

Senate

PUBLIC RESOURCES AND ECOLOGY

Joint Meeting with

ASSEMBLY

WEDNESDAY, JANUARY 31, 1973

The meeting was called to order at 3:00 P.M.

Senator Wilson in the Chair.

PRESENT: Senator Wilson  
Senator Blakemore  
Senator Echols  
Senator Bryan  
Senator Young  
Senator Dodge  
Senator Hecht

Mr. Bremner, Chairman of Assembly Committee  
Mr. Crawford  
Mrs. Gojack  
Mrs. Ford  
Mr. Smalley  
Mr. Jacobsen  
Dr. Broadbent

Mr. Mike Harvey, of the Bureau of Land Management,  
Washington, D. C.

Many interested citizens were present, which list  
is attached hereto as exhibit A.

Mr. Wilson introduced the witness, Mr. Harvey. Mr. Wilson informed the interested citizens that the Federal Government owns 86.4 % of the land in the State and 67% of that is under the jurisdiction of the Bureau of Land Management. This meeting was called for the purpose of discussing the Bureau of Land Management land use policy regulations pending legislation and any recommendations they may have for our own control and planning and use of land in this state.

Mr. Harvey, Chief of the division of legislation and regulatory management of the Bureau of Land Management for the U. S. Department of Interior first of all informed the group that there is no such thing as a legislative proposal made by the Bureau of Land Management. These proposals are made by the administration.

The Bureau of Land Management is concerned with legislation in the area of land use. One is what is frequently called the land use policy the other is the act known as the Organic Act of the Bureau of Land Management and is what

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the Bureau calls National Resources Land Management Act. There is legislation pending in the 93rd Congress concerning this Act.

The Administration has not submitted any proposals on this subject to the 93rd Congress, but probably will be and will more than likely be the same as those presented to the 92nd Congress. The Senate Interior committee is holding a meeting next week on land use policy and on February 15 on the Organic Act.

Bureau Land Management Organic Act, or what he prefers to call it is the Organic Act of the National Resource Lands.

There are four major Federal land systems: The National Park System, the National Forest System, the Wildlife Refuge System and the National Resource Land System. The National Resource Land System is larger than all the others put together. It is about 450 million acres or approximately 20% of the United States, much of which is located in the State of Alaska.

The other three systems, the parks, forest and Wildlife systems have basic legislative segments of their purpose as to why the Federal Government has those lands and what the goals and objectives are concerning those lands. They have basic authorities laid out that allow the administrator of the lands to carry out that mission, whatever it may be. This is not true with the National Resources lands and the Bureau of Land Management.

The Bureau of Land Management does not have the authority to grant an individual a right-of-way over public lands to get to his home; it does not have authority to grant certain kinds of sales of land.

Congress recognized the problems with the National Resource lands and a committee recommended substantial changes in the system; a basic system of mission, goals and objectives. The lands are being looked at toward sustaining yield of all their natural resource value; livestock grazing, mineral development, recreation, etc. We ask for coordination with State and local government in order to do these things. We want public participation in the planning and rule making process. We now have authority to accept cash from or to pay cash to an individual for land trade, but land values have to be entirely equal.

We the land use policy is discussed it does not mean that the Federal Government is not going to make use of every acre of land in the United States. We trying to encourage the States to do land use planning in the States Federal

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cash grant program. To encourage the states to set up a comprehensive planning process in the state and to implement that process with a state land use planning program. The Federal cash grant program would continue so long as the state has planning processing and was doing planning. The Administrator has been told to encourage the state to have local government do this planning, but to have the states be able to step in in those areas of critical environmental concern. It is designed to encourage the state to set up a mechanism which could vary to allow the state to actually step in and make the land use decision from a state wide basis rather than a county basis. That legislation will be active this term.

There were two problems with this legislation, one is where or not there should be Federal criteria for planning written into the legislation and the other is the question of sanctions or teeth in the bill. Should the Federal Government more than encourage the states to set up the planning program, should it have a "stick". The "stick" is in the form of the gradual loss of other grant monies that are now available to the states.

Senator Wilson inquired if this meant that the states would experience a gradual loss if it did not plan and the answer was yes, in addition to grants to help the states begin the process.

Senator Wilson inquired as to the Administration's position in this matter and was told that the Administration favors sanctions. The loss would begin about the fifth year after the program got started and would be a loss of about 7% for each of three years or a total of approximately 21% of the monies.

Senator Wilson inquired as to what planning or other land use programs should be created best in the Administration to exercise as the Federal requirements and programs develop so that we would be qualified and avoid the penalty and be able to do those things and be responsive to the Federal program with respect to Federal lands. He was informed by Mr. Harvey to peruse the legislation which had been presented at the last Session because he felt that whatever comes out of the present session will be somewhat similar. The uses were spelled out rather well and that the decision for land use would be left solely up to the States.

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There are some requirements as to what is a planning process. The states must first establish a planning process and then a program to carry out the process. The guidelines for this is in the last session's legislation. This does not require the state to adopt plans for every acre in the state, but only key areas that are regarded as more than local concern. This is set up so that the state can protect critical areas such as the location of a power plant or a major highway interchange.

The states must establish this planning process, the Secretary of the Interior will determine if the states have done this and the states have three years to accomplish this. This includes preparation and a state-wide inventory of the land and natural resources of the state.

This does not include Federal Lands. Federal agencies that administer lands are directed to coordinate their activities with those of the state and the state plans. Upon the call of the Governor of a state, there is a provision set up for a Federal-State joint land use committee.

Senator Wilson inquired if the bill applies only to non Federal lands, or does it also apply to Federal lands as well and was informed that it includes all natural resources of the state whether Federal or non Federal. This law, however, does not authorize the disposal of any piece of Federal property. The agencies would be directed to consider the state land use program as relates to the Federal lands, coordinate there inventory plan and management with state and local inventory planning and management. The Federal agencies would have to notify the states of their planning and coordinating.

Senator Wilson inquired as to stopping the release of Federal land when the states feels that it is not beneficial to have certain lands released as for instance it was in Storey County when certain lands were acquired by Curtis-Wright and a few other similar cases. Mr. Harvey stated that he would think that the Federal Government would not transfer lands if the state or local governments felt that it was not beneficial to public interest.

The question was asked concerning grant monies being available for planning process and whether or not they were also available for the development of the program. The answer was yes.

The question was further asked if this applied to Federal land as well as planning and the answer was yes.

What kind of jurisdiction does the state have to have to satisfy the Federal criteria and what does it not have to do.

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(This was a question asked by Mr. Wilson)

The state could develop only the key areas, or it could have a plan to cover all areas of natural resources and qualify for the Government grant.

Planning programs could be set up in two different methods. One would be for the local governments to set up the program pursuant to the criteria of the state with the state having the power to override any decision of the local government or the other would be for the state to have direct power and set up the planning program and present it to the local governments. The Administration favors the first method with the state having the overriding, veto power.

The question was asked if these were partial grants and the answer was yes, with the Federal Government granting two-thirds and the state granting one-third for the first three years and fifty-fifty for the next five years. The previous question was asked by Senator Echols.

Senator Echols asked if these funds were available for any area. The answer was they were available for setting up the process and carrying out the program.

The question was asked regarding regional planning and direct planning by the state, in this matter, who sets the standards. The answer was the state sets the standards. The state has the power to come in and override the local decision when the state feels that the decision would be adverse to its program. The only time that the Federal Government can interfere is when the Secretary of Interior determines that a state has not designated an area of critical environmental significance that in the opinion of the Secretary of of national concern.

To be eligible for continuing grants a state must be sure that land uses made on non-Federal land do not adversely affect national parks.

Senator Bryan: Now, as I understand it the criteria at this point has not been developed? The answer was yes.

Senator Bryan then pointed out that if the state started a planning program at this point, it may or may not comply with the Federal criteria. Mr. Harvey agreed.

Senator Bryan inquired as to how the state would know how to set up a planning program if it would not comply with Federal standards which, at this point, we know nothing about. Mr. Harvey stated that it was his feeling that the

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Administration only wishes the state to set up some sort of standards and that the Federal Government would not second guess the state.

Within the first three years of the program the Administration will have a map designating certain areas which the Administration feels are critical areas to be considered in this program.

Senator Bryan inquired that if the state would establish a process now of developing a land planning program and then came back in say, two years, and get into the implementation portion of it, would this qualify the state for Federal funding. The answer was yes, that the state would have five years to establish the planning program after the establishment of this act.

Senator Hecht inquired if a problem arose between two agencies such as BLM and Forest Service concerning adjacent lands, would there be any way to coordinate these two agencies. The answer was yes; there is a national land use Board made up of some members of all Federal agencies. This Board is to coordinate all Federal land use agencies. There is also a natural resources proposal being considered which will put all agencies into one department. This should help coordination. There is also a provision for an Ad Hoc Federal-State committee to be set by the Secretary at his discretion or by the Secretary if the Governor of the state requests it.

Senator Young inquired if the money which would be available to the state be available to the state to be used with regard to the planning with respect to the Federal land? Mr. Young stated that one of the things which disturbed him in the past was the inability of the state to make input to the BLM and other agencies who have sought state input. The answer, as previously stated was yes. Planning, to qualify, actually has to apply to the non-federal land, but what is going on in the other lands must be considered. For an example, if the state decides that there should be no livestock grazing on a certain piece land, the Federal government is not required to stop that grazing.

Mr. Knisely presented a map which indicated all privately owned land, and Federally owned land. Mr. Knisely stated that in order to accomplish any reasonable land use in Nevada, it will have to be coupled with land capability and land constraints. He felt the administration should be done from a common base, and the local representatives of BLM and Forest Service would have to be bound by the police powers of the land constraints and land use. Mr. Harvey stated that the Bureau of Land Management was at the present time engaged in a land use planning program and did cooperate with local and state governments. He further stated that if the National

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Resource Lands Management Act is passed there would be a Statutory directive to do that.

Mr. Knisely stated that in his opinion the program should be administered from the approved state planning level. One type of jurisdiction could not be imposed on a private citizen and another on the public.

There is a savings clause in the Act stating that the Federal Government is retaining its sovereignty, but the policy is that it is going to cooperate very closely with the state and local governments. If the land was sold by the Federal Government, then it would be in private ownership and then the state and local governments would have jurisdiction.

Mr. Knisely pointed out that there were many, many acres in Nevada which should never be build upon. That the land should be inventoried and studied. These lands which he was discussing were Federally owned lands.

Elmo DeRicco pointed out that there were many acres of land which go beyond the subdivision use. The area of recreation where title to the land doesn't pass to anyone, yet there is a recreational impact on the environment, such as mining, grazing, etc.

Mr. Knisely pointed out that the (in his opinion) 2/3 - 1/3 dollar arrangement with Federal Government was a lopsided agreement on the part of the state. It should be more like one cent against a hundred.

Mrs. Ford stated that Nevada should do something to start the planning program, in that Nevada has, probably not a unique situation, but different than other states in that its percentage of public lands is probably the highest, excluding Alaska. That Nevada should start its inventory.

The matter was pointed out that the State Legislature would not be in session when the Federal was passed. The question was asked if the state should go ahead and take a chance and pass legislation which might not conform to the Federal Act, or not take a chance and leave the matter at just a loose condition.

It was suggested by Mr. Harvey that the state should take a look at what the state feels is the need for land use planning in Nevada. The matter of conforming to the Federal Act could be taken up at a later time.

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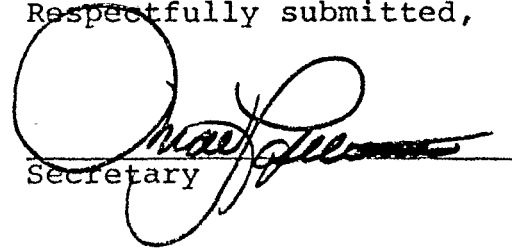
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Senator Echols pointed out that the Federal Government has handed the state an opportunity to govern its natural resources and if a serious plan is presented, he feels that the Government will cooperate with the State. He pointed out that in his opinion, if the state does not do this, we may lose this opportunity for all time.

The question was asked how many states are under the state planning program. The answer was most states had a land use planning program. Some had accomplished this with some Federal aid.

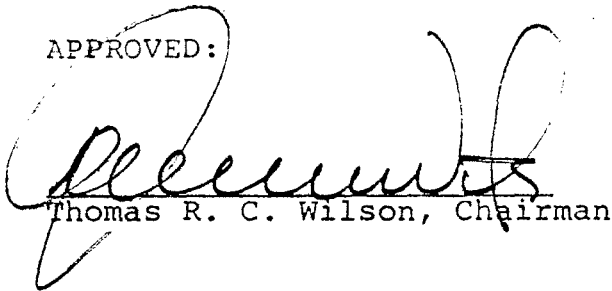
There was no further discussion on this matter and the meeting was adjourned.

Respectfully submitted,



Secretary

APPROVED:



Thomas R. C. Wilson, Chairman



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Dave Rossiter - City of Reno Park Dept.

John ... - Legislative ...

Dept of ... - Wildlife ...

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May ... Assemblyman (D-23)

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