

Legislative Committee on Public Lands



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Bureau*

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NEVADA LEGISLATURE'S COMMITTEE
ON
PUBLIC LANDS

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**ACRONYMS USED IN TEXT OF REPORT OF
THE COMMITTEE ON PUBLIC LANDS**

BDR	Bill Draft Request
BLM	Bureau of Land Management, United States Department of Interior
EPA	United States Environmental Protection Agency
NDOW	Nevada Department of Wildlife
NRS	<i>Nevada Revised Statutes</i>
USF&WS	Fish and Wildlife Service, United States Department of Interior
USFS	Forest Service, United States Department of Agriculture

SUMMARY OF RECOMMENDATIONS

This summary presents the recommendations of the Nevada Legislature's Committee on Public Lands (NRS 218.536, *et seq.*).

The committee recommends that the 1993 session of the Nevada Legislature amend the *Nevada Revised Statutes* as follows:

1. Extend the authority of the Public Lands Committee to review activities on State-owned lands. (BDR 17-1110)
2. Require that any pleadings filed by an independent contractor, on behalf of the State, specify the State agency or agencies being represented. (BDR 23-1111)
3. Amend Subsection 5 of NRS 501.181 to require that proposed responses by Nevada's Department of Wildlife to any requests from Federal agencies be presented to the Committee on Public Lands before the responses are forwarded to the requesting agency. (BDR 45-1112)
4. Declare the rights of users of roads across public lands accessory to land privately owned. (BDR 35-1114)
5. Grant immunity to counties with respect to minor county roads. (BDR 35-1113)
6. Specify that the dewatering of mines is a beneficial use of water. (BDR 48-1116)

Further, the committee recommends that the 1993 Session of the Nevada Legislature adopt the following resolutions:

7. Urge Congress to recognize the rights of users of certain roads over public lands. (BDR R-1115)
8. Express support for Nevada's mining industry. Encourage the United States Congress to maintain the 1872 Mining Law as it currently exists and resist any attempts to significantly alter its provisions. (BDR R-1143)
9. Express support for Nevada's ranching industry. Encourage Congress to maintain a reasonable grazing fee formula, such as currently exists. (BDR R-1144)

10. Express support for the proposed fertility control program for wild horses and for locating the proposed national wild horse center in northern Nevada. (BDR R-1145)
11. Urge the appropriate Federal agencies to accelerate the preparation of the recovery plan for the Lahontan cutthroat trout. (BDR R-1146)
12. Urge Congress, when reauthorizing the Endangered Species Act, to include provisions that would require the appropriate Federal agencies to weigh the economic impacts of their decisions when considering a species for listing as threatened or endangered. (BDR R-1147)
13. Urge Congress to oversee and limit the purchase of private lands by Federal agencies. (BDR R-1148)

REPORT TO THE 67TH SESSION OF THE NEVADA LEGISLATURE
BY THE NEVADA LEGISLATURE'S COMMITTEE ON PUBLIC LANDS

INTRODUCTION

The Committee on Public Lands is a permanent committee of the Nevada Legislature authorized by *Nevada Revised Statutes* 218.536, et seq. (Appendix A). Created in 1983, the committee is charged with reviewing proposed and existing laws and regulations which affect the Federal lands in this State. The committee also provides a forum for the discussion of public lands matters with Federal and State officials, representatives of special interest organizations, and other concerned individuals.

The Federal Government owns approximately 87 percent of the State's land. In other words, Federal agencies control over 61 million--out of 70.7 million--acres. Consequently, issues relating to public lands are of continuing concern to the residents of this State and their representatives in the Nevada Legislature.

Committee Members

The Legislative Commission appointed the following members to the committee:

Senator Dean A. Rhoads, Chairman
Assemblyman Matthew Q. Callister, Vice-Chairman
Senator Virgil M. Getto
Senator John M. Vergiels
Assemblyman Joseph Johnson
Assemblyman John W. Marvel
Clark County Commissioner Karen W. Hayes

Staff Support

Support for the committee was provided by the following Legislative Counsel Bureau (LCB) staff members:

Dana R. Bennett, Staff Director (Research Division)
Ryan T. Campbell, Legal Counsel (Legal Division)
Philene E. O'Keefe, Secretary (Research Division)

Hearings and Recommendations

The committee met seven times, in various locations around Nevada, from August 1991 through October 1992. The committee traveled to Washington, D.C., twice to meet with Federal officials involved in public lands issues.

This report begins with a review of public lands legislation approved during the 1991 Session and includes a discussion of the major topics considered by the committee. During this legislative interim period, the committee received extensive testimony and supporting materials in addition to the information found in this report. All minutes of meetings and their corresponding exhibits are on file in LCB's Research Library.

The committee considered 31 recommendations; 13 were approved for proposal to the 1993 Nevada Legislature. This document discusses each of these proposals. Additionally, the report outlines the actions taken by the members which resulted in letters and resolutions from the committee.

PUBLIC LANDS LEGISLATION OF THE 66TH SESSION OF THE NEVADA LEGISLATURE

The Nevada Legislature's Committee on Public Lands offered several recommendations to the 1991 Session which were discussed and modified during the legislative process. These measures concerned the takings issue, Lahontan cutthroat trout, Cui-ui fish, wild horses, and the gradual land acquisition process. Further discussion of these recommendations may be found in the committee's report to the 1991 Legislature, published as LCB Bulletin No. 91-11.

Additional bills involving public lands topics were introduced in the 1991 Session by individual legislators and the appropriate standing committees: the Senate Committee on Natural Resources and the Assembly Committee on Natural Resources, Agriculture and Mining. This section of the report summarizes many of the public lands bills and resolutions approved by the 1991 Nevada Legislature.

Public Lands Committee Bills

The Committee on Public Lands recommended four measures to the 1991 Legislature. Following are summaries of the two that were approved.

- Senate Bill 237 (Chapter 350, *Statutes of Nevada 1991*) is a fairly comprehensive bill concerning wild horses. Among other provisions, the bill requires Nevada's Commission for the Preservation of Wild Horses to recommend to Congress that BLM establish between four and six management areas in Nevada for wild horse herds in order to conduct studies for controlling the population of the horses. The measure also specifies some elements of the studies which the commission may conduct and the entities to which the commission must submit its recommendations.
- Senate Joint Resolution No. 23 (File No. 174) urges the Secretaries of the U.S. Departments of Agriculture and Interior to organize an interagency task force consisting of representatives of BLM, USF&WS, USFS and appropriate state agencies. The task force would be charged with developing, in conjunction with representatives of interested organizations, a plan for the recovery of the various populations of Lahontan cutthroat trout.

Other Public Lands Legislation

In addition to recommendations from the Public Lands Committee, the 1991 Nevada Legislature considered several measures concerning grazing fees, mining, wildlife and various other public lands issues.

Grazing Fees

Recently, certain nonwestern members of the U.S. Congress attempted to quadruple the fees paid by ranchers for grazing livestock on the public lands. If this attempt had succeeded, many of Nevada's ranchers may have been forced out of business.

- Senate Joint Resolution No. 17 (File No. 146) indicates that the Nevada Legislature supports the grazing fee formula provided by the Public Rangeland Improvement Act of 1978 because the formula is fair and equitable to both livestock permittees and the Federal Government. It

urges Congress to adopt H.R. 1292 which would make permanent the Public Rangeland Improvement Act of 1978. This act establishes a formula for equitable grazing fees that reflect annual changes in the costs of production.

The current grazing fee formula is established by Executive Order No. 12548, titled "Grazing Fees," issued by then President Ronald W. Reagan on February 14, 1986, which bases the formula on the Public Rangeland Improvement Act of 1978. Passage of H.R. 1292 would have provided the formula more permanence than an executive order.

Although the most recent session of Congress did not pass this bill, the grazing fee formula has not been changed. However, this issue will probably be reconsidered by the next Congress.

Mines and Mining

Since the first legislative session in 1865, mining activities on public lands have been important issues for the Nevada State Legislature. During the 1991 Session, the Legislature considered measures concerning mining reclamation, the Federal Mining Law of 1872, and the production of oil and gas.

Because mining continues to be one of the State's major industries, legislators often struggle with the difficult task of balancing mining's benefits with the need to protect the State's natural resources. In 1989, Nevada legislators passed a comprehensive reclamation bill. During the 1991 Session, the Legislature examined the effects of the State's new reclamation laws and approved two additional measures concerning reclamation.

- Assembly Bill 78 (Chapter 119) clarifies that an approved Federal plan of operations consistent with Nevada law supersedes the requirement that a mining operation or exploration project submit such a plan to the State. It also clarifies that the requirements for a permit and payment of fees to the State for reclamation are not affected by an approved Federal plan and bond or other surety.

The bill includes exploration projects in the reporting requirements for annual production and fees for permits.

Related sections of previous law only addressed mining operations.

- Assembly Bill 592 (Chapter 594) redefines a "small mining operation" for purposes of mining reclamation as one which disturbs less than 5 acres of land in any calendar year. The bill eliminates from the definition the number of tons of material removed in a calendar year.

In addition, the 1991 Legislature expressed its belief that the regulation of mine waste belongs at the State level.

- Senate Joint Resolution No. 22 (File No. 145) urges EPA to conduct a complete review of its proposed standards for the regulation of mining waste. In addition, EPA is encouraged to renew its cooperative effort with the Western Governors' Association (WGA) to develop a scheme of regulation that recognizes and incorporates goals outlined by the WGA in 1988. The resolution further states that the regulation of mine waste is best handled at the state level and that any Federal regulations should preserve the primacy of the states in this area instead of supplanting state-based programs.

The Legislature also made it clear to Congress that Nevada does not support efforts in that body to substantially alter the Mining Law of 1872.

- Senate Joint Resolution No. 18 (File No. 149) urges Congress to oppose H.R. 918, introduced by U.S. Representative Nick J. Rahall, II (D-West Virginia), and S. 433, introduced by Senator Dale Bumpers (D-Arkansas). These bills would significantly change the Mining Law of 1872 which has governed mining on public lands for over 100 years. The resolution further urges the Congress to oppose the holding fee for mining claims.

Although neither bill passed, the holding fee was approved by the most recent Congress.

Presently, Nevada ranks approximately 25th among the 50 states in the production of oil and gas. During the legislative session, Nevada's Department of Minerals stated that production is expected to increase, as numerous exploration projects are being conducted throughout the State. The following bills were designed to prepare for expansion of this field.

- Assembly Bill 549 (Chapter 211) provides for the timely payment of money from the sale of the production of an oil or gas well in the State, unless a contract or agreement has been made between the owner or operator and the entitled person. The measure includes provisions for payment of the money to an escrow account if the person entitled to the payment cannot be located. Persons legally entitled to money which goes unpaid within the time constraints of the bill shall receive the unpaid amount plus interest at a rate of 18 percent.
- Assembly Bill 709 (Chapter 368) provides a method for determining and reporting royalties and other interests in the production of oil and gas in the State. It specifies that information detailing the manner in which a royalty payment was calculated is to be reported with the payment and provides a penalty for the failure to make such a report. The bill states that its provisions do not apply if an agreement regarding royalty reporting is already in effect.

This measure seeks to prevent disagreements which must be adjudicated by the department. The provisions specified in the bill are generally not included in a contract "boilerplate." The measure is intended to encourage both parties to understand and agree on the nature of the royalty and the calculations made based on production. The bill is modeled after similar laws in Oklahoma and Wyoming.

Wildlife

The Nevada Legislature passed four measures concerned with the hunting of wildlife in this State.

- Senate Bill 500 (Chapter 649) provides that an owner of land may apply to purchase from NDOW one or more deer or antelope tags for resale to hunters to hunt only on the respective property. The revenue derived from the resale is to compensate the landowner for property damage caused by deer or antelope. The measure further provides that landowners who receive tags must also allow licensed hunters access to adjacent public land which may be blocked by the private property.

The Director of NDOW is required to report to the 1993 Legislature concerning the status of this program and any recommendations on its continuation or expansion. The act "sunsets" on June 30, 1995.

- Senate Bill 593 (Chapter 372) prohibits a person from intentionally interfering with another person who is lawfully hunting or trapping. This prohibition does not apply to any incidental interference resulting from lawful activities by public land users, such as ranchers, miners, or recreationists.
- Assembly Bill 535 (Chapter 692) provides that any equipment or vehicle used to facilitate the unlawful and intentional killing, possession, transport, or purchase of a big game animal is subject to permanent forfeiture. The bill also imposes an additional assessment for the development or maintenance of a body of water that is lethal to wildlife.
- Assembly Bill 687 (Chapter 299) authorizes the Board of Wildlife Commissioners to auction two deer tags each year. The board may take this action only if matching money is committed for expenditure from the wildlife account for the prevention and mitigation of damage caused by elk or game animals not native to Nevada. The deer tags are authorized to be sold in addition to tags for two bighorn sheep, one antelope and one elk provided by existing law. The proceeds are used to protect and repair habitats for these animals.

Other Public Lands-Related Legislation

Several pieces of legislation concerning the transfer of land from or to public ownership were considered. The following measures were approved:

- Senate Bill 466 (Chapter 653), which authorizes NDOW to loan up to \$3 million of the bond issue authorized in Chapter 785, *Statutes of Nevada 1989*, to a local government for the acquisition of habitats of sensitive species and ecosystems. The measure also allows the State Land Registrar to transfer, sell, exchange or lease lands, water rights or other interests at a price not less than fair market value to other State agencies, Federal agencies, local governments or nonprofit organizations.

- Assembly Bill 246 (Chapter 246), which removes a restriction on the conveyance of real property between public entities. The bill deletes a provision which had required that real property had to be unused before a public entity could sell, lease or exchange it with another public entity. This measure was proposed by the Legislative Commission to facilitate the exchange of property between public entities.
- Assembly Bill 627 (Chapter 473), which requires that the State Land Registrar notify the governing body of a city or county before the sale, lease or other transfer of State land within the jurisdiction of that local government. The notice must inform the governing body that it may submit comments within 30 days to the State Land Registrar concerning the proposed sale, lease or transfer of the land.

The bill allows the governing body of a county or city to hold public hearings regarding the proposed sale, lease or transfer of State land and transmit comments received at the hearing to the registrar. The State Land Registrar must consider any comments received from the governing body when deciding whether the transfer is in the best interest of the State.

- Senate Joint Resolution No. 20 (File No. 197), which urges Congress to require all Federal agencies to receive the approval of each affected local government before acquiring, by purchase or exchange, any privately owned land within Nevada. The resolution further urges Congress to require each Federal agency that acquires privately owned land in this State to return a comparable area of publicly owned land to private ownership, within the same geographical area whenever possible, thereby replacing the decrease in the tax base of the affected local government.

Currently, the Federal Government allows its agencies to acquire privately owned land without local government approval. Often, this policy results in the removal of private lands from local taxation, thereby reducing the tax base of local governments.

- Senate Concurrent Resolution No. 58 (File No. 152), which directs Nevada's Division of State Lands, in consultation

with the Division of State Parks and NDOW, to review options relating to the transfer of Indian Lakes from the Federal Government to the State of Nevada, Churchill County or any other appropriate entity.

Indian Lakes is a popular recreational area in the Stillwater National Wildlife Refuge and Management Area. The management of Indian Lakes is scheduled to change from a Federal/State/local agreement to strictly Federal control in 1997 unless arrangements are made by the State or the county to acquire the area. This study will determine the best method to accomplish the transfer of the area to local management.

Following are summaries of additional measures which affect public lands issues:

- Senate Joint Resolution No. 6 (File No. 72) urges Congress to adopt a consistent definition of the term "wetland" for use in Federal laws and regulations.

The resolution indicates that overlapping and inconsistent definitions have had adverse impacts in Nevada. It outlines the provisions which should be included in the definition, and it specifies the exclusions which would make application of the definition more reasonable. The resolution further urges Congress to recognize that unique conditions exist in each state which require flexibility in the application of the Federal policy towards "no net loss" of wetlands.

- Senate Joint Resolution No. 25 (File No. 196) urges Congress to consent to the amendment of the ordinance of the *Nevada Constitution* to remove the disclaimer concerning the right of the Federal Government to sole and entire disposition of the unappropriated public lands in Nevada.

When Nevada was admitted to the Union in 1864, it was required to forever disclaim all right and title to unappropriated public land within its borders. Because Nevada's population was small in 1864 and so little of the State's land had been claimed during its short, 3 1/2-year territorial period, Nevada received the least amount of land among the states in the Far West admitted after 1864.

As a result, the Federal Government currently controls almost 87 percent of Nevada's land. The resolution states that this situation works a severe, continuous and debilitating hardship upon the people of this State and must be addressed.

For summaries of additional measures which may affect other public lands issues, please refer to LCB's *Summary of Legislation* for the 1991 Session.

SUMMARY OF INTERIM ACTIVITIES

The Nevada Legislature's Committee on Public Lands reviews many public lands issues which involve ongoing activities, programs and problems that are subject to administrative, Congressional and other Federal action. The committee was actively involved in a number of issues during the 1991-1992 interim period.

This section lists the issues considered by the committee and discusses actions taken at each meeting.

Issues

The committee considered numerous public lands topics of interest to Nevada's residents. Formal presentations and public testimony informed the members and audience of these issues. In response, the members provided recommendations, when appropriate, to Federal officials and Nevada's Congressional Delegation.

The following is a list of many of the issues discussed by the committee during the 1991-1992 interim period:

- Access across private land to public land;
- Access across public land to private land;
- Apex land acquisition;
- Blue Diamond South Pumped Storage Hydroelectric Project;
- Desert tortoise;
- Ecovision;
- Endangered Species Act;
- Grazing allotment evaluations;
- Grazing fees;
- Great Basin National Park;
- Indian land issues;

- Joint management agreement between BLM and McCarran International Airport;
- Lahontan cutthroat trout;
- Listing of the goshawk as a sensitive species;
- Marys River Reverse Land Exchange;
- Military issues;
- Mining and reclamation;
- North Las Vegas/Galena Land Transfer Proposal;
- Proposed Black Rock Conservation Area;
- Proposed Spring Mountain National Recreation Area;
- Public/private land exchanges;
- *Special Nevada Report*;
- State lands;
- *Stateline Draft Resource Management Plan/Environmental Impact Statement*;
- Temporary use of mine water;
- The taking of private property by government without just compensation;
- Water, in general;
- Wetlands;
- Wilderness;
- Wild horses; and
- Wildlife management.

In-State Meetings

The Public Lands Committee met seven times throughout Nevada. Following are summaries of the committee's deliberations at each of these meetings.

Organizational Meeting

The members first gathered in Carson City on August 23, 1991, to elect the committee's chairman and vice-chairman and to establish their plans for the forthcoming interim period. The committee's approved work plan is attached to this report as Appendix B.

After being elected chairman, Senator Rhoads indicated that the committee would be especially interested in the following topics: water; the affect of desert tortoise problems on southern Nevada; and certain BLM issues, particularly wilderness, land exchanges, and grazing fees. Another important subject for the committee during this interim period would be the effects of State mining reclamation laws passed by the 1989 Nevada Legislature. Senator Rhoads also expressed his concerns about the

increasing amount of private land in Nevada being sold or traded to the Federal Government.

In preparation for the interim's workload, the committee received updates on the following subjects:

- The impact of the 1991 Legislative Session on major public lands issues, particularly water, mining and reclamation;
- The *Special Nevada Report*;
- United States Forest Service issues, such as forest fires, bringing current grazing permits into compliance with Humboldt and Toiyabe Forest plans, and the involvement of the *Toiyabe Land Management Plan* in litigation;
- United States Bureau of Land Management topics, including wilderness, wild horses, the Marys River Reverse Exchange and the cyanide issue (concerning the effects of mines' leaching ponds on birds); and
- United States Fish and Wildlife Service issues, particularly the Truckee-Carson-Pyramid Lake water settlement and the Lahontan cutthroat trout recovery plan.

Major actions of the committee included the following:

- Approval of a letter to the Office of the Attorney General asking for an update on wild horse litigation (copy of letter attached as Appendix C);
- Approval of a letter to the coordinator of the *Special Nevada Report* supporting Nevada's request that land no longer used for military purposes be released from military control (copy of letter attached as Appendix D);
- Approval of letters requesting a Congressional hearing on the *Special Nevada Report* to be held in Nevada in the immediate future (copy of letters attached as Appendix E); and

- Formal agreement with an Esmeralda County resolution which expresses support for all legislative efforts at the Federal, State and local levels that encourage the small mining operator (copy of resolution attached as Appendix F).

Second Meeting

The next meeting of the committee was held in Tonopah on November 15, 1991.

The committee was briefed on Shoshone land issues by the Chief of the Western Shoshone National Council and BLM. Also discussed by BLM was *The Secretary's Strategic Plan for the Management of Wild Horses* which is designed to balance the reproduction and adoption of the horses.

Additionally, Nevada's Department of Conservation and Natural Resources, NDOW, and the Nevada Mining Association outlined the proposed revisions to the *The 1989 Federal Manual For Identifying And Delineation Jurisdictional Wetlands*.

Finally, several local issues were presented, particularly the schedule of moving the 37th Tactical Fighter Wing from Nye County to various Air Force bases throughout the Country.

Major actions of the committee included the following:

- Approval for the chairman, or his designee, to participate in any future meetings concerning grazing fees;
- Approval of a letter to the director of the BLM's Nevada office endorsing the *Secretary's Strategic Plan for Wild Horses* (copy of letter attached as Appendix G); and
- Approval of a letter to the EPA supporting the National Governors' Association's request for an extension of time on the public comment period for revisions to the 1989 Federal manual on wetlands (copy of letter attached as Appendix H).

Third Meeting

The committee met in Las Vegas on March 9, 1992. The following issues were discussed:

- Wild horses in Nevada;
- The Blue Diamond South Pumped Storage Hydroelectric Project;
- The North Las Vegas/Galena land transfer;
- The proposed Spring Mountain National Recreation Area;
- The desert tortoise situation;
- The joint management agreement between BLM and McCarran International Airport;
- The Apex land acquisition;
- BLM actions that adversely affect ranchers in southern Nevada; and
- The Congressional grazing fees study.

No action was taken at this meeting.

Fourth Meeting

Ely was the site of the fourth meeting, held on May 29, 1992. The committee received reports on several topics, including:

- The difficulties experienced by local ranchers due to grazing reductions imposed by USFS;
- BLM's review of rangeland conditions in the region;
- Access across public lands to mining claims;
- The listing of the goshawk by the USFS as a sensitive species;
- The Congressional grazing fees study; and
- The proposed purchase by NDOW of the 3C Ranch in White Pine County for wildlife and recreation.

The committee voted to take the following action:

- Approval of a committee resolution expressing support for the ranching industry and urging cooperation among parties involved in grazing reductions (copy of resolution and responding letters attached as Appendix I).

The meeting concluded with a presentation at, and tour of, the Great Basin National Park.

Fifth Meeting

The fifth meeting of the group was held in Carson City on June 19, 1992.

Chairman Rhoads explained that the primary purpose of this particular meeting was to discuss the retention of a special interest group--the National Resource Defense Council--by Nevada's Attorney General (AG) to intervene on behalf of the State in *Hage v. United States* (U.S. Claims Court No. 91-1470L) which concerns certain activities on Federal lands in Nye County. He emphasized that the hearing was not an investigation and instructed that the merits of the case should not be debated during testimony. Specifically, the Chairman directed the committee to consider the following questions:

- Did the AG follow the proper procedures as currently specified in statute in contracting with an independent entity to represent the State of Nevada?
- While it might, at this point, be legal, is it good public policy and in the best interest of the State for Nevada to be represented by a special interest organization in legal matters?

The committee heard from many people during this meeting, including Frankie Sue Del Papa, Nevada's AG; Brooke A. Nielsen, Assistant Chief Deputy AG; Margaret Ann (Peggy) Twedt, Deputy AG for the Division of Water Resources; C. Wayne Howle, Deputy AG; Thomas E. Hookano and Mark L. Pollot of Keck, Mahin and Cate, attorneys for the Hages; William A. Molini, NDOW Director; Assemblyman John C. Carpenter; James E. Connelley, President of the Nevada Cattlemen's Association; and Barbara Curti, President of the Nevada Farm Bureau.

No action was taken at this meeting.

Sixth Meeting

The committee members gathered in Winnemucca on September 11, 1992. The following issues were considered during this meeting:

- Access to public land across private land;
- Access to private land across public land;
- Goshawk listing;
- Mining permit process;
- Pending Congressional legislation affecting mining;
- The current state of the minerals industry;
- Temporary use of mine water; and
- Congressional grazing legislation.

No action was taken at this meeting.

Work Session

The final meeting of the committee was held in Carson City on October 23, 1992. Before the members considered their recommendations for the upcoming legislative session, they received updates on the activities of BLM and Nevada's Division of State Lands.

The committee then conducted its work session. Information on the approved recommendations may be found in the section of this report titled "Discussion of Recommendations" beginning on page 20.

Other actions by the committee at this meeting included the following:

- Approval of a committee resolution expressing support for the concept of establishing the Spring Mountain National Recreation Area. The committee included an expression of concern about the "full minerals withdrawal" terminology in the proposed enabling legislation (copy of resolution attached as Appendix J);
- Approval of a committee letter commending Nevada's Congressional Delegation for their diligence in protecting Nevada's mining industry from unnecessary legislation (copy of letter attached as Appendix K);
- Approval of a committee letter forwarding a request that Nevada's Congressional Delegation introduce and support

legislation which would provide a fair and objective method of determining the "fair market value" of Federal land available for disposal (copy of letter attached as Appendix L);

- Approval of a committee letter urging the appropriate Federal land management agencies to expedite the mining permit process (to be composed and sent to the new U.S. Secretaries of Agriculture and Interior and directors of BLM and USFS after they are confirmed by the U.S. Senate);
- Approval of a committee letter urging Congress to require the expedition of exchanges or purchases of Federal land by local governments in Nevada if the desired land is needed for community expansion (copy of letter attached as Appendix M); and
- Approval of committee letters urging the Western Legislative Conference (WLC) of The Council of State Governments, the National Conference of State Legislatures or the American Legislative Exchange Council to create a multi-state committee concerned with resource issues in the West. This committee would be charged with developing self-policing procedures to deal with activities on public lands in the West and to allow states to resolve problems before Federal land management agencies intercede (copies of letters and WLC response attached as Appendix N).

Washington, D.C., Visits

As stated earlier, the committee normally visits Washington, D.C., twice during the interim period to meet with Federal officials involved in public lands issues. Over the years, the members have developed positive working relationships with many Executive and Congressional Branch representatives.

Fall Visit

On October 9 and 10, 1991, members of the Nevada Legislature's Committee on Public Lands visited with Administration officials, Congressional representatives, and Nevada's Congressional Delegation in Washington, D.C.

Following are the names and titles of the various officials who spoke with the committee members:

- John S. Boyles, Chief, Wild Horses and Burros Division, BLM;
- David Brooks, Counsel for the Subcommittee on Public Lands, National Parks and Forests, Senate Committee on Energy and Natural Resources;
- Stanley H. Fried, Chief, Real Estate Division, U.S. Army Materiel Command;
- Edward S. Goldstein, Senior Policy Analyst, Office of Policy Development, Executive Office of the President;
- Teresa Gorman, Special Assistant to the President for Policy Development and Associate Director for Energy, Environment and Natural Resources, Office of Policy Development, Executive Office of the President;
- Timothy Hay, Legislative Counsel to U.S. Senator Richard H. Bryan (D-Nevada);
- Richard Healy, Staff Director, and C. Stanley Sloss, Counsel, Subcommittee on National Parks and Public Lands, House Committee on Interior and Insular Affairs;
- Thomas L. Lord, Director, Facility and Systems Engineering, U.S. Air Force;
- Mary McClure, Special Assistant to the President for Intergovernmental Affairs;
- Peter Taylor, Counsel, and Patricia M. Zell, Staff Director/Chief Counsel, Senate Select Committee on Indian Affairs;
- USF&WS officials, including John F. Turner, Director; Larry Shannon, Chief, Endangered Species; Dr. Jim Tate, Staff to Mr. Turner; and David A. Tilton, Fish and Wildlife Biologist;
- USFS officials, including F. Dale Robertson, Chief; William L. McCleese, Director, Watershed and Air Management; and Robert M. Williamson, Director of Range Management; and
- U.S. Representative Barbara Vucanovich (R-Nevada) and her staff members Gregory F. Peek, Legislative Assistant, and William Condit, Consultant of Mining and Natural Resources.

Public Lands Committee staff prepared issue papers for the members to use as reference material during the course of

their visit. Following is a list of these documents, copies of which are attached to this report as Appendix O.

- "BLM Wilderness Review Process";
- "Gradual Land Acquisition Process";
- "Grazing Fees and Range Management";
- "Lahontan Cutthroat Trout";
- "Mining Regulations";
- "Riparian Management Policies and 'Wetlands' Definition";
- "Shoshone Land Issue";
- "The *Special Nevada Report*"; and
- "Wild Horse Management."

No formal actions were taken by the committee during this meeting.

Spring Visit

On April 8 and 9, 1992, members of the Nevada Legislature's Committee on Public Lands again met with Congressional and Administration officials in Washington, D.C. They included:

- Dan Beard, Staff Director for U.S. Representative George Miller (D-California), Chairman of the House Committee on Interior and Insular Affairs;
- John Beuter, Deputy Assistant Secretary, Natural Resources and Environment, U.S. Department of Agriculture;
- U.S. Representative James H. Bilbray (D-Nevada);
- U.S. Senator Richard H. Bryan;
- D. Cy Jamison, Director, BLM;
- Tom Jensen, Counsel for U.S. Senator J. Bennett Johnston (D-Louisiana) and staff to the Senate Committee on Energy and Natural Resources;
- John Paul Laxalt, Special Assistant, BLM;
- Mary McClure, Special Assistant to the President for Intergovernmental Affairs;
- David O'Neal, Assistant Secretary, U.S. Department of Interior;
- U.S. Senator Harry Reid (D-Nevada);
- Jim Streeter, Special Assistant to the Deputy Assistant, Fish and Wildlife and Parks, USF&WS;
- U.S. Representative Craig Thomas (R-Wyoming) and his staff member, Kevin Bohnenblust;
- Jonathan B. Tolman, Assistant Director of the President's Council on Competitiveness; and
- U.S. Representative Barbara Vucanovich.

In addition to the issue papers prepared for the earlier visit, the following documents assisted the committee members during their discussions (copies are attached in Appendix P):

- "BLM Wilderness";
- "Goshawks";
- "North Las Vegas Land Acquisition"; and
- "Spring Mountain National Recreation Area."

All of these issue papers provide information on the many topics discussed during the meetings in Washington, D.C. Again, no formal action was taken by the committee during the second visit.

DISCUSSION OF RECOMMENDATIONS

At its work session, the committee considered 31 proposals for legislation. The members voted to recommend 13 of them to the 1993 Session of the Nevada Legislature. This section provides background information on the final recommendations. Copies of the BDRs which correspond to these recommendations may be found in Appendix Q of this report.

Authority of the Committee

Over the years, the committee has been interested in all public lands issues, without regard to ownership of the land. However, the committee does not have the formal, statutory authority to review activities concerning state-owned lands. As the primary conduit to the Nevada Legislature for public lands information, the committee determined that it should be as informed about State land issues as it is on Federal land matters.

At the committee's work session, Pamela B. Wilcox, Administrator of Nevada's Division of State Lands, noted that the division and the committee have a positive working relationship. She then expressed her support for an amendment to the committee's duties which would require the division to update the committee periodically.

Therefore, the Committee on Public Lands recommends that the 1993 Nevada Legislature:

Extend the authority of the Public Lands Committee to review activities on State-owned lands. (BDR 17-1110)

Legal Action on Behalf of State Agencies

During the course of the discussion concerning the AG's hiring of special counsel to represent NDOW, the committee discovered that the motion was filed on behalf of the "State of Nevada." The members became concerned that the designation is too broad and may imply that all agencies are included in the legal proceedings when, in fact, only one agency may be responsible for the motion. Without specifying the agency involved, an implication of conflict for other State departments or divisions may arise.

Therefore, the Committee on Public Lands recommends that the 1993 Nevada Legislature:

Require that any pleadings filed by an independent contractor, on behalf of the State, specify the State agency or agencies being represented. (BDR 23-1111)

In response to questioning by the committee, the Assistant Chief Deputy AG indicated that the Office of the AG did not anticipate any problems with this recommendation.

Wildlife Reports

Often, BLM, USFS, and other Federal land agencies make management decisions based on information provided by NDOW. Although Nevada law currently requires NDOW to make such information public, the committee became concerned that the existing process to publicize such data may be inadequate. Testimony indicated that public lands users may not be aware of information provided by NDOW which subsequently affects--often adversely--their activities until a new policy, based on the data, has been implemented.

Therefore, the Committee on Public Lands recommends that the 1993 Nevada Legislature:

Amend Subsection 5 of NRS 501.181 to require that proposed responses by Nevada's Department of Wildlife to any requests from Federal agencies be presented to the Committee on Public Lands before the responses are forwarded to the requesting agency. (BDR 45-1112)

Access Across Public Lands

The committee received reports from miners and other private landowners who are being prevented by Federal agencies from crossing public lands to get to their claims or other private lands. At the request of the committee, several miners worked with an attorney to propose language for bill drafts that might assist to provide access across public lands to private holdings.

The group presented its suggestions to the committee at its work session and noted that the States of Arizona, Hawaii and South Dakota have considered similar legislation to protect owners whose property is surrounded by Federal lands. The committee voted to sponsor the proposed legislation.

Therefore, the Committee on Public Lands recommends that the 1993 Nevada Legislature:

Declare the rights of users of roads across public lands accessory to land privately owned. (BDR 35-1114)

The committee also recommends that the 1993 Legislature:

Grant immunity to counties with respect to minor county roads. (BDR 35-1113)

Additionally, the group proposed a resolution to encourage compliance with these measures, should they pass.

Therefore, the Committee on Public Lands recommends that the 1993 Nevada Legislature:

Urge Congress to recognize the rights of users of certain roads over public lands. (BDR R-1115)

Mine Dewatering

Mining company representatives testified to the committee about their dewatering concerns and suggested that NRS be amended to include language comparable to an existing law in New Mexico where mining companies had experienced similar problems. Testimony pointed out that Nevada's statutes indicate that mining is important to the State; consequently, dewatering a mine to reach an ore body is an implied beneficial use of water. The mining representatives requested that NRS be amended to clearly state that this activity is a beneficial use of water.

Therefore, the Committee on Public Lands recommends that the 1993 Nevada Legislature:

Specify that the dewatering of mines is a beneficial use of water. (BDR 48-1116)

Resolutions

In addition to the recommendations for amendments to NRS, the committee suggested several resolutions to be considered by the 1993 Nevada Legislature.

Multiple Use of Public Lands

Two of Nevada's most important and productive industries involve the use of public lands--mining and livestock grazing. If Nevadans could not utilize the public domain, these activities would not exist and the State's economy would suffer untold losses. Without the direct and indirect benefits derived from mining and agriculture, many of Nevada's rural communities would vanish.

However, some representatives in Congress have proposed onerous restrictions on mining and grazing on public lands that, if passed, would seriously damage the viability of these industries in Nevada and the State's economy.

Therefore, the Committee on Public Lands recommends that the 1993 Nevada Legislature:

Express support for Nevada's mining industry. Encourage the United States Congress to maintain the 1872 Mining Law as it currently exists and resist any attempts to significantly alter its provisions. (BDR R-1143)

Additionally, the committee recommends that the 1993 Legislature:

**Express support for Nevada's ranching industry.
Encourage Congress to maintain a reasonable grazing fee formula, such as currently exists. (BDR R-1144)**

Wildlife

One of Nevada's attractions for the rest of the country is that the State is home to the vast majority of the wild horses in the West. However, management of these animals has been a continuing and expensive problem for both the State and BLM, the agency responsible for them. During the 1991-92 interim, BLM reported to the committee periodically about the progress of *The Secretary's Strategic Plan for the Management of Wild Horses*. Upon review, the committee determined that this plan merits support.

Therefore, the Committee on Public Lands recommends that the 1993 Nevada Legislature:

**Express support for the proposed fertility control program for wild horses and for locating the proposed national wild horse center in northern Nevada.
(BDR R-1145)**

The Lahontan cutthroat trout has been classified as a threatened species by the Secretary of Interior since 1975. Although the Federal Endangered Species Act requires the Secretary to develop and implement recovery plans for all species listed as endangered or threatened, such a plan has yet to be prepared for this particular species.

Testimony to the committee indicated that the lack of a recovery plan for the Lahontan cutthroat trout is adversely affecting the legitimate use of both public and private lands in Nevada. The committee was also told that a draft version of the plan is currently being prepared by USF&WS but has not been completed.

Therefore, the Committee on Public Lands recommends that the 1993 Nevada Legislature:

Urge the appropriate Federal agencies to accelerate the preparation of the recovery plan for the Lahontan cutthroat trout. (BDR R-1146)

The Endangered Species Act was passed by the 1973 Congress to conserve and protect endangered species and their habitats. It outlines the factors to be considered when determining the status of a species, but does not include a provision requiring a balance between species protection and the economic impacts of such protection.

Recently, the listing of certain species as endangered or threatened has had devastating impacts on the economies of various communities around the West. In Nevada, Las Vegas was directly affected by the designation of the desert tortoise. Consequently, the committee determined that a community's economy and jobs for its citizens should be considered at least as important as the protection of a species.

Therefore, the Committee on Public Lands recommends that the 1993 Nevada Legislature:

Urge Congress, when reauthorizing the Endangered Species Act, to include provisions that would require the appropriate Federal agencies to weigh the economic impacts of their decisions when considering a species for listing as threatened or endangered. (BDR R-1147)

Expansion of Public Lands

The Federal Government controls approximately 87 percent of the land within Nevada's borders, leaving a very small amount to accommodate the State's rapidly expanding communities. However, Federal agencies continue to acquire private land to add to public holdings. Such actions can adversely affect local government revenues by taking land off the private property tax rolls. The committee believes that the people of Nevada would benefit greatly from more land being in private ownership and on the tax rolls, particularly during difficult economic periods.

Therefore, the Committee on Public Lands recommends that the 1993 Nevada Legislature:

Urge Congress to oversee and limit the purchase of private lands by Federal agencies. (BDR R-1148)

CONCLUSION

During this past interim, the Nevada Legislature's Committee on Public Lands actively participated in numerous discussions of public lands topics and problems at the Federal, State and local government levels. These continuing issues are not quickly or easily resolved; however, the forum furnished by the committee provides Nevada residents with the opportunity to comment about the many diverse aspects of living in a public lands state.

This report outlines the activities and actions of the Public Lands Committee during the 1991-92 legislative interim period. Because the issues monitored by the committee are ongoing, the committee may be required to meet during the 1993 Legislative Session to review Federal actions concerning public lands in Nevada. At that time, the committee may choose to recommend additional legislative proposals.

The members of the committee take this opportunity to thank all of the individuals and organizations who participated in this interim's hearings. The committee's meetings were immeasurably enhanced by the valuable assistance provided by the talented people who willingly contributed their expertise in oral and written testimony.

APPENDICES

APPENDIX A

NEVADA REVISED STATUTES 218.536, ET SEQ.

NEVADA REVISED STATUTES

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. Except during a regular or special session of the legislature, the members of the committee who are state legislators are entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding session, the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207 for each day of attendance at a meeting of the committee and while engaged in the business of the committee. Per diem allowances, 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.

(Added to NRS by 1979, 5; A 1981, 170; 1983, 209; 1985, 398, 1131; 1987, 1208; 1989, 426, 1217, 1222)

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)

APPENDIX B

COMMITTEE ON PUBLIC LANDS

BUDGET AND PROPOSED WORK PLAN

JULY 1, 1991, THROUGH DECEMBER 31, 1992

NEVADA LEGISLATURE'S COMMITTEE ON PUBLIC LANDS
(*Nevada Revised Statutes 218.536, et seq.*)

APPROVED BUDGET AND PROPOSED WORK PLAN
July 1, 1991 through December 31, 1992

This document outlines the approved budget and proposed work plan for the Nevada Legislature's Committee on Public Lands for the 1991-1992 interim period.

APPROVED COMMITTEE BUDGET

On July 31, 1991, the Legislative Commission approved the committee's budget request. The approved budget for the Public Lands committee totals just over \$36,000.

The major categories of the budget are as follows:

Legislator Salaries	\$11,700
Travel:	
In-State meetings	7,800
Out-of-State meetings	15,456
Operating Expenses:	
Supplies, printing, copying	600
Contract Services	<u>1,000</u>
TOTAL BUDGET	\$36,556

This budget allows for the six legislative members of the committee to attend seven in-state meetings throughout Nevada and two full-committee trips to Washington, D.C. The salary and expenses of the seventh member of the committee--the local government representative--are paid by her local political subdivision (Subsection 3 of *Nevada Revised Statutes 218.5365*). The committee planned the same number of meetings and trips for the last interim.

By comparison, the committee's budget for the 1989-1990 biennium totaled \$35,936, of which \$28,656 was actually expended. Although seven in-state meetings were planned, only six were held due to the time demands of the committee's Subcommittee to Study Takings.

Additionally, the committee's budget for the 1987-1988 interim period totaled \$43,670; \$41,456 was actually spent. That amount provided for nine in-state meetings and two full-committee trips and one one-member trip to Washington, D.C. That budget also included \$10,000 for a contract study of the gradual land acquisition process.

The budget for this biennium does not reflect any major differences from previous budgets. The total amount is slightly higher to account for the increased cost of airfare from Nevada to Washington, D.C. The inclusion of the allocation of \$1,000 in "Contract Services" is a carryover from last interim when the committee had planned to work with State Executive Branch agencies to map military land and airspace actions and proposals. That project was postponed until this interim period in anticipation of the release of the *Special Nevada Report* which the United States Department of Defense has been preparing.

PROPOSED WORK PLAN

The following sections outline the tentative work plan for the Nevada Legislature's Committee on Public Lands during the 1989-1990 interim period.

In-State Meetings

Seven 1-day meetings throughout the State are projected and budgeted. Certain meetings may last 2 days due to tours or other activities, but this contingency was not included in the budget. The meetings are projected to be held in Carson City, Ely, Las Vegas, Laughlin, Reno, Tonopah and Winnemucca.

Out-of-State Meetings

The committee traditionally has optimized its effectiveness by visiting members of the United States Congress and executive branch officials in Washington, D.C. These meetings have been productive in the past by providing committee members with insights on Federal policies and key contacts on public lands issues, by furnishing a way to educate Federal officials on the public lands perspective in Nevada, and by establishing greater rapport with the members and staff of Nevada's congressional delegation.

Two full committee trips to Washington, D.C. are projected for six legislators and two staff members, each lasting 4 days and 3 nights. Consistent with previous policy of the Legislative Commission, travel costs for the committee's staff are included in the budget for these out-of-state trips.

Proposed Timetable of Meetings

<u>DATE</u>	<u>PLACE</u>	<u>TOPIC</u>
August 23, 1991	Carson City, NV	Organizational meeting. General update on issues.
September 24-25, 1991	Washington, D.C.	Meetings with congressional and other Federal officials.
November 15, 1991	Tonopah, NV	General meeting. Update on military issues.
January 24, 1992	Laughlin, NV	General meeting. Update on Laughlin/Colorado River issues.
March 6, 1992	Las Vegas, NV	General meeting. Update on Southern Nevada issues.
April 7-8, 1992	Washington, D.C.	Meetings with congressional and other Federal officials.
May 29, 1992	Ely, NV	General Meeting. Update on national park issues.

September 18, 1992	Winnemucca, NV	General meeting. Update on mining issues.
November 6, 1992	Reno, NV	Work session. Final report and recommendations.

Issues

I. Resolutions - 1991 Nevada Legislature

- A. Senate Joint Resolution No. 6 (File No. 72) urges Congress to adopt a consistent definition of the term "wetland" for use in Federal laws and regulations.
- B. Senate Joint Resolution No. 17 (File No. 146) indicates that the Nevada Legislature supports the fee formula for grazing on public lands as provided in the Public Rangeland Improvement Act of 1978 and urges Congress to adopt H.R. 1292 which would make this act permanent.
- C. Senate Joint Resolution No. 18 (File No. 149) urges Congress to oppose Federal legislation that would significantly change the Mining Law of 1872 and to oppose the holding fee for mining claims contained in the proposed budget appropriation of the Office of Management and Budget for 1991-1992.
- D. Senate Joint Resolution No. 20 (File No. 197) urges Congress to require all Federal agencies to receive the approval of each affected local government before acquiring, by purchase or exchange, any privately owned land within Nevada.
- E. Senate Joint Resolution No. 22 (File No. 145) urges the U.S. Environmental Protection Agency to conduct a complete review of its proposed standards for the regulation of mining waste.
- F. Senate Joint Resolution No. 23 (File No. 174) urges the Secretaries of Interior and Agriculture to organize an interagency task force to develop a plan for the recovery of the Lahontan Cutthroat Trout.

- G. Senate Joint Resolution No. 25 (File No. 196) urges Congress to consent to the amendment of the ordinance of the *Nevada Constitution* to remove the disclaimer concerning the right of the Federal government to sole and entire disposition of the unappropriated public lands in Nevada.
- H. Assembly Joint Resolution No. 28 (File No. 26) urges Congress to allocate money for management of wild horses and burros based on the population of the herds of wild horses and burros in each state.

II. Ongoing Programs and Review of Specific Proposals

- A. Federal budget proposals affecting public lands
 - Monitor revenue sharing or transfer programs such as grazing receipts, mineral royalties and payments in lieu of taxes (PILT).
 - Monitor proposed increases in grazing and mining fees.
- B. Gradual land acquisition process
 - Continue assessment and evaluation of gradual land acquisition process by the State to obtain a fair share of Federal land from the Federal Government.
- C. Great Basin National Park
 - Monitor planning process for development of the national park.
- D. Land transfers/exchanges
 - Monitor and assist as necessary in local government and other land transfer/exchange proposals.
- E. Military activities and land and airspace proposals
 - Review the *Special Nevada Report* and monitor its impact on military issues in Nevada.

- Monitor and review military land and airspace withdrawal proposals affecting the state.
 - Monitor congressional proposals relating to military land and airspace.
- F. Mining and reclamation
- Monitor the minerals industry and development in Nevada.
 - Monitor and review implementation of the State mining reclamation law and regulations.
 - Monitor implementation of the State's abandoned mines program.
 - Monitor and review Federal proposals to substantially alter the Mining Law of 1872.
- G. Rangeland management
- Monitor and review Federal proposals and activities.
- H. Riparian management
- Review Federal proposals and activity relating to riparian areas in the State.
- I. Wilderness
- Review BLM wilderness review process, areas and recommendations.
- J. Wild horses and burros
- Monitor BLM policies on wild horse and burro management.
 - Review activities of the Nevada Commission for the Preservation of Wild Horses.

K. Wildlife

- Monitor wildlife management issues, such as endangered species designations and the depredation program.

L. Other topics of interest

- Fire management and rehabilitation on Federal lands.
- Federal policies and regulations on land use.
- Resource management plans and environmental impact statements for selected projects.
- Other public lands issues.

APPENDIX C

COMMITTEE LETTER TO
FRANKIE SUE DEL PAPA
NEVADA'S ATTORNEY GENERAL,
DATED SEPTEMBER 23, 1991

NEVADA LEGISLATURE'S
COMMITTEE ON PUBLIC LANDS
LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



SENATOR DEAN A. RHOADS, Chairman
ASSEMBLYMAN MATTHEW Q. CALLISTER, Vice Chairman
SENATOR VIRGIL M. GETTO
SENATOR JOHN M. VERGIELS
ASSEMBLYMAN JOSEPH JOHNSON
ASSEMBLYMAN JOHN W. MARVEL
CLARK COUNTY COMMISSIONER KAREN W. HAYES

STAFF DIRECTOR: DANA R. BENNETT (702) 687-6825

September 23, 1991

Frankie Sue Del Papa
Attorney General
Office of the Attorney General
Carson City Central Office Staff
Heroes Memorial Building
198 Carson Street
Carson City, NV 89710

Dear Attorney General Del Papa:

Meeting on August 23, 1991, in Carson City, the Nevada Legislature's Committee on Public Lands (*Nevada Revised Statutes* 218.536, *et seq.*) took action on several items in preparation for its work during the 1991-92 legislative interim.

In particular, the committee voted to formally request a status report from you on the lawsuit brought against Nevada's Commission for the Preservation of Wild Horses by the American Horse Protection Association. In addition, the committee requests an update on the use of the funds (\$20,000) allocated in June 1990 to the Office of the Attorney General by the Nevada Legislature's Interim Finance Committee for this case. We understand the allocation included the stipulation that any unused portion of those funds revert to the contingency fund on June 30, 1991. Please include the amounts which were unused and returned.

We would appreciate any information you are able to provide us on this lawsuit and the use of the funds. We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink that reads "Dean A. Rhoads".

Senator Dean A. Rhoads
Chairman, Public Lands Committee

DAR/pok:PLANDS,L5,S1

APPENDIX D

COMMITTEE LETTER TO
THOMAS L. LORD,
DIRECTOR,
ENGINEERING AND ENVIRONMENTAL DIVISION,
UNITED STATES AIR FORCE,
DATED SEPTEMBER 23, 1991

NEVADA LEGISLATURE'S
COMMITTEE ON PUBLIC LANDS
LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710

SENATOR DEAN A. RHOADS, Chairman
ASSEMBLYMAN MATTHEW Q. CALLISTER, Vice Chairman
SENATOR VIRGIL M. GETTO
SENATOR JOHN M. VERGIELS
ASSEMBLYMAN JOSEPH JOHNSON
ASSEMBLYMAN JOHN W. MARVEL
CLARK COUNTY COMMISSIONER KAREN W. HAYES



STAFF DIRECTOR: DANA R. BENNETT (702) 687-6825

September 23, 1991

Thomas L. Lord
Director
Engineering and Environmental Division
Headquarters Tactical Air Command
HQ TAC-DEE
Langely, VA 23665

Dear Mr. Lord:

The Nevada Legislature's Committee on Public Lands (*Nevada Revised Statutes 218.536, et seq.*) held its first meeting following our 1991 Legislative Session on August 23, 1991, in Carson City, Nevada. At that meeting, the committee received an update on the progress of the *Special Nevada Report* from several State agencies which had been active in the Intergovernmental Coordinating Group (ICG). These agencies included Nevada's Division of State Lands, Department of Wildlife, Department of Minerals and Division of State Parks. Also participating in the discussion was John Walker, formerly of Nevada's Clearinghouse.

The major goal of this presentation was to determine the position of these agencies concerning the report's progress and probable outcome. The Public Lands Committee understands that the concerns and suggestions expressed at our meeting by the agencies are the same as those discussed at the final meeting of the ICG on July 12, 1991, at the United States Bureau of Land Management's Nevada State Office in Reno, Nevada.

One item discussed by the agencies particularly caught the attention of the Public Lands Committee. The agencies indicated that they have consistently recommended that one of the mitigation measures that should be included in the *Special Nevada Report* is the return of unused military land in Nevada to State or private ownership. Specifically, the agencies suggest that Mt. Grant, near Hawthorne, Nevada, be released from military use as it has not been utilized for that purpose for some time.

As you know, the Public Lands Committee has historically been an active participant in the effort to decrease the amount of Nevada land which is controlled by agencies of the Federal Government.

Page 2

With approximately 87 percent of the State's land in Federal control, the committee is concerned that a Federal agency would continue to control a piece of Nevada land without using, or intending to use, such land for Federal purposes.

Therefore, the committee supports Nevada agencies in their efforts to include this mitigation measure in the *Special Nevada Report*. As recommended to you by these agencies, the report should include a clear commitment from the U.S. Department of Defense that any Nevada land withdrawn by the military which is no longer used for military purposes, presently or in the future, be released for acquisition by the State of Nevada or by private interests. As part of this commitment, Mt. Grant should be released at the earliest opportunity.

Please do not hesitate to contact me if you should have any questions or comments about the committee's actions.

Sincerely,



Senator Dean A. Rhoads
Chairman, Public Lands Committee

DAR/pok:PLANDS,L4,S1

cc: United States Senator Richard H. Bryan
United States Senator Harry Reid
United States Representative James H. Bilbray
United States Representative Barbara Vucanovich

A P P E N D I X E

COMMITTEE LETTERS TO
NEVADA'S CONGRESSIONAL DELEGATION
AND OTHER
UNITED STATES CONGRESSIONAL REPRESENTATIVES,
DATED OCTOBER 25, 1991,
AND A
COMMITTEE LETTER TO
THOMAS L. LORD,
DATED OCTOBER 28, 1991

NEVADA LEGISLATURE'S
COMMITTEE ON PUBLIC LANDS

LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



SENATOR DEAN A. RHOADS, Chairman
ASSEMBLYMAN MATTHEW Q. CALLISTER, Vice Chairman
SENATOR VIRGIL M. GETTO
SENATOR JOHN M. VERGIELS
ASSEMBLYMAN JOSEPH JOHNSON
ASSEMBLYMAN JOHN W. MARVEL
CLARK COUNTY COMMISSIONER KAREN W. HAYES

STAFF DIRECTOR: DANA R. BENNETT (702) 687-6825

IDENTICAL LETTER MAILED
TO SENATOR RICHARD H.
BRYAN

October 25, 1991

The Honorable Harry Reid
United States Senate
324 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Reid:

During the Nevada Legislature's Committee on Public Lands' recent visit to Washington, D.C., we were informed by Thomas L. Lord of the United States Air Force that the *Special Nevada Report* was recently distributed to the following Senate committees:

- Senate Committee on Appropriations;
- Senate Committee on Armed Services; and
- Senate Committee on Energy and Natural Resources.

As you know, the Military and its activities have a tremendous impact on Nevada. However, the committee, other State officials and many residents are concerned that the report's conclusion may mislead readers into believing that the impacts are minimal. Since Public Law 99-606, which required the preparation of the report, does not specify what will happen to the report now that it is completed, we are concerned that the report will be accepted as written and without discussion.

As a result, the committee has written to the chairmen of the committees listed above and requested that hearings be held on the report. In particular, the committee would like at least one hearing to be held in Nevada. Copies of these letters are enclosed for your reference.

Page 2

We respectfully request that you and the other members of the Nevada Congressional Delegation support us in these efforts and encourage your colleagues in the Senate to hold these hearings, especially before any further Military land or airspace withdrawals in Nevada are discussed in Congress.

Thank you for any assistance you may be able to provide. If Nevada's Public Lands Committee can aid you in any way, as always, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink that reads "Dean A. Rhoads". The signature is written in a cursive style with a large, sweeping initial "D".

Senator Dean A. Rhoads
Chairman, Public Lands Committee

DAR/pok:PLANDS,L6,S1
Enc.

NEVADA LEGISLATURE'S
COMMITTEE ON PUBLIC LANDS

LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



SENATOR DEAN A. RHOADS, Chairman
ASSEMBLYMAN MATTHEW Q. CALLISTER, Vice Chairman
SENATOR VIRGIL M. GETTO
SENATOR JOHN M. VERGIELS
ASSEMBLYMAN JOSEPH JOHNSON
ASSEMBLYMAN JOHN W. MARVEL
CLARK COUNTY COMMISSIONER KAREN W. HAYES

STAFF DIRECTOR: DANA R. BENNETT (702) 687-6825

IDENTICAL LETTER MAILED TO
REPRESENTATIVE JAMES H. BILBRAY

October 25, 1991

The Honorable Barbara Vucanovich
United States House of Representatives
206 Cannon House Office Building
Washington, D.C. 20515

Dear Representative Vucanovich:

During the Nevada Legislature's Committee on Public Lands' recent visit to Washington, D.C., we were informed by Thomas Lord of the United States Air Force that the *Special Nevada Report* was recently distributed to the following House of Representatives committees:

- House Committee on Appropriations;
- House Committee on Armed Services; and
- House Committee on Interior and Insular Affairs.

As you know, the Military and its activities have a tremendous impact on Nevada. However, the committee, other State officials and many residents are concerned that the report's conclusion may mislead readers into believing that the impacts are minimal. Since Public Law 99-606, which required the preparation of the report, does not specify what will happen to the report now that it is completed, we are concerned that the report will be accepted as written and without discussion.

As a result, the committee has written to the chairmen of the committees listed above and requested that hearings be held on the report. In particular, the committee would like at least one hearing to be held in Nevada. Copies of these letters are enclosed for your reference.

Page 2

We respectfully request that you and the other members of the Nevada Congressional Delegation support us in these efforts and encourage your colleagues in the House to hold these hearings, especially before any further Military land or airspace withdrawals in Nevada are discussed in Congress.

Thank you for any assistance you may be able to provide. If Nevada's Public Lands Committee can aid you in any way, as always, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean A. Rhoads". The signature is fluid and cursive, with a large initial "D" and "R".

Senator Dean A. Rhoads
Chairman, Public Lands Committee

DAR/pck:PLANDS,L9,S1
Enc.

AN IDENTICAL LETTER WAS MAILED TO U.S. SENATORS SAM NUNN (CHAIRMAN OF THE SENATE COMMITTEE ON ARMED SERVICES) AND ROBERT BYRD (CHAIRMAN OF THE SENATE COMMITTEE ON APPROPRIATIONS) AND TO U.S. REPRESENTATIVES GEORGE MILLER (CHAIRMAN OF THE HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS), LES ASPIN (CHAIRMAN OF THE HOUSE COMMITTEE ON ARMED SERVICES), AND JAMIE WHITTEN (CHAIRMAN OF THE HOUSE COMMITTEE ON APPROPRIATIONS).

NEVADA LEGISLATURE'S
COMMITTEE ON PUBLIC LANDS
LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



SENATOR DEAN A. RHOADS, Chairman
ASSEMBLYMAN MATTHEW Q. CALLISTER, Vice Chairman
SENATOR VIRGIL M. GETTO
SENATOR JOHN M. VERGIELS
ASSEMBLYMAN JOSEPH JOHNSON
ASSEMBLYMAN JOHN W. MARVEL
CLARK COUNTY COMMISSIONER KAREN W. HAYES

STAFF DIRECTOR DANA R. BENNETT (702) 687-6425

October 25, 1991

The Honorable J. Bennett Johnston
Chairman, Senate Committee on Energy
and Natural Resources
United States Senate
364 Senate Dirksen Office Building
Washington, D.C. 20510

Dear Chairman Johnston:

It is the understanding of the Nevada Legislature's Committee on Public Lands that a copy of the final version of the *Special Nevada Report* was recently delivered to your committee. As you know, Public Law 99-606 required the United States Departments of the Air Force, Navy and Interior to prepare this report for Congress. It discusses current and proposed defense-related activities in Nevada, their impacts on the State and possible actions to mitigate those impacts.

However, the law does not specify what will happen to the report once it reaches Congress. Because the military has such a large presence in our State (14 percent--over 4 million acres--of all Department of Defense land is in Nevada and approximately 36 percent of the State is overlain by either restricted airspace or military operating areas), Nevada's Public Lands Committee respectfully requests that hearings be held on the report. As part of the hearing process, we further request that your committee, or an appointed subcommittee, travel to Nevada to discuss this report with the State's citizens.

Thank you for your kind consideration of our request. If we can be of any service in the discussion or analysis of this report, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script that reads "Dean A. Rhoads".

Dean A. Rhoads
Nevada State Senator
Chairman, Public Lands Committee

DAR/pok:PLANDS,L11,S1

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710
Fax No.: (702) 687-5962

LEGISLATIVE COMMISSION (702) 687-6800
JOHN M. VERGIELS, *Senator, Chairman*
John R. Crossley, *Director, Secretary*

INTERIM FINANCE COMMITTEE (702) 687-6821
MATTHEW Q. CALLISTER, *Assemblyman, Chairman*
Daniel G. Miles, *Fiscal Analyst*
Mark W. Stevens, *Fiscal Analyst*

JOHN R. CROSSLEY, *Director*
(702) 687-6800



Wm. GARY CREWS, *Legislative Auditor* (702) 687-6815
ROBERT E. ERICKSON, *Research Director* (702) 687-6825
LORNE J. MALKIEWICH, *Legislative Counsel* (702) 687-6830

October 28, 1991

Thomas L. Lord
Director
Engineering and Environmental Division
Headquarters Tactical Air Command
HQ TAC-DEE
Langely, VA 23665

Dear Mr. Lord:

At the August 23, 1991, meeting of the Nevada Legislature's Committee on Public Lands (*Nevada Revised Statutes 218.536, et seq.*), the committee voted to send letters to the appropriate Congressional chairmen requesting that hearings be held on the *Special Nevada Report*. The committee particularly advocates that at least one Congressional hearing on the report be held in Nevada.

Letters were sent to the following chairmen and committees on October 25, 1991:

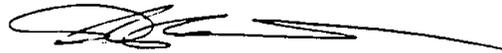
- Senate Committee on Appropriations, Senator Robert Byrd, Chairman;
- Senate Committee on Armed Services, Senator Sam Nunn, Chairman;
- Senate Committee on Energy and Natural Resources, Senator J. Bennett Johnston, Chairman;
- House Committee on Appropriations, Representative Jamie Whitten, Chairman;

Page 2

- House Committee on Armed Services, Representative Les Aspin, Chairman; and
- House Committee on Interior and Insular Affairs, Representative George Miller, Chairman.

At the request of Nevada's Public Lands Committee, copies of these letters have been enclosed for your reference. If you have any questions, please do not hesitate to contact me.

Sincerely,



Dana R. Bennett
Staff Director,
Committee on Public Lands

DRB/pok:PLANDS,L33,S1
Encs.

APPENDIX F

ESMERALDA COUNTY RESOLUTION NO. R91-003

CONCERNING MINING

1 Resolution No. R91- 003
2 Re: Mining

3 RESOLUTION

4 WHEREFORE, mining was one of the founding industries of
5 Esmeralda County, Nevada, and the West; and

6 WHEREFORE, mining has for over 140 years been a mainstay
7 industry providing revenue and employment for Esmeralda County,
8 Nevada, and the West; and

9 WHEREFORE, the small operator/pro prospector has played an
10 integral and central role in the discovery of many of the most
11 important mineral discoveries in American mining including the
12 Comstock Lode, the Tonopah strike, the Southern Klondike and
13 the Goldfield strike; and

14 WHEREFORE, mining continues to be a key economic benefit
15 and resource to Esmeralda County, Nevada, and the nation; and

16 WHEREFORE, any attempt to hinder, impede or obstruct the
17 ability of the small operator to function in an economically
18 feasible way would negatively affect countless communities in
19 Nevada and the West; and

20 WHEREFORE, the nation's well-being depends upon mineral
21 and earth resources for its very survival;

22 NOW, THEREFORE, BE IT RESOLVED that the Esmeralda County
23 Board of County Commissioners supports all legislative efforts
24 at the Federal, State and local levels which would promote and
25 encourage the health and well-being of the small mining operator/

VIC SCHULZE
DISTRICT ATTORNEY, ESMERALDA COUNTY
P. O. BOX 339
GOLDFIELD, NEVADA 89013 0339

1 prospector and which would further the development of the mining
2 and earth resources exploration industries.

3 DATED this 10th day of April, 1991.

4 BOARD OF COUNTY COMMISSIONERS
5 ESMERALDA COUNTY, NEVADA

6 By Leo L. Vaughan II
Leo L. Vaughan II, Chairman

7 By Frank E. Smith
8 Frank E. Smith, Vice Chairman

9 By Maire Hayes
Maire Hayes, Member

10 ATTEST:

11 Lynn Scott
12 Lynn Scott, Clerk of Board

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VIC SCHULZE
DISTRICT ATTORNEY, ESMERALDA COUNTY
P.O. BOX 339
GOLDFIELD, NEVADA 89013-0239

APPENDIX G

COMMITTEE LETTER TO
BILL TEMPLETON
OF THE
UNITED STATES BUREAU OF LAND MANAGEMENT'S
NEVADA OFFICE,
DATED DECEMBER 4, 1991

NEVADA LEGISLATURE'S
COMMITTEE ON PUBLIC LANDS
LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



SENATOR DEAN A. RHOADS, Chairman
ASSEMBLYMAN MATTHEW Q. CALLISTER, Vice Chairman
SENATOR VIRGIL M. GETTO
SENATOR JOHN M. VERGIELS
ASSEMBLYMAN JOSEPH JOHNSON
ASSEMBLYMAN JOHN W. MARVEL
CLARK COUNTY COMMISSIONER KAREN W. HAYES

STAFF DIRECTOR: DANA R. BENNETT (702) 687-6825

December 4, 1991

Bill Templeton
Director, Nevada State Office
United States Bureau of Land Management (BLM)
P.O. Box 12000
Reno, Nevada 89502

Dear Mr. Templeton:

As you are well aware, the Nevada Legislature's Committee on Public Lands (*Nevada Revised Statutes 218.536, et seq.*) has had a long and continuing interest in BLM's management of wild horses and burros in the State of Nevada. Over the past several years, the committee has commented several times on BLM's attempts to control the number of wild horses. Often, those comments have been critical of the agency's apparent inability to prevent the horse population from increasing to a size that is detrimental to the range, to other wildlife and livestock and to the horses themselves.

However, this letter expresses the committee's support for BLM's latest plan to control the wild horse population. At the committee's meeting in Tonopah, Nevada, on November 15, 1991, Bob Stewart, Chief of Public Affairs in your office, explained the "Secretary's Strategic Plan for Wild Horse Management." After discussing this proposal with him, the committee concluded that this plan appears to offer a realistic solution for the problem of managing wild horses in Nevada. The committee voted unanimously to send you this letter of support for the plan.

The Public Lands Committee understands that this proposal also has the support of several other organizations, including Nevada's Commission for the Preservation of Wild Horses and the Nevada Cattlemen's Association. The endorsement by these groups is seen by the committee as a positive sign that diverse interests are working together to solve the wild horse management problem. We are pleased to join these organizations in supporting the plan.

Page 2

The members of the Public Lands Committee were encouraged by Mr. Stewart's explanation of the plan and would like to see it succeed. If you require any additional assistance in furthering the progress of the proposal, please do not hesitate to enlist this committee and its individual members.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dean A. Rhoads". The signature is fluid and cursive, with a large initial "D" and "R".

Senator Dean A. Rhoads
Chairman, Public Lands Committee

DAR/pok : CW91-2169, PLANDS, L37

APPENDIX H

COMMITTEE LETTER TO
GREGORY PECK
OF THE
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
DATED DECEMBER 4, 1991

NEVADA LEGISLATURE'S
COMMITTEE ON PUBLIC LANDS
LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



SENATOR DEAN A. RHOADS, Chairman
ASSEMBLYMAN MATTHEW Q. CALLISTER, Vice Chairman
SENATOR VIRGIL M. GETTO
SENATOR JOHN M. VERGIELS
ASSEMBLYMAN JOSEPH JOHNSON
ASSEMBLYMAN JOHN W. MARVEL
CLARK COUNTY COMMISSIONER KAREN W. HAYES

STAFF DIRECTOR: DANA R. BENNETT (702) 687-6325

December 4, 1991

Mr. Gregory Peck
Chief
Wetlands and Aquatic Resources Regulatory Branch
Mail Code (A-104F)
United States Environmental Protection Agency
401 M Street, SW
Washington, D.C. 20460

Dear Mr. Peck:

At the November 15, 1991, meeting of the Nevada Legislature's Committee on Public Lands (*Nevada Revised Statutes* 218.536, et seq.), the committee received reports from several organizations on the proposed changes to the 1989 Federal manual that establishes guidelines for identifying and delineating wetlands. Specifically, the committee discussed this issue with Nevada's Department of Wildlife, Nevada's Division of Environmental Protection, and the Nevada Mining Association (NMA).

The speakers commented primarily on the inadequacies of the proposed changes. All were concerned that the definitions have not been thoroughly field-tested, particularly during the spring. Reservations were also expressed about the impact the new manual would have on the relationship between the Federal Government and State water policy; clarification of this issue appears to be warranted.

Additionally, NMA was concerned that the manual does not address the creation of temporary wetlands. Many of the mines in Nevada are pumping tremendous amounts of water from the ground during the mining process. One mine in Humboldt County, Nevada, has used this water to create a temporary wetlands area. The project is approved by the State Engineer and has been hailed as a model for the beneficial use of excess water in mines. However, the manual does not address this type of situation. Neither a mining company nor a state should be forced, after the mine has ceased operations, to continue pumping water to an artificial wetlands area that was created to exist only during the life of a mine.

Page 2

Consequently, this committee joins other organizations, such as the National Governors' Association (NGA), in urging the extension of the public comment period to the maximum allowable limit. As the NGA has stated, the manual "* * * must be scientifically valid, legally defensible, and workable in the field." The committee is concerned that the lack of field testing and the many unanswered questions will preclude the manual, as it is currently proposed, from meeting these important goals.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean A. Rhoads". The signature is written in a cursive style with a large, prominent initial "D".

Senator Dean A. Rhoads
Chairman, Public Lands Committee

DAR/pok: CW91-2168, PLANDS, L38

APPENDIX I

COMMITTEE RESOLUTION
EXPRESSING SUPPORT FOR THE RANCHING INDUSTRY
AND
URGING COOPERATION AMONG PARTIES INVOLVED
IN GRAZING REDUCTIONS
AND
RESPONDING LETTERS

APPROVED RESOLUTION OF THE
NEVADA LEGISLATURE'S COMMITTEE ON PUBLIC LANDS
EXPRESSING SUPPORT FOR RANCHING INDUSTRY
AND URGING COOPERATION AMONG PARTIES
INVOLVED IN GRAZING REDUCTIONS

WHEREAS, Ranching and livestock are of vital interest and concern to the State of Nevada; and

WHEREAS, The limited availability of private land in rural Nevada forces ranching operations to be extremely dependent upon public rangelands; and

WHEREAS, Nevada's rural counties are heavily dependent upon ranching which serves as the stable base for rural economies; and

WHEREAS, Recent Federal activities have adversely impacted the ranching industry by reducing the number of grazing permits granted to permittees; and

WHEREAS, In a specific case, grazing reductions currently proposed by the United States Forest Service would severely affect the economy of White Pine County; now, therefore, be it

RESOLVED BY THE NEVADA LEGISLATURE'S COMMITTEE ON PUBLIC LANDS, That ranching is a high priority industry in Nevada; that Federal agencies must recognize the compatibility of good livestock management and the natural environment; and that the efficient use of public lands resources includes livestock grazing on public lands; and be it further

RESOLVED, That Federal lands management agencies should consider the financial impacts on ranchers and their communities when considering reductions in grazing permits; that such agencies should work diligently with local ranching and business communities to minimize the impacts from reductions when such actions are determined to be unavoidable; and that, specifically, the United States Forest Service should reconsider the necessity and number of the proposed reductions in White Pine County; and be it further

RESOLVED, That a copy of this resolution be transmitted to the United States Forest Service, the United States Bureau of Land Management, Nevada's Congressional Delegation, White Pine County, the Nevada Cattlemen's Association and the Nevada Association of Counties.

HARRY REID
NEVADA

United States Senate

WASHINGTON, DC 20510-2803

June 29, 1992

Ms. Dana R. Bennett
Committee Staff Director
Committee on Public Lands
Legislative Building
Capitol Complex
Carson City, Nevada 89710

Dear Ms. Bennett:

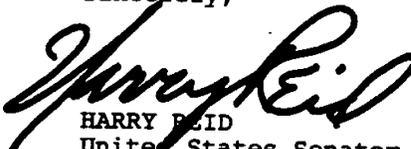
Thank you for sending me a copy of the Public Lands Committee's resolution concerning the ranching industry. I appreciate your keeping me informed of your actions.

Ranching is a vital part of our Western heritage, and I have worked hard to help with ranching and grazing issues as they relate to public land use in Nevada. Over the past two years, for example, I have successfully led the fight to defeat the outrageous proposals to increase grazing fees by 500 percent. Many people have no idea how difficult it is to make a living off the land, and I have been doing my absolute best to convey that message to those who would unjustifiably threaten the livelihood of those who are dependent upon the land for their way of life.

I will continue to monitor this issue very carefully. Please let me know if I can be of assistance to you in any way.

With all best wishes,

Sincerely,



HARRY REID
United States Senator

HMR:jlif



United States
Department of
Agriculture

Forest
Service

Washington
Office

14th & Independence SW
P.O. Box 96090
Washington, DC 20090-6090

Reply To: 2230

Date: JUN 11

Ms. Dana R. Bennett
Committee Staff Director
Nevada Legislature's Committee
on Public Lands
Legislative Building
401 S. Carson Street
Carson City, Nevada 89710

Dear Ms. Bennett:

I have received your letter and the approved resolution regarding your support for the ranching industry.

The resolution contains many points with which we agree, specifically:

1. Proper livestock management can maintain a healthy environment and is a legitimate use of the public lands.
2. Economic impacts need to be analyzed through the decision-making process prior to any adjustment in permitted livestock.
3. Coordination and cooperation with the affected livestock interests are essential to minimize financial impacts.

The Ely District Ranger and his staff have completed intensive studies which indicate current livestock grazing practices in some allotments are not conducive to achieving the desired future condition (DFC) prescribed in the Humboldt National Forest Land and Resource Management Plan. The amount of reduction necessary to allow attainment of the DFC is based on current grazing management and improvements. Commitment to improved management and livestock distribution on the permittees' part can serve to off-set some portion of the reductions. The district ranger will continue to coordinate closely with individual livestock operators to explore viable options to mitigate the impacts of these reductions within the principles of sound resource management.

We are sure you agree that the maintenance of diverse and healthy ecosystems is the best way to insure that public land livestock grazing remains a compatible use of national forest lands.



Caring for the Land and Serving People

Ms. Dana R. Bennett

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We appreciate your concerns and are confident that by working together with all of the involved parties, we can achieve a healthy resource while assuring livestock grazing remains a viable use of the Humboldt National Forest.

Sincerely,

For 
F. DALE ROBERTSON
Chief

APPENDIX J

COMMITTEE RESOLUTION
SUPPORTING THE ESTABLISHMENT OF THE
SPRING MOUNTAIN RECREATION AREA

RESOLUTION OF THE NEVADA LEGISLATURE'S COMMITTEE
ON PUBLIC LANDS SUPPORTING THE ESTABLISHMENT
OF THE SPRING MOUNTAIN NATIONAL RECREATION AREA

WHEREAS, The Spring Mountain area in Southern Nevada is one of the State's most scenic locations; and

WHEREAS, The area includes popular recreational spots at Mt. Charleston; Carpenter, Kyle and Lee Canyons; and Yellow Plug; and

WHEREAS, Nevada Representative James H. Bilbray has introduced a bill to designate 316,000 acres in the Spring Mountains as the first National Recreation Area in Nevada; and

WHEREAS, Designation as a National Recreation Area would qualify the Spring Mountains for more Federal management funding and as a higher priority item in the budget of the United States Forest Service; and

WHEREAS, Although the designation is desirable, concerns exist about the impact of this action on mineral development in the area which includes a historic gold mining district and the potential for oil and gas production; now, therefore, be it

RESOLVED BY THE NEVADA LEGISLATURE'S COMMITTEE ON PUBLIC LANDS, That the concept of designating the Spring Mountains as a National Recreation Area is a positive idea which would greatly benefit Nevada's citizens and visitors; and be it further

RESOLVED, That the Congressional legislation creating the National Recreation Area should include provisions to allow development of potentially valuable mineral resources; and be it further

RESOLVED, That the proponents of the designation are urged to work with the mining industry to resolve these concerns; and it further

RESOLVED, That a copy of this resolution be transmitted to the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation, Citizens for a Spring Mountain National Recreation Area and the Nevada Mining Association.

APPENDIX K

COMMITTEE LETTER TO
NEVADA'S CONGRESSIONAL DELEGATION,
DATED NOVEMBER 20, 1992

NEVADA LEGISLATURE'S
COMMITTEE ON PUBLIC LANDS
LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



SENATOR DEAN A. RHOADS, Chairman
ASSEMBLYMAN MATTHEW Q. CALLISTER, Vice Chairman
SENATOR VIRGIL M. GETTO
SENATOR JOHN M. VERGIELS
ASSEMBLYMAN JOSEPH JOHNSON
ASSEMBLYMAN JOHN W. MARVEL
CLARK COUNTY COMMISSIONER KAREN W. HAYES

STAFF DIRECTOR: DANA R. BENNETT (702) 687-6825

AN IDENTICAL LETTER WAS MAILED TO
SENATOR RICHARD H. BRYAN AND
REPRESENTATIVES JAMES H. BILBRAY AND
BARBARA VUCANOVICH.

November 20, 1992

The Honorable Harry Reid
United States Senator
324 Hart Senate Office Building
Washington, DC 20510

Dear Senator Reid:

At its final meeting of this legislative interim, the Nevada Legislature's Committee on Public Lands (*Nevada Revised Statutes* 218.536, *et seq.*) voted unanimously to thank you and your colleagues for your diligence in protecting Nevada's mining industry from unnecessary Federal legislation.

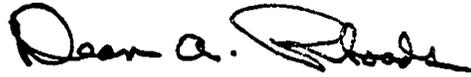
As you know, the production of minerals on public lands is a major economic force in Nevada. In 1991, the mining industry employed over 13,000 Nevadans; an additional 30,000 people held jobs related to mining. Also in 1991, Nevada mines paid over \$33 million in net proceeds taxes to the State. Consequently, a healthy mining industry is imperative to maintaining Nevada's economic well-being.

Some of the proposals to alter the 1872 Mining Law considered by Congress this year would have caused irreparable harm to Nevada's economy. The Public Lands Committee is pleased that the Nevada Congressional Delegation recognizes the importance of this industry and is willing to fight to insure that mines can continue to operate in Nevada.

Page 2

Thank you for your hard work. The members of the Public Lands Committee realize that this battle may have been won, but the war continues. If there is any way the committee can support you in your efforts to defeat any legislation which would unnecessarily restrict mining, please do not hesitate to contact me. The committee would be pleased to assist you in any way possible.

Sincerely,

A handwritten signature in black ink that reads "Dean A. Rhoads". The signature is written in a cursive style with a large, looped initial "D".

Senator Dean A. Rhoads
Chairman, Public Lands Committee

DAR/pok:PLANDS,L62,S1

APPENDIX L

COMMITTEE LETTER TO
NEVADA'S CONGRESSIONAL DELEGATION,
DATED JANUARY 14, 1993

NEVADA LEGISLATURE'S
COMMITTEE ON PUBLIC LANDS
LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



SENATOR DEAN A. RHOADS, Chairman
ASSEMBLYMAN MATTHEW Q. CALLISTER, Vice Chairman
SENATOR VIRGIL M. GETTO
SENATOR JOHN M. VERGIELS
ASSEMBLYMAN JOSEPH JOHNSON
ASSEMBLYMAN JOHN W. MARVEL
CLARK COUNTY COMMISSIONER KAREN W. HAYES

STAFF DIRECTOR: DANA R. BENNETT (702) 687-6825

January 14, 1993

The Honorable Richard H. Bryan
United States Senator
364 Russell Senate Office Building
Washington, DC 20510

AN IDENTICAL LETTER WAS MAILED TO
THE OTHER MEMBERS OF NEVADA'S
CONGRESSIONAL DELEGATION.

Dear Senator Bryan:

At its final meeting of the 1991-1992 legislative interim, the Nevada Legislature's Committee on Public Lands (*Nevada Revised Statutes* 218.536, *et seq.*) voted to forward to you, without recommendation, a request from a resident of the state. Mr. Donnell "Mick" Richards of Winnemucca has requested Federal legislation concerning the sale of Federal land. Specifically, he proposes that a fair and equitable appraisal system be specified for land sold under the authority of the Federal Land Policy and Management Act. He advocates an independent third party appraisal on all Federal land to be sold to a non-federal entity.

Enclosed please find a copy of a letter from Mr. Richards concerning the determination by the United States Department of Interior of the "fair market value" of Federal lands available for disposal. Also included is a copy of a letter from Robert E. Stewart, Public Information Specialist for the Nevada State Office of the Bureau of Land Management (BLM). Mr. Stewart provides BLM's response to Mr. Richards. These documents should aid you in the evaluation of his request.

Thank you for your attention to this matter. As always, if the committee can provide any additional assistance, please do not hesitate to let me know.

Sincerely,


Senator Dean A. Rhoads
Chairman, Public Lands Committee

PLANDS.M13

September 18, 1992
Donnell "Mick" Richards
P.O. Box 430
Winnemucca, NV. 89446

Honorable Senator Dean Rhoads
P.O. Box 8
Tuscarora, NV. 89834

RE: Legislative Committee on Federal Lands Meeting, Winnemucca, Nevada, September 11, 1992. Testimony relative to B.L.M. (Department of Interior) conflict of interest in "Market Value" determination regarding land disposal and acquisition policies.

Dear Dean:

You asked if I would expand my thoughts in writing relative to my observations to the way the Department of Interior determines "Market Value" in the sale and exchange of federal lands. I said I would be glad to do so. Also, I would like to touch on their land acquisition policy. There is a relationship.

Here is the basic situation regarding the B.L.M. disposal procedure. Land sales and exchanges are to be consummated for "Market Value". The B.L.M. is the sole judge of the "Market Value". As managers of federal lands in trust, they become both the "seller" and the one who determines Market Value through their appraisal review techniques. Congressional intent is that federal land should be sold for "Market Value" but when that value is determined by the seller, then it is going to be higher than what it should be.

An example is as follows: Congress passed a bill allowing the City of Carlin the opportunity to purchase 400+ acres adjacent to their City limits. I was hired by Carlin and did the appraisal as requested by B.L.M. Carlin submitted the appraisal to the B.L.M. and their reviewing appraiser rejected it. He said my values were too low and I had to re-work the appraisal. I refused to do so. This, of course, is a challenge to my credibility and I had a client to think about. I felt my values were valid and the B.L.M. was unreasonable. However, in order to get over the impasse, I contacted another appraiser to re-appraise the property. This appraiser had recently retired from the B.L.M. and I felt he could come to a better understanding. That understanding was almost double my appraised value. Carlin was forced to pay a higher price because of the failure of my appraisal to meet the B.L.M.'s in-house staff's approval.

I am sure someone will say that, if Carlin paid the price then that shows that it was Market Value. That may be true but not necessarily. In actuality the free market did not have an opportunity to act. Carlin was forced to pay the higher re-appraised price or else it wouldn't get the property. The B.L.M. was a mitigating factor when they should not have been.

Honorable Senator Dean Rhoads
September 18, 1992
Page 2

An independent reviewing appraiser should have been involved. I feel Carlin paid too much for the property just because they wanted it, and the B.L.M. was secure in that assumption. At that point, they became the "seller" and not the "manager". Since there was a conflict in the appraiser's opinion and the B.L.M.'s opinion, a disinterested party should have been the judge. This is where I feel the "kiting" of value occurs.

The B.L.M. is very helpful towards appraisers trying to do a job as described above. They offer comparable sales, maps, technical advice on easements, rights of way, etc. I was very appreciative. However, I find that they do not verify comparable sales properly and often are misinformed. I have done two appraisals for them as an independent appraiser and found this true in both cases. I refuse to do any more appraisals where the B.L.M. is involved.

My conclusion is that the B.L.M. procedure creates a kiting of values and resultant inflation.

What is the purpose? On one hand the B.L.M. essentially controls the sales price of land through their reviewing appraiser. On the other hand, the Department of Interior is spending millions of dollars acquiring private lands. They have been doing this through "non-profit" organizations that make windfall profits when they re-sell to the Department of Interior. The Inspector General says that the U.S. Fish and Wildlife Service alone has paid \$5 million dollars more than Market Value to these "non-profit" organizations.

Summary

The Department of Interior is directly responsible for non-competitive inflation. The free market does not compete in their system. The cause and effect of what is happening must be understood in order to stop the manipulation of land values.

Their land disposal program is controlled through their exclusive reviewing appraiser procedure. Independent professional appraisal review services are available in the private sector. This is an excellent source for independent third party input.

Their land acquisition programs are handled through specific organizations that profit handsomely. It is a closed market and essentially rewards those who have the same philosophy as the bureaucrats at taxpayer expense. At least what they are doing is unethical.

Both programs contribute to inflation and denied economic use by the public. This in turn affects private property rights and increases taxes.

Honorable Senator Dean Rhoads
September 18, 1992
Page 3

Department of Interior policy clearly is designed to circumvent the free enterprise system. It contributes to the demise of our competitive system by creating their own in-house values which adversely affects the public.

Congressional intent in lands transactions is to establish "Market Value". Department of Interior policy precludes this reality. "Market Value" in both disposal and acquisition policies should be renamed "Inflated Market Value".

If the federal government had to pay property taxes as the public does, perhaps they would reconsider their inflationary tactics.

Please let me know if you need any further clarification of my thoughts.

Sincerely,

A handwritten signature in cursive script that reads "Donnell Richards". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Donnell "Mick" Richards

DMR:pf



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Nevada State Office
850 Harvard Way
P.O. Box 12000
Reno, Nevada 89520-0006



IN REPLY REFER TO

N-53355

9300

(NV-944) (NV-912)

JAN 13 1993

Honorable Dean A. Rhoads
Nevada Legislature
Chairman, Committee on Public Lands
Capitol Complex
Carson City, Nevada 89710

Dear Senator Rhoads:

Your staff director has asked for our comments on a letter from Donnell Richards of Winnemucca, Nevada, concerning the Bureau of Land Management (BLM) sale of land to the City of Carlin. The land in question was sold under the authority of the Federal Land Policy and Management Act, to the City in 1991 at the approved appraised price. A direct sale was made without competitive bidding at the request of the City of Carlin.

Mr. Richards's problem with this action apparently dates back to a preliminary appraisal he did for the City of Carlin in 1989 which was never submitted to the BLM for review. Had this report been reviewed by the Branch of Appraisal, the same concerns raised by the reviewer with his December 1990 report could have been addressed at an earlier date. The latter report was reviewed as required by Governmental and Professional Appraisal Standards and was found to be unsatisfactory because of unsupported judgements, improper adjustments and selection of sales data having little or no relation to the highest and best use of the subject property. A meeting was held with Mr. Richards and these problems were related. At no time was any particular value suggested to Mr. Richards as being appropriate for the land; however, it was pointed out that his estimate of \$220.00 per acre was extremely conservative and not supported by the facts.

At this point, Mr. Richards decided that he did not wish to take the time to upgrade the report to meet the BLM standards outlined in the specifications previously furnished him. Since no further attempt was made by Mr. Richards to answer the reviewers concerns and questions we had no option but to reject the report.

Mr. Richards states in several places that a "reappraisal" was then completed by another appraiser which increased his "appraised value". The fact is that his report was rejected and his "appraised value" should not be construed in any way as a benchmark figure for the final approved valuation of the property. The City of Carlin did express some concerns with the second report and these questions were apparently satisfactorily answered since the City subsequently bought the property at the approved appraised price.

The suggestion is made that an independent reviewer should have been involved and this is an option sometimes utilized by the BLM. However, this would take place at the request of the client, not the appraiser, and such a request was never made by the City of Carlin. Had an outside reviewer been contracted for this project, the resulting time lag would probably have rendered Mr. Richards' report unacceptable without an update. In addition, any extension beyond July 1, 1991, would have necessitated the hiring of a new appraiser since Mr. Richards was not then, and is not now, licensed as an appraiser in the State of Nevada. Any appraisal work performed by Mr. Richards for any client subsequent to the July 1 deadline, would be in violation of NRS 645C.

Mr. Richards' allegation that the BLM in Nevada is somehow involved in a "windfall" scheme with the non-profit organizations is without merit. The BLM has never, to date, acquired any property directly from any non-profit organization. The Nature Conservancy (TNC) did act as a facilitator in the Summa Corporation acquisition near Red Rock Canyon in Clark County. As a result of TNC's dedication and negotiating skill, the BLM acquired a large parcel of valuable recreation land at 25 percent less than the approved market value appraisal. Two current projects are pending in Humboldt County which will culminate in the direct purchase of properties from The Nature Conservancy and the American Land Conservancy (Soldier Meadow's Ranch and Water Canyon). I can assure you that both of these purchases are based on approved market value reports prepared by well-qualified and properly licensed fee appraisers.

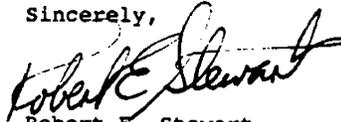
Enclosed for your information is a copy of our review of Mr. Richards' December 1990 appraisal report which he declined to respond to in writing. I hope this and the above summary of our actions on this project will answer any questions from you or the members of the Public Lands Committee.

The second subject addressed in the letter from Ms. Bennett was the packet of documents from the Wilson family of Crescent Valley concerning their application to BLM for a right-of-way.

At this time, we anticipate issuance of a grant. There is a 700 foot section in Lander County where legal access is a question, and we are pursuing resolution of that point. Once the grant is signed, issuance of a notice to proceed will be held pending final discussion with the Wilsons or their representative relative to the fence. We are returning the material you supplied, which duplicates material in our files.

If we can be of additional assistance in this matter, do not hesitate to contact me or members of my staff.

Sincerely,



Robert E. Stewart

Public Information Specialist

2 Enclosures

- 1 - Appraisal Review, N-53355 (8 pp)
- 2 - Packet of materials from Legislature

APPENDIX M

COMMITTEE LETTER TO
NEVADA'S CONGRESSIONAL DELEGATION,
DATED NOVEMBER 20, 1992

NEVADA LEGISLATURE'S
COMMITTEE ON PUBLIC LANDS
LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



SENATOR DEAN A. RHOADS, Chairman
ASSEMBLYMAN MATTHEW Q. CALLISTER, Vice Chairman
SENATOR VIRGIL M. GETTO
SENATOR JOHN M. VERGIELS
ASSEMBLYMAN JOSEPH JOHNSON
ASSEMBLYMAN JOHN W. MARVEL
CLARK COUNTY COMMISSIONER KAREN W. HAYES

STAFF DIRECTOR: DANA R. BENNETT (702) 687-6825

AN IDENTICAL LETTER WAS MAILED TO
SENATOR RICHARD H. BRYAN AND REPRESENTATIVES
JAMES H. BILBRAY AND BARBARA VUCANOVICH.

November 20, 1992

The Honorable Harry Reid
United States Senator
324 Hart Senate Office Building
Washington, DC 20510

Dear Senator Reid:

At its final meeting of this legislative interim, the Nevada Legislature's Committee on Public Lands (*Nevada Revised Statutes* 218.536, *et seq.*) voted unanimously to respectfully request that you and your Nevada Congressional colleagues introduce and support legislation concerning the acquisition of Federal land by local governments. Specifically, the committee proposes that this legislation require the Federal land management agencies to streamline and expedite their land disposal procedures for local governments seeking land needed to accommodate community expansion.

As you know, the majority of Nevada's land (approximately 87 percent) is controlled by the Federal Government. Additionally, Nevada has the highest population growth rate of any of the states. Many newcomers to the State choose to reside in communities which happen to be surrounded by Federal lands. Consequently, many Nevada towns are finding it difficult to expand sufficiently to absorb new residents.

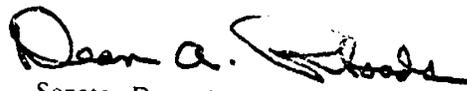
Currently, Federal laws and regulations provide procedures for a community to acquire Federal land which may be used for expansion. However, Nevada communities, such as Carlin and North Las Vegas, which attempted to obtain Federal land have experienced an expensive, difficult process taking three years or more.

Page 2

This delay adversely affects a community's ability to manage its growth adequately and to benefit economically from additional property taxes. Therefore, the Public Lands Committee has concluded that Federal legislation is needed to correct this problem.

Thank you for your consideration of this request. If the committee can provide any assistance with this proposal, please do not hesitate to let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean A. Rhoads". The signature is fluid and cursive, with a large initial "D" and "R".

Senator Dean A. Rhoads
Chairman, Public Lands Committee

DAR/pok:PLANDS,L61,S1

APPENDIX N

COMMITTEE LETTERS TO
THE AMERICAN LEGISLATIVE EXCHANGE COUNCIL,
THE COUNCIL OF STATE GOVERNMENTS'
WESTERN LEGISLATIVE CONFERENCE,
AND THE
NATIONAL CONFERENCE OF STATE LEGISLATURES,
DATED NOVEMBER 20, 1992,
AND A
RESPONDING LETTER FROM THE
WESTERN LEGISLATIVE CONFERENCE

NEVADA LEGISLATURE'S
COMMITTEE ON PUBLIC LANDS
LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



SENATOR DEAN A. RHOADS, Chairman
ASSEMBLYMAN MATTHEW Q. CALLISTER, Vice Chairman
SENATOR VIRGIL M. GETTO
SENATOR JOHN M. VERGIELS
ASSEMBLYMAN JOSEPH JOHNSON
ASSEMBLYMAN JOHN W. MARVEL
CLARK COUNTY COMMISSIONER KAREN W. HAYES

STAFF DIRECTOR: DANA R. BENNETT (702) 687-6825

November 20, 1992

Samuel A. Brunelli
Executive Director
American Legislative Exchange Council
214 Massachusetts Avenue, NE
Suite 240
Washington, DC 20002

Dear Mr. Brunelli:

As you may know, the Committee on Public Lands is a permanent committee of the Nevada Legislature authorized by *Nevada Revised Statutes* 218.536, *et seq.* It was created in 1983 to review and comment on proposals and practices affecting lands controlled by the Federal Government in this State and to provide a forum for the discussion of public lands matters.

In conducting its business, the committee travels to Washington, D.C., annually to discuss public lands issues with certain United States Congressional and Federal Executive Branch officials. The purposes of these trips are to monitor Federal legislation and regulations and to emphasize the Nevada Legislature's positions on public lands issues.

The committee met with Tom Jensen, Counsel to Senator J. Bennett Johnston, during its most recent visit (April 8-9, 1992). In the course of the discussion, Mr. Jensen proposed that a multi-state committee be created to consider resource issues in the West. Consisting of representatives from the Western States, this committee would be charged with developing self-policing procedures for activities on public lands which would allow states to prevent and/or resolve problems before Federal land management agencies intercede. Mr. Jensen suggested that a successful committee might convince Congress to release Federal control of additional land in the West.

Page 2

At its worksession on October 23, 1992, the Committee on Public Lands voted unanimously to encourage the national legislative organizations to create and sponsor such a committee. Consequently, this letter has also been sent to the Western Legislative Conference of The Council of State Governments and the National Conference of State Legislatures.

The members of the Public Lands Committee agree that this idea has merit and respectfully request that your organization consider creating such a committee. Should you decide to pursue this suggestion, please do not hesitate to contact me if the Public Lands Committee can provide any assistance.

Sincerely,

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

Senator Dean A. Rhoads
Chairman, Public Lands Committee

DAR/pok:PLANDS,L4,S1

NEVADA LEGISLATURE'S
COMMITTEE ON PUBLIC LANDS

LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



SENATOR DEAN A. RHOADS, Chairman
ASSEMBLYMAN MATTHEW Q. CALLISTER, Vice Chairman
SENATOR VIRGIL M. GETTO
SENATOR JOHN M. VERGIELS
ASSEMBLYMAN JOSEPH JOHNSON
ASSEMBLYMAN JOHN W. MARVEL
CLARK COUNTY COMMISSIONER KAREN W. HAYES

STAFF DIRECTOR: DANA R. BENNETT (702) 687-6825

November 20, 1992

William Pound
Executive Director
National Conference of State Legislatures
1560 Broadway, Suite 700
Denver, CO 80202

Dear Mr. Pound:

As you may know, the Committee on Public Lands is a permanent committee of the Nevada Legislature authorized by *Nevada Revised Statutes* 218.536, *et seq.* It was created in 1983 to review and comment on proposals and practices affecting lands controlled by the Federal Government in this State and to provide a forum for the discussion of public lands matters.

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Sincerely,

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Senator Dean A. Rhoads
Chairman, Public Lands Committee

DAR/pok:PLANDS,L64.1.S1

NEVADA LEGISLATURE'S
COMMITTEE ON PUBLIC LANDS
LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



SENATOR DEAN A. RHOADS, Chairman
ASSEMBLYMAN MATTHEW Q. CALLISTER, Vice Chairman
SENATOR VIRGIL M. GETTO
SENATOR JOHN M. VERGIELS
ASSEMBLYMAN JOSEPH JOHNSON
ASSEMBLYMAN JOHN W. MARVEL
CLARK COUNTY COMMISSIONER KAREN W. HAYES

STAFF DIRECTOR: DANA R. BENNETT (702) 687-6825

November 20, 1992

Andrew P. Grose
Western Office Director
Western Legislative Conference
The Council of State Governments
121 Second Street, Fourth Floor
San Francisco, CA 94105

Dear Mr. Grose:

As you may know, the Committee on Public Lands is a permanent committee of the Nevada Legislature authorized by *Nevada Revised Statutes* 218.536, *et seq.* It was created in 1983 to review and comment on proposals and practices affecting lands controlled by the Federal Government in this State and to provide a forum for the discussion of public lands matters.

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The members of the Public Lands Committee agree that this idea has merit and respectfully request that your organization consider creating such a committee. Should you decide to pursue this suggestion, please do not hesitate to contact me if the Public Lands Committee can provide any assistance.

Sincerely,


Senator Dean A. Rhoads
Chairman, Public Lands Committee

DAR/pok:PLANDS.L64.2.S1



THE COUNCIL OF STATE GOVERNMENTS WESTERN OFFICE
121 SECOND STREET 4TH FLOOR SAN FRANCISCO, CA 94105 TELEPHONE (415) 974-6422

November 29, 1992

Senator Dean Rhoads, Chairman
Committee on Public Lands
Nevada Legislature
Legislative Building
Capitol Complex
Carson City, NV 89710

- WESTERN STATES
- ALASKA
- ARIZONA
- CALIFORNIA
- COLORADO
- HAWAII
- IDAHO
- MONTANA
- NEVADA
- NEW MEXICO
- OREGON
- UTAH
- WASHINGTON
- WYOMING
- PACIFIC ISLANDS
- AMERICAN SAMOA
- COMMONWEALTH OF THE
NORTHERN MARIANA
ISLANDS
- GUAM

Dear Dean:

Thanks for your letter concerning a regional multistate forum for the public lands issue. We are interested in the subject and would be happy to assist. You may recall from when I staffed the Public Lands Committee in the late 1970's that we used the Western Legislative Conference as a very effective vehicle to both organize the public lands states and to press the agenda in Washington.

The Western Legislative Conference has had either a public lands or a natural resource committee that included public lands issues for over 20 years. We currently have an Environment and Resource Management Committee. It will be renewed effective January 1993 for another two years. The public lands issue is clearly within their scope.

A workplan for the committee was adopted at the WLC Annual Meeting in Guam earlier this month. That initial workplan, which is intended to get the committee started, does not have a public lands element per se. It could well be added, depending upon the will of the committee.

The next thing that happens for the new biennium is that appointment letters will be sent to appointing authorities in each state. In Nevada, that is the Speaker and Senate Majority Leader. It seems to me that you should be sure to have yourself and others on your committee appointed to our Environment and Resource Management Committee. From there, the use of the WLC for your public lands agenda would depend on that committee and the WLC Executive Committee.

I am a bit confused by one thing in your letter. You say that Bennett Johnston's staffer suggested a multistate committee to deal with public lands issues in the West. You then say your committee voted to ask us as well as NCSL and ALEC to create such a committee. Clearly you need to decide who will be asked to do this. It makes no sense to have all three of us tripping over each other. Certainly the WLC makes the most sense to take on a western regional issue.

In the past, NCSL was not particularly interested. I think ALEC will be seen by the new administration as a bit suspect, since it has had a fairly high partisan profile. You may recall we tried using ALEC in 1979-80 without much success. In fairness, ALEC was in its formative years then. The advantage to you of the WLC is the same now as it was last time. We are regional. We are non-partisan. We have a long history of creating interstate cooperation on regional issues.

Anyway, we are happy to consider the public lands issue, but we need to understand more clearly just whom you are asking to do what. It is interesting that the current suggestion addresses much the same issue as raised over a decade ago, which is that the states lack credibility as public lands managers.

My candid opinion, unhampered by any direct knowledge, except of Congress in general, is that the suggestion was made to you knowing it was an extremely difficult task that, if ever successful, would take years. In short, a cynical suggestion. Just a thought! No matter what, it seems clear that you need a multistate approach to the issue just as we did in 1979.

I look forward to hearing from you to further develop your ideas.

Sincerely,

Andrew P. Grose, Director

AD:ad/nvpublds

APPENDIX O

ISSUE PAPERS

USED BY THE PUBLIC LANDS COMMITTEE ON ITS

VISIT TO WASHINGTON, D.C.,

OCTOBER 9-10, 1991

BLM WILDERNESS REVIEW PROCESS

At the United States Congress' direction, the U.S. Bureau of Land Management (BLM) has been conducting a three-phase review effort to determine which of its public lands should be designated wilderness. The effort consists of inventory, study and eventual reporting to Congress of the BLM's recommendations.

The inventory phase was completed in 1981 with the identification of Wilderness Study Areas (WSAs) that meet the Congressional wilderness criteria. In Nevada, approximately 5.1 million acres of BLM lands were designated as WSAs.

Studies have been completed on the WSAs in Nevada. The study process involved environmental impact statements, public participation and mineral reports on areas preliminarily recommended as suitable for wilderness.

Nevada's BLM statewide wilderness recommendation package has been submitted to the U.S. Secretary of the Interior. The package recommends approximately 1.9 million acres of BLM lands in Nevada for wilderness designation. However, the Secretary, Manuel Lujan, recently removed nearly 50,000 acres from consideration as wilderness areas.

The two WSAs removed consisted of 33,900 acres surrounding Piper Peak west of Tonopah and 15,090 acres of Roberts Mountains in central Nevada. These areas were removed by Secretary Lujan at the request of the U.S. Bureau of Mines, based on potential mining in the area.

Final recommendations are scheduled to be forwarded to President George Bush in October 1991. He then has 2 years to review them and forward them to Congress. The recommendations meet a 15-year deadline set by Congress in 1976 for the BLM to study and recommend wilderness areas nationwide. Congress will make the final decision on which areas will be designated as wilderness. In the meantime, all 5 million acres of Nevada's WSAs will be treated as wilderness.

Questions might include:

1. Will the President's review have any impact on the number of acres included in the final recommendation to Congress? Could he also reduce the package? Could he increase it (for example, by overruling Secretary Lujan to keep the 50,000 acres in the package)?
2. How much weight will Congress give to BLM recommendations?
3. What recommendations will Congress consider concerning water language in legislation designating BLM wilderness areas?

GRADUAL LAND ACQUISITION PROCESS

PROPOSAL

The gradual land acquisition process is a proposal to identify Federal lands needed now and in the future in Nevada primarily for expanding population centers to allow the State and its local governments to adequately plan for growth and development within the constraints of available resources.

JUSTIFICATION

Limited private land base in the State versus rapidly growing population.

Limited supplies of water and other resources necessitate some governmental control and planning for growth.

Numerous, piecemeal land transactions by the United States Congress and the Federal land management agencies in recent years (such as APEX, Aerojet, mobile home park lands, special lands legislation for various communities, and so on); and the likelihood that requests for further land transactions will be required as the State continues to grow.

Cumbersome and time-consuming nature of existing procedures for the acquisition, exchange and sale of Federal lands.

Need to plan in Nevada for future growth and economic development by identifying lands necessary for specific purposes such as community development and expansion.

Would assist the Federal land management agencies in their land use planning processes by designating lands for disposal consistent with the needs and plans of local governments in the State.

Would assist Congress in dealing with future land transactions through a consolidated approach from the State.

Would implement policy in State law (*Nevada Revised Statutes* 321.00051) to continue to seek the acquisition of Federal lands in Nevada.

OUTLINE OF POSSIBLE TASKS TO IMPLEMENT PROCESS

Conduct a comprehensive inventory of land needs by county in Nevada to identify Federal lands for specific purposes. Focus on lands needed around rapidly expanding communities to accommodate population growth and economic development through the next decade.

Provide specific list of land needs by county, with legal descriptions, and the anticipated purpose for those lands.

Identify any possible conflicts for the identified lands.

Provide recommendations on possible procedures for the State and the Federal Government to set aside, sell and/or transfer the needed lands.

Be prepared to explain and testify before the appropriate public lands subcommittees in Congress on the lands inventory process and recommendations.

STATUS OF PROPOSAL

The Committee on Public Lands considered the employment of an independent consultant to perform the tasks listed. Yet, after discussion with various State and local officials, the committee chose to support the employment of a planner in Nevada's Division of State Lands. The planner would not only complete the initial survey, with the assistance of county planners, but would also provide continuity throughout the life of the project.

However, due to budget constraints, the additional position for the division was not approved during the 1991 Legislative Session.

INDICATIONS OF SUPPORT FOR THE PROPOSAL

Letters to support funding for a consultant to perform the aforementioned tasks from all members of Nevada's congressional delegation.

Letter supporting the concept from Manuel Lujan, Secretary of the Interior.

Support of the concept from Cy Jamison, Director of the U.S. Bureau of Land Management.

Resolution of support from the State Multiple Use Advisory Committee on Federal Lands.

Resolution of support from Nevada's Commission on Economic Development.

Continued interest and support from the State Land Use Planning Advisory Council.

Issues and Questions might include:

1. Brief Congressional delegation and Federal officials and determine their continuing level of support for this concept.
2. Do they believe that Congress would be receptive to this approach?
3. What provisions or considerations should be included in such a proposal?

GRAZING FEES AND RANGE MANAGEMENT

Concern continues in the West about maintaining the current grazing fee formula and monitoring range management procedures by the Federal land management agencies.

The existing grazing fee formula is established by an Executive Order signed by President Ronald Reagan in 1986 and subsequent regulations adopted by the United States Bureau of Land Management and the U.S. Forest Service. The current formula is believed to be equitable in that it prevents economic disruption and harm to the western livestock industry and reflects annual changes in the costs of production.

The 1991 Nevada Legislature adopted Senate Joint Resolution No. 17 (File No. 146, *Statutes of Nevada 1991*, page 2606) which indicates support for the current fee formula for grazing on public lands. The resolution further urges Congress to adopt H.R. 1292 which would make permanent the Public Rangeland Improvement Act of 1978. The current grazing fee formula originated in this act. A similar resolution was adopted by the 1989 Nevada Legislature (S.J.R. 6, File No. 82, *Statutes of Nevada 1989*, page 2271).

Currently, a Congressionally-ordered study is examining the grazing fee issue. The study's findings are expected to be reported to Congress this year.

Questions might include:

1. What is the status of the grazing fee study in Congress? Will the issue be settled this session?
2. Are there any changes under consideration relating to range management procedures, such as reducing livestock allocations?
3. How will the increased emphasis on recreation and wildlife resources affect traditional allocations for uses of the public lands?

LAHONTAN CUTTHROAT TROUT

The 1991 Nevada Legislature adopted Senate Joint Resolution No. 23 (File No. 174, *Statutes of Nevada 1991*, pages 2633-2634) to propose removing the Lahontan cutthroat trout from the threatened species list. The resolution urges the United States Secretaries of Agriculture and Interior to organize an interagency task force to develop a plan for the recovery of the trout in Nevada. A copy of the measure was provided to officials in the U.S. Fish and Wildlife Service (USFS) during the committee's meeting in Washington, D.C., in October 1991.

The Lahontan cutthroat trout has been classified as a threatened species since 1975 as a result of deteriorating riparian areas. In recognition of the declining population of trout in its historic habitat of Pyramid Lake and the lower Truckee River, the U.S. Congress, pursuant to Public Law 101-618, directed the Secretary of the Interior to implement plans for the recovery of these fish.

The Nevada Legislature, through S.J.R. 23, recognizes the advantage of preparing similar plans for other threatened populations of Lahontan cutthroat trout, such as those in the Carson, Humboldt, Owyhee, Quinn and Walker River basins. Because of the wide geographical distribution of the populations of the trout and the disparity in Federal agencies with jurisdiction over the affected land, coordinated interagency cooperation is required to ensure the recovery of the Lahontan cutthroat trout.

Therefore, the Legislature urges the organization of an interagency task force, consisting of representatives of the U.S.F&WS, U.S. Bureau of Land Management, U.S. Forest Service and appropriate agencies of the State of Nevada. This group would be requested to expeditiously develop, with the assistance of interested organizations, a plan for the recovery of the various populations of Lahontan cutthroat trout in this State. The resolution also requests that the task force be instructed to include recommendations of methods to provide for the removal of the trout from its classification as a threatened species in the various river basins of Nevada, giving consideration to the relative size of those populations and conditions of the habitat in the basins.

Questions might include:

1. What is the status of this task force?
2. Has this approach been used to "delist" any other endangered or threatened species?
3. Could a similar task force be commissioned before species are officially determined to be threatened or endangered as a method to prevent the listing?

MINING REGULATIONS

The 1991 Nevada Legislature adopted two resolutions addressed to the Federal Government on mining issues.

The first, Senate Joint Resolution No. 22 (File No. 145, *Statutes of Nevada 1991*, page 2605), urges the United States Environmental Protection Agency (EPA) to conduct a complete review of its proposed standards for the regulation of mining waste. In addition, EPA is urged to renew its cooperative effort with the Western Governors' Association (WGA) to develop regulations that incorporate the goals outlined by the WGA in 1988.

The resolution notes that the EPA is currently developing regulations governing mine waste which fail to include recommendations made by the Mine Waste Task Force of WGA. The resolution further states that the regulation of mine waste is best handled at the State level and that Federal regulations should preserve the primacy of the states in this area.

In addition, the Legislature made it clear to the U.S. Congress that Nevada does not support efforts in that body to substantially alter the Mining Law of 1872.

Senate Joint Resolution No. 18 (File No. 149, *Statutes of Nevada 1991*, pages 2608-2609) urges Congress to oppose H.R. 918, introduced by Congressman Nick J. Rahall, II, and S. 433, introduced by Senator Dale Bumpers. These bills would significantly change the Mining Law of 1872 which has served this Country for over 100 years. The resolution further urges Congress to oppose the holding fee for mining claims contained in the proposed budget appropriation of the Office of Management and Budget for Fiscal Year 1991-1992.

Issues and Questions might include:

1. Discuss the primacy of the states in regulating the waste from mines.
2. Determine the level of support for changes to the Mining Law of 1872 and for increased fees for mining on public lands.

3. What are the possibilities that Congress will approve substantial changes to the Mining Law of 1872 during this session?

RIPARIAN MANAGEMENT POLICIES AND "WETLANDS" DEFINITION

Increased attention in recent years has been focused on the management of riparian areas in the West. A riparian area is defined as an area of land directly influenced by permanent water. It has visible vegetation and physical characteristics that reflect the water influence such as lake shores and stream banks.

Riparian areas in Nevada include less than one-half of 1 percent of the land, but these areas are critical for numerous uses such as recreation, wildlife and fisheries habitat, agriculture, grazing, roads, mining, and others.

Federal land management agencies have increased efforts to improve riparian areas, focusing much of the attention on changes in grazing management practices. The agencies also have been limited in staff and resources to accomplish significant improvements. Policies have been developed to guide their efforts in riparian management.

A closely related topic concerns the official definition of the term "wetlands." After President George Bush declared that there would be "no net loss of wetlands" during his Administration, Executive Branch officials scrambled for a definition of the term. However, the result of their efforts concerned many people who believed that the definition was too broad and impacted too much land, including lands which may not truly be wetlands such as artificially irrigated land. Currently, efforts are underway to adjust this definition to more narrowly describe wetlands.

Questions might include:

1. What are the status and focus of riparian management policies?
2. What is the progress of a new definition of wetlands?
3. Are there any prospects for action by Congress on these issues?
4. What changes are anticipated in the future concerning riparian and wetlands area management?

SHOSHONE LAND ISSUE

For many years, the Western Shoshone have argued that their traditional lands in Nevada were never ceded to the United States Government. The most visible aspect of this argument has been the lawsuit between Mary and Carrie Dann of central Nevada and the U.S.

The Dann sisters' court battle began in 1976 when they refused to pay the United States Bureau of Land Management (BLM) grazing fees. They have consistently argued that the 1863 Treaty of Ruby Valley was the only treaty between the Shoshones and the U.S. ratified by Congress. They claim that the treaty offered safe passage to settlers crossing the land, but did not give Shoshone land to the government.

As part of their protest, the Danns grazed more cattle and horses than the numbers allowed by BLM, claiming that BLM has no authority over Shoshones on Shoshone land. Three other Western Shoshone Reservations have also refused to pay BLM grazing fees on adjacent public lands, using the same argument as the Danns of ancestral land. However, the Duckwater, South Fork and Yomba Reservations have maintained herds at BLM levels.

During the Dann case, in 1979, the Indian Claims Commission determined the Western Shoshone lands were worth \$26 million when they were taken by the U.S. in the 19th Century and allocated that money to pay the Western Shoshones. But the Western Shoshone Tribal Council has refused to sign away their claims to the land, and the money remains in a government trust fund, growing to more than \$70 million.

Recently, the U.S. Supreme Court ruled that the Federal Government paid for the land, but did not address the issue of whether title had transferred despite the Shoshones refusing the money. In June 1991, U.S. District Court Judge Bruce Thompson, following the dictates of the appellate courts, ordered the BLM to remove the excess Dann livestock from the land.

The Danns and other groups promised to resist BLM's efforts to remove the livestock. However, a compromise was reached between the Danns, the Western Shoshone National Council and BLM on September 24, 1991. The Danns agreed to voluntarily begin reducing the number of livestock grazing on public lands and to "substantially reduce" their herds through

sales over the winter. By next March, when the livestock would normally be returned to the range, BLM and the Council will work out an agreement on the number of livestock to be allowed on the land.

However, the Shoshones maintain that the Dann situation is a minor issue. The larger issue concerning title to traditional Shoshone lands in Nevada, approximately 30 million acres, has not been resolved.

Questions might include:

1. Will Congress become involved in settling the issue of title to Shoshone lands?
2. What provisions or considerations might be included in such a settlement?

THE SPECIAL NEVADA REPORT

As part of the Military Lands Withdrawal Act of 1986 (Public Law 99-606), the United States Congress directed the U.S. Secretaries of the Air Force, Navy and Interior to prepare a Congressional study entitled the *Special Nevada Report*. The law required the report to identify existing and planned Military land and airspace withdrawals in Nevada, to describe the cumulative effects of Military activities in the State and to discuss possible ways to mitigate the impact of these withdrawals and activities. The report had a 5-year deadline.

In 1988, the State of Nevada negotiated a "Memorandum of Agreement" with the participating Federal agencies. This memorandum allows the State of Nevada the opportunity to participate in the review of the *Special Nevada Report*. Subsequently, the State provided over 100 pages of comments on the report. Many of these comments were included in the final report, which should be presented to Congress in November 1991.

In its response on the draft report in February 1991, the State provided the following general comments:

Overall, we found the document misleading in its presentation of the effects of military training activities on the people and environment of Nevada. Although 25 major problem areas were identified in the report, the reader is left with the impression that the problems are not serious.

At the Public Lands Committee meeting on August 23, 1991, the committee voted to send a letter to Tom Lord (who is coordinating the report) supporting the State's position that, in the report, the Military should agree to release Mt. Grant as a mitigation measure. A copy of this letter is attached. The committee also voted to send a letter to the appropriate Congressional committee to request that hearings on the report be held in Nevada. That letter will be sent when the report is released and assigned to a committee.

(Note: Additional details are provided in the enclosed comments from the State concerning the report.)

Questions might include:

1. What is the status of the report? Are State comments and concerns being addressed in the final version of the report?
2. What is foreseen as the impact and effects of the *Special Nevada Report* after it is submitted to Congress?

WILD HORSE MANAGEMENT

The 1991 Nevada Legislature adopted Assembly Joint Resolution No. 28 (File No. 177, *Statutes of Nevada 1991*, pages 2636-2637) to urge the United States Congress to base the allocation of money for the management of wild horses and burros on the population of these animals in each state. In addition, the resolution requests that the U.S. Secretaries of Interior and Agriculture recognize that Nevada's Commission for the Preservation of Wild Horses is a State agency for the purposes of the Wild Free-Roaming Horses and Burros Act of 1971.

Currently, Nevada is home to over 65 percent of the Nation's wild horses and burros. This population is increasing by approximately 18 percent each year. However, the U.S. Bureau of Land Management (BLM) in Nevada receives less than 16 percent of the Department of Interior's budget allocated for the management of wild horses. Scant resources and burgeoning horse populations have combined to create an unfavorable situation for the animals as demonstrated recently by the conditions on the Nellis Air Force Range.

Additionally, the BLM has indicated that the sanctuary program, created to provide a range for unadoptable wild horses, will be discontinued. However, it is not yet clear where the sanctuary horses will go once the program is ended.

Questions might include:

1. Can changes be anticipated in how funding for the management of wild horses and burros is allocated to the BLM in Nevada?
2. What is the latest plan for fertility control? How will such methods be funded?
3. What is the timeline for discontinuing the sanctuaries? Will these horses be returned to Nevada? If so, what assurances will there be that they will not pose health or environmental problems to the land and its animal inhabitants, both wild and domestic?

APPENDIX P

ISSUE PAPERS

USED BY THE PUBLIC LANDS COMMITTEE

ON ITS VISIT TO WASHINGTON, D.C.,

APRIL 8-9, 1992

BLM WILDERNESS

At the United States Congress's direction, the U.S. Bureau of Land Management (BLM) has been conducting a three-phase review effort to determine which of its public lands should be designated wilderness. The effort consists of inventory, study and eventual reporting to Congress of the BLM's recommendations.

The inventory phase was completed in 1981 with the identification of Wilderness Study Areas (WSAs) that meet the Congressional wilderness criteria. In Nevada, approximately 5.1 million acres of BLM lands were designated as WSAs.

Studies have been completed on the WSAs in Nevada. The study process involved environmental impact statements, public participation and mineral reports on areas preliminarily recommended as suitable for wilderness.

Nevada's BLM statewide wilderness recommendation package has been submitted to the U.S. Secretary of the Interior. The package recommends approximately 1.9 million acres of BLM lands in Nevada for wilderness designation. However, the Secretary, Manuel Lujan, removed nearly 50,000 acres from consideration as wilderness areas.

The two WSAs removed consisted of 33,900 acres surrounding Piper Peak west of Tonopah and 15,090 acres of Roberts Mountains in central Nevada. These areas were removed by Secretary Lujan at the request of the U.S. Bureau of Mines, based on potential mining in the area.

Final recommendations were forwarded to President George Bush in the fall of 1991. He has 2 years to review them and forward them to Congress. The recommendations meet a 15-year deadline set by Congress in 1976 for the BLM to study and recommend wilderness areas nationwide. Congress will make the final decision on which areas will be designated as wilderness. In the meantime, all 5 million acres of Nevada's WSAs will be treated as wilderness.

Questions might include:

1. Will the President's review have any impact on the number of acres included in the final recommendation to Congress? Could he also reduce the package? Could he

increase it (for example, by overruling Secretary Lujan to keep the 50,000 acres in the package)?

2. How much weight will Congress give to BLM recommendations?
3. What recommendations will Congress consider concerning water language in legislation designating BLM wilderness areas?

NORTH LAS VEGAS LAND ACQUISITION

In 1989, the City of North Las Vegas, Nevada, initiated procedures to purchase 7,500 acres of public land managed by the United States Bureau of Land Management (BLM). The city wants the land to provide an additional land base for its expanding population.

An environmental assessment on the proposal was completed in 1991, and BLM's "Record of Decision" indicated that it found no significant impact if the city acquired the land. However, BLM's decision was appealed by the Citizen Alert and Sierra Club, based on air quality and water supply considerations.

Although BLM listed the land as available for disposal, the process for purchasing it has taken 3 years. At the last meeting of the Public Lands Committee, the committee expressed its concern that such a process is so lengthy.

Recently, it was suggested that the city might acquire the land it wants through an exchange with the Federal Government. In return for surrendering public land to the city, the Government would acquire the Galena property in Washoe County which is currently private land located within the U.S. Forest Service area.

Senator Richard H. Bryan and Cy Jamison, Director of BLM, discussed this issue. Mr. Jamison indicated that he required two things before proceeding with the exchange: (1) a letter from the city supporting the exchange; and (2) the withdrawal of the appeal by Citizen Alert and Sierra Club. According to the city's testimony at the last Public Lands Committee meeting, the city has responded, but the appeal had not yet been withdrawn.

Questions might include:

1. What is the status of this situation? Has the appeal been withdrawn?
2. Is the acquisition by the City of North Las Vegas now dependent on exchanging the Galena land? Or could the city continue the purchasing process it had already begun? If the exchange is the preferred method for obtaining the land, will any additional studies be required that might further delay the acquisition?

3. How can the process for purchasing Federal land be improved to allow local governments quicker access to land needed to accommodate growth, particularly land that has been marked for disposal?

GOSHAWKS

(The following information was provided by Royce Hackworth of Hackworth Drilling Company in Elko, Nevada.)

Recently, Region 4 of the United States Forest Service (USFS) classified the goshawk as a "sensitive species." Region 4 (also called the Intermountain Region) includes the Humboldt National Forest in Elko County.

The "sensitive" classification is authorized by the Forest Services Management Act of 1976 and is separate and distinct from the Endangered Species Act. The idea behind the "sensitive" designation is to initiate protective measures before the species would become eligible for protection under the Endangered Species Act, thus avoiding a "threatened" or "endangered" species classification and all of the restrictions that accompany such a listing.

Two petitions were presented to the U.S. Fish and Wildlife Service to list the goshawk as "threatened" in the Southwest Region of the USFS. These petitions were denied. No such petitions were presented for the Elko County area. In fact, Nevada's Department of Wildlife indicates that the goshawk population is stable in this area and special protection for its habitat is not necessary.

Apparently, the decision to list the goshawk as "sensitive" in the Intermountain Region was based on data and guidelines developed by the Southwest Region. There were no scientific studies done or public hearings held in the affected areas of the Intermountain Region.

This classification halts all mining and mining-related work being conducted in Humboldt National Forest areas that are within .9 miles of any known goshawk nests from March 15 to June 1 of each year. This period could be extended as late as September 15 and may also impact grazing allotments in the Humboldt and Toiyabe National Forests.

According to Grant Gerber, an attorney in Elko County, the Elko County Commission recently voted to file suit against the Federal Government over this issue.

Questions might include:

1. How many species are listed by the USFS as "sensitive"? Provide some examples and indicate how these classifications have impacted the multiple use of USFS land in other states.
2. What is the process for listing a species as "sensitive" and what are the repercussions? Why are public hearings on proposed listings not held?
3. When is a species removed from the "sensitive" category? Has such a removal taken place? How many of the "sensitive" species have been subsequently listed as "threatened" or "endangered"?

SPRING MOUNTAIN NATIONAL RECREATION AREA

Nevada Congressman James H. Bilbray recently introduced a bill which would designate 316,000 acres in the Spring Mountains as the first national recreation area (NRA) in Nevada. A copy of the bill is attached.

The proposed NRA, which would include popular recreation spots at Mount Charleston, is about a 30-minute drive from Las Vegas. Other areas of the Spring Mountain Range included in the proposal are Carpenter, Kyle and Lee Canyons and Yellow Plug. The U.S. Forest Service (USFS) would be responsible for management of the NRA.

Designation as a national recreation area would qualify the Spring Mountains for more Federal management money and higher status in the budget of the USFS. The increased funding would be used for recreational development which would include better access points to reduce frequent traffic congestion in the area.

The concept of the Spring Mountain NRA has been formally endorsed by the Clark County Commission and is supported by other State Government entities. However, concerns have been expressed about the details in the proposal.

Some of these concerns include the continuation of multiple use on the land and possible restriction of water rights in the recreation area which might reduce the amount of water available to other parts of the state. In particular, concern exists about the restriction of mining within the NRA. Nevada's Department of Minerals noted that the proposed boundaries include valuable mining areas and is concerned that access to these areas for mining purposes may be prohibited by the creation of the NRA.

Questions might include:

1. What is the prospect that this (or a similar) bill will be passed this session?
2. What assurances are there that multiple uses, such as grazing and mining, will be allowed to continue in the NRA? Should the boundaries be adjusted to better allow such activities?

3. How much additional money would be allocated to the Spring Mountain NRA? To what specific uses would such funds be put?

APPENDIX Q

SUGGESTED LEGISLATION

SUMMARY--Expands authority of legislative committee on public lands to review and comment on certain policies, rules or regulations of state land registrar and administrator of division of state lands.
(BDR 17-1110)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to the legislative committee on public lands; expanding the authority of the committee to review and comment on the policies, rules or regulations of the state land registrar and the administrator of the division of state lands relating to state lands to which the general public has access; 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 218.536 is hereby amended to read as follows:

218.536 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] *residents* 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.

5. Issues relating to policies, rules and regulations of the state land registrar and the administrator of the division of state lands are of a continuing concern to this state and should be subjected to legislative review and comment.

Sec. 2. NRS 218.5367 is hereby amended to read as follows:

218.5367 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; *and*

(3) *State land registrar and the administrator of the division of state lands which pertains to policy concerning or management of state lands to which the general public has access;*

(b) Conduct investigations and hold hearings in connection with its review, including but not limited to investigating the effect on the state, its [citizens,] *residents*, political subdivisions, businesses and industries of those 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;

(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;

(g) Enter into a contract for consulting services for land planning and any other related activities, including; but not limited to:

(1) Advising the committee and the state land use planning agency concerning the revision of the plans pursuant to NRS 321.7355;

(2) Assisting local governments in the identification of lands administered by the Federal Government in this state which are needed for residential or economic development or any other purpose; and

(3) Assisting local governments in the acquisition of federal lands in this state; and

(h) Apply for any available grants and accept any gifts, grants or donations to aid the committee in carrying out its duties.

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.

SUMMARY--Provides that contract with independent contractor representing state in court must require independent contractor to identify agency he represents in pleadings. (BDR 23-1111)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to the state personnel system; providing that a contract for an independent contractor to represent the state in court must require the independent contractor to identify in all pleadings the specific agency which he is representing; 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 284.173 is hereby amended to read as follows:

284.173 1. Elective officers and heads of departments, boards, commissions or institutions may contract for the services of persons as independent contractors.

2. An independent contractor is a natural person, firm or corporation who agrees to perform services for a fixed price according to his or its own methods and without subjection to the supervision or control of the other contracting

party, except as to the results of the work, and not as to the means by which the services are accomplished.

3. For the purposes of this section:

(a) Travel, subsistence and other personal expenses may be paid to an independent contractor, if provided for in the contract, in such amounts as provided for in the contract. Those expenses must not be paid under the provisions of NRS 281.160.

(b) There must be no:

- (1) Withholding of income taxes by the state;
- (2) Industrial insurance coverage provided by the state;
- (3) Participation in group insurance plans which may be available to employees of the state;
- (4) Participation or contributions by either the independent contractor or the state to the public employees' retirement system;
- (5) Accumulation of vacation leave or sick leave; or
- (6) Unemployment compensation coverage provided by the state if the requirements of NRS 612.085 for independent contractors are met.

4. An independent contractor is not in the classified or unclassified service of the state, and has none of the rights or privileges available to officers or employees of the State of Nevada.

5. Except as otherwise provided in this subsection, each contract for the services of an independent contractor must be in writing. The form of the contract must be first approved by the attorney general, and, except as otherwise provided in subsection 7, an executed copy of each contract must be

filed with the fiscal analysis division of the legislative counsel bureau and the clerk of the state board of examiners. The state board of examiners may waive the requirements of this subsection in the case of contracts which are for amounts less than \$750.

6. Except as otherwise provided in subsection 7, and except contracts entered into by the University of Nevada, each proposed contract with an independent contractor must be submitted to the state board of examiners. The contracts do not become effective without the prior approval of the state board of examiners, but the state board of examiners may authorize its clerk to approve contracts which are for amounts less than \$2,000 or in contracts necessary to preserve life and property, for amounts less than \$5,000. The state board of examiners shall adopt regulations to carry out the provisions of this section.

7. Copies of the following types of contracts need not be filed or approved as provided in subsections 5 and 6:

(a) Contracts executed by the department of transportation for any work of construction or reconstruction of highways.

(b) Contracts executed by the state public works board or any other state department or agency for any work of construction or major repairs of state buildings, if the contracting process was controlled by the rules of open competitive bidding.

(c) Contracts executed by the housing division of the department of commerce.

(d) Contracts executed with business entities for any work of maintenance or repair of office machines and equipment.

8. If the services of an independent contractor are contracted for to represent an agency of the state in any proceeding in any court, the contract must require the independent contractor to identify in all pleadings the specific state agency which he is representing.

SUMMARY--Requires board of wildlife commissioners to adopt regulations requiring department of wildlife to submit to legislative committee on public lands certain proposed responses to statements of federal agencies. (BDR 45-1112)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to wildlife; requiring the board of wildlife commissioners to adopt regulations requiring the department of wildlife to submit to the legislative committee on public lands proposed responses to drafts of statements by federal agencies concerning the environmental effect of proposed actions or regulations affecting public 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 501.181 is hereby amended to read as follows:

501.181 The commission shall:

1. Establish broad policies for:

(a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this state.

(b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of the state.

(c) The promotion of uniformity of laws relating to policy matters.

2. Guide the department in its administration and enforcement of the provisions of this Title and of chapter 488 of NRS by the establishment of such policies.

3. Establish policies for areas of interest including:

(a) The management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians.

(b) The control of wildlife depredations.

(c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife.

(d) The entry, access to, and occupancy and use of such property, including leases of grazing rights, sales of agricultural products and requests by the director to the state land registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.

(e) The control of nonresident hunters.

(f) The introduction, transplanting or exporting of wildlife.

(g) Cooperation with federal, state and local agencies on wildlife and boating programs.

(h) The hunting, fishing or trapping privileges of any person convicted of two violations of the provisions of this Title within a 5-year period.

4. Establish regulations necessary to carry out the provisions of this Title and of chapter 488 of NRS, including:

(a) Regular and special seasons for hunting game mammals and game birds, for hunting or trapping fur-bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. The regulations must be established after first considering the recommendations of the department, the county advisory boards to manage wildlife and others who wish to present their views at an open meeting.

(b) The manner of using, attaching, filling out, punching, inspecting, validating or reporting tags.

(c) The delineation of game management units embracing contiguous territory located in more than one county, irrespective of county boundary lines.

(d) The number of licenses issued to nonresidents for big game and, if necessary, other game species for the regular and special seasons.

5. Adopt regulations requiring the department to [make public,] :

(a) *Make public; and*

(b) *Submit for review and comment to the legislative committee on public lands,*

before official delivery, its proposed responses to any requests by federal agencies for its comment on drafts of statements concerning the environmental effect of proposed actions or regulations affecting public lands.

6. Adopt regulations:

(a) Governing the provisions of the permit required by NRS 502.390 and for the issuance, renewal and revocation of such a permit.

(b) Establishing the method for determining the amount of an assessment and the time and manner of payment, necessary for the collection of the assessment required by NRS 502.390.

Sec. 2. NRS 218.5367 is hereby amended to read as follows:

218.5367 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 those 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;

(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;

(g) Enter into a contract for consulting services for land planning and any other related activities, including, but not limited to:

(1) Advising the committee and the state land use planning agency concerning the revision of the plans pursuant to NRS 321.7355;

(2) Assisting local governments in the identification of lands administered by the Federal Government in this state which are needed for residential or economic development or any other purpose; and

(3) Assisting local governments in the acquisition of federal lands in this state; [and]

(h) Apply for any available grants and accept any gifts, grants or donations to aid the committee in carrying out its duties [.] ; *and*

(i) Review and comment on the proposed responses by the department of wildlife to drafts of statements by federal agencies concerning the environmental effect of proposed actions or regulations affecting public lands that are submitted to the committee in accordance with the regulations adopted by the department of wildlife pursuant to subsection 5 of NRS 501.181.

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.

SUMMARY--Provides definition for accessory roads and clarifies rights of users of such roads. (BDR 35-1114)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to roads; providing a definition of "accessory road"; clarifying the rights of certain users of accessory roads; granting governmental immunity with respect to such roads; authorizing the temporary closure of an accessory road because of fire danger; requiring a public hearing before a board of county commissioners may permanently close such a road; providing for vindication of the rights of users of accessory roads by the attorney general under certain circumstances; 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 405 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *1. As used in this section and sections 3 and 4 of this act, "accessory road" means any way established over public lands between 1866 and 1976 pursuant to section 8 of chapter 262, 14 Statutes 253 (former 43 U.S.C. § 932)*

as to which general public use or enjoyment before 1976 is not established, but which provides access to privately owned land.

2. Wherever an accessory road crosses public land, the accessory road is open to raisers of livestock in maintaining their herds and to the use of the general public. The state and the respective local governments have no duty to maintain an accessory road and are immune from liability for damages suffered by any person as a result of using such a road.

3. Without obtaining a permit from any public agency, a private owner of land served by an accessory road or a raiser of livestock using such a road may maintain the road and remove debris or vegetation from it, but may not perform new construction. No public agency may charge a fee for the use or maintenance of an accessory road.

Sec. 3. *1. The state forester firewarden or the board of directors of a fire protection district may temporarily close or restrict the use of an accessory road when the danger of fire arising from use of the road so requires. A board of county commissioners may permanently close an accessory road in its county when the public safety or welfare so requires.*

2. Before permanently closing an accessory road, the board of county commissioners shall hold a public hearing. The board shall give written notice of the time and place of the hearing to each owner of land served by the road, and to each stock raiser known to use the road. The board shall also publish the notice in a newspaper of general circulation in the county for 3 successive weeks before the date set for the hearing.

3. *Following the hearing, the board of county commissioners shall not close the road unless the benefit to public safety or welfare from its closing outweighs the detriment to owners of land served by the road, to raisers of livestock using the road and to the general public.*

4. *If the permanent closing of an accessory road deprives an owner of access by road to his land, the public agency closing the road shall pay him just compensation for his loss.*

Sec. 4. 1. The legislature hereby finds and declares that the public interest of the State of Nevada is served by keeping accessory roads open and available for use by the residents of this state because:

(a) There exists within this state a large number of accessory roads;

(b) Accessory roads provide access for the control of fire on adjacent lands, the enforcement of laws by peace officers, search and rescue operations, and medical personnel and ambulances;

(c) Accessory roads provide access to public lands for members of the general public; and

(d) Accessory roads enhance the taxable value of the private property served by such roads.

2. *The legislature therefore directs that, if an agency of the United States responsible for the lands over which an accessory road runs pursues the closing of an accessory road or demands a fee or permit for the use of an accessory road, the attorney general shall bring an action for a declaratory judgment as soon as practicable on behalf of:*

(a) The state and its residents;

(b) Owners of lands served by the road;

(c) Holders of grazing rights served by the road; and

(d) All other users of the road,

to vindicate the rights of all users to the unimpeded maintenance, use and enjoyment of the road, and the rights of owners of lands served by the road to just compensation for any closing found necessary.

SUMMARY--Makes certain changes relating to minor county roads.
(BDR 35-1113)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to county roads; granting governmental immunity with respect to minor county roads; removing the duty of a county to map minor county roads; authorizing a user of a minor county road to file a map of the road; 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 403.170 is hereby amended to read as follows:

403.170 1. The board of county highway commissioners of each of the several counties of the State of Nevada shall:

(a) Lay out and designate which of the roads, generally termed public highways, are the most important to the people of the whole county and over which there is the greatest amount of general public travel and shall designate these roads as main county roads.

(b) Lay out and designate other roads of the county over which there is general public travel, and which are generally termed county roads, and shall designate these roads as general county roads.

(c) Lay out and designate other roads which are neither main nor general county roads but have been established by usage, or constructed and are maintained to provide for use by the public for vehicles with four or more wheels and shall designate these roads as minor county roads. When applied to a minor county road, "maintain" does not mean annual maintenance. This section does not require any standard of maintenance for minor county roads. *The state and the county are immune from liability for damages suffered by a person as a result of using any road designated as a minor county road.*

2. The board of county highway commissioners may, from time to time, reclassify the roads and may lay out new roads of any class, or the board may change or abandon any roads termed as public highways.

3. The designation of a new road as a main county road, as a general county road or as a minor county road, or the reclassification of any road, or the abandonment of any road does not become effective until after a public hearing is held at which parties in interest and citizens have an opportunity to be heard. At least 10 days' notice of the time and place of the hearing must be published in a newspaper of general circulation in the county.

Sec. 2. NRS 403.190 is hereby amended to read as follows:

403.190 1. [Upon] *Except as otherwise provided in subsection 3, upon* laying out and designating the county roads as required in NRS 403.170, the board of county highway commissioners shall cause a map of the county to be

made, showing the county roads and their designations. The board shall file one copy of the map with the clerk of the board of county highway commissioners, one copy with the department of transportation, one copy with the county clerk and one copy with the county recorder.

2. When any road has been designated by the board of county highway commissioners as a standard county road, as provided in NRS 403.180, that designation must be made on the copies of the map on file with the clerk of the board of county highway commissioners, the county clerk, the department of transportation and the county recorder.

3. The board of county highway commissioners need not include a minor county road upon the map required by subsection 1. Any person who uses a minor county road may file with the county recorder a map showing the location of the road, appropriately emphasized upon the map by the person filing it. The map may be a topographical map prepared by the United States Geological Survey, or any other map commonly accepted in the community as reliable. The map so filed is evidence of the existence and location of the road.

rights existing in those roads that serve private property, and urges the Congress of the United States in the exercise of its oversight to ensure that those rights are in fact respected; and be it further

RESOLVED, That a copy of this resolution and any related legislative measures enacted by this legislature be transmitted by the _____ of the _____ to the Vice President of the United States as presiding officer of the Senate, to the Speaker of the House of Representatives, and to each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

SUMMARY--Declares removal of ground water to permit mining activity to be beneficial use of water. (BDR 48-1116)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to underground water; declaring the removal of ground water to permit a mining activity to be a beneficial use of water; 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 534 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The removal of ground water from any basin in Nevada, to permit a mining activity, is hereby declared to be a beneficial use if it is accomplished pursuant to any rule, regulation or order adopted or issued by the state engineer governing the removal of ground water for this purpose. If practical and consistent with this chapter and chapter 533 of NRS, the water that is removed must be put to another beneficial use that is approved by the state engineer.

2. If the state engineer determines that the removal of ground water from a mine or an area where a mining activity is conducted is a beneficial use pursuant to the provisions of subsection 1, and the water is put to another

beneficial use, the state engineer shall give agricultural purposes priority in determining the beneficial use to which the ground water may be put.

3. As used in this section, "mining activity" does not include the process by which certain chemicals mixed with water are percolated through tailings, the ground or wells to enable the recovery of mineral deposits therein.

SUMMARY--Urges Congress to defeat proposed legislation that would unnecessarily restrict mining activities on public lands.
(BDR R-1143)

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

JOINT RESOLUTION--Urging Congress to defeat proposed legislation that would unnecessarily restrict mining activities on public lands.

WHEREAS, The discovery of valuable minerals and the resulting development of a mining industry in this state led to Nevada's admission into the Union; and

WHEREAS, Mining on public lands continues to have a positive economic effect on this state; and

WHEREAS, In 1991, the mining industry employed directly over 13,000 persons and indirectly over 30,000 persons in this state; and

WHEREAS, The mining industry in this state paid taxes on net proceeds of minerals in an amount of over \$33,000,000 in 1991 alone; and

WHEREAS, Mining activity in this state has reestablished the United States as a leader in the production of gold worldwide; and

WHEREAS, As a result of the U.S. Mining Laws of 1872, as amended, the United States ranks among the leaders in the production of minerals worldwide; and

WHEREAS, Certain members of Congress have proposed legislation to amend these laws that would result in severe restrictions on mining on public lands; and

WHEREAS, A prosperous mining industry is an important factor in maintaining a strong national economy and security; now, therefore, be it

RESOLVED BY THE AND THE OF THE STATE OF NEVADA, JOINTLY, That the Legislature of the State of Nevada supports the mining industry in this country; and be it further

RESOLVED, That Congress is hereby urged to defeat any proposed legislation that would unnecessarily restrict mining activities on public lands; and be it further

RESOLVED, That the of the prepare and transmit a copy of this resolution to the Vice President of the United States as the 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.

RESOLVED, That Congress is hereby urged to reject any proposal to increase the fees for grazing livestock on public lands to an unreasonable level; and be it further

RESOLVED, That the _____ of the _____ transmit a copy of this resolution to the Vice President of the United States as President 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--Urges Congress and Bureau of Land Management to expedite creation of certain programs for managing population of wild horses and burros on public lands. (BDR R-1145)

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

JOINT RESOLUTION--Urging Congress and the Bureau of Land Management to expedite the creation of certain programs for managing the population of wild horses and burros on public lands.

WHEREAS, Congress enacted the provisions of 16 U.S.C. §§ 1331 et seq., otherwise known as the Wild Free-Roaming Horses and Burros Act of 1971, to protect wild horses and burros on public lands from capture, branding, harassment or death; and

WHEREAS, The Wild Free-Roaming Horses and Burros Act of 1971 requires the management of the wild horses and burros on public lands and authorizes the Secretary of the Interior to address problems of overpopulation; and

WHEREAS, Over 65 percent of the wild horses and burros in the United States are located in the State of Nevada and that population is increasing at a rate of 18 percent each year; and

member of Nevada Congressional Delegation and the Commission for the Preservation of Wild Horses; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

SUMMARY--Urges United States Fish and Wildlife Service and Secretary of Interior to expedite recovery plan for Lahontan cutthroat trout in Nevada. (BDR R-1146)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

JOINT RESOLUTION--Urging the United States Fish and Wildlife Service and Secretary of the Interior to expedite a recovery plan for the Lahontan cutthroat trout in Nevada.

WHEREAS, The Lahontan cutthroat trout (*Salmo clarki henshawi*) has been classified as a threatened species by the Secretary of the Interior since 1975, primarily because of the gradual deterioration of the riparian habitat necessary for its survival; and

WHEREAS, The Endangered Species Act, 16 U.S.C. §§ 1531, et seq., requires the Secretary of the Interior to develop and implement recovery plans for all species which are classified as endangered or threatened; and

WHEREAS, The United States Congress, pursuant to Public Law 101-618, directed the Secretary of the Interior to revise, update and implement, in an expeditious manner, recovery plans for the threatened population of the Lahontan cutthroat trout in Pyramid Lake and the lower Truckee River; and

WHEREAS, The implementation of a plan which ensures the recovery of the Lahontan cutthroat trout is vital not only to the preservation of the threatened

population of the trout but also to the legitimate use and enjoyment of public and private lands in Nevada; and

WHEREAS, A draft of the plan is currently being prepared by the United States Fish and Wildlife Service; and

WHEREAS, The lack of a recovery plan for the Lahontan cutthroat trout is adversely affecting the preservation of the threatened population of the trout as well as the legitimate use and enjoyment of public and private lands in Nevada; now, therefore, be it

RESOLVED BY THE AND OF THE STATE OF NEVADA, JOINTLY,
That the Nevada Legislature urges the United States Fish and Wildlife Service to expedite the completion of the draft of a recovery plan for the Lahontan cutthroat trout and provide the plan for public comment as soon as possible; and be it further

RESOLVED, That the Nevada Legislature urges the Secretary of Interior to ensure the speedy and proper finalization and implementation of the plan as soon as possible; and be it further

RESOLVED, That the of the prepare and transmit a copy of this resolution to the Director of the United States Fish and Wildlife Service and the Secretary of Interior; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

SUMMARY--Urges Congress to require Secretary of the Interior to consider certain economic factors in determining whether to list species of wildlife as being endangered or threatened and in developing recovery plans for endangered or threatened species of wildlife.
(BDR R-1147)

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

JOINT RESOLUTION--Urging Congress to require the Secretary of the Interior to consider certain economic factors in determining whether to list a species of wildlife as being endangered or threatened and in developing recovery plans for an endangered or threatened species of wildlife.

WHEREAS, The conservation and preservation of endangered species of wildlife in the United States is necessary and desirable to halt and reverse the trend toward the extinction of certain species of wildlife and to maintain the diversity of indigenous forms of life within the United States; and

WHEREAS, The protection of endangered species and their habitats often requires a restriction upon economic growth and development in the geographic areas in which the habitats are located, thereby creating hardships upon the persons residing within those geographic areas; and

WHEREAS, The conflict resulting from the protection of an endangered species and the restriction of economic growth is often unavoidable, but the impact of such a conflict can be lessened by allowing for a balancing of those conflicting interests; and

WHEREAS, The provisions of 16 U.S.C. § 1533 require the Secretary of the Interior to make a determination as to whether a species is endangered based solely upon available scientific and commercial data; and

WHEREAS, Pursuant to the provisions of 16 U.S.C. § 1533, the Secretary of the Interior has recently listed the desert tortoise as a threatened species; and

WHEREAS, The listing of the desert tortoise as a threatened species has had a significant impact upon the economic development of the areas surrounding the City of Las Vegas; and

WHEREAS, The State of Nevada, being a sparsely populated and predominantly rural state with few metropolitan areas within which to build a sound economic base, relies heavily upon the City of Las Vegas as an area in which to grow and expand; now, therefore, be it

RESOLVED BY THE AND OF THE STATE OF NEVADA, JOINTLY, That Congress is hereby urged to amend the provisions of 16 U.S.C. § 1533 to allow the Secretary of the Interior to make a determination as to whether a species of wildlife is endangered or threatened by balancing the available scientific and commercial data with the economic impact such a determination will have upon the development and growth of local economies in the geographic area in which the species is located; and be it further

RESOLVED, That Congress is hereby urged to require the Secretary of the Interior, when preparing a recovery plan for a species of wildlife listed as endangered or threatened pursuant to the provisions of 16 U.S.C. § 1533, to include in the recovery plan an economic analysis of the impact such a plan will have upon local economies in the geographic area in which the habitat of an endangered or threatened species of wildlife is located; and be it further

RESOLVED, That the _____ of the _____ prepare and transmit a copy of this resolution to the Vice President of the United States as the 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--Urges Congress to limit acquisition of privately owned land by the Federal Government and to return public land to private ownership. (BDR R-1148)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

JOINT RESOLUTION--Urging Congress to limit the acquisition of privately owned land and to return public land to private ownership.

WHEREAS, Approximately 86 percent of the land in Nevada is owned by the Federal Government; and

WHEREAS, The rate of increase in the population of Nevada is the highest in the nation; and

WHEREAS, The amount of privately owned land which is available for the expansion of communities in this state is limited; and

WHEREAS, The Federal Government continues to acquire privately owned land; and

WHEREAS, The residents of this state would benefit greatly if more land in this state were privately owned; now, therefore, be it

RESOLVED BY THE AND OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature urges the Congress of the United States to:

1. Monitor the acquisition of privately owned land by federal agencies to ensure that local governments in this state are not adversely affected by those acquisitions;

2. Limit the amount of privately owned land the Federal Government may acquire in this state; and

3. Promote the transfer of certain appropriate land in this state owned by the Federal Government to private ownership;

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.