

Senate

COMMITTEE ON

ENVIRONMENT AND PUBLIC RESOURCES

March 3, 1975

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Senator Thomas Wilson was in the chair.

PRESENT: Senator Thomas Wilson
Senator Carl Dodge
Senator Gary Sheerin
Senator Richard Bryan

ALSO PRESENT: Senator Clifton Young
Senator Floyd R. Lamb
Mr. Bode Howard
Mr. Roland Westergard, State Engineer
Mr. Bruce L. Rice
Ms. Micko E. Spahr
Mr. Walter Muldally

The meeting began at 1:05 p.m.

A.B. 162: Expands the size and responsibilities of the Nevada junior live-stock show board. Fiscal Note: Yes. BDR 50-122.

Assemblyman Bode Howard testified in favor of A.B. 162. He said the bill would bring in two more people from the agricultural industry, which will be the sheep and dairy industry. He said there is an appropriation of an additional \$2,500 to be allocated to this board to manage the affairs of the board. He said this board only considers the activities of the children under 19, in 4-H activities. He said last year they had over 1500 kids involved in the horse show alone. The 4-H wants to expand this to the sheep and cattle and dairy industry. By so doing, this is the reason for putting the two additional members on the board. This bill prescribes ways that people over 19 may be in specific programs, providing they have been an active member of 4-H in the past and have specific programs to become involved in. Senator Wilson named the people that are on the board now. Senator Bryan asked Mr. Howard where the fiscal note was and Mr. Howard said it was included in the budget. Senator Lamb mentioned that there was \$5,000 in the budget.

Senator Bryan made the motion that the bill receive a do pass and re-refer to the Senate Finance Committee.
Senator Dodge seconded the motion.
Motion passed unanimously.

S.J.R. 9: Memorializes Congress to authorize establishment of preserves for free-roaming horses and burros and to permit the purchase of public lands and grazing privileges to assist in the establishment of such preserves. (BDR 998).

Senator Clifton Young testified in favor of the bill. Senator Young said that we do have a mustang problem in the state because there are about 20,000 wild horses and they range over 25,000,000 acres. They are increasing at rates estimated at around 20 percent by the BLM. As a result of a law

passed in 1959 which prohibits the use of airplanes or mechanical devices to round up mustangs, it has become almost impossible to control their numbers. A law passed in 1971, the wild and free-roaming horses and burros act, mandates the government to provide the protection for these animals. The government can capture them, but cannot convey title. It can convey the horse to someone as trustee to keep it. In the state of Nevada, the mustangs consume about 300,000 AUM's a year, out of a little less than 2,000,000 that are available for livestock. There is no allocation presently for mustangs, but they do create a potential problem. There is tremendous conflict between the mustangs and wildlife and competition between mustangs and livestock. Mustangs have the capacity to range further from water and where they exist in great numbers they create a great hazard to the foilage. It is felt by many people that the best way to handle the mustangs is to create preserves. If preserves could be established and fences, it would be easier to manage them. There would be no conflict between mustangs and livestock. This resolution would recommend to Congress that they create preserves, that they authorize the purchase of grazing rights and base land in these preserves so that we could protect and manage mustangs. Senator Wilson asked Senator Young to explain what an AUM is. Senator Young said it means "animal unit month." A mustang eats about one and a quarter AUM's per month. 20,000 mustangs will consume about 300,000 AUM's a month. They compete directly with cattle, although they do eat some browse, more than cattle will. Senator Wilson asked how S.J.R. 9 related to S.J.R. 10. Senator Young said it was complimentary. It would allow congress to modify the act of 1959 to permit the use of airplanes or mechanical devices by the government under close supervision for the purpose of rounding up and controlling the numbers. It would also permit the utilization or transfer of rights of mustangs. Now mustangs can only be assigned in trust and the government can now go out and shoot mustangs and leave them lay. Senator Wilson asked when this regulation of airplanes and mechanical devices begin. Senator Young said in 1959 and the same is true of the act of 1971. There are about 700 or 800 horses claimed under the 1971 act. Claims have been made for 7,000 or 8,000 horses. Another part of those resolutions would be to put a statute of limitations on the time a claim can be made for horses. Senator Sheerin asked if there are 20,000 mustangs and 25,000,000 acres, that is only one mustang for every 125 acres. He asked if they were concentrated in certain areas and causing damage. Senator Young said yes they did in some areas, particularly in Nye county. He said that just eating a sixth of the total foilage and you take these 20,000 and they are increasing, it doesn't take long for them to increase. Senator Sheerin asked how you feed them if you put them all on two acres. Senator Young said you would have to decide how many you would want to keep pursuant to the mandate by Congress. Senator Young said there is a severe deterioration in the range; and the mustangs will do more damage to the range because they eat around the water holes and they range farther than the cattle and sheep will. In Nevada now, 16 percent of the range would be considered good range and 84 percent considered poor, fair, or bad. Senator Sheerin asked if he would be correct in assuming that most ranchers and sheep men would be in favor of this bill. Senator Young said yes, he thought they would be. Senator Lamb said he thought you could say all of them would be. Senator Wilson asked if they anticipated any problems with the grazing rights if Congress enacts this legislation. Senator Young said they should be paid He said they really don't have any vested rights, but thinks it is unfair because a lot of ranches have been bought and sold on the basis of having certain grazing rights. Senator Lamb said that if you are going to create preserves, you are going to need airplanes to put the horses in them, or you are never going to catch them. Senator Lamb also said that a Mr. Heil had left a half a million dollars to the state of Nevada to care for wild

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horses. He told about a trip they had taken into Nye County. They saw 1300 head of wild horses and 37 colts. This was in late summer. They didn't see one antelope on the whole trip. He said the horses were starving and choking. Senator Dodge asked if this was a problem that was pretty common in the public land states. Senator Young said that Nevada has more mustangs than any other state, in fact more than all the other states put together. Senator Dodge asked if in the Congress was this thing pointed pretty well. Senator Lamb said the timing was right because always before there has been so much emotion to save the wild horse that there has been no consideration as to how this was going to be done. The BLM and the Department of Fish and Game are starting to recognize this. He feels that if you are going to do anything, now is the time to do it because there is much support.

Senator Bryan moved do pass on S. J. R. 9 and 10.
Senator Sheerin seconded the motion.
Motion passed unanimously.

S.J.R. 11: Memorializes Congress to increase appropriations for programs relating to public lands in Nevada under control of Bureau of Land Management of United States Department of Interior.

Senator Young testified in favor of this bill also. He explained the Cadastral Survey. He said they are the surveys that establishes townships and section corners. He said a good portion of the state was never surveyed and much of the surveying that was done back in 1910 and 1911 was fraudulent and poorly done. He said it would take about 200 years at the present rate of funding to complete the cadastral survey in the State of Nevada. He spoke about the type of vegetation in the state and the damage that has been done to it. He said some of the damage is unrepairable. He said the wildlife habitat is down about 50 percent and we are going to see a constant decline in wildlife unless we improve the habitat. He said Congress has not been giving us the money that should go to improving the land. Senator Wilson asked what the derivation of Cadastral Survey is. Senator Young explained what the survey was again.

Senator Bryan moved do pass on S.J.R. 11.
Senator Dodge seconded the motion.
Motion passed unanimously.

A.B. 82: Directs division of water resources of state department of conservation and natural resources to commence negotiations concerning allocation of water supplies of Virgin River. Fiscal Note: No. (BDR 2-491).

Mr. Roland Westergaard, State Engineer, testified in favor of the bill. The Virgin River is a valuable asset to the state. The communities of Mesquite and Bunkerville use it for agricultural purposes. The flow of the river approximates 100,000 acre feet per yer. Of that we are using in Nevada, probably 30,000 acre feet per yer. Something that has caused concern is the extent of development upstream. There has been development in the states of Utah and Arizona and their investigations indicate that there are current efforts to continue development of the water supplies of the Virgin River, not only the surface water flows but the sub-surface spring discharges that could be affected by the development of ground water on the Arizona and Utah side of the line. Mr. Westergaard felt it was timely to get the approval of the legislature before proceeding with the negotiations. They have had some preliminary discussions with representatives of Utah and Arizona. Arizona has been fairly cooperative, but the Utah people are a

little reluctant to talk much about this. He feels if they had the approval of this legislative body, this would facilitate their efforts to approach the representatives of Utah and Arizona. He mentioned that there was no fiscal note on this bill. They feel that they can undertake this effort within their current capabilities. There is also a first reprint on this bill. In hearings they held with the assembly committee, there was a suggestion from one of the committee members about the possibility of submitting a report to the next legislative session. He said this had not occurred to them but felt it was a real good amendment that could be shown to Arizona and Utah and say that they have a mandate from our legislature. Senator Bryan asked what the allocation for rights is in Nevada. Mr. Westergaard said they have allocated some 30,000 acre feet. He said there are some permits in Nevada for additional quantities. Senator Dodge said that when they approached this subject with California on the stream systems in the North, they did it through an interstate compact. He asked if that approach would lend any more support to their effort. Mr. Westergaard said they felt if they had the support of the legislative body and subitem 2 requires that we submit to the legislature a interstate compact. Senator Bryan asked if we compromised our legal standing by indicating that the water has not been allocated. Mr. Westergaard said he thought that type of concern is certainly valid concern; however, he thought the stage was pretty much set. Senator Dodge asked if they didn't follow this route as to the 30,000 acre feet, are the rights old enough and well enough established that they would have some recourse in law if there was a deprivation upstream. Mr. Westergaard said yes there were uses upstream that were of the same vintage as these rights. Most of these rights are prior to 1900. Senator Dodge said that what they were going to do besides the 30,000 acre feet was get a percentage of the unused. Mr. Westergaard said that was right. Senator Bryan asked if the resolution was any way strengthened if we insert one of those whereas clauses stating that 30,000 acre feet are already being used? He said he would be hesitant to quantify any quantity of water.

Senator Dodge moved a do pass on A. B. 82.

Senator Bryan seconded the motion.

Motion passed unanimously.

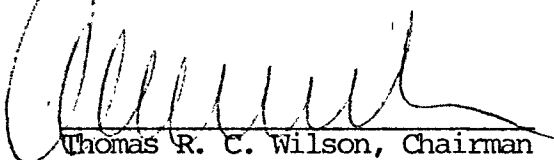
There was a short discussion about S.B. 158, which will be heard on Friday March 7, 1975.

There being no further business, the meeting adjourned at 1:45 p.m.

Respectfully submitted:

Kristine Zohrer

APPROVED BY


Thomas R. C. Wilson, Chairman

SENATE Environment + Public COMMITTEE
Resources

ROOM # 213

DAY Monday DATE March 3-1975

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NAME ORGANIZATION ADDRESS PHONE NUMBER

*NOTE: PLEASE PRINT ALL THE INFORMATION CLEARLY.

Roland O. Westergard, State Engineer, 2015. Fall St., CC. 985-4380

Bruce L. Rice " " " " "

Walter E. Mullaney Private Citizen 3440. Caswell Reno 322 0463

Thicko Keller Spahr Antenna 846 W. 6th Reno

A. B. 162

 ASSEMBLY BILL NO. 162—COMMITTEE ON
WAYS AND MEANS

JANUARY 30, 1975

 Referred to Committee on Ways and Means

SUMMARY—Expands the size and responsibilities of the Nevada junior livestock show board. Fiscal Note: Yes. (BDR 50-122)

 EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the Nevada junior livestock show board; expanding the board's responsibilities to include additional events; providing for an increase in the membership of the board; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 563.020 is hereby amended to read as follows:
 2 563.020 [Within 30 days after March 27, 1945, the governor shall
 3 appoint five citizens of the State of Nevada who shall be the Nevada
 4 junior livestock show board.] *The Nevada junior livestock show board*
 5 *shall be composed of seven members to be appointed by the governor.*
- 6 SEC. 2. NRS 563.030 is hereby amended to read as follows:
 7 563.030 *All members shall be residents of the State of Nevada.*
- 8 1. One member of the board shall be a member of the teaching staff
 9 of the college of agriculture of the University of Nevada System; [.]
- 10 2. One member of the board shall be a member of the staff of the
 11 agricultural extension department of the public service division of the
 12 University of Nevada System; [.]
- 13 3. One member of the board shall be a member of the staff of the
 14 state board for vocational education [Two]; and
- 15 4. Four members of the board shall be persons [interested in] *con-*
 16 *cerned with the raising and improving of livestock in the State of Nevada,*
 17 *not necessarily stock raisers [.] , selected as follows:*
- 18 (a) *Two persons from the cattle and sheep industry;*
 19 (b) *One person from the horse industry; and*
 20 (c) *One person from the dairy industry.*
- 21 SEC. 3. NRS 563.080 is hereby amended to read as follows:
 22 563.080 1. The board shall have possession and care of all [of the]
 23 property of the Nevada junior livestock show, *the Nevada youth livestock*
 24 *and dairy show and the Nevada state horse program* and shall be entrusted
 25 with the direction of [its] *the entire business and financial affairs [.] of*
 26 *these exhibitions.*
- 27 2. The board shall have the power:

S. J. R. 9

 SENATE JOINT RESOLUTION NO. 9—SENATORS
 YOUNG AND LAMB

 FEBRUARY 18, 1975

Referred to Committee on Environment and Public Resources

SUMMARY—Memorializes Congress to authorize establishment of preserves for free-roaming horses and burros and to permit the purchase of public lands and grazing privileges to assist in the establishment of such preserves. (BDR 998)


 EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

SENATE JOINT RESOLUTION—Memorializing the Congress of the United States to authorize the establishment of preserves for free-roaming horses and burros and to permit the purchase of public lands and grazing privileges to assist in the establishment of such preserves.

1 WHEREAS, Wild, free-roaming horses and burros are living symbols of
 2 the historic and pioneer spirit of the West and an important part of our
 3 national heritage; and

4 WHEREAS, The “multiple use” concept followed on public lands makes
 5 it difficult to properly supervise and manage free-roaming horses and burros; and
 6

7 WHEREAS, Establishing preserves for the sole use of wild, free-roaming
 8 horses and burros would protect these animals from harassment, capture
 9 or death; now, therefore, be it

10 *Resolved by the Senate and Assembly of the State of Nevada, jointly,*
 11 That the Congress of the United States is hereby memorialized to author-
 12 ize the establishment of preserves on public lands administered by the Sec-
 13 retary of the Interior through the Bureau of Land Management or by the
 14 Secretary of Agriculture through the Forest Service for the sole use of
 15 wild, free-roaming horses and burros; and be it further

16 *Resolved,* That the federal law for the protection, management and
 17 control of wild horses and burros (16 U.S.C. § 1331) be amended to per-
 18 mit the purchase of such public lands and the grazing privileges thereon to
 19 assist in the establishment of these preserves; and be it further

20 *Resolved,* That upon the establishment of such preserves, wild, free-
 21 roaming horses and burros be removed from other public lands; and be it
 22 further

23 *Resolved,* That copies of this resolution be prepared and transmitted by
 24 the legislative counsel to the President of the Senate, the Speaker of the
 25 House of Representatives, the members of the Nevada congressional dele-
 26 gation, the Secretary of the Interior, the Secretary of Agriculture, the

S. J. R. 10

**SENATE JOINT RESOLUTION NO. 10—SENATORS
YOUNG AND LAMB**

FEBRUARY 19, 1975

Referred to Committee on Environment and Public Resources

SUMMARY—Memorializes Congress to enact legislation making certain revisions in law concerning protection, management and control of wild horses and burros and appropriating funds to the Forest Service of the Department of Agriculture to conduct research on wild horse ecology and management in cooperation with University of Nevada. (BDR 999)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

SENATE JOINT RESOLUTION—Memorializing the Congress of the United States to enact legislation authorizing various changes in the procedure by federal agencies in protecting, managing and controlling wild horses and burros on certain public lands, and to appropriate funds to the Forest Service of the Department of Agriculture to conduct a research program on wild horse ecology in cooperation with the University of Nevada.

- 1 WHEREAS, The number of wild, free-roaming horses and burros on
2 public lands administered by the Secretary of the Interior through the
3 Bureau of Land Management and the Secretary of Agriculture through
4 the Forest Service have become so abundant that they are presenting a
5 threat to their own existence as well as that of domestic animals and other
6 wildlife, because of the reduction of vegetation; and
7 WHEREAS, The Bureau of Land Management and the Forest Service
8 have no effective means for controlling or regulating the increasing num-
9 bers of wild, free-roaming horses or burros; now, therefore, be it
10 *Resolved by the Senate and Assembly of the State of Nevada, jointly,*
11 That the Congress of the United States is hereby memorialized to:
12 1. Enact legislation specifically allowing federal agencies charged
13 with the responsibility for protecting, managing and controlling wild
14 horses and burros to use aircraft and motor vehicles in carrying out their
15 duties;
16 2. Amend the federal law for the protection, management and control
17 of wild horses and burros (16 U.S.C. §§ 1331 to 1340, inclusive) to
18 permit a transfer of title to those wild horses or burros which the respon-
19 sible federal agencies reasonably believe to be above the number of such
20 animals the range lands will support;
21 3. Enact a statute of limitations to apply to claims of ownership of
22 branded or unbranded horses or burros; and

S. J. R. 11

SENATE JOINT RESOLUTION NO. 11—SENATOR YOUNG

FEBRUARY 19, 1975

Referred to Committee on Environment and Public Resources

SUMMARY—Memorializes Congress to increase appropriations for programs relating to public lands in Nevada under control of Bureau of Land Management of United States Department of Interior. (BDR 997)



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

SENATE JOINT RESOLUTION—Memorializing the Congress of the United States to increase the appropriations to the Bureau of Land Management of the United States Department of the Interior for those programs which will benefit public lands under the bureau's control in the State of Nevada.

1 WHEREAS, Approximately 68 percent of the land of the State of Nevada
2 consists of public lands managed by the Bureau of Land Management of
3 the United States Department of the Interior; and

4 WHEREAS, Deficiencies in the administration of these public lands are
5 becoming apparent, with an exploding population and increasing user
6 pressure; and

7 WHEREAS, It will take nearly 200 years to complete the Cadastral Sur-
8 vey program in Nevada at the present rate the survey is being conducted;
9 and

10 WHEREAS, A recent court decision requires environmental impact state-
11 ments to be made in connection with grazing programs, and this require-
12 ment will result in the need for additional experts; and

13 WHEREAS, There are substantial delays in the consideration of applica-
14 tions for mineral patents because of a lack of personnel in the Bureau of
15 Land Management; and

16 WHEREAS, The range management and soil and watershed programs of
17 the Bureau of Land Management have suffered for many years from
18 inadequate funding; and

19 WHEREAS, Many of the environmental problems of the State of Nevada
20 are linked to the management of resources on public lands controlled by
21 the Bureau of Land Management; now, therefore, be it

22 *Resolved by the Senate and Assembly of the State of Nevada, jointly,*
23 That the Congress of the United States is hereby respectfully memorial-
24 ized to make substantial increases in appropriations to the Bureau of
25 Land Management of the United States Department of the Interior for
26 the purpose of adequately funding programs which will correct existing

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 82

ASSEMBLY BILL NO. 82—COMMITTEE ON
GOVERNMENT AFFAIRS

JANUARY 28, 1975

Referred to Committee on Government Affairs

SUMMARY—Directs division of water resources of state department of conservation and natural resources to commence negotiations concerning allocation of water supplies of Virgin River. Fiscal Note: No. (BDR S-491)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to water supply; directing the division of water resources of the state department of conservation and natural resources to commence negotiations with appropriate agencies of the states of Arizona and Utah concerning allocation of water supplies of the Virgin River and its tributaries; directing the state engineer to submit a progress report to the 59th session of the legislature; and providing other matters properly relating thereto.

1 WHEREAS, There is a limited supply of water for domestic, agricultural
2 and industrial use in the western states; and

3 WHEREAS, Nevada is the most arid of the western states and its future
4 growth and prosperity depend upon the development of adequate water
5 supplies; and

6 WHEREAS, The water supplies of the Virgin River and its tributaries
7 have not been allocated among the states of Nevada, Arizona and Utah;
8 and

9 WHEREAS, It is in the best interest of the State of Nevada to make a
10 determination of each state's entitlement to the water supplies of the Vir-
11 gin River and its tributaries; now, therefore,

12
13 *The People of the State of Nevada, represented in Senate and Assembly,*
14 *do enact as follows:*
15

16 SECTION 1. The division of water resources of the state department
17 of conservation and natural resources is hereby directed to:

18 1. Commence negotiations with the appropriate agencies of the states
19 of Arizona and Utah concerning the allocation of the water supplies of
20 the Virgin River and its tributaries; and

21 2. Submit recommended legislation to the legislature, in the form of
22 an interstate compact, which sets forth each state's entitlement to such
23 water supplies.