. Major actions of the committee included:

1. Approval of the development of proposed resolutions for the Land and Energy Committee of the Western Council of State Governments;
2. Authorization for the chairman to testify before a House of Representatives' subcommittee in Washington, D.C., on grazing fee bills; and

3. Authorization for staff to work with the division of state lands, state department of conservation and natural resources, to develop a request for proposal to initiate the study of a gradual land acquisition process.

The committee also received a specially prepared report by the Minerals and Public Affairs staffs in the Nevada State Office of the BLM. This report--entitled "The New Western Gold Rush"--provides an overview of the mining boom in Nevada, and is included in Appendix C.

Appendix D contains public lands related resolutions adopted in 1987 by the Western Legislative Conference (WLC) of The Council of State Governments (CSG). Much of the language in these resolutions was derived from proposals developed by the members of the public lands committee who served on the WLC.

The major focus of the second meeting in Elko on October 8, 1987, was federal and state reclamation laws for mining operations. The committee heard testimony and presentations on this issue from federal and state agency officials and representatives of various mining companies. The chairman reported on his attendance at the congressional hearing on grazing fee proposals. The committee reviewed and approved the request for proposal and mailing list for the scoping study of the gradual land acquisition process. The meeting concluded with a tour of the South Fork Dam project area.

The committee's third meeting in Las Vegas on December 14, 1987, began with a tour of Nellis Air Force Base. During its public hearing, the committee reviewed recent congressional actions on public lands issues, heard testimony on military issues from a representative of the Rural Coalition, was informed of a land transfer problem between the BLM and a mobile home foundation in Las Vegas, and reviewed a new movie on wild horses funded, in part, by Nevada's commission for the preservation of wild horses. The committee approved a request from Nevada's office of community services for the committee's assistance in funding a map to depict resources affected by the U.S. Navy's proposed master land withdrawal in central Nevada.

A teleconference meeting was held on January 13, 1988, to approve selection of a consultant to conduct the scoping study for a gradual land acquisition process (see section V, "Findings And Recommendations," of this report).

The meeting in Laughlin on February 25 and February 26, 1988, included a tour and presentations on development in the Laughlin area and the implementation of Assembly Bill 494 (chapter 822, Statutes of Nevada, 1987). Other land issues in the Clark County area also were discussed, along with actions taken by Nevada's congressional delegation concerning the BLM land for a mobile home park. The consultants for the scoping study on the gradual land acquisition process presented a progress report. Committee actions included:

1. Adoption of a resolution to the governor urging him to take the lead and initiate negotiations to achieve a comprehensive settlement among involved parties concerning the allocation of water in northwestern Nevada and the Newlands Project area (see Appendix E); and
2. A letter to the governor, state board of education, the commission for the preservation of wild horses and others to protest distribution to public schools and other groups of the wild horse movie sponsored by the commission due to its biased content (see Appendix F).

In reference to the water negotiations, U.S. Senator Reid and his staff initiated negotiations to attempt to resolve the water allocation situation. These negotiations have made progress and are continuing.

The wild horse movie was distributed to public schools and other groups, but the committee's action sparked debate on the content of the film.

The committee heard extensive testimony at its meeting on April 28, 1988, in Reno on the issue of wildlife transplant programs and conflicts with farming and ranching operations in the state. Mining issues also were discussed including a study on economic impacts and reclamation activities and legal requirements. A representative from the United States Bureau of Reclamation briefed the committee on the revised OCAP for the Newlands Project area. Water importation projects in Washoe County also were discussed.

The committee met again in Reno on May 25, 1988, to receive the Phase I report from its consultants on the gradual land acquisition process and to conduct a public hearing on the report. The major participants in the water negotiations in northwest Nevada, being conducted through the office of U.S. Senator Reid, briefed the committee on the status of the discussions. A representative of Nevada's department of

minerals also briefed the committee on the abandoned mines program which was initiated following legislation from the 1987 session of the Nevada legislature.

The committee's meeting at the end of June 1988 in Ely focused on the Great Basin National Park. The committee toured the park and received a presentation and public testimony on the planning process for the national park. The consultant for the gradual land acquisition study presented a summary of the final report. The committee also heard presentations on riparian management from representatives of the BLM and the USFS. Additional reports were received on the BLM wilderness study process and other public lands issues. The committee directed staff to work with the chairman to develop a statement for presentation to the National Public Lands Advisory Council at its meeting in Elko in July 1988.

Appendix G is a copy of the presentation made by the chairman to the National Public Lands Advisory Council. The resolutions adopted by this federal advisory council at its meeting in Elko--which include many of the issues addressed by Nevada's public lands committee--are included in Appendix H.

The committee's meeting in Reno on October 7, 1988, covered a wide range of issues including federal legislation, gravel and sand operations in the Las Vegas Valley, the Western States Public Lands Coalition, the mineral potential handbook on BLM wilderness study areas by the Nevada Mining Association and the BLM's automated land management records system. The BLM also presented updated information on other issues including the deaths of wild horses in central Nevada. Further discussion and testimony took place on the gradual land acquisition study and proposals for impact assistance to local communities affected by large-scale mineral developments.

The final meeting of the public lands committee during the interim period was held in Carson City on December 14, 1988. The committee heard presentations on wild horse sanctuaries and proposed wildlife depredation legislation, and conducted a work session to decide upon recommendations to be presented to the 1989 session of the Nevada legislature.

B. VISITS TO WASHINGTON, D.C.

During the 1987-1988 interim period, the public lands committee conducted two visits to Washington, D.C., to meet with key Senators, Congressmen, federal executive branch

officials and others concerning public lands issues. The purposes of these meetings were to monitor federal legislation and to emphasize positions taken on public lands issues by the Nevada legislature during its previous session.

The first visit was conducted from October 28 through October 30, 1987. Members of the committee met with Nevada's congressional delegation and 11 other Senators, Congressmen and staff who serve on the committees which handle federal legislation pertaining to federal lands. These members of Congress included U.S. Senator J. Bennett Johnston (D-Louisiana), U.S. Senator Dale Bumpers (D-Arkansas), Congressman Morris K. Udall (D-Arizona) and Congressman Bruce F. Vento (D-Minnesota), who are chairmen, respectively, of the Senate Committee on Energy and Natural Resources and its subcommittee on Public Lands, National Parks and Forests; and the House of Representatives' Committee on Interior and Insular Affairs and its Subcommittee on National Parks and Public Lands.

Members of Nevada's committee also met with key Administration officials including: Donald P. Hodel, Secretary of the Department of the Interior; Robert F. Burford, Director of the BLM; George Leonard, Associate Director of the USFS; and C. Dale Duvall, Commissioner of the U.S. Bureau of Reclamation. In addition, the committee met with representatives of the United States Air Force and Navy who are members of the executive board for the "Special Nevada Report" which was mandated by Congress to evaluate the cumulative impacts of military operations in this state.

During this visit, the committee further met with representatives of a variety of public lands interest groups to include: the American Farm Bureau, American Mining Congress, American Recreation Coalition, Independent Petroleum Association of America, National Cattlemen's Association and the National Wildlife Federation.

The committee's schedule and issue letter for this visit are provided in Appendix I.

The second visit to Washington, D.C., was conducted from February 17 through February 19, 1988, to follow up on previously discussed issues and to address new concerns. Major issues included the committee's study of a gradual land acquisition process, the proposed OCAP for the Newlands Project area and the proposed closure of the United States Coast Guard station at Lake Tahoe.

Members of the committee again met with Nevada's congressional delegation and 10 other Senators, Congressmen and staff who work on public lands matters. Visits with Administration officials included key representatives of the Air Force and Navy, Bureau of Indian Affairs, BLM, Bureau of Reclamation, Coast Guard, Council on Environmental Quality, Department of the Interior and USFS.

The committee's schedule and issue papers for this visit are included in Appendix J.

V. FINDINGS AND RECOMMENDATIONS

The committee reviewed numerous suggestions pertaining to public lands issues. The committee chose to adopt 11 recommendations for consideration by the 1989 session of the Nevada legislature. The committee may meet during the legislative session to discuss and make other recommendations depending upon further information and the development of various public lands issues.

The recommendations presented in this report relate to a gradual land acquisition process, federal lands and airspace, impact assistance for local governments and communities affected by large-scale commercial developments, the statutes of the committee, the federal grazing fee, the management of wild horses, and the issue of wildlife depredation. This section of the report also includes a discussion of corrections to a certain portion of the consultants' report.

A. GRADUAL LAND ACQUISITION PROCESS

The public lands committee adopted four recommendations relating to a gradual land acquisition process.

Background Information

For many years, the public lands committee has sought ways to increase the amount and percentage of land for state and private ownership in Nevada. The Federal Government still controls almost 87 percent of the land area in the state. This amount leaves little left for the establishment of an adequate property tax base and to provide for continued economic and population growth.

In addition, large tracts of airspace and land in Nevada have been withdrawn from public use by the Federal Government for military, nuclear testing and other purposes.

Many citizens believe that Nevada was shortchanged by the Federal Government when it became a state due to the small amount of lands granted to the state. A study in 1970 found that the total amount of land granted to all public land states was 17.1 percent per state. However, Nevada only received approximately 3.9 percent of its area. This amount is the least and the smallest percentage granted to any of the land grant states. In contrast, Arizona, New Mexico and Utah--states most nearly comparable in location, terrain and quality of climate and soils--received about 11 percent of their area. The study concluded that an additional land grant of about 6.2 million acres from the Federal Government would place Nevada on a reasonable par with its neighboring states.

During the 1970's and 1980's, several joint resolutions were adopted by the Nevada legislature requesting Congress to grant an additional 6.2 million acres of public land to Nevada for the benefit of the public schools. However, Congress did not take action on these requests.

During a visit to Washington, D.C., by the public lands committee in October 1985, several members of Congress indicated that they would look more favorably upon the acquisition of federal lands by the state if the proposal included a list of specific lands and the reasons those lands are needed. It was recommended that the committee hire a consultant to assess the feasibility of such a process.

Following the 1987 session of the Nevada legislature, the public lands committee requested, and the legislative commission approved, additional funds in the amount of \$10,000 for the committee to conduct a scoping study of the costs and feasibility of a project to gradually acquire specific lands from the Federal Government for the state. The final consultants' report--entitled "Feasibility Of Acquiring More Federal Lands To The State Of Nevada" prepared by Susan B. Lynn with Public Resource Associates and Pamela Gene Cosby with Kennedy/Jenks/Chilton from Reno--presents the results of that study (see Appendix B).

The 115-page report includes a review of current processes for public land transfers, a review of other Western States' attempts to acquire land, discussion of land management practices and effects, and alternatives and recommendations for federal land acquisition. The consultants' report reviews existing federal land acquisition methods but indicates that these methods generally are cumbersome and time-consuming.

The public lands committee has received support and encouragement from a number of sources concerning this effort. During its visits to Washington, D.C., in October 1987 and February 1988, the committee briefed Senators, Congressmen and executive branch officials on this new direction for lands in the state. Many of these federal lawmakers and officials commended the committee on its efforts--indicating that the committee is taking a logical and reasonable approach to this issue which will merit consideration at the federal level. In addition, several local government officials and the state land use planning advisory council have expressed strong interest in this process, particularly as it relates to community expansion needs.

Goals

Based on its review of the consultants' report and public testimony, the public lands committee established two statements of goals and direction for its continuing efforts to gradually acquire federal lands for the State of Nevada. These goals and direction are:

1. Continue development of a gradual land acquisition process so that appropriate mechanisms will be available for the state to acquire and administer specific lands if and when the Federal Government provides a significant amount of public lands as a result of negotiations or other procedures due to the proposed location or designation of major federal projects in the state; and
2. Encourage, monitor and assist in the planning and coordination with local governments in the state and with the federal land management agencies to identify public lands needed for community and economic expansion and to expedite existing processes for the transfer of federal lands.

Trigger Mechanism

The consultants' report includes several recommendations relating to Nevada's land management practices and a land acquisition program. However, many of these recommendations would not apply until the state had a significant amount of lands to manage. The committee believes that the state should be in a position to identify lands which are needed for community expansion, economic development and other purposes if negotiations or other procedures are established by the Federal Government for the acquisition of lands.

The committee finds it more prudent and cost-effective to establish a structure for a gradual land acquisition process but use a trigger mechanism to implement the structure when the state receives authority to acquire lands.

The committee, therefore, recommends:

1. That the staff of the public lands committee work with the administrator of the division of state lands, state department of conservation and natural resources, to continue development of the concept and provide recommendations concerning a trigger mechanism for possible legislation to implement a gradual land acquisition process. The mechanism should include the staff, procedures and financial requirements which would be necessary to implement a land transfer process.

Planning

During the 1983 session, the Nevada legislature adopted Senate Bill 40 (chapter 587) which directed the state land use planning agency in the division of state lands to:

* * * prepare, in cooperation with the appropriate state agencies and local governments throughout the state, plans or policy statements concerning the use of lands in Nevada which are under federal management.

The bill was designed to take advantage of the consistency language in the Federal Land Policy and Management Act which requires BLM land use plans to be consistent with state and local land use plans to the extent possible. Senate Bill 40 was intended to give Nevada localities the opportunity to directly address federal land use management issues.

The initial planning process, including public hearings, was concluded in June 1985. The policy plans for each county are published in a book entitled Nevada Statewide Policy Plan For Public Lands. Each county plan identifies specific lands for nonfederal ownership. However, due to lack of staff and other priorities in the division of state lands, the plans generally have not been updated and kept current.

The committee believes that the land planning policy process should be continuous and that an additional staff person in the division of state lands would facilitate the program. This person would be used to assist local governments with their land use policy plans and to help them acquire federal lands under the existing processes.

The committee, therefore, recommends:

2. That the legislature continue the Senate Bill 40 (1983) land planning process as an ongoing program and approve one additional staff person in the division of state lands to conduct the program and facilitate the acquisition of federal lands under existing processes. (BDR 26-1734)

State Land Transactions

Current law in Nevada places a moratorium on the sale of state lands and requires legislative approval of the sale and exchange of state lands. The committee believes that this process is cumbersome and time-consuming since the legislature only meets in biennial session. Most other Western States authorize land transactions through administrative regulation with approval by a state board generally composed of state executive branch elected officials. A similar body in Nevada is the existing state board of examiners composed of the governor, secretary of state and attorney general.

The committee, therefore, recommends:

3. That the legislature remove the moratorium on the sale of state lands and modify the procedures for the exchange, lease and sale of state lands to provide for approval of such actions by the state board of examiners. (BDR 26-1735)

Acquisition Policy

The consultants' study recommended that the legislature state its designated purpose and goals for federal land acquisition in order to set the tone for congressional action. The committee agrees with this recommendation and believes that such a policy statement is necessary to clarify the intent of the legislature and to establish a common ground for the state's direction.

The committee, therefore, recommends:

4. That the legislature place a policy statement in the statutes to establish designated purposes and goals for the gradual acquisition of federal lands. The purposes are to include the acquisition of lands which:
 - a. Provide reparation for expanding and multiple military land and airspace withdrawals and United States Department of Energy withdrawals;

- b. Meet the state's needs for economic expansion which allow for logical commercial, industrial and residential development and are within good planning practices;
- c. Provide for commercial and geographical diversity; and
- d. Have potential to generate revenues to the state either through leases, sales or taxation.
(BDR 26-1736)

B. CORRECTION TO CONSULTANTS' REPORT

The public lands committee accepted a summary of the final report by its consultants at the meeting in Ely on June 30, 1988. The actual final report was delivered to the committee and interested members of the public a few weeks later in July and August 1988.

The committee believes that the report is comprehensive and well done. However, upon further review and public testimony, the committee finds that the portion of the report concerning livestock grazing (on pages 45 through 49 of the consultants' report) is not entirely accurate and does not convey a balanced view of this issue. At least two persons submitted proposed changes to clarify the issue in the report.

The committee, therefore, directed staff to draft and distribute a correction to the consultants' report for the portion dealing with livestock grazing. The text of this correction is in Appendix K.

C. FEDERAL LANDS AND AIRSPACE

On several occasions throughout the interim period, citizens testified to the committee about concerns over the continued withdrawal of airspace and lands by the military and other agencies of the Federal Government. Some persons, particularly in the rural areas of the state, are concerned and frustrated by the apparent perception of many Federal Government officials that Nevada is open and available for any type of federal project.

Several people who testified before the committee expressed fears about the loss of the quality of life in the state. An example often cited is the buy out of the residents of Dixie Valley, Nevada, by the U.S. Navy to facilitate its use

of nearby ranges and the supersonic operations area established for pilot training from Fallon Naval Air Station.

While supportive of the military and reasonable Federal Government activity, the committee finds that these concerns are valid and should be represented to Congress and federal Administration officials.

The committee, therefore, recommends:

5. That the legislature consider a joint resolution to urge the United States Congress to obtain permission from a state in which any major federal project is proposed to be located on federal lands in that state. (BDR R-1737)

The committee further recommends:

6. That the legislature consider a joint resolution to urge Congress to provide in lieu tax payments to states for compensation for the use and withdrawal of military airspace. (BDR R-1738)

D. IMPACT ASSISTANCE

The public lands committee, at several meetings, addressed the issue of impact assistance for local governments and communities which are affected by large-scale developments. Concerns were expressed particularly about the current mining boom in the rural areas and the need for increased infrastructure to accommodate the influx of people in these areas.

The committee acknowledges that several mining companies have been generous in making contributions to local governments for schools, water developments and other infrastructure needs to help mitigate the impacts. These contributions are beneficial but they often do not account for all needs in rapidly developing areas.

The committee explored a variety of methods and sources of financing to provide impact assistance, but no final solution was developed. The chairman designated a working group to continue to investigate this issue and to focus on the possibility of using sales taxes collected during the construction phase to finance impact assistance. This group will explore the idea further and attempt to develop legislation for consideration by the 1989 session of the Nevada legislature.

The committee, therefore, recommends:

7. That the issue of impact assistance be investigated as a way to help with infrastructure needs for local governments and communities that are affected by large-scale developments; and that sales taxes during construction be the primary method investigated to finance this assistance.

E. COMMITTEE STATUTES

When the Nevada legislature's committee on public lands was created in 1983, the act provided for the members who are state legislators to receive a salary of \$80 for each day of attendance at a meeting of the committee (Nevada Revised Statutes [NRS] 218.5365). At that time, \$80 was the daily salary for members of the legislature during the first 60 days of the legislative session. The current salary for legislators is \$130 per day.

The statutory language relating to compensation of members of all other interim committees of the legislature--including the legislative commission, the interim finance committee, the committee on high-level radioactive waste, the committee on health care and all other subcommittees of the legislative commission--provides that the members "are entitled to receive the compensation provided for the majority of the members of the legislature during the first 60 days of the preceding session" for each day's attendance at a meeting of the committee or subcommittee. The statutory provisions relating to compensation for the members of the public lands committee should be made consistent with the standard language for other legislative committees.

The committee, therefore, recommends:

8. That the legislature amend Nevada Revised Statutes 218.5365, "Meetings; regulations; compensation of members," to include the standard language for compensation for members of the public lands committee as is provided for other permanent legislative committees. (BDR 17-1739)

F. GRAZING FEE

From 1979 to 1986, the federal fee for grazing livestock on public lands was computed by a formula adopted in the Public Rangelands Improvement Act (PRIA) of 1978. The PRIA called for a study to evaluate the performance of the formula and to explore alternative fee systems by the end of 1985, at which time the PRIA formula terminated.

The 1985 session of the Nevada legislature adopted Senate Joint Resolution No. 25 (File No. 53) to urge Congress to retain the current formula used to establish fees for grazing on federal rangelands.

The study required by the PRIA was produced too late for consideration by the Congress in 1985. Therefore, the President of the United States issued Executive Order 12548 on February 14, 1986, to establish a grazing fee for the 1986 grazing season and to give Congress time to consider the fee issue. The Executive Order made some changes but retained the basic characteristics of the formula.

In 1986, the Natural Resources Defense Council (NRDC) in the case of NRDC v. Lyng, Hodel sued in U.S. District Court to challenge the authority of the Secretaries of Agriculture and the Interior to use the formula and the procedures followed to establish the 1986 grazing fee. The court ruled on August 13, 1987, that the fee formula was within the scope of discretion accorded the Secretaries under various federal acts, but that the agencies had not complied with the rule making procedures of the Federal Administrative Procedures Act and other public participation statutes.

The BLM and USFS subsequently prepared an environmental analysis, received public comment and established the fee formula by rule consistent with the formula provided in the Executive Order. The objectives of the fee formula include achieving a fee level that is reasonable and promotes stability in the western livestock industry. The fee is intended to reflect annual changes in costs of production and to be equitable to both grazing permit holders and to the government.

During the 100th session of Congress, at least three bills were introduced relating to the grazing fee. Two of the bills would have substantially increased the fees. Hearings on these proposals were held, but Congress took no action before the session ended.

It appears certain that this issue will arise again in the next session of Congress with further pressure to increase grazing fees. The public lands committee believes that the current fee formula is fair and equitable, and should be retained. Livestock ranching is a major industry in the rural areas of Nevada and other Western States; and increased fees could have a harmful effect on the viability of many ranching operations. The committee believes that the Nevada legislature should reaffirm its support of the existing grazing fee formula and send a strong message to Congress that it not intervene in this issue.

The committee, therefore, recommends:

9. That the legislature adopt a joint resolution to Congress to reaffirm its support of the existing formula for grazing fees on federal lands.
(BDR R-1740)

G. WILD HORSES

The issue of proper and cost-effective management of wild horses continues to plague federal and state officials in the West and particularly in Nevada which is home to the majority of wild horses. New initiatives relating to this issue include establishment of two sanctuaries in South Dakota and further consideration of other alternatives for an expanded sanctuary program for wild horses.

The public lands committee monitored this issue throughout the interim period and heard several presentations on wild horses. At its meeting in December 1988, the committee was presented with a proposal for a wild horse management program which includes enlargement of the sanctuary system and the establishment of a system of privately-owned wild horse ranges to help reduce the costs and still provide for the preservation and management of wild horses. The document--entitled "Proposal For Wild Horse Management Program"--submitted to the committee to explain this concept is in Appendix L.

The committee believes that this proposal has merit and deserves consideration by the Congress. The proposal suggests a pilot program to test the management concept to work out problems before full implementation. Initial cost figures developed in the proposal indicate a substantial savings to the Federal Government through a sanctuary and private wild horse range management program.

The committee, therefore, recommends:

10. That the legislature adopt a joint resolution to urge Congress to consider proposals to enlarge the sanctuary system for unadoptable wild horses and to establish a system of privately-owned wild horse ranges to help resolve the issue of and excessive costs for wild horse and burro management. (BDR R-1741)

H. WILDLIFE DEPREDATION

A major issue during the interim period relates to the big game Re-establishment and Transplant Plan developed by Nevada's department of wildlife and approved by the board of

wildlife commissioners. This plan pertains to the introduction and reintroduction of certain big game species throughout the state.

Conflicts have developed between the department and livestock operators due to concerns about reductions in grazing allotments and damage to fences, forage and other structures caused by the introduction and increased numbers of big game species in areas of the state. Testimony indicates that some ranchers are experiencing financial hardships caused by wildlife depredation.

The department has been working with livestock operators to develop alternatives to mitigate and resolve wildlife depredation problems. There appears to be general agreement of the need for a wildlife depredation fund in the state to provide some compensation for damages suffered by livestock operators as a result of new or additional game species.

The committee, therefore, recommends:

11. That the legislature consider statutory changes to provide a procedure and funds for Nevada's department of wildlife for mitigation and damages caused by the introduction or reintroduction of any new or old wildlife species in the state; and that the legislation include provisions for compensation by the department of wildlife for the loss of grazing rights to permittees due to a reduction of animal unit month allocations caused by the introduction or reintroduction of any wildlife species. (BDR 45-1742)

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APPENDIX A

List Of Meetings, Issues And Actions Of The
Nevada Legislature's Committee On
Public Lands From July 1987
Through December 1988

LIST OF MEETINGS, ISSUES AND ACTIONS
OF THE
NEVADA LEGISLATURE'S COMMITTEE ON PUBLIC LANDS
FROM JULY 1987 THROUGH DECEMBER 1988

August 31, 1987 - Reno, Nevada

<u>Issue</u>	<u>Action</u>
USFS wilderness proposals in Congress.	Staff report.
BLM wilderness process.	Update.
BLM grazing regulations.	Status report.
Disposition of wild horses and recent court actions.	Status report.
Geothermal operations in Nevada.	Update.
Federal court decision on grazing fees and congressional hearings on grazing fee bills.	Review and discussion.
Development of the "Special Nevada Report."	Staff report.
Studies involving the Supersonic Operations Area at Fallon Naval Air Station.	Update.
Proposed Silver State Water and Power Project in Washoe County, Nevada.	Testimony and discussion.

October 8, 1987 - Elko, Nevada

<u>Issue</u>	<u>Action</u>
Study of the Washoe County Ground Water Importation Project.	Staff report.

Project BOLD in Utah.	Staff report.
United States Supreme Court decision in the case of <u>California Coastal Commission v. Granite Rock Company</u> .	Staff report.
United States Senator Harry Reid's airspace bill (S. 1584).	Staff report.
Meeting of Nevada's commission for the preservation of wild horses.	Staff report.
Meeting of the state multiple use advisory committee on federal lands concerning the Aerojet land exchange proposal.	Staff report.
Hearings in Congress on grazing fee bills.	Report by Chairman.
Federal and state reclamation laws for mining operations.	Testimony and discussion.

October 28 through October 30, 1987 - Washington, D.C.

<u>Issue</u>	<u>Action</u>
Public lands issues including Aerojet land exchange, fires, gradual land acquisition process, grazing fees, military airspace and land withdrawals, water, wild horses, wilderness and other issues.	Meetings and discussions with U.S. Senators, U.S. Congressmen, congressional staff, federal executive branch officials and representatives of interest groups.

December 14, 1987 - Las Vegas, Nevada

<u>Issue</u>	<u>Action</u>
Nellis Air Force Base.	Briefings and tour.
Gradual land acquisition process.	Review of proposals.

Funding of map to depict resources affected by the proposed master land withdrawal by the U.S. Navy in central Nevada.	Approval.
Citizen's guide to the Military Lands Withdrawal Act of 1986 by the Rural Coalition.	Presentation.
Congressional hearing and Governor's testimony on the Airspace Protection Act (S. 1584).	Review and discussion.
Congressional legislation on Aerojet and Nevada wilderness.	Review and discussion.
Movie entitled "Wild Horses Of The Nevada Desert."	Review and discussion.

January 13, 1988 - Carson City, Nevada

<u>Issue</u>	<u>Action</u>
Teleconference meeting - scoping study for a gradual land acquisition process.	Selection of consultant.

February 17 through February 19, 1988 - Washington, D.C.

<u>Issue</u>	<u>Action</u>
Public lands issues including air-space protection, gradual land acquisition process, grazing fees, mobile home parks, OCAP for Newlands Project area, wilderness and other issues	Discussions and meetings with U.S. Senators, U.S. Congressmen, congressional staff and federal executive branch officials.

February 25 and February 26, 1988 - Laughlin, Nevada

<u>Issue</u>	<u>Action</u>
Laughlin area.	Tour.
Scoping study for a gradual land acquisition process.	Progress report.
Activities of the Colorado River commission in the Laughlin area.	Update.
Development in the Laughlin area and implementation of A.B. 494.	Status report, presentation and testimony.
BLM/Summa Corporation land exchange proposal in the Red Rock area.	Presentation.
BLM/NWF lawsuit and its effects in Nevada and Clark County, Nevada.	Update.
Application for BLM land in Las Vegas for a mobile home park.	Discussion.
Movie entitled "Wild Horses Of The Nevada Desert."	Discussion; letters to Governor, school district officials and others.
Proposed OCAP for the Newlands Project area.	Discussion; letter and resolution to Governor.

April 28, 1988 - Reno, Nevada

<u>Issue</u>	<u>Action</u>
Airspace Protection Act.	Staff report.
Land for mobile home park.	Staff report.
Hearings on the "Special Nevada Report."	Staff report.
Wild horses.	Presentation.

Scoping study for a gradual land acquisition process.	Status report.
Introduction and reintroduction of game species in Nevada.	Testimony and discussion.
Mining issues.	Presentations and discussion.
Revised OCAP for the Newlands Project area.	Presentation and discussion.
Washoe County water importation projects.	Presentations and discussion.

May 25, 1988 - Reno, Nevada

<u>Issue</u>	<u>Action</u>
OCAP for the Newlands Project area and water negotiations.	Update, status and discussion.
Scoping study for a gradual land acquisition process.	Presentation and public hearing.
Abandoned mine program in Nevada's department of minerals.	Presentation.

June 29 and June 30, 1988 - Ely, Nevada

<u>Issue</u>	<u>Action</u>
Great Basin National Park.	Tour.
Planning process for the Great Basin National Park.	Overview and discussion.
Scoping study for a gradual land acquisition process.	Presentation and final report.
Riparian management.	Presentations and discussion.

BLM wilderness review process.	Status report.
"Special Nevada Report."	Staff report.
Congressional legislation.	Staff report.
Meeting of the National Public Lands Advisory Council.	Staff report; statement for meeting.

October 7, 1988 - Reno, Nevada

<u>Issue</u>	<u>Action</u>
Federal public lands legislation and water negotiations.	Update.
Gravel and sand operations on public lands in the Las Vegas Valley.	Presentation and discussion.
Consultants' report on gradual land acquisition process.	Review and discussion.
"Boom bust reclamation" proposal.	Staff report, testimony and discussion.
Western States Public Lands Coalition.	Presentation.
Mineral potential handbook on BLM wilderness study areas.	Presentation.
"Special Nevada Report."	Update.
BLM'S Automated Land Management Records System.	Presentation.
Oil and gas lease sales on BLM lands.	Presentation.
Range conditions and the effects of the drought.	Presentation.
Federal legislation on landfills on public lands.	Presentation.

Wild horse sanctuary program.	Presentation.
Red Rock land exchange.	Presentation.
Publication on "Fish and Wildlife 2000."	Presentation.
Map on multiple use of airspace and land in the Lahontan Valley.	Staff presentation.
Wild horse deaths in central Nevada.	Update.

December 14, 1988 - Carson City, Nevada

<u>Issue</u>	<u>Action</u>
Wild horse sanctuaries.	Presentation.
Wildlife depredation.	Presentation and discussion.
Work session.	Recommendations to 1989 Nevada legislature.

Index of Abbreviations

BLM - Bureau of Land Management
 NWF - National Wildlife Federation
 OCAP - Operating Criteria and Procedures
 USFS - United States Forest Service

APPENDIX B

Executive Summary And Recommendations
From The Consultants' Report

**FEASIBILITY OF ACQUIRING
MORE FEDERAL LANDS
TO
THE STATE OF NEVADA
PHASE II**

**Susan Lynn
Public Resource Associates**

and

**Pamela Gene Cosby
Kennedy Jenks Chilton**

July 12, 1988

EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

The purpose of this report is to assess the feasibility of Nevada's acquisition of more federal land to meet its expanding growth needs. The Phase I Report was to have opened up discussion on why, how much, and how to accomplish the task. Phase II restates the situation and results in recommendations to the Legislative Public Lands Committee.

Over the years, Nevada has attempted to acquire and control more federal public domain lands without much success. It now has two courses to pursue. The first is to expedite existing land acquisition processes, such as Recreation and Public Purpose and/or direct sales. With a receptive and responsive Bureau of Land Management, the state could authorize a negotiated Memorandum of Understanding. To do so would produce the more immediate land acquisitions while achieving the most desired goal of allowing Nevada communities to expand.

The second course of direction, if the state still wants to pursue school trust fund lands for revenue generation, is to develop a commission to set acquisition goals and policies, to identify lands, and to build the case to take to Congress. This second course requires effort and planning of a much larger magnitude.

Before Congress would ever approve such a major land grant or land transfer at less than firm market value, Nevada will have to prepare and justify a detailed program proposal similar to the Project Bold report. Two stages would be involved:

1. Prepare the detailed program proposal, identify the land acquisition process, and secure state and congressional approval. Related state legislation and programs would also have to be set in place.
2. Implement the land acquisition program. State level staff would develop a data base, identify lands for acquisition, process land transfers from the federal government and manage the acquired land in a fashion similar to the Public Employee Retirement System (PERS) management of its portfolio.

At the state level, Nevada must first decide through a planning process whether it intends to acquire only those lands which will accommodate commercial, industrial and residential expansion, or those lands plus multiple use or resource lands. Nevada's water laws and limited water supply constrain the state to acquiring lands with access to water and having a higher development and tax base potential. To acquire many multiple use/resource lands might create unfulfilled promises and increase the state's land management costs.

At the congressional level, passage of legislation will depend on the case Nevada makes for economic survival and expansion, and reparation for its service to the nation. The case must appeal to the larger national constituency, to conservationists, and to the administration.

Under Options I and II, expediting existing land transfer processes, the long term public resource and land management costs will be retained by the federal government until transfers are completed. The income from these federally retained lands is shared with the state. Incremental acquisitions would allow communities and the real estate market the time to absorb these additions without creating a crisis in planning and infrastructure requirements or land prices.

To implement the first option, several staff members would be added to the Division of State Lands to work on planning and transactions with the BLM, to coordinate cultural and mineral clearances, and to interact with private parties and agencies seeking to acquire federal land. The current delays in federal land transfers are largely due to staff and budget shortages. Budget figures of \$73,000 for staff and \$650,000 for supplementing the BLM's budget for cultural and mineral clearances sets the annual budget at \$723,000.

The budget for the second option would require funds for the commission and State Lands staff, travel, rent and operating funds for a total of \$216,000 annually. As phased acquisitions occur, the need for additional land staff and assistance from other agencies may be requested. To accomplish both programs, the state will have to consider a budget of nearly \$1 million without land costs.

Other western states, which have bills similar to Nevada's proposal pending in congress, are having more success with administrative exchanges and acquisitions through existing legislation and MOU's. Each has developed goals, guidelines and regulations through a land commission or board, acting in concert with a state land office. Nevada legislation to authorize a governing commission would provide needed policy and regulatory action for Option II.

In earmarking proceeds derived from acquired lands, the net income over and above land management costs must be allocated to uses perceived as benefiting the state and the nation before Congress can be expected to approve such a proposal

This report also describes the issues and impacts of land acquisition on multiple use, taxes and federal payments and provides a basis for developing a land data base from which identification and selection of lands may be made. It also defines some administrative and legislative processes and changes to be made to make land transfers more acceptable at both federal and state levels.

Conversations with fellow Nevadans continually pointed to the fact that the state needs to consider lands which will rapidly expand the tax base and/or income generation from land sales or leases for the school trust fund or the general fund. Based on the previous checkerboard land public opinion survey study and further discussion, Nevada citizens generally think acquisitions for commercial and residential

development are realistic and that funds generated are needed to support schools and other state budget items as well as further land acquisitions.

Obviously, the recommendation to acquire up to 2 million acres of land over a 30 - 50 year time frame for reparation and economic expansion is not an easy one to fill. Phase II sets forth a course for cooperation with the BLM or passage of congressional legislation to acquire more land for Nevada. The time for study is over. Systematic action and decision making are the tough tasks ahead.

RECOMMENDATIONS FOR
STATE LEGISLATION

RECOMMENDATIONS FOR STATE LEGISLATION

To proceed with the land acquisition process, the Nevada legislature should adopt two types of legislative programs during the 1989 session. The first would address Nevada's land management practices; the second would initiate land acquisition programs. Details are given below.

Land Management Practices Legislation

Before Nevada can even consider acquiring more federal land, it must consider correcting or enacting legislation which will make Nevada land management consistent with other states and national laws. Congress, and especially the House Interior Committee, will almost certainly require that these issues be addressed prior to approving national legislation. These state land management options must be considered by Nevada prior to developing and selecting land acquisition alternatives. They represent the logical nest building prior to acquiring the family (the land).

1. The legislature should reestablish its state planning function through the Division of State Lands and the clearinghouse within the Office of Community Services. The planning process for public lands created by SB 40 should be extended into an ongoing process, especially

to help rural communities, which because of mining or other industrial growth, are constrained by federal land and have no master plans.

2. The legislature should enact policy to maximize benefits derived from lands and restrict these expenditures to land planning and management, the schools. From Nevada's long history of free or low cost state lands, Nevadans still presume that land is a cheap commodity and try to find all sorts of ways to acquire "land for nothing". Such a case will not fly in Congress or with the taxpayer.

3. The legislature should adopt an environmental policy to satisfy national interests. In 1971, Nevada enacted the Utilities Environmental Protection Act (UEPA) which also requires cost/benefit analysis. UEPA applies only to energy projects subject to Public Service Commission approval. Nevada permitting requirements already address various environmental issues such as air and water quality on a piecemeal basis. Funding is also limited. With increasingly large projects related to mining, gaming, utilities, and urban development on the horizon, Nevada needs to develop a framework to protect its diverse but fragile natural resources for future generations. Legislation should also guarantee public

participation. The environmental review process could be limited to sales or exchanges of state lands.

4. The legislature must lift the prohibition of land exchanges and replace it with a regulated exchange process. Land sales should be permitted through administratively approved regulations rather than by specific legislation. Generally, new regulations should be appropriate to prevent fraud or misuse of the public lands, but current legislative practices have created a cumbersome process for a state wishing to put more public land into the private sector.

5. Once the recommendations from the forthcoming legislative report on Nevada's tax structure are public, the legislature must take prompt action to assure a stable tax base. Nationally, we are perceived by Congress as having an unstable tax base because of our reliance on gaming/tourism, mining, and fluctuating sales taxes.

6. The legislature must state its designated purpose and goals for federal land acquisition in order to set the tone for congressional action. Nevada should gradually acquire lands which:

a. provide reparation for multiple and

expanding military land and airspace
withdrawal and DOE withdrawals;

- b. meet its needs for economic expansion;
- c. allow for logical industrial, commercial and residential development adjacent to existing communities and are within good planning practices;
- d. are geographically and commercially diverse; and
- e. have the potential to maximize revenues to the state either through taxation, sales or leases.

7. The legislature should specify lands that have special reservations or restrictions for exclusion such as:

- a. national forest lands (it should be noted that no other state has excluded these lands which are valuable and productive)
- b. indian reservations and lands in litigation
- b. national parks, monuments, recreation areas and wildlife refuges
- d. national historic sites
- e. military lands
- f. Department of Energy lands
- g. Aerojet leased lands (99 year lease)

- h. lands with verified (by BLM and counties)
active mineral claims
- i. wilderness or proposed wilderness areas
- j. areas of critical environmental concern
(ACEC).
- k. Bureau of Reclamation lands

8. The state should request access or develop a land data base, much of which exists in the BLM's Automated Land and Mineral Record System (ALMRS), together with existing state, county or city information. The state's program could include natural as well as constructed resources (buildings, transmission rights of way, irrigation ditches, etc.) on parcels. The program would provide the necessary information to assist staff or any proposed board or commission in selecting appropriate land for acquisition.

All eight measures to improve Nevada's land management and planning capacities do not necessarily reflect on recent legislatures or administrations, but they do point out long term policy and management programs which Nevada must account for if it is to take a credible package to Congress or the Department of Interior.

Land Acquisition Legislation

The other type of legislation required will authorize the Division of State Lands to begin developing and implementing the land acquisition process and create a governing state land commission.

The Legislative Counsel Bureau and the Division of State Lands have published reports and bulletins responsive to the Legislative Public Lands Committee's desires to define the issues (i.e. access, planning, developable lands and other states' land laws) and to build the case for acquiring more federal lands. Several repetitive themes have prevailed. There are no simple answers or quick fixes, only decisions to make, ensuring lively legislative sessions. The state needs to enact legislation that will:

1. Create a ten member state land commission to be the policy making and regulatory body for planning, administering and managing acquired lands, and setting qualifications for the administrator of the Division of State Lands. The commission should be comprised of members who have expertise in real estate, appraisals, real estate banking, property management, county or city planning and fiscal management, and those who represent the Departments of Conservation and Natural Resources, Wildlife, Agriculture and Minerals, the Division of State Lands and the BLM (nonvoting). They shall

be appointed by the Governor. A term of four years shall be designated with half to be appointed initially for two years so that the commission will alternately rotate.

During the first year of its existence, the Commission would develop and adopt two programs. The first would be a state program to assist and expedite existing land transfer processes. The second would be a new land acquisition program to be proposed to Congress and the Nevada Legislature. Details to be refined by the proposed commission include how much land would be acquired, the land identification process, a financing program, and the purposes for which acquired lands and income generated could be used.

Specifically, the commission should set policy on

- a. land classification priorities for acquisition,
- b. land classifications for disposal, and
- c. land classifications for retention.

The commission should also develop regulations related to:

- a. access to other public lands,
- b. management of retained lands,
- c. sales procedures,
- d. lease procedures,
- e. development procedures (assuming the state

wishes to maximize generated income by
developing lands),

- f. financing procedures,
 - g. reversion procedures,
 - h. due process/appeals procedures,
 - i. planning assistance on R&PP acquisitions,
 - j. the definition of fair market value, and
 - k. appraisal procedures.
- l. requiring concurrence with local and
federal plans

The commission would review:

- a. tax impacts prior to acquisition and
subsequent sales, leases or retention.

2. Retain the Division of State Lands which will be mandated to develop policy and regulations set forth by the commission, to execute planning projects when necessary, to act as staff to the state lands commission and board, to coordinate all realty transactions, and to act as liaison to other government agencies in relationship to planning and real estate transactions. Adequate staffing to accomplish these new responsibilities will also be required.

3. Enable due process/appeals procedures through the commission to deal only with planning and real estate decisions made by the State Lands Division staff, the

commission and the board.

4. Enable the earmarking of funds

- a. to cover land administration and management costs and additional land purchases,
- b. to generate monies for the school trust fund
- c. to share revenues with local government and the federal government.

5. Create the mechanisms necessary to develop state operated financing packages for both private parties and local governments needing lands other than R&PP lands.

6. Assure the public's right to participatory government by providing for public comment in the decision making processes.

7. Allow local governments to fulfill their expansion needs through the R&PP or direct sale processes and within approved local plans.

8. Allow private enterprise to fulfill their expansion needs within approved local master plans and a stable real estate market.

9. Assure continued financing to administer and manage acquired lands and the associated needs for infrastructure, fire and police protection, the environment, recreation, access, grazing, mining, water, wildlife protection, etc.

10. Assure that lands are managed to maximize profits for the state through sales, leasing, revenue or tax generation or other revenue sources. If lands are retained, they should be leasable. If they are sold, it should be through competitive bidding. Direct sales at no less than 95% of appraised fair market value may be allowed following an unsuccessful competitive sale.

11. Assure that if resource lands are acquired, that lease or sale revenues are maximized and that management costs are recovered. Management should ensure that the resource is maintained for sustained yield, that public access is retained, that mineral entry is assured, and that revenue sharing with the federal and local governments continues.

12. Enable a Memorandum of Understanding between the proposed state land commission (Division of State Lands) and the BLM to allow:

- a. land exchanges for the remaining 3,000 acres of state land,

b. expeditious transfers of BLM designated "available" land through direct sales, the R&PP process, and DLE (where possible).

13. Appropriate funding to supplement BLM's budget for cultural resource surveys and mineral reports in order to facilitate expeditious transfers.

14. Appropriate funding in the FY 89-91 state budget for the proposed commission to develop the new land acquisition program, as well as the regulating framework to improve state land management practices.

Even with this large state legislative package in place, there will probably be other legislation required. Just what types of legislation is difficult to predict as there are no assurances that this proposal will succeed even at the state level. If it does, the Legislative Public Lands Committee, the Governor, the proposed commission and the Division of State Lands Staff will need to work closely with Nevada's congressional delegation and staff to finalize the proposed land acquisition process.

The package of gradual acquisition of federal lands to the state should be a single piece of legislation, not a piecemeal affair. A single piece of legislation of this

magnitude will require a very large commitment on the part of Nevada's delegation. Building a case to convince Congress that the nation would benefit by transferring large quantities of federal land to Nevada and its residents is very different than convincing the Nevada Legislature. An outline of the case is presented in the next section.

RECOMMENDATIONS FOR A STATE RESOLUTION
TO BE SENT TO CONGRESS

RECOMMENDATIONS FOR A RESOLUTION TO BE SENT TO CONGRESS

During the last two decades of debate on the Sagebrush Rebellion, Nevada and other western states have developed well-founded arguments to justify transferring ownership and management of some or all of the public lands to state jurisdiction. Most of the arguments focused on the public trust and the equal footing doctrines, impairment of state sovereign rights, responsibilities to act for the welfare of Nevada's residents, and the constraints to economic development and self-determination of Nevada and its future.

Regardless of how justified Nevada's arguments are, little, of any, progress has been made toward convincing Congress to award Nevada additional land grants and particular grants to support the states school fund. Nevada must realistically ask itself, "What are Nevada's true goals for the public lands? What is it that Nevada really needs from the public lands to foster economic development and generate revenues to fund the public infrastructure and services required by growth?" Equally important is the question, "What does the federal government really want to gain from the public lands in Nevada." Only when an alternative for current land transfer processes is developed which will meet the goals of both Nevada residents and Washington, D.C. congressional representatives can a mutual

agreement be reached. Both parties must feel that they will benefit from the land transfers.

Nevada's true goals are to have sufficient land and funds available to serve the state's growing population with public services and capital improvements such as schools, roads or adequate water delivery systems. The nation's goals are to maximize the value of the public lands for all Americans, (as viewed from Washington, D.C.) now and in the future. This translates to protecting natural and cultural resources on the public lands, preserving wilderness areas for our children to enjoy, providing for the national defense and maximizing income generated by the public lands which are developed under multiple use or single use practices.

One of the basic arguments put forth by Sagebrush Rebellion advocates has been the lack of equal footing for Nevada. Over the century and a half that public land states were admitted to the Union, Congress gradually increased the quantity of land granted to each state to fund common schools. From 1803 to 1848, each new state was granted one section (640 acres) per township. The quantity of land increased to two sections per township with the admission of California in 1850 and, finally to four sections per township with the admission of Utah in 1896. Nevada was admitted to the Union in 1864 and was entitled to two sections per

township for a total of 3.9 million acres. By Nevada's choice, 3.1 of the 3.9 million acres were exchanged for 2 million acres of other lands that were less remote and of higher value (Nevada State Committee on Federal Land Laws, 1970). Presumably the appraised value of the exchanged lands was comparable, but the net effect was that Nevada lost 47 percent of its original land grant.

Nevada has made a persuasive argument that the low productivity of Nevada's land makes the state most similar to Arizona, New Mexico and Utah. All three of these states received land grants of four sections per township (Nevada State Committee on Federal Land Laws, 1970). In hindsight, Nevada was not as well funded to support her schools as most other states; nevertheless, the land grant was viewed as equitable relative to the other states at the time of Nevada's admission. Importantly, Nevada's poor record of maximizing income from school land sales also contributed to the low dollar value of Nevada's school fund.

Congress has not yet been convinced of the merits of Nevada's claim for additional land grants. In addition to the equal footing doctrine described above, another three compelling arguments should be made to justify additional land transfers:

- o Nevada needs to develop a comprehensive and well-funded program to manage state lands. The state should demonstrate that it will identify, retain, and protect, as required, lands with critical natural and cultural resources as well as maximize school fund income from any lands sold. Such a program would signal Congress that Nevada has instituted mechanisms to prevent abuses like those of the past. Nevada will not sell the land to private individuals for pennies on the dollar, sensitive resources will be protected from sale to indiscriminate developers, and lands will be master planned and managed for Nevada's long term future, not immediate gain. Once in place, Nevada can demonstrate strongly to Congress that the state will be a good steward of the public lands.
- o A quid-pro-quo linking state land grants to continuing federal withdrawals of Nevada's land and airspace should be sought. More of Nevada's lands are now permanently dedicated to defense than Nevada actually received in School Trust Lands. Additional significant withdrawals to provide for the nation's defense, and potentially, nuclear waste disposal have been proposed. Nevada needs to allocate some of her lands to support a diversified and balanced economy and thus prevent Nevada from becoming solely a military enclave. Nevadans have a right to self-determination of their own future.

Nevertheless, Congressional critics have said Nevada is seeking something for nothing. Quite to the contrary, Nevada seeks reparation for the important national role it has and continues to play for national defense.

- o Congress needs to understand and believe that the nation gains from additional land grants and transfers to Nevada. One benefit is Nevada's important defense role. Another is the benefit of providing equity for educating Nevada's children relative to other states. Congress needs to understand that Nevada will assure continued public access to the public domain for recreation, mining, wildlife, parks and other significant uses. A more recently emphasized benefit is the possibility to reduce the federal deficit by sales of surplus federal land and eliminating land management costs for these surplus lands.

The best case Nevada can make for additional land grants or acquisitions must build on these arguments. Congress must feel that they can go home to their constituents and find support for land transfers to Nevadans. Perhaps the six million acre land grant proposal has been around long enough that Nevadans can now find the congressional and administrative support they need to get land grant legislation passed. Perhaps not. Perhaps a combination of

additional land grants of less than six million acres facilitating private and state purchases of federal lands adjacent to growing communities would meet Nevada's goals--albeit at significantly greater cost--and meet with Congress' approval.

APPENDIX C

"The New Western Gold Rush" - A Report To The
Public Lands Committee From The BLM
Dated July 25, 1987

The New Western Gold Rush

A report prepared for the August meeting
of the Nevada Legislature's Committee on
Public Lands

A world-wide increase in gold exploration and mining has occurred during the past few years. This increased development began about 1980, and has accelerated during 1985, 1986, and on into 1987. The gold market has remained strong enough to absorb this additional production. It is anticipated that market demand will continue to outpace production during the next few years.

Dramatic increases in exploration for, and production of, gold have occurred in the U.S., Canada and Australia. Over the next five years free world gold production is expected to rise 24 percent, as long as prices continue above \$300 per ounce. The increase will be larger if gold prices remain above \$420 per ounce.

Harry M. Conger, chairman of the American Mining Congress, said in July the current boom in Nevada has yet to reach its zenith as production and exploration continue at a "tremendous" rate. Conger, who is also chairman of Homestake Mining Co., the nation's largest gold producer, said "this year, U.S. producers will produce twice as much gold as they did in 1982. Many of these properties are surpassing expectations in their high level of efficiency in construction and operation."

Conger also said the mining industry, "or at least what is left of it, is leaner, tougher and better positioned to meet world competition than it has been for quite a while."

An example of this is indicated in the 1987 first quarter statement of Freeport McMoRan Gold Company, discussing the Jerritt Canyon operation. This facility "set new marks of excellence with mill throughput averaging a record 3,942 tons per day--up more than 11 percent over the first quarter of 1986 and near our planned 4,000 tons per day average throughout level for 1987...The Jerritt Canyon recovery rate improved to over 90 percent during the first quarter, an increase of 5 percent over the same period in 1986...."

In 1986 the largest gold producing states were Nevada, South Dakota, California and Montana. Over 40 new mines opened nationally in 1986, mainly in Nevada, California, Idaho and Colorado. About 30 percent of all mine exploration spending in the nation is now devoted to gold. Although Nevada led all states in new development on public lands, similar development under BLM jurisdiction in other states includes the Homestake McEloughlin mine and Hogg Ranch mine in California, and the Cyprus Minerals Company mine near Yuma, Ariz. The Cyprus mine will double Arizona's gold production. Output from mines in BLM's California Desert District will increase from 5,000 ounces to over 350,000 ounces in the near future.

The relationship of total production to production from public land has not been fully identified. The BLM in Nevada estimates that about 90 per cent of that state's production is from the public lands.

U.S. gold production has doubled since 1981. The U.S. is now the third largest producer, following the Union of South Africa and the U.S.S.R.

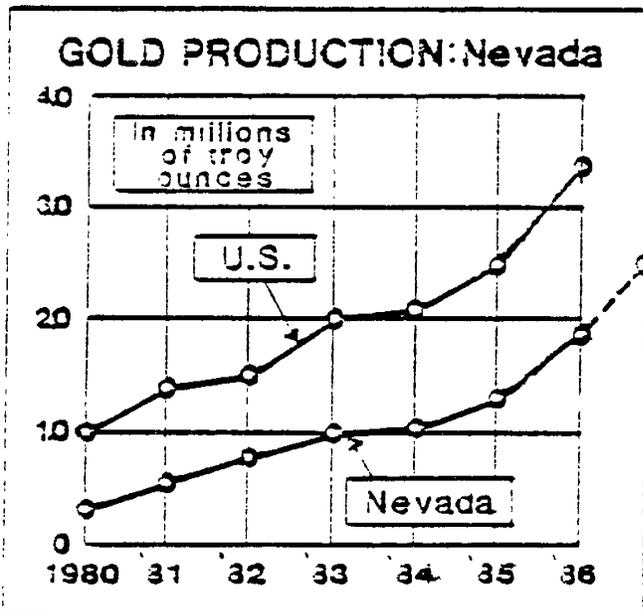
NEVADA

Nevada's gold mines continue to be the largest contributors to the nation's total output, providing 54 percent of this nation's 1986 domestic gold production. Twelve of the nation's current top 20 producers are partially or wholly on public lands in Nevada administered by the BLM, including four of the five largest gold mines in the U.S.: Newmont's Carlin mine group, Round Mountain Gold's Smoky Valley operation, the FMC-Freeport McMoRan joint venture at Jerritt Canyon, and Battle Mountain Gold's Copper Canyon mine. Round Mountain is a jointly-held company in which Echo Bay Corp. of Canada is the principal.

The U.S. Bureau of Mines now reports that Newmont's Carlin-Maggie Creek Gold Mine passed the Homestake Mine in production during 1986, to become the largest gold mine in the nation. Each of the largest mines in Nevada produced over 150,000 ounces of gold a year, and each is also expanding operations.

In 1986, 13 new mines opened in Nevada; at year's end over 50 large gold and silver mines were operating and there were 217 active gold and silver mines of all sizes. In the last seven years, Nevada's gold production has increased 757 percent, from 215,608 ounces in 1980 to 1,887,258 ounces in 1986.

Of the 25 largest mines in the U.S. in 1986, together yielding 82 percent of all domestic gold produced, fourteen are in Nevada. The remainder are divided



IN FY 86: Seven new and two world class mines came on line; 16 mines were under construction on federal lands.

BLM Plans/Notices in Nevada:

FY 82	637
83	678
84	718
85	540
86	673

between California, Montana, Utah, New Mexico, Arizona and South Dakota. Alaska's gold is primarily placer gold, mined by individuals and small operations.

Nearly every county in the State of Nevada is under intense exploration for gold, with the northern half of the state receiving the heaviest scrutiny.

Casual use exploration--the prospector on foot--is becoming less common and has been replaced by intensive surface-disturbing exploration activities such as drilling and trenching.

There are several reasons why it is expected Nevada will continue to receive the most exploration activity

1. The gold resource is present in economic quantities;
2. The State has a positive outlook toward the industry, and an economic climate with relatively low state taxes, especially the net proceeds on mines tax. The 1987 Nevada State Legislature adjourned without passing a resolution amending the constitutional net proceeds of mines taxation system. It would now take until 1993 to amend that provision of the state Constitution, which is highly favorable to the industry. Several studies of the effects of state taxation on mining have shown Nevada to have the lowest rates and total returns of all Western States.
3. There is a vast amount of available land open to exploration, e.g., the recent Elko Resource Management Plan (RMP), in the heart of the Carlin-Jerritt Canyon area, showed 98.6 percent of lands open to mineral location.*

Precious metal exploration and mining is now the cornerstone of Nevada's economy in the rural counties. An industry study showed the value of gold industry output in terms of personal income, sales, governmental revenues and expenditures of over \$700 million; a combined direct and indirect impact on Nevada's economy was estimated at over \$2 billion. Industry has estimated the recent creation of more than 2,000 new jobs. In 1986 there was a 50 percent increase in mining employment over the previous year.

New Technology, Disseminated Gold and Reclamation

The new large mines which are opening on Federal lands have several common characteristics:

1. A tendency to be bulk mineable deposits, needing open pit mining and using vat leaching and/or heap leaching technology.
2. Disseminated gold resources/reserves. That is, very small particles of gold are distributed through a large volume of host material.

*NOTE: "Open" does not necessarily mean "available." Much, if not all, of the area has already been staked with mining claims.

3. Development through use of public lands and of the General Mining Law of 1872.
4. A need for large acreage for development. For example, Gold Fields Corporation's Chimney Creek Mine near Winnemucca is proposing use of 3,400 acres for all mines/facilities tailings/heap leach/ponds, etc.
5. Use of Cyanide in vat or heap leaching.

The method of extraction sounds disarmingly simple. A huge bed of plastic is laid on a gentle slope. Crushed ore, sometimes pre-treated to remove carbon, is piled on the sheet. Using "lawn sprinklers," the "heap" is sprayed with a cyanide solution. The cyanide solution percolates through and when it pools up at the base of the plastic, the fluid is pregnant with gold. The basic process, including removal of carbon from the ore, was developed by the Department of the Interior's U.S. Bureau of Mines at its Reno research station in the 1960s. The leaching may also be accomplished by grinding the ore fine and mixing it with the cyanide solution in tanks. The efficiency is in the huge scale of the operations.

An 1800's prospector did not have the technology to recognize the potential of the near-surface, bulk mineable, micron-size-particle gold deposits. The new Western Gold Rush is as much a result of new processing technologies, new modeling of gold exploration targets and available public land as the actual occurrences of the deposits themselves. It is a result of technical developments and fresh interpretation of geologic models. The high price for gold provided the economic stimulus.

If today's mineral potential and classification ratings had been applied to the Carlin-type areas in the early 1960's (prior to discovery), the rankings would have been "low" with moderate confidence.

Many of the mines now coming into production are exploiting ores with gold content as low as .025 ounces per ton, although the average ore mined is closer to .06 ounces per ton. With the past year's gradual increase in gold prices to around \$440 per ounce, ores with an average grade of .03 ounces per ton are considered economically feasible when the deposits are large enough.

The use of heap leaching has kept operational costs low. Estimates from industry literature show production costs starting as low \$125 or \$200 per ounce. Lower grade ores have become more and more profitable, especially with gold remaining over \$400 an ounce. The gold is not necessarily concentrated in veins or fault zones; it is scattered--disseminated--through the rock as microscopic particles. Much of today's ore looks more like common garden rock than anything else.

Travelers across Nevada now pass within yards of a large heap-leach operation east of Lovelock. Pegasus Gold's Florida Canyon operation uses a conveyor belt system to build the leach piles in an operation easily viewed from vehicles on Interstate 80.

The high visibility of these activities has raised public awareness of the

need for proper reclamation and revegetation. Instead of the small area impacted by the traditional underground mine, these operations affect large areas, with the potential for huge scars when the operation closes. BLM is concerned with issues of how to prevent unnecessary and undue degradation of the Public Lands as well as how to insure completion of reasonable reclamation of areas disturbed by mining operations on many large and small operations. The public expects the bureau to be the prime negotiator, and regulator, for the various public interest groups although this requires cooperation and coordination from all interests. Aspects of reseeding, soil stability and related issues are being studied in testing with the cooperation of the Cominco Standard mine in Elko County. Utilizing test plots, topsoil and seeding tests are being conducted on exhausted leach piles.

Current projects now being reviewed by BLM for 1988 openings include Gold Fields Operating Company's Chimney Creek operation (100,000 ounces per year) and expansion of Round Mountain Gold Corporation's Smoky Valley Operation (to 350,000 ounces per year).

The bureau treats each mining plan on a case-by-case basis. The work involved continues to become more technical. There is a growing need for professional assistance to BLM field offices to address complex technical issues. BLM in Nevada managed over 600 new plans and notices of development in 1986. The 1987 mid-year estimate shows a 6 percent or greater increase in development proposals. Both the volume of applications and the number of complex operations involving larger areas to be disturbed are increasing, posing more resource conflicts, reclamation of larger heap leach pads, and many issues related to cyanide processing.

The impact of this increase in gold exploration, development, and mining on workloads for both the State of Nevada and the Bureau of Land Management has been strong. The Nevada Mining Association says the recent development has created more than 2,000 new jobs directly associated with mining. Many Nevada towns, especially Elko, Winnemucca and Lovelock, are booming. Rapid population increases are caused by personnel associated with exploration, drilling, mining and mine construction. There has been a strong ripple effect throughout the business community. Affected communities have increased needs for fire protection, schools, medical services, and other city and county services.

The increased activity also has another effect on the BLM in Nevada. Increased population has brought increased pressure on the lands from such recreational activities as off-road vehicle use, fishing, hunting and general visitor pressure.

For each mine which comes on line, there are many other mineral prospects which are identified, sampled, staked, explored and tested. Each of these prospects involve surface disturbing activities which usually trigger the requirement to submit a mining notice.

Most mineral exploration projects present some need for access from existing roads to the site. Building of new roads or upgrading of existing roads is required. Site work may include construction drill pads. The digging of

trenches to directly expose mineralization is not unusual. Road upgrading and construction may require new gates in range fences, or more costly cattleguards. Siting new road crossings may involve relocation or other mitigation for sage grouse strutting grounds, critical deer winter habitat, prehistoric cultural sites, range improvement seedings, pine nut harvest areas, major watersheds or riparian areas.

The BLM has management responsibility for 49 million acres of land in Nevada. This varies in nature from alpine forest to alkali desert. In the basin and range makeup of the Great Basin geology, BLM has management for more mountain ranges (geologic features 5,000 feet or more above sea level) than exist in any other state except Alaska.

In reviewing a plan of operation, BLM must consider a wide range of possible impacts. Questions to be asked include whether the mine construction phase will involve stripping delicate desert soils in an area where these fragile soils are highly erodible or subject to slumping or mass wasting. Consideration has to be given to whether movement over the construction site by heavy equipment could cause soil compaction or provide a source of ignition for a range fire during the dry months. Could occupation during the spring disturb the sage grouse strutting season, or winter occupation disrupt deer migration patterns? Would any trenches or cuts left open during the data generation and analysis phase be a safety hazard to wildlife, livestock or the curious public? Very few activities have the potential to disturb as many different resource values in a very short period of time (two weeks from notification) as do the exploration programs covered by mining notices.

The increased activity has caused a tremendous impact on bureau offices. Mining notices and plans of operation arrive in district and area offices in increasing numbers. Several dozen drill rigs are boring thousands of holes throughout the state. Hundreds of miles of new drill roads are being bladed for access to drill sites. Widespread and intense exploration and development on public lands intensifies the need for land managers to effectively mesh with the other traditional multiple uses of the lands. Following is a discussion of some of these.

Wildlife and Migratory Birds

Mining companies have been quick to respond when unanticipated problems occur. In 1986, FMC notified the bureau that ducks and other waterfowl were arriving, and dying, in the tailings pond at FMC's Paradise Peak mine, although the mine is not on the known migratory bird routes. The migratory bird problem had not been anticipated by any agency during the National Environmental Policy Act (NEPA) review process. BLM, the public, the State of Nevada Department of Wildlife, local and regional wildlife and environmental groups were all equally surprised when the die-off occurred.

Cooperative efforts to understand and counter the die-off began immediately. The mining company responded with numerous positive actions, including lowering the concentration of cyanide in the ponds, a move which increased the cost of processing ore.

Livestock Grazing

Local grazing permittees raised questions over loss of AUMs (Animal Unit Months, a forage measure used in grazing) and concern over water rights. The mining companies have provided some mitigating support for affected ranchers in partial resolution of the problem. BLM is now encouraging more up front coordination among all parties throughout the state. Although land managers are aware of, and are dealing with such issues, several new mining operations plans have created concerns regarding AUM losses. The potential for loss of country, loss of water, and uncertainty about what post-mining rehabilitation will occur continue to be concerns of Nevada stockmen.

Cultural Resources

Many other prospect sites encompass historic and prehistoric cultural resources. Mining companies have been highly cooperative in salvage and mitigation efforts. The Cornucopia Corporation of Canada, at its Touchstone Mining Co. exploratory work has instructed drill rig operators north of Battle Mountain to back up for long distances rather than create turnaround points in an area where mitigation of a significant Indian rock quarry is occurring. The firm has contracted with a cultural resources consultant, and requires all vehicles to remain on existing roads in an area where prehistoric cultures obtained material for projectile points, knives and other implements. In the exploratory stages, mining firms do extensive drilling to define the limits of orebodies.

Lands and Mining Claim Issues

In addition to the normal land use requests associated with mine development, such as rights-of-way for utility lines, access roads, water pipelines, etc., extensive mineral exploration and development is creating a significant workload in other areas. Because of the scale of some of the mining developments, BLM is becoming involved in proposed land sales, exchanges, and land donations associated with mine development.

The mineral industry's attention to Nevada has resulted in an accelerated number of mining claims being located and recorded. From the opening of the recordation system in 1976 through July 1, 1987, over 400,000 mining claims had been filed in the Nevada State Office. Of this number, nearly 37,000 had been filed during the first two-thirds of FY 87. During the second quarter of the fiscal year, over 14,000 mining claims were filed in Nevada. The next highest number was 3,800, in California. During the first six months of 1987 the rate of filings in Nevada has shown a 63 per cent increase, jumping to 177 per cent higher during the second quarter. June saw an increase of 269 per cent above the five-year average.

A corollary to the mining claim increase is increased applications for mineral surveys and mineral patent applications. As the land area under mineral claims increased, the likelihood of conflicts with other applications for land use also increases. Such conflicts must be resolved before processing applications for land under the Recreation and Public Purposes act (R&PP), Desert Land Entry act (DLE), and other land uses.

Wilderness

Companies continue seeking to conduct mineral exploration in Wilderness Study Areas (WSAs). There were 11 WSA mineral plans filed in Nevada in FY 86. Even with requirements which increase exploration costs, such as airlifting equipment in by helicopter and other stringent non-degradation rules, the profits available from gold production brings the companies back to WSAs. The Nevada Mining Association has publicly stated the biggest issue facing mining in the next five years will be the BLM wilderness proposals.

Land Availability; Cumulative Impacts

Availability of public land for exploration and development is a major issue. In resource areas such as Elko (with two of the five largest mines in the U.S.) the recent RMP listed 98.2 percent of the lands open to location under the General Mining Law. The competition for use within the majority of lands remains intense. The restriction on the relatively small amount (1.8 percent) that is closed (WSAs, formal withdrawals) has created concerns because these lands are often the same areas industry geologists feel may have high potential for gold.

The intense development has raised new issues of cumulative impacts and the NEPA review process. The use of third-party NEPA documents has been challenged by some mining companies, which suggest that BLM itself do the required review work in cultural resources and threatened and endangered species, and do it on the company's schedule despite the fact the bureau may have a long list of prior applicants.

Hazardous Material Potential

Although cyanide wastes are not formally considered as a "hazardous waste," management of such chemicals in tailings sites creates concerns. Careful coordination with state agencies is necessary. More compliance inspections, especially with regard to wildlife and livestock, are required. BLM has been working with industry and with the affected state agencies to insure appropriate cyanide management.

The time available available to work with these issues is also lessening. One major U.S. precious metal mine, FMC's Paradise Peak unit with annual production of over 100,000 ounces of gold and 3,000,000 ounces of silver, went from discovery in 1982 to initial production in only 42 months.

Impacts are increasing on other BLM resource programs, as well as minerals. Land managers face new challenges because of the wide variety of mining-related impacts on resource disciplines which have historically felt little effect from mining.

Outlook for the Future

Several commodities forecasters and gold dealers feel that gold prices of \$440 are still below the peak. Goldman Sachs, Shearson Lehman and Sumitomo

forecasts in mid-July all anticipate continued increases in gold prices. Business Month magazine, on the other had, said in mid-July a "dispassionate analysis suggests that gold prices will not rise much above their current level...for the foreseeable future." However, no forecaster sees a dramatic decline in the price structure. Gannett News Service quotes Dan Rie, portfolio manager of Colonial Advanced Strategies Gold Trust mutual fund, as saying "fears of inflation, fears of a further fall in the dollar and fears of a slowing down in the economy all lead people to look for a hedge ½such as gold½."

Nevada's New Gold Rush has gained its strength from the market's ability to absorb added gold production at current gold prices. Major mining firms are able to bring new mines into production in Nevada because of strong coordination and cooperation between the public, local, state and federal governmental agencies, and the mining firms themselves. Through these efforts the economic outlook for the state's rural counties, particularly in northern Nevada, is made brighter by the gold mining industry.

BLM managers in Nevada are employing up-front coordination among all parties with each mining venture. Bureau emphasis is placed upon maintaining a responsible approach to precious metals extraction, protecting both today's economy and the future of the land.

This report was prepared by the Minerals and Public Affairs staffs of the Nevada State Office, Bureau of Land Management, U.S. Department of the Interior. Reno, Nevada, July 25, 1987

APPENDIX D

Public Lands Resolutions Adopted In 1987 By The
Western Legislative Conference Of The
Council of State Governments



WESTERN LEGISLATIVE CONFERENCE
THE COUNCIL OF STATE GOVERNMENTS

720 SACRAMENTO STREET, SAN FRANCISCO, CALIFORNIA 94108 (415) 986-3760

APPROVED RESOLUTION NO. 87-6

PUBLIC LAND MANAGEMENT

(Urging Congress to Support and Cooperate with
Western States' Initiatives to Acquire and/or Exchange
Federal Lands, to Require the U.S. Dept. of the Interior
and Bureau of Land Management to Report Certain Withdrawals and
Classifications, and to Require the Secretary of the Interior
to Take Certain Actions)

(Introduced by the Land and Energy Committee)

WHEREAS, the Federal Land Policy and Management Act clearly recognized and provided for recreational municipal and grazing needs and the Western States' economies are largely dependent on the use of public lands because of the large percentage of ownership by the federal government; and

WHEREAS, the patterns of federal land ownership create problems related to state sovereignty, growth, and limited property tax bases for many Western States which are not experienced by Eastern or Midwestern States; and

WHEREAS, some Western States have initiated actions to acquire or exchange certain federal lands for improved management purposes and to obtain more fair shares of federal lands; and

WHEREAS, intermingled ownership of land among private persons, states, and federal government agencies restricts proper practices for the conservation and use of natural resources and the preservation of areas for recreation and other purposes which are best suited for management by state and local governments; and

WHEREAS, the National Wildlife Federation (NWF) has filed a lawsuit dated July 15, 1985, in federal court against Robert F. Burford (National Director, U.S. Bureau of Land Management et. al.), which contends that the Bureau of Land Management (BLM) and the United States Department of the Interior (DOI) have not adequately informed the United States Congress before terminating classifications and withdrawals on public lands in the Western United States; and

WHEREAS, a preliminary injunction issued by the federal court in this lawsuit prevents the BLM and the DOI from proceeding with many land disposals that are needed by states, local government entities, and private parties; and

WHEREAS, the lawsuit filed by the NWF is seriously hampering, and in many cases, foreclosing, the goals and ideals inherent in these various state/federal government partnerships;

NOW, THEREFORE, BE IT RESOLVED that the Western Legislative Conference of the Council of State Governments urges the Congress to:

1. require the DOI and the BLM to report to Congress the withdrawal and classifications that have been modified, revoked, extended, or terminated since October 21, 1976, and to identify which actions are record clearing actions with no effect on the availability of the public lands for disposal under existing laws and which actions permit the exchange, sale, or other disposal of public land to state or local government entities or to private parties,
2. require the DOI Secretary to take expeditious action to complete environmental studies and public review of proposed actions to modify, revoke, extend, or terminate withdrawals and classifications that would open public lands to the operation of the public land laws, including the mining and mineral leasing laws, and
3. cooperate with Western States' initiatives to acquire and/or exchange reasonable amounts of federal lands for specific purposes.

720 SACRAMENTO STREET, SAN FRANCISCO, CALIFORNIA 94108 (415) 986-3750

APPROVED RESOLUTION NO. 87-7

AGRICULTURAL POLICIES RELATING TO PUBLIC LANDS

(Urging Congress to Adopt Legislation to Maintain the
Current Grazing Fee Formula and to Recognize
Compatibility of Good Livestock Management
and the Natural Environment)

(Introduced by the Land & Energy Committee)

WHEREAS, ranching and livestock are of vital interest and concern to the various states and about one-third of the beef cattle in the Western States graze at least part of the year on public rangelands; and

WHEREAS, recent federal activity has focused on impacting grazing by: (1) suggesting the removal of livestock from both public and private lands to achieve water quality and habitat goals and (2) considering revisions to the grazing fees on public and private rangelands which primarily affect the livestock industry in the Western States; and

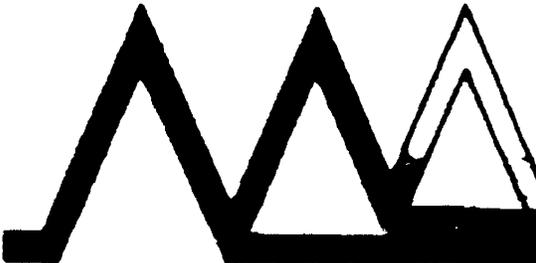
WHEREAS, the current grazing fee formula has been found to adequately reflect changes in the livestock industry so that the fee increases when livestock prices are up and the fee decreases when the industry is economically depressed; and

WHEREAS, livestock grazing has not been proven to be a significant nonpoint-source of water pollution;

NOW, THEREFORE, BE IT RESOLVED that the Western Legislative Conference of the Council of State Governments strongly urges Congress to adopt legislation to maintain the current grazing fee formula; and

BE IT FURTHER RESOLVED that we do hereby recognize that agriculture is a high priority industry, that federal agencies must recognize the compatibility of good livestock management and the natural environment, and that it is not appropriate to good land use and efficient use of our resources for the federal government to disallow livestock grazing along our streams and rivers.

(RESOLUTION APPROVED BY THE CONFERENCE AT ITS 1987 ANNUAL MEETING ON
SEPTEMBER 23 IN HONOLULU, HAWAII.)



WESTERN LEGISLATIVE CONFERENCE
THE COUNCIL OF STATE GOVERNMENTS

720 SACRAMENTO STREET, SAN FRANCISCO, CALIFORNIA 94108 (415) 988-3780

APPROVED RESOLUTION NO. 87-8

RESERVED WATER RIGHTS

(Supporting Quantification, Negotiation, and
Appropriate Physical Solutions to Federal Reserved
Water Rights Disputes and Federal Funds for
Evidentiary Costs in Reserved Rights Litigation)

(Introduced by the Water Policy Committee)

WHEREAS, jurisdiction over the allocation and distribution of water has been and should be left to states by Congress; and

WHEREAS, due to population and economic growth, many Western States are approaching the limits of available water supplies and are finding it essential to more accurately define remaining water available for appropriation; and

WHEREAS, the doctrine of federally reserved water rights, expressed initially in Winters v. United States, has created federal water claims, most of which are as yet unquantified; and

WHEREAS, federal reserved water rights are inconsistent with Western States' prior appropriation systems in that reserved rights are not subject to state requirements of beneficial use and abandonment; and

WHEREAS, because of extensive federal land holdings in the Western States, federal reserved water rights, if developed and put to beneficial use, could displace existing uses of water and significantly impair investments and local and regional economies in the West; and

WHEREAS, state law is better suited to strike the appropriate balance between needs of water users and instream values; and

2 of 5

WHEREAS, the cloud over many Western water rights caused by potential federal reserved rights is a continuing and unique threat to valuable property rights in the West; and

WHEREAS, the Western States are so concerned about this threat to property rights that the Conference of Western Attorneys General (CWAG) has accepted a Ford Foundation grant to study the legal aspects of settling reserved rights claims; and

WHEREAS, the CWAG study is expected to be completed in 1988;

NOW, THEREFORE, BE IT RESOLVED that the Western Legislative Conference of the Council of State Governments does hereby urge the federal government to specifically quantify its claims for federal purposes for federal reserved lands within the appropriate state water adjudication processes; and

BE IT FURTHER RESOLVED that the Conference urges the Congress to refrain from attempts to rely on vague reserved rights claims to quantify water rights for those federal purposes and to make specific authorizations for water rights claims under state law in any new legislation reserving lands for a federal purpose, with appropriation dates for those new purposes being the date of the legislation; and

BE IT FURTHER RESOLVED that the Congress and the Administration should encourage negotiated settlements of Indian reserved rights disputes and other disputes where appropriate, coupled with "physical solutions" to such disputes, through development of federal water projects and improved delivery and application techniques; and

BE IT FURTHER RESOLVED that the Conference requests Congress to enact legislation to provide funding for all parties for hydrological and quantification studies that may be used to resolve reserved water rights claims.

(RESOLUTION APPROVED BY THE CONFERENCE AT ITS 1987 ANNUAL MEETING ON SEPTEMBER 23 IN HONOLULU, HAWAII.)

APPENDIX E

Resolution And Letter To Governor Richard H. Bryan
Concerning The Operating Criteria And Procedures
(OCAP) And Water Negotiations

RESOLUTION

WHEREAS, The United States Department of the Interior is promulgating Operating Criteria and Procedures (OCAP) for the Truckee-Carson Irrigation District in the Newlands Project area; and

WHEREAS, The Honorable Earl E. Gjelde, Under Secretary of the Interior, believes that a comprehensive settlement among all parties affected by the OCAP offers the best opportunity for resolution of the conflicting requirements for water in this area; and

WHEREAS, The attainment of a settlement can best be assured through the strong leadership of the Governor of the State of Nevada, the Honorable Richard H. Bryan; now, therefore, be it

RESOLVED BY THE NEVADA LEGISLATURE'S COMMITTEE ON PUBLIC LANDS, That the committee requests and urges Governor Richard H. Bryan to initiate negotiations for a comprehensive settlement regarding the OCAP; and be it further

RESOLVED, That the objectives of a comprehensive agreement include:

1. Consideration for the impacts on all parties including those most severely affected;
2. Protection for the water rights of the farmers in the Newlands Project;
3. Protection for the investment by Nevada's division of state parks, state department of conservation and natural resources, in the Lahonton Reservoir State Park and the associated excellent recreational opportunities for the citizens of northwestern Nevada;
4. Attainment of a no jeopardy status for the cui-ui through other avenues such as redredging the outlet of the Truckee River to minimize the problems of the delta, removing the impediment of Marble Bluff Dam, and shading the spawning area;
5. Initiation of a continuing study by independent sources of the habitat and survival of the cui-ui;
6. Strong concern for any violation of the Migratory Bird Treaty Act of 1918 as amended. (40 Statutes 755 [1918] as amended/ 16 United States Code 307 through 311); and
7. Maintenance of the quality of life for the residents of northwestern Nevada.

February 26, 1988

Nevada Legislature's Committee on Public Lands



March 4, 1988

The Honorable Richard H. Bryan
Governor of Nevada
State Capitol Building
Carson City, Nevada 89710

Dear Governor Bryan:

During its visit to Washington, D.C., from February 17 through February 19, 1988, the Nevada legislature's committee on public lands met with Earl E. Gjelde, Under Secretary of the Interior, and other federal officials regarding the proposed Operating Criteria and Procedures (OCAP) for the Newlands Project area.

Under Secretary Gjelde shared with the committee his correspondence to you and your reply concerning this topic. Mr. Gjelde emphasized the need to negotiate a comprehensive settlement and his belief that the State of Nevada should take the lead in this effort.

The Nevada legislature's committee on public lands agrees that this water issue should be settled at the state and local levels with the cooperation, rather than the mandates, of the federal agencies. Enclosed is a resolution adopted unanimously by the committee at its meeting in Laughlin, Nevada, on February 26, 1988. This resolution urges and requests that you, as Governor, initiate the negotiation process for a comprehensive settlement.

We understand and appreciate that major efforts to achieve a negotiated settlement in the past have failed. However, current conditions indicate an increased willingness and desire among the affected parties to achieve a compromise settlement. The committee believes that this favorable atmosphere provides hope and some assurance that negotiations may be productive.

As Governor, you are in the unique position to take the lead to bring together representatives of the various parties to initiate the negotiation process to resolve this important issue. The committee strongly urges you to do so at the earliest possible time. The Nevada legislature's committee on public lands stands ready to assist you in any way that it can. Thank you for your consideration.

With best wishes,



Dean A. Rhoads
Nevada State Senator, Chairman

DAR/dr:Ltr9-9.2

Enc.

cc: United States Senator Chic Hecht
United States Senator Harry Reid
United States Representative James H. Bilbray
United States Representative Barbara Vucanovich
The Honorable Earl E. Gjelde

APPENDIX F

Letter Concerning Wild Horse Movie



March 7, 1988

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Dear V:

This letter is to protest the content and distribution of the movie "Wild Horses Of The Nevada Desert" by Nevada's commission for the preservation of wild horses.

The Nevada legislature's committee on public lands has reviewed and discussed this film. At its meeting in Laughlin, Nevada, on February 26, 1988, the committee voted unanimously to protest to the governor, the commission, the state board of agriculture, the state board of education, and county school boards concerning the distribution of this movie to the public schools and other organizations in Nevada due to its biased and inaccurate content.

The public lands committee acknowledges that the film technically is a well-done production. However, the committee believes that the movie presents a one-sided viewpoint, does not provide a true representation of the wild horse problem, and is biased against the agricultural and ranching communities, particularly the livestock industry, in Nevada.

The film portrays wild horses from a highly romanticized perspective while presenting an unfair portrayal of the livestock industry. For example, the narrator in the movie makes a value judgment by claiming that ranchers pay a small grazing fee for the use of public lands. However, grazing fees and improvements made by ranchers on the public lands often represent a substantial amount of a rancher's operating expenses. In addition, Congress is responsible for setting grazing fees and has decided that the fee is correct.

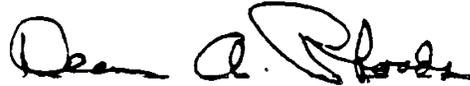
Comments in the film about overgrazing on the public lands are not presented in an impartial manner. The movie fails to point out that cattle graze on the public lands for only 3 to 5 months per year while wild horses graze year-round on these lands. Charges of overgrazing in the film also are unfounded and represent an unfair indictment of the activities of the federal land management agencies and the policies of Congress.

These and other examples indicate that the movie does not present a balanced and impartial viewpoint on the wild horse issue. The livestock industry represents an historic and significant component of Nevada's economy, particularly in the rural areas of the state. The public lands committee believes that a state agency should not be sponsoring presentations for the public which portray a segment of the state's economic activity and population in such a biased and derogatory manner.

The committee agrees with the concept of presenting public lands issues to school children and other members of the public, but only if they are presented fairly to allow persons to make their own informed judgments about the issues. The movie "Wild Horses Of The Nevada Desert," sponsored by Nevada's commission for the preservation of wild horses, does not accomplish that purpose.

The Nevada legislature's committee on public lands, therefore, requests and urges that this movie be modified to present a more balanced view of the wild horse issue before it is distributed or shown within the public school system or elsewhere for the public in this state. Thank you for your attention and consideration.

With best regards,



Dean A. Rhoads
Nevada State Senator
Chairman

DAR/dr:Ltr10-10.5

~The Honorable Richard H. Bryan
Governor of Nevada
State Capitol Building
Carson City, Nevada 89710
~Governor Bryan~

~Commission for the Preservation
of Wild Horses
58 Hardy Drive
Sparks, Nevada 89431
~Mr. Chairman and Members of the Commission~

~Thomas W. Ballow
Executive Director/Secretary
State Board of Agriculture
P.O. Box 11100
Reno, Nevada 89510
~Members of the Board~

~Marianne Long, President
State Board of Education
1021 East Oakey Boulevard
Las Vegas, Nevada 89104
~Ms. President and Members of the Board~

~Robey Willis, President
Board of Trustees
Carson City School District
1115 Shady Oak Drive
Carson City, Nevada 89701
~Mr. President and Members of the Board~

~Mike McGinness, President
Board of Trustees
Churchill County School District
770 Wildes Road
Fallon, Nevada 89406
~Mr. President and Members of the Board~

~Howard Hollingsworth, President
Board of Trustees
Clark County School District
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North Las Vegas, Nevada 89030
~Mr. President and Members of the Board~

~Alicia Smalley, President
Board of Trustees
Douglas County School District
P.O. Box 1522
Carson City, Nevada 89402
~Ms. President and Members of the Board~

ãvJohn S. Martin, D.D.S., President
Board of Trustees
Elko County School District
665 West Birch Street
Elko, Nevada 89801
vMr. President and Members of the Boardv

ãvDona Rothrock, President
Board of Trustees
Esmeralda County School District
P.O. Box 42
Dyer, Nevada 89010
vMs. President and Members of the Boardv

ãvBob McKay, President
Board of Trustees
Eureka County School District
P.O. Box 327
Eureka, Nevada 89316
vMr. President and Members of the Boardv

ãvDonald L. Jones, President
Board of Trustees
Humboldt County School District
P.O. Box 806
Winnemucca, Nevada 89445
vMr. President and Members of the Boardv

ãvDavid Ramsdell, President
Board of Trustees
Lander County School District
179 East Sixth Street, No. 45-7
Battle Mountain, Nevada 89820
vMr. President and Members of the Boardv

ãvSteven W. Klomp, D.M.D., President
Board of Trustees
Lincoln County School District
P.O. Box 308
Panaca, Nevada 89042
vMr. President and Members of the Boardv

ãvRonald W. Tilton, President
Board of Trustees
Lyon County School District
P.O. Box 1495
Fernley, Nevada 89408
vMr. President and Members of the Boardv

ãvSandra K. Dillard, President
Board of Trustees
Mineral County School District
P.O. Box 1153
Hawthorne, Nevada 89415
vMs. President and Members of the Boardv

̄Judith A. Yates, President
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Nye County School District
P.O. Box 87
Manhattan, Nevada 89022
̄Ms. President and Members of the Board̄

̄Alan List, President
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Pershing County School District
Route 1, Box 95
Lovelock, Nevada 89419
̄Mr. President and Members of the Board̄

̄Alan Hilton, President
Board of Trustees
Storey County School District
P.O. Box 521
Virginia City, Nevada 89440
̄Mr. President and Members of the Board̄

̄Kevin R. Christensen, President
Board of Trustees
Washoe County School District
2300 Shadow Lane
Sparks, Nevada 89431
̄Mr. President and Members of the Board̄

̄Patricia L. Bourn, President
Board of Trustees
White Pine County School District
425 Fifth Street
Ely, Nevada 89301
̄Ms. President and Members of the Board̄

APPENDIX G

Presentation By Nevada State Senator Dean A. Rhoads
To The National Public Lands Advisory Council

PRESENTATION BY
NEVADA STATE SENATOR DEAN A. RHOADS
TO THE
NATIONAL PUBLIC LANDS ADVISORY COUNCIL
ACTIVITIES OF THE NEVADA LEGISLATURE'S
COMMITTEE ON PUBLIC LANDS
AND OVERVIEW OF PROPOSAL FOR A
GRADUAL LAND ACQUISITION PROCESS

ELKO, NEVADA

JULY 1988

MISTER CHAIRMAN AND MEMBERS OF THE ADVISORY COUNCIL:

ON BEHALF OF THE CITIZENS OF THE NORTHERN NEVADA SENATORIAL DISTRICT WHOM I REPRESENT, I WOULD LIKE TO WELCOME YOU TO ELKO AND THE STATE OF NEVADA. WE ARE HONORED AND PLEASED THAT YOU HAVE CHOSEN TO MEET HERE AND TO PROVIDE OUR RESIDENTS WITH THE OPPORTUNITY TO ADDRESS THIS DISTINGUISHED PANEL CONCERNING PUBLIC LANDS ISSUES.

AS CHAIRMAN OF THE NEVADA LEGISLATURE'S COMMITTEE ON PUBLIC LANDS, I WOULD LIKE TO BRIEF YOU ON THE COMMITTEE'S ACTIVITIES

AND ITS EFFORTS CONCERNING THE DEVELOPMENT OF A GRADUAL PROCESS OF FEDERAL LAND ACQUISITION FOR THE STATE OF NEVADA.

PUBLIC LANDS COMMITTEE

THE NEVADA LEGISLATURE'S COMMITTEE ON PUBLIC LANDS WAS CREATED IN 1983 AS A PERMANENT COMMITTEE OF THE NEVADA LEGISLATURE. ITS PURPOSES 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. DURING THE INTERIM PERIOD BETWEEN BIENNIAL SESSIONS OF THE NEVADA LEGISLATURE, THE PUBLIC LANDS COMMITTEE ACTS AS LIAISON BETWEEN THE UNITED STATES CONGRESS, FEDERAL LAND MANAGEMENT AGENCIES AND THE NEVADA LEGISLATURE CONCERNING PUBLIC LAND MATTERS.

THE COMMITTEE CONSISTS OF THREE STATE SENATORS, THREE ASSEMBLYMEN AND A REPRESENTATIVE OF A LOCAL UNIT OF GOVERNMENT IN THE STATE. IT GENERALLY MEETS ABOUT EVERY 2 MONTHS, AND THE COMMITTEE TRADITIONALLY VISITS WASHINGTON, D.C., DURING THE INTERIM PERIOD TO MEET WITH MEMBERS OF CONGRESS AND FEDERAL EXECUTIVE BRANCH OFFICIALS TO DISCUSS PUBLIC LANDS ISSUES OF CONCERN IN THE STATE.

SINCE JUNE 1987, THE PUBLIC LANDS COMMITTEE HAS MET SEVEN TIMES THROUGHOUT THE STATE AND MADE TWO VISITS TO WASHINGTON, D.C.

SOME OF THE PUBLIC LANDS ISSUES ADDRESSED AND REVIEWED BY THE COMMITTEE DURING THE PAST YEAR INCLUDE:

1. THE BUREAU OF LAND MANAGEMENT (BLM) WILDERNESS STUDY PROCESS AND PROPOSALS IN CONGRESS FOR U.S. FOREST SERVICE WILDERNESS AREAS;
2. GRAZING FEES AND REGULATIONS;
3. STATUS AND DISPOSITION OF WILD HORSES;
4. RIPARIAN MANAGEMENT;
5. MILITARY AIRSPACE AND LAND WITHDRAWALS INCLUDING THE PREPARATION OF THE "SPECIAL NEVADA REPORT";
6. WILDLIFE TRANSPLANT PROGRAMS;
7. WATER RIGHTS AND THE OPERATING CRITERIA AND PROCEDURES (OCAP) FOR THE NEULANDS PROJECT AREA;
8. THE PLANNING PROCESS FOR THE GREAT BASIN NATIONAL PARK;
9. THE NATIONAL WILDLIFE FEDERATION LAWSUIT AND ITS EFFECTS IN NEVADA; AND

10. OTHER PUBLIC LANDS ISSUES.

THE PUBLIC LANDS COMMITTEE HAS TAKEN TESTIMONY AND DEVELOPED BACKGROUND INFORMATION ON THESE ISSUES, AND WE WOULD BE PLEASED TO SHARE THESE MATERIALS WITH THE NATIONAL PUBLIC LANDS ADVISORY COUNCIL AT ANY TIME.

TODAY, I WOULD LIKE TO SPECIFICALLY ADDRESS TWO ISSUES BEFORE THE ADVISORY COUNCIL--THE MINING BOOM AND RECLAMATION, AND THE COMMITTEE'S EFFORTS RELATING TO A GRADUAL PROCESS OF LAND ACQUISITION FOR THE STATE.

MINING AND RECLAMATION

AS YOU KNOW, NEVADA CURRENTLY IS EXPERIENCING A BOOM IN MINING ACTIVITY, PARTICULARLY IN GOLD MINING. THE STATE AND ITS RURAL COMMUNITIES CLEARLY ARE BENEFITING FROM THIS INCREASED ECONOMIC ACTIVITY. WHILE MANY OF THE RURAL COUNTIES, CITIES AND TOWNS WERE UNPREPARED FOR THE INFLUX OF PEOPLE AND INCREASED INFRA-STRUCTURE NEEDS THAT HAVE ACCOMPANIED THIS MINING BOOM, I BELIEVE THAT THE LOCAL GOVERNMENTS HAVE RESPONDED IN A RESPONSIBLE MANNER AND MANY OF THE MINING COMPANIES HAVE CONTRIBUTED FUNDS AND

OTHER ASSISTANCE TO PROVIDE FOR THE INCREASED NEED FOR PUBLIC FACILITIES AND SERVICES.

HOWEVER, THERE IS INCREASED CONCERN IN RURAL NEVADA ABOUT PROVIDING ADEQUATE GOVERNMENTAL SERVICES DURING THE MINING BOOM, MAINTAINING ECONOMIC DIVERSIFICATION AND ACTIVITY WHEN THE INEVITABLE BUST OCCURS, AND ENSURING THAT RECLAMATION IS ACCOMPLISHED WHEN THE MINING ACTIVITY IS COMPLETED. THE NEVADA LEGISLATURE'S COMMITTEE ON PUBLIC LANDS HAS HELD TWO HEARINGS OVER THE PAST YEAR IN WHICH THESE MINING ISSUES HAVE BEEN ADDRESSED (ONE HERE IN ELKO AND ONE IN RENO, NEVADA).

IN RESPONSE TO THESE CONCERNS, I CURRENTLY AM EXPLORING WHAT IS CALLED THE "BOOM BUST RECLAMATION" PROPOSAL. THIS PROPOSAL IS AN IDEA FOR STATE LEGISLATION THAT WOULD SET ASIDE A CERTAIN PORTION OF THE EXISTING MINING TAX WHICH ACCRUES TO THE STATE GENERAL FUND TO ESTABLISH AN ENDOWMENT OR TRUST FUND FOR "BOOM BUST RECLAMATION" PURPOSES. THE INTENT OF THIS PROPOSAL WOULD BE TO PROVIDE A BASE OF FINANCING TO ASSIST LOCAL GOVERNMENTS AND COMMUNITIES IN THE RURAL AREAS OF THE STATE IN DEALING WITH THE INFRASTRUCTURE AND OTHER NEEDS THAT ACCOMPANY THE GROWTH AND DECLINE OF MINING ACTIVITIES.

THIS PROPOSAL ALSO WOULD PROVIDE INCENTIVES TO ENCOURAGE MINING COMPANIES TO CLEAN UP AND RECLAIM THE LAND AS THEY GO ALONG IN

THEIR OPERATIONS, RATHER THAN WAITING UNTIL CLOSURE. IT IS NOT MY INTENT, NOR THE INTENT OF THE PUBLIC LANDS COMMITTEE, TO IMPOSE ANY NEW TAXES OR ADDITIONAL REGULATORY BURDENS ON THE MINING INDUSTRY IN NEVADA.

SOME INDIVIDUALS AND GROUPS IN THE STATE ARE ADVOCATING A STATE RECLAMATION LAW TO ENSURE THAT THE LANDS DISTURBED BY MINING ACTIVITIES ARE RESTORED. WE DO NOT BELIEVE THAT SUCH A LAW IS NECESSARY AT THIS TIME SINCE THE VAST MAJORITY OF THE MINING IS OCCURRING ON PUBLIC LANDS UNDER THE CONTROL AND RECLAMATION REQUIREMENTS OF THE FEDERAL LAND MANAGEMENT AGENCIES. HOWEVER, WE WOULD LIKE TO BE ASSURED THAT THE FEDERAL AGENCIES WILL ADEQUATELY MONITOR RECLAMATION ACTIVITIES AND ENSURE THAT THE RECLAMATION REQUIREMENTS IN THE APPLICABLE MINING PLANS OF OPERATIONS WILL BE FULFILLED.

I PRESENTLY AM MEETING WITH VARIOUS GOVERNMENT, INDUSTRY AND OTHER INTERESTED OFFICIALS TO WORK OUT THE DETAILS OF THIS "BOOM BUST RECLAMATION" PROPOSAL. WHILE NEVADA APPEARS TO BE THE PRIMARY WESTERN STATE IN THE MIDST OF THIS MINING BOOM, WE BELIEVE THAT OTHER STATES MAY BENEFIT NOW AND IN THE FUTURE FROM OUR EXPERIENCES. I WOULD ENCOURAGE THIS ADVISORY COUNCIL TO CONSIDER THIS ISSUE DURING YOUR DELIBERATIONS OVER THE NEXT COUPLE DAYS, AND WOULD WELCOME ANY INPUT OR SUGGESTIONS THAT YOU MAY HAVE CONCERNING HOW WE MAY BEST WORK WITH THE FEDERAL

AGENCIES TO HELP PLAN FOR AND ADDRESS THE IMPACTS OF THIS UNPRECEDENTED MINING BOOM IN OUR STATE.

GRADUAL LAND ACQUISITION PROCESS

BACKGROUND INFORMATION

FOR MANY YEARS, THE PUBLIC LANDS COMMITTEE HAS SOUGHT WAYS TO INCREASE THE AMOUNT AND PERCENTAGE OF LAND FOR STATE AND PRIVATE OWNERSHIP IN NEVADA. THE FEDERAL GOVERNMENT STILL CONTROLS ALMOST 87 PERCENT OF THE LAND AREA IN OUR STATE. THIS AMOUNT LEAVES LITTLE LEFT FOR THE ESTABLISHMENT OF AN ADEQUATE PROPERTY TAX BASE AND TO PROVIDE FOR CONTINUED ECONOMIC AND POPULATION GROWTH.

IN ADDITION, LARGE TRACTS OF AIRSPACE AND LAND IN NEVADA HAVE BEEN WITHDRAWN FROM PUBLIC USE BY THE FEDERAL GOVERNMENT FOR MILITARY, NUCLEAR TESTING AND OTHER PURPOSES.

MANY CITIZENS BELIEVE THAT NEVADA WAS SHORTCHANGED BY THE FEDERAL GOVERNMENT WHEN IT BECAME A STATE DUE TO THE SMALL AMOUNT OF LANDS GRANTED TO THE STATE. A STUDY IN 1970 FOUND THAT THE TOTAL AMOUNT OF LAND GRANTED TO ALL PUBLIC LAND STATES WAS 17.1 PERCENT PER STATE. HOWEVER, NEVADA ONLY RECEIVED APPROXIMATELY

3.9 PERCENT OF ITS AREA. THIS AMOUNT IS THE LEAST AND THE SMALLEST PERCENTAGE GRANTED TO ANY OF THE LAND GRANT STATES. IN CONTRAST, ARIZONA, NEW MEXICO AND UTAH--STATES MOST NEARLY COMPARABLE IN LOCATION, QUALITY OF CLIMATE AND SOILS, AND TERRAIN--RECEIVED ABOUT 11 PERCENT OF THEIR AREA. THE STUDY CONCLUDED THAT AN ADDITIONAL LAND GRANT OF ABOUT 6.2 MILLION ACRES FROM THE FEDERAL GOVERNMENT WOULD PLACE NEVADA ON A REASONABLE PAR WITH ITS NEIGHBORING STATES.

DURING THE 1970'S AND 1980'S, SEVERAL JOINT RESOLUTIONS WERE ADOPTED BY THE NEVADA LEGISLATURE REQUESTING CONGRESS TO GRANT AN ADDITIONAL 6.2 MILLION ACRES OF PUBLIC LAND TO NEVADA FOR THE BENEFIT OF THE PUBLIC SCHOOLS. HOWEVER, CONGRESS DID NOT TAKE ACTION ON THESE REQUESTS.

DURING THE VISIT TO WASHINGTON, D.C., BY THE PUBLIC LANDS COMMITTEE IN OCTOBER 1985, SEVERAL MEMBERS OF CONGRESS INDICATED THAT THEY WOULD LOOK MORE FAVORABLY UPON THE ACQUISITION OF FEDERAL LANDS BY THE STATE IF THE PROPOSAL INCLUDED A LIST OF SPECIFIC LANDS AND THE REASONS THOSE LANDS ARE NEEDED.

THE COMMITTEE THEN BEGAN EXPLORING THIS CONCEPT WITH THE ADMINISTRATOR OF THE DIVISION OF STATE LANDS. AT ITS MEETING IN JUNE 1986, THE COMMITTEE RECEIVED A PAPER FROM THE DIVISION WHICH PROVIDED BACKGROUND INFORMATION ON PREVIOUS ATTEMPTS BY NEVADA

AND OTHER WESTERN STATES TO ACQUIRE FEDERAL LANDS. THE PAPER ALSO LISTED NUMEROUS QUESTIONS RELATING TO THE DEVELOPMENT OF A GRADUAL LAND ACQUISITION PROCESS, AND RECOMMENDED A SCOPING STUDY TO EVALUATE THESE QUESTIONS AND TO PROVIDE ESTIMATES OF THE COSTS OF SUCH A PROCESS.

FOLLOWING THE 1987 SESSION OF THE NEVADA LEGISLATURE, THE PUBLIC LANDS COMMITTEE REQUESTED, AND THE LEGISLATIVE COMMISSION APPROVED, ADDITIONAL FUNDS (\$10,000) FOR THE COMMITTEE TO CONDUCT A SCOPING STUDY OF THE COSTS AND FEASIBILITY OF A PROJECT TO GRADUALLY ACQUIRE SPECIFIC LANDS FROM THE FEDERAL GOVERNMENT FOR THE STATE.

SINCE THIS EFFORT REPRESENTED A DIFFERENT DIRECTION FOR THE STATE TO TAKE TO ACQUIRE ITS EQUAL SHARE OF FEDERAL LANDS, THE COMMITTEE ALSO RECOMMENDED, AND BOTH HOUSES OF THE NEVADA LEGISLATURE UNANIMOUSLY APPROVED, SENATE JOINT RESOLUTION NO. 8 (FILE NO. 56). THIS RESOLUTION URGES CONGRESS TO SUPPORT AND COOPERATE WITH EFFORTS OF THE STATE TO ACQUIRE GRADUALLY ITS FAIR SHARE OF FEDERAL LAND.

SCOPING STUDY

TOWARD THE END OF 1987, THE PUBLIC LANDS COMMITTEE APPROVED A REQUEST FOR PROPOSALS FOR THE SCOPING STUDY WHICH WAS CIRCULATED

TO INTERESTED CONSULTING FIRMS THROUGHOUT THE STATE. FOUR PROPOSALS WERE RECEIVED AND EVALUATED BY THE COMMITTEE. IN JANUARY 1988, THE CONTRACT WAS AWARDED TO SUSAN B. LYNN WITH PUBLIC RESOURCE ASSOCIATES AND PAMELA GENE COSBY WITH KENNEDY/JENKS/CHILTON FROM RENO.

THE CONSULTANTS BEGAN WORK ON THE SCOPING STUDY AND PRESENTED A STATUS REPORT TO THE COMMITTEE AT ITS MEETING IN FEBRUARY 1988 IN LAUGHLIN, NEVADA. A DRAFT REPORT WAS PREPARED AND CIRCULATED FOR PUBLIC COMMENT IN MAY 1988, AND A PUBLIC HEARING ON THE DRAFT REPORT WAS CONDUCTED BY THE COMMITTEE LATE IN THAT MONTH IN RENO. SEVERAL INTERESTED PERSONS TESTIFIED ON THIS REPORT AND WRITTEN COMMENTS ALSO WERE RECEIVED.

THE CONSULTANTS PRESENTED AN EXECUTIVE SUMMARY OF THE FINAL REPORT AT THE COMMITTEE'S MEETING IN ELY, NEVADA, ON JUNE 30, 1988. THE FINAL REPORT IS TO BE SUBMITTED TO STAFF OF THE COMMITTEE WITHIN THE NEXT FEW DAYS.

THE PURPOSES OF THIS SCOPING STUDY ARE TO ANALYZE THE FEASIBILITY AND PROVIDE ALTERNATIVES FOR A GRADUAL LAND ACQUISITION PROCESS BY THE STATE OF NEVADA TO OBTAIN FEDERALLY-OWNED LANDS FOR SPECIFIC PURPOSES. THE INTENT OF THE STUDY IS TO PROVIDE AN INTRODUCTORY EXAMINATION OF A GRADUAL LAND ACQUISITION PROCESS TO

ALLOW THE COMMITTEE TO MAKE APPROPRIATE RECOMMENDATIONS TO THE NEVADA LEGISLATURE AND THE CONGRESS.

THE STUDY IS TO INCLUDE THE FOLLOWING ELEMENTS:

1. AN ANALYSIS OF THE TECHNICAL AND POLITICAL FEASIBILITY OF A GRADUAL LAND ACQUISITION PROCESS;
2. A REVIEW OF EXISTING FEDERAL LAWS AND PROCESSES FOR LAND ACQUISITIONS AND TRANSFERS;
3. A REVIEW OF PREVIOUS ATTEMPTS BY STATES TO ACQUIRE FEDERAL LANDS; AND
4. ALTERNATIVES, ESTIMATES, PLANS AND RECOMMENDATIONS FOR THE IMPLEMENTATION OF A GRADUAL LAND ACQUISITION PROCESS.

CURRENT STATUS

AT ITS MEETING ON JUNE 30, 1988, THE PUBLIC LANDS COMMITTEE INSTRUCTED ITS CONSULTANTS THAT THE FIRST PRIORITY FOR THIS GRADUAL LAND ACQUISITION PROCESS WOULD BE TO IDENTIFY LANDS NEEDED FOR COMMUNITY EXPANSION AND GROWTH. THE SECOND PRIORITY WOULD BE TO SEEK ADDITIONAL LANDS FOR THE STATE SCHOOL TRUST.

THE CONSULTANTS' REPORT REVIEWS EXISTING FEDERAL LAND ACQUISITION METHODS BUT INDICATES THAT THESE METHODS GENERALLY ARE CUMBERSOME AND TIME CONSUMING. THE COMMITTEE WILL BE EVALUATING THE RECOMMENDATIONS CONTAINED IN THE CONSULTANTS' FINAL REPORT AND SEEKING WAYS TO BETTER WORK WITH THE FEDERAL LAND MANAGEMENT AGENCIES TO IDENTIFY AND ACQUIRE OR TRANSFER SPECIFIC LANDS NECESSARY FOR DESIGNATED PURPOSES.

THE PUBLIC LANDS COMMITTEE HAS RECEIVED SUPPORT AND ENCOURAGEMENT FROM A NUMBER OF SOURCES CONCERNING THIS EFFORT. DURING ITS VISITS TO WASHINGTON, D.C., IN OCTOBER 1987 AND FEBRUARY 1988, THE COMMITTEE BRIEFED SENATORS, CONGRESSMEN AND EXECUTIVE BRANCH OFFICIALS ON THIS NEW DIRECTION FOR LANDS IN THE STATE. MANY OF THESE FEDERAL LAWMAKERS AND OFFICIALS COMMENDED THE COMMITTEE ON ITS EFFORTS--INDICATING THAT THE COMMITTEE IS TAKING A LOGICAL AND REASONABLE APPROACH TO THIS ISSUE WHICH WILL MERIT CONSIDERATION AT THE FEDERAL LEVEL.

SOME NEWSPAPERS AND OTHER PERSONS HAVE LABELED THE COMMITTEE'S EFFORTS AS "SAGEBRUSH REBELLION II." WHILE THE ULTIMATE GOALS MAY BE RELATED, THE GRADUAL LAND ACQUISITION PROCESS SHOULD BE JUDGED IN ITS OWN RIGHT AS AN ATTEMPT TO IDENTIFY LANDS FOR BUSINESS DEVELOPMENT, COMMUNITY EXPANSION AND OTHER LEGITIMATE PURPOSES; AND TO ESTABLISH A USEFUL MECHANISM FOR TRANSFERRING

THESE LANDS FROM FEDERAL CONTROL. IT IS DESIGNED TO APPROACH THE LANDS SITUATION IN NEVADA IN AN ORDERLY AND SYSTEMATIC MANNER.

THE PUBLIC LANDS COMMITTEE RECOGNIZES THAT THIS CONCEPT WILL GENERATE CONTROVERSY AND THAT THE STATE'S PROPOSALS WILL NEED TO BE CAREFULLY DEVELOPED TO ADDRESS CONGRESSIONAL CONCERNS AND THE ATTITUDES IN CONGRESS THAT FAVOR RETENTION OF THE FEDERAL LANDS. HOWEVER, THE COMMITTEE IS COMMITTED TO A LONG-TERM EFFORT AND BELIEVES THAT THIS APPROACH HAS POTENTIAL FOR ESTABLISHING A MORE EQUITABLE PATTERN OF LAND OWNERSHIP IN THE STATE OF NEVADA.

WHILE THIS EFFORT TO ESTABLISH A GRADUAL LAND ACQUISITION PROCESS IS UNIQUE TO NEVADA AT THIS TIME, THE COMMITTEE BELIEVES THAT THIS INITIATIVE MAY BENEFIT OTHER PUBLIC LAND STATES BY PROVIDING MORE EXPEDITIOUS METHODS FOR WORKING WITH THE FEDERAL LAND MANAGEMENT AGENCIES IN ACCOMPLISHING LAND EXCHANGES, PURCHASES AND TRANSFERS FOR NECESSARY ECONOMIC DEVELOPMENT PURPOSES. WE REQUEST AND WOULD APPRECIATE THE SUPPORT OF THE NATIONAL PUBLIC LANDS ADVISORY COUNCIL IN THIS EFFORT.

CONCLUDING REMARKS

THANK YOU FOR YOUR ATTENTION AND CONSIDERATION. ONCE AGAIN, WE SINCERELY APPRECIATE THE OPPORTUNITY FOR US AND THE CITIZENS OF

NORTHERN NEVADA TO ADDRESS THIS PANEL. WE HOPE THAT YOUR STAY IN
ELKO IS ENJOYABLE AND PRODUCTIVE.

RESPECTFULLY SUBMITTED,

DEAN A. RHOADS

NEVADA STATE SENATOR

NORTHERN NEVADA SENATORIAL DISTRICT

TUSCARORA, NEVADA 89834

APPENDIX H

Resolutions Of The National Public Lands Advisory Council

RESOLUTIONS OF THE NATIONAL PUBLIC LANDS ADVISORY COUNCIL

Attached are copies of the 12 resolutions that the National Public Lands Advisory Council adopted at its July 15 meeting in Elko, Nevada. The topics of the resolutions include:

- o Gold Development and Multiple Use
- o Gold Development and Reclamation
- o Gold Development and Cumulative Impacts
- o Wilderness and Water Rights
- o Rangeland Monitoring
- o Wild Horse and Burro Oversight
- o Riparian Area Management
- o Vegetation Management Status
- o Wildlife Water
- o Special Recreation Permit Policy
- o Santa Rita Land Exchange
- o Public Land Availability for Impacted Communities



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
NATIONAL PUBLIC LANDS ADVISORY COUNCIL
WASHINGTON, D.C. 20240

July 15, 1988

GOLD DEVELOPMENT AND MULTIPLE USE

Resolution of the National Public Lands Advisory Council

WHEREAS: U.S. gold production has doubled in the last four years, making this Country the third largest gold producer in the world; and

WHEREAS: Gold and silver exploration and mining are accelerating on the public lands in the Western States; and

WHEREAS: The public lands are a major source of the gold and silver produced in the U.S.; and

WHEREAS: Other multiple uses of the land could be impacted by exploration and mining activities; and

WHEREAS: It is in the public's best interest to be aware of the impacts of mineral development and all the multiple uses of the public lands; and

WHEREAS: Early resolution of any developing conflicts among public land users is in the best interest of all concerned.

THEREFORE, BE IT RESOLVED: That the Bureau of Land Management educate the public regarding the application of multiple use management and implement programs to coordinate activities with all users of the public lands.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
NATIONAL PUBLIC LANDS ADVISORY COUNCIL
WASHINGTON, D.C. 20240

July 15, 1988

GOLD DEVELOPMENT AND RECLAMATION

Resolution of the National Public Lands Advisory Council

WHEREAS: Gold and silver exploration and mining are accelerating in the public lands States. In Nevada, for example, gold production increased by 32% and silver production by 64% in 1987; and

WHEREAS: BLM policy is to foster mineral development in an effective, efficient and environmentally sound manner; and

WHEREAS: Adequate reclamation is becoming more and more of a public issue; and

WHEREAS: Proper reclamation methods need to be properly implemented and coordinated with the mining industry, the public and other users of the public land; and

WHEREAS: BLM is charged with ensuring proper reclamation and preventing unnecessary and undue degradation of public lands;

THEREFORE, BE IT RESOLVED: That the BLM review its current program for reclamation of public lands disturbed by mining development; and

BE IT FURTHER RESOLVED: That the BLM expand on current management practices to assure that timely, environmentally sound and concurrent reclamation is developed, where possible, by working with industry and the public at the local level; and

BE IT FURTHER RESOLVED: That applied research should be cooperatively established with industry and other users to identify the best short- and long-term reclamation practices.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
NATIONAL PUBLIC LANDS ADVISORY COUNCIL
WASHINGTON, D.C. 20240

July 15, 1988

GOLD DEVELOPMENT AND CUMULATIVE IMPACTS

Resolution of the National Public Lands Advisory Council

WHEREAS: Gold development is accelerating on the public lands and the U.S. production of gold has doubled during the last four years; and

WHEREAS: New exploration and mining technology may require larger areas for operations, especially for disseminated, microscopic gold such as is found in the Carlin and other mining districts in Nevada; and

WHEREAS: Gold and silver development has positive impacts on the local communities, and many mineral companies have provided extensive resources to local communities.

THEREFORE, BE IT RESOLVED: That the Bureau of Land Management assure that cumulative impacts of gold and silver development on public lands are properly identified in BLM planning and permitting documents; and

BE IT FURTHER RESOLVED: That the BLM support the accelerated mining activity by maximizing the use of automated data systems for claims, plans and cumulative impact planning.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
NATIONAL PUBLIC LANDS ADVISORY COUNCIL
WASHINGTON, D.C. 20240

July 15, 1988

WILDERNESS AND WATER RIGHTS

Resolution of the National Public Lands Advisory Council

WHEREAS: There are conflicting court decisions from Federal District Courts in Colorado and in New Mexico regarding the establishment of a specific reserved water right for designated wilderness areas; and

WHEREAS: The economic well-being of the West requires adequate supplies of water in the future; and

WHEREAS: BLM is presently reviewing approximately 25 million acres of public land for possible inclusion in the National Wilderness Preservation System; and

WHEREAS: A great deal of probable BLM-administered wilderness will be downstream of locations where future water appropriations will be required; and

WHEREAS: It is well recognized and established under the Constitution and under Federal and State law that the States have jurisdiction over water resources within their boundaries, and the Federal Government has consistently deferred to the States' authority. Moreover, it is the policy of the Bureau of Land Management (BLM) to conform to State water law; and

WHEREAS: Quantification and adjudication of both express and implied Federal reserved water rights as created by Congress are costly and time consuming. Moreover, express and implied reserved rights may relate back to dates prior to their claim in State court proceedings and thereby upset the expectation of those that thought they had established water rights.

THEREFORE, BE IT RESOLVED: That the National Public Lands Advisory Council urges the Department of the Interior to oppose any additions to the National Wilderness Preservation System until Congress enacts legislation renouncing any intent to reserve water rights in designating wilderness.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
NATIONAL PUBLIC LANDS ADVISORY COUNCIL
WASHINGTON, D.C. 20240

July 15, 1988

RANGELAND MONITORING

Resolution of the National Public Lands Advisory Council

WHEREAS: Rangeland monitoring is necessary to determine whether range management practices are achieving their objectives and is also needed to identify management alternatives, such as changes in stocking rates, seasons of use and livestock distribution, and the need for physical range improvements; and

WHEREAS: The Council has addressed the subject of rangeland monitoring in four previous resolutions; and

WHEREAS: The BLM has taken positive action consistent with the Council's previous resolutions; and

WHEREAS: The Council has a continuing concern and interest that rangeland monitoring be recognized as a key component of the BLM range management program and considers it important to reaffirm certain provisions of past Council resolutions on this subject.

THEREFORE, BE IT RESOLVED: That rangeland monitoring be conducted on public rangelands under the following principles:

1. That rangeland monitoring be considered the primary source of data to support management actions;
2. That all appropriate multiple use objectives be evaluated through the monitoring process;
3. That monitoring plans be developed and monitoring conducted in consultation, cooperation and coordination with all interested parties;
4. That allotment level monitoring plans include a short-term phase to include at least a utilization map developed by the BLM Area Manager and the permittee;
5. That the intensity of monitoring be consistent with the resource values and conflicts on the allotment being monitored; and
6. That management practices, including stocking rates, determined from the data collected during previous monitoring cycles and allotment evaluation, should be the base line or beginning stocking rate for the next monitoring cycle.

BE IT FURTHER RESOLVED: That rangeland monitoring continue to receive first priority in funding among the discretionary rangeland management priorities.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
NATIONAL PUBLIC LANDS ADVISORY COUNCIL
WASHINGTON, D.C. 20240

July 15, 1988

WILD HORSE AND BURRO OVERSIGHT

Resolution of the National Public Lands Advisory Council

WHEREAS: Since the passage of the Wild Free-Roaming Horse and Burro Act in 1971, little progress in the management of wild horses and burros has been possible due to conflicting direction from Congress and the courts; and

WHEREAS: Although the Bureau of Land Management has reduced the number of animals on the range from a high in 1982 of approximately 65,000 to a level of approximately 42,000 today, it will be three more years before the appropriate management levels are reached; and

WHEREAS: The cost of maintaining excess unadoptable horses is approximately \$9 million dollars annually and will continue at high levels until solutions are developed; and

WHEREAS: Virtually every phase of the wild horse program is being criticized by Congress, the courts and the media; and

WHEREAS: The intent of the Wild Free-Roaming Horse and Burro Act is widely misinterpreted and directions are confusing.

THEREFORE, BE IT RESOLVED: That the Secretary of the Interior request that the Chairmen of the Senate Energy and Natural Resources Committee and the House Interior and Insular Affairs Committee hold oversight hearings to clarify the Congressional intent of the Wild, Free-Roaming Horse and Burro Act and provide specific direction for the future management of the Wild Horse and Burro Program.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
NATIONAL PUBLIC LANDS ADVISORY COUNCIL
WASHINGTON, D.C. 20240

July 15, 1988

RIPARIAN AREA MANAGEMENT

Resolution of the National Public Lands Advisory Council

WHEREAS: The Riparian Area Management Policy signed by BLM Director Robert Burford on January 22, 1987, incorporates previous recommendations adopted by the National Public Lands Advisory Council.

THEREFORE, BE IT RESOLVED: That the Council supports the approved policy for riparian areas, with special emphasis to be placed on consultation, cooperation, and coordination of all interested parties concerned.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
NATIONAL PUBLIC LANDS ADVISORY COUNCIL
WASHINGTON, D.C. 20240

July 15, 1988

VEGETATION MANAGEMENT STATUS

Resolution of the National Public Lands Advisory Council

WHEREAS: The kinds, amounts, and proportions of vegetation produced on a given site are basic to the ability of that site to yield the goods and services needed or desired by the public, as determined by the land use planning process; and

WHEREAS: The desired plant community may or may not be the potential natural or climax community for a particular site; and

WHEREAS: The concept of ecological range condition may be confusing because it does not relate to resource values and can lead to unrealistic resource management objectives.

THEREFORE, BE IT RESOLVED: That the National Public Lands Advisory Council recommends that the Director of the Bureau of Land Management develop, refine, and implement a process whereby information from land use plans and resource inventory is combined to describe a "Desired Plant Community" that can be used as a basis for developing realistic management objectives for reporting vegetation management status in terms of land use plan objectives; and

BE IT FURTHER RESOLVED: That implementation of this procedure be accomplished in conjunction with ongoing inventory, monitoring, and evaluation activities and activity planning actions, rather than as a project.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
NATIONAL PUBLIC LANDS ADVISORY COUNCIL
WASHINGTON, D.C. 20240

July 15, 1988

WILDLIFE WATER

Resolution of the National Public Lands Advisory Council

WHEREAS: A livestock permittee must, for economic reasons and for the welfare of his livestock, place his attention and work in the allotment where the livestock are actually grazing; and

WHEREAS: To maintain water for public benefits, such as for wild horses and burros, and wildlife, an unreasonable economic burden may be placed on the livestock producer and divert his attention and work away from the livestock operation.

THEREFORE, BE IT RESOLVED: That the National Public Lands Advisory Council recommends that Federal permittees/lessees not be required, without their written agreement, to maintain water in allotments or pastures when livestock are not being grazed in them; and

BE IT FURTHER RESOLVED: That BLM policy should provide that where water developments continue to serve public services (such as wildlife water after livestock have been removed), unless it is otherwise agreed upon in writing by BLM and the permittee, maintenance of the facility should be performed by BLM to ensure livestock needs are met when the next grazing season begins.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
NATIONAL PUBLIC LANDS ADVISORY COUNCIL
WASHINGTON, D.C. 20240

July 15, 1988

SPECIAL RECREATION PERMIT POLICY

Resolution of the National Public Lands Advisory Council

WHEREAS: The public lands and related waters administered by the Bureau of Land Management offer a wide range of resource-dependent recreational opportunities; and

WHEREAS: Outdoor recreation on the public lands has become increasingly popular with the American public; and

WHEREAS: Outdoor recreation and tourism have a significant impact on the financial health and economic stability of States and communities located on or adjacent to public lands; and

WHEREAS: The adventure travel industry contributes some \$27 billion dollars to the American economy, and it functions best in a free-market system where there is a healthy and stable environment of competition and enterprise; and

WHEREAS: The BLM special recreation permitting process allows for renewable, multi-year permits so that commercial outfitters will have some measure of security and stability and will be able to provide quality visitor services to the recreating public.

THEREFORE, BE IT RESOLVED: That the National Public Lands Advisory Council:

1. Recommends that the BLM change its regulations to allow the issuance of multi-year special recreation permits to commercial outfitters and guides for a term sufficient to increase the adventure travel industry's stability and viability; and
2. Recommends that the BLM implement this change in regulations within the policies and goals of RECREATION 2000: A STRATEGIC PLAN in order to provide additional incentives for commercial permittees to operate their businesses and provide improved service to the public.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
NATIONAL PUBLIC LANDS ADVISORY COUNCIL
WASHINGTON, D.C. 20240

July 15, 1988

SANTA RITA LAND EXCHANGE

Resolution of the National Public Lands Advisory Council

WHEREAS: Several Federal and Arizona State agencies have worked together to resolve many land management problems through a proposed land exchange that would benefit all agencies and would provide future public benefits in the areas of research and education, recreation, economic growth and development, wildlife enhancement, cultural resource protection, and improved land and water management; and

WHEREAS: The effort has resulted in the Arizona legislature passing the necessary State authorizing legislation for the land exchange; and

WHEREAS: The Arizona delegation has introduced legislation, the Santa Rita Public Lands Exchange Act of 1988, which would authorize the Federal portions of this far reaching exchange.

THEREFORE, BE IT RESOLVED: That the National Public Lands Advisory Council recommends that the Secretary of Interior urge the Congress to expedite passage of the legislation authorizing the entire land exchange.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
NATIONAL PUBLIC LANDS ADVISORY COUNCIL
WASHINGTON, D.C. 20240

July 15, 1988

PUBLIC LAND AVAILABILITY FOR IMPACTED COMMUNITIES

Resolution of the National Public Lands Advisory Council

WHEREAS: Certain communities in the West are experiencing a rapid growth in population due to an unprecedented boom in precious metal mining; and

WHEREAS: This resurgence in population has placed a tremendous burden on these communities for housing and other services; and

WHEREAS: Some communities are finding it difficult to meet these demands; and

WHEREAS: Some communities have insufficient private lands to meet the demand for housing and services due to their being surrounded by public lands; and

WHEREAS: This housing shortage has resulted in many of the workers and their families living in trailers and other recreational vehicles parked illegally on public lands; and

WHEREAS: The mining companies have shown their willingness to assist in alleviating the housing shortages facing their workers where land is available; and

WHEREAS: The unavailability of private land presents both short term and long term problems for these communities; and

WHEREAS: The National Public Lands Advisory Council believes public lands adjacent to impacted communities should be made available to provide relief for this growth problem through the lease, sale, or exchange of public lands;

NOW, THEREFORE, BE IT RESOLVED: That the Council urges the Secretary of the Interior and Director of the Bureau of Land Management to explore all possible avenues to make public lands available to help mitigate this growth impact for the affected communities, through the lease, sale or exchange of public lands. The Council cautions, however, that such leases, sales and exchanges should be made only to solve population growth problems and not for speculation.

APPENDIX I

Schedule And Issue Letter For The Committee's Visit
To Washington, D.C., From October 28
Through October 30, 1987

NEVADA LEGISLATURE'S COMMITTEE ON PUBLIC LANDS

Washington, D.C.

October 28 through October 30, 1987

SCHEDULE OF MEETINGS

Wednesday - October 28

10:00 a.m.	George Leonard, Associate Director, United States Forest Service	Room 3008, South Agriculture Building
9:45 a.m.	House Subcommittee mark-up sessions and on the nuclear waste bill and the	Rooms 1324 and 1300, Longworth House Office Building
10:00 a.m.*	Nevada land exchange bill	
11:15 a.m.	Representative James H. Bilbray (D-Nevada)	1432 Longworth
1:30 p.m.	Meeting on the special "Nevada Report" - Gary D. Vest, USAF, and Nancy S. Stehle, U.S. Navy	Room 4C916, Pentagon
3:15 p.m.	Representatives Morris K. Udall (D-Arizona) and Bruce F. Vento (D-Minnesota)	235 Cannon
4:00 p.m.	Tony Bevinetto, staff, Senate Subcommittee on Public Lands, National Parks and Forests	3110 Dirksen

*Two members of the committee attended these sessions.

Thursday - October 29

9:30 a.m. ²	Representative Barbara Vucanovich (R-Nevada)	312 Cannon
9:45 a.m. ¹	Senator John Melcher (D-Montana)	730 Hart
11:00 a.m. ²	Senator J. Bennett Johnston (D-Louisiana) (Daryl Owen, staff)	364 Dirksen
11:00 a.m. ¹	Robert F. Burford, Director, Bureau of Land Management	Room 5660, Interior Building
11:30 a.m. ²	Senator Dale Bumpers (D-Arkansas)	229 Dirksen
12 noon to 2:00 p.m.	Luncheon meeting with public lands interest groups.	Room 337 Hall of the States
1:00 p.m. ¹	Representative Ron Marlenee (R-Montana)	2465 Rayburn
2:30 p.m.	Senator Harry Reid (D-Nevada)	702 Hart
3:00 p.m.	Senator Kent Conrad (D-North Dakota)	361 Dirksen
4:00 p.m.	Senator Chic Hecht (R-Nevada)	302 Hart
4:30 p.m.	Senator Timothy E. Wirth (D-Colorado)	380 Russell

¹Team 1 consisted of Senator Rhoads, Senator Vergiels, Assemblyman Getto, and Brian Davie.

²Team 2 consisted of Assemblyman Nicholas, Senator Redelsperger, Assemblyman Marvel, and Debby Richards.

Friday - October 30

11:00 a.m.	Secretary of the Interior Donald Hodel	302 Hart
12 noon to 2:00 p.m.	Luncheon meeting with staff of congressional public lands committees	Room 211 Hall of the States
2:30 p.m.	C. Dale Duvall, Commissioner, U.S. Bureau of Reclamation	Room 7654 Interior Building



October 28, 1987

Dear

The Nevada Legislature's Committee on Public Lands is a permanent statutory committee created by the Nevada State Legislature. The committee's purposes 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.

Public lands issues are of vital concern to the people of Nevada since the Federal Government controls approximately 86.5 percent of the land in this state. Enclosed is a map of Nevada which shows the pattern of land ownership. Also enclosed is a map of the United States which shows the concentration of federal land ownership in the Western States.

The 1987 Nevada Legislature adopted several resolutions and took other action related to current public lands issues. Enclosed are the following position papers which discuss briefly the public lands issues of concern to the Nevada Legislature, its Committee on Public Lands and the people of Nevada:

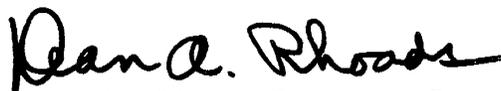
1. Public Lands Issues in Nevada - 1987 (background);
2. Recommendations Concerning The Process For The Designation And Control Of Military Airspace;
3. Nevada's Efforts To Acquire Gradually Its Fair Share Of Federal Land;
4. Recommendations Concerning The Federal Reservation Of Water Rights Within Wilderness Areas;
5. Recommendation Concerning The Wilderness Designation Process Of The Bureau Of Land Management;

6. The Nevada Legislature's Support For The Aerojet Land Exchange Proposal; and
7. Issues Pertaining To Public Rangelands In Nevada - Grazing Fees And Wild Horses.

We respectfully request your support and ask that you and your staff review these materials to gain a better understanding of the concerns in Nevada as they relate to public lands.

We sincerely appreciate the opportunity to meet with you and/or to provide you with these materials.

With warmest regards,



Nevada State Senator Dean A. Rhoads,
Chairman, Nevada Legislature's
Committee on Public Lands

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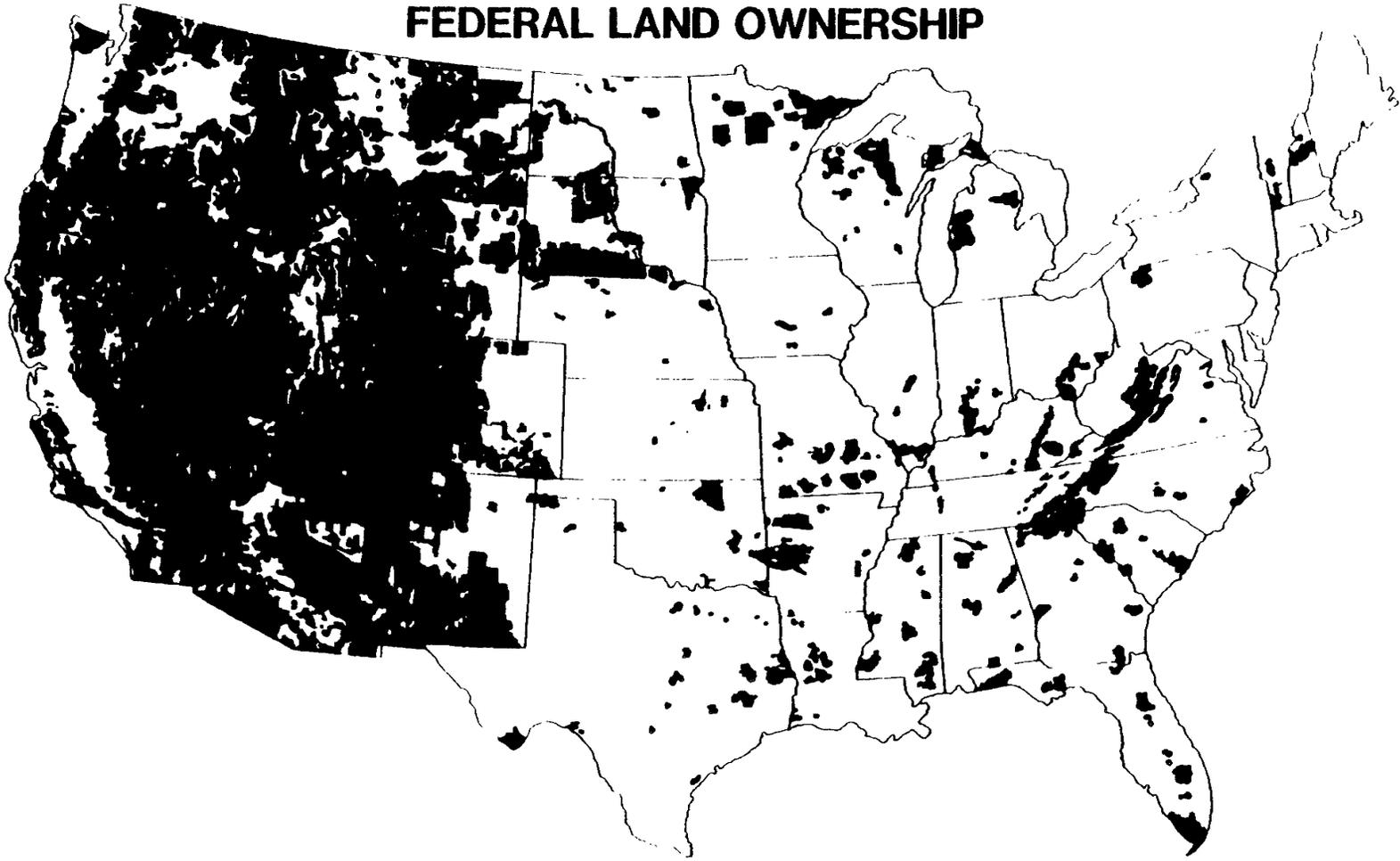


NEVADA LAND OWNERSHIP

KEY

- **FEDERAL LANDS ALL CATEGORIES IN BLACK**
- **CHECKERBOARD IS 20 MILE CORRIDOR ACROSS STATE OF ALTERNATING SQUARE MILES OF BLM & RAILROAD GRANT LAND**
- **WHITE IS PRIVATE AND OTHER NON-FEDERAL LAND**

FEDERAL LAND OWNERSHIP



PUBLIC LANDS ISSUES IN NEVADA - 1987

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.
- Nevada continues to be one of the fastest growing states in the Nation in terms of population. According to projections of the United States Census Bureau, Nevada's population is expected to more than double in the next 15 years--increasing to almost 2 million people by the year 2000. Nevada had the largest percentage increase in population (63.8 percent) of all the states between 1970 and 1980.
- 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 additional land grants, land reform measures and other proposals to rectify the inequities of the past, to provide for rapid population growth, and to promote efficient state and local land management while protecting the multiple use concept.

RECOMMENDATIONS CONCERNING THE PROCESS FOR THE
DESIGNATION AND CONTROL OF MILITARY AIRSPACE

Senate Joint Resolution No. 6
(File No. 72, Statutes of Nevada, 1987)

- The Nevada Legislature's Committee on Public Lands and the residents of Nevada support and respect the military; and they understand the need for realistic training for pilots in the military to provide for a strong defense.
- The Department of Defense now controls nearly 40 percent of all airspace in Nevada. However, many incidents have been reported of low-flying military aircraft occurring in areas not designated for military use.
- Many residents of Nevada, particularly in the rural areas, question the designation of additional airspace for military use when the Department of Defense and the Federal Aviation Administration fail to enforce the limits on the area and the altitude of existing designations of airspace.
- The lack of adequate procedures to provide for public comment on proposals concerning airspace results in extreme frustration and feelings of powerlessness over the inability to express opinions before airspace decisions are made.
- The Nevada Legislature, therefore, urges Congress to investigate the designation and control of military airspace by the Federal Aviation Administration; and encourages Congress to enact legislation to enhance public participation in the process of establishing classifications of airspace and restrictions on its use.

NEVADA'S EFFORTS TO ACQUIRE GRADUALLY
ITS FAIR SHARE OF FEDERAL LAND

Senate Joint Resolution No. 8
(File No. 56, Statutes of Nevada, 1987)

- The Nevada Legislature's Committee on Public Lands is conducting an initial scoping study to develop alternatives for a gradual process for public land acquisition in the State of Nevada.
- This idea originated from discussions with various congressmen in 1985 which indicated that Congress would look more favorably upon the acquisition of federal lands by the state if the proposal included a list of specific lands and the reasons these lands are needed.
- Almost 123 years have passed since Nevada became a state and the United States Government still retains more than 86 percent of the land in Nevada.
- The growth in population within this state and the resulting change in the use of the land has placed a heavy demand on the state and local services, thereby creating many ghost towns in this state.
- The vast federally owned areas create a major tax burden for the owners of private property in this state in order to meet their needs for services.
- Intermingled ownership of land among private persons and federal governmental agencies severely restricts proper practices for the conservation of the natural resources of the state, including wildlife, and the preservation of areas for recreation which are best suited for management by the state and local governments.
- Federal ownership of a majority 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 the local areas.
- This state has established an innovative program to prepare statements of policy and plans relating to the future jurisdiction of the land, requiring the cooperation of and consultation with all levels of government and members of the general public.
- The Nevada Legislature, therefore, urges Congress to support and cooperate with the efforts of the state to acquire gradually its fair share of federal land so that Nevada has parity with its neighboring western states.

RECOMMENDATIONS CONCERNING THE FEDERAL RESERVATION
OF WATER RIGHTS WITHIN WILDERNESS AREAS

Senate Joint Resolution No. 9
(File No. 49, Statutes of Nevada, 1987)

- The designation of areas of wilderness does not result in the reservation of additional federal water rights because Congress did not expressly reserve these rights and a designation as wilderness fails to meet any of the threshold requirements for the implied reservation of federal water rights.
- The designation of land as wilderness does not by itself constitute a "reservation" of federal land upon which an implied reservation of water rights must be based, but rather is merely a statutory directive for the management of land , previously reserved.
- Federal water rights may be impliedly reserved only when necessary to fulfill the "primary purposes" of a reservation of federal land.
- In the case of wilderness areas within national forests, the purposes of designating such areas are expressly stated to be "within and supplemental to," rather than "in interference with" the purposes of the original reservation of areas of forest and thus are clearly "secondary" purposes for which no water rights are impliedly reserved.
- The legislative history of the Wilderness Act of 1964 (16 U.S.C. §§ 1131 et seq.) reflects a clear congressional intent not to preclude or impede permanently the development of water in the wilderness by reserving any or all appurtenant, unappropriated water in designated areas of wilderness.
- The Wilderness Act and its legislative history demonstrate that Congress determined that controls on the management of land applicable to areas of wilderness would be more than adequate to preserve the characteristics of wilderness within designated areas.
- Congress has determined that the reservation of additional water rights is not necessary to fulfill the purposes of a designation of land as wilderness.
- The Nevada Legislature, therefore, urges Congress to enact legislation to prohibit the federal reservation of water rights for land designated as wilderness. Any legislation before Congress which would designate land in this state as wilderness should contain language specifying that federal water rights are not reserved as part of the designation.

WDC4:10/28/87

RECOMMENDATION CONCERNING THE WILDERNESS DESIGNATION PROCESS
OF THE BUREAU OF LAND MANAGEMENT

Senate Joint Resolution No. 10
(File No. 48, Statutes of Nevada, 1987)

- Passage of the Federal Land Policy and Management Act of 1976 required the Bureau of Land Management to inventory and analyze roadless areas within its jurisdiction and develop recommendations for or against designation of these areas as wilderness.
- The Bureau of Land Management has systematically inventoried and studied the areas and has issued a series of draft statements regarding the environmental effect of designating those areas in Nevada as wilderness.
- Each such study included a public hearing and the solicitation of public comment, but each statement contained only the evaluations of areas within a specified, limited part of the state.
- Following the completion of mineral surveys of each area, the Bureau of Land Management will compile a final statewide report.
- Many people throughout Nevada representing many different concerns and interests have been closely involved in each of these studies and desire the opportunity to review and comment upon the draft of the statewide report being prepared by the Bureau of Land Management before it becomes final.
- The Nevada Legislature, therefore, requests that the Bureau of Land Management develop a procedure to provide an opportunity for the citizens of Nevada and other states to review directly and comment on the draft report so that appropriate public comments can be considered and included in the final statewide report.

THE NEVADA LEGISLATURE'S SUPPORT FOR THE
AEROJET LAND EXCHANGE PROPOSAL

Assembly Joint Resolution No. 21
(File No. 98, Statutes of Nevada, 1987)

- Aerojet-General Corporation has proposed to exchange certain land owned by it in Florida for federally administered land in southern and western Nevada for industrial development and testing.
- The Florida land will be used to achieve the protection of valuable natural vegetation in the Everglades.
- Industrial development is needed to strengthen and diversify Nevada's economy and the proposed development by Aerojet will help provide Lincoln County, Nevada, with a more stable economic base which is vitally needed.
- Aerojet has caused environmental evaluations of its proposed sites in southern and western Nevada and agrees to use the sites in a manner which will minimize any adverse effects on the environment and agrees to mitigate those adverse effects.
- The Nevada Legislature, therefore, urges the President to support and Congress to enact legislation consummating the exchange of certain private land owned by Aerojet-General Corporation in Florida for certain public land located in southern and western Nevada if a right-of-way corridor not more than 1 mile wide is reserved therefrom to the United States for the construction, operation and maintenance of electric transmission lines.

ISSUES PERTAINING TO PUBLIC RANGELANDS IN NEVADA
GRAZING FEES 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. The economy of many of Nevada's rural counties is heavily dependent upon ranching which serves as the stable base of the rural economy.
- Because Nevada is the most arid 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 permit holders, including factors such as provision of water, fencing, transportation and similar constraints.
- Any change in the fees charged for grazing on public lands should be related to the price of the cattle grazed to protect the stability of the livestock business in Nevada and other western states.
- The Nevada Legislature, therefore, urges the Congress to require the Secretaries of the Department of Agriculture and the Department of the Interior to continue the current formula for grazing fees.

Wild Horses

- The Wild, Free-roaming Horses and Burros Act of 1971, 16 U.S.C. 1331 et seq., provides for the protection, management and control of all wild horses and burros on lands administered by the Bureau of Land Management (BLM) and the United States Forest Service (USFS).
- The Act has been overly "successful" and has allowed once threatened populations of wild horses and burros in Nevada to increase to the extent that, according to the BLM, about 29,000 wild horses and 1,200 wild burros inhabited the public lands in this state in fiscal year 1986.
- 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.

- The removal of wild horses and burros from the range for adoption is currently the only authorized means of disposing of these animals.
- During fiscal year 1986, the BLM maintained an average of more than 11,000 unadopted animals in government corrals and contract facilities at a cost to the public of nearly \$25,000 per day. These expenses are unjustifiable when other federal programs are being eliminated to reduce the federal deficit and potential alternatives are available for this program.
- The Nevada Legislature, therefore, urges the Congress to enact legislation to:
 1. Require the Secretary of the Interior and the Secretary of Agriculture to control strictly the populations of wild horses and burros;
 2. Authorize additional or more effective methods for the capture, sale, donation, transfer or other removal of wild horses and burros from public lands in Nevada; and
 3. Require the conveyance of all unadopted wild horses and burros to appropriate agencies for the protection of animals. If the demand for adoption falls below the number of available animals, the legislation should authorize the sale of excess wild horses and burros at public auction or the destruction of those animals in the most humane and economical manner possible.

APPENDIX J

Schedule And Issue Papers For The Committee's Visit
To Washington, D.C., From February 17
Through February 19, 1988

NEVADA LEGISLATURE'S COMMITTEE ON PUBLIC LANDS

Washington, D.C.

February 17 through February 19, 1988

SCHEDULE OF MEETINGS

Wednesday - February 17

10:00 a.m.	Bureau of Land Management Dean Stepanek, Assistant Director for Lands and Renewable Resources David Tidwell, Special Assistant to the Director Vincent Hecker, Chief, Division of Lands	Room 5660 Main Interior Building
11:00 a.m.	¹ Council on Environmental Quality Lucinda Swartz, Deputy General Counsel Joseph R. Jehl, Jr., Chief Scientist	First Floor Conference Room 722 Jackson Place, N.W.
11:30 a.m.	Senator Chic Hecht (R-Nevada)	302 Hart
3:00 p.m.	² Representative Barbara Vucanovich (R-Nevada)	312 Cannon
3:00 p.m.	Representative James H. Bilbray (D-Nevada)	1431 Longworth
4:15 p.m.	Representative Morris K. Udall (D-Arizona)	235 Cannon

¹Senator Rhoads, Assemblyman Getto and Brian Davie attended this meeting.

²Assemblymen Getto, Marvel and Nicholas and Debby Richards attended this meeting.

Thursday - February 18

9:00 a.m.	² United States Forest Service George Leonard, Deputy Chief	Room 3010 South Agriculture Building
10:00 a.m.	¹ Representative Dick Cheney (R-Wyoming) (James E. Steen, Staff)	104 Cannon
10:30 a.m.	Representative James V. Hansen (R-Utah) (Millard Wyatt, Staff)	1113 Longworth
2:00 p.m.	*Coast Guard and Navigation Subcommittee of the House Merchant Marine and Fisheries Committee Hearing on United States Coast Guard Funding and Station Closing (including the Lake Tahoe Station)	1334 Longworth
2:00 p.m.	Representative Bruce F. Vento (D-Minnesota)	2304 Rayburn
3:30 p.m.	Senator Jeff Bingaman (D-New Mexico) (Mitchell Foushee, Staff)	502 Hart
4:00 p.m.	Senator James A. McClure (R-Idaho) (James P. Beirne, Counsel, Senate Committee on Natural Resources)	309 Hart

4:30 p.m. *Meeting with U.S. Coast Guard Officials 302 Hart
(In Senator Hecht's Office)

4:30 p.m. Senator J. Bennett Johnston 136 Hart
(D-Louisiana)
(Victoria Davison, Professional Staff,
Senate Committee on Energy and Natural
Resources)

*Assemblyman Nicholas and Debby Richards attended these meetings.

¹Team No. 1 consisted of Senators Rhoads, Redelsperger and Vergiels and Brian Davie.

²Team No. 2 consisted of Assemblymen Getto, Marvel and Nicholas, Commissioner Hayes and Debby Richards.

Friday - February 19

9:00 a.m. ¹Bureau of Reclamation Room 7654
Commissioner C. Dale Duvall Main Interior Building

9:00 a.m. ²Senator John Melcher 730 Hart
(D-Montana)
(Tucker Hill, Staff)

10:30 a.m. Department of the Interior Room 6217
Under Secretary Earl E. Gjelde Main Interior Building

11:30 a.m. Senator Dale Bumpers 229 Dirksen
(D-Arkansas)
(William Masse, Staff)

1:00 p.m. Senator Pete Domenici 434 Dirksen
(R-New Mexico)
(Sean Devlin Bersell, Staff)

2:00 p.m. United States Air Force and Navy Room 4E-871
Officials Pentagon
Tom Lord and Nancy Stehle
Briefing on the "Special Nevada
Report"

3:00 p.m. *Bureau of Indian Affairs Room 4160
William P. Ragsdale, Deputy to the Main Interior Building
Assistant Secretary-Indian Affairs
(Operations)

3:30 p.m. Senator Harry Reid 702 Hart
(D-Nevada)

*Assemblymen Getto and Marvel and Debby Richards attended this meeting.

¹Team No. 1 consisted of Senators Rhoads and Redelsperger, Assemblyman Getto and Brian Davie.

²Team No. 2 consisted of Senator Vergiels, Assemblymen Marvel and Nicholas, Commissioner Hayes and Debby Richards.

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



LEGISLATIVE COMMISSION (702) 885-5627
LAWRENCE E. JACOBSEN, *Senator, Chairman*
Donald A. Rhodes, *Director, Secretary*

INTERIM FINANCE COMMITTEE (702) 885-5640
MARVIN M. SEDWAY, *Assemblyman, Chairman*
Daniel G. Miles, *Fiscal Analyst*
Mark W. Stevens, *Fiscal Analyst*

DONALD A. RHODES, *Director*
(702) 885-5668

JOHN R. CROSSLEY, *Legislative Auditor* (702) 885-5622
ROBERT E. ERICKSON, *Research Director* (702) 885-5637
LORNE J. MALKIEWICH, *Legislative Counsel* (702) 885-5627

February 12, 1988

M E M O R A N D U M

TO: Chairman and Members of the Nevada Legislature's
Committee on Public Lands (NRS 218.536, et seq.)

FROM: Brian Davie, Principal Research Analyst 

SUBJECT: Issue Papers

Attached, as requested by Senator Dean A. Rhoads and members of the committee, are issue papers relating to the topics which may be discussed during the committee's visit to Washington, D.C., from February 17 through February 19, 1988. Also attached for your reference are the federal land ownership maps for the United States and Nevada.

The issue papers include a brief discussion and status on each topic, along with pertinent issues or questions which could be used in meetings with the various congressmen and federal officials. The following is a list of the topics and the officials with whom they may be discussed:

<u>Issues</u>	<u>Officials</u>
Gradual Land Acquisition Process	Congressional delegation Senators Representatives BLM DOI USFS
Public Lands for Mobile Home Parks	Congressional delegation BLM DOI
Wilderness Legislation	Congressional delegation Senators Representatives USFS

Issues

Officials

State Disapproval of
Wilderness Areas

Congressional delegation
Senators
Representatives

OCAP

Congressional delegation
Bureau of Reclamation
CEQ
DOI

Airspace Protection

Congressional delegation
Military officials

Special Nevada Report

Military officials

Aerojet Land Exchange

Congressional delegation
Senators
Representatives
BLM
DOI

Grazing Fees

Congressional delegation
Senators
Representatives
BLM
DOI
USFS

Closure of Lake Tahoe
Coast Guard Station

Congressional delegation
Coast Guard officials

Indian Gaming

Congressional delegation
Senators
Representatives
DOI

Nuclear Waste Act

Congressional delegation

Staff has some additional background material on some of these
issues. Please let me know if you need any further information.

BD/dr:Memo8-8.2
Attachments

GRADUAL LAND ACQUISITION PROCESS

The public lands committee has initiated a contract with consultants to conduct an initial scoping study for a gradual process of public land acquisition in the State of Nevada. This idea originated from discussions with various congressmen in 1985 and 1987 which indicated that Congress would look more favorably upon the acquisition of federal lands by the state if the proposal included a list of specific lands and the reasons these lands are needed.

The purposes of this scoping study are to analyze the feasibility and provide alternatives for a gradual land acquisition process by the State of Nevada to obtain federally-owned lands for specific purposes. The intent of this study is to provide an examination of such a process to allow the public lands committee to make appropriate recommendations to the Nevada legislature and the Congress.

The timetable for completion of the scoping study includes a public hearing to be held in April 1988 to review alternatives and a final report with recommendations to be completed by June 1, 1988.

Pertinent issues or questions could include:

1. Brief congressional and administration officials on this concept.
2. Ensure that congressional delegation is fully apprised of the committee's initiative on this issue.
3. Encourage federal officials to keep an open mind on this proposal.

PUBLIC LANDS FOR MOBILE HOME PARKS

During its meeting in Las Vegas in December 1987, the public lands committee heard testimony regarding an application under the Recreation and Public Purposes Act (R&PP) for United States Bureau of Land Management (BLM) lands for a mobile home park in Clark County. The application originally was approved by the BLM in the early 1980's, but the action was tied up in litigation for 7 years. The litigation is resolved, but due to a change in regulations, the application likely will not be approved since R&PP lands are no longer allowed to be transferred for human habitation purposes.

In a letter dated February 1, 1988, Assemblyman Morse Arberry, Jr., chairman of the legislative commission's subcommittee to study availability of low-income housing, urged the public lands committee to discuss with Nevada's congressional delegation and appropriate federal officials the issue of making public lands available for low-income mobile home parks. Attached is a copy of this letter.

Pertinent issues or questions could include:

1. Rationale for changing BLM regulations.
2. Possibility of changing the law to allow such uses.
3. Results of Congressman James H. Bilbray's meeting with Robert Burford on February 4, 1988, concerning this issue.
4. Anything the committee can do to facilitate consideration of this issue.

MORSE ARBERRY, JR.
Assemblyman
Clark No. 7
425 Lass Circle
North Las Vegas, Nevada 89030



COMMITTEES
Chairman
Health and Welfare
Member
Ways and Means
Education

Nevada Legislature

SIXTY-FOURTH SESSION

February 1, 1988

Senator Dean A. Rhoads, Chairman
Nevada Legislature's Committee
on Public Lands
Tuscarora, NV 89834

Dear Senator Rhoads:

On January 28, 1988, the legislative commission's subcommittee to study the availability of low-income housing (A.C.R. 24) heard testimony regarding the impending closure of two large mobile home parks in southern Nevada. These parks are homes for 313 households, most of whom are elderly and many of whom have very low incomes. If new parks with reasonable space rentals cannot be found, many of these senior citizens may be forced to abandon their homes and seek shelter elsewhere.

The problem is by no means confined to southern Nevada. In communities throughout the state, land values are rapidly increasing. Owners of many mobile home parks are eager to convert their land to other uses. Thousands of people, most of whom are elderly, could be affected.

About 2 weeks ago, representatives of the mobile home owners and the park owners met to discuss this problem. They agreed that there is a serious need for shelter parks to accommodate low-income mobile home owners who are displaced by park closures. These parks could be built economically and operated at low costs if the Federal Government were to make public land available for this purpose.

This proposal would involve almost no federal outlays. If, on the other hand, this land is not made available, many of these dislocated households will be forced to seek subsidized housing.

The subcommittee on low-income housing agreed to transmit this proposal to the public lands committee with our full endorsement and support. We urge the committee to consider it seriously and to discuss it with Nevada's congressional delegation and with appropriate federal officials.

A timely response to this proposal will help to meet the housing needs of many of Nevada's low-income senior citizens.

Sincerely,

A handwritten signature in cursive script, appearing to read "Morse".

Assemblyman Morse Arberry, Jr., Chairman
Legislative Commission's Subcommittee to
Study Availability of Low-Income Housing

PM/en
Enc.
ACR24-1:LTR2-3

On December 1, 1987, the House of Representatives passed H.R. 2142-- the Nevada Wilderness Designation Act of 1987. This bill originally was introduced by Congressman James H. Bilbray and is pending now in the Senate.

The bill currently includes the following major provisions:

1. The designation as wilderness of 731,000 acres in 14 areas of United States Forest Service (USFS) lands in Nevada;
2. The establishment of the Mount Rose National Recreation area in Washoe County, Nevada, consisting of 29,000 acres which includes a core area of 18,000 acres to be closed to roads and motorized use;
3. Land transfers between the USFS and the Bureau of Land Management (BLM) to include 895,000 acres from the BLM to the USFS, and 23,000 acres from the USFS to the BLM; and
4. An amendment to the Military Lands Withdrawal Act of 1986 to provide 89,600 acres in Lincoln County, Nevada, as the Groom Mountain Addition to the Nellis Air Force Range.

Other pending wilderness proposals include:

1. The final USFS plan to designate 406,900 acres in 11 areas;
2. S. 1138 by Senator Harry Reid to designate 599,400 acres in 12 areas;
3. H.R. 708 by Congressman Barbara Vucanovich to designate 131,900 acres in four areas; and
4. A House bill by Congressman George "Buddy" Darden (D-Georgia) to designate 1,408,600 acres in 19 areas.

Pertinent issues or questions could include:

1. The status of negotiations between the Senate and House on H.R. 2142.
2. The possibility of a compromise emerging during this session of Congress.
3. What are the major points of contention or problems with the House-passed bill?
4. What is the likelihood of the wilderness bill standing alone without the land transfer and Groom Mountain provisions?
5. Any movement on the issue of federal reserved water rights in wilderness areas?

STATE DISAPPROVAL OF WILDERNESS AREAS

On December 9, 1987, Congressman James V. Hansen (R-Utah) introduced H.R. 3727 to give any state with more than 25 percent federally owned land the right to disapprove the establishment of wilderness areas located in that state. The bill would allow such states to submit to Congress a "notice of disapproval" within 90 days after enactment of a wilderness bill. The notice would be submitted by the governor, state legislature or authority designated under state law.

A wilderness area would revert to its previous management status after submission of a "notice of approval" unless the notice is overridden by a joint resolution of Congress.

Pertinent issues or questions could include:

1. Any possibility for movement on this bill?
2. Support for this concept in other Western States?
3. Anything the committee could do to promote this idea?

In December 1987, the United States Bureau of Reclamation in the Department of the Interior released the Final Environmental Impact Statement (FEIS) for the Newlands Project Proposed Operating Criteria and Procedures (OCAP).

The proposed action would establish a much reduced annual limit on irrigation diversion (338,000 acre-feet in 1988 to 320,000 acre-feet or less by 1992) from the Carson and Truckee Rivers. These actions would increase the level of Pyramid Lake to protect the cui-ui fish as an endangered species, but they would have a tremendous negative effect on the agricultural industry and could drastically alter the environment in and around the Fallon, Nevada, area.

Senator Chic Hecht conducted a public meeting in Fallon on January 15, 1988, with federal officials in attendance from the U.S. Department of the Interior. It was estimated that about 500 people attended this meeting to strongly object to the proposed plan, including state and local officials and citizens. Aside from the obvious impact on the agricultural community, objections were raised about the elimination of the wetlands and nesting areas for waterfowl in the Stillwater Wildlife Refuge, the impact of reduced water levels at Lahontan Reservoir and its effect on the state's \$6 million investment in the Lahontan Recreation Area, and the effects on future development and water users upstream on the Carson River.

On February 3, 1988, the Department of the Interior filed a motion with the U.S. District Court of Nevada to approve interim instructions and delay implementation of the permanent OCAP through April 30, 1988. According to Roland D. Westergard, director of the state department of conservation and natural resources, the hearing on this motion is scheduled for February 18, 1988. He indicated that Nevada's attorney general may be intervening in this case to protest the interim OCAP instructions. Staff has a copy of the motion filed by the Department of the Interior. In addition, Senator Hecht has indicated that he requested the Council on Environmental Quality (CEQ) to review the FEIS to determine its adequacy.

Pertinent issues or questions could include:

1. Current status of the OCAP.
2. What will be accomplished during the delay?
3. What may change due to public comments and input from Senator Hecht's meeting?
4. What can the CEQ accomplish?
5. Plans by public lands committee to hold a hearing on this issue in Reno in April 1988.

AIRSPACE PROTECTION

Last year, United States Senator Harry Reid introduced S. 1584--the Airspace Protection Act. This bill would establish a procedure through the National Environmental Policy Act to provide opportunities for public participation in decisions to designate and restrict airspace.

Two hearings have been held on this proposal--one last year in Washington, D.C., and one in January 1988, in Sparks, Nevada. The public lands committee was represented in testimony at the hearing in Sparks. The testimony generally supported the bill, and Senate Joint Resolution No. 6 (File No. 72, Statutes of Nevada, 1987) was read into the record of the hearing. This resolution urges Congress to investigate the designation and control of military airspace and enact legislation to enhance public participation in the process of establishing classifications of airspace and restrictions on its use.

Pertinent issues or questions could include:

1. Status of legislation.
2. Possibility of movement this year?
3. Who is opposed and what is the nature of the opposition?
4. Status of General Accounting Office studies on airspace.

SPECIAL NEVADA REPORT

Section 6 of Public Law 99-606--the Military Lands Withdrawal Act of 1986--requires the Secretaries of the Air Force, Navy and Interior to submit by November 6, 1991, a joint report to Congress to be known as the "Special Nevada Report." The report is to include an analysis of the effects of military operations on public health and safety in Nevada, and an evaluation of the cumulative effects and mitigation measures for a variety of public lands resources and values for lands and airspace withdrawn for military purposes in this state.

The chairman of the Nevada legislature's committee on public lands has been appointed by federal officials to serve as a citizens' representative for the State of Nevada on the Intergovernmental Coordinating Group for the "Special Nevada Report." The purpose of this group is to review development of the report and to facilitate coordination and data collection.

Pertinent issues or questions could include:

1. Current status of the report.
2. What contractors are being considered for the report?
3. Has a funding agreement been reached yet?
4. If Nancy Stehle from the United States Navy is at a meeting-- What is the status of the master land withdrawal for the Fallon Naval Air Station? When will the new Environmental Impact Statement be released? Opportunities for public comment?

AEROJET LAND EXCHANGE

During the committee's visit to Washington, D.C., in October 1987, House members indicated that various agreements had been worked out on the Aerojet land exchange proposal. A bill had been developed in the nature of a substitute to H.R. 1845 to be known as the Nevada-Florida Land Exchange Authorization Act of 1987.

The agreements on this proposal include the exchange of lands and the lease of certain lands in Nevada for an initial term of 99 years with no rental to be paid to the United States. In addition, the Secretary of the Interior would review the status of desert tortoise populations in Nevada and prepare a comprehensive plan to address threats to the health and stability of such populations.

The House Subcommittee on Public Lands apparently will not take action on this proposal until the Senate has acted on it.

Pertinent issues or questions could include:

1. Current status of the proposal.
2. Possibility for enactment this session.

GRAZING FEES

The United States Bureau of Land Management (BLM) and U.S. Forest Service (USFS) published notices in the Federal Register on February 2, 1988, to adopt the existing grazing fee formula. The formula results in a grazing fee for the 1988 grazing year of \$1.54 per animal unit month--a 14 percent increase over the \$1.35 charge in effect last year.

Three bills remain in Congress on the grazing fee. One bill--H.R. 1899 (Marlenee)--would keep the present formula, while two other bills--H.R. 1481 (Darden) and H.R. 2621 (Synar)--would significantly increase the grazing fee.

Pertinent issues or questions could include:

1. Status of the grazing fee issue.
2. Any plans with the congressional public lands committees to take action?
3. Possibility of this issue passing under an appropriations measure this year?
4. Effect of the regulatory action taken by BLM and USFS?

CLOSURE OF LAKE TAHOE COAST GUARD STATION

The United States Coast Guard is proposing to close on March 1, 1988, about 28 bases nationwide including the station at Lake Tahoe which consists of two boats and a staff of nine. According to newspaper reports, the closures are due to budget cuts in the U.S. Department of Transportation.

Nevada's congressional delegation, the Tahoe Regional Planning Agency (TRPA), and others are protesting the closing of the Lake Tahoe station. According to the TRPA, the Coast Guard saved 31 people and \$414,000 in property last year. It is believed that the station at Lake Tahoe should be an exception because it involves two states and several counties. It is argued that the response time to emergencies will be longer if the station is closed, and it would be a jurisdictional nightmare for the local governments to coordinate search and rescue operations.

The House Merchant Marine and Fisheries Committee has scheduled a hearing on February 18, 1988, to discuss the proposed Coast Guard closures. Assemblyman David D. Nicholas is working with Congressman Barbara Vucanovich's office in preparation for this hearing.

INDIAN GAMING

A United States Supreme Court decision in February 1987 has focused considerable attention on the issue of the regulation of gaming activities on Indian lands.

Legal Analysis

Even if a state were to enact specific legislation to regulate gambling activity on Indian land, such a law would be of doubtful validity. In the recent case of California v. Cabazon Band of Mission Indians, 107 Supreme Court 1083 (1987), the Supreme Court of the United States held that California could not regulate the operation of a bingo enterprise conducted on tribal land. This opinion was based upon the ingrained concept of tribal sovereignty, which the Court recognized is "dependent on, and subordinate to, only the Federal Government, not the States" (Cabazon, at p. 1087).

Although Congress granted the states certain rights to assert jurisdiction over Indian country (see Public Law 280, and Nevada Revised Statutes [NRS] 41.430 and NRS 194.040), the extent of permissible regulation depends upon whether a state law is regulatory or criminal in nature. The basic test enunciated in Cabazon is that:

1. If the conduct at issue violates the public policy of a state, the statute is criminal in nature and enforceable on an Indian reservation; and
2. If state law generally permits an activity, subject to regulation, the statute is regulatory in nature and cannot be enforced on Indian land.

The Court in Cabazon also recognized that, absent a specific grant of jurisdiction over Indian country, a state may:

* * * in exceptional circumstances * * * assert jurisdiction over the on-reservation activities of tribal members (Cabazon, at p. 1091).

However, the Court held that the compelling federal and tribal interests supporting gambling enterprises on tribal land overrode the interests asserted by the state.

The Cabazon opinion did not specify whether an Indian tribe could conduct the particular forms of gambling prohibited in a state if the state regulated other forms of gambling, or whether an Indian tribe could only conduct the particular forms of gambling that were regulated and not prohibited by the state. It appears clear that if a state does permit and regulate a particular form of gambling, it cannot regulate that form when conducted on Indian land.

Federal Legislation

Several bills are pending in Congress relating to the regulation of Indian gaming.

- S. 555 - Senator Inouye (D-Hawaii) - To regulate gaming on Indian lands.
- S. 1303 - Senator McCain (R-Arizona) - To regulate gaming on Indian lands.
- H.R. 964 - Congressman Coelho (D-California) - To provide for regulation of gaming on Indian lands.
- H.R. 2507 - Congressman Udall (D-Arizona) - To establish federal standards and regulations for the conduct of gaming activities on Indian reservations and lands.

A hearing on the two Senate bills was held June 18, 1987, in the Senate Select Committee on Indian Affairs. A hearing on the two House bills also was held on June 25, 1987, in the Indian Affairs Subcommittee of the House Committee on Interior and Insular Affairs. These bills have not yet moved out of these committees.

In early November 1987, Nevada's congressional delegation introduced identical bills--S. 1841 and H.R. 3605--for the regulation of gaming on Indian lands. These bills essentially would require the Secretary of the Interior to license and regulate gaming activities in conformance with existing law and ordinances in the state in which the Indian land is located.

Pertinent issues or questions could include:

1. Status of legislation.
2. Possibility of any measure passing this year.
3. Emphasis on state regulation.

NUCLEAR WASTE ACT

At the end of 1987, Congress adopted the Nuclear Waste Policy Amendments Act of 1987. This act redirects the nuclear waste program and requires the United States Department of Energy (DOE) to characterize the Yucca Mountain, Nevada, site for development of the first nuclear waste repository. If this site proves unsuitable for use as a repository, the DOE is required to terminate site-specific activities and report to the Congress.

The Act establishes a benefits payment program which authorizes the DOE to make payments to Nevada, after an agreement is signed with the state, in the amounts of \$10 million per year until the repository begins accepting nuclear waste and \$20 million per year thereafter.

The Act also creates the Office of the Nuclear Waste Negotiator to be appointed by the President. The Negotiator is authorized to attempt to find a state or Indian tribe willing to accept a repository and to negotiate the terms and conditions under which it would be willing to host a repository. The negotiator's efforts are to be independent of and parallel with the DOE's efforts to site a repository at Yucca Mountain. A Negotiator has not been appointed yet, and such an appointment may not be made until the next Administration is in office.

Attached is a one-page summary of the Act.

Staff (John Pasquantino) of Congressman James H. Bilbray's office has requested that members of the committee not initiate discussion of the nuclear waste issue with House members--particularly Congressmen Morris K. Udall and Bruce F. Vento--to avoid undercutting Congressman Bilbray's efforts on this issue; unless, of course, the House members initiate such a discussion.

TITLE V—ENERGY AND ENVIRONMENT PROGRAMS

Subtitle A—Nuclear Waste Amendments

Subtitle A of title 5 of the Senate bill reforms the nuclear waste management program established by the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101). The House bill contains no such provision.

The conferees agreed to a substitute, which redirects the nuclear waste program in a manner that will result in significant Federal budget savings in fiscal years 1988, 1989 and 1990. The substitute also provides for benefits to any Indian tribe. State or affected unit of local government within whose reservation or jurisdiction, as the case may be, a repository or monitored retrievable storage facility may be sited.

The substitute amends the Nuclear Waste Policy Act of 1982 as follows:

The First Repository

(1) The Department of Energy (DOE) is directed to characterize the Yucca Mountain, Nevada site for development of the first repository. Drilling of an exploratory shaft at the Yucca Mountain site may begin upon completion of the site characterization plan and public hearings required under the Nuclear Waste Policy Act.

(2) Site-specific activities for the Hanford, Washington and Deaf Smith County, Texas sites shall terminate within 90 days of enactment of the budget reconciliation legislation.

(3) DOE is authorized to site and construct, subject to existing licensing requirements, a deep geologic nuclear waste repository only at the Yucca Mountain site. In the event that the Yucca Mountain site proves unsuitable for use as a repository, DOE is required to terminate site-specific activities and report to the Congress.

(4) The provisions of the Nuclear Waste Policy Act pertaining to the application of the National Environmental Policy Act (NEPA) are preserved except that the existing requirement that the environmental impact statement accompanying DOE's repository siting recommendation consider alternative sites is eliminated. NEPA applies to the redirected program under this Act in the same way as NEPA applied to the Nuclear Waste Policy Act of 1982. The conferees do not intend that enactment of the conference substitute result in any change in NEPA application except as expressly provided.

Monitored Retrievable Storage

(5) DOE's proposal to locate a monitored retrievable storage (MRS) facility is annulled and revoked. DOE is authorized to site, construct and operate one MRS facility as follows:

(a) DOE is authorized to conduct a survey of potentially suitable sites for an MRS facility. In so doing, the Secretary of Energy (the Secretary) may conduct site-specific activities at the sites for purposes of gathering the information necessary to support a license application. The survey may begin after the MRS commission established by the conference substitute reports to the Congress.

(b) DOE may select a site from among those surveyed after the Secretary recommends to the President a site for development as a repository.

(c) The selection of a site for an MRS facility shall not require an environmental impact statement but shall be accompanied by an environmental assessment.

(d) At least 6 months prior to selecting a site for an MRS facility DOE shall notify the affected state or Indian tribe. Prior to selection of an MRS site DOE shall hold at least one public hearing in the vicinity of such site for the purposes of receiving recommendations of interested parties.

(e) No MRS may be located in Nevada.

(f) When DOE selects an MRS site, the host state may disapprove the selection. The state's disapproval may be overridden by Congress under the expedited procedures contained in the Nuclear Waste Policy Act of 1982.

(g) Once a selection is made, the host state may enter into a benefits agreement pursuant to the conference substitute if such state surrenders its right to issue a notice of disapproval.

(h) Construction and operation of an MRS facility is subject to licensing by the Nuclear Regulatory Commission (NRC). The conditions imposed on such license are as follows:

—construction may not begin until a license for construction of a repository is issued by the NRC;

—the quantity of nuclear waste stored in the MRS may not exceed 10,000 metric tons until the repository begins accepting nuclear waste;

—the quantity of nuclear waste may not exceed 15,000 metric tons; and

—construction of an MRS facility or acceptance of nuclear waste shall be prohibited during the time a repository license is revoked by the NRC or construction of the repository ceases.

(i) A 3-member commission is established for purposes of reporting to the Congress by June 1, 1989 on the need for an MRS facility.

The Second Repository

(6) The requirements of the Nuclear Waste Policy Act for the siting of a second deep geologic repository are repealed. DOE is directed to report to the President and the Congress between 2007 and 2010 on the need for a second repository. Site-specific activities with respect to a second site are prohibited unless specifically authorized and appropriated. DOE is directed to terminate research on granite as a repository medium.

The Negotiator

(7) The President is directed to appoint a Negotiator to seek a state or Indian tribe willing to host a permanent repository or MRS facility at a suitable site. The Negotiator is authorized to negotiate the terms and conditions (including financial and institutional arrangements) under which the State or tribe would be willing to host a repository or MRS facility. Congress must approve and enact implementing legislation for an agreement reached by the Negotiator and state or tribe to take effect. The Negotiator's effort to find a state or tribe willing to host a repository or MRS facility are independent of, and would proceed in parallel with, DOE efforts to site a repository at Yucca Mountain, Nevada and an MRS facility.

Siting Benefits

(8) Impact assistance and grants-equal-to-taxes provisions of the Nuclear Waste Policy Act are broadened:

(a) to extend technical assistance to affected local governments;

(b) to extend mitigation assistance to cover impacts of site characterization activities; and

(c) to extend financial assistance grants-equal-to-taxes to affected local governments (including special purpose districts).

(9) DOE is authorized to make payment to Nevada as follows:

(a) \$10 million per year after signing agreement until the repository begins accepting nuclear waste; and

(b) \$20 million per year after beginning accept nuclear waste until closure of the repository.

DOE also is authorized to make payment to a state or Indian tribe hosting an MRS facility as follows:

(a) \$5 million per year after signing agreement until the facility begins accepting nuclear waste; and

(b) \$10 million per year after beginning accept nuclear waste until closure of the facility.

A state must waive its right to disapp siting of a repository or MRS facility an right to impact mitigation assistance u (8) (b) and (c), but not its right to techn assistance under (8) (a), in order to rec the foregoing payments. Impact assist: for a State or Indian tribe hosting an M facility under section 116 or 118, as affe by section 149, must be waived.

(10) An 11-member Nuclear Waste Tec cal Review Board is established to re technical aspects of DOE's nuclear w program. The Board is authorized to n recommendations to DOE and the Cong

(11) DOE is prohibited from ship spent fuel or high-level waste excep packages certified by the NRC. DOE al required to abide by NRC regulations or vance notification of state and local gov ernments of nuclear waste shipments. In t tion, DOE is directed to provide techn assistance and funding for training pu safety officials of local governments Indian tribes pertaining to nuclear w transportation.

(12) DOE is directed to study subse disposal and the impact of siting the pe nent repository in Nevada.

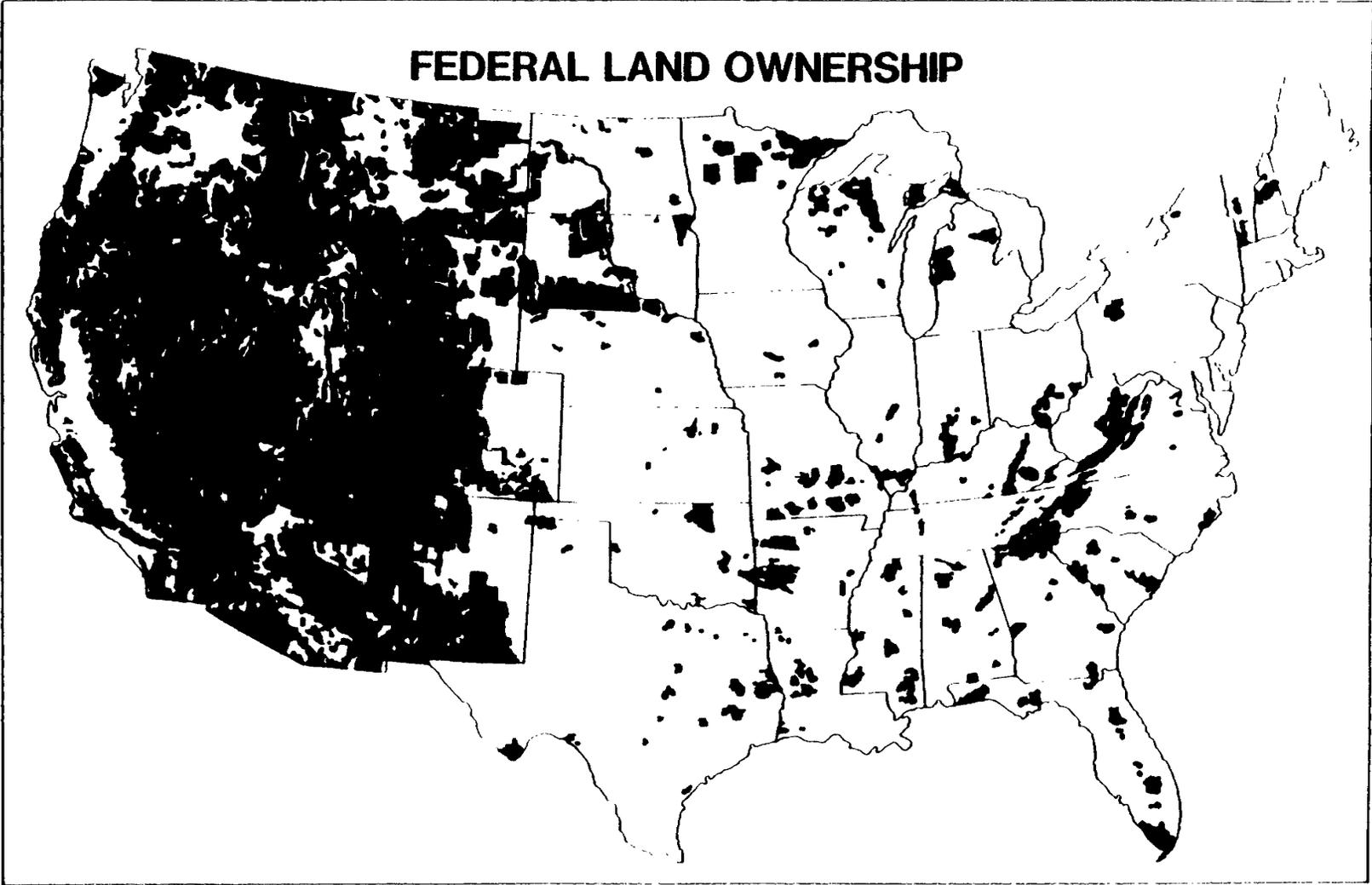
(13) DOE is directed to give special con sideration to proposals from Nevada in s federal research projects.

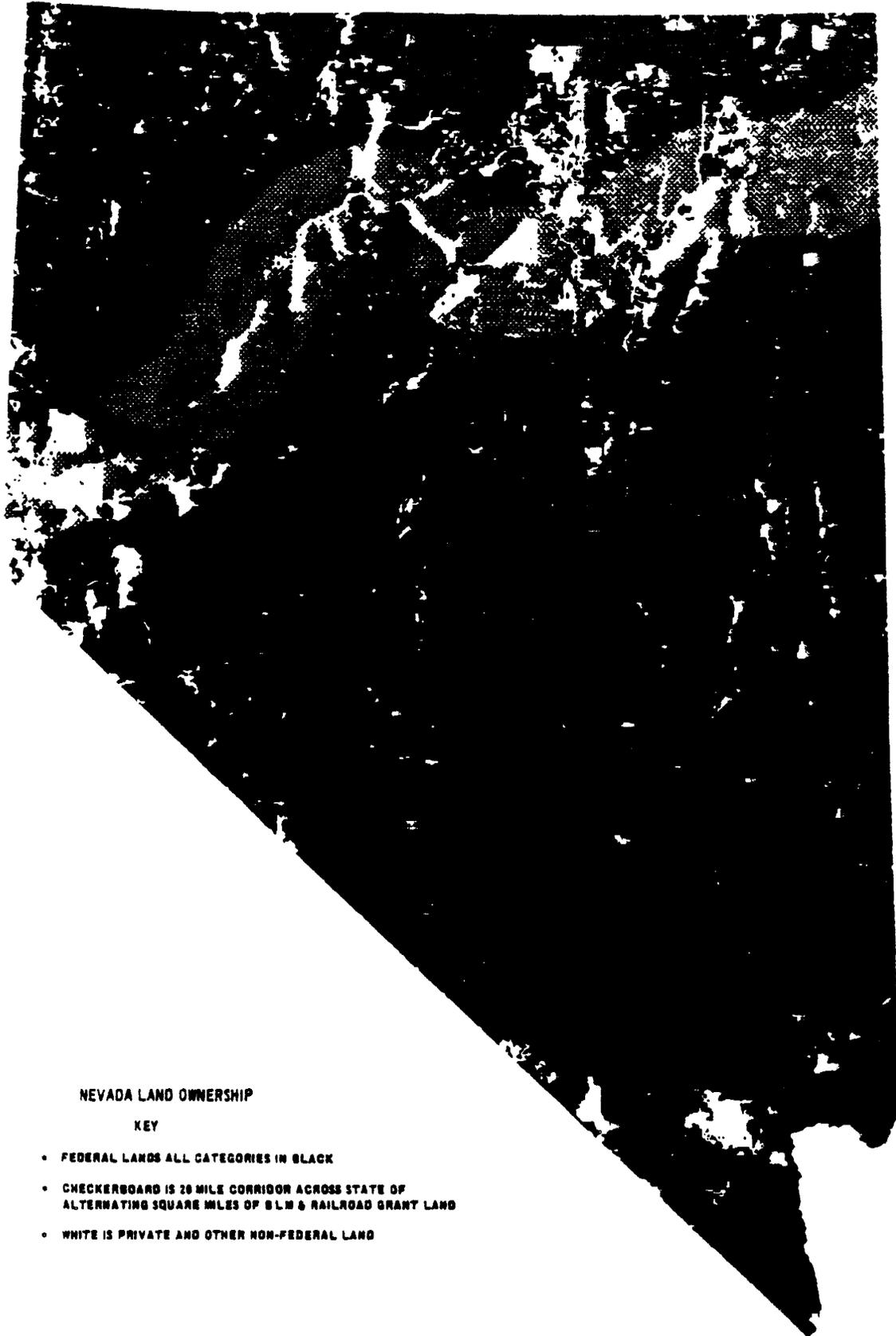
(14) DOE is directed to establish a Office of Subseabed Research to study seabed disposal of nuclear waste.

In addition, the conference substitute hibits air transport of plutonium from foreign nation to another through the space of the United States unless the N certifies to Congress that the containe

safe. The NRC's safety determination t be based upon actual aircraft crash t unless the NRC determines that other t produces stresses in excess of those oc ring during a worst-case accident. The ference substitute also directs DOE to st dry-cask storage of nuclear waste and thorizes appropriations for fiscal years 1 1989 and 1990.

FEDERAL LAND OWNERSHIP





NEVADA LAND OWNERSHIP

KEY

- **FEDERAL LANDS ALL CATEGORIES IN BLACK**
- **CHECKERBOARD IS 20 MILE CORRIDOR ACROSS STATE OF ALTERNATING SQUARE MILES OF BLM & RAILROAD GRANT LAND**
- **WHITE IS PRIVATE AND OTHER NON-FEDERAL LAND**

APPENDIX K

Correction To Consultants' Report

CORRECTION TO CONSULTANTS' REPORT

The following text is to replace the sections entitled "Grazing" and "Livestock" on pages 45 through 49 of the consultants' report, "Feasibility Of Acquiring More Federal Lands To The State Of Nevada, Phase II," which was prepared for the Nevada legislature's committee on public lands:

Grazing

Grazing upon the public lands of Nevada is a major factor for three separate categories of animals: domestic livestock, big game species and feral (wild) horses and burros. While each component is separately considered, a balanced use by the three categories must be taken into account due to competition among them for the available space and forage produced on the lands. All grazing is the managed harvesting of a renewable resource. Domestic livestock grazing is different from the other grazing uses since it is the only commercial use of that renewable resource.

Livestock

A slight trend toward corporate agriculture acquisition could in some ways financially threaten Nevada's traditional rural lifestyle and its small ranchers. Some grazing permittees fear that a wholesale transfer of land from federal ownership would compound current problems by creating an additional bureaucracy, allow the purchase by outside interests of lands in their present "permitted" areas, or require them to incur additional indebtedness for the purchase of land to maintain an existing operation.

However, if properly administered, acquisition of lands by existing ranching operations would resolve some problems relating to access and historic trespass upon federal lands. It also could allow consolidation of presently owned lands for increased operational efficiency and cheaper production, provide a means for stabilizing an operation, and in some cases allow for increased production of larger numbers of livestock for marginal operations.

In addition, land exchanges could be considered which, with proper planning, would result in further consolidation of ownership for both the livestock operator and the state.

Exchanges or consolidations also could help resolve some problems of public access to more desirable recreational areas.

The policy for sales of grazing lands would have to be carefully established. The price of the lands could be affected by reservations (such as for minerals and rights-of-way), possible reversionary clauses, and other restrictions or limitations on use. In addition, the terms of the sale would affect the ability of individual ranchers to finance the purchase in a manner which would benefit his operation. Long-term payments with reasonable interest would provide a means of financing for the individual and known revenue to the state for a period of years.

The importance of the livestock industry which uses the public lands has been challenged with statistics indicating that only 2 percent of all beef nationally is raised on public lands. Statistics also show that up to 17 percent of the cattle raised in the Western States are upon the public lands sometime during their lifetime.

However, these percentages are not applicable in Nevada which has such a high percentage of federal public lands. The average number of cattle in Nevada from 1980 through 1987 was 628,125 and the average number of sheep was 108,125 (Nevada Crop and Livestock Reporting Service, Nevada Agricultural Statistics as summarized in the Nevada Statistical Abstract, 1988). In 1986, the BLM reported licensing of 317,000 cattle and 254,000 sheep. Excluding the numbers of livestock on USFS lands, these numbers indicate that more than 50 percent of the cattle livestock use the public lands in Nevada. No comparison is available for sheep because it is assumed that the number reported by the BLM includes a large number of out-of-state sheep. However, the numbers for cattle point out that public land grazing is of significant importance in Nevada.

The market value for forage on the public lands has been a controversial issue over the years. The current fee is based upon a formula which attempts to determine a market value of the forage with indexes for adjustments to keep the fee up to date. A national study attempted to evaluate the current fee formula and to consider various revisions and alternatives (Grazing Fee Review and Evaluation, BLM/USFS, 1985). This study resulted in a wide range of proposed fees as market values--none of which were adopted by Congress.

The study obtained average animal unit month (AUM) fees charged on state, local and federal lands (other than BLM/USFS lands) in 1983. The average of these fees in all Western States was \$5.81 per AUM with the average in Nevada at \$3.04. Compared to the present grazing fee of \$1.54 per AUM, it appears that the public lands grazer is receiving a subsidy. However, these other lands have a higher grazing quality than the average of the public lands. In addition, the lands in state and local leases normally provide for necessities such as livestock water at no cost to the lessee and lower costs of livestock management.

At the present time, an average of \$10 per head of cattle per month is the amount commonly accepted for grazing on private lands which includes some services. Again, compared to the present federal grazing fee, public land grazers appear to be receiving a substantial subsidy. However, a 1984 study for the State of Nevada reported that the total cost for grazing upon public lands, both fee and non-fee costs, was \$10.39. (Costs Incurred by Permittees in Grazing Livestock on Public Lands in Various States [EM 8283] Oregon State University Extension Service) These figures indicate that the total cost for grazing on public lands can exceed the cost on private lands.

The BLM reports a total of 1.8 million AUM's grazed during 1986 and 1987 with income of \$2,960,842. In 1986, the BLM reported expenditures of \$4,701,400 on range improvements, maintenance and management (BLM Progress Report, 1986).

This discussion points out the immediate problem of costs of ownership exceeding income. The BLM expenditures include range improvements and maintenance along with the cost of intensive management. With possible state or private ownership of an appreciable amount of land, it would be necessary to balance expected income at a fair rate with the extent of management and policies for the placement of range improvements.

Many Nevada ranching operations have a base operation on private lands which serves as the center for grazing on adjacent public lands. Estimated total variable costs for livestock in 1981 were projected at \$35 per AUM (Resource Concepts, 1981). This figure multiplied by the total 2,170,500 AUM's grazed upon BLM and USFS lands indicates that livestock contributes more than \$76 million to Nevada's economy. Since ranching is a significant part of the state's economy, any acquisition of public lands and subsequent use and/or disposal should consider the stabilization and enlargement of that industry.

Riparian habitat protection has become a major issue in recent years. The federal agencies generally attribute most of the damage to riparian lands to the grazing of domestic livestock. Many riparian areas on private lands are in satisfactory to good condition which has been accomplished at no cost to the public but which provides environmental benefits to the public. These conditions indicate possible benefits from the private ownership of riparian lands. Estimates indicate that 50 percent of the big game forage is produced on private lands and a majority of small game habitat, including upland game birds, is found on privately-owned lands. These possible benefits should be considered.

Domestic livestock grazing is the primary tool for management of forage species, not only for livestock, but for the other grazing uses. The benefits from this use must be considered in reviewing the possibility of increased state and private ownership of public lands.

APPENDIX L

Proposal For Wild Horse Management Program

Submitted by VALL LEDERDKI
and Wayne Martney

PROPOSAL FOR WILDHORSE MANAGEMENT PROGRAM

Since the passage of the Wild Horse and Burro Act in 1972, the management of these animals has been a matter of concern to the parties effected, being composed of horse interest groups, conservationists, commercial users of the public lands and those responsible for financing such a program. In the past 16 years there has not been established an effective program for such management due to a number of factors, including funding, a number of legal actions by horse groups, public reactions to proposed actions and the vastness of the area encompassed by wild horse areas.

At the time that Senator Reid took office, he had the opportunity to review this matter and was concerned over the expense of the program now in place, in view of the current concern over the Federal budget deficit. However, he is aware of the support by many of the public to the continuation of the preservation of the wild horse. Based upon his understanding, he felt that he could support some changes in the method of managing of the wild horses in the event there was an indication of support from segments of the population in Nevada.

As we have been concerned over the wild horse management for some time, with this encouragement, we decided to attempt to propose a program which would preserve and manage the wild horse in a manner which would be generally acceptable to the animal groups, the commercial users, the conservationists and general public.

BACKGROUND

Although, most people concerned with the use of public lands are entirely familiar with the origination of the wild horse program, it is felt that a short summary is helpful.

The most romantic concept of the origin of the present day wild horse, is that they are descendants of the horses introduced to the Americas by the Spanish conquistadors. It is doubtful that the wild horse has any more such breeding than the general horse population in the United States.

At the time horses were used in all agricultural fields, it was the common practice to turn work horses upon the public lands for the period of year they were not needed upon the private lands. Normally, in the Spring enough horses were gathered to do the summer work, with some being left on the range. Periodically the numbers on the range became excessive and were gathered to be disposed through sale. In addition, during World War I, the Army

instituted the Remount Program, in which the Army provided stallions of the type required for remounts to participants in the program. In many instances, large ranches entered into the program and the stallions were turned on the open range with existing herds of breeding animals. This practice continued until World War II. The result of this was better breeding for some of the wild horse herds.

Until about the end of World War II, the practice of gathering excess numbers continued and the populations of wild horse herds were controlled. However, at about that time, public concern was expressed as to the general procedure, especially as to the cruelty during such gatherings and the desire to preserve herds as part of the national heritage. Continued pressure by interest groups effectively slowed and finally stopped the past procedure for management until by 1960, there was very limited population control. By the passage of the Wild Horse and Burro Act, there was an estimated 60,000 horses upon the Western Public Lands, and that number continued to increase to approximately 67,000 in 1978. By 1987, the BLM estimated that this number had been reduced to 37,822. However, this was done at a tremendous cost and a continuing cost at about the rate of 16 million dollars per year.

The wild horse is certainly one of the many American phenomenas. The charisma of this animal effects all ages and walks of life. To the younger school children they generate visions of Bambi and Black Beauty. To the working age American, they are a symbol of the living West with an expression of the freedom and independence which many envy. To the older American, it is a tie to their agricultural past and the fond memories. For the environmentalist and preservationist, the wild horse is akin to the Bald Eagle and the buffalo. To the commercial user of the public lands, this animal is an interloper and a competitor which previously had been regarded as little more than a large varmint with limited uses. With this mixture, any decisions effecting the animal becomes an emotional problem tied to all of the dreams and desires of great number of the general public and economics.

ANALYSIS OF PROBLEM

1. Resource

In any program dealing with a natural resource, it has had as its prime management objective preservation of that resource coupled with use by the public or commercial enterprises for the benefit of the general public. Thus, public forests are managed with the objective of sustained yield in a manner which allows economic use and the various environmental and recreational uses of the public. The objective of public range lands is much the same, with livestock being substituted as the means of harvesting the resource. In both instances, manipulation by man of the resource is an accepted means of obtaining the desired objective. The management of wild horses is very similar to the management of big game in that numbers must be very carefully managed for the protection of the resource, both the animals and the vegetation.

However, as in the case of big game management, manipulation of numbers to match the forage resource has not been effective which has resulted in areas being damaged by overpopulation before a positive program could be carried out to bring the population in line with the available forage.

2. Area

The area encompassed by wild horse areas is staggering. The BLM reports that in 1986, the areas classified as wild horse areas in 10 Western States was 34,903,228 acres or 5.2% of the total area of the states of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah and Wyoming. For comparison, this is an area almost half the size of Nevada, which has 28% of its area classified as wild horse areas. In domestic livestock operations, a number of economic studies have clearly shown that as the area of management increases, the cost per animal also increases, to the point that it is not possible to afford continued operation.

In addition, as the area of management increases, the personnel required to effectively manage and monitor the condition and status of the resource increases dramatically. As to wild horses, the effect of supervision of that animal by one person is probably limited to a greater extent by the area which must be covered than by number of animals.

3. Cost

The present cost of management is burdensome and of prime interest to Senator Reid as a legislator. The total program of approximately 16 million dollars for a 1987 population of 37,822 horses gives an average cost per horse of \$423.03. This would vary to individual horses from a nominal management amount for the horse is simply observed during a fiscal year to the horse in an adoption center at approximately \$3.00 per day which includes feed, veterinary services and BLM management costs, which results in an annual cost of approximately 1,095.00 per year. It is felt that the cost of present program should be carefully reviewed with the goal to be to accomplish the management at a much more favorable cost for the benefit derived.

In discussions held with various interest groups and the BLM it has been pointed out that a large portion of the present cost has been in the phase of reducing the numbers in the herd areas, which includes the cost of holding the horses for adoption. It appears that this will decrease as the herds are brought to the optimum numbers, but that such operations will be a continuing portion of the present program as areas overpopulate with the accompanying cost and the total reduction from the present time will not be a prime factor of reduction of cost.

4. Public Benefit

At the present time, the majority of the wild horses exist in areas which are not accessible to the general public. In order to provide the greatest benefit to the public, a manner of

access to the areas of use which is available to the average person would be desirable. This not only would provide an opportunity for enjoyment of the animals by more people but also the possibility of an economic return to the State involved in tourism.

5. Maintenance of Animals

In any public range area, conditions occur which place great stress upon grazing animals. Drought, such as experienced in 1988, not only reduce the area available for use due to the lack of water in a number of places, but also adversely effects the production of forage. Winter conditions may make it impossible for animals to obtain forage for some time. At the present time, due to the large area encompassed by the horse ranges, it is impossible to provide aid to alleviate these conditions. In addition, disease in the animals cannot be treated. It has been estimated that the death loss of animals may be up to 10% per year, and it is conceivable that it may far exceed that in extreme weather conditions.

6. Preservation of Wild Horses

There is a continuing strong demand by interest groups in the public to maintain wild horse herds. These groups generally oppose any changes in the present management system due to the fear that it will result in a reduction of the numbers or possibly total elimination of the animals. They strongly oppose any proposal that requires elimination of unadoptable horses by euthanasia or sale to commercial enterprises.

CRITERIA FOR EFFECTIVE MANAGEMENT

It is pointed out by the above analysis, that in order to reach a solution to the problems pointed out, it is necessary to arrive at some innovative solutions. These solutions must include the following criteria:

1. Protection of Resource

The first and foremost objective must be to provide effective management to the resources, both plant and animal. In the past, effective management of forage plants and large grazing animals has been accomplished only through establishment of definite areas of use and control of the number of grazing animals in the defined area. For domestic livestock this has required fenced allotments, pasture systems and strict control of the numbers. Buffalo ranges require fences in many instances with a method of control of the numbers. Elk, being a large animal, have continually posed a problem for the reason that it is not possible to definitely define the area of use and effectively control the numbers, which at times requires special hunts in specific areas to cure a grazing problem. Past experience with wild horses has shown that numbers are controlled only in problem areas with excess animals which are overgrazing an area, not only to the detriment of the forage resource but also to the detriment of the animals.

Therefore, it appears necessary to positively define the areas of use by pasture fences. In important big game areas, populations of horses causes competition between the two classes of animals for forage, and where water is limited, may cause severe competition.

2. Preservation of Wild Horse Herds

In order to be acceptable to the interest groups, a system must provide assurance that wild horse numbers and herds will be perpetuated. It is not understood if these interest groups insist that the numbers and herds continue in the present location.

For effective management, there must be an opportunity to effectively control the numbers, probably on an annual basis to arrive at a stable population which is in line with the forage resource and its continued conservative management. It appears that this criteria points to the necessity of clearly defined areas of wild horse herds which will allow constant monitoring of the animals and a cost effective manner of gathering excess animals.

In addition, to the management of the herds, some system for care of unadoptable must be devised. At the present time, a sanctuary is in operation in South Dakota for this purpose, with and additional sanctuary being proposed. The cost of these is initially borne by private funds and Federal funds for not to exceed three years at \$1.00 per day per animal. It is possible that as management of the existing herds is accomplished, that through class management of the animals, the number of unadoptable animals can be reduced. This would be accomplished by annual gathering of each herd and selection of the younger animals for adoption purposes. This could probably result in younger herds and less death loss among the herds. However, as time went on, some of the older horses would have to be culled and classed as unadoptable.

3. Cost of Management

As discussed above, the present cost of management of the animals seems excessive when compared to that of domestic animals, both cattle and horses. To accomplish the goal of effective management, it is necessary to devise a much more cost effective system. It has been the experience in the past, that management by private industry has been the most efficient. In order to determine a possible cost, the budget of a Northern Nevada ranch which is primarily a range operation, was obtained. This ranch has a total carrying capacity of 54,339 aum's with an indicated carrying capacity of cattle of 4,500 cattle of various classes. By considering each horse as equivalent to 16 animal unit months per year for size of the animals and conservation of the area, there becomes an estimated carrying capacity for horses of 3,396. That number is reduced by 10% for conservation purposes and rounded to 3,000 horses. The operating budget of the ranch has varied over the past several years from a low of \$227,000 to a high of \$275,000. With a minimal amount of improvements, the ranch, which is composed of private and public lands, would meet most of the criteria being considered by the BLM as necessary for horse

sanctuaries. Without considering the cost of such improvements, there is an indicated cost of management per animal of \$91.67 per year under private enterprise. It is felt that this example illustrates the desirability of consideration of private enterprise as a means of preservation of wild horse herds at a reasonable cost.

4. Economic Development

As discussed above, private industry could be considered as an alternative to Federal management of the wild horse herds. However, in private industry, economics dictate that such an operation must be self supporting and probably return a profit to the owner. On the property being used in this example, it was determined that the value was approximately \$3,000,000.00. To that value is added a minimum additional improvement cost of \$240,000.00.

By using a fair rate of return on the investment in the sum of \$295,000 per year, plus the annual operation cost of \$230,000 per year, a total cost of \$525,000 per year for 3000 horses is indicated, or a per head cost of \$175 per head per year. This would amortize out the value of the real estate and improvements over a 15 year period at the rate of 4.17%, which although not the most desirable investment, would be attractive over the long period. The cost of \$175 would not include required veterinary services, gathering costs, or costs involved in adoption for animals which should be added in order to analyze the cost effectiveness of such a system. It is felt that in most cases, to assure horse interest groups that the animals were adequately protected that these segments of the horse program would have to be under BLM administration. As the entire cost of the program is now supported by the Federal government, it is felt that this cost could be substituted for the present cost.

In addition to the return for care of the horses, there would be a possibility for an economic return by providing facilities for the public to view the animals. This could be as elaborate as lodges for the public, tours of the area, holding facilities for adoption of excess horses, training facilities for the animals if desired or as simple as access for the public to the range area.

5. Western States Program

At the present time, populations in the various Western States varies greatly from a high reported in Nevada in 1987 of 27,015 to a low in New Mexico of 70. It appears that consideration should be given to provide distribution of wild horse herds in such numbers and places that access would be available to more of the general public. This would entail establishment of herds in other states, preferably within easy travelling distance of population centers.

PROGRAM

To arrive at a viable program in view of the above discussion, an innovative and totally different concept of management must be developed.

It is believed that this program must address two major segments, being the unadoptable horses as one and the most controversial being the continued management and preservation of the wild horse herds.

Unadoptable horses.

At the present time, there is a large portion of the cost of the wild horse program being absorbed in the holding facilities for the care of the unadoptable horses. One solution which is being attempted, is the establishment of private sanctuaries for these animals, with the requirement that all of the use be on private lands and that Federal support continues on for no more than three years. It is understood that the capacity of the present sanctuary in South Dakota is approximately 1,600 horses and additional sanctuary is being proposed for 2,000 animals. It is difficult to assess the effect of this upon reduction of the cost.

Statistics developed by the BLM show that during the period of 1980 through 1987, a total of 39,491 horses were gathered in Nevada, with 19,882 horses being adopted in and out of Nevada, being 50.3% of those gathered. Complete disposition of the balance of the animals is not available. Death loss reported is 9.1% of the animals gathered, with another .01% being animals privately owned. This leaves a remainder of 40.5% of the animals gathered which have been held in holding facilities for some time or 15,993 animals during the eight year period. It is assumed that during the period, the number of unadoptable animals exceeded the carrying capacity of the proposed sanctuaries. With the goal for management under the present criteria to reduce wild horse herds from 27,000 as reported for 1987 to 18,000 as detailed in Land Use Management Plans, it is apparent that the number of unadoptable will exceed the capacity of existing and planned sanctuaries.

Therefore, consideration must be given to enlarging the sanctuary concept. Two proposals have been made in connection with unadoptable horses. One would be to provide an opportunity for many of the smaller land owners to take a small number of horses under a contract payment basis to maintain them until their death. Under this concept, an owner would have to meet criteria for maintenance of the animals which would include adequate forage and water, adequate fences and supplemental feeding as necessary. No specific requirement as to location is contemplated, therefore allowing horses to be kept not only in the Western States, but also in the Eastern States. It is proposed that under this program, the cost of the care of the animals be borne entirely by the Federal government. Administration of such a program, in the event it became popular could become quite expensive. In order to keep the cost of administration, some existing government administrative system would have to be used. As the Agricultural Stabilization program has a system for distribution of funds and supervision of

activities throughout the United States, it may be a logical basis for the administration of this program.

The second proposal for enlarging the sanctuary system, is simply an enlargement of the present sanctuary program being instituted with one addition, being the establishment of sanctuaries upon existing ranches which include private and public lands. In requiring present sanctuaries to be entirely upon private lands, it appears to be the goal to ensure that the unadoptable horses living on the sanctuaries do not have the opportunity to escape and again use public lands. Therefore, any ranch being considered as a sanctuary would have to be required to provide totally adequate fences around the exterior boundaries. In addition, there has been the problem as to payment to an individual operating upon public lands as it may relate to grazing fees. At the present time, the BLM subsidizes animals upon a sanctuary at the rate \$1.00 per day for not too exceed three years. When this is compared to the a present grazing fee base of \$1.35 per month, it appears that it could be a basis of an increase of the base rate for the grazing fee. This comparison is totally invalid for the reason that the criteria set forth for sanctuaries requires many more items at additional cost than represented by the current grazing fee.

In the sanctuary proposals, there is an economic opportunity for marginal farming and ranching operations to supplement current income. In addition, there appears to be a possible savings to the government, particularly if payment is made on the bid basis. It is believed that the cost per animal would be more than the current cost of pasture rental for cows and calves, roughly \$120.00 per year, but still much lower than the average cost per horse now being experienced. The purpose of such a program is to remove these animals from the high cost holding facilities to less expensive and probably more healthy surroundings.

This proposal would not preclude the present program of the requirement that certain sanctuaries be privately supported after three years.

Wild Horse Herds

As previously discussed, it does not appear that effective management can be accomplished under the present system of providing areas and forage over the recognized wild horse areas. In order to accomplish the objectives, it is proposed that a program be initiated which would enlarge upon the present sanctuary system.

This would entail selection of offered ranch operations, either the total operation or a portion, under a contract for the care and partial management of existing wild horse herds. It is proposed that a pilot program be initiated to determine if this is a viable solution and particularly to pinpoint the problems which will be encountered. This proposal considers that whole herds now running in an area, be removed to a selected, contract range. One of the problems which would be encountered would be to hold the animals on an area strange to them. Therefore, one of the problems

may be to determine the type of fence necessary.

The procedure would be to call for bids for a long term contract for the care of wild horses. The invitation for bids would contain the criteria for the type of forage, water availability, improvements, facilities for management of the animals and any other matters considered necessary. This could include a requirement for facilities for supervisory personnel and visitor facilities. Upon receipt of the bids, a careful inspection of the offered property would be conducted to ensure that it could meet the criteria required and a time schedule set up for completion of any required improvements. At the time all conditions were met, it would then be possible to remove existing herds from the open range and place them upon the accepted range. At this time, it would seem appropriate to cull the herd and have adoption facilities at the range operation. Unadaptable horses could be incorporated into the range herd or transferred to an existing sanctuary.

In this concept, Nevada would not be the only State considered for such ranges. For example, if some entity bid upon this program in the State of New Mexico, they should be considered. This would provide a means of distribution of the animals in other areas for better public access. As they do not now have the population to stock such a range, it may be possible that it would be stocked from existing herds in Nevada.

As to the cost, it is felt that this would vary from area to area, primarily dependent upon the market value in each area. However, it appears that an average cost would be near \$250 per animal per year, exclusive of veterinarian services and administrative costs. This would be a much lower per horse cost than at present. In addition, it would allow the establishment of final desired numbers and determination of a definite continued cost.

In this, the ultimate objective would be to have all wild horses on such Federally supported ranges, this to be reached over a period of time.

A proposal such as outlined above presents a number of questions which must be resolved. The first that comes to mind is as to what arrangements could be made to ensure continuation of a particular range. First, the contract must be fairly long term, 10 years or more, with the option to extend for incremental periods if care and management has been satisfactory, with costs adjustments based on an index. In addition, a bond may be required of the owner which would be for the purpose of ensuring sufficient funds to provide any supplemental care required in the contract. At the end of a contract period, if not renewed, a procedure must be established for replacing the range in another location. There are any number of other questions which will arise, but with acceptance of the concept and an acceptable pilot program initiated, there would be an opportunity to provide solutions to these problems.

The great advantage to this range program is that it does provide a positive means to manage the resources, both forage and

animal at an apparent reduced cost. Under the concept, holding facilities as now known would be terminated as each range would have sufficient capacity to take care of the excess animals in the herds. Adoption could be conducted from the holding facilities and as there would be greater distribution of the animals which after culling would be of better quality, it is believed that a greater percentage would be adopted.

The biggest advantage appears to be the opportunity to continually monitor the condition of the animals and to provide assistance in times of need.

SUMMARY

The program as proposed herein will meet with opposition from all interested groups. However, there is no known additional program which meets the criteria which appears necessary for proper management of the wild horses. Some groups feel that all competitive use should be removed from the existing wild horse ranges and the herds allowed to reach natural population levels without interference by man. This would result in severe death losses at some time accompanied by probably irreparable damage to some areas. Management under the present system has been very expensive and has not been able to reach goals set. Therefore, it is felt that it is necessary to seek an additional solution that has some certainty of success, and the above is proposed on that basis. In the event, the concept is accepted, it is felt that with the establishment of a pilot program, problems which will arise can be met, resolved and definite criteria established which will result in a Western wide program which will benefit the range, the economy, the wild horse and the public.

APPENDIX M

Suggested Legislation

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SUMMARY--Creates position in state land use planning agency to plan for acquisition and use of federal land. (BDR 26-1734)

FISCAL NOTE: Effect on Local Government: No.
 Effect on the State or on Industrial Insurance: Contains
 Appropriation.

AN ACT relating to public lands; expanding the jurisdiction of the state land use planning agency to include planning for the state to acquire federal land; creating a new position within that agency; making an appropriation; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The administrator shall appoint a state planner for land under federal management, which is hereby created as a position within the state land use planning agency. The state planner is in the classified service of the state, and his salary must be fixed by the administrator within the limits of legislative appropriation.

2. The state planner, under the supervision of the administrator, shall:

(a) Perform the duties assigned to the state land use planning agency pursuant to NRS 321.7355; and

(b) Use his best efforts to facilitate the acquisition by the state of land in Nevada which is under federal management.

Sec. 2. NRS 321.640 is hereby amended to read as follows:

321.640 The legislature hereby finds and declares that:

1. It is in the public interest to place the primary authority for the planning process with the local governments, which are closest to the people;

2. Unregulated growth and development of the state will result in harm to the public safety, health, comfort, convenience, resources and general welfare;

3. The cities of the state have a responsibility for guiding the development of areas within their respective boundaries for the common good, and the counties have similar responsibilities with respect to their unincorporated areas;

4. City, county, regional and other planning must be done in harmony to [insure] *ensure* the orderly growth and preservation of the state; and

5. State participation in land use planning should be limited to coordination of information and data, the *acquisition and* use of federal lands within the state, providing land use planning assistance in areas of critical environmental concern when directed by the governor or requested by local governments, and providing assistance in resolving inconsistencies between the land use plans of local governmental entities when requested to do so by one of the entities.

Sec. 3. NRS 321.655 is hereby amended to read as follows:

321.655 As used in NRS 321.640 to 321.770, inclusive [:] , *and section 1 of this act:*

1. "Administrator" means the executive head of the division of state lands of the state department of conservation and natural resources.

2. "Area of critical environmental concern" means any area in this state where there is or could develop irreversible degradation of more than local significance but does not include an area of depleting water supply which is caused by the beneficial use or storage of water in other areas pursuant to legally owned and fully appropriated water rights.

3. "Planning agency" means:

(a) The planning commission for the city in which the land is entirely located; or

(b) A county or regional planning commission, if there is one, or the board of county commissioners or Nevada Tahoe regional planning agency, within whose jurisdiction the land is located.

4. "Public lands" means all lands within the exterior boundaries of the State of Nevada except lands:

(a) To which title is held by any private person or entity;

(b) To which title is held by the State of Nevada, any of its local governments or the University of Nevada System;

(c) Which are located within congressionally authorized national parks, monuments, national forests or wildlife refuges, or which are lands acquired by purchase consented to by the legislature;

(d) Which are controlled by the United States Department of Defense, Department of Energy or Bureau of Reclamation; or

(e) Which are held in trust for Indian purposes or are Indian reservations.

Sec. 4. NRS 321.700 is hereby amended to read as follows:

321.700 In addition to any other functions assigned to it by law, the division of state lands of the state department of conservation and natural resources is hereby designated as the state land use planning agency for the purpose of carrying out the provisions of NRS 321.640 to 321.770, inclusive, *and section 1 of this act*, and fulfilling any land use planning requirements arising under federal law.

Sec. 5. NRS 321.720 is hereby amended to read as follows:

321.720 The administrator shall develop and make available to cities and counties information useful to land use planning, including:

1. Preparation and continuing revision of a statewide inventory of the land and natural resources of the state;
2. Compilation and continuing revision of data, on a statewide basis, related to population densities and trends, economic characteristics and projections, environmental conditions and trends, and directions and extent of urban and rural growth;
3. Projections of the nature and quantity of land needed and suitable for:
 - (a) Recreation and esthetic appreciation;
 - (b) Conservation and preservation of natural resources, agriculture, mineral development, and forestry;

(c) Industry and commerce, including the development, generation and transmission of energy;

(d) Transportation;

(e) Urban development, including the revitalization of existing communities, the development of new towns, and the economic diversification of existing communities which possess a narrow economic base;

(f) Rural development, taking into consideration future demands for and limitations upon products of the land; and

(g) Health, educational, and other state and local governmental services;

4. Preparation and continuing revision of an inventory of environmental, geological and physical conditions [(including soil types)] , *including types of soil*, which influence the desirability of various uses of land;

5. Preparation and continuing revision of an inventory of state, local government and private needs and priorities concerning the *acquisition and use of federal lands within the state*;

6. Preparation and continuing revision of an inventory of public and private institutional and financial resources available for land use planning and management within the state and of state and local programs and activities which have a land use impact of more than local concern;

7. Provision, where appropriate, of technical assistance and training programs for state and local agency personnel concerned with the development and implementation of state and local land use programs;

8. Coordination and exchange of land use planning information and data among state agencies and local governments, with the Federal Government,

among the several states and interstate agencies, and with members of the public, including conducting of public hearings, preparation of reports, and soliciting of comments on reports concerning information useful to land use planning;

9. Coordination of planning for state and local *acquisition and* use of federal lands within the state, except that in the case of a plan which utilizes both federal and private lands the governing body of the area where private lands are to be utilized has final authority to approve the proposal; and

10. Consideration of, and consultation with, the relevant states on the interstate aspects of land use issues of more than local concern.

Sec. 6. NRS 321.7355 is hereby amended to read as follows:

321.7355 1. The state land use planning agency shall prepare, in cooperation with appropriate state agencies and local governments throughout the state, plans or policy statements concerning the *acquisition and* use of lands in Nevada which are under federal management. The plans or policy statements must not include matters concerning zoning or the division of land and must be consistent with local plans and regulations concerning the use of private property.

2. The state land use planning agency shall encourage public comment upon the various matters treated in a proposed plan or policy statement throughout its preparation and shall submit its work on a plan or statement of policy periodically for review and comment by the land use planning advisory council, the state multiple use advisory committee on federal lands [, the board of review created pursuant to NRS 321.5967] and any committees of the

legislature or subcommittees of the legislative commission which deal with matters concerning the public lands.

3. A plan or statement of policy must be approved by the governing bodies of the county and cities affected by it, and by the governor, before it is put into effect.

Sec. 7. 1. There is hereby appropriated from the state general fund to the division of state lands of the state department of conservation and natural resources, to support the position of state planner for land under federal management created pursuant to section 1 of this act:

For the fiscal year 1989-90 \$46,593

For the fiscal year 1990-91 \$45,672

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 and reverts to the state general fund as soon as all payments of money committed have been made.

SUMMARY--Repeals moratorium on sale or exchange of state lands and requires approval by state board of examiners of sale, lease or exchange of such lands. (BDR 26-1735)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to state lands; repealing the moratorium on the sale or exchange of such lands; requiring the approval of the state board of examiners for the sale, lease or exchange of such lands; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 321.335 is hereby amended to read as follows:

321.335 1. Except as provided in NRS 321.450 and 321.510, after April 1, 1957, all sales of any lands to which the State of Nevada or any department, agency or institution thereof has title, except the department of transportation and agricultural associations organized pursuant to chapter 547 of NRS, including lands [theretofore] subject to contracts of sale [which] *that* have been forfeited, are governed by the provisions of this section.

2. Whenever the state land registrar deems it to be in the best interests of the State of Nevada that any lands owned by the state and not used or set apart for public purposes be sold, he may , *subject to the approval by the state board of examiners*, cause those lands to be sold at public auction or upon sealed bids, for cash or pursuant to contract of sale, at a price not less than their appraised value plus the costs of appraisal and publication of notice of sale.

3. Before offering any land for sale, the state land registrar shall cause it to be appraised by a competent appraiser.

4. After receipt of the report of the appraiser, the state land registrar shall cause a notice of sale to be published once a week for 4 consecutive weeks in a newspaper of general circulation published in the county where the land to be sold is situated, and in such other newspapers as he deems appropriate. If there is no newspaper published in the county where the land to be sold is situated the notice must be so published in some newspaper published in this state having a general circulation in the county where the land is situated.

5. The notice must contain:

(a) A description of the land to be sold;

(b) *A statement that the sale is subject to the approval of the state board of examiners;*

(c) A statement of the terms of sale;

[[c)] (d) A statement of whether the land will be sold at public auction or upon sealed bids to the highest bidder; and

[[d)] (e) If the sale is to be at public auction, the time and place of sale; or

[(e)] (f) If the sale is to be upon sealed bids, the place where the bids will be accepted, the first and last days on which the bids will be accepted, and the time when and place where the bids will be opened.

6. The state land registrar may reject any bid or offer to purchase if he deems the bid or offer to be:

(a) Contrary to the public interest.

(b) For a lesser amount than is reasonable for the land involved.

(c) On lands which it may be more beneficial for the state to reserve.

(d) On lands which are requested by the State of Nevada or any department, agency or institution thereof.

7. Upon acceptance of any bid or offer and payment to the state land registrar in accordance with the terms of sale specified in the notice of sale, the state land registrar shall *notify the state board of examiners by certified or registered mail of the bid or offer.*

8. *The state board of examiners shall approve or disapprove the bid or offer within 30 days after its receipt of the notice from the state land registrar. The bid or offer shall be deemed approved if the state board of examiners does not disapprove it within that time.*

9. *If the bid or offer is approved by the state board of examiners, the state land registrar shall cause a patent to be issued as provided in NRS 321.310, 321.320 and 321.330 or enter into a contract of sale as provided in NRS 321.240 to 321.300, inclusive, as appropriate . [; but those contracts] Any such contract must require that the remainder of the purchase price be paid within 25 years from the date of the contract and that the contract will immediately*

be declared forfeited if any installment of principal or interest remains unpaid for a period of 6 months after the installment becomes due and payable pursuant to the contract.

[8.] 10. Nothing in this section applies to or affects any pending contract or application for the purchase of land from the State of Nevada, whether title to it is in the state or the state is in the process of acquiring title to it under any method of exchange or selection between the state and the United States or any department or agency thereof.

[9.] 11. Any person requesting that state land be sold under the provisions of this section shall deposit a sufficient amount of money to pay the costs to be incurred by the state land registrar in acting upon the application, including costs of publication and expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including *costs of publication and expenses of appraisal* , [expenses,] must be borne by the successful bidder.

Sec. 2. NRS 322.007 is hereby amended to read as follows:

322.007 1. Any lease of state land whose term extends or is renewable beyond 1 year must be approved by [:

1. The legislature, by concurrent resolution, when the legislature is in regular or special session; or

2. The interim finance committee, when the legislature is not in regular or special session.] *the state board of examiners.*

2. *The state board of examiners must be given notice of the proposed lease in the manner provided by NRS 321.335.*

3. *The state board of examiners shall approve or disapprove the lease within 30 days after its receipt of the notice from the state land registrar. The lease shall be deemed approved if the state board of examiners does not disapprove it within that time.*

Sec. 3. NRS 323.020 is hereby amended to read as follows:

323.020 1. The state land registrar is authorized to negotiate with the Secretary of the Interior of the United States concerning the exchange of state lands for lands belonging to the United States within or without the boundaries of stock grazing districts created within this state by the Taylor Grazing Act.

2. The state land registrar [may:] *shall notify the state board of examiners of the proposed exchange in the manner provided by NRS 321.335.*

3. *The state board of examiners shall approve or disapprove the exchange within 30 days after its receipt of the notice from the state land registrar. The exchange shall be deemed approved if the state board of examiners does not disapprove it within that time.*

4. *If the state board of examiners approves, the state land registrar may:*

(a) Exchange and cause to be exchanged, pursuant to [such] *the negotiations, lands belonging to the state and then and there subject to sale by the state for lands belonging to the United States and subject to exchange for state lands pursuant to section 8 of the Taylor Grazing Act;*

(b) *Deliver to the United States proper conveyances of title to the state lands so exchanged; and*

(c) Require of the proper officer or department of the United States Government similar conveyances of title to the state of the lands received from the United States in [such] *the* exchange.

Sec. 4. NRS 323.050 is hereby amended to read as follows:

323.050 [All]

1. Any lands received from the United States in exchange for state lands may be sold [only by express legislative authority.] *if the state board of examiners approves the sale.*

2. *The state board of examiners must be given notice of the proposed sale in the manner provided by NRS 321.335.*

3. *The state board of examiners shall approve or disapprove the sale within 30 days after its receipt of the notice from the state land registrar. A sale shall be deemed approved if the state board of examiners does not disapprove it within that time.*

Sec. 5. NRS 323.100 is hereby amended to read as follows:

323.100 1. The state land registrar may exchange state lands for any lands of equal value belonging to private persons. The values of the lands which are to be exchanged must be established by an appraisal conducted by an appraiser who is certified pursuant to NRS 361.221.

2. [Upon] *Before* effecting an exchange, the state land registrar shall *notify the state board of examiners of the proposed exchange in the manner provided by NRS 321.335.*

3. *The state board of examiners shall approve or disapprove the exchange within 30 days after its receipt of the notice from the state land registrar. The*

exchange shall be deemed approved if the state board of examiners does not disapprove it within that time.

4. *If the exchange is approved by the state board of examiners, the state land registrar shall deliver to the transferee proper conveyances of title to the state lands exchanged and shall require similar conveyances of title to the state of the lands received pursuant to the exchange.*

Sec. 6. NRS 232.010 is hereby amended to read as follows:

232.010 As used in NRS 232.010 to [232.158,] 232.157, inclusive:

1. "Department" means the state department of conservation and natural resources.

2. "Director" means the director of the state department of conservation and natural resources.

Sec. 7. NRS 232.020 is hereby amended to read as follows:

232.020 There is hereby created the state department of conservation and natural resources, in which [shall be] *is* vested the administration of the provisions of NRS 232.010 to [232.158,] 232.157, inclusive.

Sec. 8. NRS 232.140 is hereby amended to read as follows:

232.140 1. Money to carry out the provisions of NRS 232.010 to [232.158,] 232.157, inclusive, and to support the department and its various divisions and other units [shall] *must* be provided by direct legislative appropriation from the state general fund.

2. All money so appropriated [shall] *must* be paid out on claims approved by the director in the same manner as other claims against the state are paid.

Sec. 9. NRS 232.158 is hereby repealed.

TEXT OF REPEALED SECTION

232.158 State lands: Moratorium on sale or exchange; requirements for lease.

1. Notwithstanding the provisions of chapters 321, 322 and 323 of NRS, the state land registrar shall not sell or exchange any state lands, except those acquired by escheat, until the legislature, by concurrent resolution, authorizes the resumption of sales or exchanges.

2. State land may be leased only pursuant to the provisions of chapter 322 of NRS.

SUMMARY--Establishes objectives of state concerning acquisition of lands under control of Federal Government. (BDR 26-1736)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to public lands; establishing the objectives of the state concerning the acquisition of lands under the control of certain agencies and departments of the Federal Government; enumerating the reasons for seeking the acquisition of those lands; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The legislature finds that:

(a) The Federal Government controls approximately 87 percent of the land area within the borders of the State of Nevada.

(b) The jurisdiction of the Federal Government over lands in this state is shared among 17 federal agencies or departments, which prevents the proper

management of lands and disrupts the relationship among the state, its residents and its property.

(c) Because federal lands are not taxable, the extensive activities of the Federal Government in Nevada create a tax burden for the owners of private property in this state who are required to meet the needs of the children of employees of the Federal Government and provide other public services.

(d) The administration of lands retained by the Federal Government, which are vital to the livestock and mining industries of the state and to commercial and residential development, and which are essential to meet the recreational and other various uses of its citizens, has been of uneven quality, arbitrary and capricious.

(e) The Federal Government has used lands under its control for military purposes and nuclear testing.

2. It is hereby declared that the public policy of this state is to continue to seek the acquisition of lands retained by the Federal Government within the borders of the state to:

(a) Provide reparation to the state if the Federal Government elects to exercise control over and assert rights of ownership with respect to airspace and lands owned by the state for military purposes, nuclear testing and other uses.

(b) Provide for the commercial, industrial and residential development of lands within the state through the use of good planning practices and to accommodate increases in the population of the state.

(c) Allow for commercial and geographical diversity in the state.

(d) Provide the state with an adequate property tax base and the potential to generate revenues through the lease and sale of lands.

SUMMARY--Urges Congress to obtain approval of state legislature before locating major federal projects on federal land within state.
(BDR R-1737)

FISCAL NOTE: Effect on Local Government: No.
 Effect on the State or on Industrial Insurance: No.

JOINT RESOLUTION--Urging Congress to obtain the approval of the legislature of a state before locating a major federal project on federal land in the state.

WHEREAS, Federal holdings in Nevada constitute 86 percent of the total land of the state and in Esmeralda, Lincoln, Mineral, Nye and White Pine counties the Federal Government controls at least 97 percent of the total land; and

WHEREAS, Each state which contains land controlled by the Federal Government is aware that federal administration of the retained public land is usually not consistent with the public interests of the people of the state; and

WHEREAS, The substantial effect that major federal projects have upon the state in which they are located warrants that Congress seek the consent of the people of the state in which it proposes to locate a major federal project; and

WHEREAS, The failure of Congress to seek state legislative approval before locating a major federal project within a state offends notions of state

sovereignty over matters relating to the protection of the welfare of its residents; now, therefore, be it

RESOLVED BY THE AND OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature urges Congress to seek the approval of the legislature of a state before locating a major federal project on federal land in that state; and be it further

RESOLVED, That copies of this resolution be prepared and transmitted by the of the to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

authorize payments in lieu of taxes to the states for the use of airspace by the military where its use of the airspace renders the land below unsuitable for any development; and be it further

RESOLVED, That a copy of this resolution be prepared and transmitted by the _____ of the _____ to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

SUMMARY--Conforms amount of compensation paid to members of legislative committee on public lands who are state legislators to compensation provided to members of other permanent legislative committees. (BDR 17-1739)

FISCAL NOTE: Effect on Local Government: No.
 Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to the legislative committee on public lands; conforming the amount of compensation paid to members of the committee who are state legislators to compensation provided to members of other permanent legislative committees; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 218.5365 is hereby amended to read as follows:

218.5365 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 research director of the legislative counsel bureau or a person he has designated 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.

2. [The] *Except during a regular or special session of the legislature, the members of the committee who are state legislators are entitled to receive [a salary of \$80 and the subsistence allowances] the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding session and the per diem allowance and travel expenses provided for state officers and employees generally for each day of attendance at a meeting of the committee and while engaged in the business of the committee. Per diem allowances, [salary] compensation and travel expenses of the legislative members of the committee must be paid from the legislative fund.*

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.

Sec. 2. This act becomes effective on July 1, 1989.

SUMMARY--Urges Congress to retain current formula used to establish fees for grazing on federal land. (BDR R-1740)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

JOINT RESOLUTION--Urging Congress to retain the current formula used to establish fees for grazing on federal land.

WHEREAS, The Public Rangelands Improvement Act of 1978 (43 U.S.C. § 1901 et seq.) and the Code of Federal Regulations (43 CFR § 4130.5-1) require the use of a formula to set schedules for grazing fees that are equitable, that prevent economic disruption and harm to the western livestock business, and that reflect annual changes in the costs of production; and

WHEREAS, The economy of many of Nevada's rural counties is heavily dependent upon ranching which serves as the stable base of the county's economy; and

WHEREAS, Any change in the fees charged for grazing on public lands should be related to the price of the cattle grazed to protect the stability of the livestock business in Nevada; and

WHEREAS, After a careful review of the fees charged for grazing on public lands, this state's Legislative Committee on Public Lands supports the formula presently used for establishing grazing fees; now, therefore, be it

SUMMARY--Urges Congress to establish system of privately owned ranges for wild horses. (BDR R-1741)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

JOINT RESOLUTION--Urging Congress to enlarge the sanctuary system for unadoptable wild horses and establish a system of privately owned ranges for wild horses.

WHEREAS, The State of Nevada has the major proportion of wild horses in the western states; and

WHEREAS, The present management system is costly and has not resulted in the proper management of either the wild horses or the available forage; and

WHEREAS, It has become necessary to devise a program for such management that will ensure the preservation of the herds of wild horses under optimum living conditions where there is adequate forage and water, yet where the environment will not be damaged by overgrazing; now, therefore, be it

RESOLVED BY THE AND OF THE STATE OF NEVADA, JOINTLY, That Congress consider enlarging the present sanctuary system for the placement of unadoptable horses in an effort to reduce the cost of current holding facilities; and be it further

RESOLVED, That Congress consider replacing present ranges that do not always provide sufficient forage and water with wild horse ranges in controlled areas; and be it further

RESOLVED, That both the sanctuaries and wild horse ranges be established on ranges that have adequate forage and water; and be it further

RESOLVED, That interested persons, including those presently involved in livestock operations, be allowed to bid for contracts with the Federal Government to provide such sanctuaries and wild horse ranges; and be it further

RESOLVED, That a copy of this resolution be transmitted forthwith by the
of the to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the Secretary of Agriculture, the Director of the Bureau of Land Management and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

SUMMARY--Authorizes department of wildlife to prevent and mitigate damage caused by introduction or reintroduction into Nevada of any species of wildlife. (BDR 45-1742)

FISCAL NOTE: Effect on Local Government: No.
 Effect on the State or on Industrial Insurance:
 Contains Appropriation.

AN ACT relating to wildlife; authorizing the department of wildlife to prevent and mitigate damage caused by the introduction or reintroduction into this state of any species of wildlife; making an appropriation; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 504 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *All gifts, grants and appropriations of money received by the department for the prevention and mitigation of damage caused by the introduction or reintroduction of wildlife into this state, and the interest and income earned on the money, less any applicable charges, must be accounted*

for separately within the wildlife account and may only be disbursed as provided in the regulations adopted pursuant to section 3 of this act.

Sec. 3. *1. The commission shall adopt regulations governing the disbursement of money to:*

(a) Prevent or mitigate damage to private property; and

(b) Compensate persons for the loss of grazing rights,

caused by the introduction or reintroduction into this state of any species of wildlife.

2. The regulations must contain:

(a) Requirements for the eligibility of an owner of private property and a person who holds grazing rights to receive money or materials from the department, including a requirement that the owner or person enter into a cooperative agreement with the director for purposes related to this Title.

(b) A procedure for the purchase of materials by the department to be used by an owner of private property to prevent damage to his property.

(c) Any other regulations necessary to carry out the provisions of this section and sections 2 and 4 of this act.

Sec. 4. *The director shall, on or before the fifth calendar day of each regular session of the legislature, submit to the legislature a report summarizing the actions taken by the department to prevent or mitigate damage to private property and to compensate persons for the loss of grazing rights caused by the introduction or reintroduction into this state of any species of wildlife. The report must include a list of the expenditures made pursuant to this section and*

sections 2 and 3 of this act during the preceding biennium and a determination of the amount of money remaining for those purposes.

Sec. 5. There is hereby appropriated from the state general fund to the department of wildlife for the prevention and mitigation of damage caused by the introduction or reintroduction of wildlife into this state:

For the fiscal year 1989-90.....\$25,000

For the fiscal year 1990-91.....\$25,000

Sec. 6. Any balance of the sums appropriated by section 5 of this act remaining at the end of the respective fiscal years must be carried forward to the next fiscal year for use only pursuant to sections 2, 3 and 4 of this act.

Sec. 7. This act becomes effective on July 1, 1989.