

SENATE

ENVIRONMENT, PUBLIC RESOURCES and AGRICULTURE COMMITTEE

MINUTES OF MEETING  
Wednesday, February 9, 1977

The fifth meeting of the Environment, Public Resources and Agriculture Committee was called to order on the above date at 1:30 p.m.

Senator Gary Sheerin was in the Chair.

PRESENT: Chairman Sheerin  
Senator Echols  
Senator Dodge

ABSENT: Senator Neal  
Senator Lamb  
Senator Glaser

OTHERS PRESENT: Ted Hunsberger, Nevada Organization for Wildlife  
Thomas G. Cates, Nevada Organization for Wildlife  
Richard G. Morrison, Bureau of Land Management  
E. I. Rowland, Bureau of Land Management  
Norman Hall, Dept. Conservation and Natural Resources  
Addison A. Millard, Division of Lands, Dept. of Conservation and Natural Resources  
Steve Robinson, Department of Conservation and Natural Resources  
Kiyoshi Nishikawa, Division of Lands  
Fred E. Wright, Fish and Game  
Senator Cliff Young  
Don Gruwell, Mineral County Sportsmen Club and Nevada Wildlife Federation  
Loree Ratto, Intern  
Dale Bohmont, College of Agriculture, U of N, Reno  
Tom Breen

The Agenda included: SB136, SB141, AJR5 and AJR11.

SB136 Establishes state duck stamp program.

SENATOR YOUNG, introducer of SB136 distributed material which explains the reasoning for the proposed duck stamp bill. Attached as Exhibit "A."

FRED E WRIGHT, Nevada Fish and Game, explained there would be a fund for duck stamps which would be administered just as the pheasant stamp fund now is handled. He said as a point of information that the state duck stamp would be handled the same as the federal duck stamp; and using these figures pointed out the low figures were recorded in 1950 and had finally reached a peak of sales in the late 1960's. Using these figures he projected with the sale

of 12,000 state duck stamps under the provisions of SBl36, would generate up to \$79,000, which includes federal aid from the Pittman Robertson fund on a three to one ratio.

In reply to a question by SENATOR DODGE if the hunters would object to this duck stamp and to its proposed uses, Mr. Wright stated not when the money is dedicated and the sportsmen are aware of its uses.

CHAIRMAN SHEERIN asked if the Commission is still making decisions on the department's recommendations.

Mr. Wright said in regard to SEC. 5, the wording is reversed. He recommended that Paragraph 2, page 2, read "that before the department may undertake any project, the department shall analyze the project and provide the commission with recommendations as to the need for the project and feasibility." He added the way the Fish and Game operates, the department makes recommendations and the Commission approves. The Commission is the final authority. Mr. Wright said the Fish and Game concurs with the intent of SBl36, however he would support the Nevada Organization for Wildlife (NOW) Organization's request to delete paragraph 3, line 17, page 2.

SENATOR DODGE requested that "in Nevada." be added after the word "wetlands," line 13, page 2, and that Paragraph 3, page 2 be deleted.

Mr. Wright agreed that would be a good addition making the spending of funds more definitive.

TOM CATES, Nevada Organization for Wildlife, next testified. He presented written changes for SBl3. Attached as Exhibit "B".

DON GRUWELL, Mineral County Sportsmen Club, Hawthorne, and Wildlife Federation, concurred with the NOW organization in requesting collected funds should be used within the State of Nevada.

SENATOR ECHOLS raised a question of terms in the wording of the bill, re: migratory game bird and migratory waterfowl. Chairman Sheerin concurred the language should be uniform.

SBl41      Creates the state Carey Act commission, increases certain fees of the commission and provides an appropriation to the Carey Act trust fund.

SENATOR DODGE, introducer of SBl41, explained the Carey

Act has been on the books for a long time and these amendments have been proposed in order to clean it up.

NORMAN HALL, Director of the Dept. of Conservation and Natural Resources offered a prepared statement. Attached Exhibit "C." He added the Carey Act has never been an effective law in Nevada, but it is one more way in which there might be a few acres moved from federal into private ownership through the vehicle of the state law.

ADDISON MILLARD, Administrator, Division of Lands, presented suggested amendments. Attached Exhibit "D."

SENATOR DODGE recommended that "or would be" be inserted in the amendment change for NRS 324.120 to read, "acreage covered by the application is OR WOULD BE zoned for...."

ED ROWLAND, State Director of Nevada Bureau Land Management, testified in favor of SB141. He said he was in favor of modernizing the Carey Act as it is completely out of date stating its limitation of 160 acres is not realistic. That according to recent studies in Nevada it takes from 400 to 1,000 acres to support a farm family in a reasonable manner.

AJR5 Memorializes Congress to enact legislation granting tax depletion allowances to private firms engaged in geothermal well production.

No testimony.

AJR11 Memorializes Congress to study the feasibility of long-distance transfer of surplus water.

ED GRUWELL testified in favor of AJR11 on behalf of Assemblyman Moody.

There being no further business, the meeting was adjourned at 2:20 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Committee Secretary

APPROVED:   
\_\_\_\_\_  
Gary Sheerin, Chairman

GUEST REGISTER

COMMITTEE

DATE:

Feb 9, 1977

THOSE WISHING TO TESTIFY SHOULD IDENTIFY THEMSELVES BEFORE GIVING TESTIMONY.....

NAME	DO YOU WISH TO TESTIFY	BILL NO.	REPRESENTING
JED HUNSBERGER	No	136	NEVADA ORGANIZATION FOR WILDLIFE
THOMAS G. CATES	YES	136	NEVADA ORGANIZATION FOR WILDLIFE
Richard G. Morrison	NO	141	Bureau of Land Management
E. I. Rowland	No	141	Bureau of Land Management
NORMAN HALL	Yes	141	Dept Conservation & Natural Resources
BISON A. MILLARD	YES	141	DIVISION OF LANDS DCNR
STEVE ROBINSON	NO	141	Dept Land N.R.
KIYOSHI NISHIKAWA	NO	141	DIVISION OF LANDS
Fred E. Wright	Yes	136	Fish & Game
CLIFF YOUNG	YES	136	SENATOR
ZON GRUWELL	YES	136 S.F.R-11	MINERAL COUNTY SPORTSMEN CLUB/ NEV. WILDLIFE FEDERATION.
LORREE RATTO	NO		INTERN!
DALE BOHMONT	No	141	College of Agr - U of Nev
Griffith, Glen	NO	136	Fish & Game
Don Dreen	Yes	136	Self



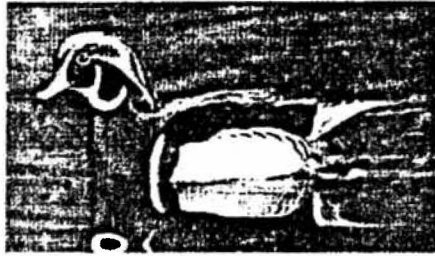
# State Duck Stamps On The Rise

In a flock of states this fall, waterfowl hunters are shelling out from one to five dollars for state duck stamps to finance wetlands restoration and habitat improvement in their own hunting areas and, in many cases, Canada.

Pioneered by California in 1971, state duck stamps are now required in 11 states and under study in several others. The programs were suggested by the original "goose that laid the golden egg"—the federal duck stamp—which in 40 years has yielded over \$164 million for U.S. wetlands acquisition.

Maryland, Michigan, Mississippi, and North Dakota are expanding waterfowl projects such as propagation and stocking of young ducks, inventory of wetlands, and habitat management beyond the limits of federal funding. Tennessee has not

STATE OF MISSISSIPPI  
STATE WATERFOWL STAMP  
STATE WATERFOWL—WOOD DUCK



yet earmarked funds for specific projects. Recognizing that about 70% of North American waterfowl breed in Canada, other states are also supporting habitat improvement in northern nesting areas of

the U.S. flyways.

California, Illinois, Indiana, Iowa, Massachusetts, and South Dakota allocate substantial amounts of their stamp revenue to Ducks Unlimited (DU), a nonprofit, private sportsmen's organization that carries out Canadian habitat projects. Still other states make direct grants or contributions for a total investment of over \$2.8 million.

Handsome waterfowl paintings or drawings embellish many of the stamps, which are prized by collectors. Illinois, Maryland, and South Dakota hold competitions each year, while other states draw on the talent of staff or contract artists. Mississippi chose a photograph for its design.

There is no doubt, the sponsors say, that state stamps help "feather the nest" for both waterfowl and the future of hunting.—PAULA D. KAL



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#### OFFICERS

Frances White  
Treasurer, Assessor and  
Tax Collector  
Roy Lower — Secretary  
and Manager

Rep.  
from  
1977  
Annual  
Hunting  
From



## STAMP OF APPROVAL

By LINDA NILSON

Waterfowlers have to be the most dedicated of all sport hunters. Who else would leave a warm bed long before sunrise and travel miles by boat or car, only to sit in the bitter predawn cold of blind or boat, hoping today will be the day he'll take his limit? Yet the waterfowler's dedication doesn't end with his sport, for few segments of American wildlife receive the care and devotion given to waterfowl.

Since the turn of the century, sportsmen have been voluntarily footing a lion's share of the bill for wildlife management and conservation programs. It was the sport hunter who sounded the alarm on declining wildlife populations and called for an end to market hunting. Early legislation, such as the Lacey Act of 1900, was often weak, and illegal market hunting continued. Still, the sportsman persisted in pushing wildlife legislation through an unwilling Congress until, in 1918, the Migratory Bird Treaty Act became law. The act placed water-

fowl in custody of the federal government, and made hunting ducks and geese a privilege—not an unregulated right.

As our country continued to grow and change, however, so did the use of the land. Potholes and sloughs were drained to create agricultural lands, emptying millions of acres of prime marsh nesting areas. The problem was compounded by drought and, as a result, important breeding grounds in the north, resting areas in mid-America, and wintering places in the south dried up. Finally, in 1934 the Migratory Bird Hunting Stamp Act (Duck Stamp Act) was passed, requiring all persons, 16 and older, who wished to hunt ducks, geese, and brant to carry a current migratory bird hunting stamp. Revenue from the stamp's sale provided funds for the conservation of migratory waterfowl. Now, hopefully, mistakes could be remedied by restoring some drained land, and marshlands not yet destroyed

could be saved, giving waterfowl the habitat they needed to exist. Yet the habits of the ducks posed a problem.

Migrating ducks and geese know no boundaries or territories. However, the dollars raised by the U.S. duck stamp did. The Duck Stamp Act required revenue generated from duck stamp sales be used for wetland acquisition throughout the United States only.

Studies indicated that over 70 percent of the North American waterfowl originated in Canada. It was clear to the duck hunter, then, that the job of conserving and improving wetlands habitat needed to be done in Canada—where U.S. tax dollars were not spent.

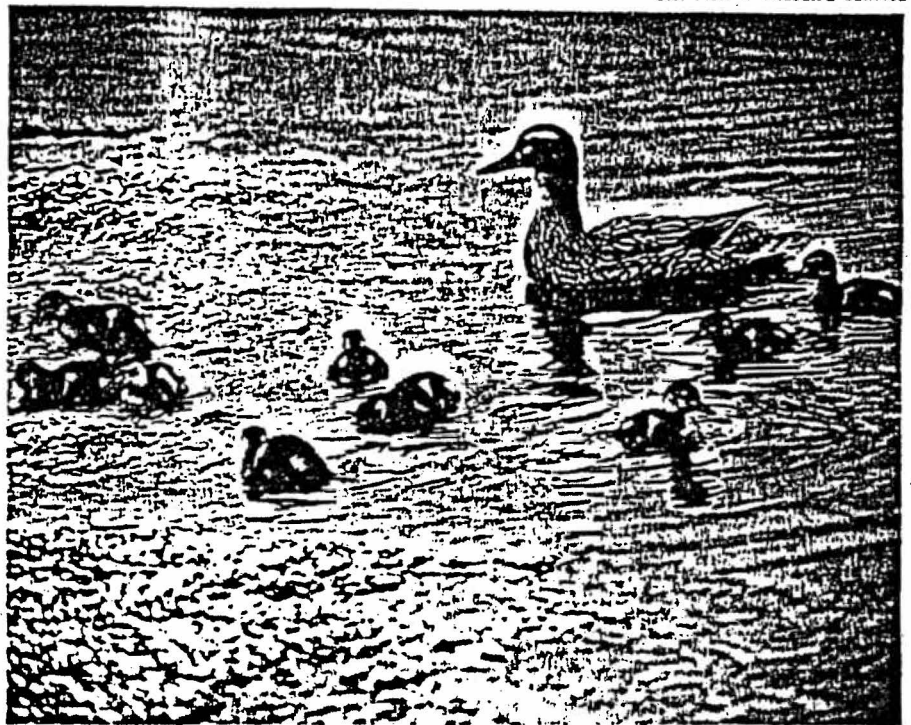
Individual sportsmen banded together to form Ducks Unlimited (DU) in 1937 as a private organization dedicated to the perpetuation of North America's waterfowl resource. In 1938, Ducks Unlimited (Canada) was formed to do the actual construction of flood and drought-proof projects. As a non-

profit group, DU had to rely, then as now, completely on the generosity of the North American sportsman to carry out its habitat improvement program. Since DU's inception, \$48 million has been donated by concerned sportsmen and organizations in the U.S. and Canada. Nearly 80 cents of every dollar contributed has gone directly to Canada for project construction and, beginning in 1970, to Ducks Unlimited de Mexico (DUMAC) to help preserve important wintering areas in that country.

To date, 1,290 "duck factories" exist, encompassing two million acres of nesting habitat. Total shoreline (a vital ingredient in quality production) now exceeds 12,000 miles. In addition, over 300 species of wildlife call DU projects home, including moose, beaver, deer, fox, and, in some areas, whooping crane.

It would appear that the sportsman had finally put the future of waterfowl into safe hands. Ducks Unlimited provided vital breeding habitat in Canada; the U.S. duck stamp provided for resting and wintering wetlands in the U.S.

Yet caring for waterfowl and their habitat is a never-ending task. Vital wetlands continued to disappear at an alarming rate, through conversion to agricultural acres, dredge and fill operations for construction projects and new homes, channelization projects, and through contamination by pollutants. In 1961, Congress passed the Wetlands Loan Act, enabling the federal government to borrow money for



the purchase of wetlands for waterfowl, to be repaid through the duck stamp funds at a later date. Again, these funds were limited to use in the U.S. In spite of this, the need for wetlands preservation continued. In 1969, a group of California sportsmen, under the direction of Mr. J. Martin Winton, formed the California State Waterfowl Conservation Committee. The idea of the committee was to propose a state duck stamp program, patterned after the federal duck stamp

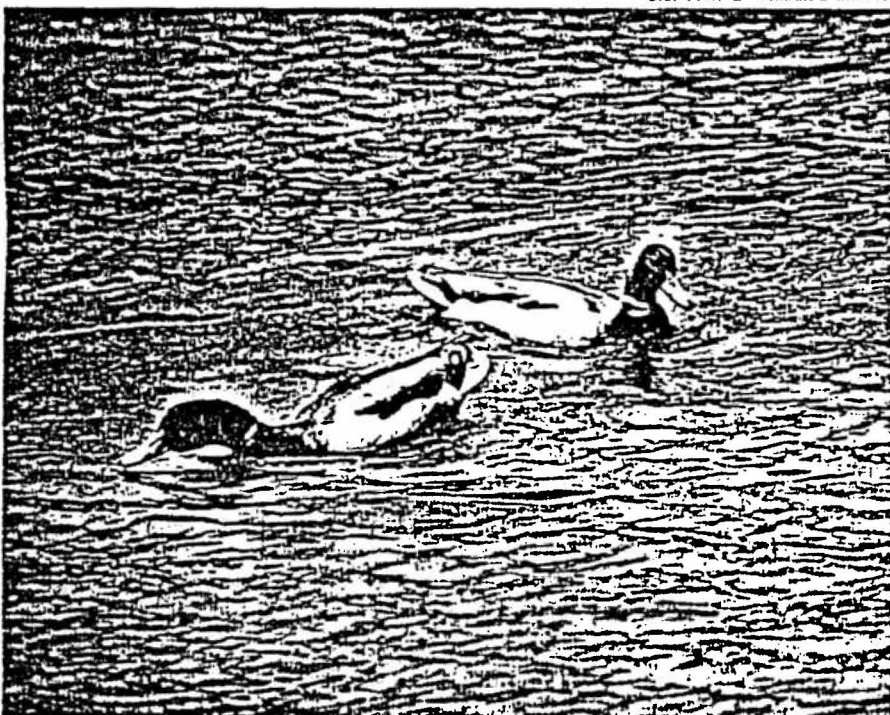
program, whereby funds generated from duck stamp sales would be spent on habitat improvement programs in the Pacific Flyway.

Because 80 percent of the ducks in California were hatched north of the U.S. border, the bill stated "80 percent of the funds shall be allocated by the (California Fish & Game) commission for the preservation of waterfowl habitat in western Canada, and for the development of wetlands for migratory birds on the Pacific Flyway." In addition, outbreaks of Type C botulism were continuing throughout the flyway, and the state had proposed to increase license fees to carry on the research of waterfowl disease.

The benefits to the California duck hunter were obvious and he gave it his full support. In 1970, the bill became law, requiring all persons who wished to hunt migratory birds to have a \$1.00 state duck stamp in their possession. For once, the tax dollars of the hunter could be spent improving the nesting areas of Canada and the habitat areas in his state that he was familiar with. Funds would also be made available for researching waterfowl disease.

As with any program requiring international cooperation, there were obstacles to overcome, most of which related to the different legislative restrictions of the state and dominion agencies. All proposed projects needed the state's approval, and for a time it appeared funds would only be spent on never-ending research and planning operations. Yet progress was made.

U.S. FISH &amp; WILDLIFE SERVICE



British Columbia and Alberta were selected as provinces of waterfowl production that would most benefit the waterfowlers of California. Ducks Unlimited had many projects in those provinces which were proposed or in various stages of completion and became the vehicle through which state funds could be spent.

The projects proposed by DU all had different names . . . Six-Mile Slough, Utikuma Lake, Dried Meat Lake, Pitt Polder . . . and all were different in the management techniques used. Some created marsh, some drained areas with too-high water, and some raised water surfaces. Canals were dug, dams constructed, drains excavated, and spillways installed. The end result, however, was the same: hundreds of additional acres of productive breeding habitat for the ducks and geese of the Pacific Flyway.

Such constructive cooperation on behalf of the waterfowl resource is not restricted to the Pacific Flyway. Following California's lead, Illinois, Iowa, Massachusetts, and South Dakota initiated similar programs. Recently, In-

diana approved a \$5.00 duck stamp, with 50 percent of the funds earmarked for wetlands improvement in Canada and 50 percent to be spent on state conservation programs.

In addition, Arkansas, Kentucky, Louisiana, Maryland, Minnesota, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and Wisconsin allocate funds for wetland preservation through straight grants or percentages of license fees. In all cases so far, DU has been the vehicle used for the transfer of these state funds. To date, over \$2.8 million has been contributed to DU through state agencies.

State funding on projects, however, cannot end with initial project construction. Take, for example, the Johnson Lake project in Manitoba, funded by the waterfowlers of Iowa.

Located approximately 125 miles northwest of Winnipeg, Johnson Lake was connected to Lake Manitoba by a long, narrow channel that subjected it to periodic wind-tide fluctuation. The marsh supported ample amounts of emergents, and shoreline vegetation

consisted of sedges and grasses. Johnson Lake was recognized as having good potential as productive waterfowl habitat, since it was located near several square miles of existing productive marsh, some of which had been set aside as a goose sanctuary.

As a result of DU (Canada)'s development, marsh water levels were stabilized by means of a dyke and gated culverts, which eliminated most of the wind and wave action coming from Lake Manitoba. In addition, carp were screened from the lake. In all, 200 acres of wetland habitat were created, with 20 miles of duck-producing shoreline.

At the present time, limiting factors to the productivity of Johnson Lake are a shortage of submergent vegetation, the inability of the marsh to recycle its nutrients, and a lack of habitat features that would help increase the numbers of territorial waterfowl pairs. Further funding will provide for implementation of an internal construction program to build nesting islands and loafing areas, significantly augmenting the attractiveness of Johnson Lake to territorial pairs, and adding the submergent aquatic vegetation. Thus, not only is it important that remaining wetlands be secured for waterfowl, but that those areas improved upon are maintained.

Is the state duck stamp program really working? Charles Tobi, Chief, Engineering Section of the California Fish and Game Department, recently wrote in *Outdoor California* magazine, "Despite the fact that there are long administrative chains of command stretching from the west coast to the east and back again, and across international boundaries, despite conflicting regulations of the two countries, the duck stamp project is a most efficient program. . . . The duck hunting fraternity can be proud of its duck stamp program. Dollar for dollar, it's turning out to be one of the most effective habitat restoration programs of the Department of Fish and Game."

And the future of the duck stamp program? Several states have looked into the possibility of initiating such a program. Others already have waterfowl conservation committees proposing bills to their legislators. By supporting state duck stamp programs, the sportsman can again help ensure the continued existence of the waterfowl resource. State-supported programs benefit not only the ducks and geese of that flyway, but all interested waterfowlers of that state. All that is needed is the "stamp" of approval.

DUCKS UNLIMITED



A dragline works on another Ducks Unlimited project—this one at Silver Lake in Southern Manitoba.



Cate



Exhibit "B"  
NEVADA ORGANIZATION FOR WILDLIFE  
P.O. BOX 2469 / RENO, NEVADA 89505

*Dedicated to the Betterment of Fish and Wildlife Resources in the State of Nevada*

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We of the Nevada Organization for Wildlife strongly endorse the Senate Bill No. 136 with the following amendments. Sec. 5. 1. Funds deposited in the State Duck Stamp Account shall be used for projects approved by the commission, for protection and propagation of migratory waterfowl, and preservation, development, and acquisition of wetlands. Sec. 5. 3. Funds from the State Duck Stamp Account will be used on projects only within the State of Nevada.

NORMAN HALL, Director  
STEVE ROBINSON, Assistant Director

MIKE O'CALLAGHAN  
Governor

*Exhibit "C"* DIVISIONS

LANDS  
FORESTRY  
STATE PARKS  
WATER RESOURCES  
CONSERVATION DISTRICTS  
OIL AND GAS CONSERVATION  
STATE ENVIRONMENTAL COMMISSION  
COLORADO RIVER RESOURCES

*N Hall*  
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Nye Bldg., 201 S. Fall Street  
Carson City, Nevada 89710  
Telephone (702) 885-4360



STATE OF NEVADA

## Department of Conservation and Natural Resources

OFFICE OF THE DIRECTOR  
CARSON CITY, NEVADA 89710

S.B. 141 - February 9, 1977

My name is Norman Hall, Director of the Department of Conservation and Natural Resources.

Renewed interest in obtaining federal lands through the Carey Act has come about in recent months. Perhaps the renewed interest in federal lands has been created by the passage of the Organic Act which was signed by the President on October 21, 1976.

The Carey Act is a very old Nevada Statute dating back to about 1895. Other than minor modifications in 1957 and 1975 changing Departments, etc., the Nevada Statute has not been reviewed and amended fully since 1911. Thus, with renewed interest, a possibility of an increasing number of applications for federal lands for agricultural purposes is deemed most appropriate to update sections of the Carey Act NRS 324.

The newly passed Organic Act involves many complex features. Federal regulations are not available through the BLM at this time; however, one definite section (203)



of the Organic Act provides for sale of federal lands with the proviso sale can be accomplished through means other than the Organic Act. One of these is through the processes of the Carey Act. Consequently, updating the Nevada Statute, establishing new fee schedules and involving some modern administration in light of current economic and social conditions is most desirable. The responsibilities for administration of the Carey Act in Nevada fall within the Division of State Lands and under the Administrator and his Deputy State Land Registrar.

It is interesting to note that under the original 1894 Federal Law establishing the Carey Act and a following amendment in 1911, Nevada was authorized 2,000,000 acres for application and eventual patent for agricultural purposes. Of these acres, only 900 acres went to private ownership and the State owns 800 acres.



Exhibit "D"

Address Reply to  
Division of State Lands  
201 S. Fall Street  
Capitol Complex  
Carson City, Nevada 89710

STATE OF NEVADA  
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Division of State Lands

February 7, 1977

Comments regarding SB 141 and certain other portions of NRS 324

NRS 324.080 (page 2, line 5 of bill) - Recommend the wording "fair market value plus costs incidental to application" be changed to "fair market value inclusive of costs incidental to application." Recommendation for the change relates to the reasonableness of including costs incident to application within the fair market value. These costs could be rather substantial. This will equalize the per acre value to that of adjoining property or similar property within the area. A minimum price of \$10.00 per acre has been established which would permit the Carey Act Commission flexibility; however, it is not believed advisable to further permit additional costs above and beyond the fair market value to be added to a potential per acre price.

NRS 324.120 - Recommended revisions be made within this section which is not specifically noted in SB 141. NRS 324.120, section 2, subsection (c), should be amended and the wording changed as follows: "(c) be accompanied by a filing fee of \$100.00 as provided for in NRS 324.090", this wording would correlate this section and 324.090 directly to the newly established fee schedule. Without such correlation it is believed a conflict would exist within Chapter 324. It is also recommended there be added to NRS 324.120, section 2, a new subsection (d), as follows: "(d) be accompanied by written evidence from County Commissioners or Supervisors that the acreage covered by the application is <sup>or would be</sup> zoned for the intended use." This is believed to be a most important addition under current economic conditions and land use planning principles. A requirement of this nature will afford County Commissioners or Supervisors opportunity to evaluate the impact of Carey Act applications and to review the problems such acquisition may cause to the County. Problems may occur in the areas of sewage disposal, fire protection, hospitals, additional roads or maintenance, impact upon the county school system, police protection and such other problems related to local government.

NRS 324.150 - This section is not referenced within SB 141. Wording of section 1 should be changed to read as follows in order to be consistent with the new fee schedule.

1. An applicant who submits his application for a segregation in a form complying with the requirements of the Commission and the Secretary of the Interior in respect to surveys, determinations, maps, plats and water rights, which shall be approved by the State Engineer and by the Commission and on payment to the Commission of a fee in accordance with NRS 324.090 and any fee required by the State Engineer for any verification thereof, may waive a request for a temporary withdrawal. (Please note the reference to 1¢ per acre has been eliminated.)