

ASSEMBLY ENVIRONMENT AND PUBLIC RESOURCES COMMITTEE MEETING

MINUTES - MONDAY, FEBRUARY 24, 1975

COMMITTEE MEMBERS PRESENT: Chairman Bremner, Messrs Coulter, Chaney, Jacobsen, Banner, Heaney, Weise, Price, and Jeffrey

COMMITTEE MEMBERS ABSENT: NONE

GUESTS AT MEETING: See attached

The meeting was called to order by Chairman Bremner at 3:15 p.m. Because of the large audience, the meeting was moved to Room 131 of the Senate chambers. Chairman Bremner requested witnesses testifying on AB 98, an act relating to scenic rivers.

Mr. Fred Settlemeyer presented the attached Exhibit "A" in opposition to the proposed legislation.*

Mr. Heaney asked Mr. Settlemeyer how he would be affected by AB 98. Mr. Settlemeyer replied that all diversions of waters would be illegal under this bill.

Assemblyman Joe Dini presented the attached Exhibits "B" and "C" to the committee in opposition to AB 98.

Mr. Gene Milligan, representing the Nevada Association of Realtors, stated that he endorses the testimony in opposition to AB 98 as presented by Messrs Settlemeyer and Dini; that this proposed legislation could have many ramifications affecting the Green Belt areas and conflicting with land tax structures and that he believes the doctrine of eminent domain should not be used in this manner. He also mentioned the additional cost involved in administering this bill. His opposition is not to scenic rivers, but to the bill itself as it is written.

Mr. Dave Boroughf, representing the Toiyabe Chapter of the Sierra Club, presented his testimony in favor of AB 98. (See attached Exhibit "D") He also felt that a scenic river bill would aid the State in reinforcing Federal water quality laws.

Mr. Heaney asked Mr. Boroughf if he was speaking for the Toiyabe Chapter and if a vote had been taken approving his testimony. Mr. Boroughf replied in the affirmative adding that this approval and endorsement was given at an Executive Committee meeting two weeks ago. He added that the membership of the chapter is between 800 and 1500.

* Not included with minutes

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Mr. Dick Masse, formerly of the University of Nevada, spoke in favor of AB 98. He stated that he formerly worked on Scenic River Bills in other states and has seen this type of legislation at work in ten or fifteen states. He felt that land uses presently existing in Nevada could work in conjunction with this bill. He suggested that under Section 5, the areas be designated to conform to the Federal system which Nevada may someday be interested in joining. He also suggested a moratorium to allow for study of rivers and designated areas and time to gather all pertinent information.

Mr. Delbert Reese, Chairman of the Environment and Water Committee of the Nevada Cattleman's Association, presented Exhibit "E" in opposition to AB 98.

Mr. Bob Warren, representing the Nevada Association of County Commissioners, stated that the counties were unanimously opposed to AB 98 because of the impact it would have on rural areas. The cities reactions were mixed; those with recreational, agricultural and mining activities opposed it also. He felt this bill would entail major administrative problems and suggested that a clause be added giving counties and cities authority to enact their own regulations to protect their own rivers rather than be under the control of the State. He suggested more study be made before any action is taken on the proposal.

Chairman Bremner asked Mr. Warren to submit a written form of his testimony.

Mrs. Vivian Christensen, also testifying in opposition to AB 98, stated that she has worked many hard hours for her land along the Truckee River and that it would be very adversely effected if this bill is passed. She stated, "All rivers are very precious in Nevada and we are trying to preserve what little wildlife is left around. I hope that this bill doesn't succeed." Mr. Heaney asked Mrs. Christensen for the location of her property which she stated is near the Orchard Exit of Highway 40-80 outside of Reno near Fernley.

Mr. M. Douglas Miller of the Nevada Advisory Mining Board and President of the Prospectors and Miners Association with 4,000 members in the State advised the Committee of the care with which his organization operates and stated that AB 98 will only encourage Federal government intervention and suggested that the Committee "just kill it while the bill is in committee". As a member of the Nevada Advisory Mining Board, he concurred with previous opponents to the bill.

Mr. Roland Adams, Douglas County Manager, read a resolution from his County Commissioners opposing AB 98. (See Exhibit "F") He was

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followed by Andrew MacKenzie, attorney, speaking on behalf of the directors and stockholders of the Walker River Irrigation District in opposition to AB 98. (See exhibit "G") There was discussion between Mr. Weise and Mr. MacKenzie concerning the "property right doctrine" and vested property rights. Mr. MacKenzie suggested that the proposal might be unconstitutional.

Theodore J. Schroeder, representing clients with property abutting the Truckee River, stated that he felt the Legislature should spend more time implementing help for the unemployed citizens of Nevada. He felt that funds which would be required to maintain the scenic river system as proposed in AB 98 could be more beneficially expended in improving the economy with 26,500 or almost 9% unemployed in Nevada. He also stated the bill infringes on constitutional rights, overlooking the due process of law.

Mr. Bob Alcar, representing the Nevada Mining Association, stated that AB 98 would be extremely detrimental to the mining industry and would "state-erize" more property than is already owned by the Federal government. Diversions of waters could also be very expensive as to power, etc., having to avoid designated scenic areas and the bill contains no appeal procedures. He continued, saying that any land in Nevada not under Federal control could be placed under State control. He urged, do not pass.

Assemblyman Getto placed into evidence Exhibit "H" a letter from Mr. Jim Wood, Project Manager, Secretary-Treasurer, of the Truckee Carson Irrigation Project in Fallon, Nevada also opposing AB 98 until more time is given to studying the plan as proposed.

Mr. Dallas Byington, a rancher in Carson Valley, speaking also in opposition to AB 98, felt the measure was a step toward socialism and felt that in Section 13 where no buildings are allowed to be constructed within 15 miles of a designated river the proposal is very unrealistic. He pointed out that the Carson River can be seen from everywhere in Carson Valley.

Mr. Robert A. Kimmerling, a land owner and rancher in Carson Valley, stated that he opposed AB 98 both because he felt the bill too broad and disapproves of taking private land and placing it into the public domain. He also mentioned that Carson River is not a wild river.

Mr. Matt Benson, representing the Heritage Land & Cattle Company, felt that AB 98 would not help the cattle industry; that the bill's definition of a free-flowing river is inaccurate because all the rivers mentioned have been dammed for many years.

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Mr. John Schlink suggested to Chairman Bremner that since there was so much opposition to the bill, perhaps the committee could take a "straw" vote on the bill from the audience. Mr. Jacobsen moved that AB 98 receive no further consideration. His motion was seconded by Mr. Coulter and unanimously passed by the Committee.

Chairman Bremner called a ten minute recess.

The meeting reconvened at 4:45 p.m. Mrs. Jane Myles, representing the Nevada Archeological Association, presented testimony to the Committee in favor of AB 210. Her testimony is attached as Exhibit "I".

Mr. Don Fowler, Director of Western Studies at the Desert Research Institute, informed the Committee that the University and State museum have a strong obligation to retain historic relics and artifacts in Nevada and that it is necessary for the various state agencies such as parks and natural resources to meet the requirements for Federal legislation. AB 210 places strict requirements on anyone dealing in archeology and will provide a coordinated plan for Nevada. It will also facilitate survey contracts by keeping the work in Nevada instead of going to California as it has in the past; it will also lead to an all-state resource bank of archeological objects. Exhibit J

Mr. Heaney asked Mr. Fowler if we come close to or are near to jeopardizing funds because we do not meet Federal requirements. Mr. Feller stated that this was his understanding.

Mrs. Myles brought to the attention of the Chairman and Committee packets of information prepared by the Nevada Archeological Survey, the Nevada State Museum and the US Department of the Interior.*

Mr. Robert York, State Director for the Bureau of Land Management, stated that he wholeheartedly endorses AB 210 for the same reasons as those given by Mr. Fowler; that 65% of the land in Nevada is federally owned and nothing can take place on it without some archeological clearance; that Nevada is in desperate need of authority to handle the survey contract work. He also advised the committee that the Bureau had only one archeologist five years ago, but now employs 26 archeologists nationwide. He is the only Bureau archeologist in Nevada and challenges the State Legislature to support this field at least to the extent provided by the Federal government.

Mr. Weise asked if impact surveys and studies are paid for by the lessee. Mr. York stated that they are and that the State of Nevada could recover any survey costs incurred. Mr. Heaney pointed out that since Nevada has a resident US archeologist, there must be sources of archeologist interest here.

*Can be seen in secretary's office.

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Chairman Brenner said more items would be added.

Mr. Weise moved to adjourn and Mr. Jacobsen seconded the motion. The meeting was adjourned at 5:10 p.m.

Respectfully submitted,

PHYLLIS BERKSON, Secretary

AGENDA FOR COMMITTEE ON ENVIRONMENT & PUBLIC RESOURCES

22

Date Mon., Feb. 24 Time 3:00 p.m. Room 214

Bills or Resolutions
to be considered

Subject

Counsel
requested*

AB 98

Referred

An act relating to scenic river areas; enacting the Nevada Scenic Rivers System Act; establishing a state scenic rivers system and providing for designation of river areas for inclusion therein; providing for administration of the system by the administrator of the Nevada state park system; establishing an advisory committee; providing penalties; and providing other matters properly relating thereto;

AB 210

An act relating to the Nevada archeological survey; establishing the survey; providing for its organization, functions, housing, staffing, membership, contracts and publications; providing for intergovernmental cooperation; providing definitions; making an appropriation; and providing other matters properly relating thereto.

GUEST LIST - MONDAY, FEBRUARY 24, 1975

Don D. Fowler	Nevada Archeological Survey
Robert York	Bureau of Land Management
Dick Masse	University of Nevada
Dave Boroughf	Toiyabe Chapter, Sierra Club
Sue Stetson	Flying M Ranch, Yerington
Joe Stetson	" " " "
Robert Warren	Nevada League of Cities
Robert W. Millard	Murray-McCormick Env. Grp.
Carl A. Soderblom	Nevada Railroad Assn.
Fred Davis	Greater Reno Chamber of Commerce
Gene Milligan	Nevada Assoc. of Realtors
Robin D. Morgan	League of Women Voters, Nevada
Don Jackson	Allran Ranch, Dayton
Joe Chaves	Dayton
Carl W. Kidman	Rancher, Gardnerville
Mr & Mrs Robt Chicester	Gardnerville rancher
Mr & Mrs Jas Hussman	" rancher
Gordon H. DePaole	Depaoli Bros Land & Livestock
Ted J. Schroeder	attorney for Henry Weaver Trustee
Pete Kelley	Nevada Retail assn.
Wallie Warren	Sierra Pacific Power
Tom Young	" " "
Chuck White	Nevada Farm Bureau
Gary Sayer	U S Forest Service
James & Adelaide Simms	
Dee Artlip	Thisbe Ranch
M. Douglas Miller	Advisory Mining Board
Delbert Reese	Nevada Cattlemen's Association
Robert Warren	Nev League of Cities
Roland Adams	Douglas County Manager
Fred Settlemyer	rancher
Ed Sarman	land owner
Robert A. Kimmerling	land owner
Garry D. Stone	Douglas County Commissioner
Ugo Giorgi	Walker River Irrigation District
Lester M. Favian	" " " "
Florence P Marsh	land owner
Edith Schlink & John	" "
Ted J. Schroeder	attorney
Andy MacKenzie	Walker River Irrigation District
Vivian Christensen	
Bob Alkire	Nevada Mining Association
J P Christensen	
Mr & Mrs. Morny	
George Wennholt	rancher - Gardnerville
Harry Wennholt	" "

GUEST LIST - Assembly Environment & Public Resources

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page two

Matt Benson	Heritage Ranch, Gardnerville
Dallas M. Byington	rancher
Louis Bergevin	rancher
Louie Venturacei	rancher
Randy Venturacei	rancher
Kay Winters	Santa Maria Ranch, Dayton
John Winters	" " " "
D. A. Anderson	
Jean Myles	Nevada Archeological Association
Don Fowler	Desert Research Institute
Don Tuohy	Curator, Nevada State Museum
Bob Elston	Nevada Archeological Survey
Mary Rusco	Archeologist State Museum
Bob York	Bureau of Land Management
John Koontz	Nevada State Museum

February 24, 1975

Assembly Environment Committee

AB 98 Nevada Scenic Rivers System Act.

Mr. Chairman and members of the committee:

Please allow me to give you my comments on AB 98 as it is presently written. You must of course understand that I represent farmers, land owners, and the general public along three of Nevada's most popular rivers, the Carson, Truckee and Walker Rivers.

My constituency has become very alarmed with the introduction of AB 98 and with its possible intrusion on individual rights as to being able to own and manage property in the best interest of one's social and economic well being.

Let us digress to the bill itself:

Lines 9 through 18 on page 1: This statement in the bill says the past policies of the State of Nevada of constructing dams for flood control and flood irrigation should be disputed and these policies which have created employment as well as providing the state with one of its largest tax bases should be curtailed. This is a long way from 40 years ago when agriculture was Nevada's number 1 industry, long before the tourist and gaming ever got here.

Page 1, Line 22 and Page 2, Lines 1 through 5: In my opinion would supersede present water laws and interfere with adjudicated water rights granted by the federal government and the State of Nevada.

In Section 4, page 2 the definition of River is too broad and and could undoubtedly encompass every water source along all the rivers, many of which are privately owned.

Page 2, Line 15: Scenic easement is certainly broad language which in the future could be detrimental to all property owners along these rivers.

Page 2, Line 33: Pastoral River area: This language would indicate that a property owner could not post a no trespassing sign on his property and keep offenders off. One of our most cherished rights is to protect our property against possible offenders and to enjoy it for ourselves first.

Page 2, Lines 41 and 42: "water quality which could be upgraded". Allow me to inform this committee that the Environmental Protection Agency in Washington, D.C. has already made stringent rules, such as putting all irrigators on a permit basis for return flows to the rivers, thus guaranteeing, if this is not modified by Congress, the eventual abolishment of agriculture in Nevada or seriously impairing its ability to make any money. The key question is who is going to pay for a process to clean return waters before it goes back to the river.

Section 6. Designation of Rivers.

The Carson, Truckee and Walker Rivers are interstate waterways which have two state controls as well as government adjudicated water rights and control. In my opinion it would be impractical and completely outrageous to pass this act affecting the waters and rivers in this state's boundaries without the same being done in the other state. At the same time, water rights adjudicated by Federal courts would be affected and would take much legal action to change the adjudications which would be nearly impossible. It would probably not be in our lifetime.

Section 7, Page 3: This language: the future construction of such roads or other structures within components of the state scenic rivers system is not authorized or encouraged by this section. I ask of you how about flood control dams which are needed, or small reservoir construction which is being contemplated downstream on many of the rivers to do a better job in use of the water for irrigation thereby conserving water in a water-short state? In effect, with this language, you would be stifling development of water conservation systems.

Section 8: This could seriously handcuff city and county recreation development with the clause "in the case of conflict the most restrictive provision shall apply". What local entity would put good taxpayers money into a project and then have the state act come by and make the rules more restrictive?

Section 11: This section for others to make studies regarding river areas to be designated for inclusion in the scenic rivers system will see hundreds of groups getting in on the act and the state being flooded with studies. Studies should be directed if they are going to involve such a far reaching subject as this to the Legislative Commission or its subcommittee or to the Legislature during the session.

Page 4, Lines 3 - 5: Eminent domain on lands or waters is a very broad power which could seriously infringe on a man's right to the use of his property in the best manner for his own betterment.

Section 14:

1. Natural river areas will be managed so as to preserve their wilderness character. Additional access should be limited to trails, and waters should be kept unpolluted.

I say to you that we don't need any more pollution control legislation along the rivers, and any way, do you want to put diapers on the wild animals and cattle?

Access roads are needed for persons owning the property so that they can develop it.

2. Put management of pastoral river areas in general accordance with that of state parks. If you want to have something go backward as far as productivity is concerned, leave that one in there.

(a) No buildings may be constructed within view of the river or its banks is too broad.

(b) Water quality should be maintained or improved, again I say there is too much regulation on this now.

Page 5, PP 3. This language is too broad.

Section 15:

1. Mention is made of mineral development and I feel that this would injure Nevada's mineral industry which is so vital to the state of Nevada economically and to our nation to develop our own sources of minerals so that our reliance on imports is cut down.

2. The administrator has the veto power over a farmer or a cattle man as to whether his long-established practices would be allowed to continue. It is unwise at this time. Farming, and especially cattlemen are in a depressed industry.

Section 16:

Unclear as to its purpose.

Section 18:

This is unnecessary as it is being done doubly now.

Section 19:

This section would be the beginning of the Federal Government taking over all of Nevada's Rivers and its waters.

It would seem to me that presently, local governments can, through zoning designate such areas and could be designed to accomodate the various attitudes and industries involved in the particular locality. I have serious reservations about the entire concept of the bill and its effects on potential development and use of waters of the rivers specified in the bill. I am also concerned about any provision to encourage or endorse federal administration of water. Also, I think it imperative that Nevada exempt rivers which flow between two states until both states take the action in cooperation and agreement to identify the river in toto as a scenic river. It would be self-defeating to have only one-half of a river designated, where the other one-half is in another state and might not be designated. Especially in the pollution area, where upstream users could cause a problem and downstream would be mandated to clean it up. You must also realize the serious expense involved in undertaking such a project as this as purchasing key lands along 6 state waterways and implementation of a comprehensive program that restricts certain land uses adjacent to the river banks.

I respectfully submit to this committee that this legislative session is in no position at this time to undertake such a project, especially because of the economic conditions in Nevada and the rest of the country, and I would urge you to consider other important legislation before you, rather than this bill.

Joe Dini

TO: Joe Dini
FROM: Larry Bernard, Intern
SUBJECT: A B 98

P.H.C

1-34

The Department of Conservation and Natural Resources memo outlines the positions of various department heads. It also includes one further suggestion, that the responsibility of the act be placed in the State Land Use Planning Agency.

The memo from Roland Westergard, State Engineer, is not clear on the possible conflicts with Nevada Water Law. He might be needed to clarify these points.

Paff, Division of the Colorado River Resources, points out reasons why the bill should not include the Colorado River. The reasons presented were the bi-state nature of the river, the man-made developments put in the river by the Bureau of Reclamation, and the development along the Arizona side of the river. Possible conflicts on other rivers are the following:

- 1) Virgin River--The river has a sandy bottom and is plagued by periodic flooding. Further controls are needed to control the flooding.
- 2) Walker River--Sections of the East Walker around the Ivey Ranch might be developed by WRID to control the flow of water. This would allow for better flow control than is now possible from the Bridgeport Reservoir.
- 3) Humbolt River--Here there also exists possible conflicts with future dam and flood control projects.
- 4) Carson River--Need for diversion structures in river to prevent floods.

The flood control region for the Truckee River is located in California. There are no conflicts with respect to flood control. /-35

The Division of State Lands memo from John Meder expresses concern for the expenses and complexities of the bill.

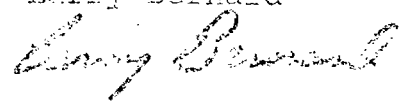
Mr. Cronkite of the Division of State Parks points out provisions that will be needed in order for the bill to be eligible for matching federal funds.

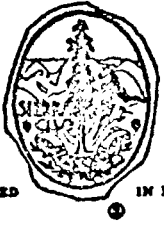
In my view the goals envisioned by A B 98 would best be fulfilled in one of the following ways. First, the suggestion of John Meder's to approach the measure in phases is sound. With definite boundaries, concrete implementation needs, and costs from the proposed phase 1, the areas then could be looked at with greater care. The legislature would also retain the right to selection instead of passing that responsibility to the administration unit created by the act.

Second, in my talk with Mr. Hall, Conservation and Natural Resources he pointed out that areas could be designated by local governments through zoning. This would alleviate the need for the bill or action by the state.

Third, if the action is going to be by the State, the State Land Use Planning Agency should have the responsibility. This would allow greater leeway when other interests such as agriculture are concerned. State Parks would be primarily concerned with recreational interests.

Larry Bernard





SIERRA CLUB

Toiyabe Chapter - Nevada and Eastern California

Statement of Dave Boroughf concerning Assembly Bill 98, Nevada Scenic Rivers System Act, before the Assembly Environment and Public Resources Committee on February 24, 1974

Thank you. The Toiyabe Chapter of the Sierra Club encompasses the entire state of Nevada as well as eastern California. Its members are active in conservation throughout that area and have grown to appreciate the subtle as well as the outstanding beauty of our desert lands. Among the latter, of course, are Nevada's rivers and streams. From the clear, blue waters of the Truckee near Lake Tahoe to the simple mountain streams that appear, disappear and reappear again over courses that change with the season, these waters are perhaps the most important link to life in the desert. They are often breath-taking and spectacular, as in the canyons of the Owyhee or the rapids of the Colorado. They are always welcome sights to this desert walker, and more than once have helped him through tight spots. Of course, the major streams provide untold recreational values, like fishing and hiking. The thrills and spills of river-running are certainly a major asset of these wild waters.

The sport and recreational benefits of wild rivers are fantastic, but highest on the list are the scientific and cultural values. When a free-flowing stream in Nevada is altered, a significant part of our natural heritage is lost. These rivers played such an important role in Nevada's biological, geological, and archeological history, most of which has yet to be deciphered. And who can doubt that with Nevada's growth rate nearing 6% annually, these rivers are truly endangered. There are dams existing on or planned for all six rivers identified in the Act. Agricultural and culinary uses are becoming increasingly intensive, assuring that only bona fide may claim this "commodity." So if the wild character of free-flowing streams is to be maintained, they must receive legal recognition. It is with great satisfaction that the Toiyabe Chapter supports this Act and we commend the Assemblyman who had the foresight to sponsor it.

The following changes are suggested in the hope that they will assure adequate review and protection of Nevada's river resources.

- 1) Section 6
We suggest adding the various tributaries of the Bruneau and Owyhee Rivers in northern Elko County to the initial study list. These rivers drain several hundred miles through Oregon and Idaho, emptying into the Snake River.



FOUNDED IN 1892

SIERRA CLUB

EXD
1-37

Toiyabe Chapter - Nevada and Eastern California

That portion of the Bruneau River north of the state line is currently being studied for inclusion in the national system of wild and scenic rivers. Designation of Nevada's portion would give added meaning and protection to this tremendous resource. A trip through the canyonlands of the Owyhee River is an unforgettable experience. In places the rim is 1500 feet above the water, obscuring the sun for all but the noon hours. Both rivers cross some of the most undisturbed country in the state. There isolation, plus their intermittent flows and the nature of the landscape make them more characteristic of Nevada than some of the rivers on the list.

2) Section 9

We support the concept of an advisory council to the administrator. It's role is vital to continuous public input. We suggest that the director be given 90 days after passage of the Act to designate the council's membership.

3) Section 13

The administrator is given one year following identification of broad river areas to produce final specific recommendations on these candidate rivers to the Legislature. It is then up to the Legislature to classify these components. We appreciate the reasoning behind legislative review and decree on each separate proposal, but the process can become tediously slow unless the governing body is under some sort of timetable. We suggest that such a clause be added, not necessarily one that requires Legislative decision at a fixed time but one that assures the tremendous energy spent by the administrator and advisory council will be appreciated during the rush of the session immediately following issuance of their recommendations.

4) Section 14

We recommend that the wording on line 22, page 4, reading "insofar as practical," be deleted. In developing management regulations, the administrator must be bound to follow both the letter and spirit of the Act. The existing language allows too much room for misinterpretation.

WE ALL KNOW CONSERVATION OF NATURAL RESOURCES IS OF THE UPMOST IMPORTANCE TO OUR COUNTRY. THE NCA'S DEEPEST CONCERN IS THE SAFEGUARDING OF ITS AGRICULTURAL LANDS AND WATER RIGHTS AND, THEREFORE, ITS ABILITY TO MAKE A LIVELIHOOD AND IN RETURN PLAY A MAJOR PART IN FEEDING THE NATION. THE NCA FEELS THAT IT IS SERIOUSLY JEOPARDIZED BY AB 98 AS IT NOW STANDS.

~~THE NCA FEELS THAT AB 98 NEEDS DEFINITE CLARIFICATION~~ IN BOTH THE CLASSIFICATION AND MANAGEMENT OF AGRICULTURAL AREAS. AS THE DEFINITION OF PASTORAL RIVER AREAS STAND NOW, ^{and} WITH THE CONTINGENT MANAGEMENT SAID AREAS FALL UNDER, WE ARE LEFT WITHOUT PROTECTION FOR OUR BASIC RIGHTS AS A LAND OWNING, TAX PAYING CITIZEN.

AB98 DOES NOT PROVIDE ANY PROTECTION FOR A RANCHER'S VESTED WATER RIGHTS OR FOR THEIR FEE LAND. THE PROVISIONS AS RELATED TO AGRICULTURE ARE AMBIGUOUS AND EVASIVE.

NEVADA RANCHERS ARE NOW COMPLYING WITH THE RULINGS OF THE EPA FOR ENVIRONMENTAL PROTECTION, BUT WE DO NOT FEEL THAT AB98 OFFERS ANYTHING FOR US BUT AN ENCROACHMENT UPON OUR RIGHTS.

THEREFORE, WE SERIOUSLY OPPOSE THE INCLUSION OF AGRICULTURAL LANDS UNDER THE JURISDICTION OF AB98.

*Delbert Rouse
 Chairman Environmental & Water Committee
 Nevada Cattle Raisers Assoc.*

WHEREAS, the Douglas County Commissioners at a special meeting held on February 24, 1975, reviewed and considered Assembly Bill No. 98, presently pending before the Committee on Environmental and Public Resources of the Nevada State Legislature,

WHEREAS, the Douglas County Commissioners desire to preserve the scenic river areas of Douglas County, and further desire to preserve vested property rights and resources in Douglas County,

WHEREAS, after consideration of Assembly Bill No. 98, the Douglas County Commissioners have determined that it would not be in the best interest of the citizens of Douglas County for the Nevada Legislature to enact Assembly Bill No. 98 without extensive revisions and modifications, particularly in light of Section 14, subparagraph 2, which, because of the broadness of language, could detrimentally affect a substantial portion of property in the Carson Valley portion of Douglas County,

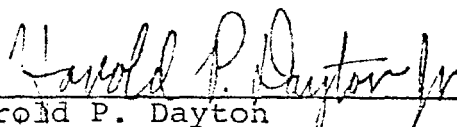
WHEREAS, the adoption of Assembly Bill No. 98, and particularly Section 19 thereof could lead to the control of our scenic river areas by the Federal Government, and

WHEREAS, no studies have been made available which would show the economic impact of Assembly Bill No. 98 nor the monetary expenditures required for the implementation and operation of the programs set forth in Assembly Bill No. 98,

NOW, THEREFORE, BE IT HEREBY RESOLVED:


1. That the Board of Commissioners of Douglas County urge the Nevada State Legislature to defeat Assembly Bill No. 98, and

2. That the Committee on Environmental and Public Resources be directed by the Nevada State Legislature to conduct impact studies and/or such other scientific studies and evaluations as may be necessary to determine the feasibility and advisability of the adoption of any legislation relating to the control of scenic river areas consistent with existing land uses and to report such findings to the 1977 legislature.



 Harold P. Dayton
 Chairman, Douglas County Commissioners

ATTEST:



 Matt Bernard
 Clerk to the County Commissioners

Effective: FEBRUARY 24, 1975

My name is Andrew MacKenzie with the law firm of LAXALT, BERRY & ALLISON, appearing here today on behalf of the directors and stockholders of Walker River Irrigation District. My testimony will be directed to Assembly Bill 98 which proposes to enact the Nevada Scenic River System Act. The Walker River Irrigation District is vitally interested in this particular piece of legislation because of its possible limitation and detrimental effect upon the administration by the District of the irrigation systems on the Walker River.

The Directors of the District wish to emphasize that they historically have been and still are concerned with the preservation of the scenic, recreational, geological, fish and wildlife, botanical, historical, archeological and other scientific and cultural values of the Walker River. However, they cannot agree with the approach taken by the proposed A.B. 98 to preserve these values in that the regulatory system to be created is endowed with too extensive and conflicting powers in proportion to the amount of public hearings prior to the granting of the powers.

The District presently has 6 diversionary dams for irrigation purposes on the Walker River. These diverted waters are used for agricultural purposes in Smith and Mason Valleys. These dams require continued maintenance and repair by motorized vehicles and equipment. Additionally, to fulfill the needs of the farmers served by the District the construction of additional storage and diversionary systems is being planned.

EX. G
40

A.B. 98 as constituted could, and probably would, interfere with the orderly maintenance, repair and development of the irrigation systems on the Walker River, some of which have existed prior to the turn of the century. Access to the river by motorized equipment is vital to the District and this could be virtually eliminated if particular sections of the Walker River were designated as components of the state scenic rivers system.

The fears of the Directors of the District to this type of legislation, if hastily adopted, derive from the experience of sister irrigation districts who have had their diversionary and storage systems included within "Wilderness Areas" by Federal legislation. Such inclusion has precluded the use of mechanized equipment to clear channels and perform other necessary repairs. This has contributed greatly to the deterioration of the affected systems causing undue hardship on the downstream users.

Most importantly in proposing legislation of this nature the resulting conflicts with existing agencies and entities should be carefully considered. Walker River Irrigation District is a Quasi-governmental agency possessing powers similar to those powers to be granted to a state agency by the subject bill, i.e. power of eminent domain. Most recently there has arisen a conflict between the Walker River Irrigation District and Department of Fish and Game which has prompted the introduction of legislation in this session to resolve the head-on conflict.

The Walker River is an interstate waterway and as

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such is subject to interstate and federal regulation. The river has twice been the subject of federal court decrees allocating the use and control of the water. The decrees are still operative and any attempted regulation as proposed in A.B. 98 would bring about federal intervention as the U.S. Federal Court in its decrees has retained the jurisdiction over the control and use of the water in the river.

The Directors of Walker River Irrigation District would submit that before any type of legislation as A.B. 98 is adopted that careful and thorough consideration should be given to the resolvment of the conflicts as outlined. Such consideration cannot be accomplished within the hearing time allocated for this bill nor the one or more public hearings prescribed in the proposed legislation.

Some water rights as decreed to the Walker River have been vested for over a hundred years and any attempt to collaterally regulate them would affect hundreds of down stream users. Such a hasty attempt at control would be devastating to the economies of Smith and Mason Valleys. The resulting confusion from state and federal court intervention would be a waste of valuable time and resources.

We would submit that any action on A.B. 98 be deferred until all factions effected by such legislation be allowed to respond. It would be to the benefit of all the people of Nevada if a careful and logical approach was made to resolve the conflicts before they occur. . . A.B. 98 as proposed does not provide for this.

EX. F
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THE FOLLOWING LETTER IS A COPY OF A LETTER TO VIRGIL GETTO,
ASSEMBLYMAN FOR DISTRICT 37, FROM MR. JIM WOOD, PROJECT
MANAGER, SECRETARY-TREASURER, OF THE TRUCKEE CARSON IRRIGATION
PROJECT, IN FALLON, NEVADA)

February 24, 1975

The Truckee-Carson Irrigation District has made a study of A.B. 98, the Scenic Rivers System Act, and would like to make the following observations.

The Administrator is given absolute control of the administering of this Act and we feel that some controls should be had to have more input from the general public.

The Director appoints the 15 man Advisory Counsel which we feel allows the Administrators of this Act to assure themselves of its complete control. We believe the Act should be changed to allow for the appointment of the Advisory Counsel by the Governor of the State of Nevada. We also would suggest that the makeup of the Advisory Counsel be determined as to the various interests that might be involved on the rivers.

We would think it advisable that any major irrigation district on any of the rivers should have representation on the Counsel as well as other agricultural interests, and feel this should be spelled out in the Act.

There are several points that concern us that are wholly neglected in the Act, and one of these is as to how the Act would affect existing water rights on the rivers and if this Act in itself would give control of the flows of water to the Administrator.

PAGE TWO

As you know, the T.C.I.D. uses portions of the Truckee and the Carson Rivers for transportation of irrigation water and we must be concerned as to how this Act might affect the flows of these rivers. We believe from reading the Act in total that considerable more study and detail must be worked out before the Act could be acceptable to the general public.

JIM WOOD
PROJECT MANAGER, SECRETARY-TREASURER
TRUCKEE CARSON IRRIGATION DISTRICT

STATEMENT OF MRS. JEAN MYLES, NEVADA ARCHEOLOGICAL ASSO.

The Nevada Archeological Association, a group of concerned amateur and professionals in Nevada, grew from interests and friendships such as mine. It was designed to promote legislation to support a strong archeological survey program for Nevada. Every qualified and involved archeologist within the State stands behind this program.

With the passage of laws concerning land use and site surveys, the need for archaeological preservation has been recognized and public support has grown all across the country. The controversial pipe line coming through the State will provide many hours and miles of work; highway programs will and are doing the same. An inter-agency State program can provide instant and in-state service, keeping both resource materials and monies paid by the oil companies within the State.

Adjoining states have strong survey programs and long have used Nevada as a vast field school, taking resource and study materials home, as well as contract monies supplied by work done within Nevada. Several persons in California have voiced strong objection to any kind of coordinated survey program in Nevada, which would indeed curtail outside work done in Nevada.

The Nevada Archaeological Association met in November and a committee of four members were charged to contact all persons and agencies necessarily working with archeology and gather their ideas and support, with the object of preparing a strong supportive bill for the survey program.

I am not here to answer questions, but to introduce those who are. Excepting for Dr. Sheilagh Brooks of Las Vegas, the members of that committee are here to answer your questions. Dr. Don Fowler of the Desert Research Institute, Don Toughy, curator of Anthropology at the Museum, and Robert Elson, present director of the survey program. Mary Rusco, archaeologist with the museum; Bob York, State Archeologist with the Bureau of Land Management, and John Koontz, director of the museum are also ready to answer questions you may have concerning the survey program and its interrelation with the university and museums systems and other state agencies.

Jean Ford, by the way, apologized for not being here to state her support of the proposal. She had another committee that she had to attend. We hope that you will question and listen and the much needed state support for those professional people who have been working with the existing survey program with minimal support over the past few years.

DESERT RESEARCH INSTITUTE

University of Nevada System

Western Studies Center

Building 3700 - Stead Campus
Reno, Nevada 89507
Phone: (702)972-1658

February 28, 1975

Mr. Roger Bremner
Nevada State Assembly
Rm. 126 Legislative Bldg.
Carson City, NV 89701

Dear Mr. Bremner:

The following are the major points of my testimony before your committee in relation to A.B. 210 to establish a statewide archeological survey.

1. The historic and prehistoric heritage of the State of Nevada requires protection, preservation, study and interpretation for the benefit of the citizenry. The Survey will play a major role in this effort.

2. There is a definite need for an established Survey to aid state agencies, such as the Highway Department, Conservation and Natural Resources, etc. in meeting the requirements of Federal legislation regarding the management and conservation of cultural resources.

3. An established Survey will provide:
a) a coordinated archeological program for the State;
b) permit the development of a state-wide data bank to aid in meeting certification requirements regarding cultural resources;
c) provide a mechanism for coordination of research and mitigation efforts between the State and various Federal agencies;
d) provide a means of keeping contracts for archeological and historic research within the State, rather than having them go to out of state organizations.

If further information is needed, please feel free to call upon me or other members of the Survey.

Sincerely,

Don Fowler

Don D. Fowler
Research Professor of Anthropology

DDF/as