

*Legislative Committee on Public Lands*



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**LEGISLATIVE COMMITTEE ON PUBLIC LANDS**

**BULLETIN 99-13**

**JANUARY 1999**



## Table of Contents

	<u>Page</u>
Acronyms Used in Text of Report . . . . .	iii
Summary of Recommendations . . . . .	v
Report to the 70th Session of the Nevada Legislature by Nevada's Legislative Committee on Public Lands . . . . .	1
Introduction . . . . .	1
Committee Members and Staff . . . . .	1
Hearings and Recommendations . . . . .	2
Public Lands Legislation of the 69th Session of the Nevada Legislature . . . . .	2
Legislative Committee on Public Lands Recommendations . . . . .	3
Other Public Lands Legislation . . . . .	4
Summary of 1997-1998 Interim Activities . . . . .	6
In-state Meetings . . . . .	7
Carson City (October 24, 1997, Organizational Meeting) . . . . .	7
Las Vegas (December 18, 1997) . . . . .	7
Pahrump (January 23, 1998) . . . . .	8
Elko (March 5 and 6, 1998) . . . . .	8
Ely (June 8, 1998) . . . . .	8
Tonopah (September 11, 1998) . . . . .	9
Reno (October 23, 1998, Final Meeting and Work Session) . . . . .	9
Washington, D.C., Meetings . . . . .	10
November 18 and 19, 1997 . . . . .	10
April 28 and 29, 1998 . . . . .	11
Issues Considered During the 1997-1998 Legislative Interim . . . . .	13
List of Issues Discussed . . . . .	13
Summary of Issues Discussed . . . . .	15
Discussion of Recommendations . . . . .	24
Bill Draft Requests . . . . .	24
Committee Letters . . . . .	29
Concluding Remarks . . . . .	35

	<u>Page</u>
Appendices .....	37
Appendix A	
<i>Nevada Revised Statutes</i> 218.536 through 218.5371 .....	39
Appendix B	
Approved Budget and Proposed Work Plan	
July 1, 1997, through December 31, 1998 .....	45
Appendix C	
Nevada’s Legislative Committee on Public Lands	
<i>Resolution No. 98-1</i> .....	55
Appendix D	
Issue Papers .....	59
Appendix E	
Committee Letters Approved During Meetings	
and at Work Session .....	71
Appendix F	
Suggested Legislation (from Work Session) .....	121

## ACRONYMS USED IN TEXT OF REPORT

AML	Abandoned Mine Lands
AUM	Animal Unit Month
BDR	Bill Draft Request
BLM	Bureau of Land Management
CEQ	Council on Environmental Quality (President's)
CSG-West	Council of State Governments-West
EIS	Environmental Impact Statement
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
FLPMA	Federal Lands Policy Management Act of 1976
HMA	Herd Management Area
ICBEMP	Interior Columbia Basin Ecosystem Management Project
LCB	Legislative Counsel Bureau
NACO	Nevada Association of Counties
NAFB	Nellis Air Force Base
NDEP	Nevada's Division of Environmental Protection
NDOW	Nevada's Division of Wildlife
NEPA	National Environmental Policy Act
NMA	National Mining Association
NRS	<i>Nevada Revised Statutes</i>
PILT	Payment in Lieu of Taxes
RMP	Resource Management Plan
SDCNR	State Department of Conservation and Natural Resources
SPPCO	Sierra Pacific Power Company
TRT	[Elk] Technical Review Team
UNR	University of Nevada, Reno
USFS	United States Forest Service
USGS	United States Geological Survey
USFWS	United States Fish and Wildlife Service
WSA	Wilderness Study Area



## SUMMARY OF RECOMMENDATIONS

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

This summary presents the recommendations approved by Nevada's Legislative Committee on Public Lands during the 1997-1998 legislative interim and at its final meeting on October 23, 1998, in Reno, Nevada. The corresponding bill draft request (BDR) number follows each recommendation for legislation.

#### **Recommendations for Legislation**

1. **Enact legislation regarding the interbasin transfer of water. In particular, Nevada's Legislative Committee on Public Lands recommends that the Nevada Legislature (BDR 48-922):**
  - a. **Include, in legislation pertaining to the interbasin transfer of water, a provision stipulating that a pending application for the interbasin transfer of groundwater not approved or rejected by the State Engineer within five years from the final action date for filing protests, be subordinated to a subsequently filed application(s) for groundwater use in the basin of origin, except where relevant court actions are pending;**
  - b. **Include, in legislation pertaining to the interbasin transfer of water, a provision stipulating that the State Engineer must reject an application for water if the approval of the application would be inconsistent with the protection of the identified water needs for current and future development in the basin of origin; and**
  - c. **Include in legislation pertaining to the interbasin transfer of water that consideration for approval or rejection of groundwater applications must be given to factors including, but not limited to, the economy, environment, and quality of life in the basin of origin.**
2. **Enact legislation creating and funding the position of a scientist in Nevada's Division of Agriculture to address noxious and invasive weed issues in Nevada. The funding request shall be an annual legislative appropriation of \$66,000. The legislation shall state that the scientist's duties include (BDR 49-923):**
  - a. **Investigating the available biological control agents designed to control invasive and noxious weeds;**

- b. **Documenting the effectiveness of these agents in the control of invasive plants and noxious weeds; and**
  - c. **Developing strategies for the management of noxious weeds in the state.**
3. **Express strong disapproval, by resolution, of the United States Environmental Protection Agency's (EPA's) Proposed Regional Haze Regulations, by expressing disappointment with the unrealistic nature of the regulations and emphasizing the financial burdens that compliance with the regulations would place on Nevada. The resolution shall encourage productive communication between federal land managers (agencies), state agencies, the mining industry, the utility industry, and others in addressing air quality issues. (BDR R-921)**
  4. **Urge, by resolution, Nevada's Congressional Delegation to introduce legislation providing for the disposal of public lands in central and northern Nevada in a manner similar to the manner provided in the Southern Nevada Public Land Management Act of 1998. (BDR R-920)**
  5. **Express support, by resolution, for payments in the form of land under the federal Payment in Lieu of Taxes (PILT) program. (BDR R-919)**
  6. **Urge, by resolution, Nevada's Congressional Delegation to request federal legislation amending the Federal Land Policy and Management Act of 1976 (FLPMA) to require the Secretaries of Agriculture and the Interior to identify and map certain rights-of-way across land administered by the Federal Government. (BDR R-918)**

#### **Recommendations for Committee Action**

**The members of Nevada's Legislative Committee on Public Lands voted to adopt the following committee resolution:**

7. ***Resolution No. 98-1* urges the U.S. Congress to enact legislation terminating the Interior Columbia Basin Ecosystem Management Project (ICBEMP) and to "refrain from any further appropriation of money to federal agencies for the project." This resolution was filed with the ICBEMP project office to serve as an official comment from the committee on the project.**

**The members of Nevada's Legislative Committee on Public Lands voted to send the following letters to:**

8. **Nevada's U.S. Senators Richard H. Bryan and Harry Reid urging support for H.R. 2493, the Forage Improvement Act of 1997;**

9. **The Chairmen of the Senate Committee on Finance and the Assembly Committee on Ways and Means requesting consideration of BDR No. S-524, which makes a \$250,000 appropriation from the State General Fund to the Humboldt River Basin Water Authority for the study of water management opportunities within the Humboldt River Basin;**
10. **The Bureau of Land Management (BLM), the United States Forest Service (USFS), and the Lincoln County Board of Commissioners supporting a Lincoln County resolution calling for a “demonstration project for harvesting the pinyon juniper woodland” in certain areas of Lincoln County;**
11. **Nevada’s Congressional Delegation, the Chairmen of the U.S. Senate Committee on Energy and Natural Resources and the U.S. House of Representatives Committee on Resources, the Secretaries of the Departments of Agriculture and Interior, the Chief of the USFS, and the Director of the BLM, expressing support for a request from the Nevada Miners and Prospectors Association to amend FLPMA to require the Secretaries of Agriculture and the Interior to identify and map certain rights-of-way across land administered by the Federal Government;**
12. **The Council of State Governments-West (CSG-West), encouraging the Public Lands Policy Committee of the CSG-West to create a forum before which public lands matters critical to the western United States can be addressed and from which a regionwide platform on these issues will emerge. One anticipated goal of this forum will be to define a “plate” of issues that will serve as a means to introduce legislation in the U.S. Congress that addresses concerns regarding federal air, land, and water in the West;**
13. **The appropriate chairmen of the legislative committees initially hearing BDR 18-102 during the 1999 Legislative Session. The BDR proposes to reestablish Nevada’s Division of Agriculture and Nevada’s Division of Minerals as state agencies;**
14. **The Budget Division of Nevada’s Department of Administration and the Chairmen of the Senate Committee on Finance and the Assembly Committee on Ways and Means supporting the Division of Water Resources’ request for two additional staff positions;**
15. **Nevada’s Governor, the Budget Division of Nevada’s Department of Administration, and the Chairmen of the Senate Committee on Finance and the Assembly Committee on Ways and Means expressing support for a Division of State Lands budget request to continue funding for a federal lands planner employed in the division;**
16. **The appropriate chairmen of the legislative committees initially hearing BDR 26-521 during the 1999 Legislative Session. The BDR, submitted by the Nevada Association**

of Counties, proposes to amend *Nevada Revised Statutes 321.739* by revising the provisions regarding governmental land transfers and related losses to county tax base;

17. The Secretaries of the Departments of Agriculture and Interior, the Director of the BLM, and the Chief of the USFS, requesting clarification of the term “environmentally sensitive lands” found in some federal laws and legislation;
18. The BLM, USFS, and other federal agencies involved with flood control projects in the Pahrump Valley in southern Nevada, expressing support for flood mitigation efforts in the mountains surrounding the town of Pahrump;
19. The appropriate chairmen of the legislative committees initially hearing BDR 48-7 during the 1999 Legislative Session expressing support for the request. This BDR proposes to amend Nevada law regarding the interbasin transfer of water in a similar manner to BDR 48-922, which was sponsored by the Legislative Committee on Public Lands;
20. The Chairman of the Legislative Commission addressing the appointment of alternates to the Legislative Committee on Public Lands;
21. The Chairman of the Legislative Commission requesting funding for a total of ten meetings of the Legislative Committee on Public Lands during the 1999-2000 interim. Currently, the committee holds nine meetings during each legislative interim; and
22. The Chairman of the Legislative Commission urging the establishment and construction of a map room in the Legislative Building to house and display state and county maps for reference by legislators, staff, and the public.

**REPORT TO THE 70TH SESSION OF THE NEVADA LEGISLATURE  
BY NEVADA'S LEGISLATIVE COMMITTEE ON PUBLIC LANDS**

**INTRODUCTION**

Nevada's Legislative Committee on Public Lands is a permanent committee of the Nevada Legislature whose authorization and duties are set forth in Chapter 218 of the *Nevada Revised Statutes* (NRS) (see NRS 218.536 through 218.5371, Appendix A of this report). Created in 1983, this body is responsible for reviewing and commenting on proposed and existing laws and regulations that affect the 61 million acres of federally managed lands in Nevada. The committee also provides a forum for the discussion of public lands matters with federal, state, and local officials; representatives of special interest organizations; and other interested individuals.

During the 1997-1998 legislative interim, Nevada's Legislative Committee on Public Lands met nine times and considered or discussed more than 55 public lands-related issues. Topics of particular interest during this interim period included: United States Bureau of Land Management (BLM) activities; county and city public land issues; elk management issues; the Endangered Species Act (ESA); federal legislation regarding public lands and natural resources; United States Forest Service (USFS) activities; grazing; the Humboldt River Basin; interbasin transfer of water; the Interior Columbia Basin Ecosystem Management Project (ICBEMP); military issues; mining; the *Nevada Statewide Policy Plan for Public Lands*; noxious weed abatement; public/private land exchanges; recreational opportunities; regional haze regulations; vehicle access and right-of-way issues on public lands; water issues; wild horses and burros; and wilderness issues.

Attendance at the hearings was high, and the committee was presented with numerous recommendations during the course of these meetings. The members voted to request the drafting of six bills and resolutions for consideration by the 1999 Nevada Legislature. The subjects of these requests concern the interbasin transfer of water, noxious weed abatement, the U.S. Environmental Protection Agency's (EPA's) proposed regional haze regulations, the payment in lieu of taxes (PILT) program, and federal land management and planning. In addition, the members approved one committee resolution and voted to send several letters regarding many public lands-related topics to Nevada's Congressional Delegation, various standing committees of the Nevada Legislature, and to a number of federal and state agencies.

**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  
Assemblywoman Genie Ohrenschall  
Elko County Commissioner R. Llee Chapman

The commission also appointed the following alternate members to the committee:

Assemblyman John C. Carpenter  
Assemblywoman Marcia de Braga

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

Michael J. Stewart, Staff Director  
J. Randall Stephenson, Senior Deputy Legislative Counsel  
Ann M. Iverson, Deputy Legislative Counsel  
Linda Chandler Law, Senior Research Secretary

## **HEARINGS AND RECOMMENDATIONS**

The Legislative Committee on Public Lands held a total of seven regular meetings throughout Nevada and traveled twice to Washington, D.C., to meet with various elected officials, congressional staff, and federal agency officials involved in public lands policy matters.

This report summarizes the committee's activities during the 1997-1998 interim period, reviews public lands legislation passed during the 1997 Nevada Legislative Session, and summarizes the topics considered and acted upon by the committee during the 1997-1998 legislative interim. The committee received extensive testimony and supporting materials pertaining to the many public lands-related topics found in this report. All minutes of meetings and their corresponding exhibits are on file in the Research Library (775/687-6827) of the LCB.

Furthermore, this document reviews actions that resulted in letters from the committee. Finally, the report reviews the recommendations adopted by the members of the committee, which includes six requests for bill drafts for consideration by the 1999 Nevada Legislature.

### **PUBLIC LANDS LEGISLATION OF THE 69TH SESSION OF THE NEVADA LEGISLATURE**

Numerous bills regarding public lands topics were considered during the 1997 Session of the Nevada Legislature. This section of the report summarizes some of the approved public lands bills and resolutions.

## LEGISLATIVE COMMITTEE ON PUBLIC LANDS RECOMMENDATIONS

Following the 1995-1996 interim, Nevada's Legislative Committee on Public Lands made ten recommendations to the 1997 Legislature. Issues addressed included wild horses and burros, land use planning, the management of Nevada's public lands, land sales and transfers, rights-of-way over public lands, and issues relating to the Naval Air Station (NAS) in Fallon, Nevada. Detailed discussions of these recommendations may be found in the committee's final report to the 1997 Legislature, published as LCB Bulletin No. 97-12, *Legislative Committee on Public Lands*.

Four of the ten recommendations for legislation made to the 1997 Legislature by the Legislative Committee on Public Lands were ultimately approved. Following are summaries of these measures:

- ▶ Senate Bill 211 (Chapter 537, *Statutes of Nevada 1997*) places the Commission for the Preservation of Wild Horses in the State Department of Conservation and Natural Resources. The measure also provides that the executive director of the commission is appointed by, and serves at the pleasure of, the director of the department.

The bill further specifies that a written protest, petition for judicial review, or appeal may not be filed on behalf of the commission unless it is submitted to the Attorney General for review and comment and approved by the director of the department. Copies of the filing must also be furnished to each member of the commission as soon as practical, and the matter must be reviewed by the commission at its next meeting.

Finally, the measure clarifies the duties of the commission and appropriates \$75,000 per year during the next biennium to support a wildlife biologist position and provide supplemental in-state travel for the commission and staff.

- ▶ Senate Bill 27 (Chapter 177, *Statutes of Nevada 1997*) expands the definition of "estrays" to include sheep and other ovine animals and extends to political subdivisions of the state immunity from liability for trespass or other damage caused by an estray. The bill adds state agencies and nonprofit organizations to the entities with which the Division of Agriculture may enter into cooperative agreements for the control of livestock; directs the division to review cooperative agreements annually; and authorizes the division to cancel agreements for noncompliance. The measure makes feeding an estray unlawful, unless the division authorizes it, and requires that a person be given a warning for the first violation.

Senate Bill 27 also authorizes the Division of Agriculture to sell an injured, sick, or otherwise debilitated estray under certain conditions and shortens, from ten days to five working days, the claiming period for an estray.

Testimony during the 1997 Session indicated that the bill, as amended, would not disrupt existing cooperative agreements for the control of livestock. Instead, it would give the Division of Agriculture needed flexibility to develop cooperative agreements and additional tools to manage the state's estrays.

- ▶ Senate Joint Resolution No. 6 (File No. 99, *Statutes of Nevada 1997*) expresses the support of the Nevada Legislature for the sale or other transfer of public land managed by the Federal Government in the Las Vegas Valley if the transfer does not adversely affect sparsely populated and rural counties in Nevada. It also expresses the support of the Legislature for the proposed Southern Nevada Public Land Management Act of 1997.
- ▶ Senate Joint Resolution No. 8 (File No. 57, *Statutes of Nevada 1997*) urges Nevada's Congressional Delegation to introduce and support legislation to assist providers of telecommunications services to obtain rights-of-way over public land managed by the Federal Government.

## **OTHER PUBLIC LANDS LEGISLATION**

With 87 percent of Nevada's land managed by the agencies of the Federal Government, the subject of public lands plays a major role in every Legislative Session. The 1997 Legislative Session was no exception. Topics addressed ranged from agriculture, wildlife, and water, to mining, grazing, and land management.

- ▶ Senate Bill 293 (Chapter 402, *Statutes of Nevada 1997*) requires the appointment of a person to manage activities in the Division of Agriculture of the Department of Business and Industry pertaining to natural resources, land use planning, and management and control of wild horses and estrays.
- ▶ Assembly Bill 470 (Chapter 392, *Statutes of Nevada 1997*) introduces incentive tags to Nevada's hunting laws. These big game incentive tags are issued to private property owners to establish cooperation in providing deer and elk habitat. Under A.B. 470, the Board of Wildlife Commissioners must adopt regulations governing the issuance of incentive tags to owners, lessees, and managers of private land used by deer and elk. This measure was, in part, a result of work on the statewide Elk Management Plan created by Assembly Concurrent Resolution No. 46 (File No. 153, *Statutes of Nevada 1995*) of the 1995 Legislative Session.
- ▶ Assembly Joint Resolution No. 13 (File No. 122, *Statutes of Nevada 1997*) urges numerous federal agencies to monitor and control existing infestations of noxious weeds in Nevada. The resolution also encourages these agencies to cooperate with state agencies to eradicate the noxious weeds and educate land users and managers about the potential losses from the proliferation of noxious weeds.

- ▶ Assembly Bill 327 (Chapter 185, *Statutes of Nevada 1997*) defines the term “noxious weed” in Nevada law and authorizes the administrator of Nevada’s Division of Agriculture to control noxious weeds, and changes the procedures for creating weed control districts. Creation of a weed control district may be initiated by a board of county commissioners or a property owner within the proposed district. The bill also adds the control and eradication of noxious weeds to the list of powers that may be granted to a general improvement district. This measure is thought to provide Nevada with an opportunity to avoid extensive economic damage by acting now to streamline procedures for the formation of weed control districts.
- ▶ Senate Bill 440 (Chapter 262, *Statutes of Nevada 1997*) expands Nevada’s program through which mining operations and exploration projects can obtain performance bonds to ensure reclamation of their mine sites. Under existing law, operations that disturb five acres of land or more in a calendar year are eligible to request a bond through the state bond pool. Senate Bill 440 expands this eligibility to include mining operations and exploration projects that disturb less than five acres per year as required by federal regulation, and operations or projects of any size that are required by a county to post a reclamation performance bond.

The bill also clarifies that the Division of Minerals, which administers the program, may require people who receive bonds through the pool to enter into agreements of indemnity and provide collateral or other security against forfeiture.

- ▶ Senate Bill 472 (Chapter 683, *Statutes of Nevada 1997*) establishes a minimum grazing fee for the lease of state lands for livestock grazing. The bill provides that the minimum fee is the greater of a base value statutorily defined as \$1.94 per animal unit month (AUM) or this base value adjusted annually to reflect the price of beef and the costs of production. Testimony on S.B. 472 indicated that adjusting the base value for the price of beef and costs of production moderates the potential for large annual fluctuations in fees that are experienced in some other types of fee schedules.
- ▶ Senate Joint Resolution No. 11 (File No. 82, *Statutes of Nevada 1997*) expresses support for the protection of existing rights-of-way over public land and urges the U.S. Secretary of the Interior to allow them to be identified through an administrative process. The resolution notes that in 1866 the U.S. Congress granted the right to construct roads over public lands. When the law extending this grant was repealed in 1976, Congress explicitly stated that existing rights-of-way were not terminated.

Until recently, the BLM in Nevada was working with some rural counties to identify valid rights-of-way. On January 22, 1997, the Secretary of the Interior issued a memorandum suspending this activity. The bureau’s Nevada office has requested permission from the Secretary to continue its program. Senate Joint Resolution No. 11 expresses support for this effort.

- ▶ Assembly Bill 452 (Chapter 284, *Statutes of Nevada 1997*) requires a person to obtain written authorization from the State Land Registrar to use or acquire state land for any purpose and authorizes the registrar to make direct sales of lands to both public agencies and local governments. The bill also makes technical amendments to Nevada law, and requires all sales of lands by Nevada's Division of State Lands conform to specific provisions on appraisal, notice, bids, and costs to the state.
- ▶ Senate Bill 404 (Chapter 318, *Statutes of Nevada 1997*) expands the existing authorization for a county with a population over 400,000 to establish and manage a wildlife habitat preservation area. The measure includes all species or subspecies (in addition to wildlife) and authorizes the county to give money for the establishment and management of a species preservation area. The measure also specifies that the board of county commissioners may encourage the preservation of a species, if a committee appointed by the board determines that the species is likely to have a significant impact upon the county's economy and the residents' lifestyles if the species is listed as threatened or endangered. Finally, S.B. 404 decreases, from \$750 to \$550, the maximum fee per acre that may be imposed by ordinance on new construction for species preservation.
- ▶ Assembly Bill 369 (Chapter 292, *Statutes of Nevada 1997*) requires the administrator of the Division of State Lands to provide assistance to counties to develop programs that increase local government responsibility for the management of federally controlled lands. In addition, the bill directs the State Land Use Planning Agency to include the recommendations of the Land Use Planning Advisory Council, the Advisory Board on Natural Resources, and legislative public lands committees with each plan or policy statement submitted to the Governor, the Legislature, or the United States that concerns the acquisition and use of federally managed lands. The measure also directs the Land Use Planning Advisory Council to advise the State Land Use Planning Agency on such plans and policy statements.
- ▶ Assembly Joint Resolution No. 7 (File No. 42, *Statutes of Nevada 1997*) urges the Secretary of the Interior to suspend or withdraw new regulations of the BLM governing bonding requirements for certain mining operations on public lands. Testimony indicated the new policies in the final rule will have a negative impact on large and small miners, their suppliers and contractors, and the economy and residents of the State of Nevada, and that they will substantially increase the work load for state agencies. Testimony also contended that the State of Nevada has been a strong supporter of mining reclamation programs and that the BLM acknowledges that this state is a leader in such programs.

### **SUMMARY OF 1997-1998 INTERIM ACTIVITIES**

Nevada's Legislative Committee on Public Lands maintained an active schedule during the 1997-1998 interim period. This section of the report briefly summarizes the activities of the

committee and the topics discussed at the nine meetings held during the interim. Additional details of testimony received and exhibits provided at these meetings can be found in the committee's minutes, which are on file in the Research Library (775/687-6827) of the LCB.

## **IN-STATE MEETINGS**

The Committee on Public Lands met seven times throughout Nevada. The committee typically meets in the populous areas of southern and northwestern Nevada and also holds meetings in many rural areas of the state where public lands issues are in the forefront. Most meetings in rural Nevada counties include a scheduled time for local government officials to present their concerns and report happenings pertaining to public lands and natural resources within their cities and counties. Comprehensive reports were submitted and public testimony was extensive at many of the hearings. Attendance typically ranged from 50 to 80 people.

Following are summaries of the committee's deliberations and activities at each of the seven in-state meetings:

### **Carson City (October 24, 1997, Organizational Meeting)**

The committee's first meeting was held in Carson City on October 24, 1997. At this organizational meeting, Senator Dean A. Rhoads was elected Chairman and Assemblyman John W. Marvel was elected Vice Chairman of the Legislative Committee on Public Lands. The committee also approved its budget and proposed work plan (see Appendix B of this report) for the interim and discussed future meetings, including committee meetings to be held in Washington, D.C.

Generally, the initial meeting of the committee serves to highlight public lands issues that have transpired since the last legislative interim. Furthermore, the first meeting allows federal, state, and local agency personnel and representatives of special interest organizations to report to the committee on pertinent public lands matters. Numerous reports were received on the topics of mining, grazing, wild horses, endangered species, pending congressional legislation, water transfers, and BLM, USFS, and military activities on public lands in Nevada. Extensive discussions were also held concerning the possibility of the state managing its public lands.

### **Las Vegas (December 18, 1997)**

The committee held a meeting in Las Vegas on December 18, 1997, and received an update on public lands issues specific to Clark County by representatives from the BLM. The interbasin transfer of water (from basins in Lincoln, Nye, and White Pine counties to Clark County) was also discussed. Furthermore, the committee received reports regarding recreational opportunities on public lands by the BLM, the USFS, and a private individual representing numerous recreation interests. Following the formal hearing, the Committee on Public Lands toured facilities at the

Nellis Air Force Base (NAFB) and discussed range issues, military training activities, and rangeland renewal procedures on military lands in southern Nevada.

### **Pahrump (January 23, 1998)**

The committee's third in-state meeting was held in Pahrump on January 23, 1998, and began by reviewing and approving proposed letters to Nevada's Congressional Delegation regarding H.R. 2493, known as the Forage Improvement Act of 1997 (see Appendix E of this report). The committee also received reports from various federal, state, and local agencies; including presentations from the Town of Pahrump, the Nye County Commission, the BLM, the USFS, Nevada Strategic Planning Authority, Nevada's Division of Air Quality in the State Department of Conservation and Natural Resources (SDCNR), and Sierra Pacific Power Company (SPPCO). The committee was also introduced to the Interior Columbia Basin Ecosystem Management Project (ICBEMP), which affects approximately two million acres in northeastern Nevada within the Columbia River Basin. Finally, there was a discussion of future topics and the schedule of following meetings as well as a brief period of public testimony.

### **Elko (March 5 and 6, 1998)**

Elko was the site of the committee's meeting on March 5 and 6, 1998. The first day of the meeting involved a tour of Newmont Gold Company and Barrick Goldstrike Mines, Inc., where the committee received information on both mines' open pit operations and mine dewatering processes. The committee viewed the integrated laboratory and computer equipment at the Newmont facility and was briefed on ore processing. Finally, the committee toured the extensive underground operations of Barrick's Mickle Mine and received an update on that company's water treatment facilities for water removed from its various mine sites.

During the second day of the meeting, March 6, 1998, the committee received reports from various agencies regarding mining issues in Nevada, the Columbia and Humboldt River Basins, and public lands issues in northeastern Nevada. Presenters included representatives from the: BLM; U.S. Fish and Wildlife Service (USFWS); USFS; U.S. Geological Survey (USGS); Nevada's Bureau of Mining Regulation and Reclamation; College of Agriculture, University of Nevada, Reno (UNR); Division of Minerals; Division of State Lands; Divisions of Water Planning and Water Resources; Elko County Board of Commissioners; Las Vegas Valley Water District (LVVWD); ICBEMP; Nevada Mining Association (NMA); Western Legislative Forestry Task Force; and Stephen Bradhurst, Water Consultant. There was also a discussion of future topics and the schedule of following meetings as well as a brief period of public testimony.

### **Ely (June 8, 1998)**

The committee held its fifth in-state meeting in Ely on June 8, 1998. Members of the committee heard from officials of Eureka, Lincoln, and White Pine Counties regarding public lands issues specific to central and eastern Nevada. The committee also received reports from representatives

of various federal and state agencies, commissions, and private organizations. Topics addressed included net proceeds of minerals mining tax, mining reform, and the private/public land exchange process. Also discussed were wild horses and burros, elk management issues, and grazing legislation. Also addressed were the effects of the ESA and other federal projects, public access and recreation issues, noxious weed abatement efforts and strategies, and the placement of the Great Basin Heritage Center. During public comment, both military land use, including the placement of threat emitter sites, and the effects of elk and wild horse grazing on domestic herds and ranching operations were discussed.

### **Tonopah (September 11, 1998)**

On September 11, 1998, the committee met in Tonopah. Members of the committee heard testimony from Nye County officials regarding pertinent land use, land management, and right-of-way issues. Representatives of various federal and state agencies as well as private citizens and organizations addressed issues of interest to Nye County; noxious weed abatement; road repair and motor vehicle access in the Jarbidge Mountains; recommendations for legislation from Eureka County and the Humboldt River Basin Water Authority. The committee also received updates on *Hage v. United States* and *U.S. v. State Engineer*. Brief tours of the Tonopah Historic Mining Park and the Central Nevada Museum were conducted during the noon break. During public comment, the Treaty of Ruby Valley of 1863 was discussed in addition to the BLM's Las Vegas Resource Management Plan.

### **Reno (October 23, 1998, Final Meeting and Work Session)**

The committee's final meeting and work session was held in Reno on October 23, 1998. At this meeting, the committee determined its formal recommendations for the 1999 Session of the Nevada Legislature. The meeting began with an overview of the "Draft Nevada Wild Horse Management Plan for Federal Lands," followed by a presentation of elk management issues by officials from Nevada's Division of Wildlife (NDOW) and local government representatives from eastern Nevada. Military activities, including the renewal of rangeland located within the Nellis Air Force Range as well as activities at NAS Fallon, were also discussed. Finally, the committee received a report on Nevada's seedbank program, which provides seed to land owners for areas damaged by fire, flood, and other natural disasters. Discussion of military and other work session document issues occurred during the public comment period.

The work session portion of the meeting included discussion of and action on recommendations for legislation presented during this interim. Information on the approved recommendations may be found in the section of this report titled "Discussion of Recommendations," beginning on page 24.

## **WASHINGTON, D.C., MEETINGS**

Over the past several years, Nevada's Legislative Committee on Public Lands has developed critical relationships with many representatives from the executive and legislative branches of the Federal Government. Because much of the committee's focus is based on federal land management, legislation, and other federal activities, meetings in our nation's Capitol are a useful and meaningful way to express the views of Nevada's citizens and lawmakers regarding important natural resource and public lands issues. The members of the Committee on Public Lands typically travel to Washington, D.C., twice during the legislative interim to meet elected officials, agency personnel, and representatives of special interest organizations about public lands issues of importance to Nevada.

### **November 18 and 19, 1997**

The committee's first meeting in Washington, D.C., was held on November 18 and 19, 1997. Members of the committee met with officials from the BLM, the USFS, and representatives from the National Governors' Association, Western Governors' Association, and the American Recreation Coalition. In addition, the committee discussed public lands issues with congressional committee staff and with the staff of the chairmen of the various committees that address public lands and natural resource issues. The committee also visited with the staff of Nevada's Congressional Delegation. Topics addressed included the ESA, grazing legislation, military land use, mining reform, recreation, and other public lands and natural resource legislation.

Members of the Committee on Public Lands met with the following officials and individuals during the first Washington, D.C., meeting:

- Brenda Aira, Solid Minerals Group Manager, BLM, U.S. Department of the Interior;
- Bob Armstrong, Assistant Secretary, Land and Minerals Management, BLM;
- Richard F. Bechtel, Director, Washington, D.C., Office, Western Governors' Association;
- Jani L. Brackett, Legislative Assistant to U.S. Senator Larry E. Craig (R-Idaho), Chairman of the Senate Subcommittee on Forests and Public Land Management;
- Michael Brown, Barrick Goldstrike Mines, Inc.;
- Derrick A. Crandall, President, American Recreation Coalition;
- Tony Danna, Legislative Fellow, Office of U.S. Senator Harry Reid (D-Nevada);
- Mary Beth Donnelley, Newmont Gold Company;
- Jim Fox, Recreation and Grazing, BLM;
- Allen D. Freemyer, Esq., Staff Director to the House Subcommittee on National Parks, Forests and Lands;
- Kim Harb, Special Assistant, Minerals, Realty and Resource Protection, BLM;
- Brent Heberlee, Legislative Assistant, Office of U.S. Senator Richard H. Bryan (D-Nevada);
- Jeff Holden, Supervisory Realty Specialist, BLM;
- Joel D. Holtrop, Deputy Director, Range Management, USFS, U.S. Department of Agriculture;
- Randy Karstaedt, Special Uses Group Leader, USFS;

- Windsor Laing, Legislative Assistant, Office of U.S. Representative John E. Ensign (R-Nevada);
- Eric Luse, Rangelands Management Specialist, BLM;
- Gloria Manning, Associate Deputy Chief, USFS;
- Sean Patrick McMahon, Deputy Director, Office of Intergovernmental Affairs, BLM;
- Elizabeth R. Megginson, Chief Counsel, House Committee on Resources, Office of U.S. Representative Don Young (R-Alaska);
- Michael Menge, Professional Staff Member to U.S. Senator Frank H. Murkowski (R-Alaska), Chairman of the Senate Committee on Energy and Natural Resources;
- Nathan Olsen, Legislative Assistant to U.S. Representative Helen Chenoweth (R-Idaho), Chairman of the House Subcommittee on Forests and Forest Health;
- Eric C. Olson, Attorney with the Office of the General Counsel, USFS;
- R. Leo Penne, Director, Nevada State Office, Washington, D.C.;
- Ralph Pisapia, U.S. Fish and Wildlife Service, U.S. Department of the Interior;
- George Ramey, Grazing Administration, BLM;
- Rodger Schmitt, National Recreation Group Manager, BLM;
- Michael Schwartz, Management Advisor, Minerals, Realty, and Resource Protection, BLM;
- Don Simpson, Legislative Specialist, BLM;
- Lorena Veresh, Federal Liaison, Nevada State Office, Washington, D.C.;
- Jack Victory, Senior Legislative Assistant, Office of U.S. Representative James A. Gibbons (R-Nevada); and
- Mike Williams, Land Staff, USFS.

#### **April 28 and 29, 1998**

On April 28 and 29, 1998, the committee held its second Washington, D.C., meeting. Members of the committee met with officials from the National Mining Association (NMA) and the Gold Institute, and attended a speech made by Secretary of the Interior, Bruce Babbitt, at the Western States Lands Commissioners Conference. The committee also met with officials from the BLM, the Council on Environmental Quality (CEQ), the Department of Defense, the EPA, and USFS. In addition, the committee discussed public lands issues with congressional committee staff and with the staff of the chairmen of the various committees that address public lands and natural resource issues. The members also visited with Nevada's Congressional Delegation and their staffs. Topics addressed included mining reform and market factors, forest health and air quality/visibility issues, grazing legislation, the ESA, military land use, and recreation. Committee *Resolution No. 98-1* (see Appendix C of this report), regarding ICBEMP, was adopted at this meeting.

The committee members met with the following officials and individuals:

- Thomas H. Altmeyer, Senior Vice President, Government Affairs, NMA;
- Bob Anderson, Deputy Assistant Director of Minerals, Realty, and Resource Protection, "3809" issues, BLM, U.S. Department of the Interior;

- Bob Armstrong, Assistant Secretary, Land and Minerals Management, BLM;
- Paul Bateman, Executive Vice President, Gold Institute;
- Commander Rebecca J. Beener, Special Assistant for Airspace, Land Use, and Water Pollution, U.S. Navy;
- Jani L. Brackett, Legislative Assistant to Senator Larry E. Craig (R-Idaho), Chairman of the Senate Subcommittee on Forests and Public Land Management;
- Ray Brady, Lands and Realty Specialist, BLM;
- Michael Brown, Barrick Goldstrike Mines, Inc.;
- Senator Richard H. Bryan (D-Nevada);
- George G. Byers, Vice President of Government Relations, Newmont Gold Company;
- Gerald “Skip” Coghlan, USFS, U.S. Department of Agriculture;
- Alan R. Coyner, Administrator, Division of Minerals, Nevada’s Department of Business and Industry;
- Jimmy Dishner, Deputy Assistant Secretary of the Air Force, Installations, U.S. Air Force;
- Mary Beth Donnelley, Newmont Gold Company;
- Representative John E. Ensign (R-Nevada);
- G. F. “Ric” Fenton Jr., Vice President, Congressional Affairs, NMA;
- Russell A. Fields, President, Nevada Mining Association;
- David O. Finkenbinder, Director of Environmental Policy, NMA;
- Allen D. Freemyer, Esq., Staff Director, House Subcommittee on National Parks, Forests, and Lands;
- Matt Gagelin, U.S. Navy;
- Representative James A. Gibbons (R-Nevada);
- Martha Gunderson, Economist, NMA.
- Stephanie Hague, USFS;
- William T. Harnett, Associate Director, Air Quality Strategies and Standards Division, EPA;
- Dwight Hempel, Military Liaison, BLM;
- Jeff Jarvis, Wilderness Specialist, BLM;
- Lloyd Jones, Aide to Committee on Resources Chairman, Representative Don Young (R-Alaska);
- Diana H. Josephson, Principal Deputy to the Assistant Secretary of the Navy;
- Windsor Laing, Legislative Assistant, Office of U.S. Representative John E. Ensign (R-Nevada);
- Linda Lance, Associate Director for Air, Energy and Transportation, CEQ, Executive Office of the President;
- Larry Leehy, U.S. Air Force;
- Linda F. Leeman, Special Assistant, Legislative Affairs, Office of the Secretary of Defense;
- Carl Lowery, U.S. Navy;
- Jim Lyons, Under Secretary for Natural Resources and Environment, USFS;
- Sean Patrick McMahon, Deputy Director, Office of Intergovernmental Affairs, Office of the Secretary of the Interior, U.S. Department of the Interior;
- Michael Menge, Professional Staff to Senator Frank Murkowski (R-Alaska), Chairman of the Senate Committee on Energy and Natural Resources;

- R. Leo Penne, Director, Nevada State Office, Washington, D.C.;
- Andres Ramirez, Nevada State Office, Washington, D.C.;
- Senator Harry Reid (D-Nevada);
- Jack Victory, Senior Legislative Assistant, Office of U.S. Representative James A. Gibbons (R-Nevada);
- Beth Viola, Associate Director for Public Liaison, CEQ; and
- Barbara Wainman, Group Manager for Legislative Affairs, BLM.

Staff to the Legislative Committee on Public Lands prepared issue papers to serve as resource documents for the members' use during meetings in Washington, D.C. These issue papers are designed to provide background information on topics that may be discussed during meetings with the various federal officials. Following is a list the papers, copies of which may be found in Appendix D of this report:

- ▶ "Bureau of Land Management Wilderness";
- ▶ "Grazing Fees and Rangeland Management";
- ▶ "Mining Reform";
- ▶ "Threatened and Endangered Species"; and
- ▶ "Wild Horses and Burros."

### **ISSUES CONSIDERED DURING THE 1997-1998 LEGISLATIVE INTERIM**

The committee considered numerous public lands topics of interest to Nevada's residents. The Legislative Committee on Public Lands typically addresses a wide range of topics that are considered integral to the understanding of public lands and natural resources matters. The 1997-1998 interim was no exception, with over 55 different topics discussed during nine meetings. Formal presentations and public testimony informed the members and meeting attendees of these issues.

#### **LIST OF ISSUES DISCUSSED**

The following is a list of the many issues discussed by the committee during the 1997-1998 interim period:

- ▶ Abandoned mines;
- ▶ Bureau of Land Management (BLM) activities in Nevada;
- ▶ BLM Communications Sites Plan Amendment (military issues);
- ▶ Colorado River;
- ▶ County and city public land issues;
- ▶ Elk management issues;
- ▶ Endangered Species Act;
- ▶ Exploration for minerals;

- ▶ Fallon Naval Air Station;
- ▶ Federal legislation;
- ▶ Fire suppression and prevention;
- ▶ Forest Service (U.S.) activities
- ▶ Grazing regulations and fees;
- ▶ Great Basin Heritage Center;
- ▶ Humboldt River Basin;
- ▶ Interbasin transfer of water;
- ▶ Interior Columbia River Basin Ecosystem Management Project;
- ▶ Lake Tahoe;
- ▶ Land sales;
- ▶ Las Vegas Valley Water District;
- ▶ Military airspace and land withdrawals;
- ▶ Military issues (generally);
- ▶ Mine dewatering;
- ▶ Mining issues (generally);
- ▶ Mining reform;
- ▶ National forest planning process;
- ▶ Native American issues (Treaty of Ruby Valley);
- ▶ Nellis Air Force Base;
- ▶ Net proceeds of minerals;
- ▶ *Nevada Statewide Policy Plan for Public Lands*;
- ▶ Nevada's *State Water Plan*;
- ▶ Nevada Test Site;
- ▶ Noxious weed abatement;
- ▶ Public/private land exchanges;
- ▶ Public lands litigation and court decisions;
- ▶ Rangeland reform;
- ▶ Recreational opportunities;
- ▶ Regional haze regulations;
- ▶ Resource Advisory Councils;
- ▶ Right-of-way issues and motor vehicle access on public lands (R.S. 2477);
- ▶ Road building on public lands;
- ▶ Seed banks;
- ▶ Southern Nevada Water Authority;
- ▶ *Special Nevada Report* (re: military land use);
- ▶ 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;
- ▶ Water issues generally (usage, supply, water rights, and litigation);
- ▶ Wild horses and burros;

- ▶ Wilderness study areas; and
- ▶ Wildlife management.

## **SUMMARY OF ISSUES DISCUSSED**

The following pages contain brief summaries of a number of different public lands issues discussed during the 1997-1998 legislative interim by Nevada's Legislative Committee on Public Lands:

### **Abandoned Mine Lands in Nevada**

Nevada's Division of Minerals has a program that addresses abandoned mine lands (AML) in Nevada. As of March 1998, there were 7,172 discovered abandoned mines in the state, 4,832 (67.4 percent) of which have been secured. The Division of Minerals is working to secure more sites, especially in Clark and Lyon Counties, where less than 50 percent of AML sites are secured. More than 90 percent of AML sites are secured in Churchill, Eureka, and Washoe Counties.

The Legislative Committee on Public Lands received reports and participated in discussions regarding AML areas at meetings in Elko and Washington, D.C. The Division of Minerals, as well as the Nevada Mining Association and the National Mining Association view abandoned mines as a serious public safety threat found on public lands in Nevada. The Committee on Public Lands intends to continue monitoring this issue during the 1999-2000 interim and is encouraged by the work of the Division of Minerals in securing abandoned mines and educating the public on the dangers associated with AML.

### **Bureau of Land Management Activities in Nevada**

The BLM manages more than 48 million acres of land (approximately 68.25 percent of the total land area) in Nevada. In addition to the day-by-day management of this land, the bureau is directly involved in wild horse gathering plans and adoptions, the regulation of some mining activity, and public/private land exchange policies. The bureau also is in the process of updating various resource management plans (RMPs) throughout the state.

The BLM has actively participated in the legislative process in Nevada. During the 1997-1998 legislative interim the Legislative Committee on Public Lands received presentations and heard testimony from the BLM at nearly all of its meetings. Reports from the BLM included discussions of recreation issues, mining regulation, military land withdrawals and land use, land management, wild horses and burros, public/private land exchanges, and grazing issues. Throughout the interim, the members of Nevada's Legislative Committee on Public Lands expressed concern over the length of time required by BLM in the permitting process for new mines, its policies relating to land exchanges, its positions held in some RMPs, and its land management decisions in some areas of the state. The committee members are, however, encouraged by BLM's active participation in the legislative process

and understand that many of the concerns about these critical public lands issues are best addressed in an open and public forum that encourages honest and useful discussion.

### **County and City Public Land Issues**

As noted earlier, the Legislative Committee on Public Lands meets throughout the State of Nevada in an effort to obtain local perspectives on public lands issues. During this interim, many county and city officials expressed a desire to become more involved in the planning activities for public lands in their areas. A number of counties are taking advantage of “cooperative agency status” afforded to some state agencies and local governments by the National Environmental Policy Act (NEPA) and regulations of the CEQ. Many counties also have recommended legislation to encourage the cooperation and participation between local governments and the BLM and USFS in the land management process.

Rural counties throughout Nevada continue to express concern over the loss of taxable property in public/private land exchanges. Recent cooperative actions between local governments and federal land management agencies have resulted in some land exchanges that have not adversely affected rural areas. However, these local entities contended during the interim that more efforts must be made to consistently eliminate such adverse effects. Rural counties also expressed concern over their ability to influence the interbasin transfer of water to larger, more populous counties. Finally, many cities in Nevada are working to manage “checkerboard” land (i.e., blocks of federal land surrounded by privately or municipally owned land) within developed areas. The passage of the Southern Nevada Public Lands Management Act of 1998 in October 1998, is designed to help eliminate the checkerboard land ownership found in the Las Vegas Valley and may set a precedent for similar legislation impacting central and northern Nevada.

### **Elk Management**

While some areas of the state have a balanced elk population, a few eastern Nevada counties are experiencing an overpopulation of elk. Some people involved with elk management issues contend that problems experienced in these counties are not a result of elk overpopulation but, rather, elk distribution. Several counties have elk “technical review teams” (TRTs) to address this issue and are working closely with the BLM and the NDOW to control the elk population, address distribution issues, and prevent range damage. Some ranchers and other land users expressed concern to the Committee on Public Lands that elk may be competing for forage with domestic livestock.

The Legislative Committee on Public Lands recognizes that elk management is a very personal and important issue to many Nevadans. The committee continues to monitor this issue and intends to revisit the topic during the 1999-2000 legislative interim.

## **Endangered Species**

Each interim, the Legislative Committee on Public Lands monitors endangered species issues and regularly hears from federal and local government officials regarding the effects of species listings on species recovery, species habitat, and the land-use industry. Recent discussion regarding the emergency listing of the bull trout as “endangered” in the Jarbidge River has residents of northeastern Nevada (notably those living in the town of Jarbidge) concerned about economic impacts of that listing due to the loss of recreational opportunities. The Committee on Public Lands heard testimony from various groups expressing concern over this emergency listing but has yet to take a formal position on the matter.

During the 1997-1998 interim, the committee monitored S. 1180, known as the Endangered Species Recovery Act of 1997 (sponsored by Senator Dirk Kempthorne, R-Idaho), in the U.S. Senate. The measure proposed to reauthorize the ESA and change approaches to recovery goals and the time line for the development of species recovery plans. The measure did not come to a vote in the full Senate. However, many believe that ESA reauthorization will again be addressed by the 106th Congress.

## **U.S. Forest Service Activities in Nevada**

The USFS manages more than 5.1 million acres of land (7.28 percent of the total land area) in Nevada. Currently, the USFS is in the process of updating its management plans for the Humboldt-Toiyabe National Forests in the state. Reports on these updates were provided to the Committee on Public Lands at its organizational meeting, but no formal action regarding these updates has been taken by the committee. The Committee on Public Lands received extensive testimony on recreational opportunities in Nevada and specifically at the Spring Mountains National Recreation Area during its Las Vegas and Pahrump meetings. The USFS also has been involved in recent activities in the Jarbidge Mountains regarding a road closure, which impacts access to mountain and wilderness areas.

The Committee on Public Lands has expressed appreciation to USFS officials in southern Nevada for their cooperative and innovative approach to land management planning. Finally, the committee continues to monitor the 18-month road building moratorium on USFS lands that was initiated in January 1998.

## **Grazing Regulations and Fees**

There were 520,000 head of cattle in Nevada in 1997. Many of these cattle graze on public lands managed by the BLM and the USFS. This legislative interim, grazing issues in Nevada did not receive the attention they did during the 1993-1994 interim following BLM’s *Rangeland Reform '94* proposals. However, cattle ranchers are continually concerned with

the reduction of grazing allotments on public lands and reported this to the committee at a number of meetings.

During the 1997-1998 interim, the Legislative Committee on Public Lands monitored H.R. 2493, known as the Forage Improvement Act of 1997. This measure proposed to alter and codify procedures for subleasing, the monitoring of resource conditions, and the development of cooperative management agreements. The measure also proposed to change the formula used to calculate grazing fees and raise the fee ranchers pay to \$1.84 per AUM. The House of Representatives passed the measure on October 31, 1997, and the Senate Committee on Energy and Natural Resources ordered the measure to be reported favorably and without amendments in June 1998. However, the measure was never considered by the full Senate during the 105th Congress. A letter of support for H.R. 2493 from the committee was sent to Senators Bryan and Reid in January 1998 (see Appendix E of this report).

### **Humboldt River Basin**

Many agencies, individuals, mining companies, and scholars have conducted studies on the Humboldt River Basin. The Legislative Committee on Public Lands received extensive reports regarding these studies of the Humboldt River Basin at its meeting in Elko. Particular focus has been on the impacts of mine dewatering, drought, and rising and falling water levels on water quality, quantity, and biota. Two Humboldt River Basin studies have recently received funding from federal and private dollars. A \$235,000 grant was recently provided by Barrick Goldstrike Mines, Inc., the USFWS, the USGS, and the U.S. Bureau of Reclamation to study water quality issues. A \$400,000 grant was provided by Barrick Goldstrike to extend the "Humboldt River Basin Assessment" study regarding water quantity, which began in October 1995. Finally the Humboldt River Basin Water Authority approached the Committee on Public Lands during the interim to request support for a general fund appropriation of \$250,000 to examine water management and storage opportunities within the basin. At its work session in Reno on October 23, 1998, the committee agreed to send a letter to the chairmen of the Senate Finance and Assembly Ways and Means Committees requesting those committees consider and discuss the measure (BDR S-524). Details of this work session recommendation are discussed on pages 29 and 30 of this report.

### **Interbasin Transfer of Water**

The 1997 Legislature considered Senate Bill 454 regarding the interbasin transfer of water. In its original form, S.B. 454 would have directed the State Engineer to reject an application for an interbasin transfer of water if the amount of the proposed transfer was to exceed 20 percent of the perennial yield of the groundwater basin, unless the county commissioners having jurisdiction over the basin of origin approved a greater percentage. The bill, designed to give rural counties more influence in water decisions, was introduced late in the legislative session and received numerous suggestions for amendment. It became clear in subcommittee review that reaching consensus on a topic as complicated and controversial as interbasin

transfers of water was not possible before the end of the legislative session. Thus, a motion was approved to recommend that the Legislative Committee on Public Lands investigate the subject in greater depth during the interim prior to the 1999 Legislative Session.

During the 1997-1998 interim, the topic of interbasin transfer of water was addressed at meetings in Carson City, Las Vegas, Pahrump, Elko, and Reno. Specific discussion revolved around the possibility of the Legislative Committee on Public Lands recommending legislation similar to S.B. 454. Numerous state and local government officials as well as private citizens from Lincoln, Nye, and White Pine counties appeared before the committee to offer suggestions and approaches to such legislation. At its work session in Reno on October 23, 1998, the Committee on Public Lands voted to request a bill draft addressing this important water issue. Details of this recommendation are provided on page 25 of this report.

### **Interior Columbia Basin Ecosystem Management Project**

The Interior Columbia Basin Ecosystem Management Project (ICBEMP) was first created through an Executive Order by President William J. "Bill" Clinton in 1993. The project requires the BLM, EPA, USFS, USFWS, and other federal, state, and local agencies to update land-use plans for federally managed lands in the Columbia River Basin. Approximately 2 million acres of land in northeastern Nevada (mostly in Elko County, with a small portion in northeastern Humboldt County) are part of the Columbia River system.

The Committee on Public Lands was introduced to this important topic at its meeting in Pahrump. Additional testimony regarding ICBEMP was received at the committee's Elko meeting, culminating in the approval of committee *Resolution No. 98-1* (see Appendix C of this report), on April 28, 1998, during the committee's meeting in Washington, D.C. This resolution expresses opposition to the project by the Legislative Committee on Public Lands and urges Congress to "refrain from any further appropriation of money to federal agencies for the project." The public comment period for the "Draft Eastside and Upper Columbia River Basin Environmental Impact Statements" (EISs) ended May 6, 1998. *Resolution No. 98-1* was submitted to be included as an official comment on the EISs from the Committee on Public Lands. According to the ICBEMP project office, more than 83,000 public comment letters were received in response to the EISs.

During the summer of 1998, funding for ICBEMP was jeopardized during federal budget hearings. As a result of these deliberations, in October 1998, Secretary of Agriculture Dan Glickman and Secretary of the Interior Bruce Babbitt signed a letter instructing ICBEMP to restrict its focus to the compelling issues to be addressed at the basin level. These issues include aquatic habitat needs, landscape health issues, and the economic and social needs of people living in communities within the basin. A supplemental EIS addressing these topics is scheduled to be released in the summer of 1999. The Legislative Committee on Public Lands intends to continue monitoring this issue during the next legislative interim.

## **Land Exchanges (Public/Private)**

Rural counties in Nevada continued to express concern regarding land exchanges during the 1997-1998 interim. They noted that the "value-to-value" policy of federal land management agencies in land exchanges allows small pieces of public land in more populous counties to be exchanged for large areas of private land in rural counties. The exchange process, rural counties argued, erodes much-needed county tax base.

The BLM testified before the committee that they are aware of the concerns of rural Nevada residents and are attempting to address them. Some recent land exchanges have also addressed these concerns through collaborative efforts between the parties involved in the exchanges. In addition, the Nevada Association of Counties (NACO) is sponsoring legislation (BDR 26-521) during the 1999 Legislative Session that addresses county tax base losses that may result from land exchanges. Over the years, the Nevada Legislature has passed a number of resolutions encouraging the sale of federal lands and discouraging land exchanges.

## **Mining Issues (Generally)**

In 1997, more than 7.8 million ounces of gold were produced in Nevada, representing an estimated worth of \$2.58 billion. Nevada ranks as the third largest gold producer in the world, behind South Africa and Australia. There are more than 30 major, precious-metals mines operating in Nevada. Nevada's mines directly employed nearly 14,700 people in 1997, generating a total payroll of \$731,753,000. It is clear, given these statistics, why the Legislative Committee on Public Lands regularly monitors mining activity in this state. Throughout the 1997-1998 interim, the committee received numerous reports regarding Nevada's mining activity, most of which takes place on public lands.

During the 1997-1998 interim, much attention was given to federal legislation that proposes to place a net proceeds royalty for minerals mined on public lands. 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. Many mining supporters oppose royalties that fail to deduct production costs and claim that excessive regulation will adversely affect the industry, especially small companies. Furthermore, industry advocates contend that modern mining is environmentally safe and necessary for the United States to retain its prominence in world markets.

Federal legislation monitored by the Committee on Public Lands regarding this issue included S. 1102, known as the Mining Law Reform Act of 1997. The legislation proposed a 5 percent net proceeds royalty for minerals mined on public lands, earmarked revenues generated from mining production on public lands for state abandoned mine clean-up

programs, and provided for the payment of fair market value for public land used in mining. The measure was supported by the National Mining Association, many lawmakers from the West, and other mining industry representatives. Representatives from the mining industry and several elected officials from Nevada (including Governor Robert J. "Bob" Miller) suggested, during testimony on the measure in April 1998, that national mining law be modeled after Nevada's, which many nations and states already follow as a standard. Although the measure did not come to a vote in the U.S. Senate during the 105th Congress, many believe that a similar bill regarding royalties for mined minerals will be introduced during the 106th Congress. The Legislative Committee on Public Lands, in its efforts to remain up-to-date on critical mining issues, will continue to monitor and discuss pertinent federal legislation affecting the mining industry.

Other mining issues that were followed by the Committee on Public Lands during the 1997-1998 interim included the effects of dewatering on water quality and quantity (see "Humboldt River Basin" under this heading, page 18); abandoned mine land issues (see "Abandoned Mine Lands" under this heading, page 15); and Nevada's net proceeds of minerals tax, which is administered by Nevada's Department of Taxation. The committee is also monitoring the BLM's update of the "3809" Surface Mining Regulations. Finally, legislators and mining industry representatives expressed concern over falling gold prices and the committee received reports during the interim regarding the impacts of these prices.

### *Nevada Statewide Policy Plan for Public Lands*

The *Nevada Statewide Policy Plan for Public Lands* was finalized in 1985 in response to Senate Bill 40 of the 1983 Legislature (Chapter 587, *Statutes of Nevada*), which directed Nevada's Division of State Lands to "prepare, in cooperation with the appropriate state agencies and local governments throughout the state, plans or policy statements concerning the use of lands in Nevada which are under federal management." This plan represents a comprehensive set of policies and measures that are designed to increase the role of Nevadans in determining the management of public lands in this state.

During the 1995-1996 legislative interim, the Legislative Committee on Public Lands and other interested parties recognized the need to update this plan. A letter from the Committee on Public Lands, dated December 24, 1996, encouraged Governor Miller and legislative leaders to support a new staff position in Nevada's Division of State Lands to work closely with Nevada's counties regarding public lands topics. The 1997 Legislature approved this position, thereby allowing the division to update the *Nevada Statewide Policy Plan for Public Lands*.

Several times during the 1997-1998 interim, representatives from the Division of State Lands reported on the progress of the plan update and discussed pertinent concerns expressed by local governments during the division's planning meetings throughout the state. This update is scheduled to be completed in time for submission to the 1999 Nevada Legislature.

Lawmakers anticipate that the plan will further unify Nevada's position on public lands matters and allow for thoughtful discussion on these issues.

### **Noxious Weed Abatement**

The spread of noxious or invasive weeds has been a concern for Nevada lawmakers, local government officials, land users, and ranchers for many years. During this legislative interim, officials from the BLM and the University of Nevada, Reno (UNR), Cooperative Extension, noted that the spread of noxious weeds compromises the productivity of private land and hampers access to public lands. These officials indicated that increased funding to further research efforts in the Great Basin and for the designation of a statewide noxious weed coordinator within Nevada's Division of Agriculture is needed. At its work session in Reno on October 23, 1998, the Legislative Committee on Public Lands requested legislation (BDR 49-923) that creates the position of a scientist within Nevada's Division of Agriculture to address noxious weeds and the spread of invasive weeds species in Nevada. Details of this work session recommendation are discussed on page 26 of this report.

### **Recreational Opportunities**

Recreational opportunities on public lands continue to interest Nevada lawmakers. Nevada's growing population has resulted in the tripling of recreational use of public lands over the past decade. Many forest plan revisions of the USFS and RMPs from the BLM reflect this increased desire for more recreational opportunities. The Committee on Public Lands heard reports and discussions regarding this issue during its meetings in Carson City, Washington, D.C., Las Vegas, and Pahrump. Lands in Nevada allow for camping, fishing, hiking, hunting, off-highway vehicle use, rock climbing, and water sports. Access by the public to these activities is of concern to Nevada lawmakers, and the Public Lands Committee intends to continually monitor this important aspect of public land use in Nevada.

### **Regional Haze Regulations (Air Quality)**

On July 18, 1997, the EPA released its "Proposed Regional Haze Regulations" to protect visibility standards in the Grand Canyon and other "class one areas," where air is considered "pristine." The regulations are designed to maintain and improve the visibility in these class one areas by setting emissions standards for locations that contribute to regional haze. Some members of the Legislative Committee on Public Lands, representatives from Nevada's Division of Environmental Protection (NDEP), and Sierra Pacific Power Company (SPPCO) expressed concern during the 1997-1998 interim that these new regulations are "unrealistic" and that the state will not be able to comply with the new requirements. Furthermore, given the relatively minor contributions NDEP officials say Nevada contributes to air quality degradation in the Grand Canyon, concerns were expressed regarding the overall need for the regulations. Finally, NDEP and SPPCO officials testified that the costs associated with regulation compliance are extremely high.

The Legislative Committee on Public Lands addressed this issue at length during its meetings in Pahrump and Washington, D.C. As a result, the committee recommended, at its work session in Reno, the drafting of a resolution expressing strong disapproval of the EPA's "Proposed Regional Haze Regulations." Details of this recommendation are provided on page 26 of this report.

### **Water Issues (Generally)**

Water quality and quantity have always been a concern for Nevada lawmakers. Nevada is considered a "high desert." Therefore, water quality and quantity issues are frequent topics of discussion for local government representatives, ranchers, farmers, recreationists, and other land users. This legislative interim, the Committee on Public Lands heard testimony regarding water quality and quantity in the Humboldt River Basin (see page 18), the use of water by the mining industry, and the interbasin transfer of water (see page 18).

In addition, the committee received a report in Elko regarding the update of the "State Water Plan," which forecasts the demand for and supply of water throughout the state and provides for watershed planning and water education. This plan is expected to be presented to the Nevada Legislature in February 1999. The committee also received extensive reports from the State Engineer regarding stock water permits, the interbasin transfer of water, the processing of applications for water use, and other activities taking place in the State Engineer's office. Finally, during the Elko meeting, the Las Vegas Valley Water District reported to the committee that water supplies in Clark County, through water banking and Colorado River allocations, are essentially sound until the year 2026.

### **Wild Horses and Burros**

Nevada is home to more than 65 percent of the nation's wild horses and burros. These animals are protected under the federal Wild Free-Roaming Horses and Burros Act of 1971, which gives the BLM responsibility for the animals.

Some lawmakers and ranchers have expressed concern with the possible over population of wild horses on Nevada's public lands. The BLM, which has 99 Herd Management Areas (HMAs) encompassing 16 million acres, often conducts wild horse gathers within these areas to lower herd populations and provide for the adoption of the horses and burros gathered. Some members of Committee on Public Lands, while supporting BLM's adoption program, have expressed concern that older horses, which are considered "unadoptable," are rereleased onto public lands. This practice is thought to reduce the health and viability of horses left on the range and may contribute to range decline.

The 1997 Nevada Legislature approved Senate Bill 211 (Chapter 537, *Statutes of Nevada*), which requires Nevada's Commission for the Preservation of Wild Horses, along with the interested public, to develop a "Nevada Plan for the Management of Wild Horses and

Burros.” In this plan, the commission is to recognize the herds as a component of the multiple uses of the range, assure that participation in the creation of the plan is afforded to all interested parties, and develop a management plan for wild horses in Nevada with minimal impact to the horses and other users of the range. The development of this plan was discussed several times by the Legislative Committee on Public Lands during the 1997-1998 interim. A draft version of this plan was made available on August 25, 1998, and was summarized for the committee at its meeting in Reno. The plan will be finalized and submitted to the Nevada Legislature in early 1999.

The Committee on Public Lands has monitored issues relating to wild horses and burros for many years. The recent killing of 35 wild horses east of Reno is sure to keep this important issue in the forefront of discussion during the 1999-2000 legislative interim.

### **Wilderness Study Areas**

In Nevada, approximately 5.1 million acres of BLM lands are designated as Wilderness Study Areas (WSAs), and studies were completed on these WSAs in 1991. The study process involved environmental impact statements, public participation, and mineral reports. Typically, a state’s congressional delegation introduces a bill to designate wilderness; however, as yet, no legislation has been introduced to designate BLM wilderness in Nevada. Meanwhile, all 5.1 million acres of Nevada’s WSAs are being treated as wilderness. During its two meetings in Washington, D.C., the Legislative Committee on Public Lands encouraged federal representatives to introduce legislation designating wilderness areas and releasing other areas from WSA status. Such legislation, however, may be difficult to pass at the federal level, as seen by Utah’s latest efforts in Congress to pass legislation dealing with that state’s proposed wilderness areas.

## **DISCUSSION OF RECOMMENDATIONS**

At its work session in Reno, the Legislative Committee on Public Lands considered numerous recommendations for action by the 1999 Session of the Nevada Legislature. The committee also considered, at its work session and at other meetings during the 1997-1998 interim, sending policy statements through committee letters and committee resolutions. The members voted to proceed with many of these recommendations, which resulted in six bill draft requests, numerous letters, and one committee resolution.

### **BILL DRAFT REQUESTS**

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

## **Interbasin Transfer of Water**

Nevada's Legislative Committee on Public Lands closely followed the interbasin transfer of water issue. Initially, this subject was raised during the 1997 Legislative Session through Senate Bill 454, which proposed changes to Nevada's water law by requiring counties within the basin of origin to approve any interbasin transfer of water that exceeds one-fifth of the perennial yield for that basin. Due to the bill's late introduction, however, the Legislature was able to hear the bill only in a subcommittee of the Senate Committee on Natural Resources. The subcommittee suggested that the Legislative Committee on Public Lands examine the issue during the 1997-1998 interim period.

As a result, the Committee on Public Lands received reports on this topic during its meetings in Carson City, Las Vegas, Elko, and Reno. Specific discussion revolved around the possibility of the Legislative Committee on Public Lands recommending legislation similar to S.B. 454. Numerous state and local government officials, including Nevada's State Engineer and representatives from the Southern Nevada Water Authority and the Las Vegas Valley Water District, as well as private citizens from Lincoln, Nye, and White Pine counties appeared before the committee to offer suggestions and approaches to such legislation. Recommendations for legislation were also provided by Stephen T. Bradhurst, Water and Land Use Planning Consultant, on behalf of a number of Nevada's rural counties. The Legislative Committee on Public Lands, in addition to the recommendation below, voted to send a letter in support of BDR 98-7, which also addresses the interbasin transfer of water. For more information on this committee letter, see page 34 of this report.

Therefore, the Legislative Committee on Public Lands recommends that the 1999 Session of the Nevada Legislature:

**Enact legislation regarding the interbasin transfer of water. In particular, Nevada's Legislative Committee on Public Lands recommends that the Nevada Legislature (BDR 48-922):**

- a. Include, in legislation pertaining to the interbasin transfer of water, a provision stipulating that a pending application for the interbasin transfer of groundwater not approved or rejected by the State Engineer within five years from the final action date for filing protests, be subordinated to a subsequently filed application(s) for groundwater use in the basin of origin, except where relevant court actions are pending;**
- b. Include, in legislation pertaining to the interbasin transfer of water, a provision stipulating that the State Engineer must reject an application for water if the approval of the application would be inconsistent with the protection of the identified water needs for current and future development in the basin of origin; and**

- c. **Include in legislation pertaining to the interbasin transfer of water that consideration for approval or rejection of groundwater applications must be given to factors including, but not limited to, the economy, environment, and quality of life in the basin of origin.**

### **Noxious and Invasive Weeds**

Over the years, the Legislative Committee on Public Lands has closely monitored the issue of noxious and invasive weeds in Nevada. During the 1997-1998 legislative interim, officials from the BLM and the University of Nevada, Reno, Cooperative Extension, reported that the spread of noxious weeds compromises the productivity of private land and hampers access to public lands. These officials also noted that increased funding to further research efforts in the Great Basin and for the designation of a statewide noxious weed coordinator within Nevada's Division of Agriculture is needed.

Therefore, the Legislative Committee on Public Lands recommends that the 1999 Session of the Nevada Legislature:

**Enact legislation creating and funding the position of a scientist in Nevada's Division of Agriculture to address noxious and invasive weed issues in Nevada. The funding request shall be an annual legislative appropriation of \$66,000. The legislation shall state that the scientist's duties include (BDR 49-923):**

- a. **Investigating the available biological control agents designed to control invasive and noxious weeds;**
- b. **Documenting the effectiveness of these agents in the control of invasive plants and noxious weeds; and**
- c. **Developing strategies for the management of noxious weeds in the state.**

### **Regional Haze Regulations of the U.S. Environmental Protection Agency (EPA)**

On July 18, 1997, the EPA released "Proposed Regional Haze Regulations" to protect visibility standards in the Grand Canyon and other "class one areas," where air is considered "pristine." The regulations are designed to maintain and improve the visibility in these class one areas by setting emissions standards for locations that contribute to regional haze. Some members of the Legislative Committee on Public Lands, representatives from Nevada's Division of Environmental Protection (NDEP), and Sierra Pacific Power Company (SPPCO) expressed concern during the 1997-1998 interim that these new regulations are "unrealistic" and that the state will not be able to comply with the new requirements. Furthermore, given the relatively minor contributions NDEP officials say Nevada contributes to air quality degradation in the Grand Canyon, concerns were expressed relative to the overall need for the regulations. Finally, NDEP and SPPCO

officials testified that the costs associated with regulation compliance are extremely high. The Legislative Committee on Public Lands discussed this issue at length with Nevada officials, during its meeting in Pahrump and with EPA officials in Washington, D.C., and decided that action by the Legislature to address these regulations is a prudent approach to examining the many concerns reported to the committee.

Therefore, the Legislative Committee on Public Lands recommends that the 1999 Session of the Nevada Legislature:

**Express strong disapproval, by resolution, of the United States Environmental Protection Agency's Proposed Regional Haze Regulations, by expressing disappointment with the unrealistic nature of the regulations and emphasizing the financial burdens that compliance with the regulations would place on Nevada. The resolution shall encourage productive communication between federal land managers (agencies), state agencies, the mining industry, the utility industry, and others in addressing air quality issues. (BDR R-921)**

#### **Federal Legislation — Disposal of Public Lands in Central and Northern Nevada**

During the 1997-1998 interim, the Legislative Committee on Public Lands closely monitored the progression of the Southern Nevada Public Lands Management Act of 1998, sponsored by Nevada's U.S. Representative John E. Ensign. This measure provides for the orderly disposal and sale of certain federal lands within the Las Vegas Valley that fall under the jurisdiction of the BLM and is designed to help eliminate the "checkerboard" land ownership patterns (i.e., blocks of federal land surrounded by privately or municipally owned land) found in the valley. The measure also allows the State of Nevada or the unit of local government in whose jurisdiction the lands are located (Clark County, Henderson, Las Vegas, or North Las Vegas) to elect to obtain the lands for local public purposes pursuant to the Recreation and Public Purposes Act.

Furthermore, the Act provides for the allocation of proceeds from the land sales and exchanges to: (1) the general education program of Nevada; (2) the Southern Nevada Water Authority; (3) a special account in the Treasury for the acquisition of environmentally sensitive land in Nevada; (4) capital improvements of federally managed areas in Clark County and the Spring Mountains National Recreation Area; (5) the development of a multispecies habitat conservation plan; (6) parks, trails, and natural areas in Clark County; and (7) the reimbursement of costs incurred by local BLM offices in arranging for land sales or exchanges.

The Legislative Committee on Public Lands expressed great interest in this legislation, despite concerns regarding the use of the term "environmentally sensitive lands" in the measure. As a result of this interest, members of the committee concluded that similar legislation should be introduced in Congress that provides for the orderly disposal and sale of certain public lands in central and northern Nevada.

Therefore, the Legislative Committee on Public Lands recommends that the 1999 Session of the Nevada Legislature:

**Urge, by resolution, Nevada's Congressional Delegation to introduce legislation providing for the disposal of public lands in central and northern Nevada in a manner similar to the manner provided in the Southern Nevada Public Land Management Act of 1998. (BDR R-920)**

### **Alternatives to the Payments in Lieu of Taxes (PILT) Program**

At its meeting in Ely on June 8, 1998, Nevada's Legislative Committee on Public Lands received brief testimony regarding a Lincoln County resolution expressing support for the concept of "land in lieu of PILT." Lincoln County included this resolution as part of its "Public Land Management and Use Plan."

Lincoln County officials and residents testified that the current PILT program is severely underfunded by the U.S. Congress, and there is not sufficient money to pay local governments their legal allocation based on the amount of federally managed land within Nevada's rural counties. Further testimony indicated that, due to a small and declining private taxable land base, many local governments in Nevada do not have adequate operating budgets or the ability to pay for essential services. As a result, Lincoln County proposed in the resolution that for each Nevada county within the PILT program, an amount of land equal to the amount of PILT funds not paid be accepted as payment for the unpaid funds.

The Legislative Committee on Public Lands was intrigued by this possible new approach to the PILT program and decided that the Nevada Legislature may wish to address the issue in greater detail by recommending legislation expressing support for this concept.

Therefore, the Legislative Committee on Public Lands recommends that the 1999 Session of the Nevada Legislature:

**Express support, by resolution, for payments in the form of land under the federal Payment in Lieu of Taxes (PILT) program. (BDR R-919)**

### **Rights-of-Way on Public Lands**

One of the long-standing issues monitored by the Legislative Committee on Public Lands is right-of-way on public lands. Over the years, the committee has heard testimony from many land users expressing concern about access to Nevada's open spaces on federally managed land. This interim period was no exception.

The committee was approached late in the interim by the Nevada Miners and Prospectors Association who wished to amend provisions of the Federal Land Policy Management Act of 1976

(FLMPA) to require the identification and mapping of rights-of-way on federally managed land. The association testified that access to patented mining claims might become hampered if rights-of-way are not mapped and administratively recognized. The association noted that members of Nevada's Congressional Delegation were already approached to introduce this amendment to FLPMA, and believed that a statement in the form of a resolution from the Nevada Legislature would be beneficial if the amendment is introduced during the 106th Congress.

Therefore, the Legislative Committee on Public Lands recommends that the 1999 Session of the Nevada Legislature:

**Urge, by resolution, Nevada's Congressional Delegation to request federal legislation amending the Federal Land Policy and Management Act of 1976 (FLPMA) to require the Secretaries of Agriculture and the Interior to identify and map certain rights-of-way across land administered by the Federal Government. (BDR R-918)**

## **COMMITTEE LETTERS**

This section provides background information for each of the letters sent from the committee to various elected representatives, federal, state, and local government officials, and other individuals. Copies of the corresponding letters can be found in Appendix E of this report.

### **Forage Improvement Act of 1997**

During the 1997-1998 interim, the Legislative Committee on Public Lands monitored H.R. 2493, known as the Forage Improvement Act of 1997. This measure proposed to alter and codify procedures for subleasing, the monitoring of resource conditions, and the development of cooperative management agreements. The measure also proposed to change the formula used to calculate grazing fees and raise the fee ranchers pay to \$1.84 per AUM. During one of its early meetings, the committee was asked by a representative of the Nevada Cattlemen's Association to send a letter of support for H.R. 2493 to Nevada Senators Richard H. Bryan and Harry Reid. The measure was widely supported by ranchers and many congressional representatives from the western United States.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

**Nevada's U.S. Senators Richard H. Bryan and Harry Reid urging support for H.R. 2493, the Forage Improvement Act of 1997.**

### **Humboldt River Basin**

At its meeting in Tonopah, the Legislative Committee on Public Lands was approached by the Humboldt River Basin Water Authority requesting support for a \$250,000 general fund appropriation for the study of water management opportunities within the Humboldt River Basin,

with particular focus on water storage and municipal water use. Although the committee understands that the State of Nevada may experience budget constraints, the members chose to send a letter requesting consideration and discussion of this appropriations measure by the Finance and Ways and Means Committees of the Nevada Legislature.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

**The Chairmen of the Senate Committee on Finance and the Assembly Committee on Ways and Means requesting consideration of BDR S-524, which makes a \$250,000 appropriation from the State General Fund to the Humboldt River Basin Water Authority for the study of water management opportunities within the Humboldt River Basin.**

### **Harvesting of Piñon Juniper**

During its meeting in Ely, the Committee on Public Lands was presented with a Lincoln County resolution expressing support for a “demonstration project for harvesting the pinyon juniper woodland” in certain areas of Lincoln County. Lincoln County officials noted in testimony that a plan to harvest piñon (also pinion, pinon, and pinyon) juniper for beneficial use was received by Lincoln County from Resource Concepts, Inc., which studied the feasibility of the resource for fueling a power plant and making lumber products. Harvest and regrowth sustainability is structured into the plan that will encourage biodiversity.

The committee was very interested in this approach for use of the piñon juniper forest and indicated that harvesting might be a way for certain rural counties in Nevada to improve their sometimes tenuous financial situations.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

**The Bureau of Land Management (BLM), the United States Forest Service (USFS), and the Lincoln County Board of Commissioners supporting a Lincoln County resolution calling for a “demonstration project for harvesting the pinyon juniper woodland” in certain areas of Lincoln County.**

### **Rights-of-way on Public Lands**

In conjunction with the legislative resolution requesting an amendment to FLPMA (see pages 28 and 29 of this report) regarding the identification and mapping of rights-of-way on public lands, the members of Legislative Committee on Public Lands decided to send letters to various individuals expressing support for the amendment proposed by the Nevada Miners and Prospectors Association. Testimony indicated that legislation, in addition to a letter from the committee, would be an effective way to encourage the introduction of this amendment in the 106th Congress.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

**Nevada's Congressional Delegation, the Chairmen of the U.S. Senate Committee on Energy and Natural Resources and the U.S. House of Representatives Committee on Resources, the Secretaries of the Departments of Agriculture and Interior, the Chief of the USFS, and the Director of the BLM, expressing support for a request from the Nevada Miners and Prospectors Association to amend FLPMA to require the Secretaries of Agriculture and the Interior to identify and map certain rights-of-way across land administered by the Federal Government.**

### **Regional Forum for the Discussion of Public Lands Issues**

Throughout the legislative interim Nevada's Legislative Committee on Public Lands consistently heard testimony about the need for a strong and unified position on public lands issues from a regional perspective.

At its work session in Reno, the Committee on Public Lands discussed the need for a regional forum for the discussion and consideration of public lands matters critical to the western United States and voted to send a letter to the Council of State Governments-West (CSG-West) in support of this concept. The committee specifically envisions a forum before which public lands matters such as federal land management, grazing, mining, recreation, and other topics can be discussed and from which, through consensus building, a regionwide platform will emerge. Furthermore, it is hoped that this process will define a "plate" of issues that will serve as a means to introduce legislation in the U.S. Congress, which will attempt to relieve some environmental and economic burden of federal air, land, and water policy on the West.

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

**The Council of State Governments-West (CSG-West), encouraging the Public Lands Policy Committee of the CSG-West to create a forum before which public lands matters critical to the western United States can be addressed and from which a regionwide platform on these issues will emerge. One anticipated goal of this forum will be to define a "plate" of issues that will serve as a means to introduce legislation in the U.S. Congress that addresses concerns regarding federal air, land, and water in the West.**

### **Nevada's Divisions of Agriculture and Minerals**

The Legislative Committee on Public Lands learned during the 1997-1998 interim that Assemblyman John W. Marvel requested a BDR that proposes to reestablish Nevada's Division of Agriculture and Nevada's Division of Minerals as state agencies. The committee noted that, given the important role these divisions play in public lands matters affecting Nevada, status as state agencies would be beneficial.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

**The appropriate chairmen of the legislative committees initially hearing BDR 18-102 during the 1999 Legislative Session. The BDR proposes to reestablish Nevada's Division of Agriculture and Nevada's Division of Minerals as state agencies.**

#### **Division of Water Resources**

Throughout the 1997-1998 legislative interim, the Committee on Public Lands received numerous useful reports from R. Michael Turnipseed, State Engineer, Division of Water Resources, SDCNR, regarding water issues critical to Nevada. During the fall of 1998, the committee learned that the Division of Water Resources submitted, as part of its budget package, a request for two additional staff members to assist in processing water applications and requests. The committee noted that this budget request will help eliminate the existing backlog of water applications and process future water-related requests in a timely manner.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

**The Budget Division of Nevada's Department of Administration and the Chairmen of the Senate Committee on Finance and the Assembly Committee on Ways and Means supporting the Division of Water Resources' request for two additional staff positions.**

#### **Division of State Lands**

During the 1997-1998 interim period, the Legislative Committee on Public Lands received various reports from the Division of State Lands, SDCNR, regarding its update of the *Nevada Statewide Policy Plan for Public Lands*. Active in the plan's update is Terry Randolph, Land Use Planner in the Division of State of Lands. Mr. Randolph's position was approved for funding through the 1998 fiscal year by the 1997 Legislature. In the fall of 1998, the committee learned that the Division of State Lands submitted, as part of its budget package for the 1999 Legislature, a request to permanently fund Mr. Randolph's position as a land use planner. Recognizing the tremendous contribution Mr. Randolph has made in updating the policy plan and encouraging dialogue on public lands matters between federal, state, and local government, the Public Lands Committee wished to express strong support for the permanent funding of his position.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

**Nevada's Governor, the Budget Division of Nevada's Department of Administration, and the Chairmen of the Senate Committee on Finance and the Assembly Committee on Ways and Means expressing support for a Division of State Lands budget request to continue funding for a federal lands planner employed in the division.**

## Land Exchanges

Exchanges of private and public lands are a common occurrence in Nevada. However, the Legislative Committee on Public Lands has been concerned for some time that such exchanges are approved without adequate consideration of potential adverse effects on local governments. Inevitably, in a land exchange, it is a rural county or community that suffers a loss of tax revenue it cannot afford to lose. Testimony during the interim indicated that because of the “value-to-value” exchange policy of federal land management agencies, most exchanges involve a large amount of private, rural land for a small amount of land in more populous areas of the state.

At its work session in Reno, the committee learned that the Nevada Association of Counties (NACO) submitted a BDR that proposes to revise provisions in Nevada law regarding governmental land transfers and related losses to county tax base. Given the committee’s intense concern for this issue, the members offered to express support for the BDR.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

**The appropriate chairmen of the legislative committees initially hearing BDR 26-521 during the 1999 Legislative Session. The BDR, submitted by the Nevada Association of Counties, proposes to amend *Nevada Revised Statutes 321.739* by revising the provisions regarding governmental land transfers and related losses to county tax base.**

## Clarification of Terminology in Federal Laws

Throughout the interim, a number of members of the Committee on Public Lands expressed concern regarding the use of certain terminology found in some federal laws and legislation. Use of the term “environmentally sensitive lands” in the Southern Nevada Public Lands Management Act of 1998, left some committee members concerned that a very broad interpretation of the term by federal land managers may adversely affect ranchers, miners, and other users of the public lands. The committee members believed that clarification of this and similar terms in federal law might help ease these concerns.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

**The Secretaries of the Departments of Agriculture and Interior, the Director of the BLM, and the Chief of the USFS, requesting clarification of the term “environmentally sensitive lands” found in some federal laws and legislation.**

## Flood Control Activities in Pahrump

At its meeting of January 23, 1998, the Committee on Public Lands heard testimony from elected officials representing Pahrump. At that time, the committee offered its assistance in public lands

matters that may be of concern to the town. Testimony at the meeting revealed that runoff in the springtime from the surrounding mountains has resulted in flooding in Pahrump. According to Pahrump Town Board Member, Bob Little, plans were underway in early 1998 to help control this runoff. However, he noted that by summer 1998, plans for flood mitigation efforts were stalled. A letter from the Public Lands Committee encouraging the various parties involved to move forward with flood mitigation efforts, Mr. Little noted, would be very helpful.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

**The BLM, USFS, and other federal agencies involved in the flood control projects in the Pahrump Valley in southern Nevada, expressing support for flood mitigation efforts in the mountains surrounding the town of Pahrump.**

### **Interbasin Transfer of Water**

In conjunction with legislation recommended by the committee regarding the interbasin transfer of water (see page 25 of this report), the Legislative Committee on Public Lands decided to send a letter of support for BDR 48-7, sponsored by committee member, Assemblyman P. M. "Roy" Neighbors. This BDR accomplishes the same objectives as BDR 48-922, which was requested by the committee. Members of the Public Lands Committee noted during the work session that unified support of measures that give local jurisdictions more control over the approval or rejection of applications for the interbasin transfer of water is very important.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

**The appropriate chairmen of the legislative committees initially hearing BDR 48-7 during the 1999 Legislative Session expressing support for the request. This BDR proposes to amend Nevada law regarding the interbasin transfer of water in a similar manner to BDR 48-922, which was sponsored by the Legislative Committee on Public Lands.**

### **Letters to the Chairman of the Legislative Commission**

During the Committee's work session, the drafting of three letters to the Chairman of the Legislative Commission was discussed. First, during the 1997-1998 interim, the topic of alternates to the Legislative Committee on Public Lands was occasionally discussed. Concern regarding the equal representation of both houses of the Nevada Legislature and the political parties represented therein by the alternates appointed to the committee was discussed.

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

**The Chairman of the Legislative Commission addressing the appointment of alternates to the Legislative Committee on Public Lands.**

Also at the work session, the need for additional meetings of the Legislative Committee on Public Lands was discussed. The committee noted that its schedule for the 1997-1998 interim was very full and a number of public lands topics of importance to Nevada were unable to be addressed due to a lack of meeting time. The committee believed that increasing the number of meetings from nine to ten during the legislative interim will allow the members to better address public lands issues critical to the State of Nevada.

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

**The Chairman of the Legislative Commission requesting funding for a total of ten meetings of the Legislative Committee on Public Lands during the 1999-2000 interim. Currently, the committee holds nine meetings during each legislative interim.**

Finally, throughout the course of the committee's meeting, some committee members expressed the need for accurate Nevada maps depicting political boundaries, land use, geology, and land ownership to be displayed at the Legislative Building in Carson City. These maps, the committee noted, may be used as references for legislators, legislative staff, and the public.

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

**The Chairman of the Legislative Commission urging the establishment and construction of a map room in the Legislative Building to house and display state and county maps for reference by legislators, staff, and the public.**

### **CONCLUDING REMARKS**

Nevada's Legislative Committee on Public Lands spent much of the interim working on numerous public lands topics and addressing many areas of concern at the federal, state, and local government levels. These issues have been in the forefront of public lands-related discussions for many years and related concerns are not quickly or easily resolved. The forum provided by the committee allows Nevada residents and government officials to comment about the many diverse aspects of living in a state that is 87 percent federally managed.

This report discusses the meetings and actions of the Legislative Committee on Public Lands during the 1997-1998 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 would like to take this opportunity to thank the elected officials, representatives from federal, state, and local government, organizations and all other individuals

who participated in this interim's hearings. The committee appreciates the important assistance consistently provided by the many talented people who testified at its meetings.

APPENDICES

	<u>Page</u>
Appendix A	
<i>Nevada Revised Statutes</i> 218.536 through 218.5371 . . . . .	39
Appendix B	
Approved Budget and Proposed Work Plan	
July 1, 1997, through December 31, 1998 . . . . .	45
Appendix C	
Nevada's Legislative Committee on Public Lands	
<i>Resolution No. 98-1</i> . . . . .	55
Appendix D	
Issue Papers . . . . .	59
Appendix E	
Committee Letters Approved During Meetings	
and at Work Session . . . . .	71
Appendix F	
Suggested Legislation (from Work Session) . . . . .	121



**APPENDIX A**

*Nevada Revised Statutes* 218.536 through 218.5371



## NEVADA REVISED STATUTES

### LEGISLATIVE COMMITTEE ON PUBLIC LANDS

**NRS 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)

**NRS 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)

**NRS 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)

**NRS 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)

**NRS 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)

**NRS 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)

**NRS 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 .

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)

**NRS 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, 1997, through December 31, 1998



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

**APPROVED BUDGET AND PROPOSED WORK PLAN**  
**July 1, 1997, through December 31, 1998**

This document outlines the approved budget and proposed work plan for Nevada's Legislative Committee on Public Lands for the 1997-1998 interim period.

**APPROVED COMMITTEE BUDGET**

On September 4, 1997, the Legislative Commission approved the committee's budget request, which totals \$42,400. 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	1,500
Printing and copying	200
Registration fees	<u>500</u>
 TOTAL BUDGET:	 \$42,400

The budget allows the six legislators on the committee to conduct seven hearings throughout urban and rural Nevada and two 2-day meetings in Washington, D.C. The salary and expenses of the seventh member of the committee (the local government representative) 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.

This request is a slight increase from last interim's budget of \$41,800. Additions to the budget include 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 worthwhile 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, it is important for the members to be able to participate.

With this budget, Nevada's Legislative Committee on Public Lands will continue its numerous oversight duties and active participation in the crucial public lands debate.

## **PROPOSED WORK PLAN**

The following sections outline the tentative work plan for Nevada's Legislative Committee on Public Lands (*Nevada Revised Statutes* 218.5363) during the 1997-1998 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 Carson City, Las Vegas, Pahrump, Elko, Ely, Fallon, and Reno between September 1997 and November 1998.

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 U.S. 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) four days and three 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 Timetable of Meetings**

<u>DATE</u>	<u>PLACE</u>	<u>TOPIC</u>
Friday, October 24, 1997	Carson City	Organizational meeting; background information and status of ongoing issues.
Tuesday and Wednesday, November 18 and 19, 1997	Washington, D.C.	Meeting with congressional and other federal officials.

<u>DATE</u>	<u>PLACE</u>	<u>TOPIC</u>
Friday, December 19, 1997	Las Vegas	General meeting; update on Southern Nevada issues.
Friday, January 23, 1998	Pahrump	General meeting; update on recreational issues.
Friday, March 6, 1998	Elko	General meeting; update on mining issues.
Tuesday and Wednesday, April 7 and 8, 1998	Washington, D.C.	Meeting with congressional and other federal officials.
Friday, May 15, 1998	Ely	General meeting; update on ranching issues.
Friday, September 11, 1998	Tonopah	General meeting; update on military issues.
Friday, October 23, 1998	Reno	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 1997 Nevada Legislature*

- A. Senate Bill 27 (Chapter 177, *Statutes of Nevada 1997*) revises provisions relating to estrays.
- B. Senate Bill 211 (Chapter 537, *Statutes of Nevada 1997*) revises provisions concerning the Commission for the Preservation of Wild Horses.
- C. Senate Bill 293 (Chapter 402, *Statutes of Nevada 1997*) requires the appointment of a person to manage activities of the Division of Agriculture of the Department of Business and Industry pertaining to natural resources, land use planning, and management and control of wild horses and estrays.

- D. Senate Bill 398 (Chapter 548, *Statutes of Nevada 1997*) establishes additional standards for regulations and policies of the Board of Wildlife Commissioners.
- E. Senate Bill 404 (Chapter 318, *Statutes of Nevada 1997*) revises provisions governing areas or zones for the preservation of habitat in larger counties.
- F. Senate Bill 409 (Chapter 679, *Statutes of Nevada 1997*) revises provisions governing eminent domain.
- G. Senate Bill 440 (Chapter 262, *Statutes of Nevada 1997*) revises provisions governing the program for pooling reclamation performance bonds.
- H. Senate Bill 472 (Chapter 683, *Statutes of Nevada 1997*) establishes the minimum amount of fees that may be charged for certain leases of state land used for grazing livestock under certain circumstances.
- I. Assembly Bill 47 (Chapter 223, *Statutes of Nevada 1997*) makes various changes relating to wildlife.
- J. Assembly Bill 355 (Chapter 297, *Statutes of Nevada 1997*) provides for the voluntary examination and disclosure of certain environmental requirements.
- K. Assembly Bill 369 (Chapter 292, *Statutes of Nevada 1997*) revises provisions governing the State Land Use Planning Agency and Land Use Planning Advisory Council.
- L. Assembly Bill 452 (Chapter 284, *Statutes of Nevada 1997*) makes various changes to provisions relating to state lands.
- M. Assembly Bill 470 (Chapter 392, *Statutes of Nevada 1997*) makes changes concerning special incentive tags for certain wildlife.
- N. Assembly Bill 540 (Chapter 593, *Statutes of Nevada 1997*) revises provisions governing certain lands that the Colorado River Commission may purchase or acquire from the Federal Government.
- O. Assembly Bill 619 (Chapter 610, *Statutes of Nevada 1997*) makes an appropriation for the management of stray horses in the Virginia Range area in northern Nevada and creates a special account for money appropriated.

## II. *Resolutions Approved by the 1997 Nevada Legislature*

- A. Senate Joint Resolution No. 6 (File No. 99, *Statutes of Nevada 1997*) expresses support of the Nevada Legislature for the sale or other transfer of public lands managed by the Federal Government in the Las Vegas Valley under certain circumstances.
- B. Senate Joint Resolution 8 (File No. 57, *Statutes of Nevada 1997*) urges Nevada's Congressional Delegation to introduce and support legislation to assist providers of telecommunications services in obtaining rights-of-way over public land managed by the Federal Government.
- C. Senate Joint Resolution No. 11 (File No. 82, *Statutes of Nevada 1997*) urges Congress to protect the rights of users of certain roads over public lands.
- D. Senate Concurrent Resolution No. 36 (File No. 67, *Statutes of Nevada 1997*) directs the disposition of certain proceeds of bonds for the acquisition of and access to habitats for wildlife.
- E. Assembly Joint Resolution No. 7 (File No. 42, *Statutes of Nevada 1997*) urges the Secretary of the Interior to suspend or withdraw new regulations of the Bureau of Land Management governing bonding requirements for certain mining operations on public lands.
- F. Assembly Joint Resolution No. 8 (File No. 130, *Statutes of Nevada 1997*) urges Congress to enact the Southern Nevada Public Land Management Act of 1997.
- G. Assembly Joint Resolution No. 13 (File No. 122, *Statutes of Nevada 1997*) urges certain managers of public land to survey, control, and promote control of noxious weeds.

## 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 United States Bureau of Land Management (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. 98-1*



NEVADA LEGISLATIVE COMMITTEE ON PUBLIC LANDS

RESOLUTION NO. 98-1

URGING CONGRESS TO ENACT LEGISLATION TERMINATING  
THE INTERIOR COLUMBIA BASIN ECOSYSTEM MANAGEMENT PROJECT

**WHEREAS**, In July of 1993, the President of the United States, by executive order, directed the United States Forest Service to develop a scientifically sound strategy for managing public lands located in the Columbia River Basin; and

**WHEREAS**, In response to the order, the United States Forest Service and the Bureau of Land Management collaborated in a project known as the Interior Columbia Basin Ecosystem Management Project; and

**WHEREAS**, The area of the project includes approximately 144 million acres of public and private lands located in portions of Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; and

**WHEREAS**, The purpose of the project is to develop a strategy for managing approximately 72 million acres of public lands administered by the Federal Government; and

**WHEREAS**, Although Congress has appropriated money for the project in the 1998 Interior Appropriations Bill, Congress has not enacted legislation that expressly authorizes the project; and

**WHEREAS**, Two environmental impact statements, referred to as the Eastside Environmental Impact Statement and the Upper Columbia River Basin Environmental Impact Statement, have been prepared in draft form by the federal agencies involved in the project; and

**WHEREAS**, In those statements, the federal agencies have not adequately addressed the concerns and interests of the states whose lands are included in the project; and

**WHEREAS**, The desired range of future conditions set forth in the statements reflects the personal values of the authors of the statements and is not based on sound scientific information; and

**WHEREAS**, The statements emphasize ecological issues in lieu of ensuring predictable levels of goods and services from the lands included in the project, and such emphasis is based on procedures and standards for measuring ecosystem health and ecological integrity that have not been sufficiently developed; and

**WHEREAS**, The statements fail to identify explicitly the economic or social requirements of the residents, cultures, and communities in the Columbia River Basin in relation to the lands included in the project; and

**WHEREAS**, Unlike many of the existing plans for managing lands, the project proposes to adopt an alternative strategy for managing public lands on an ecosystem basis; and

**WHEREAS**, Adopting the alternative strategy nullifies the many years of cooperative effort incorporated in the existing plans for managing public lands; and

**WHEREAS**, The federal agencies involved in the project have not provided significant legal justification for adopting that strategy; and

**WHEREAS,** From the inception of the project to the end of fiscal year 1998, the federal agencies involved in the project will have spent approximately \$40 million on the project; now, therefore, be it

**RESOLVED BY THE NEVADA LEGISLATIVE COMMITTEE ON PUBLIC LANDS,** That Congress is urged to enact legislation terminating the Interior Columbia Basin Ecosystem Management Project with no record of decision being approved for the project and to refrain from any further appropriation of money to federal agencies for the project; and be it further

**RESOLVED,** That if such legislation is enacted, Congress is urged to require the federal agencies involved in the project to provide any scientific information developed by those agencies to the appropriate district managers of the Bureau of Land Management and supervisors of the United States Forest Service for consideration during statutorily scheduled revisions of environmental land and resource management plans; and be it further

**RESOLVED,** That strong support is hereby expressed for natural resource planning and environmental management, including site-specific management decisions made by local decision-makers and by residents who are personally affected by those decisions; and be it further

**RESOLVED,** That copies of this resolution be transmitted to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of the United States Department of the Interior, the Secretary of the United States Department of Agriculture, the Chief of the United States Forest Service, the Director of the Bureau of Land Management, and each member of the Nevada Congressional Delegation.

**APPENDIX D**

Issue Papers

	<u>Page</u>
Bureau of Land Management Wilderness . . . . .	61
Grazing Fees and Rangeland Management . . . . .	63
Mining Reform . . . . .	65
Threatened and Endangered Species . . . . .	67
Wild Horses and Burros . . . . .	69



## **BUREAU OF LAND MANAGEMENT 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. Typically, a state's congressional delegation introduces the bill to designate wilderness; however, no legislation has yet been introduced to designate BLM wilderness in Nevada. In the meantime, all 5 million acres of Nevada's WSAs will be treated as wilderness.



## **GRAZING FEES AND RANGELAND MANAGEMENT**

In 1993, 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. 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 resource advisory boards, expanding the definition of "affected interests," and requiring the Federal Government to retain title to permanent improvements made on public land. Following their implementation, the new regulations were met with a lawsuit filed by the National Cattlemen's Association and numerous bills introduced in Congress.

Currently, the 105th Congress is addressing grazing fees and rangeland management through H.R. 2493. This measure, known as the Forage Improvement Act of 1997, establishes a mechanism by which the Secretary of the Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on federal lands. If signed into law, the bill will codify the definition of certain rangeland management terms found in existing BLM and Forest Service regulations. It also alters and codifies procedures for subleasing, the monitoring of resource conditions, and the development of cooperative management agreements. This measure also amends the formula for establishing grazing fees paid by ranchers for livestock on public lands. Currently, ranchers pay \$1.35 per animal unit month (AUM). This fee would increase to \$1.84 per AUM if the new formula is adopted. The Secretary of the Interior Bruce Babbitt has announced his opposition to this measure.

The bill was introduced and referred to the House Committee on Resources and to the House Committee on Agriculture on September 18, 1997. The measure was reported out of each committee on October 24 and passed by the House of Representatives by a vote of 242 to 182, on October 30, 1997. On October 31, the measure was received in the Senate and referred to the Senate Committee on Energy and Natural Resources. To date, the committee has taken no action on the measure.

### **Actions Taken by the Nevada Legislature**

The 1997 Nevada Legislature approved Senate Bill 472, which establishes a minimum grazing fee for the lease of state lands for livestock grazing. The bill provides that the minimum fee is the greater of a base value statutorily defined as \$1.94 per animal unit month or this base value adjusted annually to reflect the price of beef and the costs of production.

The base value of \$1.94 per animal unit month was calculated by a professor in the University of Nevada, Reno, in the Department of Applied Economics and Statistics, who used figures associated with the federal grazing fee, costs of production, the price of beef, and relevant inflationary factors.



## MINING REFORM

The Federal Mining Law of 1872 was intended to promote the development of the West. 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.

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

Pending congressional legislation on this issue includes S. 1102, known as the Mining Law Reform Act of 1997. The bill was introduced by Senators Larry Craig (R-Idaho) and Frank Murkowski (R-Alaska) and co-sponsored by Senators Bryan and Reid, among others. The legislation proposes a 5 percent net proceeds royalty for minerals mined on public lands, earmarks revenues generated from mining production on public lands for state abandoned mine clean-up programs, and provides for the payment of fair market value for public land used in mining. Similar legislation was passed by the 104th Congress but was part of a budget package vetoed by President Clinton.

The National Mining Association (NMA) supports S. 1102. In a recent statement, NMA's President and CEO Richard Lawson notes that the "The Mining Reform Act of 1997 brings to balance the Mining Law debate by offering a responsible approach to concerns raised by mineral production on public lands while providing a fair return to taxpayers, and a secure supply of domestic materials." The Senate Committee on Energy and Natural Resources referred the measure to the Subcommittee on Forests and Public Land Management on August 1, 1997. Hearings on this measure have been scheduled for the week of April 27, 1998, by the subcommittee.

Mining continues to be an important focus of Nevada's Legislative Committee on Public Lands. Recent statistics released by Nevada's Division of Minerals note that Nevada led the nation in precious metals production in 1996, producing 68 percent of the domestic gold and over 40 percent of the nation's silver. Worldwide, Nevada accounted for 11.1 percent of the total gold production. Nevada also is the nation's leading producer of barite, lithium carbonate, and mined magnesite. In 1996, approximately \$3.3 billion in mineral commodities were produced in Nevada. Finally, more than 14,400 Nevadans were directly employed in the mineral industry in 1996, and an estimated 48,000 jobs are involved with supplying goods and services to the industry.

### **Action Taken by the Nevada Legislature**

The 1997 Nevada Legislature approved S.B. 440, which expands Nevada's performance bonds program to ensure reclamation of mine sites. The measure includes mining operations and exploration projects that disturb less than five acres per year as required by federal regulation, and operations or projects of any size that are required by a county to post a reclamation performance bond. The bill also clarifies that the Division of Minerals, which administers the program, may require bond recipients to enter into agreements of indemnity and provide collateral or other security against forfeiture.

## **THREATENED AND ENDANGERED SPECIES**

The 1973 Endangered Species Act (ESA), which is intended to protect animals and plants from extinction, has been a major topic of discussion in the current Congress. The Senate Committee on Environment and Public Works approved S. 1180, known as the Endangered Species Recovery Act of 1997, on September 30, 1997. The measure follows the same format of the existing ESA, whereby the United States Fish and Wildlife Service or the National Marine Fisheries Service lists a species as threatened or endangered. This is followed by the designation of critical habitat and preparation of recovery plans. The measure changes existing law by requiring that recovery goals be based strictly on science, while the strategy to meet those goals may consider social and economic factors. Under S. 1180, draft recovery plans must be completed within 18 months after a species is listed as threatened or endangered, and final recovery plans must be completed within 30 months. The bill still allows the U.S. Fish and Wildlife Service and the National Marine Fisheries Service the emergency authority to list species in great danger. To date, the full Senate has taken no action on the measure.

The Endangered Species Recovery Act of 1997 is supported by the Clinton Administration, the nation's governors, and International Association of Fish and Wildlife Agencies. However, many environmental groups oppose the measure, claiming that S. 1180 "concentrates on limiting activities that would affect the survival of a species, not on ultimate recovery." These groups are instead supporting H.R. 2351, which requires the recovery of species. The measure, sponsored by Representative George Miller (D-California), was referred to the House Committee on Resources and the House Committee on Ways and Means. To date, neither committee has taken action on H.R. 2351.

Numerous species that have been designated as threatened or endangered are of particular concern to Nevada. They include the Cui-ui, a sucker fish found only in Pyramid Lake, the Desert Tortoise, and the Lahontan Cutthroat Trout. The Northern Goshawk has been designated as a sensitive species and is undergoing further review by the U.S. Fish and Wildlife service to determine if it should be listed as threatened or endangered under the ESA.



## **WILD HORSES AND BURROS**

Nevada is home to more than 65 percent of the nation's wild horses and burros. 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 Secretary or an Assistant Secretary of the U.S. Department of the Interior. The law clinic supported a private survey that counted slightly over 8,000 wild 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 subsequent years. In 1994, the number of wild horses in Nevada was slightly over 23,000; due to mild weather, the count for 1996 was approximately 20,000.

### **Action Taken by the Nevada Legislature**

The 1997 Nevada Legislature approved Senate Bill 211, which requires the Commission for the Preservation of Wild Horses, along with the interested public, to develop a "Nevada Plan for the Management of Wild Horses and Burros." In this plan, the commission is to recognize the herds as a component of the multiple uses of the range, assure that participation in the creation of the plan is afforded to all interested parties, and develop a management plan for wild horses in Nevada with minimal impact to the horses and other users. Since fall 1997, the commission has conducted eight public scoping meetings throughout Nevada (Reno, Eureka, Winnemucca, Carson City, Tonopah, Las Vegas, Caliente, and Elko) in an effort to gather public input to assist in plan development.

The bill also makes changes to the commission by placing it in the State Department of Conservation and Natural Resources. The measure also clarifies the duties of the commission and appropriates \$75,000 per year during the 1997-1999 biennium to support a wildlife biologist position and provide supplemental in-state travel for the commission and staff.

The Legislature also approved Assembly Bill 619, which creates a revolving account for the management of stray horses in the Virginia Range in northwestern Nevada and appropriates \$10,000 to the account from the State General Fund for use during the 1997-1999 biennium.



## **APPENDIX E**

Committee Letters Approved During Meetings and at Work Session



NEVADA LEGISLATURE'S  
COMMITTEE ON PUBLIC LANDS  
LEGISLATIVE BUILDING  
CARSON CITY, NEVADA 89701-4747



SENATOR DEAN A. RHOADS, Chairman  
ASSEMBLYMAN JOHN W. MARVEL, Vice Chairman  
SENATOR LAWRENCE E. JACOBSEN  
SENATOR DINA TITUS  
ASSEMBLYMAN P.M. ROY NEIGHBORS  
ASSEMBLYWOMAN GENIE OHRENSCHALL  
ELKO COUNTY COMMISSIONER LLEE CHAPMAN

STAFF DIRECTOR: MICHAEL J. STEWART (702) 687-6825  
SR. DEPUTY LEGISLATIVE COUNSEL: J. RANDALL STEPHENSON (702) 687-6830

January 27, 1998

The Honorable Richard H. Bryan  
United States Senate  
269 Russell Senate Office Building  
Washington, D.C. 20510-2804

Dear Senator Bryan:

In recent meetings of Nevada's Legislative Committee on Public Lands, the committee has discussed the issue of livestock grazing on public lands in Nevada. As you are aware, this topic is frequently addressed by the committee, as it is vital to Nevada's economy and the livelihood of many Nevada ranchers.

Currently, the 105<sup>th</sup> Congress is addressing grazing fees and rangeland management through H.R. 2493. This measure, known as the Forage Improvement Act of 1997, establishes a mechanism by which the Secretary of the Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on federal lands. If signed into law, the bill will codify the definition of certain rangeland management terms found in existing Bureau of Land Management and U.S. Forest Service regulations. It also alters and codifies procedures for subleasing, the monitoring of resource conditions, and the development of cooperative management agreements. This measure also amends the formula for establishing grazing fees paid by ranchers for livestock on public lands.

The bill was introduced and referred to the House Committee on Resources and to the House Committee on Agriculture on September 18, 1997. The measure was reported out of each committee on October 24 and passed by the House of Representatives by a vote of 242 to 182, on October 30, 1997. On October 31, the measure was received in the Senate and referred to the Senate Committee on Energy and Natural Resources. To date, the committee has taken no action on the measure.

Nevada's Legislative Committee on Public Lands urges your support of H.R. 2493. As passed by the House, this measure streamlines federal management and provides much needed stability to ranching communities. Although the bill raises grazing fees from \$1.35 to \$1.84 per animal

Page 2

unit month (AUM), it ends the great fluctuations and instability associated with the current grazing fee formula, which allows the fee to shift up or down according to market conditions. This added stability in grazing fees will make it much easier for ranchers to budget their expenses and obtain financing from lending institutions. Furthermore, H.R. 2493 marks a new understanding and consensus between Western and Eastern lawmakers in Congress. This is vital to Nevada's future, as livestock grazing is key to our state's livelihood.

Thank you for your kind consideration of our request. As always, do not hesitate to contact us if we can assist in the passage of this important legislation.

Sincerely,

A handwritten signature in black ink that reads "Dean A. Rhoads". The signature is written in a cursive, flowing style.

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

DAR/lcl:W0188.53

**Note:** An identical letter was sent to:

The Honorable Harry Reid  
United States Senate  
324 Hart Senate Office Building  
Washington, D.C. 20510-2803

NEVADA LEGISLATURE'S  
COMMITTEE ON PUBLIC LANDS  
LEGISLATIVE BUILDING  
CARSON CITY, NEVADA 89701-4747



SENATOR DEAN A. RHOADS, Chairman  
ASSEMBLYMAN JOHN W. MARVEL, Vice Chairman  
SENATOR LAWRENCE E. JACOBSEN  
SENATOR DINA TITUS  
ASSEMBLYMAN P.M. ROY NEIGHBORS  
ASSEMBLYWOMAN GENIE OHRENSCHALL  
ELKO COUNTY COMMISSIONER LLEE CHAPMAN

STAFF DIRECTOR: MICHAEL J. STEWART (702) 687-6825  
SR. DEPUTY LEGISLATIVE COUNSEL: J. RANDALL STEPHENSON (702) 687-6830

January 19, 1999

Senator William J. Raggio  
Assemblyman Morse Arberry, Jr.  
Capitol Complex  
Carson City, NV 89701-4747

Dear Senator Raggio and Assemblyman Arberry:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1997-1998 legislative interim period. As you know, the committee travels the State of Nevada during the 18 months between legislative sessions listening to citizens' concerns about public lands issues and reviewing federal and state land management policies with various agency personnel, interest groups, private organizations.

During this interim, the Committee on Public Lands was approached by Mike L. Baughman, Ph.D., President of Intertech Services Corporation, and Contract Executive Director for the Humboldt River Basin Water Authority (HRBWA), who requested support from the committee for a bill draft request (BDR). This BDR, No. S-524, proposes a \$250,000 appropriation from the State General Fund to HRBWA for the study of water management and storage opportunities within the Humboldt River Basin. Although the committee understands that the State of Nevada may experience budget constraints during the next fiscal year, the members voted at its work session and final meeting to send you this letter requesting consideration of BDR No. S-524 by either the Senate Committee on Finance, the Assembly Committee on Ways and Means, or both. During the 1997-1998 legislative interim, the Legislative Committee on Public Lands heard numerous reports regarding water issues in the Humboldt River Basin and recognized that consideration and discussion of this appropriations request from HRBWA by the Nevada Legislature will be worthwhile.

Thank you for your consideration of this matter. As always, do not hesitate to contact me if I or Nevada's Legislative Committee on Public Lands can be of any assistance.

Respectfully,

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

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

DAR/lcl:L74  
cc: Michael L. Baughman



NEVADA LEGISLATURE'S  
COMMITTEE ON PUBLIC LANDS  
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CARSON CITY, NEVADA 89701-4747



SENATOR DEAN A. RHOADS, Chairman  
ASSEMBLYMAN JOHN W. MARVEL, Vice Chairman  
SENATOR LAWRENCE E. JACOBSEN  
SENATOR DINA TITUS  
ASSEMBLYMAN P.M. ROY NEIGHBORS  
ASSEMBLYWOMAN GENIE OHRENSCHALL  
ELKO COUNTY COMMISSIONER LLEE CHAPMAN

STAFF DIRECTOR: MICHAEL J. STEWART (702) 687-6825  
SR. DEPUTY LEGISLATIVE COUNSEL: J. RANDALL STEPHENSON (702) 687-6830

January 21, 1999

Edward Wright, Chairman  
Lincoln County Board of Commissioners  
SR 63, Box 424  
Pioche, NV 89043

Dear Mr. Wright:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1997-1998 legislative interim period. As you know, the committee travels the State of Nevada during the 18 months between legislative sessions listening to citizens' concerns about public lands issues and reviewing federal and state land management policies with various agency personnel, interest groups, and private organizations.

At its meeting in Ely, the committee was provided an interesting report from Rey Flake, Vice Chairman, Lincoln County Board of Commissioners, and Shelley Wadsworth, Secretary to the Lincoln County Public Lands Commission, regarding a Lincoln County resolution expressing support for a "demonstration project for harvesting the piñon juniper woodland" in certain areas of Lincoln County. Mr. Flake explained that a plan, received by Lincoln County from Resource Concepts, Inc., to harvest piñon (also pinion, pinon, and pinyon) juniper for beneficial use studied the feasibility of the juniper for fueling a power plant, making lumber products, and providing energy resources. The Committee on Public Lands understands that selective harvesting is an alternative approach to thinning Nevada's piñon forest and might be helpful in maintaining and creating prime habitat for Nevada's diverse wildlife. Harvest and regrowth sustainability is structured into the demonstration plan that will encourage biodiversity.

The Committee on Public Lands was very intrigued by this approach for the use of the piñon juniper forest and agreed that harvesting might be a way for some rural counties in Nevada to improve their sometimes tenuous financial situations. Therefore, at its work session in Reno on October 23, 1998, the committee decided to send you this letter expressing support for a demonstration harvest of piñon juniper in Lincoln County and encouraging the collaboration of the BLM, USFS, and Lincoln County in implementing the project.

Page 2

Thank you for your kind attention to this matter as well as your participation with the committee during the 1997-1998 legislative interim. As always, do not hesitate to call me if I or the Legislative Committee on Public Lands can be of any assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean A. Rhoads". The signature is fluid and cursive, with a large, sweeping flourish at the end.

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

DAR/lcl:L82

cc: Gene Kolkman, Ely District Manager, BLM  
Rey Flake, Vice Chairman, Lincoln County Board of Commissioners  
John McClain, Resource Concepts Inc.

Identical letters sent to:

Robert V. Abbey  
Nevada State Director  
Bureau of Land Management  
1340 Financial Blvd.  
Reno, NV 89502-7147

Gloria Flora  
Forest Supervisor  
Humboldt-Toiyabe National Forest  
1200 Franklin Way  
Sparks, NV 89431

NEVADA LEGISLATURE'S  
COMMITTEE ON PUBLIC LANDS  
LEGISLATIVE BUILDING  
CARSON CITY, NEVADA 89701-4747



SENATOR DEAN A. RHOADS, Chairman  
ASSEMBLYMAN JOHN W. MARVEL, Vice Chairman  
SENATOR LAWRENCE E. JACOBSEN  
SENATOR DINA TITUS  
ASSEMBLYMAN P.M. ROY NEIGHBORS  
ASSEMBLYWOMAN GENIE OHRENSCHALL  
ELKO COUNTY COMMISSIONER LLEE CHAPMAN

STAFF DIRECTOR: MICHAEL J. STEWART (702) 687-6825  
SR. DEPUTY LEGISLATIVE COUNSEL: J. RANDALL STEPHENSON (702) 687-6830

November 12, 1998

The Honorable Harry Reid  
528 Hart Senate Office Building  
Washington, D.C. 20510-2803

Dear Senator Reid:

Nevada's Legislative Committee on Public Lands recently completed its work for the current legislative interim period. The committee travels throughout the State of Nevada and to Washington, D.C., during the 18 months between legislative sessions to listen to citizens' concerns about public lands issues and to review federal and state land management policies with various agency personnel, interest groups, and private organizations.

Throughout this legislative interim, Nevada's Committee on Public Lands has heard testimony from many public land users who emphasized the importance of access to these lands for grazing, recreation, and small, individual mining operations. At the last meeting of the interim, held on October 23, 1998, in Reno, Nevada, the committee members received the attached proposed amendment to 43 *United States Code* (U.S.C.), Section 1769, from the Nevada Miners and Prospectors Association.

That amendment to 43 U.S.C., Section 1769, would require the Secretaries of Agriculture and the Interior to contract with the states for the identification and mapping of rights-of-way across lands administered and managed by the Federal Government. In addition, the amendment would require the Secretaries to administratively recognize the validity of these rights-of-way. If passed, these amendments will help ensure access to the public and private lands that are critical to the livelihood of many Nevada residents. The members of Nevada's Legislative Committee on Public Lands voted to send this letter expressing support for the amendment and encouraging Nevada's Congressional Delegation to move forward with the introduction of the attached proposed amendment in the 106<sup>th</sup> Congress, which convenes in January 1999.

Thank you for your attention to this important issue. As always, do not hesitate to contact me if I or Nevada's Legislative Committee on Public Lands can be of any assistance.

Sincerely,

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

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

DAR/lcl:L69-1  
Enc.

Identical letters were sent to:

The Honorable Richard H. Bryan  
269 Russell Senate Office Building  
Washington, D.C. 20510-2804

The Honorable Jim Gibbons  
U. S. House of Representatives  
100 Cannon House Office Building  
Washington, D.C. 20515-0001

The Honorable John Ensign  
U. S. House of Representatives  
414 Cannon House Office Building  
Washington, D.C. 20515-0001

The Honorable Shelley Berkley  
Congresswoman - elect, U. S. House of  
Representatives  
7432 Silver Palm Avenue  
Las Vegas, NV 89117-1442

The Honorable Frank H. Murkowski  
United States Senate  
322 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable Don Young  
United States House of Representatives  
2111 Russell House Office Building  
Washington, D.C. 20515

The Honorable Daniel R. Glickman  
Secretary of Agriculture  
14<sup>th</sup> Street and Independence Avenue, SW  
Washington, D.C. 20250

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

Michael P. Dombeck  
Chief, United States Forest Service  
Department of Agriculture  
14<sup>th</sup> St. and Independence Ave., SW  
4<sup>th</sup> Fl., AUD  
Washington, D.C. 20250

Patrick A. Shea  
Director, Bureau of Land Management  
Department of the Interior  
1849 C Street, NW, Room 5660  
Washington, D.C. 20240

The Honorable Robert J. (Bob) Miller  
Governor of Nevada, State Capitol Building  
Capitol Complex  
Carson City, NV 89710-0001

NEVADA LEGISLATURE'S  
COMMITTEE ON PUBLIC LANDS  
LEGISLATIVE BUILDING  
CARSON CITY, NEVADA 89701-4747



SENATOR DEAN A. RHOADS, Chairman  
ASSEMBLYMAN JOHN W. MARVEL, Vice Chairman  
SENATOR LAWRENCE E. JACOBSEN  
SENATOR DINA TITUS  
ASSEMBLYMAN P.M. ROY NEIGHBORS  
ASSEMBLYWOMAN GENIE OHRENSCHALL  
ELKO COUNTY COMMISSIONER LLEE CHAPMAN

STAFF DIRECTOR: MICHAEL J. STEWART (702) 687-6825  
SR. DEPUTY LEGISLATIVE COUNSEL: J. RANDALL STEPHENSON (702) 687-6830

November 13, 1998

Speaker Melvin R. Brown  
Utah House of Representatives  
Chairman, Council of State Governments-West  
600 World Trade Center  
1625 Broadway  
Denver, CO 80202

Dear Speaker Brown:

Nevada's Legislative Committee on Public Lands recently completed its work for the current legislative interim period. The committee travels throughout the State of Nevada and to Washington, D.C., during the 18 months between legislative sessions to listen to citizens' concerns about public lands issues and review state and federal land management policies with various agency personnel.

At these meetings, Nevada's Legislative Committee on Public Lands consistently heard testimony about the need for a strong and unified position on public lands issues from a regional perspective. At the last meeting of the interim, held on October 23, 1998, in Reno, Nevada, the committee's members voted to send you this letter requesting that western regional public lands concerns be incorporated into the existing committee structure of the Council of State Governments-West (CSG-West), most notably through the CSG-West Public Lands Policy Committee.

Nevada's Legislative Committee on Public Lands specifically envisions a forum before which public lands matters such as federal land management, grazing, mining, recreation, and other topics can be discussed and from which, through consensus building, a regionwide platform will emerge. Various western states might well provide background information to the CSG-West Public Lands Policy Committee through a series of issue papers. Furthermore, it is hoped that this process will define a "plate" of issues that will serve as a means to introduce legislation in the United States Congress, which will attempt to relieve the environmental and economic burden of federal air, land, and water policy on the West.

Nevada's Legislative Committee on Public Lands also hopes that this plate of issues will be presented to presidential candidates during the 2000 federal elections. This will be especially important if the proposed regional Rocky Mountain Presidential Preference Primary election

Page 2

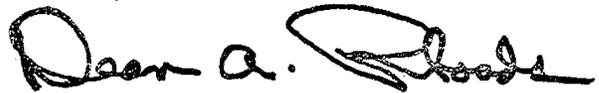
becomes a reality, as candidates can then discuss and debate these critical topics while campaigning in the region.

In discussing this recommendation with Kent Briggs, Executive Director of CSG-West, I understand that the CSG-West Public Lands Policy Committee, chaired by Utah Representative Tom Hatch, is staffed by Pat Joyce, Director of Northwest Policy Services, CSG-West, from the State of Montana. Nevada's Legislative Committee on Public Lands will gladly provide her information and issue briefs from Nevada to assist in developing this unified, regional platform.

The members of the committee recognize the great importance of public lands issues to citizens living in the West, and especially to those ranchers, farmers, miners, recreationalists, and others who use public lands on a daily basis. Consequently, the involvement of elected officials, federal and state land managers, and various private organizations in the development of this regional platform is key to making positive changes for those who rely on public lands for their livelihood.

Thank you for your attention to this important matter. I trust this recommendation for action involving the CSG-West Public Lands Policy Committee will bring a much-needed focus on critical public lands issues. As always, do not hesitate to contact me if I or Nevada's Legislative Committee on Public Lands can of any assistance.

Sincerely,



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

DAR/lcl:L70,csg-w

cc: Kent Briggs, Executive Director, CSG-West  
Representative Tom Hatch (Utah), Chairman, CSG-West Public Lands Policy Committee  
Senator Tim Jennings (New Mexico), Vice-Chairman, CSG-West Public Lands Policy Committee  
Senator Joan Johnson, Colorado State Senate  
Pat Joyce, Director of Northwest Policy Services, CSG-West

Identical letters were sent to:

Kent Briggs  
Executive Director  
Council of State Governments-West  
600 World Trade Center  
1625 Broadway  
Denver, CO 80202

Representative Tom Hatch  
Utah House of Representatives  
Chairman, CSG-West Public Lands Policy Committee  
600 World Trade Center  
1625 Broadway  
Denver, CO 80202

Senator Tim Jennings  
New Mexico State Senate  
Vice-Chair, CSG-West Public Lands Policy Committee  
600 World Trade Center  
1625 Broadway  
Denver, CO 80202

The Honorable Joan Johnson  
Colorado State Senator  
7951 York Street, #3  
Denver, CO 80229

Pat Joyce  
Director of Northwest Policy Services  
Council of State Governments-West  
Box 2763  
Great Falls, MT 59404



NEVADA LEGISLATURE'S  
COMMITTEE ON PUBLIC LANDS  
LEGISLATIVE BUILDING  
CARSON CITY, NEVADA 89701-4747



SENATOR DEAN A. RHOADS, Chairman  
ASSEMBLYMAN JOHN W. MARVEL, Vice Chairman  
SENATOR LAWRENCE E. JACOBSEN  
SENATOR DINA TITUS  
ASSEMBLYMAN P.M. ROY NEIGHBORS  
ASSEMBLYWOMAN GENIE OHRENSCHALL  
ELKO COUNTY COMMISSIONER LLEE CHAPMAN

STAFF DIRECTOR: MICHAEL J. STEWART (702) 687-6825  
SR. DEPUTY LEGISLATIVE COUNSEL: J. RANDALL STEPHENSON (702) 687-6830

January 20, 1999

The Honorable Ann O'Connell, Senator  
Chairman, Senate Committee on Government Affairs  
Legislative Building  
Capitol Complex  
Carson City, NV 89701-4747

Dear Senator O'Connell:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1997-1998 legislative interim period. As you know, the committee travels the State of Nevada during the 18 months between legislative sessions listening to citizens' concerns about public lands issues and reviewing federal and state land management policies with various agency personnel, interest groups, and private organizations.

The Legislative Committee on Public Lands learned during the 1997-1998 legislative interim that Assemblyman John W. Marvel requested BDR 18-102, which proposes to reestablish Nevada's Division of Agriculture and Nevada's Division of Minerals as state departments (agencies). The committee noted during its work session in Reno on October 23, 1998, that, given the important role these divisions play in public lands matters affecting Nevada, status as state departments would be beneficial. Furthermore, the current placement of the divisions within the Department of Business and Industry (DBI) may contribute to a lack of understanding by existing department heads at DBI of the critical role the Divisions of Agriculture and Minerals play in natural resource-related matters.

The Division of Agriculture plays a vital role in the development of agricultural activities in the State of Nevada. The division actively promotes the efficient, orderly, and economic conduct of various activities for the advancement and protection of the agricultural and livestock industries in the state. Agriculture is clearly one of Nevada's most important industries and significantly contributes to the economies of rural communities. In addition to livestock grazing and production (including cattle, hogs, and sheep), the state also produces numerous crops, including alfalfa, barley, corn, oats, onions and garlic, potatoes, and wheat. The division plays a major role in monitoring the state's wild horses and burros and also addresses noxious weed issues. Elevating

Page 2

the status of the Division of Agriculture to a state department will ensure that these important agricultural characteristics of the state and the economic benefits of Nevada's agricultural activity will remain strong.

Like the Division of Agriculture, the Division of Minerals plays a critical role in the development and preservation of Nevada's public lands. The Division of Minerals administers programs and activities to further the responsible development and production of Nevada's mineral resources. These resources include minerals produced from mines, geothermal operations, and oil and gas enterprises. Among other things, the division regulates drilling operations of gas, oil, and geothermal wells; administers a program to identify and secure dangerous conditions at abandoned mines; and manages the state's reclamation performance bond pool. Furthermore, the division actively monitors and comments on federal land management plans and promotes the importance of mining activity in Nevada through strong public relations efforts and educational programs.

As you can see, both the Divisions of Agriculture and Minerals are critical to the protection and wise use of Nevada's natural resources. Given the importance of these two divisions, the Committee on Public Lands voted to send you a letter expressing support for BDR 18-102; urging you to bring this measure before your committee, if and when it is referred; and asking that you favorably support this BDR during its time in the Senate Committee on Government Affairs.

Thank you for your kind consideration of this important BDR. As always, do not hesitate to call me if I or the Legislative Committee on Public Lands may be of any assistance to you.

Sincerely,

A handwritten signature in black ink that reads "Dean A. Rhoads". The signature is written in a cursive, slightly slanted style.

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

DAR/lcl:L77-1

cc: Alan R. Coyner, Administrator, Nevada's Division of Minerals  
Paul J. Iverson, Administrator, Nevada's Division of Agriculture  
John W. Marvel, Assemblyman

NEVADA LEGISLATURE'S  
COMMITTEE ON PUBLIC LANDS  
LEGISLATIVE BUILDING  
CARSON CITY, NEVADA 89701-4747



SENATOR DEAN A. RHOADS, Chairman  
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SENATOR DINA TITUS  
ASSEMBLYMAN P.M. ROY NEIGHBORS  
ASSEMBLYWOMAN GENIE OHRENSCHALL  
ELKO COUNTY COMMISSIONER LLEE CHAPMAN

STAFF DIRECTOR: MICHAEL J. STEWART (702) 687-6825  
SR. DEPUTY LEGISLATIVE COUNSEL: J. RANDALL STEPHENSON (702) 687-6830

January 20, 1999

The Honorable Douglas A. Bache, Assemblyman  
Chairman, Assembly Committee on Government Affairs  
Legislative Building  
Capitol Complex  
Carson City, NV 89701-4747

Dear Assemblyman Bache:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1997-1998 legislative interim period. As you know, the committee travels the State of Nevada during the 18 months between legislative sessions listening to citizens' concerns about public lands issues and reviewing federal and state land management policies with various agency personnel, interest groups, and private organizations.

The Legislative Committee on Public Lands learned during the 1997-1998 legislative interim that Assemblyman John W. Marvel requested BDR 18-102, which proposes to reestablish Nevada's Division of Agriculture and Nevada's Division of Minerals as state departments (agencies). The committee noted during its work session in Reno on October 23, 1998, that, given the important role these divisions play in public lands matters affecting Nevada, status as state departments would be beneficial. Furthermore, the current placement of the divisions within the Department of Business and Industry (DBI) may contribute to a lack of understanding by existing department heads at DBI of the critical role the Divisions of Agriculture and Minerals play in natural resource-related matters.

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the status of the Division of Agriculture to a state department will ensure that these important agricultural characteristics of the state and the economic benefits of Nevada's agricultural activity will remain strong.

Like the Division of Agriculture, the Division of Minerals plays a critical role in the development and preservation of Nevada's public lands. The Division of Minerals administers programs and activities to further the responsible development and production of Nevada's mineral resources. These resources include minerals produced from mines, geothermal operations, and oil and gas enterprises. Among other things, the division regulates drilling operations of gas, oil, and geothermal wells; administers a program to identify and secure dangerous conditions at abandoned mines; and manages the state's reclamation performance bond pool. Furthermore, the division actively monitors and comments on federal land management plans and promotes the importance of mining activity in Nevada through strong public relations efforts and educational programs.

As you can see, both the Divisions of Agriculture and Minerals are critical to the protection and wise use of Nevada's natural resources. Given the importance of these two divisions, the Committee on Public Lands voted to send you a letter expressing support for BDR 18-102; urging you to bring this measure before your committee, if and when it is referred; and asking that you favorably support this BDR during its time in the Assembly Committee on Government Affairs.

Thank you for your kind consideration of this important BDR. As always, do not hesitate to call me if I or the Legislative Committee on Public Lands may be of any assistance to you.

Sincerely,

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

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

DAR/lcl:L77

cc: Alan R. Coyner, Administrator, Nevada's Division of Minerals  
Paul J. Iverson, Administrator, Nevada's Division of Agriculture  
John W. Marvel, Assemblyman

NEVADA LEGISLATURE'S  
COMMITTEE ON PUBLIC LANDS  
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CARSON CITY, NEVADA 89701-4747



SENATOR DEAN A. RHOADS, Chairman  
ASSEMBLYMAN JOHN W. MARVEL, Vice Chairman  
SENATOR LAWRENCE E. JACOBSEN  
SENATOR DINA TITUS  
ASSEMBLYMAN P.M. ROY NEIGHBORS  
ASSEMBLYWOMAN GENIE OHRENSCHALL  
ELKO COUNTY COMMISSIONER LLEE CHAPMAN

STAFF DIRECTOR: MICHAEL J. STEWART (702) 687-6825  
SR. DEPUTY LEGISLATIVE COUNSEL: J. RANDALL STEPHENSON (702) 687-6830

December 22, 1998

John P. Comeaux, Director  
Budget Division  
Nevada's Department of Administration  
Blasdel Building  
209 East Musser Street, Room 200  
Carson City, NV 89701-4298

Dear Mr. Comeaux:

Nevada's Legislative Committee on Public Lands recently completed its work for the current legislative interim period. The committee travels the State of Nevada during the 18 months between legislative sessions listening to citizens' concerns about public lands issues and reviewing federal and state land management policies with various agency personnel, interest groups, and private organizations.

Throughout this legislative interim, the Committee on Public Lands received various reports from R. Michael Turnipseed, State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources, regarding water issues critical to the State of Nevada. The Legislative Committee on Public Lands greatly appreciates the work of the State Engineer and his staff and applauds his efforts in making sound and beneficial decisions regarding Nevada's water resources.

The committee learned this fall that the Division of Water Resources submitted, as part of its budget package, a request for two additional staff members to assist in processing water applications and requests. At its work session on October 23, 1998, the committee voted to send you this letter expressing strong support for the budget request and emphasizing the critical need for additional staff in the Division of Water Resources to help eliminate the existing backlog of water applications and process future water-related requests in a timely manner.

Thank you for your consideration of this important budget item. As always, do not hesitate to contact me if I, or Nevada's Legislative Committee on Public Lands, can be of any assistance.

Sincerely,

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

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

DAR/lcl:L72

cc: Peter G. Morros, Director, Department of Conservation and Natural Resources  
R. Michael Turnipseed, State Engineer



NEVADA LEGISLATURE'S  
COMMITTEE ON PUBLIC LANDS  
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CARSON CITY, NEVADA 89701-4747



SENATOR DEAN A. RHOADS, Chairman  
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SENATOR LAWRENCE E. JACOBSEN  
SENATOR DINA TITUS  
ASSEMBLYMAN P.M. ROY NEIGHBORS  
ASSEMBLYWOMAN GENIE OHRENSCHALL  
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STAFF DIRECTOR: MICHAEL J. STEWART (702) 687-6825  
SR. DEPUTY LEGISLATIVE COUNSEL: J. RANDALL STEPHENSON (702) 687-6830

December 23, 1998

Senator William J. Raggio  
Assemblyman Morse Arberry Jr.  
Capitol Complex  
Carson City, NV 89701-4747

Dear Senator Raggio and Assemblyman Arberry:

Nevada's Legislative Committee on Public Lands recently completed its work for the current legislative interim period. The committee travels the State of Nevada during the 18 months between legislative sessions listening to citizens' concerns about public lands issues and reviewing federal and state land management policies with various agency personnel, interest groups, and private organizations.

Throughout this legislative interim, the Committee on Public Lands received various reports from R. Michael Turnipseed, State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources, regarding water issues critical to the State of Nevada. The Legislative Committee on Public Lands greatly appreciates the work of the State Engineer and his staff and applauds his efforts in making sound and beneficial decisions regarding Nevada's water resources.

The committee learned this fall that the Division of Water Resources submitted, as part of its budget package, a request for two additional staff members to assist in processing water applications and requests. At its work session on October 23, 1998, the committee voted to send you this letter, as chairmen of the Senate Committee on Finance and the Assembly Committee on Ways and Means, expressing strong support for the budget request and emphasizing the critical need for additional staff in the Division of Water Resources to help eliminate the existing backlog of water applications and process future water-related requests in a timely manner.

Thank you both for your consideration of this important budget item. As always, do not hesitate to contact me if I, or Nevada's Legislative Committee on Public Lands, can be of any assistance.

Sincerely,

A handwritten signature in black ink that reads "Dean A. Rhoads". The signature is written in a cursive, flowing style.

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

DAR/ld:L72-1

cc: Peter G. Morros, Director,  
Department of Conservation and Natural Resources





December 23, 1998

Governor-elect Kenny Guinn  
Capitol Complex  
Carson City, NV 89701-4747

Dear Governor-elect Guinn:

Nevada's Legislative Committee on Public Lands recently completed its work for the current legislative interim period. The committee travels the State of Nevada during the 18 months between legislative sessions listening to citizens' concerns about public lands issues and reviewing state and federal land management policies with various agency personnel, interest groups, and private organizations.

Throughout this legislative interim, the Committee on Public Lands received various reports from the Division on State Lands regarding its update of the *Statewide Policy Plan for Public Lands*, originally prepared in June 1985 in response to Senate Bill 40 of the 1983 Legislative Session (Chapter 587, *Statutes of Nevada*). Prior to the 1997 Legislative Session, the committee sent a letter supporting the hiring of additional staff in the Division of State Lands to be used to update this important document and continuously monitor federal land issues. The Legislature subsequently approved a budget request to fund a land use planner within the division through the 1998 fiscal year, whose task it would be to update the policy plan and serve as a resource and point of contact for various state agencies and county planning personnel regarding critical federal lands matters.

In early 1998, Terry Randolph was hired to fill this land use planner position. Since that time, the Committee on Public Lands has received numerous reports from Mr. Randolph regarding his progress in updating the policy plan and meeting with all 17 of Nevada's counties to discuss individual county land use plans for inclusion in the updated statewide plan. It quickly became clear to the committee that Mr. Randolph's contribution to land use planning in the State of Nevada has been remarkable. In addition to updating the *Statewide Policy Plan for Public Lands*, Mr. Randolph has been actively working with the various counties in establishing a list of federal land areas that would be ideal for disposal to encourage and allow economic as well as physical growth in Nevada's rural communities. Finally, Mr. Randolph's work in the division will surely assist in developing state strategies to address the Southern Nevada Land Management Act of

Page 2

1998, passed by Congress last October, and will be beneficial should a similar measure pass the Congress addressing central and northern Nevada.

The Committee on Public Lands learned this fall that the Division of State Lands submitted, as part of its budget package, a request to permanently fund Mr. Randolph's position as a land use planner. At its work session on October 23, 1998, the committee voted to send this letter expressing strong support for the division's budget request and to formally commend Mr. Randolph for his exemplary service in his position with the State Lands Division. The committee believes the state will suffer a tremendous loss, at a time when the relationships between federal, state and county land managers are flourishing if Mr. Randolph's position is not permanently funded. Therefore, the committee urges your strong support of the division's request to fund this critical position.

Thank you for your consideration of this important budget item. As always, do not hesitate to contact me if I or Nevada's Legislative Committee on Public Lands can be of any assistance.

Sincerely,

A handwritten signature in black ink that reads "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

DAR/lcl:L73-1

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

NEVADA LEGISLATURE'S  
COMMITTEE ON PUBLIC LANDS  
LEGISLATIVE BUILDING  
CARSON CITY, NEVADA 89701-4747



SENATOR DEAN A. RHOADS, Chairman  
ASSEMBLYMAN JOHN W. MARVEL, Vice Chairman  
SENATOR LAWRENCE E. JACOBSEN  
SENATOR DINA TITUS  
ASSEMBLYMAN P.M. ROY NEIGHBORS  
ASSEMBLYWOMAN GENIE OHRENSCHALL  
ELKO COUNTY COMMISSIONER LLEE CHAPMAN

STAFF DIRECTOR: MICHAEL J. STEWART (702) 687-6825  
SR. DEPUTY LEGISLATIVE COUNSEL: J. RANDALL STEPHENSON (702) 687-6830

December 23, 1998

John P. Comeaux, Director  
Budget Division  
Nevada's Department of Administration  
Blasdel Building  
209 East Musser Street, Room 200  
Carson City, NV 89701-4298

Dear Mr. Comeaux:

Nevada's Legislative Committee on Public Lands recently completed its work for the current legislative interim period. The committee travels the State of Nevada during the 18 months between legislative sessions listening to citizens' concerns about public lands issues and reviewing state and federal land management policies with various agency personnel, interest groups, and private organizations.

Throughout this legislative interim, the Committee on Public Lands received various reports from the Division on State Lands regarding its update of the *Statewide Policy Plan for Public Lands*, originally prepared in June 1985 in response to Senate Bill 40 of the 1983 Legislative Session (Chapter 587, *Statutes of Nevada*). Prior to the 1997 Legislative Session, the committee sent a letter supporting the hiring of additional staff in the Division of State Lands to be used to update this important document and continuously monitor federal land issues. The Legislature subsequently approved a budget request to fund a land use planner within the division through the 1998 fiscal year, whose task it would be to update the policy plan and serve as a resource and point of contact for various state agencies and county planning personnel regarding critical federal lands matters.

In early 1998, Terry Randolph was hired to fill this land use planner position. Since that time, the Committee on Public Lands has received numerous reports from Mr. Randolph regarding his progress in updating the policy plan and meeting with all 17 of Nevada's counties to discuss individual county land use plans for inclusion in the updated statewide plan. It quickly became clear to the committee that Mr. Randolph's contribution to land use planning in the State of Nevada has been remarkable. In addition to updating the *Statewide Policy Plan for Public Lands*,

Page 2

Mr. Randolph has been actively working with the various counties in establishing a list of federal land areas that would be ideal for disposal to encourage and allow economic as well as physical growth in Nevada's rural communities. Finally, Mr. Randolph's work in the division will surely assist in developing state strategies to address the Southern Nevada Land Management Act of 1998, passed by Congress last October, and will be beneficial should a similar measure pass the Congress addressing central and northern Nevada.

The Committee on Public Lands learned this fall that the Division of State Lands submitted, as part of its budget package, a request to permanently fund Mr. Randolph's position as a land use planner. At its work session on October 23, 1998, the committee voted to send this letter expressing strong support for the division's budget request and to formally commend Mr. Randolph for his exemplary service in his position with the State Lands Division. The committee believes the state will suffer a tremendous loss, at a time when the relationships between federal, state and county land managers are flourishing if Mr. Randolph's position is not permanently funded. Therefore, the committee urges your strong support of the division's request to fund this critical position.

Thank you for your consideration of this important budget item. As always, do not hesitate to contact me if I or Nevada's Legislative Committee on Public Lands can be of any assistance.

Sincerely,

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

DAR/lcl:L73

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



December 23, 1998

Senator William J. Raggio  
Assemblyman Morse Arberry Jr.  
Capitol Complex  
Carson City, NV 89701-4747

Dear Senator Raggio and Assemblyman Arberry:

Nevada's Legislative Committee on Public Lands recently completed its work for the current legislative interim period. The committee travels the State of Nevada during the 18 months between legislative sessions listening to citizens' concerns about public lands issues and reviewing state and federal land management policies with various agency personnel, interest groups, and private organizations.

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The Committee on Public Lands learned this fall that the Division of State Lands submitted, as part of its budget package, a request to permanently fund Mr. Randolph's position as a land use planner. At its work session on October 23, 1998, the committee voted to send this letter to you, as chairmen of the Senate Committee on Finance and the Assembly Committee on Ways and Means, expressing strong support for the division's budget request and to formally commend Mr. Randolph for his exemplary service in his position with the State Lands Division. The committee believes the state will suffer a tremendous loss, at a time when the relationships between federal, state and county land managers are flourishing if Mr. Randolph's position is not permanently funded. Therefore, the committee urges your strong support of the division's request to fund this critical position.

Thank you for your consideration of this important budget item. As always, do not hesitate to contact me if I or Nevada's Legislative Committee on Public Lands can be of any assistance.

Sincerely,



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

DAR/icl:L73-1

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



January 21, 1999

Honorable Chairman and Members  
Senate Committee on Natural Resources  
Legislative Building  
Capitol Complex  
Carson City, NV 89701-4747

Dear Senators:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1997-1998 legislative interim period. As you know, the committee travels the State of Nevada during the 18 months between legislative sessions listening to citizens' concerns about public lands issues and reviewing federal and state land management policies with various agency personnel, interest groups, and private organizations.

Land exchanges in Nevada have been addressed by the Committee on Public Lands for many years. During the 1997-1998 legislative interim, representatives from Nevada's rural counties continued to express concern regarding land exchanges. They noted that the "value-to-value" policy of federal land management agencies in land exchanges allows small pieces of public land in more populous counties to be exchanged for large areas of private land in rural counties. The exchange process, rural counties argued, erodes much-needed county tax base.

The BLM testified before the committee that they are aware of the concerns of rural Nevada residents and are attempting to address them. Recent cooperative actions between local governments and federal land management agencies have resulted in some land exchanges that have not adversely affected rural areas. However, local government representatives contended during the interim that more efforts must be made to consistently eliminate such adverse affects.

To this end, the Nevada Association of Counties (NACO) sought Bill Draft Request (BDR) 26-521, which addresses losses to county tax base as a result of land exchanges, for introduction in the 1999 Legislative Session. Over the years, the Nevada Legislature has passed a number of resolutions encouraging the sale of federal lands and discouraging land exchanges. This BDR, however, proposes to amend Chapter 321 of *Nevada Revised Statutes* by revising provisions regarding governmental land transfers and related losses to county tax base.

Page 2

It essentially provides protections against adverse impacts to rural counties from land exchanges. Given the importance of this measure, the Committee on Public Lands voted to send you a letter expressing support for BDR 26-521, if and when it is referred to the Senate Committee on Natural Resources, and asking that you favorably support the BDR.

Thank you for your kind consideration of this important BDR. As always, do not hesitate to call me if I or the Legislative Committee on Public Lands may be of any assistance to you.

Sincerely,

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

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

DAR/lcl:L75-1

cc: Robert Hadfield, NACO



January 21, 1999

The Honorable Marcia de Braga, Assemblywoman  
Chair, Assembly Committee on Natural Resources, Agriculture, and Mining  
Legislative Building  
Capitol Complex  
Carson City, NV 89701-4747

Dear Assemblywoman de Braga:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1997-1998 legislative interim period. As you know, the committee travels the State of Nevada during the 18 months between legislative sessions listening to citizens' concerns about public lands issues and reviewing federal and state land management policies with various agency personnel, interest groups, and private organizations.

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It essentially provides protections against adverse impacts to rural counties from land exchanges. Given the importance of this measure, the Committee on Public Lands voted to send you a letter expressing support for BDR 26-521; urging you to bring this measure before your committee, if and when it is referred; and asking that you favorably support the BDR during its time in the Assembly Committee on Natural Resources, Agriculture, and Mining.

Thank you for your kind consideration of this important BDR. As always, do not hesitate to call me if I or the Legislative Committee on Public Lands may be of any assistance to you.

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

DAR/lcl:L75

cc: Robert Hadfield, NACO



January 22, 1999

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

Dear Secretary Babbitt:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1997-1998 legislative interim period. The committee travels the State of Nevada during the 18 months between legislative sessions listening to citizens' concerns about public lands issues and reviewing federal and state land management policies with various agency personnel, interest groups, and private organizations.

Several times during the legislative interim, the committee heard testimony regarding the use of the term "environmentally sensitive lands" as referenced and defined in the Southern Nevada Public Lands Management Act of 1998, which was signed by President William "Bill" J. Clinton in October 1998. Environmentally sensitive land is defined in the act to mean:

land or an interest in land, the acquisition of which the United States would, in the judgement of the Secretary [of the Interior] or the Secretary of Agriculture—

- (A) promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife, and other values contributing to public enjoyment and biological diversity;
- (B) enhance recreation opportunities and public access;
- (C) provide the opportunity to achieve better management of public land through consolidation of Federal ownership; or
- (D) otherwise serve the public interest.

The committee supported the passage of this act and understands that the acquisition of environmentally sensitive land as permitted by the act must not be done without the consent of the land owner and consultation with the State of Nevada and pertinent local governments. However, the committee also realizes that the acquisition of environmentally sensitive lands could greatly

affect mining, grazing, and recreational activities on the land, if the definition above is applied too broadly or the required consultation is conducted superficially. The committee is specifically concerned that public land traditionally used for grazing allotments by Nevada's ranchers, land used by Nevada's mining industry, and areas typically used by recreationists for camping, fishing, hiking, and hunting could arbitrarily be deemed "environmentally sensitive," effectively eliminating the use of federally owned land by the public and key economic interests in Nevada. An "environmentally sensitive" acquisition of land can have lasting effects on Nevada's economy and the lifestyles of many land users and outdoor enthusiasts. The committee urges all federal land managers to carefully consider every aspect of any environmentally sensitive land acquisition and closely consult with State of Nevada and local government officials before making these crucial land management decisions.

In addition to the acquisition of environmentally sensitive lands, Nevada's Legislative Committee on Public Lands noted during this legislative interim that a number of management plans for areas of public land in Nevada recommend the designation of "Areas of Critical Environmental Concern" (ACEC). These areas are defined in *Code of Federal Regulations* (CFR) 43 Section 1601.0-5 as:

areas within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources, or other natural systems or processes, or to protect life and safety from natural hazards. The identification of a potential ACEC shall not, of itself, change or prevent change of the management or use of public lands.

Although the designation of ACEC requires a planning process involving public comment and participation as stated in CFR 43 Section 1610.7-2, the Committee on Public Lands holds similar concerns that such designations may greatly impact key land use activities crucial to Nevada's economy and might prematurely change the existing management and use of public lands in certain areas. The committee, as noted above with regard to the acquisition of environmentally sensitive land, urges federal land managers to carefully consider every proposed ACEC designation and closely consider comments provided in the planning process by state and local officials and the public before making these critical policy changes affecting public lands in Nevada.

Given that 87 percent of the land in Nevada is under the control of the Federal Government, the concern of the committee regarding the purchase of environmentally sensitive land and the designation of ACEC is very profound. The Committee on Public Lands would appreciate an assurance from you, as Secretary of the Department of Interior, that acquisitions of environmentally sensitive land or the designation of ACEC will neither adversely affect Nevada's key economic activities, i.e., grazing and mining, nor limit access by recreationists to our fine natural resources.

Page 3

Thank you for your kind attention to this request. I look forward to receiving your response. In the meantime, feel free to call me if I or Nevada's Legislative Committee on Public Lands can be of any assistance to you.

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

DAR/ict:L83

cc: Daniel R. Glickman, Secretary of Agriculture  
Michael P. Dombeck, Chief, United States Forest Service  
Tom Fry, Acting Director, Bureau of Land Management

Page 4

Identical letters were sent to:

The Honorable Daniel R. Glickman  
Secretary of Agriculture  
14<sup>th</sup> Street and Independence Avenue, SW  
Washington, D.C. 20250

Michael P. Dombeck  
Chief, United States Forest Service  
Department of Agriculture  
14<sup>th</sup> St. and Independence Ave., SW  
4<sup>th</sup> Fl., AUD  
Washington, D.C. 20250

Tom Fry  
Acting Director, Bureau of Land Management  
Department of the Interior  
1849 C Street, NW, Room 5660  
Washington, D.C. 20240

NEVADA LEGISLATURE'S  
COMMITTEE ON PUBLIC LANDS  
LEGISLATIVE BUILDING  
CARSON CITY, NEVADA 89701-4747



SENATOR DEAN A. RHOADS, Chairman  
ASSEMBLYMAN JOHN W. MARVEL, Vice Chairman  
SENATOR LAWRENCE E. JACOBSEN  
SENATOR DINA TITUS  
ASSEMBLYMAN P.M. ROY NEIGHBORS  
ASSEMBLYWOMAN GENIE OHRENSCHALL  
ELKO COUNTY COMMISSIONER LLEE CHAPMAN

STAFF DIRECTOR: MICHAEL J. STEWART (702) 687-6825  
SR. DEPUTY LEGISLATIVE COUNSEL: J. RANDALL STEPHENSON (702) 687-6830

January 21, 1999

Robert V. Abbey  
Nevada State Director  
Bureau of Land Management  
1340 Financial Blvd.  
Reno, NV 89502-7147

Gloria Flora  
Forest Supervisor  
Humboldt-Toiyabe National Forest  
1200 Franklin Way  
Sparks, NV 89431

Dear Mr. Abbey and Ms. Flora:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1997-1998 legislative interim period. As you know, the committee travels the State of Nevada during the 18 months between legislative sessions listening to citizens' concerns about public lands issues and reviewing federal and state land management policies with various agency personnel, interest groups, and private organizations.

At its meeting of January 23, 1998, the Committee on Public Lands met in Pahrump and heard testimony from elected officials representing the town. At that time, the committee offered its assistance in public lands matters that may be of concern to Pahrump. Discussion at the meeting revealed that runoff in the springtime from the surrounding mountains has resulted in flooding in Pahrump on a number of occasions. According to former Pahrump Town Board member, Bob Little, plans were underway in early 1998 to help control this water runoff. However, in subsequent conversation with the committee, he noted that by summer 1998, plans for flood mitigation were "stalled." As a result, the Legislative Committee on Public Lands decided to send this letter encouraging the Town of Pahrump, Nye County, the Bureau of Land Management (BLM), the United States Forest Service (USFS), the Southern Nye County Conservation District, and other involved agencies to work together and move forward with flood mitigation efforts in Pahrump and the surrounding mountains managed by the BLM and the USFS.

According to documents provided to the Legislative Committee on Public Lands at its final meeting and work session in Reno on October 23, 1998, Highway 160, which runs through the

Town of Pahrump, acts as a "dike" for water flowing from the mountains to the east. A total of ten stream beds flow into the Pahrump Valley from the Spring Mountains directly into the highway. During spring runoff, water collects on the east side of the highway and begins to flow over the road and down a number of streets in the town. Many officials from the Town of Pahrump contend that water diversions in the mountains to the east and the construction of drainage pipes under Highways 160 and 372 to accommodate the spring runoff will help control the flood waters.

Through collaborative efforts among the BLM, USFS, Nye County, Town of Pahrump, the Southern Nye County Conservation District, and other federal, state, and local agencies, the Committee on Public Lands hopes that Pahrump can be spared future flooding. Thank you for your consideration of this request. Do not hesitate to call me if I or Nevada's Legislative Committee on Public Lands can be of any assistance to you.

Sincerely,

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

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

DAR/lcl:L81

cc: Michael F. Dwyer, Las Vegas District Manager, BLM  
Alan Pinkerton, Assistant Forest Supervisor, Spring Mountains National Recreation Area, USFS  
Richard "Dick" Carver, Nye County Board of Commissioners  
Michael T. Cosgrove, Pahrump Town Manager

Note: Identical letters were sent to:

Richard "Dick" Carver, Chairman  
Nye County Board of Commissioners  
HCR 60 Box 5400  
Round Mountain, NV 89045

Michael T. Cosgrove  
Pahrump Town Manager  
400 N. Highway 160  
Pahrump, NV 89048

Ralph Purdy  
Southern Nye County Conservation District  
Cooperative Extension Service  
1651 East Colvada Road  
Pahrump, NV 89048



NEVADA LEGISLATURE'S  
COMMITTEE ON PUBLIC LANDS  
LEGISLATIVE BUILDING  
CARSON CITY, NEVADA 89701-4747



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

STAFF DIRECTOR: MICHAEL J. STEWART (702) 687-6825  
SR. DEPUTY LEGISLATIVE COUNSEL: J. RANDALL STEPHENSON (702) 687-6830

January 21, 1999

The Honorable Chairman and Members  
Senate Committee on Natural Resources  
Legislative Building  
Capitol Complex  
Carson City, NV 89701-4747

Dear Senators:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1997-1998 legislative interim period. As you know, the committee travels the State of Nevada during the 18 months between legislative sessions listening to citizens' concerns about public lands issues and reviewing federal and state land management policies with various agency personnel, interest groups, and private organizations.

During the interim, Nevada's Legislative Committee on Public Lands closely followed the issue of the interbasin transfer of water. This subject was initially raised during the 1997 Legislative Session through Senate Bill 454, which proposed changes to Nevada's water law by requiring counties within the basin of origin to approve any interbasin transfer of water that exceeds one-fifth of the perennial yield for that basin. Due to the bill's late introduction, the Legislature was only able to hear the bill in a subcommittee of the Senate Committee on Natural Resources. The subcommittee suggested that the Legislative Committee on Public Lands examine the issue during the 1997-1998 interim period.

As a result, the Committee on Public Lands received detailed reports on this topic during its meetings in Carson City, Las Vegas, Elko, and Reno. Specific discussion revolved around the possibility of the Legislative Committee on Public Lands recommending legislation similar to S.B. 454 for consideration during the 1999 Session of the Nevada Legislature. Numerous state and local government officials (including the State Engineer, Nevada's Division of Water Resources, and representatives from the Southern Nevada Water Authority and the Las Vegas Valley Water District) as well as private citizens from Lincoln, Nye, and White Pine Counties appeared before the committee to offer suggestions and approaches to such legislation. Recommendations for legislation were also provided by Stephen T. Bradhurst, Water and Land Use Planning Consultant for a number of Nevada's rural counties.

At its work session in Reno on October 23, 1998, the Committee on Public Lands voted to request a bill draft addressing this important water issue. Bill draft request (BDR) 48-922 has been drafted, and it is anticipated that it will be introduced early in the 1999 Legislative Session. The measure proposes to revise the circumstances under which the State Engineer may reject an application for an interbasin transfer of ground water and requires the State Engineer to subordinate such an application to a subsequent application in certain instances.

In addition to expressing support for BDR 48-922, the committee voted to send a letter to you, as members of the Senate Committee on Natural Resources, expressing support for BDR 48-7, sponsored by Assemblyman P.M. "Roy" Neighbors. This BDR accomplishes the same objectives as BDR 48-922. Members of the Public Lands Committee noted during the work session that unified support of measures that give local jurisdictions more control over the approval or rejection of applications for the interbasin transfer of water is very important. Therefore, the committee requests your support for both BDRs 48-7 and 48-922, if and when they are referred to the Senate Committee on Natural Resources.

Thank you for your consideration of this important matter. As always, do not hesitate to call me if I or the Legislative Committee on Public Lands may be of any assistance to you.

Sincerely,

A handwritten signature in black ink that reads "Dean A. Rhoads". The signature is written in a cursive style with a large, sweeping flourish at the end.

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

DAR/lcl:L76-1

cc: Assemblyman Roy Neighbors  
Stephen T. Bradhurst  
R. Michael Turnipseed, State Engineer



January 21, 1999

The Honorable Marcia de Braga, Assemblywoman  
Chair, Assembly Committee on  
Natural Resources, Agriculture, and Mining  
Legislative Building  
Capitol Complex  
Carson City, NV 89701-4747

Dear Assemblywoman de Braga:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1997-1998 legislative interim period. As you know, the committee travels the State of Nevada during the 18 months between legislative sessions listening to citizens' concerns about public lands issues and reviewing federal and state land management policies with various agency personnel, interest groups, and private organizations.

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Thank you for your consideration of this important matter. As always, do not hesitate to call me if I or the Legislative Committee on Public Lands may be of any assistance to you.

Sincerely,

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

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

DAR/lcl:L76

cc: Assemblyman Roy Neighbors  
Stephen T. Bradhurst  
R. Michael Turnipseed, State Engineer

NEVADA LEGISLATURE'S  
COMMITTEE ON PUBLIC LANDS  
LEGISLATIVE BUILDING  
CARSON CITY, NEVADA 89701-4747



SENATOR DEAN A. RHOADS, Chairman  
ASSEMBLYMAN JOHN W. MARVEL, Vice Chairman  
SENATOR LAWRENCE E. JACOBSEN  
SENATOR DINA TITUS  
ASSEMBLYMAN P.M. ROY NEIGHBORS  
ASSEMBLYWOMAN GENIE OHRENSCHALL  
ELKO COUNTY COMMISSIONER LLEE CHAPMAN

STAFF DIRECTOR: MICHAEL J. STEWART (702) 687-6825  
SR. DEPUTY LEGISLATIVE COUNSEL: J. RANDALL STEPHENSON (702) 687-6830

January 21, 1999

The Honorable Richard D. Perkins, Assemblyman  
Chairman, Legislative Commission  
Legislative Building  
Capitol Complex  
Carson City, NV 89701-4747

Dear Assemblyman Perkins:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1997-1998 legislative interim period. As you know, the committee travels the State of Nevada during the 18 months between legislative sessions listening to citizens' concerns about public lands issues and reviewing federal and state land management policies with various agency personnel, interest groups, and private organizations.

The committee maintained a busy schedule throughout the 1997-1998 legislative interim and discussed countless public lands-related matters critical to the State of Nevada. One important practice of the committee is traveling twice to Washington, D.C., to meet with key government officials, and holding meetings in rural Nevada where public lands and natural resource issues are in the forefront. This itinerary, which sometimes requires a commitment by the committee members of two or more days, occasionally does not fit into a member's personal schedule and results in the use of one or both of the two alternates typically assigned to the committee by the Legislative Commission. In future interims, the appointment by the Commission of four alternates to the Legislative Committee on Public Lands would assist in selecting replacements for absent members in an equitable fashion.

At its work session in Reno on October 23, 1998, the committee voted to send you this letter requesting that four alternates be appointed to the committee for the 1999-2000 legislative interim. In particular, I envision the appointment of two alternates from each house, with the alternates from the Senate and Assembly representing the two major political parties (i.e. one Senate Democrat, one Senate Republican, one Assembly Democrat, and one Assembly Republican). This type of alternate appointment will ensure the equitable selection of temporary replacement members, when needed, for the Legislative Committee on Public Lands.

Page 2

Thank you for your consideration of this request. I will be happy to discuss this matter with you in the coming months before the Legislative Commission meets sometime next summer to appoint interim committees and studies. In the meantime, feel free to call me if I or the Legislative Committee on Public Lands can be of any assistance to you.

Sincerely,

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

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

DAR/lcl:L80

cc: Lorne J. Malkiewich, Director, LCB

NEVADA LEGISLATURE'S  
COMMITTEE ON PUBLIC LANDS  
LEGISLATIVE BUILDING  
CARSON CITY, NEVADA 89701-4747



SENATOR DEAN A. RHOADS, Chairman  
ASSEMBLYMAN JOHN W. MARVEL, Vice Chairman  
SENATOR LAWRENCE E. JACOBSEN  
SENATOR DINA TITUS  
ASSEMBLYMAN P.M. ROY NEIGHBORS  
ASSEMBLYWOMAN GENIE OHRENSCHALL  
ELKO COUNTY COMMISSIONER LLEE CHAPMAN

STAFF DIRECTOR: MICHAEL J. STEWART (702) 687-6825  
SR. DEPUTY LEGISLATIVE COUNSEL: J. RANDALL STEPHENSON (702) 687-6830

January 21, 1999

The Honorable Richard D. Perkins, Assemblyman  
Chairman, Legislative Commission  
Legislative Building  
Capitol Complex  
Carson City, NV 89701-4747

Dear Assemblyman Perkins:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1997-1998 legislative interim period. As you know, the committee travels the State of Nevada during the 18 months between legislative sessions listening to citizens' concerns about public lands issues and reviewing federal and state land management policies with various agency personnel, interest groups, and private organizations.

During each interim, the committee typically meets seven times in Nevada and twice in Washington, D.C. The committee generally meets three times in the populous areas of southern and northwestern Nevada and holds four meetings in various rural areas of the state where public lands issues are in the forefront. Most meetings in rural Nevada counties include a scheduled time for local government officials and residents to present their concerns and report happenings pertaining to public lands and natural resources within their cities and counties. This opportunity for local governments to present to a legislative body their concerns regarding critical public lands issues demonstrates the strength and utility of Nevada's legislative process. During and after each meeting, residents of these rural communities consistently approach me and the other committee members to express their thanks to the Legislative Committee on Public Lands for taking the time to consider their often unanswered concerns.

The committee's meetings in Washington, D.C., have also been very important. Over the past several years, Nevada's Legislative Committee on Public Lands has developed critical relationships with many representatives from the executive and legislative branches of the Federal Government. Because much of the committee's focus is based on federal land management, legislation, and other federal activities, meeting in our nation's Capitol is a useful

and meaningful way to express the views of Nevada's citizens and lawmakers regarding important natural resource and public lands issues. Given that the State of Nevada is 87 percent federally managed by agencies such as the Bureaus of Indian Affairs, Land Management, and Reclamation, the Departments of Defense and Energy, and the United States Forest Service, it is clear that open and on-going communication with officials in Washington, D.C., is vital to Nevada lawmakers. While in Washington, D.C., the members of the committee meet with elected officials, agency personnel, and representatives of special interest organizations about federal lands issues of importance to Nevada.

At its work session in Reno on October 23, 1998, the Legislative Committee on Public Lands voted to send you this letter expressing the need for increasing, from nine to ten, the number of meetings held by the committee during each interim. The committee noted that its schedule for the 1998-1999 legislative interim was very full, and a number of public lands topics of importance to Nevada were not addressed due to a lack of meeting time. The committee discussed that increasing the number of meetings during the interim, from nine to ten, will allow the members to better address public lands issues critical to the State of Nevada. It is anticipated that this additional meeting, if approved, will take place in rural Nevada, where public lands matters are extremely crucial.

Thank you for your kind attention to this request. I will be happy to discuss this request with you in the coming months before the Legislative Commission meets sometime next summer to appoint interim committees and studies. In the meantime, do not hesitate to call me if I or the Legislative Committee on Public Lands can be of any assistance to you.

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".

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

DAR/lcl:L79

cc: Lorne J. Malkiewich, Director, LCB

NEVADA LEGISLATURE'S  
COMMITTEE ON PUBLIC LANDS  
LEGISLATIVE BUILDING  
CARSON CITY, NEVADA 89701-4747



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January 21, 1999

The Honorable Richard D. Perkins, Assemblyman  
Chairman, Legislative Commission  
Legislative Building  
Capitol Complex  
Carson City, NV 89701-4747

Dear Assemblyman Perkins:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1997-1998 legislative interim period. As you know, the committee travels the State of Nevada during the 18 months between legislative sessions listening to citizens' concerns about public lands issues and reviewing federal and state land management policies with various agency personnel, interest groups, and private organizations.

Several times during the 1997-1998 legislative interim, some members of the Committee on Public Lands discussed the need for a designated location within the Legislative Building for the display and storage of maps. In particular, the committee expressed a need for accurate Nevada maps depicting political boundaries, land use activities, geology, and land ownership that could be housed and displayed in a map room for use by legislators, legislative staff, and the public.

At its work session in Reno on October 23, 1998, the committee voted to send you, as Chairman of the Legislative Commission, this letter encouraging the Commission to consider and support, at one of its upcoming meetings, this request for a map room to be located in the newly remodeled Legislative Building.

Thank you for your consideration of this request. Please feel free to call me if I or the Legislative Committee on Public Lands can be of any assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean A. Rhoads".

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

DAR/lci:L78

cc: Lorne J. Malkiewich, Director, LCB



## APPENDIX F

### Suggested Legislation (from Work Session)

	<u>Page</u>
BDR 48-918 Expresses support for an amendment to the Federal Land Policy Management Act of 1976 to require the Secretaries of Agriculture and Interior to identify and map certain rights-of-way across land administered by the Federal Government . . . . .	123
BDR R-919 Expresses support for payments in the form of land under the Federal Payment in Lieu of Taxes (PILT) program . . . . .	127
BDR R-920 Urges Nevada’s Congressional Delegation to introduce legislation providing for the disposal of public lands in northern and central Nevada in a manner similar to the manner provided in the Southern Nevada Public Land Management Act of 1998 . . . . .	131
BDR R-921 Expresses disapproval of certain regional haze regulations proposed by the United States Environmental Protection Agency . . . . .	135
BDR 48-922 Revises provisions governing applications to appropriate water . . . . .	139
BDR 49-923 Creates position of scientist to study the availability of biological agents used to control noxious weeds in Nevada . . . . .	147



SUMMARY—Express support of Nevada Legislature for amendment to Federal Land Policy and Management Act of 1976 to require identification, mapping and recognition of certain rights of way across land administered by Federal Government. (BDR R-918)

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 an amendment to the Federal Land Policy and Management Act of 1976 to require the identification, mapping and recognition of certain rights of way across land administered by the Federal Government.

WHEREAS, Many rights of way that cross public lands administered by the Federal Government were granted pursuant to the authority of section 8 of the Act of July 26, 1866, 14 Stat. 253, formerly codified as Section 2477 of the Revised Statutes; and

WHEREAS, Congress explicitly recognized the continued validity of such rights of way in subsection (a) of section 701 of the Federal Land Policy and Management Act of 1976; and

WHEREAS, The Bureau of Land Management has failed to recognize the validity of such rights of way; and

WHEREAS, The costs for a person individually to file a lawsuit to identify and establish such a right of way are prohibitive; and

WHEREAS, The Nevada Miners and Prospectors Association has proposed an amendment to the Federal Land Policy and Management Act of 1976; and

WHEREAS, Pursuant to the amendment, the Secretary of the Interior and the Secretary of Agriculture would be required to contract with each state that has enacted legislation recognizing the status of such rights of way, to provide for the identification and mapping of such rights of way within its borders; and

WHEREAS, Pursuant to the amendment, the Secretary of the Interior and the Secretary of Agriculture would be required to recognize the validity of such rights of way for all purposes under federal law; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the members of the 70th session of the Nevada Legislature hereby express their support for the amendment to the Federal Land Policy and Management Act of 1976 proposed by the Nevada Miners and Prospectors Association; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the United States Senate Committee on Energy and Natural Resources, the United States House of Representatives Committee on Resources, the Secretary of the Interior, the Secretary of Agriculture and each member of the Nevada Congressional

Delegation; and be it further

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



SUMMARY—Urges Congress to appropriate money for, or to transfer land to, counties in Nevada that have received insufficient payments under federal Payments In Lieu of Taxes Act. (BDR R-919)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

SENATE JOINT RESOLUTION—Urging Congress to appropriate money for, or to transfer land to, counties in the State of Nevada that have received insufficient payments under the federal Payments In Lieu of Taxes Act.

WHEREAS, The Federal Government manages and controls approximately 87 percent of the land in the State of Nevada, and in several counties in the State of Nevada the Federal Government manages and controls between 97 and 99 percent of the land; and

WHEREAS, Because the land managed and controlled by the Federal Government in the State of Nevada is not taxable, counties that have an extensive amount of such land located within their boundaries experience tremendous fiscal burdens; and

WHEREAS, Congress enacted the Act of October 20, 1976, which, as amended, is commonly known as the Payments In Lieu of Taxes Act, and which requires the Federal Government to make annual payments to local governments to compensate the local

governments for the loss of revenue they experience because of the presence of certain land within their boundaries that is managed and controlled by the Federal Government; and

WHEREAS, Pursuant to the Act, the Secretary of the Interior is required to make a payment for each fiscal year to each of the 17 counties in the State of Nevada because those counties have such land within their boundaries, including land that is administered by the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service and the United States Forest Service; and

WHEREAS, The Bureau of Land Management was chosen by the Secretary of the Interior to administer the payments required to be made pursuant to the Act; and

WHEREAS, Congress appropriates money each year that the Bureau of Land Management distributes to the counties in the State of Nevada and other states pursuant to a statutory formula set forth in the Act; and

WHEREAS, From the inception of the payments in 1977 to the end of the 1997-98 fiscal year, the money appropriated by Congress has been insufficient to provide full payment to the counties in the State of Nevada pursuant to the statutory formula; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the members of the 70th session of the Nevada Legislature hereby urge Congress to appropriate for distribution to the counties in the State of Nevada the amount of money necessary to correct the underpayments to those counties pursuant to the Act for the

previous fiscal years; and be it further

RESOLVED, That in lieu of an appropriation by Congress to correct such underpayments, the members of the 70th session of the Nevada Legislature hereby urge Congress to authorize the transfer of land of equivalent value from the Federal Government to the affected counties in the State of Nevada; and be it further

RESOLVED, That the Secretary of the Senate of the Nevada Legislature prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Interior, the Director of the Bureau of Land Management and each member of the Nevada Congressional Delegation; and be it further

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



SUMMARY—Urges Nevada Congressional Delegation to introduce and support legislation providing for disposal of certain public lands in Nevada.  
(BDR R-920)

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 providing for the disposal of certain public lands in this state.

WHEREAS, On October 19, 1998, the Southern Nevada Public Land Management Act of 1998 was enacted by Congress as Public Law 105-263; and

WHEREAS, Pursuant to that act, the Secretary of the Interior is required to dispose of public lands under his jurisdiction that are designated for that purpose in Clark County, Nevada; and

WHEREAS, Pursuant to the act, the State of Nevada or certain local governments of this state specified in the act may elect to obtain any of those lands for local public purposes pursuant to the Recreation and Public Purposes Act, 43 U.S.C. §§ 869 et seq.; and

WHEREAS, The Southern Nevada Public Lands Management Act of 1998 authorizes the Secretary of the Interior to acquire environmentally sensitive land, which includes any land or interest in land that enables the Secretary of the Interior to achieve better management of public lands through consolidation of federal ownership of those lands; and

WHEREAS, The act further authorizes the Secretary of the Interior to acquire private property in the State of Nevada, including private property in a county in which there is a minimal amount of land in private ownership for which taxes may be imposed to support cities and towns in the county; and

WHEREAS, Approximately 87 percent of the land located within the boundaries of the State of Nevada is managed and controlled by the Federal Government; and

WHEREAS, The acquisition of all or a portion of those lands by the State of Nevada or a local government in this state would be of great assistance in providing areas which would help to accommodate the rapidly growing population of this state and to provide taxable land to support the cities and towns in this state; 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 the members of the Nevada Congressional Delegation to introduce and support legislation that provides for the disposal of public lands that are managed and controlled by the Secretary of the Interior in Northern and Central Nevada in a manner similar to the manner provided for the disposal of public lands managed and controlled by the Secretary of the Interior in Clark County, Nevada,

pursuant to the Southern Nevada Public Land Management Act of 1998; and be it further

RESOLVED, That the legislation should not include provisions that authorize the Secretary of the Interior to acquire environmentally sensitive lands in the State of Nevada as defined in the Southern Nevada Public Land Management Act of 1998; 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—Expresses strong disapproval of certain regulations concerning regional haze proposed by United States Environmental Protection Agency.  
(BDR R-921)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

SENATE JOINT RESOLUTION—Expressing strong disapproval of certain regulations concerning regional haze proposed by the United States Environmental Protection Agency.

WHEREAS, On July 31, 1997, the United States Environmental Protection Agency published proposed regulations concerning regional haze in volume 62, number 147, of the Federal Register at page 41137; and

WHEREAS, Pursuant to those proposed regulations, the United States Environmental Protection Agency proposes to establish a national regulatory program that reduces the impairment of visibility caused by regional haze in mandatory Class I Federal areas, including national parks that encompass more than 6,000 acres, wilderness areas and national memorial parks that encompass more than 5,000 acres and any international park that was in existence on August 7, 1977; and

WHEREAS, If adopted, the proposed regulations will affect 156 of those areas, including the Jarbidge Wilderness Area and the Great Basin National Park located in Nevada; and

WHEREAS, The deciview is the unit of measurement used in the proposed regulations to measure regional haze, and is a mathematical means of expressing an amount of light extinction resulting in a small, but noticeable, change in haziness under most conditions in mandatory Class I Federal areas; and

WHEREAS, The standard for controlling and reducing regional haze set forth in the proposed regulations requires an improvement in visibility in those areas of at least 1 deciview every 10 or 15 years, and prohibits a decrease in visibility in those areas of 0.1 deciview or more per year; and

WHEREAS, Such a standard is unrealistic because it allows for very little degradation of air quality in Nevada and, therefore, may prohibit or reduce growth in many areas of this state, including Clark and Washoe Counties; and

WHEREAS, The proposed regulations have received extensive criticism from several agencies and organizations, including the Western Governors' Association, the Division of Environmental Protection of the State Department of Conservation and Natural Resources and the Nevada Taxpayers Association; and

WHEREAS, The United States Environmental Protection Agency has estimated that the cost of implementing the proposed regulations after adoption will be \$2.7 billion per year by the year 2010; and

WHEREAS, That cost will impose a significant economic burden on each state affected by the proposed regulations, including the State of Nevada and the local governments in this state; and

WHEREAS, Because impairment of visibility caused by regional haze in many areas in the Western United States is not as significant as in areas in the Eastern United States, compliance with the proposed regulations, if adopted, will be difficult for states in the Western United States, and the perceived benefit in visibility resulting from implementation of the proposed regulations in those states will be minimal in comparison to the cost of complying with the regulations; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the Legislature of the State of Nevada expresses strong disapproval of the proposed regulations concerning regional haze published by the United States Environmental Protection Agency on July 31, 1997, in volume 62, number 147, page 41137 of the Federal Register; and be it further

RESOLVED, That the following persons are encouraged to address issues relating to air quality and regional haze in this state, including wilderness areas and the Great Basin National Park located in this state:

1. The officers and employees of the United States Environmental Protection Agency, the United States Forest Service, the Bureau of Land Management and the Division of Environmental Protection of the State Department of Conservation and Natural Resources; and

2. The owners and operators of mines and the officers and employees of public utilities in this state; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Administrator of the United States Environmental Protection Agency, the Forest Supervisor of the United States Forest Service in Nevada, the Director of the Nevada State Office of the Bureau of Land Management, the Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources, the President of the Nevada Mining Association, the Chairman of the Board of Directors and the President of the Sierra Pacific Power Company and the Chairman of the Board of Directors and the President of the Nevada Power Company; and be it further

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

SUMMARY—Revises provisions governing interbasin transfers of water. (BDR 48-922)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to water; revising the circumstances under which the state engineer may reject an application for an interbasin transfer of ground water; requiring the state engineer to subordinate such an application to certain applications to appropriate ground water; and providing other matters properly relating thereto.

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

**Section 1.** NRS 533.360 is hereby amended to read as follows:

533.360 1. Except as otherwise provided in subsection 4, NRS 533.345 and subsection ~~3~~ 4 of NRS 533.370, ~~when~~ *if* an application is filed in compliance with this chapter, the state engineer shall, within 30 days, publish or cause to be published once a week for 4 consecutive weeks in a newspaper of general circulation and printed and published in the county where the water is sought to be appropriated, a notice of the application, which sets forth:

- (a) That the application has been filed.
- (b) The date of the filing.
- (c) The name and address of the applicant.
- (d) The name of the source from which the appropriation is to be made.
- (e) The location of the place of diversion, described by legal subdivision or metes and bounds and by a physical description of that place of diversion.
- (f) The purpose for which the water is to be appropriated.

The publisher shall add thereto the date of the first publication and the date of the last publication.

2. Except as otherwise provided in subsection 4, proof of publication must be filed within 30 days after the final day of publication. The state engineer shall pay for the publication from the application fee. If the application is canceled for any reason before publication, the state engineer shall return to the applicant that portion of the application fee collected for publication.

3. If the application is for a proposed well:

- (a) In a county whose population is less than 400,000;
- (b) For municipal, quasi-municipal or industrial use; and
- (c) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

the applicant shall mail a copy of the notice of application to each owner of real property containing a domestic well that is within 2,500 feet of the proposed well . [~~to his~~] *The*

*notice must be mailed to the address of the owner* as shown in the latest records of the county assessor. If there are not more than six ~~[such]~~ *of those* wells, notices must be sent to each owner by certified mail, return receipt requested. If there are more than six ~~[such]~~ *of those* wells, at least six notices must be sent to owners by certified mail, return receipt requested. The return receipts from ~~[these]~~ *the* notices must be filed with the state engineer before he may consider the application.

4. The provisions of this section do not apply to an environmental permit.

**Sec. 2.** NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as otherwise provided in *this section and* NRS 533.345, 533.371, 533.372 and 533.503 , ~~[and this section,]~~ the state engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees;

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the ~~[district's]~~ *efficiency of the district* in its delivery or use of water; and

(c) The applicant provides proof satisfactory to the state engineer of:

(1) His intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

(2) His financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. Except as otherwise provided in subsection ~~[5,]~~ 6, the state engineer shall ~~[either]~~ approve or reject each application within 1 year after the final date for a filing protest.

However:

(a) Action ~~[can]~~ *may* be postponed by the state engineer upon written authorization to do so by the applicant or, ~~[in case of a protested application, by both]~~ *if an application is protested, by the protestant and the applicant; and*

(b) In areas where studies of water supplies are being made or where court actions are pending, the state engineer may withhold action until it is determined there is unappropriated water or the court action becomes final.

3. Except as otherwise provided in *this* subsection ~~[5, where there]~~ *and subsection 6, if action on an application for an interbasin transfer of ground water is postponed or withheld pursuant to subsection 2, and the application is not approved or rejected within 5 years after the final date for filing a protest to the application, the application must be subordinated to each application to appropriate ground water from the basin of origin that is filed after the application. The provisions of this subsection do not apply to an application for an interbasin transfer of ground water for which action is withheld pursuant to paragraph (b) of subsection 2 because of a pending court action.*

4. *Except as otherwise provided in subsection 6, if an application specified in subsection 1 is submitted to the state engineer and:*

(a) *There is no unappropriated water in the proposed source of supply* ~~[, or where its]~~  
;

(b) *The proposed use or change set forth in the application* conflicts with existing rights ~~[,]~~ or threatens to prove detrimental to the public interest ~~[,]~~ ; *or*

(c) *The application is for an interbasin transfer of ground water and approval of the application would be inconsistent with the protection of the identified requirements for ground water for present and future development in the basin of origin,*

the state engineer shall reject the application and refuse to issue the requested permit.

~~[Where]~~ *If* a previous application for a similar use of water within the same basin has been rejected on ~~[these]~~ *those* grounds, the new application may be denied without publication. *In determining whether an application must be rejected pursuant to paragraph (c), the state engineer shall consider the economy, environment and quality of life in the basin of origin.*

~~[4.]~~ 5. If a hearing is held regarding an application, the decision of the state engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record made of the endorsement in the records of the state engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection ~~[6.]~~ 7, if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take ~~[all]~~ *any* steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected ,

the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water ~~[so]~~ *as* long as the rejection continues in force.

~~[5-]~~ 6. The provisions of subsections 1 ~~[, 2 and 3]~~ *to 4, inclusive*, do not apply to an application for an environmental permit.

~~[6-]~~ 7. The provisions of subsection ~~[4]~~ 5 do not authorize the recipient of an approved application to use any state land administered by the division of state lands of the state department of conservation and natural resources without the appropriate authorization for ~~[such a]~~ *that* use from the state land registrar.

8. *As used in this section, "basin of origin" means a basin from which ground water is proposed to be transferred to another basin.*

Sec. 3. NRS 538.171 is hereby amended to read as follows:

538.171 1. The commission shall receive, protect and safeguard and hold in trust for the State of Nevada all water and water rights, and all other rights, interests or benefits in and to the waters described in NRS 538.041 to 538.251, inclusive, and to the power generated thereon, held by or which may accrue to the State of Nevada ~~[under and by virtue of]~~ *pursuant to* any Act of the Congress of the United States or any agreements, compacts or treaties to which the State of Nevada may become a party, or otherwise.

2. Except as otherwise provided in this subsection, applications for the original appropriation of ~~[such]~~ *those* waters, or to change the place of diversion, manner of use or place of use of water covered by the original appropriation, must be made to the commission in accordance with the regulations of the commission. In considering ~~[such]~~

~~an]~~ *the* application, the commission shall use the criteria set forth in ~~[subsection 3]~~ *paragraphs (a) and (b) of subsection 4* of NRS 533.370. The commission's action on the application constitutes the recommendation of the State of Nevada to the United States for the purposes of any federal action on the matter required by law. The provisions of this subsection do not apply to supplemental water.

3. The commission shall furnish to the state engineer a copy of all agreements entered into by the commission concerning the original appropriation and use of ~~[such waters. It]~~ *those waters. The commission* shall also furnish to the state engineer any other information it possesses relating to the use of water from the Colorado River which the state engineer deems necessary to allow him to act on applications for permits for the subsequent appropriation of ~~[these]~~ *those* waters after they fall within the ~~[state engineer's jurisdiction.]~~ *jurisdiction of the state engineer.*

4. Notwithstanding any provision of chapter 533 of NRS, any original appropriation and use of the waters described in subsection 1 by the commission or by any entity to whom or with whom the commission has contracted the water is not subject to regulation by the state engineer.



SUMMARY—Creates position of weed control analyst within division of agriculture of department of business and industry. (BDR 49-923)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to the division of agriculture of the department of business and industry; creating the position of weed control analyst within the division; providing the duties of the weed control analyst; and providing other matters properly relating thereto.

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

**Section 1.** Chapter 555 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2. 1.** *The position of weed control analyst is hereby created in the division.*

**2.** *The administrator shall appoint the weed control analyst. The person so appointed:*

*(a) Is in the classified service of the state;*

*(b) Must be a scientist who possesses a master's degree in one of the biological sciences from an accredited college or university; and*

*(c) Must be selected on the basis of his training, experience, capability and interest in biological methods of controlling noxious weeds.*

**Sec. 3. *The weed control analyst shall:***

- 1. Research biological methods of controlling noxious weeds in this state;*
- 2. Document the effectiveness of those methods in controlling noxious weeds;*
- 3. Develop strategies for managing noxious weeds in this state; and*
- 4. Perform such other duties as directed by the administrator.*

**Sec. 4.** NRS 561.305 is hereby amended to read as follows:

561.305 The division shall establish and maintain a laboratory or laboratories for the following purposes:

1. The diagnosis of infectious, contagious and parasitic diseases of livestock, as may be necessary under the provisions of chapter 571 of NRS.
2. The diagnosis of infectious, contagious and parasitic diseases of bees, as may be necessary under the provisions of NRS 552.085 to 552.310, inclusive.
3. The diagnosis of infectious, contagious and destructive diseases of agricultural commodities, and infestations thereof by pests, as may be necessary under the provisions of NRS 554.010 to 554.240, inclusive.

4. The survey and identification of insect pests, plant diseases and noxious weeds, and the maintenance of a herbarium, as may be necessary under the provisions of NRS 555.010 to 555.249, inclusive ~~[ ]~~, *and sections 2 and 3 of this act.*

5. The testing of pesticides, as may be necessary under the provisions of NRS 555.2605 to 555.460, inclusive, and 586.010 to 586.450, inclusive.

6. The safekeeping and maintenance of official standards of weights and measures , as may be necessary under the provisions of chapter 581 of NRS.

7. The testing and grading of agricultural products and the testing of the purity and germinating power of agricultural seeds and the testing of the spray residue contained in produce, as may be necessary under the provisions of chapter 587 of NRS.

8. The analysis and testing of commercial fertilizers and agricultural minerals , as may be necessary under the provisions of NRS 588.010 to 588.350, inclusive.

9. The analysis and testing of petroleum products, as may be necessary under the provisions of NRS 590.010 to 590.150, inclusive.

10. The analysis and testing of antifreeze, as may be necessary under the provisions of NRS 590.340 to 590.450, inclusive.

11. Any laboratory examinations, diagnoses, analyses or testing as may be deemed necessary by the administrator and which can be made with equipment available in any such laboratory. Any ~~[citizen]~~ *resident of this state* may submit samples to the division for examination, diagnosis, analysis or testing, subject to such rules and regulations as may be promulgated by the administrator.

**Sec. 5.** This act becomes effective on July 1, 1999.