

MINUTES

ENVIRONMENT AND PUBLIC RESOURCES COMMITTEE
March 29, 1977

Members Present: Chairman Moody
Mr. Coulter
Mr. Chaney
Mr. Kissam
Mr. Polish
Mr. Ross
Mr. Serpa
Mr. Rhoads

Members Absent: Mr. Jeffrey

Guests Present: J. H. Mecks, Elko Chamber
Dale Porter, Jr., Elko County Fair and Recreation
Board
Amalio Gomez, Elko County Fair and Recreation
Board
Myron Goldsworthy, Pershing County Water District
Eleanor Gottschalk, Ranch Owner, Lovelock
Roland D. Westergard, State Engineer
Mr. & Mrs. John Wright, Elko Ranchers
W. G. Parsons, Nevada Fish & Game Department
Fred E. Wright, Nevada Fish & Game Department
Glen Griffith, Nevada Fish & Game Department

The meeting was called to order by Chairman Moody. He stated that the first item on the Agenda to be considered was A.J.R. 34. He called upon Assemblyman Rhoads for testimony in favor.

ASSEMBLY JOINT RESOLUTION 34 - Urges the President and Congress to reevaluate the importance of completing the Humboldt River and Tributaries Project and to provide money to complete advance planning studies.

Mr. Rhoads explained that for many years there have been efforts to get some upstream storage dams on the Humboldt River in Elko County. They are dealing with the Corps of Engineers and they have been making thorough studies. It has now been decided by the federal government that the Elko Project on the Humboldt River should be deleted from the budget for economic reasons. He understands that there is now a chance to get the money back into the budget. He called on Dale Porter to explain the Elko position.

Dale Porter, Jr., County Commissioner and Chairman of the Elko County Fair and Recreation Board, the local entity that has given assurance that the local funds for this project will be provided, explained that this project was originally authorized

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by the federal government in 1950. There was no progress in the 50's and 60's because they did not have the money for the local share of \$2,762,000. This is unique because it takes a local share in dollar amounts rather than a percentage. The original work in Congress was done by Senator Pat McCarran. In 1969, the Fair and Recreation Board, through the room tax, was able to assure the local share and since that time they have been doing the feasibility studies, which are in draft form. The project is three dams on three tributaries of the Humboldt River. One is on the Mary's River, one on the South Fork and one on the North Fork. Their understanding is that the cost benefit ratio on the Mary's River is not very good and there are particular environmental problems on the Mary's River. Probably this project will be dropped, but the other two appear to have some justification from the standpoint of beneficial use, at a cost of \$40,000,000 with a local share of \$2,762,000. Studies are not complete. They went as far as they had money for and now have been cut out of the President's Budget, and now they must go through Congress if any more money is to be forthcoming. The studies should be completed by 1979 as to how much of the project is feasible. The benefits, as they see it, should accrue to quite a few people in the State of Nevada. It is not just an Elko project. It deals with the Humboldt River Basin which crosses five counties at one point. There are flooding problems in late winter and early spring. There should be recreational benefits. From studies that have been made, it has been shown that outdoor recreation in Elko County is 25 percent Elko County oriented and 75 percent from beyond their borders, principally from Clark County and Western Nevada. The other two major water recreational areas in Northeastern Nevada are the Ruby Marshes and Wildhorse, both of which are in danger of being lost to recreation. They feel that there is a need for additional water recreational areas which they feel would be provided by the Humboldt Project. The Board has not endorsed the project itself as yet, but they have endorsed the completion of the studies so that fair judgments can be made as to the value of the project. He feels that the largest benefit of the project is water conservation, which is not being practiced now. Now too much water is being lost that could be saved by the project to help in the drought years. The drafts make provision for water to the Sink for preservation of the ducks and other wildlife. The operation of the reservoirs would be a common sense type of thing as far as the Humboldt is concerned. There will be storage rights created by the holding ponds behind the dams. There will be options of the people who have water rights of record to use that storage right or not. If they desire to use it there would be a charge, and no charge if they do not use it. The charge would be a one time charge and the right would run for perpetuity with the land. If they decide not to use it, their water would not be stored and there would not be any charge. The water releases during the year would be

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under the direction of the State Engineer or his designee. The Army Corps will operate and maintain the dam. They will give water releases during non flood periods under the direction of the Department of Water Resources. During flood periods, on the basis of published criteria of what constitutes floods, the Army would control release of water. Their concern is being left out of the budget in spite of the favorable cost benefits ratio. They will be in Washington, D. C., on April 4, to ask Congress to reinstate this project to the budget and they are on the agenda of the Appropriations Committees on Public Works in both the Senate and House to make their pitch. They would like this Resolution passed as soon as possible to get on the record in Washington. The Congressional delegation appears to be behind them. Over 6,000 cards of a survey were returned with favorable comments on the project. They feel that they cannot discard the project without first getting all the facts available, in spite of some opposition. Mr. Porter introduced Amelio Gomez, their consulting engineer. He is an international engineer and has been involved with the project through his association with the Army Corps of Engineers or with the Fair and Recreation Board.

Mr. Serpa asked whether or not the figures Mr. Porter was using were current. Mr. Porter said that they were the latest ones they have and came out of the draft of the feasibility study and would be no more than eight or nine months old. Mr. Serpa did not feel that they had been u-dated that much. He asked what percentage of the 6,000 people in Elko County who returned the survey cards were ranchers and what percentage were people in town who would benefit from the recreational use of the water. Mr. Porter answered that there was no breakdown in this particular area. Mr. Serpa stated that the irrigation methods along the Humboldt River are based on a high water situation. He asked if the project would cause a total revamping of the irrigation systems clear down the Humboldt. Mr. Porter said that they do not foresee any extensive changes in methods on the river. Mr. Serpa stated that the same type of thing was done on the Truckee River a few years ago, and now they find out that they can't control the water, using the example of the Governor getting an injunction to stop dumping water out of Prosser Creek Reservoir to go to Pyramid Lake under drought conditions. He feels that any time you get federal funds into a project it is going to be hard to get the water out. If federal funds are involved, the federal government controls them, in his opinion. Mr. Porter asked to explain the difference between dealing with Bureau of Reclamation and the Corps of Engineers. The Bureau of Reclamation and the Department of Interior had control of the Truckee as opposed to the Army Corps of Engineers procedures with the Humboldt project.

Amalio Gomez stated that he has been connected with the Corps of Engineers for 32 years; for 15 years he was chief of planning

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for the western states and for the last seven years was chief engineer. The practice of the Corps, as exemplified in several hundred dams throughout the country, is to build a dam, primarily for flood control, and check any space assigned to irrigation which is leased in perpetuity to a local group under complete direction of that group. The reservoir will continue to belong to the federal government but a contract would be entered into whereby the local people can use that space as they see fit without the federal government having anything to do with it. On the Humboldt there is the possibility of receiving the day to day orders from the farmers and ranchers through the State Engineer's office, and the State Engineer would himself pass that order to the Corps and that order would be followed. The State Engineer would have complete responsibility. He does not know of a single case where the Corps has not honored the request of the state official or a water master. The Bureau's practice has been quite different since the 1902 Reclamation Act. They have several different types of contracts and, generally speaking, they do not have the type the Corps of Engineers likes best. The Bureau has the water assigned to them and then they sell or distribute it as they see fit. The Corps does not have water rights assigned to them. The only water right they acquire is when they purchase the reservoir lands, and then they acquire the water rights that go with the land in the reservoir area. The federal government turns around and gives it back for supplying the operational losses in the reservoir and this gives it back to the local people.

Mr. Polish asked how many acre feet storage there would be in each reservoir. Mr. Gomez stated that the present plan calls for 120,000 acre feet in the South Fork, 80,000 in the North Fork and 50,000 on Mary's River. This was computed in 1948-49. Many years have gone by and conditions have changed and those capacities are subject to change. The Corps needs \$250,000 to re-appraise each one of the units.

Chairman Moody asked for testimony in opposition to A.J.R. 34.

Myron Goldsworthy, with the Pershing County Water Conservation District in Lovelock, Nevada, stated that they are concerned as there is a limited water supply on the Humboldt River. His district serves the largest block of agricultural users on the river. There have been two decisions handed down by the Supreme Court that threw a cloud over the project. One is the pupfish decision where the Supreme Court ruled that the federal government owned the water the pupfish were swimming in, and the Kings River Decision about the Pine Flat Dam in California where it was ruled that the dam is subject to the 1902 Reclamation Act. This is a Corps dam. The result was that the people irrigating from the dam and who had paid money in to build the dam were told that they would not be able to irrigate over 160 acres under one ownership. On the Humboldt River, 160 acres under one ownership

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is a starvation operation. The big concern is the planning expenses and the amount of money that has been spent becomes an excuse for building the dams. In view of these decisions, agricultural interests in Lovelock Valley have no position but to oppose the dams. State money without federal money would make a difference. There is also a reserve doctrine which has not been enforced that says that all waters coming from federal lands belong to the federal government. That puts a cloud over every river system with this problem.

Eleanor Gottschalk stated that she and her husband own a ranch in Lovelock Valley. They are dependant on the Humboldt River for their livelihood. One of the studies that she has read stated that if the up-river storage fills in, the Humboldt Sink is dead. If this happens, their ranch would be inundated with dirt. The Sink is one of the most important flyways for water fowl on the west coast and to even hazard that area would be very painful to both the sportsmen and the landowners. The people in her area depend on high water to get water on their ground which in dry years doesn't get water. They depend on high natural flow in the river. Another study showed that there would have to be more intensive agriculture on the river. This would entail prohibitive costs of irrigating the alkali ground that is growing wild hay. The people are afraid of the way the water would be handled. Their problems is not flood water, it is lack of water. They are also afraid of the 160 acre limit.

Mr. Moody asked how many people there are who ranch over 160 acres in that area. She answered that everyone had more than that amount except for a couple of small ranches that are leased. There is no way to put a \$30,000 tractor on that small an area and make out.

John and Barbara Wright, who live in Reno, stated that they are in opposition to the Resolution because there has already been too much money spent on this project and no more should be put into it. The first Humboldt river study was done as a flood control project in 1938. There were studies in 1963, 1965, two in 1974, two in 1975, 1976, and some are in progress now. Approximately \$750,000 has been spent by the Corps of Engineers on the first and last two projects. The Fair and Recreation Board has spent around \$100,000. The state has spent around \$50,000. They feel that is enough to show where we are going. They feel that this project is a rip-off of the taxpayers in the worst possible sense. There is a marginal economic value of the dam, but the federal government control would eventually result in dictation. There is no need for flood control in that area. Mr. Wright used Shasta Dam as an example of how problems can arise. There is no way to even get a boat into Shasta now due to low water, according to Mr. Wright. It has been disastrous to the area

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in a dry year so the concept of storing water has had disadvantages from a recreational standpoint. Mrs. Wright looked at the problem from a taxpayers standpoint and can see no reason for putting more money in further studies and hoping that something will eventually come out to justify the project.

Mr. Gomez stated that the Kings decision would extend to the Humboldt River Project. Both the Secretary of the Army and the Secretary of the Interior have said they do not consider that the application of the law on the Humboldt River Project will be a practical thing. They said they would welcome the opportunity to make the application of the law to the upper river in the same manner that it applies to the lower river, namely, that the 160 acre provision would not apply below the Rye Patch Dam. The Corps would not want to build the project if the 160 acre provision applied. This can be overcome by having the appropriation committees of the Congress add a provision to the authorization of the appropriation to say "provided it is understood that reclamation law will apply to the upper river the same as it applies to the lower river". Another approach would be that when the final study is completed, present it to Congress and ask for modification of the 1950 authorization so that reclamation law would apply uniformly throughout the river. It would also apply to interest free money but would not apply to the 160 acre limitation. He would not want to see the project built if the 160 acre limitation is not removed. He stated that it takes 8-9 percent of the construction cost to bring a project to the construction stage.

The hearing was concluded on A.J.R. 34.

Chairman Moody stated that action would be taken on A.B. 185 and A.B. 477. He asked Mr. Polish, who headed the subcommittee on these bills, to present the changes that had been made. Mr. Polish said that the subcommittee had studied the problems with Mr. Sena, Mr. Bremner and the Fish and Game Department regarding changing the dates of expiration for fishing licenses, and cutting out the combination hunting and fishing licenses. Copies of the marked bill, a copy of which is attached hereto and marked Exhibit A, and a copy of a statement of the Fish and Game Department, a copy of which is attached hereto and marked Exhibit B, were handed out. These two items showed and explained the changes and amendments that have been made to A.B. 185. Mr. Polish said that the subcommittee is in agreement with the changes. Mr. Griffith of the Fish and Game Department agreed that these changes would benefit the department in many ways, including financially, and is the lesser of evils of having to go through this every session of the legislature to a certain degree, and this would clean up the whole thing. There is no resident fee increases.

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Following a short discussion, Mr. Rhoads moved that the committee recommend do pass for A.B. 185 as amended, was seconded by Mr. Polish, and the motion was passed unanimously.

Chairman Moody called for testimony on A.J.R. 38.

ASSEMBLY JOINT RESOLUTION 38 - Memorializes United States Department of Interior to reconsider mining regulations.

Mr. Rhoads said that he was in Las Vegas in December when the rules and regulations came out on the new mining regulations. They are really cracking down on the miners and making it unlivable. They only gave them about 20 days to comment on their problems. The federal government has many advisory boards and all kinds of chances to have hearings throughout the United States, but they never do. They just put the rules and regulations out there. Mr. Rhoads sent a letter to the Secretary of Interior commenting on this, and also to the Governor and the congressional delegation regarding this matter. The Governor called him about it and agreed with everything he said, and everything Mr. Rhoads said is in this Resolution.

Mr. Serpa moved that the committee recommend do pass on A.J.R. 38, was seconded by Mr. Kissam, and the motion was passed unanimously.

Mr. Moody asked for action on A.B. 189. Mr. Griffith of the Nevada Fish and Game Department, explained that they were taking the pheasant stamp out of the law and would require a license to hunt, fish or trap at any time. Mr. Moody asked if it would be all right to just take out the pheasant stamp and leave everything else the way it is in the bill. That was agreed to, except that it was decided to have another hearing so that there could be Indian representatives present regarding Section 4, which the Fish and Game Department wants to repeal. This would take away the free licenses of Indians to hunt and fish off the reservations. Mr. Wright explained that this has been on the books since 1923. The free licenses are now up to around 2800. The department issues certificates of eligibility, distributes them to the colonies and reservations and tribal chairmen. They sent out about 1800 of these and so far have had about 360 back since 1974, and yet every year they have to issue 2800 free licenses. They feel that it is an abused license. They don't know why there is a basis for an Indian getting a free license. We are the only state they know of outside of Kansas that has this statute. This would not change anything regarding hunting and fishing on reservations, only off of reservations. This amendment will be heard at a later date.

Chairman Moody called for action on A.J.R. 35.

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Mr. Polish moved that A.B. 477 be Indefinitely Postponed, was seconded by Mr. Rhoads, and the motion was carried unanimously.

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Mr. Serpa moved that the committee recommend do pass for A.J.R. 35, was seconded by Mr. Polish, and the motion was carried unanimously.

The meeting was adjourned by Chairman Moody.

Respectfully submitted,



Ruth Olguin
Assembly Attache

3/29/77

A. B. 185

ASSEMBLY BILL NO. 185—ASSEMBLYMEN SENA, JEFFREY,
HORN, MANN, DREYER, BANNER, ROBINSON, PRICE,
MAY, HAYES, CRADDOCK, DEMERS AND SCHOFIELD

JANUARY 28, 1977

Referred to Committee on Environment and Public Resources

SUMMARY—Provides for expiration of fishing licenses 1 year after the date of issuance. (BDR 45-547)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: No.

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

AN ACT relating to fish and game; providing for expiration of fishing licenses 1 year after the date of issuance; 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 502.090 is hereby amended to read as follows:
2 502.090 1. All licenses issued as provided in this chapter [shall be]
3 are valid, and [shall] authorize the person to whom issued to hunt, to
4 fish or to trap during open seasons only on and from the date of issuance
5 of the license until the date of expiration printed thereon.

2. *Each fishing license is valid only from the date of issuance of the license until December 31 of the year of issuance.*

3. *Licenses granting the privilege to fish shall be issued by the Department, upon payment of one-half of the fees required by NRS 502.240, for the 6-month period beginning July 1, 1977, and ending December 31, 1977. After December 31, 1977, fishing licenses shall be issued by the Department, upon payment of the fees required by NRS 502.240.*

Sec. 2. *NRS 502.110 is hereby amended to read as follows:*

502.110 Not more than one license of each class shall be issued to any one person during each license period, except upon an affidavit by the applicant that the license issued has been lost or destroyed and upon payment of a fee of \$4 or a fee equal to the original license fee, whichever is less. The person issuing the license pursuant to this section may delay issuance for a period not to exceed 48 hours to confirm that a valid license has been previously issued during the current license period.

1. *The filing of an affidavit with any authorized license agent showing the loss or destruction of an unexpired license previously issued and payment of the full fee, or*

2. *The filing of a notarized affidavit with a Nevada Department of Fish and Game office, showing the loss or destruction of an unexpired license previously issued and payment of a fee of \$1 for the duplicate license.*

SEC. 3. NRS 502.240 is hereby amended to read as follows:
502.240 Annual licenses for the term of 1 year and limited permits shall be issued: [at the following prices:]

1. To any citizen of the United States who has attained his 12th birthday but who has not attained his 16th birthday and who has been

1 a bona fide resident of the State of Nevada for 6 months [.] immediately
2 preceding his application for a license, upon the payment of \$2[50] for
3 an annual fishing or hunting license, for upon the payment of \$4 for
4 an annual combination hunting and fishing license.

5 2. To any citizen of the United States who has attained his 65th
6 birthday and who has been a bona fide resident of the State of Nevada
7 for 10 years [.] immediately preceding his application for a license
8 upon the payment of \$2.50 for an annual [combination] hunting [and] fish-
9 ing license. or

10 3. Except as provided in subsection 2, to any citizen of the United
11 States who has attained his 16th birthday and who has been a resident
12 of the State of Nevada for 6 months [.] immediately preceding his appli-
13 cation for a license, upon the payment of:

14	For a fishing license.....	\$10.00	
15	For a 10-day permit to fish.....	7.50	
16	For a 2-day permit to fish.....	5.00	
17	For a hunting license.....	10.00	7.00
18	For a combination hunting and fishing license.....	17.00	
19	For a trapping license.....	7.50	
20	For a fur dealer's license.....	5.00	
21	For an annual master guide's license.....	100.00	
22	For an annual subguide's license.....	50.00	

4. To any alien or to any citizen of the United States who has attained his 12th birthday but who has not attained his 16th birthday, not a bona fide resident of the State of Nevada, upon the payment of \$5 for an annual fishing license (except for a fishing license to fish in the reciprocal waters of the Colorado River and Lake Mead, which annual license shall cost a sum agreed upon by the commission and the Arizona Game and Fish Commission, but not to exceed \$10).

5. Except as provided in subsection 4, to any alien or to any citizen of the United States, not a bona fide resident of the State of Nevada, upon the payment of:

	For a fishing license (except for a fishing license to fish in the reciprocal waters of the Colorado River and Lake Mead, which license shall cost a sum agreed upon by the commission and the Arizona Game and Fish Commission, but not to exceed \$10).....	\$20.00	
	For a 10-day permit to fish.....	7.50	10.00
3	For a 2-day permit to fish.....	5.00	7.50
	For a hunting license.....	40.00	
	For an annual trapper's license.....	35.00	
	For a fur dealer's license.....	35.00	
	For an annual master guide's license.....	200.00	
	For an annual subguide's license.....	100.00	

6. To any person, without regard to residence, upon the payment of:

	For a noncommercial breeding ground.....	\$5.00
	For a commercial or private shooting preserve.....	35.00
	For a commercial breeding ground.....	35.00
	For a commercial fish hatchery.....	35.00
	For a private noncommercial fish hatchery.....	5.00
	For a trained animal act license.....	10.00
	For a live bait dealer's permit.....	50.00
	For a competitive field trials permit.....	5.00
	For a falconry license.....	15.00
	For an importation permit.....	2.00
	For an import eligibility permit.....	25.00
	For a tropical fish dealer's permit.....	25.00
	For a live bait seining and transporting permit.....	2.00

STATE OF NEVADA
DEPARTMENT OF FISH AND GAME

Method of Implementing Change in Fishing License Year

To accommodate the legislative requests of AB 185 and AB 477, to change the period of the fishing license to some term other than fiscal year, the Department recommends:

1. Establishing calendar year fishing licenses
2. Retaining fiscal year hunting licenses.

To accomplish this it is necessary to book each group of licenses, hunting and fishing, separately requiring the elimination of combination licenses. Under the assumption that resident license fees are at the maximum for current conditions and under the constraint that there be no resident fee increase, the individual fees could be set to equal the current combination fee as follows:

1. Resident hunting \$7.00 -- down from \$10.00,
2. Resident fishing \$10.00 -- no change,
3. Junior hunting and fishing \$2.00 each -- down from \$2.50 each,
4. Senior hunting and fishing \$1.25 each -- equal to \$2.50 license to hunt and fish.

The precedence for a differential in hunting and fishing license fees was set in July 1969 when the fishing license was \$7.50 and the hunting license was \$5.00. (The first year of a resident regular combination license.) The basis was:

1. That fish production is an expensive program and is not eligible to be funded under federal aid, and
2. That in addition to the hunting license, tag fees are required to hunt big game adding to hunter costs.

The same circumstances exist today -- therefore, the recommendation of a \$7.00 hunting license and \$10.00 fishing license to equal the present \$17.00 combination.

Based upon 1976 sales the above changes would result in an overall drop in income of between \$50,000 and \$100,000 depending upon what those who held combination licenses do in regard to buying licenses. If each bought a license to hunt and to fish under the \$7.00 and \$10.00 fee structure, the reduction in income would be approximately \$50,000.

To offset this loss and to bring the short-term nonresident fishing license into equity with the other western states we would recommend:

1. The 10-day nonresident fishing permit be \$10.00,
2. The 2-day nonresident fish permit be changed to a 3-day permit at \$7.50.

This would make the daily equivalent rate of \$1.00 per day for the 10-day period and \$2.50 per day for the 3-day permit.

To be consistent the resident 2-day permit should be changed to a 3-day permit without changing the \$5.00 fee. The resident daily equivalent then would be 75¢ per day for the 10-day period, as at present, and \$1.67 per day for the 3-day permit (down from \$2.50 per day equivalent.)

The change in nonresident fees would have increased 1976 sales by \$91,000 offsetting the adjustments in resident fees. It is possible the \$10.00 for 10-day fishing permit will cause some nonresidents to purchase a \$20.00 calendar year fishing license instead, thereby benefiting income.

We would recommend AB 185 be adopted as amended and, again, we would recommend the adoption of the two methods for obtaining duplicate licenses to further strengthen the licensing system as indicated.

Also, there are several indirect benefits and possible administrative savings to the Department in the overall changes suggested plus simplification for license agents.