

Legislative Committee on Public Lands



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LEGISLATIVE COMMITTEE ON PUBLIC LANDS

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ACRONYMS USED IN TEXT OF REPORT

| | |
|--------|---|
| BDR | Bill Draft Request |
| BLM | United States Bureau of Land Management |
| FNAS | Fallon Naval Air Station |
| LCB | Legislative Counsel Bureau |
| NRS | <i>Nevada Revised Statutes</i> |
| PLTF | Public Lands Task Force |
| RAICUZ | Range Air Installation Compatibility Use Zone |
| USFS | United States Forest Service |

SUMMARY OF RECOMMENDATIONS

Nevada's Legislative Committee on Public Lands (*Nevada Revised Statutes 218.5363*)

Following are the recommendations approved by Nevada's Legislative Committee on Public Lands.

Recommendations for Legislation

The committee recommends that the 69th Session of the Nevada Legislature:

1. **Make various amendments to the statutes concerning Nevada's Commission for the Preservation of Wild Horses. In particular, the Public Lands Committee recommends that the Nevada Legislature:**
 - a. **Change the membership of the commission to specify that certain representatives be appointed.**
 - b. **Remove the executive director's authority to call a meeting of the commission. Authorize the chairman or the vice chairman to call a meeting of the commission.**
 - c. **Clarify that the commission's primary duties are to encourage the preservation of wild horses in certain areas and to identify certain programs for the management of wild horses. Revise the various ways in which the commission is directed to carry out these duties.**
 - d. **Require that each appeal or protest filed on behalf of the commission be approved by the commission before submission.**
 - e. **Authorize the commission to enter into agreements with the Federal Government to provide financial assistance for the removal and disposal of excess numbers of wild horses.**

- d. **Make discretionary the governor's approval of plans or policy statements concerning lands under federal management.**
 - e. **Require the inclusion of federal agencies in the preparation of any plan or policy statement concerning the use of lands under federal management.**
4. **Direct and fund Nevada's Division of State Lands to cooperate with one county in developing a proposal for a pilot public land management program.**
 5. **Urge the United States Congress to pass legislation directing the United States Bureau of Land Management to enter into contracts or cooperative agreements with the State or individual counties for pilot projects of state or county management of public lands.**
 6. **Express support to the United States Congress and the Nevada Congressional Delegation for the transfer or sale of public lands in the Las Vegas Valley for community expansion and development, provided that rural counties are not adversely affected by any transfers.**
 7. **Urge Nevada's Congressional Delegation to introduce and support legislation to assist utility companies in establishing the necessary infrastructure on public lands.**
 8. **Urge the Federal Government to comply with Article I, Section 8 of the *United States Constitution* whenever the Federal Government seeks to obtain exclusive jurisdiction over land located in Nevada.**
 9. **Express support for Congressional legislation that would transfer federal lands to state control.**
 10. **Endorse the State of Nevada's request to the Navy to evaluate the relocation or abandonment of Bravo 16, provided that such an action not adversely affect the Navy's ability to carry out its duties at the Fallon Naval Air Station. Include a provision that**

recognizes the Navy's importance to Churchill County and the State of Nevada.

Recommendations for Committee Action

The members voted to send letters:

11. To the Governor of the State of Nevada, expressing support for the budget request from Nevada's Division of State Lands to implement the planning process for lands under federal management.
12. To the Senate Committee on Finance and the Assembly Committee on Ways and Means, expressing support for the budget request from Nevada's Division of State Lands to implement the planning process for lands under federal management.
13. To the United States Secretary of the Interior, expressing support for the United States Bureau of Land Management's Central Nevada Communication Sites Amendment.
14. To the United States Secretary of the Interior and the Nevada Congressional Delegation, requesting that all mining claim owners be compensated for claims lost in military land withdrawals, whenever such compensation is required by law.
15. To the United States Bureau of Land Management, the Navy, and the Nevada Congressional Delegation, requesting that the Navy update the Range Air Installation Compatibility Use Zone (RAICUZ) report prior to any land withdrawal.
16. To the Nevada Congressional Delegation, urging their assistance in the resolution of certain water basin issues between Nevada and Arizona that adversely affect the water supply for Mesquite, Nevada.
17. To the Nevada State Director of the United States Bureau of Land Management, encouraging the continued acknowledgment of

and compliance with Nevada water laws and water rights in all public lands management plans.

- 18. To the United States Bureau of Land Management, the United States Forest Service, and the Nevada Congressional Delegation, encouraging the inclusion and approval of local governments in the land exchange process, and to the Nevada Association of Counties and the Nevada League of Cities, urging them to encourage and assist their members in monitoring and commenting upon proposed land exchanges.**
- 19. To Nevada resident Woodie Bell and the United States Forest Service, urging them to cooperate to resolve the issue of financial responsibility for cleanup work done at the Buckskin National Mine in Humboldt County, Nevada.**
- 20. To Nevada's Congressional Delegation, encouraging each of them to work to amend the Endangered Species Act in order to reduce its negative effects on Nevada's communities. Urge the delegation to prevent any further additions of Nevada species to the endangered or threatened lists.**

**REPORT TO THE 69TH SESSION OF THE NEVADA LEGISLATURE
BY NEVADA'S LEGISLATIVE COMMITTEE ON PUBLIC LANDS**

INTRODUCTION

The Committee on Public Lands is a permanent committee of the Nevada Legislature whose authorization and duties are set forth in *Nevada Revised Statutes* 218.536 through 218.5371 (Appendix A). Created in 1983, the committee is charged with reviewing proposed and existing laws and regulations affecting the 61 million acres of federally controlled land 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.

COMMITTEE MEMBERS AND STAFF

The Legislative Commission appointed the following members to the committee:

Senator Dean A. Rhoads, Chairman
Assemblyman John W. Marvel, Vice Chairman
Senator Lawrence E. Jacobsen
Senator Dina Titus
Assemblyman P. M. Roy Neighbors
Assemblyman Dennis Allard
Elko County Commissioner Llee Chapman

The Commission also appointed the following alternates to the committee:

Assemblyman John Carpenter
Assemblywoman Marcia de Braga

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

Dana R. Bennett, Staff Director
J. Randall Stephenson, Deputy Legislative Counsel
Jonnie Sue Hansen, Senior Research Secretary

HEARINGS AND RECOMMENDATIONS

The committee met seven times, in various locations around Nevada, from September 1995 through November 1996 and traveled twice to Washington, D.C., to meet with federal officials involved in public lands issues.

This report reviews public lands legislation approved during the 1995 Session and discusses the major topics considered by the Public Lands Committee during the 1995-1996 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.

Additionally, this document outlines actions that resulted in letters and resolutions from the committee. Finally, the report reviews the 20 recommendations adopted by the members, including 10 requests for bill drafts for presentation to the 1997 Nevada Legislature.

PUBLIC LANDS LEGISLATION OF THE 68TH SESSION **OF THE NEVADA LEGISLATURE**

Numerous bills involving public lands topics were considered by the 1995 Session of the Nevada Legislature. This section of the report summarizes some of the approved public lands bills and resolutions.

PUBLIC LANDS COMMITTEE RECOMMENDATIONS

Nevada's Legislative Committee on Public Lands made six recommendations to the 1995 Session, which discussed and modified some of the measures during the legislative process. Issues addressed included land exchanges near Laughlin, Nevada; mining; livestock grazing; the Endangered Species Act; and state sovereignty. Detailed discussions of the recommendations may be found in the committee's report to the 1995 Legislature, published as LCB Bulletin No. 95-11.

Following are summaries of the Public Lands recommendations that were approved, ultimately, by the 1995 Nevada Legislature.

- Senate Joint Resolution No. 1 (File No. 63, *Statutes of Nevada 1995*) claims sovereignty for the State of Nevada, pursuant to the 10th Amendment to the *Constitution of the United States*, over all powers not otherwise delegated to

the Federal Government by the constitution. The resolution also serves notice to the Federal Government to cease and desist immediately the enactment and enforcement of mandates that are beyond its constitutionally granted power.

- Senate Joint Resolution No. 6 (File No. 98, *Statutes of Nevada 1995*) expresses the support of the Nevada Legislature for the mining industry in this state and for reasonable and progressive reform of the existing federal laws governing mining.
- Senate Joint Resolution No. 7 (File No. 112, *Statutes of Nevada 1995*) expresses the support of the Nevada Legislature for the agricultural industries in this state, opposes extensive and unreasonable changes in existing federal regulations concerning public rangelands, and urges Congress to pass the Livestock Grazing Act of 1995.
- Senate Joint Resolution No. 8 (File No. 62, *Statutes of Nevada 1995*) urges Congress to adopt amendments to the Endangered Species Act of 1973 to provide for consideration of the Act's economic impact.
- Senate Joint Resolution No. 9 (File No. 60, *Statutes of Nevada 1995*) expresses the Legislature's support for exchanges of land involving the U.S. Bureau of Land Management and the Colorado River Commission that would result in additional land for the town of Laughlin, Nevada.

One of the committee's 1995 recommendations was that the Nevada Legislature approve Senate Joint Resolution No. 27 of the 1993 Session. This legislation proposed to amend the ordinance to the *Nevada Constitution* to remove the 1864 clause that disclaims the right and title of the state to the unappropriated public lands within Nevada and places that land at the disposition of the Federal Government.

Although all states created after 1789 were to be added to the Union on an equal basis with the original states, numerous territories, including Nevada, were required to agree to this disclaimer as a condition of statehood. The action of taking the disclaimer out of the state constitution will not end public land conflicts between the Federal Government and the State, but it is a step that the committee agreed must be taken for Nevada to assert its right, as granted by the *Constitution of the United States*, to self-government.

A similar resolution was approved by the 1991 Legislature, but that measure did not provide for voter approval of the concept. After the 1993 resolution was approved in identical form by the 1995 Legislature (File No. 60, *Statutes of Nevada 1995*), as the Public Lands Committee had recommended, it was submitted to the voters at the 1996 General Election. The Public Lands Committee is pleased that the voters of Nevada approved the amendment, which was Ballot Question No. 4.

The resolution urges Congress to consent to this amendment upon its approval and ratification by the voters of Nevada. However, as an alternative to congressional approval, the resolution provides that the amendment to the constitution is effective upon a legal determination that congressional consent is not necessary.

OTHER PUBLIC LANDS LEGISLATION

The 1995 Legislature addressed several additional public lands topics through measures introduced by individual legislators and pertinent committees. Such legislation was related to air quality, federal land revenues, livestock grazing, mining, water, and wildlife.

- Senate Joint Resolution No. 23 (File No. 139, *Statutes of Nevada 1995*) urges Congress and the United States Environmental Protection Agency to refrain from adopting additional laws and regulations on air quality and visibility until the existing Clean Air Act has had time to produce its intended results.

The 1990 amendments to the Clean Air Act created the Grand Canyon Visibility Transport Commission, which was required to propose measures to address the effects of growth on visibility. Nevada's air quality officials became concerned that the recommendations may result in restraints on growth and development in the western states.

As a result, the resolution urges Congress to reject proposals such as clean air corridors, in which "no-build" provisions might be imposed, and to support rules that are equitable to all the states, such as uniform application of the existing provisions of the Clean Air Act.

- Assembly Bill 631 (Chapter 728, *Statutes of Nevada 1995*) revises the distribution of revenue received from the lease of federal land. The bill decreases, from \$10 million to \$7 million, the amount of revenue received by the State from the lease of federal land that must be deposited into the State Distributive School Account. Any revenue in excess of \$7 million must be

deposited into the Account for Revenue from the Lease of Federal Lands. The bill increases, from 50 to 75 percent, the amount from the account that is distributed to the counties from which the fuels, geothermal resources, and minerals are extracted. The distribution to the Department of Business and Industry is removed.

- Assembly Joint Resolution No. 42 (File No. 146, *Statutes of Nevada 1995*) expresses the Legislature's disapproval of the United States Forest Service's method of calculating the fees for permits for recreational use of national forest land. These fees are based, in part, on revenue from activities occurring solely on state lands. The Division of State Lands and the Advisory Board on Natural Resources consider this practice an inappropriate intrusion on state management of state lands.
- Senate Bill 18 (Chapter 456, *Statutes of Nevada 1995*) requires a study of the rates charged for leasing grazing rights on private property in Nevada and appropriates \$26,370 to the Board of Regents for the study. The Department of Agricultural Economics of the College of Agriculture at the University of Nevada, Reno, is directed to conduct the project. The bill requires the Board of Regents to report the results of the study and any recommended legislation not later than January 1, 1997.
- Assembly Joint Resolutions Nos. 35 and 36 (File Nos. 114 and 115, *Statutes of Nevada 1995*) recognize the residents of Humboldt, Elko, White Pine, Lincoln, and Nye Counties who rely on lands within the Humboldt National Forest for grazing their livestock. Conservation groups sued the USFS to prohibit the authorization of grazing permits in the Humboldt National Forest until alleged violations of the National Environmental Policy Act (NEPA) and other federal laws are resolved. The resolutions urge Congress to streamline paper requirements affecting the use of national forests and encourage the parties involved in the lawsuits to resolve their differences.
- Senate Joint Resolution No. 25 (File No. 122, *Statutes of Nevada 1995*) urges the Secretary of Defense and the Secretary of the Interior to open federal lands in the western portion of the Tolicha Mining district to exploration and development of mineral resources. The Tolicha Mining district is located on the western boundary of the Nellis Air Force Range in Nye County. Modern technology may make it profitable to extract minerals in the 7,000-acre area.

- Senate Bill 96 (Chapter 652, *Statutes of Nevada 1995*) amends the law concerning water rights for the purpose of watering livestock on public land. The bill provides that the State Engineer can only issue a permit or certificate for a water right to the person who is legally entitled to place the livestock on the public land.

Senate Bill 96 originated with the controversy surrounding BLM's *Rangeland Reform '94*. These regulations direct state BLM offices to apply for livestock watering rights to the degree allowed by state law. A debate erupted during the 1995 Legislative Session as to whether Nevada's water law should allow public agencies to hold livestock watering rights when private ranchers actually own the livestock. Senate Bill 96 was approved to address this issue.

- Senate Joint Resolution No. 12 (File No. 121, *Statutes of Nevada 1995*) urges the Federal Government to adhere to the states' laws governing the use, allocation, management, and protection of water. The resolution specifically urges the Federal Government to recognize that the use, allocation, management, and protection of water resources is primarily the responsibility of the states and to recognize the primacy of the states' laws in these areas. In addition, S.J.R. 12 requests that all federal agencies be required to conduct their activities in accordance with the states' laws governing these factors.
- Senate Bill 230 (Chapter 344, *Statutes of Nevada 1995*) establishes the Wildlife Heritage Trust Account. The bill specifies that interest on money in the account may be used for the protection, propagation, restoration, transplantation, introduction, and management of game fish, game mammals, game birds, or fur-bearing mammals.

Funding for the account is provided by revenue from the annual sale, at bid or auction, of a limited number of big game tags. Additional funding is to be generated by the Partnership in Wildlife Drawing, which is a big game tag drawing authorized by S.B. 230. The bill also specifies that up to 18 percent of the revenue from the bid or auction sales may be used by the Division of Wildlife for administering the program and managing the wildlife.

- Assembly Bill 307 (Chapter 673, *Statutes of Nevada 1995*) revises the membership of the Board of Wildlife Commissioners and the process for making appointments to the board, by requiring the Governor to consider written nominations from the county advisory boards. With the changes made in

A.B. 307, the Board of Wildlife Commissioners will be configured to provide an appropriate balance of representation of the counties based on population.

Assembly Bill 307 also requires the Board of Wildlife Commissioners to study its communications and decision making, along with those of the county advisory boards to manage wildlife; fishing, hunting, and conservation organizations; and other affected entities, and to report to the Legislature with findings and recommendations by December 1, 1996.

- Assembly Concurrent Resolution No. 46 (File Nos. 153, *Statutes of Nevada 1995*) urges the Division of Wildlife to prepare, by July 1, 1997, a statewide elk management plan. The resolution also asks the division to prepare subplans for each of Nevada's elk herds, and identify population goals and corresponding management techniques in each subplan.

SUMMARY OF INTERIM ACTIVITIES

Nevada's Legislative Committee on Public Lands reviews many public lands topics involving ongoing activities, programs, and problems that are subject to administrative and congressional action. The committee was actively involved in a number of issues during the 1995-1996 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 the many issues discussed by the committee during the 1995-1996 interim period:

- Abandoned mines;
- BLM's Land Exchange Policy;
- Colorado River;
- Desert tortoise;

- Elk management study;
- Endangered Species Act;
- Estray horses;
- Exploration for minerals;
- Fallon Naval Air Station;
- Fire suppression and prevention;
- Grand Canyon Visibility Transport Commission;
- Grazing regulations and fees;
- Great Basin Heritage Center;
- Lahontan cutthroat trout;
- Lake Tahoe;
- Land sales;
- Military airspace and land withdrawals;
- Mining reform;
- National forest planning process;
- Nellis Air Force Base;
- *Nevada Statewide Policy Plan for Public Lands*;
- Nevada Test Site;
- Public/private land exchanges;
- Rangeland reform;
- Recreational opportunities;
- Resource Advisory Councils;
- Right-of-way permit process for telephone infrastructure;
- Seed banks;
- Southern Nevada Public Land Management Act;
- *Special Nevada Report*;
- State Clearinghouse;
- State involvement in management of federal lands in Nevada;
- State lands;
- Threatened and endangered species in Nevada;
- Transfers of federal land to state ownership or management;
- Virgin Valley Water District;
- Wetlands;
- Wilderness;
- Wild horses; and
- Wildlife management.

IN-STATE MEETINGS

The Public Lands Committee met seven times throughout Nevada. Most of these meetings were particularly detailed and lengthy. Comprehensive reports were submitted, and public testimony was extensive at many of the hearings. Attendance typically ranged from 50 to 75 people.

Following are summaries of the committee's deliberations at each of the in-state meetings.

Organizational Meeting

The members met in Reno on September 29, 1995, to elect a chairman (Senator Rhoads) and a vice chairman (Assemblyman Marvel), approve their work plan for the interim (see Appendix B), and discuss some of the current issues concerning public lands in Nevada.

The major topics of discussion at this first meeting were mining reform, livestock grazing, threatened and endangered species, and proposed military land and airspace withdrawals. Extensive discussions were held concerning the possibility of the State managing the public lands.

Second Meeting

The committee held a meeting in Las Vegas on December 11, 1995, and received reports about the Colorado River agreement, the Grand Canyon Visibility Transport Commission, the Clark County Public Lands Task Force, the *Special Nevada Report*, Nellis Air Force Base, the Nevada Test Site, BLM issues in the Las Vegas area, local involvement in Forest Service planning, and congressional legislation concerning public lands issues. Numerous officials testified to the committee, including representatives from the offices of U.S. Senator Richard H. Bryan and U.S. Representative John Ensign.

Third Meeting

Bunkerville was the site of the committee's meeting on January 26, 1996. The committee received reports about Mesquite and the Virgin Valley Water District from local authorities. The desert tortoise issue was presented by representatives of the U.S. Fish and Wildlife Service, the U.S. Bureau of Land Management, and Clark County. Other issues discussed included easements for utility rights-of-way,

recreational opportunities on public lands, and livestock grazing in rural Clark County.

Fourth Meeting

The members gathered in Winnemucca on March 8, 1996. The informational portion of the meeting was initiated by commissioners from Humboldt and Lander Counties, who outlined issues and activities of interest in their counties. Representatives for Eureka County provided a summary of the Eureka land management study entitled "Alternatives for Management of an Expanded State Land Base in Nevada." The report incorporated several recommendations for legislative action.

A presentation on mining in the Winnemucca Region emphasized the complicated nature of the federal procedure for permitting of a mine and the delays being caused by furlough of BLM employees who work with permitting and environmental impact analyses. Background information was also received about implementation of the new rangeland regulations and the status of the wetlands project at the Sleeper Mine. Following the meeting, the committee toured the reclamation projects at the Pinson Mine.

Fifth Meeting

On June 21, 1996, the committee convened in Pioche. The committee discussed issues of importance to Eureka, Lincoln, and White Pine Counties. Topics included wild horses, grazing regulations, and the Great Basin Heritage Center.

The committee voted to:

- Adopt a committee resolution that urges the congressional appropriations committees to include certain directions to the BLM in the reports that will accompany the Interior Appropriations Act. (A copy of the resolution may be found in Appendix C.)

Sixth Meeting

The committee met in Fallon, Nevada, on September 24, 1996. The members received testimony about land and airspace expansions proposed by the U.S. Air Force and Navy in Nevada. Most of the discussion centered around the Navy's plans and residents' concerns about current and potential effects of these

plans. The members strongly encouraged the Navy's plan to establish a citizens' advisory committee.

In addition, the committee was presented with information from the BLM about the forthcoming recommendations from the Resource Advisory Councils, received testimony about public lands issues of importance to Churchill County, and discussed interstate water basins with the State Engineer.

Final Meeting and Work Session

The members determined their recommendations for the 1997 Session of the Nevada Legislature at a formal work session held in Carson City on November 22, 1996. The meeting began with a discussion of the conflict between the USFS and Paradise Valley Resident Woodie Bell about environmental concerns at the Buckskin National Mine in Humboldt County. It continued with reports from various federal agencies about some of their projects, testimony about the conclusion of the Grand Canyon Visibility Study, and an update on the elk management plan. Extensive discussions were held about wild and estray horses in Nevada.

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 14.

WASHINGTON, D.C., VISITS

Over the past several years, Nevada's Legislative Committee on Public Lands has developed important relationships with several representatives from the Federal Government's congressional and executive branches. Normally, the members of the Public Lands Committee travel to Washington, D.C., twice during the interim to meet with these and other officials about public lands issues of importance to Nevada.

During this interim, the Public Lands Committee met in Washington, D.C., on November 9 and 10, 1995, and again on May 14 and 15, 1996. In addition to Nevada's Congressional Delegation, the members met with the following officials:

- Thomas H. Altmeyer, Senior Vice President of Government Affairs, National Mining Association;

- Peter P. Arapis, Jr., Assistant Legislative Director, Office of U.S. Senator Harry Reid (D-Nevada);
- Bob Armstrong, Assistant Secretary of the Interior, Land and Minerals Management;
- Richard F. Bechtel, Director of the Washington, D.C., office, Western Governors' Association;
- Larry Benna, BLM;
- Nancee W. Blockinger, Administrative Assistant to U.S. Representative James V. Hansen (R-Utah);
- Ronald J. Borro, Senior Attorney, Installations and Environment, U.S. Navy;
- Susan Brackett, Communications Director, Mineral Policy Center;
- Deborah E. Branson, Commander, Special Assistant for Aviation Matters, U.S. Navy;
- John W. Chambers, Assistant Director for Aviation Management, USFS;
- Pete Clark, Budget Coordinator, Range Management, USFS;
- Joan M. Comanor, Deputy Chief, USFS;
- United States Senator Larry E. Craig (R-Idaho);
- Jack Craven, Director, Minerals and Geology, USFS;
- Bud Cribley, BLM;
- Thomas W. Curtis, Director, Natural Resources Group, National Governors' Association;
- Mike Dombeck, Acting Director, BLM;
- Karl Duscher, Program Coordinator, Minerals and Geology Management, USFS;
- G. F. "Ric" Fenton, Jr., Vice President of Congressional Affairs, National Mining Association;
- Shelley N. Fidler, Chief of Staff, Council on Environmental Quality;
- Michael G. Gauldin, Assistant to the Secretary and Director of Communications, U.S. Department of Interior;
- Bertha C. Gillam, Director of Range Management, USFS;
- Nancy Green, Assistant Director, Planning, USFS;
- Representative James V. Hansen;
- John P. Hart, Deputy Assistant to the President and Deputy Director for Intergovernmental Affairs;
- Brent Heberlee, Legislative Assistant, Office of Senator Bryan (D-Nevada);
- Philip M. Hocker, Director, Mineral Policy Center;
- Tara L. LaCavera, Office of the Assistant Secretary for Installations and Environment, U.S. Navy;
- Windsor Laing, Legislative Assistant for Representative Ensign (R-Nevada);
- General Richard L. Lawson, President and Chief Executive Officer, National Mining Association;

- Carl D. Lowery, Sr., Director for Installation Management, U.S. Navy;
- John P. Meckley, Legislative Assistant for U.S. Representative Barbara F. Vucanovich (R-Nevada);
- Mat Millenbach, Deputy Director, BLM;
- Brian W. Miller, Professional Staff Member, Committee on Resources, Office of U.S. Representative Don Young (R-Alaska);
- Robert D. Nelson, Director, Wildlife and Fisheries Management, USFS;
- Dennis Parobek, Legislative Director for Representative Vucanovich;
- R. Leo Penne, Director, Nevada State Office;
- Robert Pirie, Assistant Secretary for Installations and Environment, U.S. Navy;
- Mike Poling, Natural Resources Counsel for the U.S. Senate Committee on Energy and Natural Resources;
- Nanette DeRenzi Potts, Lieutenant Commander, Legislative Counsel, U.S. Navy;
- Lydia W. Quinn, Legislative Correspondent for Senator Craig;
- Gray F. Reynolds, Deputy Chief, USFS;
- Tim Salt, Western Rangelands Team Leader, BLM;
- Maitland Sharpe, Assistant Director, Resource Assessment and Planning, BLM;
- Bill Simmons, staff member of the House of Representatives;
- Sherry Sita, Office of the Secretary, U.S. Department of the Interior;
- Jack Ward Thomas, Chief, USFS;
- W. Hord Tipton, Assistant Director, Resource Use and Protection, BLM;
- Chris Topic, Range Land Ecologist, USFS;
- Curtis Tucker, Field Deputy Director, Caliente (Nevada) Resource Area, BLM;
- and
- Sterling J. Wilcox, Director of Engineering Staff, USFS.

Issue papers were prepared by committee staff as resource documents for the members' use during this meeting. This material reflects the major topics discussed with the various federal officials. Following is a list of the papers, copies of which may be found in Appendix D:

- "BLM Wilderness";
- "Grazing Fees and Range Management";
- "Mining Reform";
- "Rights-Of-Way on Public Lands";
- "Threatened and Endangered Species";
- "Transferring Public Lands to the States"; and
- "Wild Horses."

No formal actions were taken by the committee during the Washington, D.C., meetings.

DISCUSSION OF RECOMMENDATIONS

At its work session in Carson City, the Public Lands Committee considered over 30 recommendations for action by the 1997 Session of the Nevada Legislature and for committee letters. The members voted to proceed with many of the suggestions, resulting in ten requests for bill drafts and ten letters.

BILL DRAFT REQUESTS

This section provides background information for each of the approved recommendations for legislative action. Copies of the corresponding bill draft requests (BDRs) are found in Appendix E of this report.

Wild Horses and Estray Livestock

Nevada's Legislative Committee on Public Lands has maintained a continuing interest in the wild horse issue. At two meetings during the interim, the members were presented with concerns from Eureka County about the management of wild horses. The county offered numerous recommendations to the committee for BDRs on this issue. After extensive testimony and discussion at the work session in Carson City, the members chose to proceed with some of those recommendations.

Therefore, the Public Lands Committee recommends that the 1997 Session of the Nevada Legislature:

Make various amendments to the statutes concerning Nevada's Commission for the Preservation of Wild Horses. In particular, the Public Lands Committee recommends that the Nevada Legislature:

- a. Change the membership of the commission to specify that certain representatives be appointed.**
- b. Remove the executive director's authority to call a meeting of the commission. Authorize the chairman or the vice chairman to call a meeting of the commission.**

- c. Clarify that the commission's primary duties are to encourage the preservation of wild horses in certain areas and to identify certain programs for the management of wild horses. Revise the various ways in which the commission is directed to carry out these duties.
- d. Require that each appeal or protest filed on behalf of the commission be approved by the commission before submission.
- e. Authorize the commission to enter into agreements with the Federal Government to provide financial assistance for the removal and disposal of excess numbers of wild horses.
- f. Clarify that the authority of the commission to enter into agreements with the Federal Government includes the authority to cooperate with law enforcement agencies in the apprehension and prosecution of violators of wild horse laws.

(BDR 45-958)

As part of the wild horse discussion, Eureka County recommended various changes to the statutes concerning estray livestock. After consultation with Nevada's Division of Agriculture, who is responsible for these provisions, the members determined that sheep had been inexplicably omitted from these statutes and that the division would benefit from some changes to the procedure for handling estray livestock.

Therefore, the Public Lands Committee recommends that the 1997 Session of the Nevada Legislature:

Make various amendments to the statutes concerning estrays. In particular, the Public Lands Committee recommends that the Nevada Legislature:

- a. Add to the definition of "livestock" all sheep or animals of the ovine species.
- b. Change, from 10 to 5, the number of days in which an estray must be claimed.

- c. Authorize Nevada's Division of Agriculture, on an emergency basis, to sell unbranded, abandoned livestock that are injured, sick, or otherwise debilitated or abandoned in order to facilitate the humane disposition of the animals.**

(BDR 50-959)

Federal Land Planning and Management

During the interim, the committee discussed extensively the various issues associated with the management of federal lands in Nevada. The final recommendations address planning for the use of federal lands, state and local participation in federal land management, federal lands in the Las Vegas Valley, rights-of-way for utility companies, state consent of federal acquisition of lands, and the transfer of public lands to the states.

Federal Land Use Planning

In 1983, the Nevada Legislature recognized the importance of a state plan for the management of federally controlled lands by approving Senate Bill 40, which requires the Division of State Lands, acting as the State Land Use Planning Agency, to "prepare, in cooperation with appropriate state agencies and local governments throughout the state, plans or policy statements concerning the acquisition and use of lands in Nevada which are under federal management." This requirement was codified in NRS 321.7355 and is still in effect.

The division issued the *Nevada Statewide Policy Plan For Public Lands* in 1985. As then-Governor Richard H. Bryan explained in his transmittal letter, the document consists of "locally-adopted plans [which] should be used as guidelines for all levels of government in Nevada to determine the best use and management for our vast public land resource."

When the legislation was passed and the plans were developed, legislators and others interested in public lands issues assumed that the division would continue to work with the counties and other local governments to implement and refine the work begun in 1983. In recent years, however, this committee has become concerned that this work is not being done. Because Nevada's local governments are closely governed by the State, more effort needs to be made at the state level to manage federal lands and to assist local governments with the complexity of this issue.

Therefore, the Public Lands Committee recommends that the 1997 Session of the Nevada Legislature:

Revive the federal land planning process created pursuant to Senate Bill 40 of the 1983 Session. In particular, the Public Lands Committee recommends that the Nevada Legislature:

- a. Require Nevada's Division of State Lands to prepare a report on a regular basis.**
- b. Make an appropriation to Nevada's Division of State Lands to implement the planning process.**
- c. Authorize local governments to include in their master plans a provision concerning the use of lands under federal management. Authorize local governments to request assistance from Nevada's Division of State Lands for this optional provision of master planning.**
- d. Make discretionary the governor's approval of plans or policy statements concerning lands under federal management.**
- e. Require the inclusion of federal agencies in the preparation of any plan or policy statement concerning the use of lands under federal management.**

(BDR 26-960)

Participation in Federal Land Management

In addition, the Federal Government has recently been willing to consider, at least, more state and local participation in the management of public lands. The time may be ripe for the Division of State Lands to become much more active and involved in such management.

Therefore, the Public Lands Committee recommends that the 1997 Session of the Nevada Legislature:

Direct and fund Nevada's Division of State Lands to cooperate with one county in developing a proposal for a pilot public land management program. (BDR S-961)

Urge the United States Congress to pass legislation directing the United States Bureau of Land Management to enter into contracts or cooperative agreements with the State or individual counties for pilot projects of state or county management of public lands. (BDR R-963)

Federal Lands in the Las Vegas Valley

In July 1995, the Public Lands Task Force (PLTF) was formed by then-Representative James H. Bilbray (D-Nevada) to provide his office with local input about public lands issues. It also created a forum in the Las Vegas Valley to bring people together to discuss those topics. The PLTF consisted of representatives of federal, state, and local government entities; developers; and environmentalists.

When Representative Bilbray was not reelected to office, the members of the PLTF expressed a desire to continue their meetings, and Senator Bryan took up support of the task force along with Senator Reid. In July 1996, the PLTF continued to focus its discussions on land disposal issues in the Las Vegas Valley. The task force worked to produce a map to identify BLM lands that should be sold or exchanged and those that should be retained for public purposes.

One of the PLTF's major products was congressional legislation titled "Southern Nevada Public Land Management Act," introduced in the Senate by Senator Bryan (S.1626) and in the House by Representative Ensign (H.R. 3127). The legislation proposed to revise the boundaries of lands to be disposed of within the Las Vegas Valley and create a new process to allow for outright sale of public lands in a manner similar to sales under the federal Santini-Burton Act. The bill also proposed a formula under which revenues would be apportioned. Testimony indicated that BLM's goal in this matter was to dispose of its holdings in the center of the Las Vegas Valley.

Neither the Senate nor House bills were approved by the 104th Congress. However, the Public Lands Committee supports the concept and expects that similar legislation will be introduced in the future.

Therefore, the Public Lands Committee recommends that the 1997 Session of the Nevada Legislature:

Express support to the United States Congress and the Nevada Congressional Delegation for the transfer or sale of public lands in the Las Vegas Valley for community expansion and development, provided that rural counties are not adversely affected by any transfers. (BDR R-964)

Rights-of-Way

At the committee's meeting in Bunkerville on January 26, 1996, testimony was provided by a representative of the Nevada Telephone Association about the confusion experienced by certain joint venture participants during the BLM right-of-way application process. Chief among the concerns was the lack of consistency among the various BLM districts in implementing this process. The Nevada Telephone Association provided several suggestions for improving this situation, such as transferring title of ownership for public road rights-of-way to the State of Nevada, establishing time limits for the permitting process, requiring consistent application of existing rules, and de-aggregating multiple applications to allow for the optimum processing of permits. Such actions cannot be addressed at the state level; most would require congressional action.

Therefore, the Public Lands Committee recommends that the 1997 Session of the Nevada Legislature:

Urge Nevada's Congressional Delegation to introduce and support legislation to assist utility companies in establishing the necessary infrastructure on public lands. (BDR R-965)

State Consent of Federal Acquisition of Land

Among other provisions, Article I, Section 8, of the *Constitution of the United States* empowers the Federal Government to exercise exclusive authority over land purchased with the consent of the state within which that land is located. A review of the *Nevada Revised Statutes* and *Statutes of Nevada* reveals that the Nevada Legislature has formally conveyed land to the Federal Government only once since 1945.

Therefore, the Public Lands Committee recommends that the 1997 Session of the Nevada Legislature:

Urge the Federal Government to comply with Article I, Section 8 of the *United States Constitution* whenever the Federal Government seeks to obtain exclusive jurisdiction over land located in Nevada. (BDR R-966)

Transfer of Public Lands to the States

During the 104th Congress, legislation was introduced and heard that would transfer all or part of the public lands to the states. The Public Lands Committee carefully monitored this issue and met with pertinent congressional representatives in Washington, D.C., to discuss the legislation. Although the bills did not pass, the subject is still being considered, and indications are that similar legislation will be introduced again.

Therefore, the Public Lands Committee recommends that the 1997 Session of the Nevada Legislature:

Express support for Congressional legislation that would transfer federal lands to state control. (BDR R-967)

Military Activities

Currently, the Navy has proposed to withdraw approximately 130,000 acres of public land near the four bombing ranges of the Fallon Naval Air Station (FNAS) to assist with the training mission of that facility and enhance public safety. The State of Nevada supports the proposal with the exception of the planned continued use of Bravo-16, a bombing range that is just a few miles west of the rapidly growing community of Fallon, Nevada. Numerous residents have expressed concern about the noise and safety factors associated with living near this particular bombing range.

The Governor of the State of Nevada has requested that the Navy evaluate the relocation or abandonment of this bombing range. The Public Lands Committee supports the mission of FNAS; however, much testimony was received during the interim to indicate that the Governor's request has merit.

Therefore, the Public Lands Committee recommends that the 1997 Session of the Nevada Legislature:

Endorse the State of Nevada's request to the Navy to evaluate the relocation or abandonment of Bravo 16, provided that such an action not adversely affect the Navy's ability to carry out its duties at the Fallon Naval Air Station. Include a provision that recognizes the Navy's importance to Churchill County and the State of Nevada. (BDR R-968)

COMMITTEE LETTERS

This section provides background information for each of the approved recommendations for committee action. Copies of the corresponding letters are found in Appendix F of this report.

Land Use Planning

In conjunction with the legislation requested to revive the S.B. 40 process, the members of the Public Lands Committee decided to write their colleagues who are directly responsible for the budget process during session and ensure that they are aware of the importance of adding planning staff to the Division of State Lands.

Therefore, the Public Lands Committee voted to send letters:

To the Governor of the State of Nevada, expressing support for the budget request from Nevada's Division of State Lands to implement the planning process for lands under federal management.

To the Senate Committee on Finance and the Assembly Committee on Ways and Means, expressing support for the budget request from Nevada's Division of State Lands to implement the planning process for lands under federal management.

Military Issues

In the summer of 1996, the Nevada State BLM Office issued the Central Nevada Communication Sites Final Plan Amendment, which affects the placement of threat

emitters and other communication sites by FNAS personnel. As BLM states in the transmittal letter:

The plan amendment is intended to resolve long-standing issues regarding the location of communication sites in central Nevada. It helps maintain public land ecosystems and the quality of life of central Nevada residents and visitors to public lands. It facilitates communication site development by identifying preferred locations and provides flexibility in the location of future communication sites.

It is the committee's understanding that the proposed amendment allows threat emitters on more than half of a million acres of public land (not militarily withdrawn land) and that existing training facilities can continue to be used. The result of the amendment is that the public now knows where these sites will be permitted by BLM and where they are prohibited. The only protest filed against the amendment was submitted by the Navy; currently, the Secretary of the Interior is considering the request.

The Public Lands Committee received information that indicated almost total support for this amendment. Groups that normally do not agree with one another about public lands issues wrote letters in support of the Central Nevada Communication Sites Final Plan Amendment. These organizations include the State of Nevada, the Counties of Eureka and Nye, the Lander County Public Land Use Commission, Nevada Bell, the Nevada Cattlemen's Association, the Nevada Miners and Prospectors' Association, the Nevada Outdoor Recreation Association, the Nevada Trappers' Association, People for the West, the Sierra Club, and the Wilderness Society.

Therefore, the Public Lands Committee voted to send a letter:

To the United States Secretary of the Interior, expressing support for the United States Bureau of Land Management's Central Nevada Communication Sites Amendment.

Related testimony to the committee indicated that the military may not always be diligent about compliance with pertinent federal land management laws and regulations. In past actions to withdraw public lands for military purposes, some mining claim owners have had to fight for compensation for their losses. Currently, several land withdrawal proposals are being considered.

Therefore, the Public Lands Committee voted to send letters:

To the United States Secretary of the Interior and the Nevada Congressional Delegation, requesting that all mining claim owners be compensated for claims lost in military land withdrawals, whenever such compensation is required by law.

The Navy's justification for its proposed withdrawal relies on the Department of Defense Range Air Installation Compatibility Use Zone (RAICUZ) study of 1982. This use of a 15-year-old study is questionable at best. The 1982 RAICUZ does not analyze the effects associated with newer aircraft training capabilities nor does it include data on population growth. Fallon, the town closest to the Naval Air Station, is now one of the fastest growing communities in Nevada; in 1982, it was not. The report is clearly outdated and should not be the basis for any major decision affecting public lands in that area.

Therefore, the Public Lands Committee voted to send letters:

To the United States Bureau of Land Management, the Navy, and the Nevada Congressional Delegation, requesting that the Navy update the Range Air Installation Compatibility Use Zone (RAICUZ) report prior to any land withdrawal.

Water

The members examined two issues related to water: Mesquite's supply of water and federal compliance with state water law.

Mesquite, Nevada

At the committee's meeting in Mesquite, local officials discussed some of the water issues specific to that growing area, especially the Beaver Dam wash area and the acquisition of water from Arizona. The members were told that the water basin, which straddles the Nevada/Arizona border, has been closed by Nevada's State Engineer but is considered open by Arizona's state government. Consequently, there is no control over the amount of water being pumped from the Arizona side of the basin, and such activities directly affect Mesquite's supply. In addition, it was explained that the two states do not communicate about water issues; consequently, Mesquite cannot explore the option of importing available water from Arizona.

Therefore, the Public Lands Committee voted to send letters:

To the Nevada Congressional Delegation, urging their assistance in the resolution of certain water basin issues between Nevada and Arizona that adversely affect the water supply for Mesquite, Nevada.

Federal Compliance with State Water Laws

Committee discussions often centered around private water rights on public lands, and much testimony was received that urged the committee to ensure that the Federal Government did not encroach on the State's rights and responsibilities concerning water. Information was presented to the members that indicated BLM currently acknowledges and complies with Nevada water law and rights in its management plans.

Therefore, the Public Lands Committee voted to send a letter:

To the Nevada State Director of the United States Bureau of Land Management, encouraging the continued acknowledgment of and compliance with Nevada water laws and water rights in all public lands management plans.

Land Exchanges

Exchanges of private and public lands are a common occurrence in Nevada. However, this committee has been concerned for some time that such exchanges are approved without adequate consideration of potential adverse effects on local governments. Inevitably, it is a rural county or community that suffers a loss of tax revenue it can ill afford because most exchanges involve a large amount of private, rural land for a small amount of public land in the Las Vegas Valley.

The federal laws that currently govern the land exchange process provide for participation by interested parties. Few parties have more interest than the local government affected by private land becoming public. However, it appeared to the committee that some cities and counties may need assistance in becoming active in that process when it affects them. In addition, federal land management agencies are not always diligent in soliciting the participation of affected local governments.

Therefore, the Public Lands Committee voted to send letters:

To the United States Bureau of Land Management, the United States Forest Service, and the Nevada Congressional Delegation, encouraging the inclusion and approval of local governments in the land exchange process, and to the Nevada Association of Counties and the Nevada League of Cities, urging them to encourage and assist their members in monitoring and commenting upon proposed land exchanges.

Buckskin National Mine

At the final meeting of the interim, the members received reports about and discussed the issue concerning the cleanup work at the Buckskin National Mine.

Recently, the Forest Service contracted with an Idaho company to perform reclamation work at the old mine, which was inherited by Humboldt County resident Woodie Bell and is situated on unpatented land in the Humboldt National Forest. The Forest Service claims it is operating under the authority of the federal Comprehensive, Environmental Response, Compensation and Liability Act (CERCLA) and has indicated that Mr. Bell will be responsible for the costs of the cleanup, which may be quite high, despite the fact that the mine has not been in operation during Mr. Bell's ownership. During the meeting, the Forest Service indicated further that it does not intend to bankrupt Mr. Bell over this issue, but it requires certain financial information from Mr. Bell before he may be released from his obligation. Mr. Bell contended that the Forest Service has not proven that he is, in fact, responsible for the cleanup costs.

Various members directed questions and expressed their concerns to both parties in this matter. The committee recognized that certain extenuating circumstances may apply to this situation; however, it appeared that some level of cooperation would be necessary to resolve this difficult situation.

Therefore, the Public Lands Committee voted to send a letter:

To Nevada resident Woodie Bell and the United States Forest Service, urging them to cooperate to resolve the issue of financial responsibility for cleanup work done at the Buckskin National Mine in Humboldt County, Nevada.

Endangered Species

One of the topics that arose at almost every meeting was the Endangered Species Act and its detrimental effect on both rural and urban communities. People's livelihoods in affected areas have now become as endangered as the species in question. In addition, no one was able to show the committee that the law has saved any species in Nevada; none have been delisted, despite 20 years of work and sacrifice. The committee concluded that this law is not functioning properly.

Therefore, the Public Lands Committee voted to send letters:

To Nevada's Congressional Delegation, encouraging each of them to work to amend the Endangered Species Act in order to reduce its negative effects on Nevada's communities. Urge the delegation to prevent any further additions of Nevada species to the endangered or threatened lists.

CONCLUDING REMARKS

Nevada's Legislative Committee on Public Lands spent much of the interim working on numerous public lands topics and problems at the federal, state, and local government levels. These issues have concerned Nevadans for many years and are not quickly or easily resolved; however, the forum provided by the committee allows Nevada residents to comment about the many diverse aspects of living in a public lands state.

This report discusses the meetings and actions of the Public Lands Committee during the 1995-1996 interim period. Because the issues monitored by the committee are continuing, the committee may be required to meet before the next interim period begins to review federal actions affecting public lands in Nevada. At such meetings, the committee may choose to recommend additional legislative proposals.

The members of the committee wish to thank the organizations and individuals who participated in this interim's hearings. The committee appreciated the important assistance provided by the many talented people who testified at the meetings.

APPENDICES

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APPENDIX A

Nevada Revised Statutes 218.536 through 218.5371

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

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

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

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

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

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

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

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

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

218.5363 Establishment; membership; chairman; vacancies.

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

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

chairmanship or vice chairmanship, the members of the committee shall select a replacement for the remainder of the unexpired term.

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

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

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

218.5365 Meetings; regulations; compensation of members.

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

2. 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)

218.5367 Powers of committee.

1. The committee may:

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

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

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

(Added to NRS by 1979, 5; A 1981, 170; 1989, 1674)

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

Approved Budget and Proposed Work Plan

July 1, 1995, through December 31, 1996

NEVADA'S LEGISLATIVE COMMITTEE ON PUBLIC LANDS
(Nevada Revised Statutes 218.5363)

APPROVED BUDGET AND PROPOSED WORK PLAN
July 1, 1995, through December 31, 1996

This document outlines the approved budget and proposed work plan for Nevada's Legislative Committee on Public Lands for the 1995-1996 interim period.

APPROVED COMMITTEE BUDGET

On September 12, 1995, the Legislative Commission approved the committee's budget request, which totals \$41,800. The major categories are as follows:

| | |
|---------------------------------|-----------------|
| Legislator Salaries | \$11,700 |
| Travel and per diem costs: | |
| In-state committee meetings | 9,000 |
| Out-of-state committee meetings | 18,000 |
| Conferences | 1,500 |
| Operating Costs: | |
| Supplies and subscriptions | 900 |
| Printing and copying | 200 |
| Registration fees | 500 |
| TOTAL BUDGET: | <u>\$41,800</u> |

The budget allows the six legislators on the committee to conduct seven hearings throughout urban and rural Nevada and two two-day meetings in Washington, D.C. The salary and expenses of the local government representative on the committee are paid by his political subdivision. In addition, the budget provides for the assistance of the committee's staff members at the Washington, D.C., meetings. The committee planned the same number of meetings during the last interim.

The Legislative Commission also appointed two alternates, Assemblywoman Marcia de Braga and Assemblyman John C. Carpenter, to this committee. Alternates' salaries and expenses will be paid when they are serving on the committee in the place of members who are unable to attend a particular meeting.

This budget was increased from last interim's allocation of \$37,000. Additions to the budget include provisions for subscriptions to public lands publications and attendance at regional or national public lands conferences. The increased public awareness of, and interest in, public lands issues has resulted in the planning of many conferences to which Nevada representatives are often invited. Because most of Nevada's lands (almost 87 percent) are under federal control and the Nevada Legislature has long been active in this issue, other states often look to this committee for information and assistance. Consequently, some funding for members to participate in such conferences is included in this budget.

PROPOSED WORK PLAN

The following sections outline the tentative work plan for the Legislative Committee on Public Lands during the 1995-1996 interim period.

In-State Meetings

Seven one-day meetings throughout Nevada are projected and budgeted. Certain meetings may last two days due to tours or other activities, but this contingency was not included in the budget. The meetings are planned to be held in Reno, Las Vegas, Mesquite, Winnemucca, Pioche, Tonopah, and Carson City between September 1995 and November 1996.

Unlike interim subcommittees, the Public Lands Committee is not required to complete its work within a specified time period. The committee is a statutory body and, as such, operates continually. Recommendations are considered and acted on at meetings throughout the interim. Traditionally, however, the members take action on most recommendations, particularly those involving bill draft requests, at the last scheduled meeting of the interim. The report is then completed by staff, and approved by the members, prior to the start of the legislative session.

Out-of-State Meetings

The committee optimizes its effectiveness by annually visiting members of the United States Congress and executive branch in Washington, D.C. These productive meetings provide committee members with insight on federal policies and key contacts on public lands issues, opportunities to educate federal officials on the public lands perspective in Nevada, and greater rapport with the members and staff of Nevada's Congressional Delegation.

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

Proposed Time Table of Meetings

| <u>DATE</u> | <u>PLACE</u> | <u>TOPIC</u> |
|---|------------------|--|
| Friday, September 29, 1995 | Reno, NV | Organizational meeting. Background information and status of ongoing issues. |
| Wednesday and Thursday, November 8 and 9, 1995 | Washington, D.C. | Meeting with Congressional and other federal officials. |

| DATE | PLACE | TOPIC |
|---|------------------|---|
| Friday, December 15, 1995 | Las Vegas, NV | General meeting. Update on Southern Nevada issues. |
| Friday, January 26, 1996 | Mesquite, NV | General meeting. Update on recreational issues. |
| Friday, March 8, 1996 | Winnemucca, NV | General meeting. Update on mining issues. |
| Tuesday and Wednesday, April 9 and 10, 1996 | Washington, D.C. | Meeting with Congressional and other federal officials. |
| Friday, June 7, 1996 | Pioche, NV | General meeting. Update on ranching issues. |
| Friday, September 13, 1996 | Tonopah, NV | General meeting. Update on military issues. |
| Friday, October 18, 1996 | Carson City, NV | Work session. Final recommendations and report. |

Issues

As an introduction to some of the public lands issues that may come before the committee this interim, this section briefly summarizes pertinent state legislation approved this past session, highlights relevant federal activities, and indicates the committee's possible involvement in these activities.

I. *Bills Approved by the 1995 Nevada Legislature*

- A. Senate Bill 18 (Chapter 456) requires a study of the rates charged for leasing grazing rights on private property in Nevada.
- B. Senate Bill 96 (Chapter 652) enacts provisions governing the acquisition of water rights on public lands for the purpose of watering livestock.
- C. Senate Bill 230 (Chapter 344) establishes the wildlife heritage trust account.
- D. Assembly Bill 139 (Chapter 103) revises the provisions governing the expenditure of money by Clark County to encourage the preservation of certain species of wildlife.
- E. Assembly Bill 178 (Chapter 101) revises certain requirements for defining the boundaries of mining claims.

- F. Assembly Bill 537 (Chapter 358) establishes a system of demerit points for violations of the provisions relating to wildlife.
- G. Assembly Bill 631 (Chapter 728) revises the distribution of revenue received from the lease of federal land.

II. *Resolutions Approved by the 1995 Nevada Legislature*

- A. Senate Joint Resolution No. 27 of the 67th session (File No. 54) proposes to amend the ordinance of the Nevada constitution to repeal the disclaimer of the state's interest in unappropriated public lands.
- B. Senate Joint Resolution No. 6 (File No. 98) expresses the support of the Nevada Legislature for the mining industry in this state and for reasonable and progressive reform of the existing federal laws governing mining.
- C. Senate Joint Resolution No. 7 (File No. 112) expresses the support of the Nevada Legislature for the agricultural industries in this state and for the establishment of reasonable provisions relating to the management and administration of public rangelands.
- D. Senate Joint Resolution No. 8 (File No. 62) urges Congress to adopt amendments to the Endangered Species Act of 1973 to provide for consideration of the Act's economic impact.
- E. Senate Joint Resolution No. 25 (File No. 122) urges the Secretaries of Defense and Interior to make a portion of Tolicha Mining District available for public use.
- F. Assembly Joint Resolution No. 35 (File No. 114) urges Congress to reduce the paperwork requirements associated with the National Environmental Policy Act.
- G. Assembly Joint Resolution No. 36 (File No. 115) urges the resolution of litigation over the authorization of grazing permits in Humboldt National Forest.

III. *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. Land transfers/exchanges

- Monitor and assist as necessary in local government and other land transfer/exchange proposals.

C. Military activities and land and airspace proposals

- Monitor and review military land and airspace withdrawal proposals affecting the state.
- Monitor congressional proposals relating to military land and airspace.

D. Mining and reclamation

- Monitor and review Federal proposals to substantially alter the Mining Law of 1872.
- Monitor the minerals industry and development in Nevada.
- Monitor implementation of the state's abandoned mines program.

E. Rangeland management

- Monitor and review Federal proposals and activities.

F. Riparian management

- Review Federal proposals and activities relating to riparian areas in the state.

G. Wilderness

- Monitor BLM wilderness review process, areas, and recommendations.

H. Wild horses and burros

- Monitor BLM policies and activities on wild horse and burro management.
- Review activities of Nevada's Commission for the Preservation of Wild Horses.

I. Wildlife

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

J. Other topics of interest

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

APPENDIX C

Nevada's Legislative Committee on Public Lands
Resolution No. 96-1

NEVADA'S LEGISLATIVE COMMITTEE ON PUBLIC LANDS

RESOLUTION NO. 96-1

REQUESTING INCLUSION OF SPECIFIC REPORT LANGUAGE
BY THE HOUSE AND SENATE APPROPRIATIONS COMMITTEES

WHEREAS, The United States Bureau of Land Management (BLM) is responsible for the administration of nearly 49 million acres of public land in Nevada; and

WHEREAS, In an effort to balance the federal budget and reduce the nation's deficit, the United States Congress has reduced, and will likely continue to reduce, the amount of annual appropriations available to BLM; and

WHEREAS, The quality of the natural environment and economy within Nevada are, to a large extent, currently dependent upon the effective management of public land by BLM; and

WHEREAS, BLM has been afforded a great degree of discretion in the manner in which it allocates available funding between programs and activities; and

WHEREAS, Nevada's Legislative Committee on Public Lands is concerned that exercise by BLM of discretion in allocating ever-reduced annual appropriations may result in less than adequate efforts to collect all data necessary to arrive at scientifically defensible administrative decisions regarding resource use and protection; and

WHEREAS, Nevada's Legislative Committee on Public Lands is concerned that the "Full Force and Effect" decisions rendered by BLM without adequate supporting data can be difficult and costly to overturn; and

WHEREAS, Nevada's Legislative Committee on Public Lands is concerned that exercise of BLM discretion in allocating ever-reduced annual appropriations may result in less than adequate numbers of wild horses being removed from public land; and

WHEREAS, Nevada's Legislative Committee on Public Lands is concerned that exercise of BLM discretion in allocating ever-reduced annual appropriations may result in less than appropriate consideration being given to state or county proposals for implementation of public land management demonstration projects; now, therefore, be it

RESOLVED, BY NEVADA'S LEGISLATIVE COMMITTEE ON PUBLIC LANDS, That the House and Senate Appropriations Committees are requested to include the following language in Committee reports to accompany the Fiscal Year 1997 Interior Appropriations Bill:

The Committee is concerned that, in an attempt to adjust to reduced levels of funding, BLM has resorted to less than adequate efforts to collect and utilize scientific data necessary to support the timely rendering of defensible administrative decisions. The Committee expects BLM to apply priorities in its expenditure of funds to ensure that administrative decisions are made in a timely fashion and are supported through the collection and use of all scientific information required by land use plans.

The Committee has observed that, despite spending significant sums of money in recent years, BLM has been unable to maintain numbers of wild horses on public lands at levels recommended within adopted management plans. The Committee is concerned with the extent of environmental and

economic damage resulting from the inability of BLM to control wild horse numbers. The Committee recommends that BLM apply a greater level of its wild horse program funding to actual removal of horses at a rate commensurate with the objectives outlined in adopted management plans. In addition, the Committee encourages BLM to cooperate fully with states exercising their authority to gather and dispose of stray horses from public land.

Section 307(b) of the Federal Land Policy Management Act authorizes the Secretary of the Interior to enter into contracts and cooperative agreements involving the management, protection, development, and sale of public lands. The Committee is aware that many western states and counties have expressed a willingness and capability to effectively manage public land. The Committee believes that expanding partnerships between federal, state, and local governments may result in public land management that is more responsive to federal fiscal constraints and regional concerns. The Committee anticipates that BLM will cooperate fully with state or local governments offering to establish public land management demonstration projects. The BLM is encouraged to seek to enter into one or more contracts or cooperative agreements with state or local governments to conduct public land management demonstration projects.

The Committee is concerned that "Full Force and Effect" decisions rendered by BLM without adequate supporting data may result in unjust consequences to users of grazing resources. The Committee expects BLM to limit issuance of "Full Force and Effect" decisions to only those cases where adequate scientific data has been collected to substantiate the need to remove domestic livestock from the public land.

And be it also

RESOLVED, That copies of this resolution be transmitted to Senator Mark O. Hatfield, Chairman of the Senate Committee on Appropriations; Representative Bob Livingston, Chairman of the House Committee on Appropriations; Nevada Senators Richard H. Bryan and Harry Reid; Nevada Representatives Barbara F. Vucanovich and John Ensign; and Robert J. Miller, Governor of the State of Nevada.

Adopted June 21, 1996

APPENDIX D

Issue Papers

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BLM WILDERNESS

In Nevada, approximately 5.1 million acres of United States Bureau of Land Management (BLM) lands are designated as Wilderness Study Areas (WSAs), and studies have been completed on these WSAs. The study process involved environmental impact statements, public participation, and mineral reports.

Nevada's BLM statewide wilderness recommendation package was submitted to the U.S. Secretary of the Interior in 1991. The package recommended approximately 1.9 million acres of BLM lands in Nevada for wilderness designation, but former Secretary Manuel Lujan removed nearly 50,000 acres from consideration as wilderness areas.

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

Final recommendations were forwarded to then-President George Bush in the fall of 1991. He had two 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. No legislation has yet been introduced to designate BLM wilderness in Nevada.

GRAZING FEES AND RANGE MANAGEMENT

The United States Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) proposed new rules for range management and a new grazing fee formula in *Rangeland Reform '94* and the Advance Notices of Proposed Rulemaking published in the *Federal Register* on August 13, 1993.

After a long and often contentious public comment period, the BLM implemented its new rules on August 21, 1995. Certain aspects of the new regulations include establishing standards and guidelines for livestock grazing in rangeland ecosystems, allowing the Federal Government to file for title to water rights, replacing BLM's existing grazing advisory boards with a smaller number of resource advisory boards, expanding the definition of "affected interests," and requiring the Federal Government to retain title to permanent improvements made on public land. The new regulations were met with a lawsuit filed by the National Cattlemen's Association and various bills introduced in the current session of Congress.

The major range policy bill (S. 1459) was introduced by U.S. Senator Pete V. Domenici (R-New Mexico) and is favored by the livestock industry. Approved by the U.S. Senate on March 21, 1996, the measure proposes to block BLM's new rules and establishes provisions that are similar to the requirements in effect before the new rules were implemented. The bill also provides a slight increase in grazing fees.

A month later, S. 1459 was endorsed by the U.S. House of Representatives Resources Committee, after rejecting nearly a half-dozen amendments. Two amendments were approved. One, offered by Representative Wes Cooley (R-Oregon), increases the effective period for a grazing permit from the 12 years in the Senate version to 15 years. The second, proposed by Representative Barbara Cubin (R-Wyoming) allows grazing fees to be used by the counties in which they are collected as prescribed under current law.

Action Taken by the Nevada Legislature

The 1995 Nevada Legislature approved S.J.R. 7, which urges Congress to pass legislation that would prevent the reforms of existing regulations concerning the management of public rangelands and establish reasonable provisions relating to the management and administration of the public rangelands.

MINING REFORM

The Federal Mining Law of 1872 was intended to promote the development of the West. But with Western expansion no longer an issue, critics claim that the law allows the mining industry to exploit public land. Unlike oil and gas interests, mining companies are not required to pay royalties for gold, silver, and other hard-rock minerals extracted from public land. As a result, mining reform legislation to establish royalties and other new requirements has been introduced in Congress several times over the past few years.

Mining supporters oppose royalties that fail to deduct production costs and claim that excessive regulation will adversely affect the industry, especially small companies. Industry advocates also contend that modern mining is environmentally safe and necessary for the United States to retain its prominence in world markets.

Currently, Congress is not debating any particular mining-related measure. An omnibus budget reform bill (H.R. 2491) containing some mining reforms was passed by Congress, but the measure was vetoed by President Bill Clinton on December 6, 1995.

The mining industry, however, is concerned about the effects of federal agency budget cuts, furloughs, and staff reductions on mining plans and the permit process. According to the National Mining Association (NMA), 50 mining plans have been delayed for over a year. In addition, 30 environmental impact statements (EIS) are pending. The NMA estimates that mining companies have lost over \$30 million due to the delays.

The Gold Institute recently projected that by 1997, if the existing regulatory process continues, investment in U.S. gold mining will decline \$220 million, \$21 million in gold production will be lost, and over 9,000 direct and indirect jobs will disappear.

In response, mining industry officials have met with agency representatives to address the problem. The United States Forest Service (USFS) noted that it does not have enough funding to process permit applications in a timely manner. The U.S. Department of the Interior indicated that its policy is to not accelerate permits and environmental impact statements. In fact, the department requires an EIS for any project covering more than 640 acres, which includes most gold mines. The NMA is encouraged, however, by a recent meeting with officials in the Nevada State Office of the Bureau of Land Management, which was positive.

At the congressional level, the NMA endorsed a Clinton Administration request for \$32.6 million for mine law management by U.S. Bureau of Land Management in Fiscal Year 1997, which is a \$6 million increase over the previous year. The mining industry also intends to ask Congress to add \$5.5 million to the administration request of \$35 million for minerals and geology for the USFS.

RIGHTS-OF-WAY ON PUBLIC LANDS

On June 7, 1993, United States Secretary of the Interior Bruce Babbitt released a report, requested by Congress, that examines the effect of *Revised Statute* (R.S.) 2477, an 1866 law that granted rights-of-way for constructing public highways over public lands. Secretary Babbitt recommended new administrative rules to bring the now-defunct law into the framework of contemporary public land management but did not recommend any formal congressional action.

The law, enacted during a period when the Federal Government was aggressively promoting the settlement of the West, provided a direct grant from Congress for state and local governments to build public highways on public lands without additional federal approval or documentation. When R.S. 2477 was repealed 17 years ago, highways established before 1976 were protected as valid, existing rights-of-way.

The U.S. Department of the Interior developed proposed regulations that were expected to provide an orderly way of exploring the complicated legal and policy questions surrounding this issue. Part of the complexity stems from the fact that thousands of miles of undocumented roads were constructed across public lands in the Western United States under R.S. 2477.

The majority of R.S. 2477 public highways are located on public lands administered by the U.S. Bureau of Land Management (BLM), which is responsible for examining claims of pre-1976 roads across public lands and either acknowledging or denying each road's validity.

Among the objectives for the rulemaking (a process that involves public participation) are appropriate definitions of specific statutory terms, such as "construction," "highways," and "public lands not reserved for public purposes." The rules are also to consider recordation requirements, elements of proof for an R.S. 2477 claim, and public notification and administrative appeals processes. It appears that public comment has been extensive, and intense opposition has been expressed. The rules are still in the "proposed" phase; final regulations have not been released.

On May 1, 1996, the U.S. Senate Energy and Natural Resources Committee approved S. 1425, which will prevent the implementation of the regulations. The legislation shifts the burden of challenging right-of-way claims in court from states and counties to the Federal Government. It also places the burden on the Federal Government to dispute claims made before 1976 but will not allow any new claims.

THREATENED AND ENDANGERED SPECIES

The 1973 Federal Endangered Species Act, which is intended to protect animals and plants from extinction, has been a major topic of discussion in the current Congress. The United States House of Representatives Resources Committee recently approved H.R. 2275, which was introduced by Representatives Don Young (R-Alaska) and Richard W. Pombo (R-California) and would substantially change the act. The measure guarantees compensation for the taking of private property, allows destruction of a higher number of species during commercial activities, increases the difficulty in getting a species listed, requires more state input in the writing of habitat protection plans, and limits the pressure on a private landowner to protect a listed species. It has not yet received House floor action.

Speaker of the House Newt Gingrich (R-Georgia), however, has asked the House Subcommittee on Fisheries and Wildlife to draft a bill with broader appeal than H.R. 2275. The subcommittee is chaired by Representative Jim Saxton (R-New Jersey). The completed measure is expected to be introduced this spring.

Drafts of the compromise bill have not been well-received by either conservatives or conservationists. Western Republicans in the House continue to support H.R. 2275, which is seen as the stronger bill. Environmentalists do not like the draft provision that would give states more involvement in the administration of the Endangered Species Act.

Two bills are pending in the U.S. Senate: S. 768, introduced by Senator Slade Gorton (R-Washington), and S. 503, introduced by Senator Kay Bailey Hutchison (R-Texas). The first measure intends to rewrite and limit the Endangered Species Act; the second imposes a six-month moratorium on new listings under the law. The Senate Environment Subcommittee approved S. 503 in March 1995.

Certain species are of particular concern to Nevada:

Cui-ui

Cui-ui, a fish found only in Pyramid Lake, was designated an endangered species in 1967. In 1993, the fish had their first successful spawning run in 6 years, but the criteria in the cui-ui recovery plan call for stable or increased numbers of the fish for 15 years. However, the U.S. Fish and Wildlife Service (F&WS) has determined that the earliest year the cui-ui could be delisted is 2016, when the amount of water being diverted from the Truckee River next year is expected to reach a total of 110,000 acre-feet. The goal is based on each year having at least average precipitation, which is historically unlikely.

Desert Tortoise

Because of the spread of a flu-like virus among the Mojave population of the desert tortoise, it was designated as a threatened species by F&WS on April 2, 1990, after an 8-month period of emergency designation as an endangered species. During the emergency designation, local governments in Clark County adopted ordinances requiring

developers to pay fees to fund habitat areas. Additionally, the Nature Conservancy announced the acquisition of land near Searchlight, Nevada, to establish the first permanent preserve for the desert tortoise in southern Nevada.

Based on an opinion by the F&WS that livestock grazing may adversely affect tortoise habitat, the Las Vegas District of the U.S. Bureau of Land Management (BLM) banned grazing on federal land near Mesquite, Nevada, for certain parts of each year. The ban was to take effect in March 1993. Thirty-two ranchers appealed the ban, which was overturned by the U.S. Department of the Interior Board of Land Appeals a few days before the ban was to be implemented. However, the case, which seems to address a conflict between two federal laws, the Taylor Grazing Act and the Endangered Species Act, will not be completely resolved until it is heard in federal court.

On August 27, 1993, the F&WS proposed critical habitat zones in Arizona, California, Nevada, and Utah for the threatened desert tortoise. A total of 1.3 million acres in Clark and Lincoln Counties is Nevada's portion of the proposed 6.2 million acres. The plan would provide protection to areas inhabited by the desert tortoise only if a proposed land use requires federal funding or authorization. Private landowners within the zones will not be affected, unless they use federal permits or money. The action stems from settlement of two federal lawsuits filed by environmentalists to force the government to protect the tortoise from becoming extinct.

Actions Taken by the Nevada Legislature

The 1995 Nevada Legislature approved S.J.R. 8, which urges Congress to provide for the development of recovery plans for endangered and threatened species and a consideration of the impact of the act on the economic growth and development of the geographic areas in which protected species are located.

TRANSFERRING PUBLIC LANDS TO THE STATES

Since the Sagebrush Rebellion began in 1979, this Congress is the first to seriously consider transferring public lands to the states.

General Transfers

The major bill under discussion is H.R. 2032, introduced by Representative James V. Hansen (R-Utah). The measure requires that the United States Secretary of the Interior offer to transfer the lands and minerals administered by the U.S. Bureau of Land Management (BLM) to the states in which these lands are located. Nationally, the number of acres involved in this transfer is 268 million; 18 percent of this land (48 million acres) is located in Nevada.

The bill requires a state to accept all or none of the BLM lands within its border and provides a transfer period of 10 years, beginning with the Governor's acceptance of the land. Wilderness areas are included in the transfer but must be managed in compliance with the Federal Wilderness Act. States would be required to recognize existing grazing permits, mineral patents, and other leases but would be authorized to determine the terms of renewals. The bill also transfers water rights to the states.

In addition, the measure limits BLM's budget to \$800 million, a decrease of \$400 million from current levels, restricting the agency's activities to land management and transfer issues.

The first hearing on H.R. 2032 was held August 1, 1995, before the U.S. House of Representatives National Parks Subcommittee. At that hearing, the U.S. Department of the Interior's Assistant Secretary for Policy, Management and Budget indicated that President Bill Clinton would veto the bill in its current form.

The U.S. Senate companion measure, S. 1031, was heard on November 2, 1995.

Specific Transfer

The Southern Nevada Public Lands Task Force has resulted in congressional legislation that would release additional BLM land in the Las Vegas area. The bill was introduced in the Senate by Senator Richard H. Bryan (D-Nevada) (S. 1626) and in the House by Representative John Ensign (R-Nevada) (H.R. 3127). The House measure has been heard twice.

The legislation requires BLM to sell or exchange some of the 17,000 acres in the Las Vegas Valley that BLM has identified as disposable. The affected land would be determined by BLM and local governments. Proceeds from the sales would be distributed as follows: 5 percent to the State of Nevada for educational purposes; 25 percent to the Southern Nevada Water Authority for water treatment and delivery infrastructure;

20 percent to Clark County for various public purposes; and 50 percent to a special fund. This fund would be used to acquire environmentally sensitive land in Clark County, Lake Tahoe, and other parts of Nevada, and to pay for various other environmental duties in Clark County.

At the first hearing by the House Subcommittee on National Parks, Forests and Public Lands (chaired by Representative Hansen of Utah; Representative Ensign is a member) in Las Vegas, support for H.R. 3127 was unanimous. However, at the next hearing in Washington, D.C., the bill was opposed by Acting BLM Director, Michael Dombeck, who indicated that the measure does not distribute the money adequately. He maintained that the Federal Government should receive a larger percentage and that Nevada should receive no more than 15 percent, as is provided in the 1980 Santini-Burton Act.

Additional information about this particular legislation is attached.

Action by the Nevada Legislature

The 1995 Nevada Legislature approved S.J.R. No. 27 of the 1993 Session, which proposes to amend the *Nevada Constitution* to remove the clause by which the State disclaims all right and title to unappropriated public lands. The question will be presented to the voters at the 1996 General Election.

In 1979, the Nevada Legislature adopted legislation declaring the State's ownership of unappropriated lands within its borders. Encoded as *Nevada Revised Statutes* 321.596 through 321.599, these statutes have never been enforced. However, they have been drawn into the pending federal lawsuit against Nye County; it is possible that the judge's decision may uphold or enjoin these provisions.

WILD HORSES

Nevada is home to over 65 percent of the nation's wild horses and burros, the population of which continues to expand. These animals are protected under the Federal Wild Free-Roaming Horses and Burros Act of 1971, which also gives the United States Bureau of Land Management (BLM) the responsibility for the animals.

In 1992, BLM began a fertility control program as one method to manage wild horse populations. However, gathering excess animals for adoption continues to be the most common management tool. In 1993, the Animal Rights Law Clinic at Rutgers University filed suit in U.S. District Court, claiming that wild horses and burros cannot be gathered from public lands without approval by the U.S. Secretary or an Assistant Secretary of the Department of the Interior. The law clinic supported a private survey that counted slightly over 8,000 horses in Nevada and accused the BLM of planning to round up all of them for slaughter. The BLM maintained, at the time, that there were over 30,000 horses in Nevada and planned to prove its count through the roundups the clinic tried to prevent. The suit was not successful.

The Public Lands Committee sent a letter to the Nevada State BLM Director on December 4, 1991, supporting the "Secretary's Strategic Plan for Wild Horse Management," which outlines the fertility control program. The plan was approved in June 1992 and has been implemented in the subsequent years. In 1994, the number of wild horses in Nevada was slightly over 23,000; due to mild weather, the count for 1995 was expected to be around 26,500.

However, recent budget cuts and the staff furloughs will preclude many of the plan's programs from continuing. Many gathers originally planned for 1996 have been canceled; as a consequence, the number of wild horses has begun to increase again. Currently, BLM is considering updating the plan based on the new, lower budget.

APPENDIX E

Suggested Legislation

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| BDR 45-958 Revises provisions concerning commission for preservation of wild horses | 65 |
| BDR 50-959 Revises provisions relating to estrays | 73 |
| BDR 26-960 Revises provisions relating to certain plans of state land use planning agency and master plans of cities and counties | 77 |
| BDR S-961 Requires division of state lands of state department of conservation and natural resources to establish pilot program for management of resource area located in county selected by division and established by Bureau of Land Management | 85 |
| BDR R-963 Urges Congress to enact legislation requiring Bureau of Land Management to establish pilot program for management of federal public land in Nevada by State of Nevada and its counties | 89 |
| BDR R-964 Expresses support of Nevada Legislature for sale or other transfer of public land owned by Federal Government in Las Vegas Valley under certain circumstances | 91 |
| BDR R-965 Urges Nevada Congressional Delegation to introduce and support legislation to assist local telephone companies in obtaining rights of way over public land managed by Federal Government | 93 |

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| BDR R-966 Urges Congress to obtain consent of State of Nevada if Congress, under certain circumstances, seeks to obtain exclusive jurisdiction over land in Nevada | 97 |
| BDR R-967 Expresses support of Nevada Legislature for federal legislation that transfers to State of Nevada all or any portion of public land that is owned and controlled by Federal Government in Nevada | 99 |
| BDR R-968 Expresses support of Legislature of State of Nevada for relocation or abandonment of Bravo 16 bombing range located near Fallon, Nevada under certain circumstances | 103 |

SUMMARY—Revises provisions concerning commission for preservation of wild horses.

(BDR 45-958)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to the commission for the preservation of wild horses; revising the qualifications of certain members of the commission; requiring the members of the commission to elect a chairman and vice chairman; prohibiting the filing of certain documents by the executive director or an employee of the commission unless approved by the commission; requiring the commission to submit an annual written report to the governor and the legislature or the legislative commission concerning the status of wild horses in Nevada and the activities of the commission; requiring the commission to encourage cooperative efforts and to participate in programs for the removal and disposal of wild horses under certain circumstances; authorizing the commission to enter into agreements with the Federal Government to provide financial assistance for the removal and disposal of wild horses 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. NRS 504.430 is hereby amended to read as follows:

504.430 As used in NRS 504.430 to 504.490, inclusive:

1. "Commission" means the commission for the preservation of wild horses.
2. "Commission fund" means the fund for the commission for the preservation of wild horses.
3. "Heil trust" means the money given to the state by the Estate of Leo Heil for the preservation of wild horses in Nevada.
4. *"Management area" means any area in this state in which wild horses are controlled and managed by the Federal Government pursuant to the provisions of the Wild Free-Roaming Horses and Burros Act, 16 U.S.C. §§ 1331, et seq., or any other applicable provision of federal law.*
5. "Wild horse" means a horse, mare or colt which is unbranded and unclaimed and lives on public land.

Sec. 2. NRS 504.440 is hereby amended to read as follows:

504.440 1. There is hereby created the commission for the preservation of wild horses. The commission consists of five members appointed by the governor as follows:

(a) A representative of an organization whose purpose is to preserve wild horses and whose headquarters are in Nevada . [;]

(b) An owner or manager of [property used for ranching; and

(c) Three members of the general public who:

(1) Are not engaged in ranching or farming; and

(2) Have not been previously engaged in efforts to protect wild horses.] *a ranch that uses public land for grazing and upon which wild horses live.*

(c) *A member of the board of county commissioners of a county:*

(1) *Whose population is less than 40,000; and*

(2) *In which wild horses live in a management area.*

(d) *A veterinarian who:*

(1) *Is licensed to practice veterinary medicine in this state; and*

(2) *Has experience in the treatment of horses or any other equine.*

The veterinarian must be appointed from a list of three veterinarians nominated by the state board of agriculture.

(e) *A wildlife biologist who has experience in the management of herbivores. The biologist must be appointed from a list of three biologists nominated by the board of wildlife commissioners.*

2. After the initial terms, the members shall serve terms of 3 years. Any vacancy in the membership must be filled for the unexpired term.

3. *The members of the commission shall elect a chairman and vice chairman from among the members of the commission. After the initial election of a chairman and vice chairman, each of those officers holds office for a term of 1 year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the commission shall elect a chairman or vice chairman from among its members for the remainder of the unexpired term.*

4. Each member of the commission [for the preservation of wild horses] is entitled to receive a salary of not more than \$80, as fixed by the commission, for each day he is engaged in the business of the commission.

[4.] 5. While engaged in the business of the commission, each member and employee of the commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

[5.] 6. The commission [for the preservation of wild horses] shall meet at least quarterly each year and on the call of the [executive director] *chairman or vice chairman* or any two members.

Sec. 3. NRS 504.460 is hereby amended to read as follows:

504.460 1. Upon the approval of all its members, the commission [for the preservation of wild horses] shall appoint an executive director who is in the unclassified service of the state. The executive director must have substantial knowledge of wild horses and their habitat and an interest in their protection. He may, with the approval of the

commission, contract for any clerical or technical employees necessary to carry out his duties.

2. The executive director shall:

(a) Carry out the policies of the commission ; [for the preservation of wild horses;] and

(b) Act as the recording secretary for the commission.

3. *No written protest, petition for judicial review or appeal of an administrative decision concerning the management of wild horses may be filed in any action or proceeding on behalf of the commission by the executive director or an employee of the commission unless the filing is approved by the commission.*

Sec. 4. NRS 504.470 is hereby amended to read as follows:

504.470 1. The primary duties of the commission are to [preserve the herds] *encourage the preservation of wild horses living in management areas* and identify programs to [maintain the herds in a thriving natural ecological balance.] *manage wild horses in a manner that balances the general physical condition of the herds of wild horses with the ecological condition of the rangelands and other resources required by those herds.* To carry out these duties [it] , *the commission shall:*

(a) Promote the management and [protection] *preservation* of wild horses [;

(b) Act as liaison between the state, the general public and interested organizations on the issue of the preservation of wild horses;

(c) Advise] *living in management areas;*

(b) *Encourage cooperative efforts between the State of Nevada and the Federal Government for the removal and disposal of wild horses that do not live within a management area;*

(c) *Submit annually a written report to the governor [on] and the legislature, or if the legislature is not in session, to the legislative commission, concerning the status of wild horses in Nevada and the activities of the commission;*

(d) *Solicit and accept contributions for the commission fund ; [and the Heil trust fund for wild horses;]*

(e) *Recommend to the legislature legislation [which] that is consistent with federal law;*

(f) *Develop, identify, initiate, manage and coordinate any projects [to study, preserve and manage wild horses and their habitat;] that are consistent with the primary duties of the commission specified in this subsection;*

(g) *Monitor the activities of state and federal agencies, including the military, [which] that affect wild horses;*

(h) *Participate in programs designed to encourage the [protection and management] removal and disposal of wild horses; and*

(i) *Develop and manage a plan to educate and inform the public of the activities of the commission . [for the preservation of wild horses;*

(j) *Report biennially to the legislature concerning its programs, objectives and achievements; and*

(k) Take any action necessary to fulfill the intent of the Heil trust.]

2. The commission may:

(a) Grant an award in an amount it considers appropriate for information leading to the conviction of a person who violates federal or state laws concerning wild horses; and

(b) Adopt regulations necessary to carry out the purposes of NRS 504.430 to 504.490, inclusive.

Sec. 5. NRS 504.480 is hereby amended to read as follows:

504.480 The commission may enter into agreements with the Federal Government to:

1. Coordinate research by state and federal agencies concerning wild horses and their habitat.

2. Create a range for wild horses for the study of wild horses and to allow the public to view them in their natural habitat.

3. Finance improvements to benefit wild horses on federal lands.

4. [Coordinate] *Provide financial assistance for the removal and disposal of wild horses if:*

(a) As determined by the Federal Government, the general physical condition of the herds of wild horses and the ecological condition of the rangelands and other resources required by those herds are threatened or begin to deteriorate because of the population of the wild horses within those herds; and

(b) The removal and disposal is authorized by federal law.

5. *Engage in cooperative* efforts to apprehend and prosecute violators of federal and state laws concerning wild horses.

Sec. 6. 1. The term of each member of the commission for the preservation of wild horses expires on June 30, 1997.

2. As soon as practicable after July 1, 1997, the governor shall appoint:

(a) One member to the commission for the preservation of wild horses to an initial term that expires on June 30, 1998.

(b) Two members to the commission for the preservation of wild horses to initial terms that expire on June 30, 1999.

(c) Two members of the commission for the preservation of wild horses to initial terms that expire on June 30, 2000.

Sec. 7. This act becomes effective on June 30, 1997.

SUMMARY—Revises provisions relating to estrays. (BDR 50-959)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to estrays; expanding the definition of “stray” to include sheep or other animals of the ovine species; authorizing the division of agriculture of the department of business and industry to sell an injured, sick or otherwise debilitated stray under certain circumstances; shortening the period during which an stray must remain unclaimed before it is sold or given a placement or other disposition; 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 569.005 is hereby amended to read as follows:

569.005 As used in NRS 569.010 to 569.130, inclusive, unless the context *otherwise* requires : [otherwise:]

1. “Division” means the division of agriculture of the department of business and industry.

2. "Estray" means any livestock running at large upon public or private lands in the State of Nevada, whose owner is unknown in the section where [such] *the* animal is found.

3. "Livestock" means:

(a) All cattle or animals of the bovine species;

(b) All horses, mules, burros and asses or animals of the equine species;

(c) All swine or animals of the porcine species;

(d) All goats or animals of the caprine species; [and]

(e) *All sheep or animals of the ovine species; and*

(f) All poultry or domesticated fowl or birds.

Sec. 2. NRS 569.070 is hereby amended to read as follows:

569.070 1. [Where] *Except as otherwise provided in subsection 4, if* the owner or probable owner of [estrays] *an estray* cannot with reasonable diligence be determined by the division or its [duly] authorized agent, the division shall advertise [them] *the estray* or cause [them] *it* to be advertised.

2. A notice of the estray , [or estrays,] with a full description, giving brands, marks and colors thereon, must be published in a newspaper published at the county seat of the county in which the estray [or estrays were] *was* taken up. If there is no newspaper published at the county seat of [such county, then] *the county*, the notice must be published in the newspaper published at the nearest point to [such] *that* county.

3. Expenses incurred in carrying out the provisions of [this section] *subsections 1 and 2* must be deducted from the proceeds of the sale of the [estrays] *estrays* advertised.

4. *Except as otherwise provided in NRS 562.420, the division may sell an-injured, sick or otherwise debilitated estray if, as determined by the division, the sale of the estray is necessary to facilitate the placement or other disposition of the estray. If an estray is sold pursuant to this subsection, the division shall give a bill of sale to the purchaser.*

Sec. 3. NRS 569.080 is hereby amended to read as follows:

569.080 1. If an estray is not claimed within [10] 5 days after the last publication of the advertisement required by NRS 569.070, it must be:

(a) Sold by the division; or

(b) Given a placement or other disposition through a cooperative agreement established pursuant to NRS 569.031.

2. If the division sells the estray, the division shall give a bill of sale to the purchaser.

SUMMARY—Revises provisions relating to certain plans of state land use planning agency and master plans of cities and counties. (BDR 26-960)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Contains Appropriation
not included in Executive Budget.

AN ACT relating to plans for the use of land; requiring the state land use planning agency to cooperate with appropriate federal agencies in developing certain plans or statements of policy; requiring the agency biennially to prepare and submit a written report to the legislature; repealing the provision that requires the approval of the governor before certain plans or statements of policy of the agency are put into effect; authorizing the planning commission of a city, county or region to include in its master plan a provision concerning the acquisition and use of certain land under federal management; authorizing the commission to request assistance from the division of state lands of the state department of conservation and natural resources in developing the provision; making an appropriation; and providing other matters properly relating thereto.

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

Section 1. NRS 321.7355 is hereby amended to read as follows:

321.7355 1. The state land use planning agency shall prepare, in cooperation with appropriate *federal and* state agencies and local governments throughout the state, plans or [policy] statements *of policy* concerning the acquisition and use of lands in Nevada which are under federal management.

2. The state land use planning agency shall, in preparing the plans and *statements of policy* , [statements,] identify lands which are suitable for acquisition for:

- (a) Commercial, industrial or residential development;
- (b) The expansion of the property tax base, including the potential for an increase in revenue by the lease and sale of those lands; or
- (c) Accommodating increases in the population of this state.

The plans or [policy] statements *of policy* must not include matters concerning zoning or the division of land and must be consistent with local plans and regulations concerning the use of private property.

3. The state land use planning agency shall [encourage] :
- (a) *Encourage* public comment upon the various matters treated in a proposed plan or [policy] statement *of policy* throughout its preparation [and shall submit] ;

(b) *Submit* its work on a plan or statement of policy periodically for review and comment by the land use planning advisory council, the advisory board on natural resources and any committees of the legislature or subcommittees of the legislative commission which deal with matters concerning the public lands [.] ; *and*

(c) *On or before February 1 of each odd-numbered year, prepare and submit a written report to the legislature concerning any activities engaged in by the agency pursuant to the provisions of this section during the immediately preceding biennium, including, without limitation:*

(1) *The progress and any results of its work; or*

(2) *Any plans or statements of policy prepared pursuant to this section.*

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

Sec. 2. NRS 278.160 is hereby amended to read as follows:

278.160 1. The master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following subject matter or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) Community design. Standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(b) Conservation plan. For the conservation, development and utilization of natural resources, including water and its hydraulic force, underground water, water supply, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The plan must also indicate the maximum tolerable level of air pollution.

(c) Economic plan. Showing recommended schedules for the allocation and expenditure of public money in order to provide for the economical and timely execution of the various components of the plan.

(d) Historical properties preservation plan. An inventory of significant historical, archaeological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(e) Housing plan. The housing plan must include, but is not limited to:

(1) An inventory of housing conditions, needs and plans and procedures for improving housing standards and for providing adequate housing.

(2) An inventory of affordable housing in the community.

(3) An analysis of the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing in the community.

(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is the most appropriate for the construction of affordable housing.

(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community.

(f) Land use plan. An inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. *The land use plan may include a provision concerning the acquisition and use of land that is under federal management within the city, county or region.*

(g) Population plan. An estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(h) Public buildings. Showing locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(i) Public services and facilities. Showing general plans for sewage, drainage and utilities, and rights of way, easements and facilities therefor, including any utility projects required to be reported pursuant to NRS 278.145.

(j) Recreation plan. Showing a comprehensive system of recreation areas, including natural reservations, parks, parkways, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(k) Safety plan. In any county whose population is 400,000 or more, identifying potential types of natural and man-made hazards, including hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The plan may set forth policies for avoiding or minimizing the risks from [such] *those* hazards.

(l) Seismic safety plan. Consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(m) Solid waste disposal plan. Showing general plans for *the* disposal of solid waste.

(n) Streets and highways plan. Showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(o) Transit plan. Showing a proposed system of transit lines, including rapid transit, streetcar, motorcoach and trolley coach lines and related facilities.

(p) Transportation plan. Showing a comprehensive transportation system, including locations of rights of way, terminals, viaducts and grade separations. The plan may also include port, harbor, aviation and related facilities.

2. The commission may [prepare] :

(a) Request the division of state lands of the state department of conservation and natural resources to assist the commission in developing a provision pursuant to paragraph (f) of subsection 1 concerning the acquisition and use of land under federal management; and

(b) Prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other subjects as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, prohibits the preparation and adoption of any such subject as a part of the master plan.

Sec. 3. There is hereby appropriated from the state general fund to the state land use planning agency for the preparation of plans or statements of policy pursuant to NRS 321.7355:

| | |
|----------------------------------|----------|
| For the fiscal year 1997-98..... | \$70,000 |
| For the fiscal year 1998-99..... | \$63,000 |

Sec. 4. Any balance of the sums appropriated by section 3 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 and reverts to the state general fund as soon as all payments of money committed have been made.

SUMMARY—Requires division of state lands of state department of conservation and natural resources to establish pilot program for management of resource area located in county selected by division and established by Bureau of Land Management. (BDR S-961)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget.

AN ACT relating to public lands; requiring the division of state lands of the state department of conservation and natural resources to establish a pilot program for the management of a resource area located in a county selected by the division and established by the Bureau of Land Management; making an appropriation; and providing other matters properly relating thereto.

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

Section 1. 1. The division of state lands of the state department of conservation and natural resources shall, in cooperation with the board of county commissioners of a county

selected by the division, establish a pilot program for the management of a resource area.

The resource area must be:

- (a) Located within the county selected by the division; and
- (b) Established by the Bureau of Land Management.

2. The pilot program must include:

(a) A plan established by the division to obtain the approval of Congress for the management of the resource area;

(b) A study of the proposed legislation and regulations that will be necessary to enable the division and the board of county commissioners selected pursuant to subsection 1 to manage the resource area; and

(c) A proposal for establishing and collecting fees for the use of the resource area.

3. The division shall:

(a) Every 6 months, submit to the legislative committee on public lands a report concerning the status of the pilot program; and

(b) Before the commencement of the 70th session of the Nevada legislature, submit to the legislative commission a report of its findings and recommendations concerning the pilot program.

4. If the money appropriated pursuant to section 2 of this act is not sufficient to carry out the pilot program, the division may request additional money from the interim finance committee for the program. If the interim finance committee denies the request, the

legislative committee on public lands may request additional money from the legislative commission to carry out the program.

Sec. 2. 1. There is hereby appropriated from the state general fund to the division of state lands of the state department of conservation and natural resources the sum of \$20,000 to establish and carry out the pilot program established pursuant to section 1 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 3. This act becomes effective on July 1, 1997.

SUMMARY—Urges Congress to enact legislation requiring Bureau of Land Management to establish pilot program for management of federal public land in Nevada by State of Nevada and its counties. (BDR R-963)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

_____ JOINT RESOLUTION—Urging Congress to enact legislation requiring the Bureau of Land Management to establish a pilot program for the management by the State of Nevada and its counties of all or a portion of the public land managed by the Bureau of Land Management in Nevada.

WHEREAS, The United States, through its various departments and agencies, controls and manages approximately 86.7 percent of the land within the State of Nevada; and

WHEREAS, A significant portion of that land is managed by the Bureau of Land Management of the Department of the Interior; and

WHEREAS, The administration of regulations and related policies concerning each district managed by the Bureau of Land Management in Nevada varies from district to district resulting in an arbitrary and capricious application of those regulations and policies; and

WHEREAS, The establishment of a pilot program whereby the State of Nevada and its counties would manage all or a portion of the public land managed by the Bureau of Land Management in Nevada would serve the public interest of the State of Nevada by enabling Nevada and its counties to manage that land, thereby giving the persons who depend on that land for business and recreation to have a greater voice in the management of the land; now, therefore, be it

RESOLVED BY THE _____ AND _____ OF THE STATE OF NEVADA, JOINTLY, That the Legislature of the State of Nevada hereby urges Congress to enact legislation requiring the Bureau of Land Management to establish a pilot program for the management by the State of Nevada and its counties of all or a portion of the public land managed by the Bureau of Land Management in Nevada; 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—Expresses support of Nevada Legislature for sale or other transfer of public land owned by Federal Government in Las Vegas Valley under certain circumstances. (BDR R-964)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

SENATE JOINT RESOLUTION—Expressing the support of the Nevada Legislature for the sale or other transfer of public land owned by the Federal Government in the Las Vegas Valley if the transfer does not adversely affect sparsely populated and rural counties in Nevada.

WHEREAS, The Las Vegas Valley has in recent years experienced a tremendous increase in population and growth in the number of businesses and residential homes in the area; and

WHEREAS, The Federal Government presently owns public land located within the Las Vegas Valley; and

WHEREAS, A sale or other transfer of some or all of that public land would facilitate community expansion and growth in the Las Vegas Valley; and

WHEREAS, Because public lands owned by the Federal Government in Nevada are not

taxable, a sale or transfer of those lands into state or private ownership would provide additional land subject to taxation in the State of Nevada; and

WHEREAS, Although the sale or other transfer of public land owned by the Federal Government in the Las Vegas Valley would be beneficial to the State of Nevada and its residents, such transfers may adversely affect sparsely populated and rural counties in Nevada by increasing the amount of land owned by the Federal Government in those counties, thereby reducing the amount of land in those counties that is privately owned or owned by the State of Nevada or a local government; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the Legislature of the State of Nevada hereby expresses its support for the sale or other transfer of public land owned by the Federal Government in the Las Vegas Valley if the transfer does not adversely affect sparsely populated and rural counties in Nevada; and be it further

RESOLVED, That the Secretary of the Senate 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 Nevada Congressional Delegation to introduce and support legislation to assist local telephone companies in obtaining rights of way over public land managed by Federal Government. (BDR R-965)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

SENATE JOINT RESOLUTION—Urging the members of the Nevada Congressional Delegation to introduce and support legislation to assist local telephone companies in obtaining rights of way over public land managed by the Federal Government.

WHEREAS, A sophisticated, reliable and responsive system of telecommunication is vital to economic growth in Nevada; and

WHEREAS, Local telephone companies are often relied upon in Nevada to provide systems of telecommunication, especially in sparsely populated rural counties; and

WHEREAS, Local telephone companies generally do not have the equipment or facilities to provide modern systems of telecommunication required by their customers and are limited in their geographic area of service; and

WHEREAS, To improve existing systems, local telephone companies have entered into agreements with other companies to install and operate improved systems of telecommunication in their areas of service, thereby requiring the acquisition of rights of way over public land managed by the Federal Government; and

WHEREAS, Applications to obtain rights of way that have been submitted to the Bureau of Land Management are often not processed in a uniform manner among the various districts that are managed by the Bureau of Land Management and the period in which those applications are granted or otherwise acted upon often varies greatly from district to district; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the Legislature of the State of Nevada urges each member of the Nevada Congressional Delegation to introduce and support legislation to assist local telephone companies in obtaining rights of way over public land managed by the Federal Government; and be it further

RESOLVED, That such legislation include, without limitation, provisions that:

1. Transfer to the State of Nevada ownership of the public land:
 - (a) Over which a right of way has been granted by the Federal Government to a local telephone company; or
 - (b) For which an application for a right of way over the land:

(1) Has been submitted to the Federal Government by such a company more than 2 years before the date the legislation becomes effective; and

(2) Has not been granted or otherwise acted upon by the Federal Government before the date the legislation becomes effective;

2. Specify the period in which an application for a right of way over public land must be granted or otherwise acted upon by the Federal Government;

3. Ensure that an application for a right of way over public land is processed by the Federal Government as expeditiously as possible within the period specified for the processing of that application; and

4. Require that applications for rights of way submitted to the Bureau of Land Management be processed in a uniform manner among the various districts that are managed by the Bureau of Land Management; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to 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 obtain consent of State of Nevada if Congress, under certain circumstances, seeks to obtain exclusive jurisdiction over land in Nevada. (BDR R-966)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

SENATE JOINT RESOLUTION—Urging Congress to obtain the consent of the State of Nevada if Congress seeks to obtain exclusive jurisdiction over land in Nevada pursuant to clause 17 of section 8 of article I of the United States Constitution.

WHEREAS, The provisions of clause 17 of section 8 of article I of the United States Constitution authorize Congress, for the erection of forts, magazines, arsenals, dockyards and other needful buildings, to exercise exclusive jurisdiction over land acquired within a state if the land is purchased by the consent of the legislature of the state in which the land is located; and

WHEREAS, States generally share concurrent jurisdiction over federal public lands located within the boundaries of those states if Congress has not obtained exclusive jurisdiction over those lands or if Congress has not enacted legislation that conflicts with the laws of those states concerning the use and management of those lands; and

WHEREAS, Federal holdings in the State of Nevada constitute 86.7 percent of the land in the state, and in certain counties the Federal Government controls from 97 to 99 percent of the land; and

WHEREAS, Because of the extent of federal holdings in the State of Nevada and the extent to which Congress has enacted legislation concerning the use and management of those holdings, the State of Nevada has limited authority to enact legislation to control and manage a significant portion of the land in Nevada; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature urges Congress to obtain the consent of the State of Nevada if Congress seeks to obtain exclusive jurisdiction over land in Nevada pursuant to the provisions of clause 17 of section 8 of article I of the United States Constitution; and be it further

RESOLVED, That the Secretary of the Senate 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—Expresses support of Nevada Legislature for federal legislation that transfers to State of Nevada all or any portion of public land that is owned and controlled by Federal Government in Nevada. (BDR R-967)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

SENATE JOINT RESOLUTION—Expressing the support of the Nevada Legislature for federal legislation that transfers to the State of Nevada the ownership and control of all or any portion of public land that is owned and controlled by the Federal Government in Nevada.

WHEREAS, On October 31, 1864, the Territory of Nevada was admitted to statehood on the condition that it forever disclaim all right and title to the unappropriated public land within its boundaries; and

WHEREAS, After its admission to statehood, Nevada received the least amount of land and the smallest percentage of its total area, 3.9 percent, of all the land grant states in the Far West which were admitted to statehood after 1864; and

WHEREAS, States of comparable location and soil, such as Arizona, New Mexico and Utah, received approximately 11 percent of their total area in land grants upon admission to

statehood; and

WHEREAS, As a result, the Federal Government presently owns and controls approximately 86.7 percent of the land within the State of Nevada; and

WHEREAS, The amount of land in Nevada that is owned and controlled by the Federal Government creates a continued hardship upon the residents of Nevada by prohibiting direct control of that land by the elected and appointed officers of this state and by forcing those residents to depend upon the Federal Government for the proper management of that land; and

WHEREAS, State and local officers and private industries are often required to negotiate with the Federal Government for additional land to accommodate the growth and expansion of the population of Nevada; and

WHEREAS, Although several bills were introduced in the 104th session of Congress which provided for the transfer of certain portions of public land in Nevada to ownership and control by the State of Nevada, those bills were not enacted; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the Legislature of the State of Nevada hereby expresses its support for federal legislation that transfers to the State of Nevada the ownership and control of all or any portion of public land that is owned and controlled by the Federal Government in Nevada; and be it further

RESOLVED, That the Secretary of the Senate 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—Expresses support of Legislature of State of Nevada for relocation or abandonment of Bravo 16 bombing range located near Fallon, Nevada under certain circumstances. (BDR R-968)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

_____ JOINT RESOLUTION—Expressing the support of the Legislature of the State of Nevada for the relocation or abandonment of the Bravo 16 bombing range located near Fallon, Nevada, if the relocation or abandonment does not impair the ability of the United States Navy to carry out its duties at the Fallon Naval Air Station.

WHEREAS, Bravo 16 is a bombing range located near the City of Fallon, Nevada, and is regularly used by the United States Navy at the Fallon Naval Air Station as part of its operations; and

WHEREAS, Approximately 2,400 persons live beneath the restricted airspace for Bravo 16; and

WHEREAS, To use the range, pilots for the United States Navy are required to fly low and fast over residential homes and property located between Fallon and the Lahontan Reservoir, thereby creating excessive noise and threatening the health and safety of

hundreds of residents of Churchill County; and

WHEREAS, The United States Navy has several other bombing ranges located to the east and south of Fallon in remote and unpopulated areas; and

WHEREAS, In June of 1995, the Governor of the State of Nevada submitted a letter to each member of the Nevada Congressional Delegation wherein the Governor expressed concern for the health and safety of the residents of Churchill County as a result of Bravo 16 and supported its abandonment by the United States Navy; and

WHEREAS, Although the United States Navy and its operations at the Fallon Naval Air Station are important to, and are strongly supported by the Legislature of the State of Nevada and Churchill County, the health and safety of the residents of this state are of paramount importance to the Legislature of the State of Nevada; now, therefore, be it

RESOLVED BY THE _____ AND _____ OF THE STATE OF NEVADA, JOINTLY, That the Legislature of the State of Nevada hereby expresses its support for the relocation or abandonment of the Bravo 16 bombing range located near Fallon, Nevada, if the relocation or abandonment does not impair the ability of the United States Navy to carry out its duties at the Fallon Naval Air Station; and be it further

RESOLVED, That the _____ of the _____ prepare and transmit a copy of this resolution to the Secretary of the Navy, the Director of the Bureau of Land Management and each member of the Nevada Congressional Delegation; and be it further

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

APPENDIX F

Committee Letters Approved at Work Session



December 20, 1996

The Honorable Robert J. Miller
Governor
State of Nevada
Capitol Complex
Carson City, Nevada 89710

Dear Governor Miller:

Thirteen years ago, the Nevada Legislature recognized the importance of a state plan for the management of federally-controlled lands in this state. Since that time, the Legislative Committee on Public Lands (*Nevada Revised Statutes* [NRS] 218.5363) has become concerned that this plan may not be receiving adequate attention from State Government.

In 1983, the Legislature approved Senate Bill 40, which requires the Division of State Lands, acting as the State Land Use Planning Agency, to "prepare, in cooperation with appropriate state agencies and local governments throughout the state, plans or policy statements concerning the acquisition and use of lands in Nevada which are under federal management." This requirement was codified in NRS 321.7355 and is still in effect.

The Division prepared and issued the *Nevada Statewide Policy Plan For Public Lands*. As then-Governor Richard H. Bryan explained in his transmittal letter, the document consists of "locally-adopted plans [which] should be used as guidelines for all levels of government in Nevada to determine the best use and management for our vast public land resource."

When the legislation was passed and the plans were developed, legislators and others interested in public lands issues assumed that the Division would continue to work with the counties and other local governments to implement and refine the work begun in 1983. In recent years, however, this committee has become concerned that the Division does not have a state planner assigned to handle federal land management issues.

As you know, the Federal Government controls the vast majority of land in this state, creating a difficult and complex situation in our counties. It could be argued that more aggressive state involvement in the management of federally-controlled lands may have prevented much of the frustration county and city officials are currently experiencing with federal lands issues. Because Nevada's local governments are closely governed by the State, more effort needs to be made at the state level to manage federal lands and to assist local governments with the complexity of this issue.

In addition, as you well know, the Federal Government has recently been willing to consider, at least, more local and state participation in the management of public lands. The time may be ripe for the Division of State Lands to become much more active and involved in such management, and to accomplish this task, additional planning staff must be hired by the Division.

Therefore, Nevada's Legislative Committee on Public Lands strongly urges you to approve and actively support the request from the Administrator of the Division of State Lands for additional staff whose responsibilities will involve participation in the management of federally-controlled lands and assistance to local governments with federal lands issues. Once the Division's request is submitted with the rest of the budget to the 1997 Legislature, the members of this committee will urge their colleagues to support the staff addition and strive to ensure that the request survives the budget process.

Please do not hesitate to contact me should you have any questions or concerns about this issue. The members of Nevada's Legislative Committee on Public Lands look forward to working with you on this important issue.

Sincerely,



Senator Dean A. Rhoads
Chairman, Committee on Public Lands

cc:: John P. Comeaux, Director, Department of Administration
Peter G. Morros, Director, Department of Conservation and Natural Resources
Pamela B. Wilcox, Administrator, Division of State Lands



December 24, 1996

Senator William J. Raggio, Chairman, Senate Committee on Finance
Assemblyman Morse Arberry, Jr., Chairman, Assembly Committee on Ways and Means
Nevada State Legislature
Capitol Complex
Carson City, Nevada 89710

Dear Senator Raggio and Assemblyman Arberry:

Thirteen years ago, the Nevada Legislature recognized the importance of a state plan for the management of federally-controlled lands in this state. Since that time, the Legislative Committee on Public Lands (*Nevada Revised Statutes* [NRS] 218.5363) has become concerned that this plan may not be receiving adequate attention from State Government.

In 1983, the Legislature approved Senate Bill 40, which requires the Division of State Lands, acting as the State Land Use Planning Agency, to "prepare, in cooperation with appropriate state agencies and local governments throughout the state, plans or policy statements concerning the acquisition and use of lands in Nevada which are under federal management." This requirement was codified in NRS 321.7355 and is still in effect.

The Division prepared and issued the *Nevada Statewide Policy Plan For Public Lands*. As then-Governor Richard H. Bryan explained in his transmittal letter, the document consists of "locally-adopted plans [which] should be used as guidelines for all levels of government in Nevada to determine the best use and management for our vast public land resource."

When the legislation was passed and the plans were developed, legislators and others interested in public lands issues assumed that the Division would continue to work with the counties and other local governments to implement and refine the work begun in 1983. In recent years, however, this committee has become concerned that the Division does not have a state planner assigned to handle federal land management issues.

As you know, the Federal Government controls the vast majority of land in this state, creating a difficult and complex situation in our counties. It could be argued that more aggressive state involvement in the management of federally-controlled lands may have prevented much of the frustration county and city officials are currently experiencing with federal lands issues. Because Nevada's local governments are closely governed by the State, more effort needs to be made at the state level to manage federal lands and to assist local governments with the complexity of this issue.

In addition, the Federal Government has recently been willing to consider, at least, more local and state participation in the management of public lands. The time may be ripe for the Division of State Lands to become much more active and involved in such management, and to accomplish this task, additional planning staff must be hired by the Division.

Therefore, Nevada's Legislative Committee on Public Lands strongly urges you to approve the request from the Administrator of the Division of State Lands for additional staff whose responsibilities will involve participation in the management of federally-controlled lands and assistance to local governments with federal lands issues.

Please do not hesitate to contact me should you have any questions or concerns about this issue. The members of Nevada's Legislative Committee on Public Lands look forward to working with you on this important issue.

Sincerely,

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

Senator Dean A. Rhoads
Chairman, Committee on Public Lands

cc: Robert J. Miller, Governor, State of Nevada
Peter G. Morros, Director, State Department of Conservation and Natural Resources
Pamela B. Wilcox, Administrator, Division of State Lands



December 9, 1996

Bruce Babbitt
Secretary of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Mr. Babbitt:

On September 24, 1996, Nevada's Legislative Committee on Public Lands (*Nevada Revised Statutes* 218.5363) met in Fallon, Nevada. One of the topics was the Central Nevada Communication Sites Final Plan Amendment, which has been proposed by the Carson District of the United States Bureau of Land Management (BLM). The committee heard reports from both the Navy, whose Fallon Naval Air Station is affected by the amendment, and the BLM as well as many other people. On November 22, 1996, the members voted to send you this letter in support of the amendment and to urge you to reject the Navy's appeal of this decision.

After much testimony and discussion, the members reached the conclusion that the Proposed Action is the appropriate decision to be implemented by BLM. Likewise, BLM should not adopt any other alternative, including the alternative of continuing the current practices for siting military communications equipment on public lands. As understood by the members, the Carson BLM District concluded, and we agree, that the current practices are piecemeal and void of public input and should not be continued at that level; the Proposed Action is the proper and responsible course.

The Legislative Committee on Public Lands agrees with the finding presented in the Environmental Assessment that these activities are responsible for both direct and indirect effects on Nevada's public lands, local residents, and visitors. The Plan Amendment notes that the Navy has already established 69 military electronic warfare sites in the region. Existing ground facilities include access roads and communication cables that cover about 200 miles and occupy approximately 550 acres. These facilities are on public lands, not military withdrawn lands, and represent a permanent commitment of public land resources that directly affect, and often conflict with, multiple use of those lands.

As has been indicated in the past, the Legislative Committee on Public Lands supports the mission and the training activities conducted by the Navy in north-central Nevada. It is the committee's understanding that the proposed Plan Amendment allows threat emitters on more than half of a million acres and that existing training facilities can continue to be used. However, because Nevadans have already made substantial commitments of public land and airspace resources for military use, the committee must carefully assess the ever-expanding cumulative impacts caused by military training activities in Nevada.

If a disjointed approach continues to be used by BLM to grant single-use right-of-way privileges for military facilities on public lands, then affected residents, those who use the public lands, and state and local officials will not have the opportunity to participate in major public land-use decisions. These single-use decisions will result in the permanent loss of resources and must not be authorized through an administrative process. These decisions, by law, can only be implemented by the U.S. Congress through the legislative process. If BLM proposes to allow a proliferation of ground-based communication sites in the region, then the agency must participate in the initiation of a Legislative Environmental Impact Statement as required by the Engle Act.

The Committee on Public Lands did not receive testimony or communications from anyone (other than the Navy) who does not support the BLM in this effort. As you surely know, the BLM has received specific support on this issue from the State of Nevada, the Counties of Eureka and Nye, the Lander County Public Land Use Commission, Nevada Bell, the Nevada Cattlemen's Association, the Nevada Miners and Prospectors' Association, the Nevada Outdoor Recreation Association, the Nevada Trappers' Association, People for the West, the Sierra Club, and the Wilderness Society. The Public Lands Committee is pleased to join with these divergent groups who rarely agree on any public lands issue and urge you to pay close attention to our comments. The Carson District of the BLM clearly made the correct decision, which should be ratified by the Secretary of the Interior.

Please do not hesitate to contact me should you have any questions about the committee's action.

Sincerely,



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

cc: Bob Armstrong, Assistant Secretary of the Interior

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



SENATOR DEAN A. RHOADS, Chairman
ASSEMBLYMAN JOHN W. MARVEL, Vice Chairman
SENATOR LAWRENCE E. JACOBSEN
SENATOR DINA TITUS
ASSEMBLYMAN DENNIS L. ALLARD
ASSEMBLYMAN P.M. ROY NEIGHBORS
ELKO COUNTY COMMISSIONER LEE CHAPMAN

STAFF DIRECTOR: DANA R. BENNETT (702) 687-6825
DEPUTY LEGISLATIVE COUNSEL: J. RANDALL STEPHENSON (702) 687-6830

December 24, 1996

Bruce Babbitt
Secretary of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Mr. Babbitt:

Recently, Nevada's Legislative Committee on Public Lands completed its work for the current legislative interim period. As you know, this committee travels the State of Nevada during the 18 months between legislative sessions, listening to citizens' concerns about public lands issues that affect them.

Throughout the interim, the committee received testimony and updates on proposals to withdraw various public lands for military purposes. The members recognize the important role of the military in our country's security and welcomes its presence in Nevada. However, the committee is concerned about the military's compliance with existing and pertinent federal land management laws and regulations and about fair treatment for other legitimate users of the public lands in this state.

For example, as the committee understands the Navy's proposed Master Land Withdrawal, the initial proposal would have allowed mining activities to continue in the affected areas. In 1989, the Department of the Navy notified the United States Bureau of Land Management that "we cannot accept any activity that would potentially interfere with totally unconstrained Navy use." Consequently, mining and any other legitimate use of the public lands would not be allowed under the revised proposal.

At the committee's final meeting on November 22, 1996, in Carson City, Nevada, the members took final action on recommendations that had been made to them during the hearing process. The committee voted to send you this letter requesting that the owners of patented and unpatented mining claims, prior to the withdrawal of lands for military purposes, receive full compensation for their losses, whenever such compensation is required by law.

Thank you for your attention to this important matter. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Dean A. Rhoads". The signature is fluid and cursive, with the first name "Dean" being particularly prominent.

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



December 24, 1996

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

Dear Senator Reid:

Recently, Nevada's Legislative Committee on Public Lands completed its work for the current legislative interim period. As you are aware, this committee travels the State of Nevada during the 18 months between legislative sessions, listening to citizens' concerns about public lands issues that affect them.

At the last meeting of the interim, held on November 22, 1996, in Carson City, the members took final action on recommendations that had been made to them during the hearing process. A report on the committee's activities and actions is being prepared; as has been the case in the past, a copy will be sent to you as soon as it is available.

As part of these actions, the members voted to alert you to certain specific issues that cannot be resolved at the state legislative level. Following are brief summaries of these concerns:

1. Throughout the interim, the committee received testimony and updates on proposals to withdraw various public lands for military purposes. The members recognize the important role of the military in our country's security and welcomes its presence in Nevada. However, the committee is concerned about the military's compliance with existing and pertinent federal land management laws and regulations and about fair treatment for other legitimate users of the public lands in this state.

The Public Lands Committee voted to encourage you to ensure that all mining claim owners be compensated for claims lost in military land withdrawals, whenever such compensation is required by law. In addition, the members voted to urge you to request that the Navy update the Range Air Installation Compatibility Use Zone (RAICUZ) report prior to the approval of any proposed land withdrawal at the Fallon Naval Air Station.

2. On January 26, 1996, the committee met in Bunkerville, Nevada. At that meeting, Mesquite Mayor Ken Carter described some of the difficulties his growing community has in obtaining

adequate water supplies. He noted specifically that a water basin that straddles the Nevada/Arizona border has been closed by Nevada's State Engineer, but is considered open by Arizona's state government. Consequently, there is no control over the amount of water being pumped from the Arizona side of the basin, and such activities directly affect Mesquite's supply. In addition, he explained that the two states do not communicate about water issues; consequently, Mesquite cannot explore the option of importing available water from Arizona.

The Public Lands Committee voted to request your assistance with these interstate water issues.

3. As you know, exchanges of private and public lands are a common occurrence in Nevada. However, this committee has been concerned for some time that such exchanges are approved without adequate consideration of potential adverse effects on local governments. Inevitably, it is a rural county or community that suffers a loss of tax revenue it can ill afford because most exchanges involve a large amount of private, rural land for a small amount of public land in the Las Vegas Valley.

The Public Lands Committee voted to request that you actively encourage federal land management agencies to be more diligent in including affected local governments in the exchange process and, if necessary, work to amend the necessary laws to require local government approval of proposed land exchanges.

4. One of the topics that arose at almost every meeting was the Endangered Species Act and its detrimental impact on both rural and urban communities. People's livelihoods in affected areas have now become as endangered as the species in question. In addition, no one was able to show the committee that the law has saved any species in Nevada; none have been delisted, despite 20 years of work and sacrifice. Clearly, this is a law that is not functioning properly.

The Public Lands Committee voted to encourage you to work to amend the Endangered Species Act in order to reduce its negative effects on Nevada's communities. The committee also urges you to prevent, as much as you can, any further additions of Nevada species to the endangered or threatened lists.

Thank you for your attention to these issues. Thank you also for your participation in the committee's work during its recent trips to Washington, D.C., and for sending your staff members to present information at some of the meetings during this interim period. As always, if the committee can assist you with any of these topics, please do not hesitate to call me.

Sincerely,



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



December 24, 1996

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

Dear Senator Bryan:

Recently, Nevada's Legislative Committee on Public Lands completed its work for the current legislative interim period. As you are aware, this committee travels the State of Nevada during the 18 months between legislative sessions, listening to citizens' concerns about public lands issues that affect them.

At the last meeting of the interim, held on November 22, 1996, in Carson City, the members took final action on recommendations that had been made to them during the hearing process. A report on the committee's activities and actions is being prepared; as has been the case in the past, a copy will be sent to you as soon as it is available.

As part of these actions, the members voted to alert you to certain specific issues that cannot be resolved at the state legislative level. Following are brief summaries of these concerns:

1. Throughout the interim, the committee received testimony and updates on proposals to withdraw various public lands for military purposes. The members recognize the important role of the military in our country's security and welcomes its presence in Nevada. However, the committee is concerned about the military's compliance with existing and pertinent federal land management laws and regulations and about fair treatment for other legitimate users of the public lands in this state.

The Public Lands Committee voted to encourage you to ensure that all mining claim owners be compensated for claims lost in military land withdrawals, whenever such compensation is required by law. In addition, the members voted to urge you to request that the Navy update the Range Air Installation Compatibility Use Zone (RAICUZ) report prior to the approval of any proposed land withdrawal at the Fallon Naval Air Station.

2. On January 26, 1996, the committee met in Bunkerville, Nevada. At that meeting, Mesquite Mayor Ken Carter described some of the difficulties his growing community has in obtaining

adequate water supplies. He noted specifically that a water basin that straddles the Nevada/Arizona border has been closed by Nevada's State Engineer, but is considered open by Arizona's state government. Consequently, there is no control over the amount of water being pumped from the Arizona side of the basin, and such activities directly affect Mesquite's supply. In addition, he explained that the two states do not communicate about water issues; consequently, Mesquite cannot explore the option of importing available water from Arizona.

The Public Lands Committee voted to request your assistance with these interstate water issues.

3. As you know, exchanges of private and public lands are a common occurrence in Nevada. However, this committee has been concerned for some time that such exchanges are approved without adequate consideration of potential adverse effects on local governments. Inevitably, it is a rural county or community that suffers a loss of tax revenue it can ill afford because most exchanges involve a large amount of private, rural land for a small amount of public land in the Las Vegas Valley.

The Public Lands Committee voted to request that you actively encourage federal land management agencies to be more diligent in including affected local governments in the exchange process and, if necessary, work to amend the necessary laws to require local government approval of proposed land exchanges.

4. One of the topics that arose at almost every meeting was the Endangered Species Act and its detrimental impact on both rural and urban communities. People's livelihoods in affected areas have now become as endangered as the species in question. In addition, no one was able to show the committee that the law has saved any species in Nevada; none have been delisted, despite 20 years of work and sacrifice. Clearly, this is a law that is not functioning properly.

The Public Lands Committee voted to encourage you to work to amend the Endangered Species Act in order to reduce its negative effects on Nevada's communities. The committee also urges you to prevent, as much as you can, any further additions of Nevada species to the endangered or threatened lists.

Thank you for your attention to these issues. Thank you also for your participation in the committee's work during its recent trips to Washington, D.C., and for sending your staff members to present information at some of the meetings during this interim period. As always, if the committee can assist you with any of these topics, please do not hesitate to call me.

Sincerely,



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



December 24, 1996

The Honorable Jim Gibbons
United States House of Representatives
1116 Longworth House Building
Washington D.C. 20515

Dear Representative Gibbons :

Recently, Nevada's Legislative Committee on Public Lands completed its work for the current legislative interim period. As you are aware, this committee travels the State of Nevada during the 18 months between legislative sessions, listening to citizens' concerns about public lands issues that affect them.

At the last meeting of the interim, held on November 22, 1996, in Carson City, the members took final action on recommendations that had been made to them during the hearing process. A report on the committee's activities and actions is being prepared; as has been the case in the past, a copy will be sent to you as soon as it is available.

As part of these actions, the members voted to alert you to certain specific issues that cannot be resolved at the state legislative level. Following are brief summaries of these concerns:

1. Throughout the interim, the committee received testimony and updates on proposals to withdraw various public lands for military purposes. The members recognize the important role of the military in our country's security and welcomes its presence in Nevada. However, the committee is concerned about the military's compliance with existing and pertinent federal land management laws and regulations and about fair treatment for other legitimate users of the public lands in this state.

The Public Lands Committee voted to encourage you to ensure that all mining claim owners be compensated for claims lost in military land withdrawals, whenever such compensation is required by law. In addition, the members voted to urge you to request that the Navy update the Range Air Installation Compatibility Use Zone (RAICUZ) report prior to the approval of any proposed land withdrawal at the Fallon Naval Air Station.

2. On January 26, 1996, the committee met in Bunkerville, Nevada. At that meeting, Mesquite Mayor Ken Carter described some of the difficulties his growing community has in obtaining

adequate water supplies. He noted specifically that a water basin that straddles the Nevada/Arizona border has been closed by Nevada's State Engineer, but is considered open by Arizona's state government. Consequently, there is no control over the amount of water being pumped from the Arizona side of the basin, and such activities directly affect Mesquite's supply. In addition, he explained that the two states do not communicate about water issues; consequently, Mesquite cannot explore the option of importing available water from Arizona.

The Public Lands Committee voted to request your assistance with these interstate water issues.

3. As you know, exchanges of private and public lands are a common occurrence in Nevada. However, this committee has been concerned for some time that such exchanges are approved without adequate consideration of potential adverse effects on local governments. Inevitably, it is a rural county or community that suffers a loss of tax revenue it can ill afford because most exchanges involve a large amount of private, rural land for a small amount of public land in the Las Vegas Valley.

The Public Lands Committee voted to request that you actively encourage federal land management agencies to be more diligent in including affected local governments in the exchange process and, if necessary, work to amend the necessary laws to require local government approval of proposed land exchanges.

4. One of the topics that arose at almost every meeting was the Endangered Species Act and its detrimental impact on both rural and urban communities. People's livelihoods in affected areas have now become as endangered as the species in question. In addition, no one was able to show the committee that the law has saved any species in Nevada; none have been delisted, despite 20 years of work and sacrifice. Clearly, this is a law that is not functioning properly.

The Public Lands Committee voted to encourage you to work to amend the Endangered Species Act in order to reduce its negative effects on Nevada's communities. The committee also urges you to prevent, as much as you can, any further additions of Nevada species to the endangered or threatened lists.

Thank you for your attention to these issues. If the committee can assist you in any way, please do not hesitate to call me.

Sincerely,



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



December 24, 1996

The Honorable John Ensign
United States House of Representatives
414 Cannon House Office Building
Washington D.C. 20515

Dear Representative Ensign :

Recently, Nevada's Legislative Committee on Public Lands completed its work for the current legislative interim period. As you are aware, this committee travels the State of Nevada during the 18 months between legislative sessions, listening to citizens' concerns about public lands issues that affect them.

At the last meeting of the interim, held on November 22, 1996, in Carson City, the members took final action on recommendations that had been made to them during the hearing process. A report on the committee's activities and actions is being prepared; as has been the case in the past, a copy will be sent to you as soon as it is available.

As part of these actions, the members voted to alert you to certain specific issues that cannot be resolved at the state legislative level. Following are brief summaries of these concerns:

1. Throughout the interim, the committee received testimony and updates on proposals to withdraw various public lands for military purposes. The members recognize the important role of the military in our country's security and welcomes its presence in Nevada. However, the committee is concerned about the military's compliance with existing and pertinent federal land management laws and regulations and about fair treatment for other legitimate users of the public lands in this state.

The Public Lands Committee voted to encourage you to ensure that all mining claim owners be compensated for claims lost in military land withdrawals, whenever such compensation is required by law. In addition, the members voted to urge you to request that the Navy update the Range Air Installation Compatibility Use Zone (RAICUZ) report prior to the approval of any proposed land withdrawal at the Fallon Naval Air Station.

2. On January 26, 1996, the committee met in Bunkerville, Nevada. At that meeting, Mesquite Mayor Ken Carter described some of the difficulties his growing community has in obtaining

adequate water supplies. He noted specifically that a water basin that straddles the Nevada/Arizona border has been closed by Nevada's State Engineer, but is considered open by Arizona's state government. Consequently, there is no control over the amount of water being pumped from the Arizona side of the basin, and such activities directly affect Mesquite's supply. In addition, he explained that the two states do not communicate about water issues; consequently, Mesquite cannot explore the option of importing available water from Arizona.

The Public Lands Committee voted to request your assistance with these interstate water issues.

3. As you know, exchanges of private and public lands are a common occurrence in Nevada. However, this committee has been concerned for some time that such exchanges are approved without adequate consideration of potential adverse effects on local governments. Inevitably, it is a rural county or community that suffers a loss of tax revenue it can ill afford because most exchanges involve a large amount of private, rural land for a small amount of public land in the Las Vegas Valley.

The Public Lands Committee voted to request that you actively encourage federal land management agencies to be more diligent in including affected local governments in the exchange process and, if necessary, work to amend the necessary laws to require local government approval of proposed land exchanges.

4. One of the topics that arose at almost every meeting was the Endangered Species Act and its detrimental impact on both rural and urban communities. People's livelihoods in affected areas have now become as endangered as the species in question. In addition, no one was able to show the committee that the law has saved any species in Nevada; none have been delisted, despite 20 years of work and sacrifice. Clearly, this is a law that is not functioning properly.

The Public Lands Committee voted to encourage you to work to amend the Endangered Species Act in order to reduce its negative effects on Nevada's communities. The committee also urges you to prevent, as much as you can, any further additions of Nevada species to the endangered or threatened lists.

Thank you for your attention to these issues. Thank you also for your participation in the committee's work during its recent trips to Washington, D.C., and for sending your staff members to present information at some of the meetings during this interim period. As always, if the committee can assist you with any of these topics, please do not hesitate to call me.

Sincerely,



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



December 20, 1996

Mike Dombeck
Acting Director
United States Bureau of Land Management (BLM)
United States Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Mr. Dombeck:

Recently, Nevada's Legislative Committee on Public Lands completed its work for the current legislative interim period. This committee (with whom you have met in Washington) travels the State of Nevada during the 18 months between legislative sessions, listening to citizens' concerns about public lands issues that affect them.

At the committee's final meeting on November 22, 1996, in Carson City, Nevada, the members took final action on recommendations that had been made to them during the hearing process. The committee voted to send you a letter concerning two topics: land exchanges and land withdrawals proposed by the Navy.

Land Exchanges

The members of the Public Lands Committee voted to request that the personnel in federal land management agencies be more diligent in including affected local governments in the exchange process. Existing law provides for the inclusion of interested parties in this process, and this committee requests that BLM ensure that such parties include the pertinent city council or county commission.

As you know, exchanges of private and public lands are a common occurrence in Nevada. However, this committee has been concerned for some time that such exchanges are approved without adequate consideration of potential adverse effects on local governments. Inevitably, it is a rural county or

community that suffers a loss of tax revenue it can ill afford because most exchanges involve a large amount of private, rural land for a small amount of public land in the Las Vegas Valley.

The committee recognizes that this is a two-way street. In addition to this formal request to the Federal Government for inclusion, the members also voted to send a letter to the Nevada Association of Counties and the Nevada League of Cities that urges them to assist their members in monitoring and commenting upon proposed land exchanges.

Navy Land Withdrawals

Throughout the interim, the committee received testimony and updates on proposals to withdraw various public lands for military purposes. Central to much of the discussion were the Navy's proposals. The members recognize the important role of the military in our country's security and welcomes its presence in Nevada. However, the committee is concerned about the Navy's compliance with existing and pertinent federal land management laws and regulations and about fair treatment for other legitimate users of the public lands in this state.

The Navy's justification for its proposed withdrawal relies on the Department of Defense Range Air Installation Compatibility Use Zone (RAICUZ) study of 1982. This use of a 15-year-old study is questionable at best. The 1982 RAICUZ does not analyze the effects associated with newer aircraft training capabilities nor does it include data on population growth. Fallon, the town closest to the Naval Air Station, is now one of the fastest growing communities in Nevada; in 1982, it was not. The report is clearly outdated and should not be the basis for any major decision affecting public lands in that area.

The Public Lands Committee voted to urge you to request that the Navy update the Range Air Installation Compatibility Use Zone (RAICUZ) report prior to the approval of any proposed land withdrawal at the Fallon Naval Air Station. It is the committee's understanding that the Navy has already prepared a draft report, which indicates the Navy's attention to this matter. The draft should be released to the public for comment, and a final report completed before the Navy's request for the withdrawal is considered.

Thank you for your attention to these important matters. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,



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



December 20, 1996

John H. Dalton
Secretary of the Navy
The Pentagon
Washington, D.C. 20350

Dear Secretary Dalton:

Recently, Nevada's Legislative Committee on Public Lands completed its work for the current legislative interim period. As you may be aware, this committee travels the State of Nevada during the 18 months between legislative sessions, listening to citizens' concerns about public lands issues that affect them.

Throughout the interim, the committee received testimony and updates on proposals to withdraw various public lands for military purposes. Central to much of the discussion were the Navy's proposals. The members recognize the important role of the military in our country's security and welcomes its presence in Nevada. However, the committee is concerned about aspects of the Navy's proposal and about fair treatment for other legitimate users of the public lands in this state.

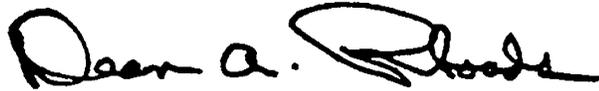
The justification for the proposed withdrawal relies on the Department of Defense Range Air Installation Compatibility Use Zone (RAICUZ) study of 1982. This use of a 15-year-old study is questionable at best. The 1982 RAICUZ does not analyze the effects associated with newer aircraft training capabilities nor does it include data on population growth. Fallon, the town closest to the Naval Air Station, is now one of the fastest growing communities in Nevada; in 1982, it was not. The report is clearly outdated and should not be the basis for any major decision affecting public lands in that area.

The Public Lands Committee voted to urge the Navy to update the Range Air Installation Compatibility Use Zone (RAICUZ) report prior to any land withdrawal at the Fallon Naval Air Station. It is the committee's understanding that a draft has already been prepared, which indicates the Navy's attention to this matter. The draft should be released to the public for comment, and a final report completed before the withdrawal request is considered.

Page 2

Thank you for your attention to this important issue. Please do not hesitate to call me if I may answer any questions about this action.

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, Nevada's Legislative
Committee on Public Lands



December 20, 1996

Ann Morgan
Nevada State Director
United States Bureau of Land Management
850 Harvard Way
Reno, Nevada 89502

Dear Ms. Morgan:

Recently, Nevada's Legislative Committee on Public Lands completed its work for the current legislative interim period. As you are aware, this committee travels the State of Nevada during the 18 months between legislative sessions, listening to citizens' concerns about public lands issues that affect them.

At the last meeting of the interim, held on November 22, 1996, in Carson City, the members took final action on recommendations that had been made to them during the hearing process. A report on the committee's activities and actions is being prepared; as has been the case in the past, a copy will be sent to you as soon as it is available.

As one of these actions, the members voted to write you directly to urge the Bureau of Land Management to continue to acknowledge Nevada water law and water rights in all public lands management plans developed by the bureau. In addition, the committee encourages the bureau's continued compliance with Nevada's water law. It is my understanding that such acknowledgment and compliance are current practices within the bureau; therefore, the members acted simply to inform you of their desire for these practices to continue without alterations that would adversely affect Nevada water law and rights.

Please do not hesitate to call me if you have any questions about this or any other action of the Public Lands Committee.

Sincerely,

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

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



December 24, 1996

Jack Ward Thomas, Chief
United States Forest Service
U. S. Department of Agriculture
14th St & Independence Avenue
Washington, D.C. 20250

Dear Mr. Thomas:

Recently, Nevada's Legislative Committee on Public Lands completed its work for the current legislative interim period. This committee (with whom you have met in Washington) travels the State of Nevada during the 18 months between legislative sessions, listening to citizens' concerns about public lands issues that affect them.

As you know, exchanges of private and public lands are a common occurrence in Nevada. However, this committee has been concerned for some time that such exchanges are approved without adequate consideration of potential adverse effects on local governments. Inevitably, it is a rural county or community that suffers a loss of tax revenue it can ill afford because most exchanges involve a large amount of private, rural land for a small amount of public land in the Las Vegas Valley.

Although the vast majority of exchanges involve Bureau of Land Management land, there are occasions when Forest Service land is affected.

At the last meeting of the interim, held on November 22, 1996, in Carson City, the members took final action on recommendations that had been made to them during the hearing process. As one of these actions, the members voted to request that the personnel in federal land management agencies be more diligent in including affected local governments in the exchange process. Existing law provides for the inclusion of interested parties in this process, and this committee requests that the Forest Service ensure that such parties include the pertinent city council or county commission.

The committee recognizes that this is a two-way street. In addition to this formal request to the Federal Government for inclusion, the members also voted to send a letter to the Nevada Association of Counties and the Nevada League of Cities that urges them to assist their members in monitoring and commenting upon proposed land exchanges.

Page 2

Thank you for your attention to this important matter. Please do not hesitate to contact me if you have any questions or concerns.

Congratulations, also, and best of luck on your retirement.

Sincerely,

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

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



December 20, 1996

Robert Hadfield
Executive Director
Nevada Association of Counties (NACO)
308 North Curry Street
Carson City, Nevada 89703

Tom Grady
Executive Director
Nevada League of Cities
206 North Carson Street
Carson City, Nevada 89703

Dear Mr. Hadfield and Mr. Grady:

Recently, Nevada's Legislative Committee on Public Lands completed its work for the current legislative interim period. As you are aware, this committee travels the State of Nevada during the 18 months between legislative sessions, listening to citizens' concerns about public lands issues that affect them.

As you both know, exchanges of private and public lands are a common occurrence in Nevada. However, this committee has been concerned for some time that such exchanges are approved without adequate consideration of potential adverse effects on local governments. Inevitably, it is a rural county or community that suffers a loss of tax revenue it can ill afford because most exchanges involve a large amount of private, rural land for a small amount of public land in the Las Vegas Valley.

The federal laws that currently govern the land exchange process provide for participation by interested parties. Few parties have more interest than the local government affected by private land becoming public. However, it appeared to the committee that some cities and counties may need assistance in becoming active in that process when it affects them.

At the last meeting of the interim, held on November 22, 1996, in Carson City, the members took final action on recommendations that had been made to them during the hearing process. As one of these actions, the members voted to send this letter to both NACO and the Nevada League of Cities to urge both organizations to encourage and actively assist their various members in monitoring and commenting upon proposed land exchanges.

The Public Lands Committee appreciates the various and differing duties you each perform for your members. If the committee may assist you with the specific function requested in this letter, please do not hesitate to contact me.

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, Nevada's Legislative
Committee on Public Lands

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



SENATOR DEAN A. RHOADS, Chairman
ASSEMBLYMAN JOHN W. MARVEL, Vice Chairman
SENATOR LAWRENCE E. JACOBSEN
SENATOR DINA TITUS
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ELKO COUNTY COMMISSIONER LLEE CHAPMAN

STAFF DIRECTOR: DANA R. BENNETT (702) 687-6825
DEPUTY LEGISLATIVE COUNSEL: J. RANDALL STEPHENSON (702) 687-6830

December 26, 1996

Mr. Woodie Bell
Pleasant Valley, Nevada 89426

Jim Nelson
Forest Supervisor
Humboldt and Toiyabe National Forests
1200 Franklin Way
Sparks, Nevada 89431

Dear Mr. Bell and Mr. Nelson:

At the most recent meeting of Nevada's Legislative Committee on Public Lands (*Nevada Revised Statutes* 218.5363), held on November 22, 1996, in Carson City, the members received testimony about and discussed the issue concerning the cleanup work at the Buckskin National Mine.

During the meeting, various members directed questions and expressed their concerns to both parties in this matter. The committee recognizes that certain extenuating circumstances that were not expressed may apply to this situation; however, the committee voted to send this letter to urge both of you to cooperate to the best of your abilities in resolving this difficult situation.

Please do not hesitate to contact me if you have any questions about the committee's action.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Marvel". The signature is fluid and cursive, written over a horizontal line.

Assemblyman John W. Marvel
Vice Chairman, Nevada's Legislative
Committee on Public Lands