

MEMBERS PRESENT:

Chairman Coulter
Vice Chairman Fielding
Assemblyman Bedrosian
Assemblyman Polish
Assemblyman Rhoads
Assemblyman Dini
Assemblyman Prengaman
Assemblyman Bergevin

MEMBERS ABSENT:

Assemblyman Price (excused)

Chairman Coulter brought this meeting to order at 3:10 p.m.

SENATE BILL 333:

Chairman Coulter advised the committee that there has been some concern that they should not amend the bill. However, there are at least three conflict notices on the bill, which will require three amendments.

Mr. Ray Knisley testified on this bill on behalf of Senator Gibson, noting his previous testimony given on this bill on March 21, 1979, the date of the joint Senate and Assembly hearings on this bill. Mr. Knisley stated that after that previous hearing was held, an amendment was put on the bill in the Senate increasing the number of directors from five to seven. This had been requested by the wildlife and sportsmen groups and two public members were added. He feels this improves the bill.

Assemblyman Dean Rhoads testified on this bill, proposing a new amendment to the bill, which is attached hereto and entered as Exhibit "A". However, before he began his testimony on the said amendment, he wanted to voice a comment about a letter which the committee received from the Southern Nevada Conservation Council dated April 26, 1979. A copy of this letter is attached hereto as Exhibit "B". Mr. Rhoads stated that he resents the tone of this letter. He stated that he is in favor of the bill and he thinks it is about time that we revise the Nevada Fish and Game in order to improve them and give them some money so they can work. However, he would like to add a paragraph to the 8th section which is the amendment attached hereto as Exhibit "A". He noted that he is not completely married to that particular language. Mr. Rhoads explained the reason for the amendment is that there is currently fifteen environmental impact statements going on in the State of Nevada by the BLM. They have asked several different agencies for their input when they make these statements which is necessary. Thus far, some of the information that the Nevada Fish and Game has put into the Environmental Impact

Statements have been quite negative to the livestock industry. At the same time, he stated, some of this information that they have put in has gone to other groups, i.e., the Sierra Club, the N.R.D.C. They have copies of letters that they have carbons going to these other groups, but they have not notified any other users, particularly, the livestock industry of the comments that they are putting in there. He gave some examples and noted that the results of which were some severe reductions done in those areas. He explains what he means by this proposed paragraph is that everybody, regardless of who it is, would get a chance to review their draft before it is submitted into these Environmental Impact Statements (EIS). Mr. Rhoads stated he believes it is fair to all of them; they are the ones out there making a living and that any group should be able to see what they are going to put in. Mr. Rhoads stated that he understands there is some objection to "thirty days" and he has no problem with doing something with that time element. Assemblyman Bergevin did state that he has some objection to "thirty days" simply because the time table of the federal response period might not coincide with the thirty day period. Mr. Knisley commented that he is not in opposition to amending the bill and he is in sympathy, he stated, with what Mr. Rhoads is trying to accomplish with this. However, he doesn't think this will get the job done. He detailed for the committee, what the present process is with the Federal Government. He ultimately suggested that they give consideration to curing this problem by requiring that when these statements are ready to be filed, if they are going back to a Federal Department, that whatever each agency shall send to the other state agencies, a copy of theirs should go so they might each know what is going on. Additionally, it should go to the interested parties effected, such as Cattleman's Association, Farm Bureau, etc. Also the same should be required of the State Coordinator, he stated. He mentioned that he believes this could be accomplished in two ways. He believes it could be accomplished by Executive Order, since the departments are all executive departments and the State Coordinator is an executive officer. Or it could be done by legislation. If it is done by legislation, he stated, he feels it should be done by a separate bill, since it would concern every department of government in the state. His specific objection to Mr. Rhoads proposed amendment, not having had much chance to discuss it he noted, is that he feels it is taking something that should be a general law and making it a specific law. He believes it is in direct conflict with our State Administrative Act. It is too broad. He noted that you could probably amend it to comply on the Environmental Statement, but planned regulation ordered analyses is broad and indefinite. If it is to be put in, he stated it should be more specific. He read a line in the middle of the proposed amendment which he says creates an impossible condition unless there is massive funding done to Fish and Game and he explained this to the committee. Assemblyman Bergevin told Mr. Knisley that he thinks he hit the nail on the head when he stated that they don't have this expertise, but they pretend they do and they give you a very one-sided viewpoint as to the good of Fish and Game versus the detriment that something else is doing to the Fish and Game. Assemblyman Bedrosian

stated that he doesn't feel it would be as complicated as Mr. Knisley thinks it would be. He noted the word "input" in the middle of this amendment. Mr. Bedrosian stated that if this word "input" does, in fact, refer back to all of the aforementioned categories, it would seem incumbent upon representatives of those categories for them to put the input in. Assemblyman Rhoads stated that that is, in fact, the correct interpretation. Mr. Bedrosian stated that he doesn't see where you are putting the mandate on the Fish and Game Department. Assemblyman Rhoads added that he disagrees with Mr. Knisley. He stated that what Mr. Knisley has proposed was supposed to be followed all the time but, it is not done, due to the fact that they don't have the time, nor the expertise. Assemblyman Rhoads entered a letter dated June 19, 1978 from the Department of Fish and Game, into the record; said letter is attached hereto and entered as Exhibit "C". He noted that this is one of the letters that they received by mistake and it was addressed to the BLM Director and copies were sent to the Sierra Club, and the N.R.D.C. Between Assemblyman Bergevin and Assemblyman Prengaman, they proposed certain language to clarify Assemblyman Rhoads' problem:

"When a request is made of the Department for specific information to be used in preparing an Environmental Impact Statement a copy of the Department's official response shall be made public at least thirty days prior to the official filing of such a response with a request of the agency."

Mr. Knisley mentioned a problem that what would happen when you have to deal with the requirement "when one of these reports is mailed, it shall be concurrently mailed to all others". Assemblyman Rhoads stated that the damage is done once it has been mailed.

Mrs. Unilda Marshall of Carson City, Nevada, speaking for the Carson City chapter of the National Animal Protection Association membership, testified on this bill. They can find no sensible, legitimate reason for changing the Department of Fish and Game to "Department of Wildlife". They feel that it deceives the general public to believing that the Department of Fish and Game has become guardians of wildlife. She noted on page 1, section 5, NRS 501.167, lines 10-13 and NRS 501.171, the scales are far from balanced; farmers, ranchers and sportsmen have a conflict of interest pertaining to wildlife preservation. This also includes section 58, NRS 567.030 on page 25, lines 37-46. On page 2, lines 19-23, section 7, NRS 501.179 she noted the cost that she feels will amount to increased expenses from our tax dollars. She summed up her requests by asking the committee to vote nullifying the amended wording; to give the public the representation on the Board of Commissioners.

Mr. Warren Fowler, representing Nevada Wildlife Federation, testified on this bill, stating that he wanted to point out some problems. He stated that this particular bill completely changes

the Fish and Game setup; they are going to go through a re-organization. He doesn't feel we should place any undue burden on them to make sure they will not succeed. He feels that rather than to tell Fish and Game that you have all this expertise, tell them that you have expertise in Fish and Game and please confine your business to Fish and Game; this might be one solution to the problem he stated. He feels by putting this amendment in, it would cause more problems than it would solve.

Ms. Barbara White of the National Animal Protection Association, Carson City chapter, testified on this bill, noting that she is also speaking as a taxpayer and a person always concerned about wildlife. She testified that the average citizen wants our wildlife preserved in the State of Nevada and, in fact, increased. She gave several examples to the committee of abuse in this area. She feels that this should be under the Department of Conservation. This area needs expertise. Ms. White advised the committee of a book by the name of "The Politics of Extinction" and she quoted from same. Ms. White emphasized her deep concern for the future of the State of Nevada and the need for expertise in conservation.

Mr. Webett Mann, representing Lahontan Audubon Society, testified on this bill stating that he does believe that general funding for this department is needed. He feels that changing the title might be a good thing because if one hears the name Department of Wildlife it might tend to strengthen any ties with both non-game and game wildlife people.

Mr. Bob Rose, lobbyist with the Nevada Conservation Council, testified on this bill noting their support. He extended his apologies to Assemblyman Rhoads and the rest of the committee with regard to his letter (Exhibit "B") and stated that he meant nothing insulting by his letter. Mr. Rose basically feels that the bill will do the job at this particular time and to tie alot of other words to it, would be detrimental to the change-over in the structure of Fish and Game.

Mr. John Sweetland, Carson City Game Management Board, testified in support of this bill. He has some problems with the proposed amendment. Mr. Sweetland agrees with some points raised by Mr. Knisley in that he feels this could be handled through a governmental policy through the governor's office to make these comments (above-referenced) available. He wants to keep the Department of Fish and Game or Wildlife to do the job it is supposed to do.

Mr. Michael Toone, Washoe County Game Board, testified on this bill, noting his support for Mr. Knisley's comments on the proposed amendment. He thinks it would be a grave mistake to change the department's EIS's because they don't have the expertise and have not had that expertise in the past. Mr. Toone feels that the Commission should review the reports but, to perhaps, take comments from different groups.

Mr. John White, a soil conservationist, retired from U.S. Department of Agriculture, testified on this bill. He made comments on this question of EIS's stating that if they have to forward these reports out to so many different groups of people, they will have no time left to do to any business. Besides, he stated, they have the expertise of handling Fish and Game. He made an example of ranchers, stating that he doesn't feel they have the right to say too much in the area of Fish and Game. Therefore, Mr. White is against the amendment.

Mr. Glen Griffith, Department of Fish and Game, testified in regard to the amendment on this bill which changes the composition of the commission and the number. Department of Fish and Game is in full agreement to this and feel it will be quite workable. With regard to the amendment, Mr. Griffith stated that the Environmental Impact Statements can vary from 15 days to as much as 45 days. Therefore, they have registered complaints with the clearing house and with the Federal Government on the available time for a comment. If they have to go through these proposed methods, probably 90% of the EIS's comments would never be there for consideration. He explained to the committee the details on EIS's, and more specifically, the issue on the cowhead massacre EIS. There was lengthy discussion amongst the committee-men with regard to Assemblyman Rhoad's proposed amendment and the proper wording thereto.

Mr. Don Quilicy testified before the committee and offered a suggestion. He stated that there are some checkpoints, one would be the fact that the Department of Fish and Game does receive a request for an EIS and at the time they receive it they would know the deadline and knowing those two facts, perhaps they would be in a position to notify key interested organizations. Perhaps on a request basis, they could be required to furnish a status report of where they are and furnish a rough draft of that to the interested organizations.

ASSEMBLY BILL 365:

Mr. Glen Griffith offered some amendments as requested by the committee. They are attached hereto and entered as Exhibit "D".

COMMITTEE ACTION:

SB 333 - Mr. Bergevin moved a DO PASS AS AMENDED, the motion was seconded by Mr. Rhoads. The motion carried unanimously with Mr. Price absent from voting (excused).

AB 365 - Mr. Bergevin moved a DO PASS AS AMENDED, the motion was seconded by Mr. Prengaman. The motion carried unanimously with Mr. Price absent from voting (excused).

There being no further business, the meeting was adjourned at 5:50 p.m.

Respectfully submitted,

Anne M. Peirce
Anne M. Peirce

(Committee Minutes)

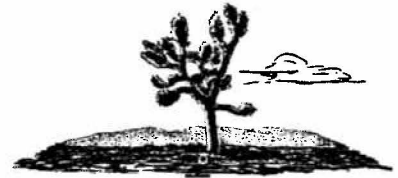
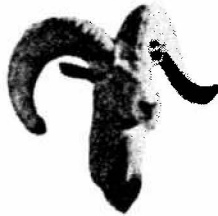
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Section 8 begins with the "The Commission shall:

1. Establish broad policies for:..."

I suggest a No. 5 to read somewhat as follows:

"5. Establish a procedure for the review and report to interested groups of all Environmental Statements, plans, regulations, orders and analyses of public lands prepared by federal agencies when they concern wildlife with appropriate comments and recommendations submitted to the federal agency preparing such. Such recommendations and comments shall consider the effect upon other public and private land uses, including but not limited to the economic impact on recreation, timber, livestock grazing, mining, and public interest input. That prior to filing their response, they shall give the public notice of the completion of the draft comment or statement -- make copies available in their respective offices for public review and afford anybody 30 days to make comment on the draft before it is filed. They shall give reasonable consideration to all comments received.



Southern Nevada Conservation Council
210 South 16th Street Las Vegas, Nevada 89101

April 26, 1979

To: Assembly Committee Members
Environment and Public Resources Committee

Subject: Senate Bill 333

The Conservation Council recommendations regarding Sb333 are:

1. Passage of Sb333 by this committee.
2. That there be no more amendments or changes.
3. We also ask that this committee take affirmative action today.

Bob Rose
H. P. "Bob" Rose

Lobbyist
Nevada Conservation Council

Department
Of Fish
And Game

GLEN K. GRIFFITH
DIRECTOR

#1111
MIKE O'CALLAGHAN
GOVERNOR

VALLEY ROAD P.O. BOX 10678 RENO, NEVADA 89510 TELEPHONE (702) 784-6214

June 19, 1978

Mr. Rex Cleary
District Manager
Bureau of Land Management
P. O. Box 1090
Susanville, CA 96130

Dear Rex:

In reviewing your Cowhead/Massacre M.F.P. Step 2 proposals, our departmental staff and Region I personnel offer the following comments and recommendations regarding; (A) The Major Goals of the L.U.P. (B) General Management Guidelines Applicable to All Sub-Units in Cowhead/Massacre P.U., and (C) Specific Management Recommendations for Each Sub-Unit.

A. Major Goals of the L.U.P.

1. Objective number 3., "minimize impacts to and provide for a sound economic and social base for the local ranchers of the area," definitely is in conflict with objectives 1 and 2. This objective should be modified so it would be compatible with objective 1 and 2, and not single use oriented.

B. General Management Guidelines Applicable to All Sub-Units in Cowhead/Massacre.

1.C. - Should be restated as; All stock water developments will provide water for wildlife at all times.

4.d.,e.,f. - Should be all included as one sub-heading and stated as follows: Cultural treatments may be applied only in those areas where the natural response to the prescribed grazing scheme is not feasible and only then where not in conflict with existing wildlife habitat. Chemical treatment should be avoided in all cases. All seedings should be of a mixed seed type to provide diversity for both livestock and wildlife.

19, 1978

C. Specific Management Recommendations for Each Sub-Unit as Seen by Nevada Department of Fish and Game.

High Rock (Sub-Unit 1)

1. No wilderness designation for the area, unless management practices for bighorn sheep as a possible brood stock source can be written into the wilderness plan. If so, then the entire area can be designated as wilderness.
2. Eliminate all wild horses and burros.
- { 3. Eliminate all domestic sheep grazing and trailing in the area. }
- { 4. Prescribed cattle grazing only, if deemed necessary to retain the desired vegetative type. }
5. Designate a portion of the High Rock Canyon as part of the National Scenic Trail System.
- { 6. Reintroduce bighorn sheep. }
7. Develop and implement a HMP for the area.
8. Protect the archaeological values from vandalism.
- { 9. Maximum water developments of natural surface waters. }
10. Use prescribed burning for habitat improvement.
- { 11. Allow no mechanical or chemical means to control vegetation. }
- { 12. Wildfires will be controlled in critical wildfire habitats (as defined by Nevada Department of Fish and Game) by aerial borate planes or rubber wheeled pumper trucks. No steel tracked heavy equipment will be allowed for fire control. }

Massacre/Nut Mountain (Sub-Unit 2)

- { 1. Wildlife will be recognized as the dominant value on this sub-unit and will be managed for the benefit of native wild-life species.
2. The Rye Creek - Massie Flat area will be included as part of Sub-Unit 2.
- { 3. A Wildlife Habitat Management Plan will be the dominant activity plan for the sub-unit (except in emergencies). The emphasis in the plan will be on wildlife habitat improvement using livestock grazing to improve and maintain the habitat of native species. }

4. Eliminate domestic sheep grazing and trailing.
5. Prescribed cattle grazing will be implemented with stocking rates compatible with present carrying capacities.
 - a. Seasons of use keyed to flowering stage of key species (no sooner than June 15 through September 30 and no more than 40% utilization in any one pasture).
 - b. Bitterbrush will be the key species in all habitat types where it exists with no more than 50% utilization.
 - c. The grazing formula will provide at least two years rest following use (4 pasture) to enable bitterbrush to set seed and establish seedlings.
 - d. New fencing will be extremely limited.
 - e. Maximum development of natural waters and where not in conflict with wildlife habitat, installation of artificial water sources.
6. Where it is determined that wildlife values will not be damaged and where no possibility exists for natural response to the grazing system implemented, cultural treatments may be applied as a means to increase forage for livestock and wildlife, following the general guidelines applicable to all Sub-Units as previously recommended under cultural treatments (4. c., e., t., page 2).
7. Protect archaeological values of the Sub-Unit.
8. Reduce wild horse populations compatible with the Sheldon horse plan (80%).

Long Valley/Sand Creek (Sub-Unit 3)

1. Winter grazing only with season of use October 1 through January 30. Moderate utilization, but in no case more than 50% of annual production.
 - a. Adjust stocking rates to current carrying capacity; utilization not to exceed 40% of annual production.
 - b. Maximum development of natural waters for livestock and wildlife.

2. Where it is determined that wildlife values will not be damaged and where no possibility exists for natural response to the grazing system implemented, cultural treatments may be applied as a means to increase forage for livestock and wildlife following the general guidelines applicable to all Sub-Units as previously recommended under cultural treatments (4. d., e., f., page 2).

{ 3. Key meadows and riparian habitat will be protected.

{ 4. Fence sand creeks. ?

5. Exchange low value public land that has high potential for agricultural development for private lands with high cultural, wildlife or other resource values.

Mosquito (Sub-Unit 4)

{ All alternatives suggested for this Sub-Unit are unacceptable for wildlife and their attendant habitat. None of the alternatives address wildlife habitat requirements as submitted in the U.R.A. Wildlife Report nor do they meet the requirements as stated in the MFP Step 1 Wildlife write-up. Custodial Grazing Management proposed for those allotments which contain vast amounts of private lands is in reality no management at all as has been proven many, many times previously within the State of Nevada. Custodial Grazing Management ignores one of BLM's major objectives, that of stabilization and improvement of declining habitats (BLM Manual 6500.01 and BLM Manual 1602.33A).

With no other alternatives stated for this Sub-Unit the Nevada Department of Fish and Game makes the following proposals.

{ 1. Combine private and public use lands into allotments and treat with a prescribed grazing system.

2. The treatment recommended is a 4-pasture grazing formula with stocking rates compatible with present carrying capacities.

{ a. Season of use keyed to flowering stage of key species (no sooner than June 15 through September 30 and no more than 40% utilization in anyone pasture).

{ b. Bitterbrush will be the key species in all habitat types where it exists with no more than 50% utilization.

{ c. The grazing formula will provide at least two years rest following treatment to enable bitterbrush to set seed and establish seedlings.

- d. New fencing will be extremely limited.
 - e. Maximum development of natural waters for livestock and wildlife.
3. Reduce wild horse and burros at a note equivalent to the Sheldon Horse Plan (80%).
 4. Where it is determined that wildlife values will not be damaged and where no possibility exists for natural response to the grazing system, cultural treatments may be applied as a means to increase forage for livestock and wildlife following the general guidelines as previously recommended under cultural treatments (4. d., e., f., page 2).
 5. Protect key wildlife habitats (as defined by the Nevada Department of Fish and Game) from overutilization by livestock grazing.

Warner Mountains (Sub-Unit 5)

1. Will support recommendations made by California Department of Fish and Game.

Rex, our Department believes that the recommendations presented in this review are realistic and will meet your major objective of stabilizing and improving the existing ecosystems for the benefit of all resource values and use on a long-term basis.

Also, attached for your consideration is a short write-up and map of the recently identified deer winter range which was not documented in our original L.R.A. Wildlife Report.

Sincerely,

GLEN K. GRIFFITH, DIRECTOR



Glen C. Christensen
Chief of Game Division

CC:gjb

Attachments

- cc: Region I Supervisor
Deane Leitchard, BLM Surprise P.A. Manager
Edward L. Bentley, BLM California State Director
Johanna Wald, NRDC
Tina Kappe, Sierra Club

EXHIBIT C

CHAPTER 1

DESCRIPTION OF THE PROPOSED ACTION

*Don't think it's
a good idea to
have like that
in the
system.*

The proposed action is to implement improved grazing management and to develop supporting water facilities, fences and seedings to meet land use goals in the Cowhead/Massacre Planning Units (MAP 1).

Cowhead/Massacre lies in northeastern California and northwestern Nevada, and is administered by the Bureau of Land Management (BLM), Susanville District.

Land ownership is as follows:

Public Lands	769,000 acres
Private Lands	315,000 acres
State Lands	<u>10,000 acres</u>
TOTAL	1,094,000 acres

Cowhead/Massacre has been divided into four sub-units containing resources and resource problems which are similar and allow land use planning on a sub-unit basis (MAP 2). Resources and their use in each of the four sub-units, High Rock, Massacre Mountain/Nut Mountain, Long Valley/Sand Creek and Mosquito were examined. Land management goals and priorities for resolution of resource conflicts were developed based on public law, Bureau of Land Management policy, relative resource values, public interest and social/economic factors. Management proposals are made for each sub-unit.

General Land Use Goals

The proposed actions must achieve the following land use goals developed in the BLM planning process:

1. Improve the ecological condition of public lands by preventing destructive uses and by providing for their orderly use and improvement.
2. Give special consideration and priority to the protection and management of areas with special environmental concern.
3. Stabilize the social and economic environment of the local community with special consideration for the family owned and operated ranch lifestyle.

Proposed Actions

Priorities, grazing management proposals, proposed and existing forage consumption levels are shown in TABLES 1-7.

A brief explanation of the rationale for each proposal is provided.

Grazing Capacities

Grazing capacities for allotments in Cowhead/Massacre were determined by range surveys in 1963. Grazing use adjudicated between 1965 and 1968 resulting in 20-63 percent grazing reductions. Range condition and trend surveys in 1973 and 1977 indicated ranges were in poor condition and showed little improvement.

Presurveyed grazing capacities were not used as a determinate of permitted livestock use during the present planning effort.

STATE OF NEVADA
DEPARTMENT OF FISH AND GAME

A.B. 365 - Revises Schedule of Fees
Charged by Nevada Department of Fish & Game

Mr. Chairman:

A.B. 365 incorporates several fee change amendments. The Department has also suggested to your Committee several other changes. The following are the changes incorporated in the bill and those in addition. We have not experienced any sportsman opposition to these suggestions; in fact, the sportsmen asked for a Duck Stamp Bill demonstrating their willingness to assess themselves.

Page 1, Line 20 - We are asking for the restoration of the resident hunting license to \$10 which was the fee for that license prior to July 1, 1977.

Page 1, Line 21 - We suggest raising the resident trapping license to \$10 -- equal to the fishing and proposed hunting license fees.

Page 2, Line 8 and 17 - Delete \$10 and replace with \$20 to read in both instances "but not to exceed \$20." Arizona has of January 1 raised their nonresident Colorado River license to \$14.50. This amendment would permit the Commission to consider an adjustment to this nonresident license, in light of Arizona's change.

Page 2, Line 20 - Increase the nonresident hunting license by \$10 to \$50.

Page 2, Line 21 - We suggest raising the nonresident trapping license to \$50.

Page 2, Line 38 - Delete an inactive license class.

Page 2, Line 39 - Addition of an exportation permit at \$2. This is needed to cover the transfer of falcons from one state to another -- also other live wildlife.

Will also be used in regard to commercial game breeders' shipments of upland game.

Page 2, Lines 45 & 46 - Delete the nonresident deer archery tag, thereby having one type of nonresident deer tag as we now have for residents. There would still be a nonresident deer archery season in which the \$50 deer tag is valid.

Estimated economic change based upon most recent year of sales:

	<u>Increase</u>	<u>Sales</u>	<u>Value</u>	
Resident hunting license	\$ 3.00	39,000	\$117,000	
Resident trapping	2.50	960	<u>2,400</u>	\$119,400
Nonresident hunting license	10.00	3,700	37,000	
Nonresident deer tag	40.00	125	5,000	
Nonresident trapping	15.00	20	300	
Nonresident Colorado River fishing	4.00	11,400	<u>45,600</u>	\$ 87,900
	TOTAL			\$207,300