

MINUTES OF PUBLIC HEARING - MARCH 8, 1971 - 56TH NEVADA ASSEMBLY SESSION
Hearing chaired by Assembly Environment and Public Resources Committee
Co-chaired by Senate Ecology Committee.

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Chairman Homer called the hearing to order at 7:35 P.M. for the purpose of discussing the following bills:

- A.B. 266 - Prohibits water siltation without permit.
- A.B. 267 - Prohibits thermal pollution of waters.
- A.B. 523 - Gives Nevada Department of Fish and Game certain control of off-highway vehicle operation.
- S.B. 261 - Requires access to impounded waters containing publicly owned fish; provides for recommendations by Nevada Department of Fish and Game upon application for approval of dam.
- S.B. 267 - Prohibits destruction of natural meadows or wetlands.
- S.B. 296 - Requires construction permit to protect fish and game.

PRESENT: Lowman, Homer, Dini, Bryan, Dreyer, Swackhamer, Ronzone, Getto (all members of Assembly Environment and Public Resources Committee and/or Assembly Fish and Game Committee), Senator Cliff Young

OTHERS:

Glen Griffith Nev. Dept. of Fish and Game	Bob McQuaide Commander of Washoe Jeep Squadron
Tom Truleece Nev. Dept. of Fish and Game	Maurice Bidart Rancher and Insurance Businessman
Ruth Kieth Nev. Wildlife Federation, Inc.	Kent Howell Silver State Hunting Program - Sparks
Marshall Mast Trout Unlimited	Gerald Doren Sierra Search and Rescue of Carson Cit
Ray Nisley Representing self	Glen Christianson Nev. Dept. of Fish and Game
John Sullivan Trout Unlimited	Andy Burnett Nev. Wildlife Federation, Inc.
Mike Toone Nev. Wildlife Federation, Inc.	Jack Young Nev. Organization for Wildlife
Ron Downer Nev. Asscc. for Progressive Fish and Game Legislation	Tom Schopper Nev. Assoc. for Progressive Fish and Game Legislation
Al Bernarda Nev. Organization for Wildlife	Fred Settlemyer Retired Cattleman
Nick Lusich Cal-Vada Auto Co., Inc.	Jim Woods Truckee-Carson Irrigation District
John Flanders Jeep Dealership	Myron Goldsworthy Pershing Co. Water Conservation Director
Al Raiche Nev. Assoc. for Progressive Fish and Game Legislation	Bob Lawson Don Washbaugh Vaughn Bradley-Reno 4-Wheel Drive Assoc. Keith Henrikson

Questions asked of the Fish and Game representatives:

Re: A.B. 267

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Bryan:

Definition of the word "effluent"?

To flow out, outflow, emanation, issue.

Are fish all you are concerned with?

No. We are also concerned with aquatic organisms such as insects, etc. which form the food supply of fish.

Senator Young:

Is this patterned after any other state?

No. But the same concept is involved.

Getto:

Is your staff adequately staffed to carry out this bill?

Yes. No additional people would be needed.

Ronzone:

There is a development on the Colorado River. What kind of development is this? How will this affect the hatchery above the dam?

It is a subdivision development. The location is below the hatchery, but the affect will be in the river proper.

Re: A.B. 266

Getto:

Is this patterned after another state?

Partially.

Dini:

If you already had LOC Jackson turbidity, why should you punish that industry for the turbidity?

This could be determined by the location where the samples were taken. One set of samples above the point of effluent could determine the material level of turbidity.

Getto:

Would this give you the authority to stop the first irrigation?

It could if the standard was exceeded.

Re: A.B. 523

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Swackhamer:

Would this bill be seriously restricted if it were limited to only recreational vehicles?

Yes. We are concerned with eliminating wildlife and habitat damage by all vehicles, not just that done by a particular class of vehicle.

Ronzone:

Are there any areas in the State where vehicles are restricted?

At present, the Sheldon Antelope Refuge in North Washoe County restricts vehicles to roads.

Can you police this adequately?

All regulations in an expanse as large as Nevada are difficult to enforce. This type of enforcement is comparable to our regular Fish and Game enforcement. The objective is sound and enforcement would be adequate.

Getto:

How many areas would you restrict?

The restrictions would be predicated on need. Irresponsible vehicle use would determine the number and extent of restrictions. We hope the need for restrictions will be minimal.

Homer:

Are there any areas that you would imagine would get to be restricted the year around?

We hope not. We also hope that with authority of the bill together with informational programs the need would never come. At present, no areas are being considered for any restrictions.

Senator Young:

What would you say would be the large areas in the State that would be restricted?

That would depend on the type of damage, the type of area and the objective for which restriction was needed and the amount of area required to meet the objective.

Would you indicate what is included in 501.105.

501.105 is the statute that gives the State Board of Fish and Game Commissioners the authority to enter into agreements.

Additional Comment:

A.B. 523 is proposed to effect more responsible use of vehicles off roads for the benefit of wildlife and its habitat. At this point, we can determine, based on need, where vehicles are to be restricted. Later, when the problem is of significant magnitude, the restriction would be to where vehicles were allowed

Re: S.B. 267

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Dini:

- Q. What are you going to permit in the wetlands if you outlaw mining, grazing and other activities? It seems that you are covering just about everything.
- A. It sounds like that after this truck stuff. What we are asking for here is, maybe I should have gone into this further, is what we feel is probably, at least so far, the most feasible method of protection and that is simply the fencing of the meadow and particularly of the water resource and the septical part of the meadow which we feel is good multiple use practices and of benefit to everyone concerned because if you don't do this as we've seen, you do eventually lose your water source which, of course, is of use to the wildlife and livestock both.

Young:

- Q. Don't you think the bill is a little broad right now the way it reads "contribute to the variations"? Could you have something there like "contribute substantially to the variations"? It just seems too broad.
- A. I think it probably is. I don't think we have really hit upon the right terminology here yet. Again, the approach here is I think, in fact, we feel that we've found a key area here that we're losing and we're losing quite rapidly. And it's a matter of coming up with some kind of a method to protect this.
- Q. Have any other states addressed themselves to this problem and if so have you checked any of the language?
- A. I don't know of any other state that has and for that matter this project is a result of one that we have pioneered more or less in Nevada and we do have the western states workshop where we assign these projects to different states so we don't duplicate work.

Dini:

- Q. My question is do you think the states should ever ride game lands or grazing lands or mining claims or don't you think that Fish and Game could work with these people and through cooperation have the same results?
- A. Yes I do. In fact, we are working with the land management agencies now in this respect. The one open area here, of course, is public lands which is minor. I would say public lands as such when you are dealing with meadow lands are a small percentage of the total and so most of it will have to be done in relation to other land managing agencies and with private individuals.

The fencing program I said in public domains or private lands would be done on a basis where the water would be piped up for the private livestock to a point outside the fenced area and there would be arrangements made for proper grazing within the meadow area at designated times of the year.

Getto:

- Q. I agree with Cliff Young and I think this bill is a very, very loosely worded bill and I'm quite sure that before I would even consider this bill, it would have to have extensive amendments. I think in the first sentence - "It is unlawful to cause or contribute to the deterioration of any nature meadow" - that's a very vague, all-encompassing statement. I mean, you could interpret that as anything. I think before we consider the bill, we certainly have to look at the extensive amendments and I agree with the man down there talking about livestock. You mention multiple use, now when you talk about fencing off meadow land that has previously been grazed, when you are talking about this, are you talking of a possible grazing period throughout the year or are you talking about fencing off this land forever; not being grazed by livestock at all?

Questions asked of the Fish and Game Representatives:

- A. I think some confusion exists and that is our bill is designated for and specifically mentions public land. We have no control over private lands and this is where most of your meadows are. But, in the public lands, there would be provisions made for your annual grazing practices. Generally, what happens there is that the meadow fences are opened during the Fall of the year after the seed is off and the meadow is grazed down. In fact, this is a part of the good meadow program. Now, we haven't spelled out the particulars in the bill and maybe this should be done in this line. 227

Re: S.B. 261

Dini:

- Q. Has the Commission ever considered constructing fish ladders?
- A. Yes, we have tried to enter into agreements with land owners. In fact, we have done this. In some cases where we have entered into agreements with the land owners when they have wanted to construct a dam, in fact, some of them even come to us for participation and in that case we did work out some arrangements where there were pools left for public access. These are the exception rather than the rule. We have had other cases where we lost the ground by losing the streams below the dam and yet the public was not afforded the right to utilize the reservoirs nor was any public pool provided.

Testimony of Nick Iusich - Cal Vada Auto Co., Inc. - Reno, Nevada - Re: A.B. 523

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I am a jeep dealer and have also been a jeep owner and out-of-doors man all my life. I got one of the first jeeps that was turning loose from the military in 1945 and had one ever since.

In my opinion, and in the opinion of many of my customers, the Commission has asked for far too much authority in this bill. I don't think that any one Commission should be able to rule us off public land just by their own will. I don't care if it is the Fish and Game Commission or any other commission. There are many things that can be done. We realize there is a problem in off-road vehicle use and many of the clubs have done a lot of things to rectify this situation. We have put on and sponsored a half-hour program for the Fish and Game Commission for some seven or eight years and when we started the program, the informal agreement that we had with the Fish and Game Commission is we paid for the time and they paid for the production. They were to educate the public in landowner-sportsman cooperation and also to be good sportsmen and this was the jest of the agreement we had with them. Now, in seven or eight years, I cannot remember of one moment of how to use your 4-wheel drive or your snowmobile or other off-road vehicle. There is a lot to be done in education. There are more people than ever before and yet the State is spending less money to clean up the mess because the people have learned that it is not good and the children are very conscious of it and we think we can gain much by education research. First of all, the Fish and Game Commission as far as I can tell has done no research on this problem as to what type of vehicles do what type of damage. One of the Fish and Game officials just spoke and said there was no difference as far as they are concerned. Well, there are several differences and different vehicles cause different types of damage and just because one should be ruled off a class of property in one year shouldn't mean another one. I think there should be penalty legislation for people that do cause damage. Certainly these people are hurting all of our rights and properties and they should be penalized as any other law breaker. Registration - certainly there is going to have to be some way to register and control the vehicles that are not already registered by the Motor Vehicle Department.

The BLM is already working very seriously on multiple use control of land in California. They have had meetings with all concerned groups from the Sierra Club to the Wool Growers Association. We need something like this in Nevada. I realize that we need controls but not this kind of control where the State Fish and Game can suddenly close off any land that they want to. Mr. Toone was talking that there were various instances of damage in small portions - nobody has come up with any big portions - I don't think we should close the whole state because there have been a few instances of damage. We are not here just to criticize but I offer the services of not only myself but of my dealership and I have also been given the authority to offer the help and cooperation of American Motors. The factory has already discontinued the availability of one type of tire that we have sold because of its affect on the terrain. Tires with large amounts of open air space are tough on terrain and we don't want this. We know that we're going to have to protect this terrain. We are willing to help but let's handle this in a safe and intelligent manner instead of giving absolutely dictatorial power to an agency that is not even responsible to the general fund. There are only two agencies in the State that I know of that are not even responsible to Legislature and the general fund and I think this is too much to give an agency of that type.

Testimony of Nick Lusich cont.

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I think what we need and we have done some research into the possibility of a commission-type board or bureau appointed by the Governor from lists submitted from the various people involved, not only the vehicle owners but also the BLM, the Fish and Game, the mining interest, the Cattlemen's Association, to have a board that could immediately close any area that was in danger of terrain damage or fish and game problems. The Fish and Game Commission would be chairman of this board and it would be the first of its kind in the United States when we look at legislation such as has been proposed here, every state is in the same situation. There are lots of new vehicles of all types that are not registered in most states but every year more of them are being registered, they are going to have to be. But we need some new insight, a new look, into how to handle this thing. So far, the off-road vehicle owners in Nevada are more numerous per capita than in any other state in the Union with Alaska as a possible exception. Nevada people are used to using this open land and I think we can take good care of it if we have some proper education, some proper research and set up a commission of involved people - the people who are affected by this type of legislation - to come up with a program that's the best of its kind in the United States. If the Legislature will work with the people concerned, I am sure that we can come up with a far reaching, new type, of state organization and education that will help keep Nevada as the one place in the Union where we can go out and enjoy ourselves and keep it a nice place to live.

Testimony of John Flanders - owner of a jeep dealership in Carson City - Re: A.B. 52

I don't think the Fish and Game Commission can handle all the responsibility they have now adequately and to give them any more would be adding to what they already have and they would be able to do less than they are now. As far as the regulation of off-road vehicles, I go along with Nick Lusich and Bob McQuaide. The local people are pretty much regulating themselves. The people that need the regulation are the out-of-state people. I feel if some regulation had to be made, that such places would be posted "no vehicles" but these would be only as set forth by the court. In this way, it would be in the hands of a judge.

The reason I am here is to speak about snowmobiles. I have just completed two years of snowmobiling. I have yet to see a game animal or anyone running into a fence on purpose. There are sometimes instances when you just can't see the wire. It is my feeling that any regulation at this time on snowmobiles is ridiculous. I do feel they should be registered and titled. How? I don't know, but I don't think Fish and Game should handle it.

Questions asked of Bob McQuaide, Commander of Washoe Jeep Squadron:

Re: A.B. 5

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Getto:

- Q. Do you carry on a program for taking care of the environment?
- A. Yes. We have a program for taking care of the environment. In fact, we have a pledge in our organization which I will submit to you and that shows that each member of our unit is very well versed on what is necessary to protect the environment. In addition to our own members, here in the last four month, we have distributed this pledge very widely. It has been published in the Nevada State Journal and there are a number of people well informed about our pledge that we use our organization on. Also, we have just recently come out with bumper stickers that we have been passing around to people that says "Leave a Clean Trail" which is exactly what we mean.
- Q. When you go out into the wilderness, do you make your own roads?
- A. It would depend on the situation, of course. For instance, I can cite the case where we were marking the Fremont Trail through Nevada and in lots of instances there, we did have to make our own roads. I would like to make a further comment upon making our own roads and that is that in the area that I go deer hunting, I have noticed year after year that by the time you are through the hunting season, there is a definite road showing throughout the country that we travel. However, when we come back the next year, unless you know exactly where to go, that road is pretty much overgrown.
- Q. What do you mean by a "clean trail"?
- A. We think a clean trail means that all disposable items such as paper cartons, milk carton, anything like this that is burnable should be burned to ash at the campfire, and, of course, the campfire is put out before leaving the area. And all the indisposable items, we believe in bringing back to a public dump or disposal point where these items can then be handled in the proper manner. We don't believe in strewing the landscape with empty pop cans, beer cans, bottles, any of these things that cannot be used up by the elements or become disintegrated through winter, raining, freezing or thawing or things like that. We believe it should come back to a disposal point.
- Q. How many vehicles?
- A. This will vary, of course, depending on the situation. On some of our training exercises, we have anywhere from 8 to 20 vehicles. On our searches, where we are actually out looking for people who are in trouble, again, this would run from anywhere from 10 to 25 vehicles.

Young:

- Q. Do you think there have been any abuses in the past in this State?
- A. Yes, I suppose the 4-wheel drive vehicle has done some damage and some of the country has been abused in the past. However, I believe that more abuse has been done by just the 2-wheel drive vehicle than there has been by the 4-wheel drive vehicle and also, I think that there are a lot of other industries in the State that abuses our wilderness and affects the environment a lot more than the 4-wheel drive vehicle does.
- Q. Do you think anything should be done to guard against these abuses?
- A. I definitely believe that something should be done but I think it should probably be done first through education and the solicitation and cooperation who use off-road vehicles. One thing, it is going to take time to get this done and I refer back to the Smokey the Bear programs which have been in existence for about 15 years now and sure we still have forest fires but, by the same token, we have an awful lot more people that are out using the out-of-doors now than they used to.

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Whether you can say that Smokey the Bear has not been effective, I believe that the education that has been done with Smokey the Bear starting at the elementary school level, the posters posted throughout the areas and they are changed every single year, I think all these things can make you more conscious and recognize that it through their efforts whether we are going to have a place to come back to or not. So I again say, that through education and some solicitation and cooperation of the people, I believe that we can possibly make a big impact on the environment.

- Q. What kind of legislation do you want to guard against these abuses?
- A. I'm not so sure that we want any legislation right now and that is why I am down here to speak against this bill. I believe that there are other bills and other laws in effect today that need to be changed to help the environment and I am referring to the archaic mining laws that we have. I recognize at one time mining was a big thing; it had a lot to do with the settlement of the West and it brought people and industry out here. However, I believe that the time has come when these laws have to be changed.

At this point in time, instead of passing any new legislation, let's take a good look and see what we can do about changing some of our existing legislation.

- Q. Are you familiar with the program in California?
- A. No, I am sorry to say that I don't know anything about the program in California.
- Q. What type of regulations do you set to cope with this kind of problem? (i.e. abuses)
- A. I don't think we are at a point yet where we can say what type of regulations we have to have because I want to go back to my original statement that I think that we need more education, solicitation and cooperation and I believe that there are a number of clubs of possibly feasible people that can, through their organizations and their contacts, help. I think that you will find that if signs were developed along with this 4-wheel drive program for environmental preservation to prevent abuses that these clubs will be willing to work with any state, county or city agency as far as posting any of these signs up and letting the public know.
- Q. Education is great, but do you think it will do the job?
- A. Again, I go back to Smokey the Bear and I'm sure that education will help to do the job. I believe we should try education before we try legislation.

Bryan:

- Q. Suppose A.B. 523 were amended? Would your feelings be any different under those circumstances?
- A. If you are talking about using a lot of emergency vehicles in the area, if it was necessary, I guess that could be in there. Public hearings - not just one but a couple - that is in there and should belong there. How long an area is to be closed, what prompted an area to be closed and what is the effect should be specified in the hearing.
- Q. Suppose it were amended to give some right of appeal?
- A. This would then satisfy off-road vehicle owners because if there was a right of appeal, again, like I say, you've got some mountain top up here that is being closed off in an area that is surrounded by rock and outcroppings and practically straight up and down, I don't imagine that you will have any problem there or anybody objecting to it at all because the only way to get to it is by horseback or foot. However, I still think that for emergencies these things should be considered because if an area is closed and you have an emergency in there, if you go in there with a vehicle, you are going to be in violation of the law.

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Swackhamer:

- Q. Enlarge a little on your comments on the mining industry.
- A. As I said before and I think you can see this throughout the State, the miner, by law, is able to go out and if he wants to prospect and develop a claim, he stacks out the area he wants and he starts tearing it apart with no consideration given to how much feed he is ruining in the process for wildlife. There is no consideration given here to what he is doing to the water supply in the area. He just goes in and does whatever he has to do or wants to do and there are no regulations on it. This is the thing that I object to because if he does not, for instance, strike it rich, so to speak, in his first claim, or his first diggings, and then he makes a couple more, then he gives the area up and he never comes back or he comes back and does some assessment work on the holes he has dug but in the meantime you've got those holes out there and they have taken off a lot of feed for the wildlife and as far as I am concerned, he is doing more to destroy the ecology than a 4-wheel drive vehicle or 8 or 10 4-wheel drive vehicles going through an area once or twice. Because what he does is varied and it is discernible for a long period of time.
- Q. These things that you are complaining about were not caused by 4-wheel drive vehicles. You are not addressing yourself to the bill.
- A. I think I am addressing myself to the bill because we are talking about protecting wildlife habitat and feeding grounds and the mining is worse in my estimation definitely affects these things. If you are going to close an area, are you going to close it just to 4-wheel drivers or to miners or are you going to close it to everybody. If you found an area where the wildlife habitat would be seriously destroyed by a combination of things, are you then going to close the miner out? I think I am addressing myself to the bill because this bill is talking about protecting habitat and wildlife feeding grounds and I believe the mining industry has a direct bearing on this.

Getto:

- Q. Pertaining to out-of-state 4-wheel drivers, do you think we can take care of problems with people coming from out-of-state with education alone?
- A. At least we can attempt it. I am not saying that we are going to be able to curb it. Of course, one thing that bothers me just a little bit is that now we have Congress that has passed additional 3-day weekends a year and I believe that there is the possibility that we may get down to a 4-day week that these things are bound to bring an influx of people from out-of-state into the State of Nevada. We don't have to just necessarily hold this to people in California. I see in Elko County anywhere from 8 to 16 vehicles with Idaho license. So we don't have just California to worry about, we have other surrounding states to consider too. So with the additional 3-day weekends that people are going to have, plus the possibility of the 4-day week, and the fact that more people want to get out-of-door it is going to take one heck of an education job but again, I go back to the point that I believe that Smokey the Bear has been successful. It is not successful in only California and Nevada, it is a national program that is put on by the Forest Service. I believe that through various government agencies in our own State that we can put on an educational program that would at least deter a lot of people from acting in a reckless manner and would be willing to recognize the fact that they may want to come back there someday so they will protect it. Again, I think that this educational program needs to be developed. We are doing an awful lot in other areas through education and I believe we can approach this environment thing in the same manner.

- Q. Do you think it would have been a good idea or reasonable to have a small fee to go to the Fish and Game Department and this would preclude out-of-state people from coming in without buying a license?
- A. Yes, if we are going to go to some kind of educational program, if we had some kind of small fee to promote this program, I think this would be a good idea.

In conclusion, I would just like to make a few more comments. This ecology thing and environmental policies is so big, so complex, that I believe and again I go back to education as one of the best approaches to the thing. There is going to have to be an awful lot of study made by organizations such as the Desert Institute that will tell us, for instance, if we go out and destroy sage, what affect does that have on other plants around it. We are just starting to recognize the problem and I believe it is going to take a generation or two before you begin to find all the answers. Therefore, I urge you again that we have to get an educational program started and the sooner the better. I don't think we need any legislation particularly at this time. Let's give education a go, let's give it a good try.

First of all, I would like to ask you who has been the real culprits with the off-road vehicles? One was mentioned slightly tonight. I think your subdividers are one of your largest destroyers, your public utilities, your federal agencies and your state agencies. Also, your ranchers, and I think toward the end, your hunters, fisherman and off-road enthusiasts come last. I have lived in the State all my life. I am a rancher and also am in the insurance business and it's been my observation through the years that most of the destruction that I've found and observed have been people, for instance, from the BLM. They are out there with their off-road vehicles tearing up the country in the Spring of the year and they really don't have to be there. They could wait another two weeks or so. Your Fish and Game Commission is just as bad as your ranchers. Now, let's look at this from an economic standpoint. These people that drive these vehicles for the Federal Government, they go out there, they're not too worried about having them repaired, and anyone who goes out and has to pay for one of these vehicles out of his own pocket thinks twice before he goes over these same areas. And I would almost venture to say any area that you find one of these vehicles in as an individual going over it, that a track has already been made by ranchers or BLM or one of these other agencies. Another thought that was brought out tonight was getting revenue to control this. Has anyone ever thought how many millions of gallons of gas there is being burned in off-road vehicles in the off-road country and at 12 cents a gallon that amounts to quite a bit. Maybe that 12 cents is going to the wrong area.

Testimony of Don Washbaugh, president of a sportsmen's club in Reno:

We feel that legislation might be in order. But first, we don't feel that we should have, that is we assume, that legislation needs to be enacted. We feel that there should be a lot of research done before any bill is enacted and any organization or any certain department is to enforce this legislation. So let me say just to expedite things and keep things moving that we ourselves as an organization are against A.B. 523.

Testimony of Kent Howell, Silver State Hunting Club in Sparks:

If this bill is passed, our club would like to see an exemption for four-wheel vehicles going out in the field after downed game. Possibly this would get him out there the same day that he shot the game and get the game back to camp to avoid spoilage. This isn't too common that they spoil in the field. However, several times if it weren't for 4-wheel drive vehicles in some of the area I know of I would have lost a deer or two because it snowed that night. And if I hadn't gotten out the same day to pick that deer up, I would have never found him the next day in a foot or two of snow. If the bill is passed, we heartily recommend that this be added to it. We're not particularly in favor of it because we don't believe that all off-the-trail vehicles should be lumped together in one group. We believe a study should be made possibly stacking these vehicles up in the order of how much damage they do when they are off the road. An off-road vehicle such as a 4-wheel drive jeep with high floatation tires is considerably less damaging than a high-powered motorcycle with knobby tires on the back of it ridden by somebody who is just out to tear up the countryside. We believe that there should be more study done and that this bill is a bill that has not been very well researched.

Testimony of Vaughn Bradley, President of the Reno Four-Wheel Drive Association:

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Number one is that I agree favorably with what Nick Lusich and Bob McQuaide have said so far tonight. The big objection we have to A.B. 523 is the mix. Why the AGB's and 4 by 4's and snowmobiles all together. This does not make sense. One uses the desert, one uses the top of the mountains. I was at a meeting, in fact, it was our meeting where a Fish and Game representative stated that Fish and Game wanted no part in any snowmobile legislation. They stated they did not have the men or equipment to police it or even think about it. The next thing is why can't we have specific areas designated by the State for competition. Have a mountain and say "Okay fellows, this is it, go tear it up if you want to. Move it from there to here." But give them a place to release their energy. As far as the Fish and Game is concerned, there is one other area and this is Section 18 of the Joy Lake area of Washoe City that the Division of Forestry is presently considering trading to a private developer for a subdivision. This is prime deer wintering range and the subdivider can do more damage in a few weeks than we could do in ten years. I propose that we have education - not legislation - and especially before penalty legislation of a blanket nature. Thank you.

Testimony of Gerald Doren, member of the Sierra Search and Rescue in Carson City:

I am not speaking necessarily for the group but for myself as a 4-wheel driver. I agree whole-heartedly with what Nick said. We do need to stop people from going out and tearing up the terrain. Our work is of a nature like the other gentleman who spoke. We're out there trying to help these people who have gone out there and gotten themselves in trouble because they didn't handle their machine like they should. These are the people that are tearing up the country. Let's get after them and not close all public lands to every 4-wheeler. And I'm afraid this 523 is just bringing that very same thing about.

Testimony of Fred Settlemyer, a retired cattleman speaking on behalf of the successor on the property he formerly owned and other friends in the cattle business:

Re: S.B. 267

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I am just a little amazed. I think it is just wonderful and I wish I were the age of these young people who have testified and what they have found out about sage country. We probably ran cattle in as prolific a sage hen area as there was over in Mono County, California. The hunting pressure, of course, was infinitely less than it is today. But, in the period of more than 40 years in the area, we would have a season of wonderful sage hen hunting. I have gone out and gotten my limit within, I suppose, 30 minutes. Then, there is something cyclical about it, we would go for five or six years on the same range and not see a bird. It isn't that someone has come in and done something that would kill them off. They would disappear and then come back. I'm not sure how many of you people have gone off to a high mountain range and seen the small string of meadows that you have along creeks. When you talk of fencing them, you'd have an area very small and some would be a little larger and some a little smaller. If you attempt to go in there and build fences, you'd find you'd have to rebuild them every year. This is what cattlemen have to do. The fences go down. You don't just build a fence and forget it for the next 15 years. The grazing land in much of that area is covered with snow until the sage hen has gone past the period when they need the grass. The fact is that during that time, the sage hen were on our private meadows and this is where they remained throughout the summer. I think when you attack grazing the way you do, either you have gone too far or you haven't gone far enough. If you are going to stop the grazing, what are you going to do with your deer? Those meadows are so small and believe me when they tell you that deer do not eat anything but browse, I've seen 40 or 50 of them in our private meadow and they had their heads down and they weren't getting browse and they did not refuse to eat grass either. Many of these mountain meadows are so small that the deer have already eaten the grass before the cattle can get there. I get just a little tired of always having the needle go into someone who's trying to make a living and paying some taxes to support all of the things that need supporting and then have somebody needle him. I don't think it is quite right. The sage hen are in the meadows. To try to control grazing in these little mountain meadows that you speak of, I think is just an impossible task. In addition to that, I would like to leave this thought with you: That you should amend this bill asking the Fish and Game to go to all the head waters of all the streams and start killing off the beaver. I don't suppose you like that but I have seen more erosion caused by beaver dams. I have seen them on the Little Walker River at a place called Willow Flat. I've seen it at the head waters and even in the valley of the Carson River and I've seen one of the worse messes I've ever seen on the Upper Truckee caused by beavers. I would like the bill better if you delete grazing entirely or else run the deer out because they eat that grass off before the cattle ever get a chance and the cattle are blamed for it and I don't think it is right.

Testimony of Ray Knisley representing his friends at Lovelock on the Humboldt River.

Re: S.B. 267

I propose to speak on the bill. I think it is the poorest piece of draftmanship I've ever seen if it is supposed to accomplish the objectives that have been stated. What this bill does is it takes in every river system in Northern Nevada. At the tail end of the Humboldt, the Walker, the Carson and the Truckee, we have wet areas. They are all game preserves. Now, clearly they are covered in the bill. It invades the water rights which has been said that it did not intend to. However, it does. It supersedes State water law. I think it might be well to take a look at it. The intent here, undoubtedly, is to control practices on private lands because the practices on private lands affect the meadows on the public lands. If that isn't true, there is no point for the bill in the first place because Fish and Game or ELM can get the job done and the Nevada law doesn't prevail in any event. So why pass it unless the intent is to control activities on private

land for the benefit of these meadows that are on public lands. I think the act should clearly state there is no attempt to interfere with established rights on these river systems. It clearly does, there is not any ifs or ands about it. Furthermore, if it was possible to make this act stick passed in present form, you could never put a drop of water back in your lake. There is no one here representing the Washoe people but Assemblyman Eileen Brockman asked if I would be sure to point this out to your committee. ²³⁸

Ray Knisley also commented on A.B. 267. He wondered if the committee would consider adding Section 2 from A.B. 266 to this bill. He said it would relieve many fears by the agriculturalists.

Testimony of Jim Woods, Manager of the Truckee-Carson Irrigation District.

Re: S.B. 267

The bill in its present form or present concept I feel is entirely too broad. I take the same stand that Mr. Knisley took. The bill says meadow and wetland which would include all wetlands at the termination of every river in the State of Nevada including pasturages that are administered by the Truckee-Carson Irrigation District and we don't want ourselves in a position of having the Fish and Game Commission telling us how to administer our grazing within our wetlands which are at the present time being administered by the Truckee-Carson Irrigation District. These people in defense of the bill have talked about upland meadows but this bill in its broadest concept means all the wetlands and meadows in the State of Nevada. We feel it is too broad and we certainly are against the passage of S.B. 267 in its present form.

Testimony of Myron Goldsworthy, Manager of the Pershing County Water Conservation District.

Re: S.B. 267

I would just like to say "amen" to Mr. Woods and Mr. Knisley.

Hearing adjourned 10:30 P.M.

PLEDGE

I believe the Deserts of the Great Basin to be the last great open spaces for recreation and freedom, and the last frontier for physical, mental, and spiritual expansion in a West which is rapidly becoming overcrowded.

I believe these Western Deserts should be protected, preserved, and held unspoiled In Trust for coming generations, and I pledge my services in this connection.

I hold that a good example is important, and in my travels through even the most remote Desert Arcas, I will leave a clean camp and a clean trail.

I will exert every effort to preserve and protect scenic beauty, historic points of interest, and other treasures of the desert including prehistoric writings on rock and petrified trees. If I collect arrowheads I will not disrupt the desert's face. If I collect petrified wood and gem stones I will keep my activities on the level of the amateur. I will not collect commercially myself, nor aid anyone else to do so.

I will not deface ancient Indian writings nor modern directional signs, and I will exert every effort to report others guilty of this to the proper authorities, with as much acceptable evidence as possible.

I will obey the laws to protect prehistoric graves, caves, and relics, and will conceal the existence of same except to the proper authorities who will give scientific care and protection. I will give all possible aid to those museums, historical societies, and other accredited scientific organizations, in the gathering, identification, and protection of relics, graves, and other objects of historic and prehistoric interest.

I will make every practical effort to see that such objects are placed in the hands of properly qualified authorities, prepared to give suitable care and identification, and study; and when possible to do so and remain consistent, I will endeavor to keep objects found in Nevada within Nevada, and objects found in California within California.

All this I pledge, agreeing to do my best to keep the Desert as unspoiled and uncommercialized as I can.

ON DOTTED LINE FOR FRAMING

I SUBSCRIBE TO THE ABOVE PLEDGE

This pledge (originally prepared and signed in 1958 by all members of The Washoe Jeep Squadron) is now being used by those Nevada people in general who are interested in desert recreation.

(Date)

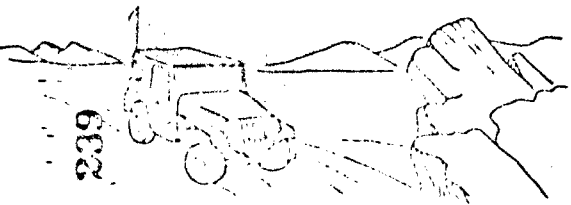
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(City)

(Zip)

(Street Address)



A Suggested Code of Ethics

THE FOUR WHEELERS' CODE

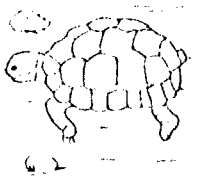
As members of the American public who operate four-wheel drive vehicles to enjoy the awe-inspiring scenery of mountains, valleys, deserts, forests, marshes, and lakes, and all the other back country areas of the world, we will:

- Leave the land and its vegetation as we find it. Help preserve plant life and soil by limiting travel to established roads and trails. Avoid cutting switchbacks and driving through moist meadows which will leave permanent scars.
- Protect the history of the nation by not disturbing old mining camps, ghost towns, diggings, or other historic or national values.
- Respect the rights and property of other user groups such as miners, ranchers, fishermen, hunters, and other recreationists.
- Conduct all trips in a safe-sane manner.
- Accept the responsibility of keeping the back country beautiful by packing out litter.
- Give everyone we meet the courtesy of the road as safety and courtesy are contagious.
- Observe the local history, the geology of the land and the ecology of the vegetation so that we may more fully appreciate the splendor of our national heritage.

Created in 1849, the Department of the Interior is concerned with the management, conservation and development of the Nation's water, wildlife, mineral, forest and park and recreational resources. It also has responsibility for Indian and Territorial affairs.

The Department of Interior works to assure that non-renewable resources are developed and used wisely, that park and recreational resources are conserved for the future, and that renewable resources make their full contribution to the progress, prosperity and security of the United States now and in the future.

The Bureau of Land Management, an agency of the Department of the Interior, is charged with the administration of programs for conservation and development of the public lands and resources.



ORVAC Members

- Howard Harris, California Farm Bureau, Chairman
- Ron Sloan, American Motorcycle Association, Vice Chairman
- Thomas P. Bates, Dune Buggy Groups
- Lawrence Cloyd, California Department of Fish and Game
- Beula Edmiston (Mrs. Tasker L.) Desert Protective Council
- Jack E. Edwards, California Association of 4-Wheel Drive Clubs
- E. Lamar Johnston, California Cattlemen's Association
- Dan Kelsay, Enforcement Agencies
- Alfred H. Kramm, California Outdoor Recreation League
- H. F. McMurphy, North Bay Trail Riders
- Roger K. Mitchell, Sierra Club
- Al Schiavon, California Wildlife Federation
- George S. Strauch, California Federation of Mineralogical Societies
- Ray Talbot, California Woolgrowers Association
- J. R. Penny, BLM State Director, Ex-Officio

Original document is of poor quality

THE
Outdoor Pledge
OUTDOOR PLEDGE

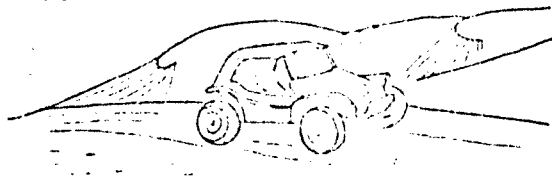
AS A VISITOR TO THE PUBLIC LANDS
I PLEDGE TO

- KEEP THE LAND CLEAN AND FREE OF LITTER
- RESPECT AND TREAT THE LAND AS MY OWN
- LEAVE GATES AND FENCES AS FOUND THEM
- OBEY STATE GAME AND FISH LAWS
- BE CAREFUL WITH FIRE

BY SIGNING THIS PLEDGE YOU AGREE TO FOLLOW THESE GUIDELINES

A SUMMARY OF THE
OFF-ROAD VEHICLE ADVISORY
COUNCIL REPORT





WHY ORVAC?

Growth in the number of off-road vehicles is explosive. An estimated 800,000 off-road vehicles now use the Federal public lands in California. Many operators use the land wisely. Some do not. There are enough of the latter to cause serious problems. And the number of vehicles is rising sharply. More than 1 1/2 million are expected by 1972.

The Bureau of Land Management has many areas suitable for ORVs. BLM manages 16 million acres in California, three-fourths of it in the southern desert. But in some places, off-road vehicle use is not compatible. In one place the reason might be ecological; in another, ORVs might disrupt an existing valid use, causing conflict.

Lack of adequate regulation made the problem worse. Intensive use in some areas caused soil displacement, damage to vegetation and littering. There also was interference with other recreation pursuits, wildlife and livestock operations.

The need for action grew imperative. It was obvious that "Keep Out" signs would solve nothing. There had to be a constructive program, one that provided for large-scale ORV use. It was decided the program design should come, for a large part, from the interests closely involved.

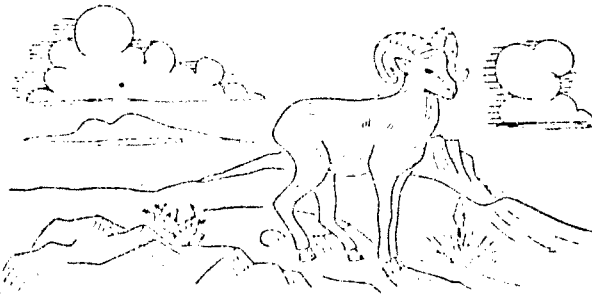
Early in 1969 the Secretary of the Interior recognized ORV recreation as a legitimate use of public land and called for effective management. To help start the program in California, the BLM State Multiple Use Advisory Board recommended the formation of a citizen council to assist BLM. Shortly afterward, the Off-Road Vehicle Advisory Council (ORVAC) was appointed. Its 15 members represent user groups, conservation organizations and government agencies.

ORVAC's conference table brought together interests of wide divergence. For almost a year they struggled with the problem - how to accommodate ORVs, protect the environment and maintain other legitimate uses. Other facets of the problem included: easily disturbed watersheds, archaeological sites, habitat of endangered wildlife, rare plants, and historic areas. There was even the harder-to-measure value, solitude.

The experiment worked. Early in 1970, the motorcyclist, the cattleman, the dune buggyist, the Sierra Club member - and all other members - issued their report. A summary follows.

ORVAC'S Recommendations to The Bureau of Land Management in California

- There should be an inventory of all public lands to determine the impact of ORV use.
- There should be an extensive information and education program to encourage considerate use of the land.
- The I&E program should promote basic understanding and application of environmental principles.
- It should use all techniques available to reach people, especially through mass media and in schools.
- The theme should be: ENJOY BUT DON'T DESTROY . . . USE IT BUT DON'T ABUSE IT -- OR YOU'LL LOSE IT.
- An annual free recreational permit should be considered as a means to reach users with educational materials.
- Rules and regulations to be adopted should be prominently displayed and publicized.
- Commerce and industry should be made aware of environmental goals and asked to support them through product advertising and other public contact.



- Local and regional Citizen Advisory Councils should be set up to permit closer liaison among all interests.
- Management plans for land use and development should be offered for public review and comment before adoption.
- Land laws and policies should be reviewed to eliminate conflicts.
- There should be legislation to give BLM enforcement authority similar to that of the U.S. Forest Service. Violation of public land laws and regulations would be a misdemeanor.
- A registration program should be set up for all powered off-road vehicles using public lands.
- Financing of the management program should be through the regular legislative process.
- There should be studies for control of water, air and noise pollution, and for provision of adequate fire prevention devices.
- Guidelines for issuing permits for special events, races and rallies; for inventory and planning and for managing within the present regulations were proposed for use by the District Managers.

ORVAC'S Recommended Guidelines

ORVAC recommended flexible guidelines for land managers to meet variable local conditions.

In general, the guidelines call for designation of three kinds of areas after inventory and planning:

OPEN USE AREAS: Open to ORVs with minimum regulation.

RESTRICTED USE AREAS: Limitations on use may be seasonal, as during fire danger; or they may apply to vehicle class and density. Reasons include hazards, existing uses, and resource values.

NO USE AREAS: Criteria for this designation include extreme hazard, outstanding scenic value, designate wilderness.

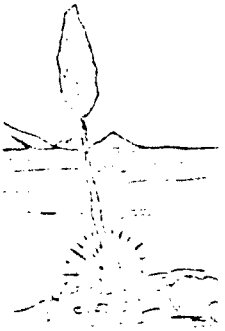
Two categories of use were identified - individual or non-organized group; and structured events such as races, rallies and sports events. Permits would be required for the latter.

As a guide, permits would be required if the participants were competing for prizes, trophies or other reward; if spectators or participants were charged a fee to view or participate, or if the event was so large that management was required through a permit to avoid resource damage or user conflicts. Purpose of the permit would be to assure that events were well planned, managed and coordinated. The BLM District Manager would be responsible to see that permittees had arranged for proper safeguards for participants and spectators, sanitation facilities, protection of resources and follow-up maintenance and rehabilitation.

The permit could require posting a bond for possible damage to facilities and resources. A dollar fee would be charged at time of permit application, and a fee value rent for use of the land would be required. Application for permits should be filed sufficiently in advance to allow time for processing by District personnel.

Groups not requiring permit would be asked to call ahead of time and give a "message of intent" which would include type and number of vehicles, number of persons, place to be visited, length of stay, etc.

District Managers, with their ORV use as in the BLM District of Riverside Districts, would meet at least annually with user groups to discuss scheduling and other matters involved in staging and managing structured events.



MEMORANDUM

211

TO: Dr. John Homer, Chairman, Assembly Environment and Public Resources Committee
Senator Thomas Wilson, Chairman, Senate Ecology Committee
Representatives of the Assmebly Fish and Game Committee
Representatives of the Senate Public Resources Committee

FROM: Glen K. Griffith, Nevada Department of Fish and Game

SUBJECT: A.B 523 - Gives Nevada Department of Fish and Game certain control of off-highway vehicle operation.

This act is not intended to impose prohibitive restrictions on any one group. It is intended to protect the wildlife resource and its habitat which may very well necessitate protective restrictions.

Fish and Game recognizes that off-road use of vehicles is an important and valid means of outdoor recreation. For that class recreation to be perpetuated with maximum privileges it is necessary it be subject to its share of responsibilities, particularly with the proliferation of off-road and all-terrain type vehicles.

Nevada is fortunate to have wide expanses of open country conducive to off-road vehicle use, but, Nevada has fragile lands and areas of wildlife habitat that are not conducive to uncontrolled vehicle use. We are approaching a situation of imposing excessive stress on both large and small game animals contrary to their general welfare.

Industrial technology and human ingenuity are producing vehicles at an ever accelerating rate which can go nearly any place a sage grouse, antelope or deer can go but with destruction of vital wildlife habitat on the way. There is little question that if uncontrolled off-road vehicle use continues at its present rate before too many years such vehicles will make the sage grouse, antelope and deer populations decline and may even replace them in certain areas.

Nevada is fortunate in that the problem is not acute at this time. There are areas of damage presently but not to the extent that will cause an immediate flood of land-owner or land-agency agreements for restrictions.

This bill will allow the off-road vehicle enthusiast to determine the level of control that will govern his recreation. That level will be the direct inverse of his responsible use of such vehicles on public and private lands.

A. B. 523 will give the Department of Fish and Game and the State Board of Fish and Game Commissioners needed authority and latitude to discharge its duty to the wildlife resource and its habitat and to the traditional sportsmen of the State. It will also give the off-road vehicle user the responsibility of establishing the level of restrictions on his vehicle use.

This legislation is important, particularly at this time. Several states with their higher population and heavier off-road use are experiencing the disadvantage of trying to formulate restrictions in the face of an almost overwhelming tide of off-road vehicle use.

The prerogatives under the authority would be administered in the following manner. The Department would designate those areas where wildlife or habitat are being exposed to undue stress that can only be detrimental to their welfare. Such areas might include fawning areas, nesting areas, breeding grounds and wintering concentrations. Excessive vehicle intrusion together with its noise can seriously affect fawn loss, lowered nesting success and abortive breeding activities. Inadvertent vehicle disturbance of deer on wintering grounds under already difficult conditions will probably exert a fetus absorption increase together with accelerated adult loss.

Unfortunately, adequate information is not yet available on the effects of vehicle intrusion on wildlife itself. From the common sense stand-

point, however, we can assume it is adverse. By the time extensive research determines the total effect, it may be too late for some species. Without question, vehicles operating off roads in deer country has a deleterious influence on habitat. Mahogany and bitterbrush plants maturing in 15 to 20 years can be uprooted or crushed, possibly killed or at least severely set back, decreasing the ability of the range to support animals, both wild and domestic.

It is our firm hope that vehicle owners will assume a more considerate use of the back country for the sake of wildlife, its resource and the traditional hunter and outdoor enthusiast.

Every responsible owner of off-road vehicles should support A.B. 523. It gives them the opportunity, through self-regulations of their activities, to control the extent of its application and restrictions.

A.B. 266

The bill establishes a legal limit at which water turbidity may legally reach as the result of man's planned or programmed activities. A provision is included to allow for emergency or necessary projects that will exceed the legal turbidity limit under a permit. The permit would be one with an expiration date.

This law is needed so industrial and development interests will have valid guidelines within which to operate to preserve streams and fishlife. The Fish and Game Department needs an ecologically valid limit within which to operate to avoid undue arbitration and legal indecision in protecting public waters and their related values.

A.B. 267

Prohibits the discharge of any effluent that terminates in waters of the state that will effect an increase in water temperature to a degree that will be detrimental to fish: the determination of tolerance to be based on the best ecological evidence.

This law is needed to assist industrial developers in the planning stage of a project that may influence water temperatures. Such planning may be necessary in site selection and other such safeguards or securities to alleviate water temperature problems.

The Fish and Game Department needs the authority to control effectively, temperature induced deterioration of public waters and their inherent fishery potential.

This Act gives the Fish and Game Commission the authority to enter into agreements with land owners and land agencies to effect control of motor vehicles in relation to the welfare of wildlife and its habitat. The Commission, under this Act, is delegated authority to establish regulations governing kinds of restrictions together with time and area they cover. The Department would be required to publicize the restriction, post the area, and provide enforcement for conformance.

Amends present statutes to provide: (1) permits for dams on waters for which such permits are required from the State Engineer and (2) on waters that presently have public fish, would not be granted without allowance for public access for the purpose of fishing during the open season.

Another portion (also an amendment) provides that fish and game recommendations for protection of biological and ecological values be given due consideration before the State Engineer approves or disapproves a permit for constructing a dam.

At present the State Engineer is required merely to file a copy of the application for constructing a new dam with the State Board of Fish and Game Commissioners. The amendment will establish a formal means of having biological and ecological values considered.

Both amendments are significant for preserving public benefits both personally and ecologically. When a stream is dammed there is a major fishery recreation loss below the structure. Access to the impoundment should partially offset the downstream loss.

These amendments are necessary from both the planning and administrative standpoint to safeguard public values in the decision making process.

SENATE BILL NO. 267 - COMMITTEE ON ECOLOGY

Prohibits destruction of natural meadows or wetlands.

The upland meadow represents a critical portion of the summer habitat available throughout much of Nevada's sage grouse range. Past and present grazing practices on Nevada public lands has been to regard upland meadows as sacrifice areas. A serious deterioration of this habitat type has been the inevitable result and will continue unless meadows are specifically managed.

In 1967, a four year study was initiated by the Nevada Department of Fish and Game with the objective of determining the importance of upland meadows to sage grouse populations in Nevada. It was found that sage grouse use of upland meadows was regulated by diet preferences and fluctuating environmental conditions. Succulent forbs make up the bulk of juvenile and brooding female sage grouse diets. As these forbs become dessicated on the range lands (spring), the hens and their broods move to the meadows (summer) for their primary food supply. Meadow use is delayed during years of high precipitation when forbs are still available in sagebrush habitat. A tapering-off of meadow use occurs when an increasing percent of the juvenile population reaches 11 to 12 weeks of age and sagebrush plays a more prominent role in their diet. The relatively high protein content of succulent forbs appears to partially explain diet preferences and the necessity of forbs to sage grouse chicks.

The relationship of upland meadows to sage grouse in Nevada should be viewed as a concentrating of the year's chick production into a small, but important, component of sage grouse habitat where an essential food crop is provided for the chicks. The concentration of birds is dependent upon the meadows for a food supply of adequate quantity and quality. The length of meadow dependency varies each year according to adjacent range conditions.

Four years of data indicated that a meadow's food supply had a direct bearing on influencing the success of sage grouse populations in Nevada and that the loss of meadows can, in effect, result in the loss of that segment of the sage grouse population dependent upon them.

S.B. 296

Because of the many construction projects which are continually occurring and which either encroach upon our waters or create conditions which adversely affect the fish population or their environment or make an area unsuitable for recreational fishing; we feel it desirable to have laws similiar to those of other states which require that projects which involve state waters and which have the potential of being detrimental to the recreational and fisheries resource be approved by the State Fish and Game Department prior to implementing the projects. It would be desireable for the Nevada State Department of Fish and Game to have the opportunity of reviewing plans for such projects in our state prior to the initiation of work, so that recommendations may be made by the Department to prevent or minimize damage to our fishery resources.

The proposal we have made was patterned after the Stream Preservation Law of Montana. The intent of several prior legislatures has resulted in laws which are intended to protect our fisheries and recreational resources, but they fall short in those instances where projects as referred to in the Bill S.B. 296 are concerned.

It is felt that this bill if enacted into law, would more fully comply with the intent of the prior legislatures.

(C) The reason for this is that in a good many cases in point, dams have been constructed on waterways in Nevada with detrimental effects to the population of fish below the dam site. In some instances, streams were entirely de-watered during certain periods of the year.

In order to offset these losses and provide the public with alternate fishing areas for that which was lost because of the construction of a given dam, S.B. 261 has been suggested.

This proposal is based upon an existing California law which recently proved its desirability. In that case, a large private land developing concern attempted to have the law eliminated from California's books so that they could build private reservoirs for the exclusive use of purchasers of their development. It was primarily a sales gimmick to make the sales attractive. However, because of very strong public opinion, the law was not changed and remains in effect.

Section 2-2

The reason for this amendment to the existing water law is that it was apparently the intention of a prior legislature to give the State Department of Fish and Game the opportunity to protect the public's interests in fisheries resources whenever a dam was built or altered and the law required that the State Engineer file a copy of the application for the dam with the State Board of Fish and Game Commissioners

In the past, recommendations of the State Fish and Game Department have had essentially no affect upon the construction of dams and the State Engineer was under no obligation to recognize our recommendations inasmuch as he had only to file a copy of the application with Fish and Game.

With the proposed wording this would put some teeth in the law and would enable the recommendations of the Fish and Game Department to be duly considered before an application is approved by the State Engineer.

A.B. 267

Our present law "prohibits the introduction of any substance into the waters of the State which is deleterious to fish." However, some states which have wording similar to that of Nevada's have apparently had difficulty in the prevention of thermal pollution because of legal talent pointing out that the heat introduced into the water was not a substance.

The intent of the proposed wording of the law would be to clarify this matter and follow through with the concept and apparent desire of previous legislatures in preventing the alteration of waters in such a manner as to render them unfit for existing fisheries resource.

A.B. 267


AN ACT relating to wildlife protection; prohibiting thermal pollution of waters; providing a penalty; and providing other matters properly relating thereto.

1 SECTION 1. Chapter 503 of NRS is hereby amended by adding
2 thereto a new section which shall read as follows:

3 It is unlawful for any person, firm, association,
4 corporation or any federal, state or local government to
5 discharge any effluent into or direct its flow where it
6 can pass or fall into any waters of this State if such
7 discharge or direction results in the alteration of water
8 temperature or construct any pier, dock, dam, diversion or
9 other device or alter the physical characteristics of any
10 waterway in such a manner that will cause an alteration in
11 water temperature, if such temperature changes, in the
12 Department's determination, are detrimental to any fish in
13 such waters. The Department shall base its determination
14 on the best available ecological evidence.

A.B. 266

The intent behind this proposal is to establish criteria for water siltation control within reasonable limits and still maintain the fish productivity of the water. Fish can tolerate high turbidities only for short periods. Fish productivity is ultimately dependent upon plant life and a good bottom fauna. There can be little of either above 200 JTU if that turbidity is maintained for extended periods of time. Consequently, normal irrigation practices may be exempted from the provisions of the proposal. However, other activities that would cause readings of 200 JTU or greater would be reviewed and control steps taken to reduce the damage done to the habitat. This being covered through the permit provision.



NEVADA WILDLIFE FEDERATION, INC.

Affiliated with the National Wildlife Federation

P. O. BOX 15205 LAS VEGAS, NEVADA 89114

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OFFICERS

PHILIP T. GREGORY, JR., PRES.
LAS VEGAS

BURL SUTER, VICE PRES.
PENO

VIRLIS L. FISCHER, SEC.
LAS VEGAS

MRS. LOWELL G. MONDAY, TREAS.
SPARKS

My name is Ruth Keith and I'm here this evening as a representative of the Nevada Wildlife Federation and the Nevada Association For Progressive Fish and Game Legislation. I would like to make a few comments on AB 267 which prohibits thermal pollution of our State's waters. The Federation and Association are basically in favor of the Bill. We are aware of the fact that water holds less oxygen when the temperature increases. That increased algae growth results from warmer water and when the algae's life cycle is completed and it dies, the oxygen content of the water decreases. Decreased oxygen content is detrimental to fish life. We are also aware that increased water temperature results in less aquatic insect growth and these aquatic insects play an important role in the food chain of the fish.

We are also aware that increased water temperature is detrimental to fish egg hatch ability.

For these reasons we feel that a law is needed and such a law is represented in AB 267. We would like to see the Assembly and Senate of this Legislature pass AB 267 as it is in its present form.

Thank you.

The Nevada Wildlife Federation and the Nevada Association for Progressive Fish and Game Legislation support Assembly Bill 266. The representative of the Fish and Game Department has reviewed the effects of raising the level of turbidity in the streams and lakes of our state. The natural spawning process is impaired, the water temperature rises with increased turbidity, and the release of possible harmful substances into such waters may kill fish and other wildlife outright. Downstream use is interfered with and cloudy water is not extremely palatable.

In addition, the detrimental visible effect of raising turbidity in such waters is obvious. We have already experienced clouding of heretofore clear streams in western and southern Nevada. The conditions causing this clouding and increased turbidity should not be allowed to continue.

While we favor A.B. 266, we would like to suggest certain possible amendments to the act in its present form.

At the outset, we suggest that reference to "...any person..." in sub-section 1 be broadened to include, "...any person, firm, association or corporation...".

We believe that a new sub-section 2 should be added which would read as follows:

"2. It is unlawful for any person, firm, association or corporation to cause or allow a condition to exist under its control, along or upon any of the waters of the state which causes such water to have a turbidity reading in excess of 200 Jackson turbidity units unless such person, firm, association or corporation has a permit issued by the department."

Sub-section 2 of the existing draft would then become sub-section 3, but we suggest that "...normal irrigation practices." be amended to read, "...reasonable irrigation practices."

We further urge the adoption of sanctions against water siltation under this act. These sanctions might be that such acts would constitute a misdemeanor, and that the fine for the first offense would be up to \$1,000. A second conviction could provide for a fine of up to \$5,000.

Also, we feel that some provision should be made in the act for injunctive or other summary relief, under which the Fish and Game Department, upon discovery of a condition in violation of the act,

could take steps to immediately stop such violation. If the Department could apply for an order which would immediately enjoin the siltation process or condition, irreparable damage could possibly be avoided. Money damages could be assessed and fines determined at a later time.

It is reasonable to further require that one guilty of causing such siltation restore the condition of the stream or other water in a reasonable manner in the shortest possible time after the violation.

NEVADA WILDLIFE FEDERATION, INC.

Affiliated with the National Wildlife Federation

P. O. BOX 15205 LAS VEGAS, NEVADA 89114

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*Mike
1966*

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To the Worthy Members of the Legislature:

The Nevada Wildlife Federation has always felt that the wise use of our natural resources is an absolute essential and with the growing abuse of our lands there is a need to look into the problem of off-road vehicles in Nevada and what might be done to encourage the discriminate use of them.

Here in Nevada the off-road vehicle problem has not yet attained the magnitude it has in our neighboring state. In California the Bureau of Land Management stated that smog, motorcycles and construction have threatened to destroy California's constantly shrinking Mohave desert and in the Panoche Hills area of western Fresno county up to 60% of the vegetation has been lost due to motorcycle use in a 1,200 acre intensive-use area. In the West Walker River drainage area the Forest Service had to impose restrictions due to the excessive use of off-road vehicles.

Here in Nevada we have had some trouble but no laws to work with. Recently, just east of Pyramid Lake, a motorcycle club held some races on land that was set aside for their use by the B.L.M. A large number of spectators came on trail bikes and left the race area running through the surrounding areas causing some damage. This action caused protests from the local ranchers and at the next race the motorcycle club attempted to control the off-road running and to keep the riders confined to the prescribed area. They ran into a lot of opposition from the riders. One of the riders made the statement that it's our land (B.L.M. land) and we can ride where we want to and when we want to, which they did. The club would have liked to work with the law enforcement officials to correct this problem but there were no laws that permit controlling any public area except for withdrawn lands. There are other areas in Nevada where off-road abuse is evident such as the Pine Forest in Humboldt county, the Pinenut Range east of Gardnerville and Big Creek in the Austin area. In these ranges people have driven to the top of

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the ranges and covered the high country with cross country trails. This would probably be bearable if our population and the use of our lands were on the downhill but just the opposite is true. Estimates are that our population in Nevada will double in the next thirty years and with our neighbor to the west already running out of land we will be bearing a larger share of the increased demand on public lands from them as well as from our own population.

We are looking forward to a lot of use from off-road vehicles as there are now large numbers of dune buggies, 4-wheel drives, an estimated two million motorcycles and a claim that 40,000 all-terrain vehicles will be sold this year. The all-terrain vehicles probably pose the greatest threat to our wildlife habitat. I would like to quote from the March 1971 issue of POPULAR SCIENCE magazine -- "bumping over fields, scampering up rocky hills, slushing across ponds and streams they go. All-terrain vehicles have the broadest performance capabilities of non-road vehicles. You can use them on almost any terrain and in water."

With our limited good wildlife habitat we should look to the future and set up some safeguards that will allow us to protect our lands. We feel that AB 523 is a start in the right direction.

Mike Toone, Director

Sources of Information:

Bureau of Land Management
Forest Service
Soil Conservation Service
Popular Science, March, 1971, issue
1970 Report Conservation Foundation
on off-road vehicles and environmental quality

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NEVADA ASSOCIATION FOR PROGRESSIVE FISH AND GAME LEGISLATION

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8 March 1971

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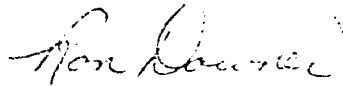
The rapid growth in numbers and use of Off-Road Vehicles and Snowmobiles and their increasing impact upon fish and game and other aspects of the public interest are matters of concern to the Legislature and to the people of the state.

The design, propulsion and capabilities of off-road vehicles continue to change and become more versatile, and their full recreational potential may require operation on or across public property, rights-of-way or highways. Unsafe, inappropriate and inconsiderate operation of off-road vehicles are already a matter of public record and concern as are the adverse effects of improper use upon fish and wildlife and their habitat. The use of off-road vehicles on public lands that have important natural, wild forest or wilderness values is destructive to and incompatible with such values. The use of off-road vehicles has infringed on the enjoyment by the people of the use of public land and of other forms of recreation and on the enjoyment of private land and property by the owners thereof.

Therefore, in order to promote the safe use of snowmobiles and other off-road vehicles, to protect the fish, wildlife and other natural resources of the state, to guarantee the availability of various forms of recreation to all citizens in an environment of diversity and quality request the following from the Nevada State Legislator:

Study the book "The Off-Road Vehicle and Environmental Quality" purchased and given to you by the Nevada Association for Progressive Fish and Game Legislation.

Discuss, support and pass Assembly Bill No. 523



Ron Downer

March 8, 1971

Testimony before the Environment and
Public Resources Committee

Nevada Wildlife Federation

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THOMSON AUBRAIN

RICHARD LAIR

CARL GIUGGI

ROBERT LALOVICH

You have and will continue to hear an abundance of testimony on the erosion problems caused by off-road vehicles. I will not dwell on this, as advertisements showing 6-wheel drive All-Terrain Vehicles tearing through swamps and up and down hillsides speak for themselves.

Rather, I would like you, for a moment, to be concerned with wildlife habitat. All types of off-road vehicles can be a problem if not contained, but the All-Terrain Vehicle or ATV, is a real threat to wildlife sanctuaries. This vehicle with multiple low pressure tires or tracks, and with 7 to 55 horsepower will, if it hasn't already, go beyond the conventional 4-wheel drive range.

During 1969, 13,000 ATVs were sold. The estimate for 1970 is 30,000, 40,000 is projected for 1971, and by 1975 the estimate is 210,000. To bring these figures closer to home in the Reno area alone at present we have the world's largest volume Jeep Waggoner dealer and at onetime, if not now, the largest International Harvester Scout dealer. So, a reasonable assumption is that ATVs will be very popular with Nevadans. Even the President of Busse Bros., Inc., an ATV manufacturer, admits candidly, 'There is no doubt in our minds that snowmobiles and ATVs can be a very destructive factor in upsetting the balance for all kinds of game, and will not only require more comprehensive regulation, but possibly some basic decisions on priorities for land use.'

ATVs are already a problem in some States and the National All-Terrain Vehicle Assn. is calling on State Legislators to spell out in detail where ATVs may travel. An additional threat to wildlife and its habitat could be the Air Cushion Vehicle, already available. It is well summed up in the final report of the Governor's Natural Resources Council by the Soil Subcommittee, "It might also be appropriate to provide reasonable state and federal controls over the use of off-road vehicles, for the purpose of preventing unnecessary erosion and destruction of native values

Gentlemen, the Nevada Organization for Wildlife is in support of Assembly Bill #523. However, we recommend that provision also include that no area be subjected to said control until after public hearings are held by the Fish and Game Department, showing cause for such action. The State Board of Fish and Game Commissioners shall publicly advertise any Commission meeting deciding the closure of any public land to off-road vehicle use.

Thank you,
Al Bernarda

March 8, 1971

Testimony before the Environment and
Public Resources Committee

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Gentlemen, the Nevada Organization for Wildlife is in support of Assembly Bill 523. However, we recommend that provisions also include that no area be subjected to said control until after public hearing are held by the Fish and Game Department, showing cause for such action. The State Board of Fish and Game Commissioners shall publicly advertise any Commission meeting deciding the closure of any public land to off-road vehicle use.

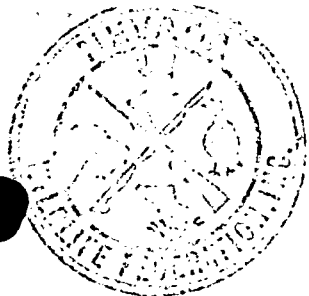
Thank you,
Al Bernada

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MRS. LOWELL G. MONDAY, TREAS.
SPARKS

My name is Andy Burnett and I am Legislative Chairman for the Nevada Wildlife Federation.

The Federation feels that the upland meadows on public land should be protected. We are aware that the upland meadows are prime habitat sites for a number of wildlife species.

The Sage Grouse has declined from a position as one of the most abundant game birds in the Western United States to where, in many areas, its preservation is a matter of serious concern. Many factors influenced the decline, but probably the greatest is the elimination of their habitat. A number of biological and ecological investigations of Sage Grouse have been made but, until recently, little work has been done to determine the influence of past and present land management practices on this species. One segment of the birds' habitat, the upland meadow, has been studied only in passing, and never studied in detail. Observations by Nevada Fish and Game personnel, Idaho and Utah Fish and Game departments have shown a high use of meadows by Sage Grouse during summer months. Annual Field Survey Records show a gradual decline of Sage Grouse populations in areas where meadows have deteriorated or have been completely eliminated. This situation indicates that meadows play a vital role in Sage Grouse survival.

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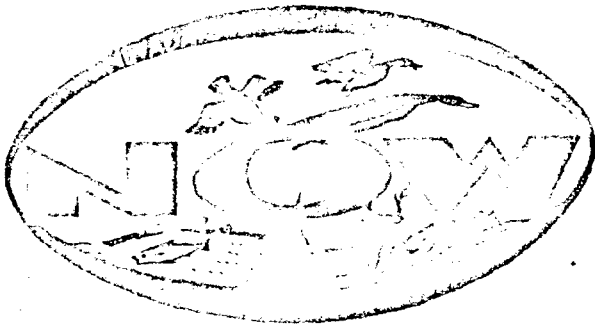
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It must be kept in mind that the Rest Rotation Program of the B.L.M. is not the entire answer because there are instances in this State where upland meadow lands have been abused under this program. The Federation is fully aware that we must have grazing on upland meadows in order to keep down the competitive and unwanted types of grasses, but we also realize that this grazing must be carefully managed. We feel that an extensive fencing program is very likely the only good logical answer. This would also entail firming up existing water supplies where such supplies would be maintained for livestock and wildlife use, thus providing a cleaner and more dependable supply of water.

Consequently, Mr. Chairman, the Nevada Wildlife Federation is generally in favor of SB 267 and would like to see the Nevada Legislature take a firm step in the proper direction by passing this Legislation.

Thank you.



Bill SB 267

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Gentlemen:

My name is Jack Young, Treasurer for Nevada Organization for Wildlife, and we feel that the upland meadows on public land should be protected. We believe upland meadows are necessary as sites for certain wildlife species to survive. Overgrazing of these meadows and springs tends to destroy them and they cannot be of further use to not only cattle but deer, antelope, sage grouse and any other animals dependent upon grasses and water.

If these meadows could be protected and rehabilitated it would be advantageous to the ranchers as well as to wildlife people. It would provide them a reliable, clean source of water. It would also increase grasses for grazing purposes.

The present range of the sage grouse has been modified. The birds have disappeared from areas along the periphery of their former range. Southern British Columbia, Northern New Mexico and Northern Oklahoma no longer have populations of sage grouse; and numbers have been reduced in many other areas.

In 1951 Martin, Zim and Nelson estimated that more than 50% of the original sage grouse habitat had been eliminated. At the time of their study only British Columbia had totally lost the sage grouse as a native bird.

Consequently, we feel the future existence of these game birds is dependent on the isolation of these critical springs. We as Nevadans should do our best to protect the sage grouse from extinction.

Thank you.

NEVADA ASSOCIATION FOR PROGRESSIVE FISH AND GAME LEGISLATION

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March 8, 1971

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Committees on Ecology and Public Resources

FRANK DAVIS

NEIL KEITH

S.B.267

AL RAICHE

My name is Tom Schopfer and I am the representative for The Nevada Association For Progressive Fish & Game Legislation.

The Nevada Association For Progressive Fish & Game Legislation supports S.P.267. We are of the opinion that the meadows and wetlands of this State must be protected from further deterioration. A number of wildlife species are dependent upon the upland meadows, in particular the Sage Grouse. We feel that if the meadows are not protected, a further decling of Sage Grouse population can be expected in the State of Nevada.

We believe that a penalty should be provided for and suggest that a section 2 be added. We urge the adoption of sanctions against meadow deterioration under this act. These sanctions might be that such acts would constitute a misdemeanor, and that the fine for the first offense would be up to \$1,000. A second conviction could provide for a fine of up to \$5,000.

We feel that some provision should be made in the act for injunctive or other summary relief, under which the Fish and Game Department, upon discovery of a condition in violation of the act, could take steps to immediately stop such violation. If the Department could apply for an order which would immediately enjoin the deterioration process or condition, irreparable damage could possibly be avoided. Money damages could be assessed and fines determined at a later time.

It is reasonable to further require that one guilty of causing such deterioration restore the condition of the meadow or wetlands in a reasonable manner in the shortest possible time after the violation.

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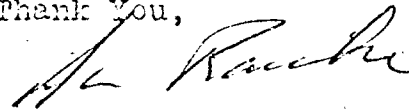
March 3 1971

COMMITTEE ON PUBLIC RESOURCES
NEVADA STATE LEGISLATURE

The Nevada Association For Progressive Fish & Game Legislation supports S.B. 261 dated 2/17/71 and S.B. 296 dated 2/22/71 as written. We feel that they would provide needed guidelines to not only protect our important fish & game resource but the rights of others who may very well be the neighbor down stream, whether he be rancher, miner, naturalist , sportsman , or just John Doe Public.

Our population is expanding at such a tremendous rate, the necessity for preventative legislation of this type grows even faster. If we wait to pass this type of legislation after the damage is done, We will have lost much of what money or even time itself could not restore. Controlled progress is an important thing to all of us , but are we in so much of a hurry that we must destroy the very thing we all depend on to live. OUR OWN HABITAT!

Thank You,



Al Raiche
Director