

FIFTY-SIXTH NEVADA ASSEMBLY SESSION

PRESENT: Homer, Swackhamer, Ronzone, Olsen, Bryan, Getto and Fry and Dini

ABSENT: Lowman

OTHERS: Tom Payne, Exploration Geologists of Nev.; Charles Stein, self; Allen Jaeger, Humble Oil and Refining Co.; H. R. Conrad, a Nevada prospector; Douglas Miller, Miller Geophysical Exploration Co.; Robert Webb, Bureau of Land Management; P. E. Galley, self-employed geologist; Paul Gemmill, Nevad Mining Assoc.; Ed Hollingsworth, registered mining engineer representing self and a group of small prospectors; Assemblyman Dan Poggione

Chairman Homer called the meeting to order at 8:15 A.M. for the purpose of discussing A.B. 766 which "Extensively amends provisions governing mining claims, mill sites and tunnel rights." Also A.B. 418 and A.B. 542.

Tony Payne representing the Exploration Geologists of Nevada began discussion on A.B. 766. He first went into the role of the State and Federal Government in mining. The State regulates location and monumenting; whereas, the Federal Government regulates exploration and development. Dr. Homer questioned if the Federal Government says you must gouge a hole in the surface. Mr. Payne replied that it does not. He then went into a discussion on monumentation and legal monuments. He said 75.5% of Nevada is open land available for location under the Mineral Entry Act and that 58,769 mineral locations were made in 1970. He commented that this bill attempts to minimize surface work and to pin mining claims down a little better. He said his organization has kept the small prospector in mind at all times, that this is a good bill for him. Chairman Homer asked if he had any amendments to suggest to this bill. But Mr. Payne said he and his organization feel that A.B. 766 as it is will take care of the problems.

Charles Stein who lives in Washoe Valley and was present representing himself stated that markers are better than trying to find a corner.

Allen Jaeger representing Humble Oil and Refining Company of Nevada then spoke. He commented that this company spends tens of thousands of dollars in claim work each year. It is really a waste because it does not contribute to development — it simply meets the State requirements. He said his organization feels that A.B. 766 will encourage the finding of new mines because that money can be spent productively. He also added that they do not favor leasing in Nevada.

He said all that he and his organization ask is to be given a way to find these metals without stepping on the toes of the ranchers, sportsmen or ecologists. He added that they are paid by the Federal Government to scar up Nevada - this is your tax money.

H. R. Conrad, a prospector of Nevada, testified. He said there is nothing wrong with this bill and its provisions. It just takes a lot of explaining to people. He went on to say that A.B. 766 gives the miner protection from claim jumpers and also it is another insurance of title. It helps the prospector. He circulated a petition of names of people throughout Nevada in favor of A.B. 766. Chairman Homer questioned if Mr. Conrad thought the small prospector would be in favor of this bill. Mr. Conrad said they would. Mr. Getto commented that he had heard some opposition to Lines 49 and 50 on Page 2 (A steel post at least 5 inches in diameter or thickness shall be set into a concrete foundation which is deeper than the prevailing frost line.) Mr. Conrad replied that the opposition was primarily against the concrete. Mr. Getto asked if he agreed with the options that were given. Mr. Conrad did. Mr. Dini said that Mr. Conrad had suggested

to a Senate Subcommittee a photograph of each claim. He asked Mr. Conrad to explain. Mr. Conrad explained that what he had in mind was a picture of the claim marker showing the corner and with a good background.

Douglas Miller, owner of the Miller Geophysical Exploration Company in Carson City spoke. He was in support of the bill as he felt there are some things that have to be corrected. Principally, this scarring of the landscape. He also said he was concerned with assessment work. People are saying they are doing the work and actually are not. He felt plot plans should be strictly enforced. He said better enforcement is needed in the annual assessment work as required by the Federal Government.

Robert Webb, Assistant Land Officer of the Bureau of Land Management, then spoke. He said he and his organization felt it was time to have this law modified and updated. He then read a letter from the State Director of the Bureau of Land Management which, although it dealt specifically with S.B. 295, expressed their views on A.B. 766. (See attached)

Mr. Swackhamer asked if Mr. Webb would have any suggestions for a sliding scale for a fee for someone who wants to locate more than one claim. Mr. Webb said his main concern is with the unnecessary surface work but he added that he suspected his organization would support this in the bill if it would mean the bill would pass. A comment was made for the audience at that time that a scale such as this would perhaps not be workable because people would locate claims in small groups in order to save money. No one would be paying the higher amount. Mr. Ronzone then wondered if any thought has been given to covering up this unsightly surface work. Mr. Webb said there was not now anything under the Federal law and there probably is not likely to be anything. He suggested that perhaps a State law could be passed.

Mr. Miller then asked Mr. Webb how do you get a location of a claim that it filed with the County Clerk in this State. Mr. Webb said he had to go to the County Clerk but if he didn't have the names, it was almost impossible to find a claim. Mr. Miller said the point he was trying to emphasize is that there should be some other way than just recording it with the County Clerk. If they were on the plot plan, it would be a lot simpler. Mr. Webb added that he felt a county map that would indicate all current claims would be much easier.

P. E. Galley, a self-employed geologist, spoke also in favor of the necessity of a map to promote working and locating claims.

Mr. Paul Gemmill of the Nevada Mining Association spoke. He was most concerned with land disturbance and also with getting along with other land users. He made a brief comment on A.B. 542. He said this bill should spell out a "contiguous group of claims". If you have more than one claim, it should pertain to all of the claims.

Mr. Ed Hollingsworth spoke in opposition of A.B. 766. He is a registered mining engineer representing himself and a group of small prospectors. Due to a shortage of time, his testimony was cut short. He will be submitting a written testimony for the committee's consideration.

Mr. Conrad spoke again to voice his objection to A.B. 418. Mr. Miller, however, said he thought there is some good merit in this bill.

Dan Poggione was present to briefly explain A.B. 345. The reason he had the bill

drafted is he had seen first-hand where work was performed by the State or county highway departments where they had gone in and cut the land and did not follow the recommended cut procedures and they did not replant. The result of this is slides. He said if local and private developers have to comply with recommendations, then so should the State and local governments.

Meeting adjourned at 9:25 A.M.

jb

A.B. 766

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(N-122)

Nevada State Office
Room 3008 Federal Building
300 Booth Street
Reno, Nevada 89502

MAR 19 1971

Hon. Emerson Titlow
Chairman, Legislative
Committee on Public Resources
Legislative Building
Carson City, Nevada 89701

Dear Mr. Titlow:

As a conservation agency, the Bureau of Land Management is vitally concerned with environmental protection on the public lands. We favor legislation such as S.B. 295 which would eliminate unnecessary surface damage.

Substitution of a claim map in place of an excavation requirement has several benefits. It would substantially reduce surface damage during mineral exploration since most location work is done merely to comply with the law and is unrelated to modern exploration practices. The map would benefit other resource users and other mining claimants by accurately identifying the land claimed under the mining laws. The map would also help protect the locator's interest by providing tangible evidence of the land claimed.

Because of the importance of avoiding excessive scarring of the landscape, I would suggest that the increased recording fee be lowered if that provision would in any way be a hindrance to the passage of this type of legislation.

The Department of the Interior has for many years felt that some process for the elimination of old, "abandoned" mining claims is desirable. Such claims continue as a cloud on the land title until removed by legal action which is expensive and time consuming. Emerging needs to devote the land to other uses such as recreation areas, school sites or urban development are often frustrated or delayed by the presence of these inactive claims.

Although S.B. 295 does not address itself to this problem, I suggest that some form of automatic termination of claims that are abandoned be considered.

Sincerely yours,

(SGD) NOLAN F. KEIL

Nolan F. Keil
State Director, Nevada

RTWebb:rp

