

Committee in session at 7:35 a.m. Senator Floyd R. Lamb was in the Chair.

PRESENT: Senator Floyd R. Lamb, Chairman  
Senator James I. Gibson, Vice Chairman  
Senator Eugene V. Echols  
Senator Norman D. Glaser  
Senator Thomas R.C. Wilson  
Senator Lawrence E. Jacobsen  
Senator Clifford E. McCorkle

ABSENT:

OTHERS: Ronald W. Sparks, Chief Fiscal Analyst  
PRESENT: Eugene Pieretti, Deputy Fiscal Analyst  
Howard Barrett, Budget Director  
Jean Ross, Budget Division  
Mike Meizel, Administrator, Buildings and Grounds  
Bill Hancock, Secretary Manager, Public Works Board  
Lowell Smith, State Forester, Div. of Forestry  
Rick Jones, Forester, Division of Forestry  
Roland Westergard, Director, Dept. of Conservation & Natural Resources  
Harold Jacobsen, Mayor, Carson City  
David Small, City Attorney, Carson City  
Jack Dieringer, Chief, Fisheries Division, Fish and Game  
John Meder, Administrator, Div. of State Parks  
John Winters, member, California-Nevada State Compact  
Andrew Grose, Director, Research Division, Legis. Counsel Bureau  
Harry Swainston, Attorney General's Office  
Jac Shaw, Administrator, Div. of State Lands  
John Rice, Associated Press  
Cy Ryan, United Press

(SEE ATTACHMENT A FOR OTHERS PRESENT)

SB 459 Appropriation from state general fund to legislative fund. (Attachment B)

Senator Wilson moved "Do Pass" on SB 459.

Seconded by Senator Echols.

Motion carried.

SB 408 Revises act relating to Marlette Lake Water System. (Attachment C)

Harold Jacobsen, Mayor of Carson City, testified in favor of Carson City owning all water systems in the City of Carson; working out an agreement with the State of Nevada to supply water for state purposes.

David Small, Carson City Attorney, briefly presented background information relating to Marlette Lake as a watershed. He explained that SB 408 is an amendment to the existing law. He asked that the time be extended another 5 years and prices updated to reflect current costs. He also requested a contract to be developed between the City and the State for waters that may become available. He said having two water systems, the state system and the city system, is a duplication; the city proposed to take over the state system, creating efficiencies.

Senator Lamb asked how the takeover would work. Mr. Small said jurisdiction would depend upon where the State would allow the City to take over.

Senator Lamb said if the City took over low on the line, it is incumbent upon the State to deliver a certain amount of water to that point. Mr. Small said the City is willing to take over on an easement basis up at the diversion point at Hobart.



Senator Lamb asked Senator Jacobsen about his feelings as to where the City should take over the water. Senator Jacobsen said he has always felt the State should bring the water to the distribution tanks at the top of Lakeview Hill.

Senator Lamb said he fears the State will be responsible for providing a certain amount of water in the future. He said he does not want to sell the watershed. Senator Lamb said the agreement, if there is one, should be ironclad to avoid disagreements between the City and the State in the future.

Senator Jacobsen mentioned that Virginia City has a right to this water as well as the State and the City.

Mr. Small said Carson City would like to acquire the system, including the treatment plant.

Senator Lamb expressed concern about having enough water for State buildings. He said the state buildings should be served first in the event of a water shortage.

Senator Wilson asked if the bill provides for a minimum amount of water, available on a priority basis. Mr. Small said the bill provides for a contract between the State and the City. He said this information would be in a contract, and is not in the bill. He said the water would be State water, with regard to water rights; this water would be administered by the City at some point. Mr. Small added the City would be reimbursing the State, for the treatment plant for instance, on a contractual basis. He said they would be treating the water and selling part of it back to the State.

Senator Lamb commented that this bill is related to SB 357.

Mayor Jacobsen said perhaps an agreement could be reached whereby the water treatment plant would belong to Carson City, but the City would guarantee service for all state-owned buildings until the bonds are completely retired; then a rate could be agreed upon. Senator Lamb said the State wants some return on the investment. He said the State needs to be guaranteed the use of this water.

Mr. Small said the safeguards to the State are that it always owns the water; the State controls the water from its point of origin. Also, safeguards can be written into the bill.

Senator Wilson asked about the advantages and disadvantages of the City owning water or State retaining responsibility down to the tanks. Mayor Jacobsen and Mr. Small said that changing from two water systems to one should realize efficiencies.

SB 357     Makes appropriation to division of forestry of state department of conservation and natural resources to provide aid in management of Marlette-Hobart watershed, and reserves related water rights.

Senator Lamb turned the Chair over to Senator Jacobsen who is well-acquainted with the water systems.

Senator Jacobsen explained that last session a management plan involving the Department of Conservation and Natural Resources was passed; which will be explained in a slide show presented by Rick Jones of the Division of Forestry.

Mr. Jones described slides of the Marlette-Hobart watershed. He described the various ways the management plan would protect the watershed which supplies water to Marlette and Hobart. Mr. Jones explained that the plan includes protection of certain scarce wildlife species by breeding such as cutthroat trout in Marlette Lake and providing nesting places for species such as fish-eating birds. (See Attachment D, Marlette-Hobart Management Plan.)



Lowell Smith, State Forester, in charge of overseeing the Management Plan, testified that the purpose of the program is to maintain quantity and quality of water. He said all the agencies with overlapping responsibilities worked together on this plan. He said having these agencies coordinate activities is very good. He added that movement of people through the watershed area should be restricted, to reduce the chance of forest fires.

Senator Gibson asked if there will be income to offset some costs. Mr. Smith replied that some of the wood is cut into cord wood and sold. He said they did not know the value of it yet, and therefore this income does not appear in the budget.

Senator Gibson asked if the plan is a continuing operation. Mr. Smith said yes; at the end of the biennium a continuation plan would be made, and presented to the legislature. He added that roadwork in the watershed would decrease in the future.

Senator Gibson asked how the danger of dry grass is controlled. Mr. Smith said by eliminating fire hazards along the roads.

Senator Lamb asked if there are grazing rights in this area. Mr. Smith said there are none. Senator Jacobsen said when the advisory committee got involved all grazing was stopped.

Senator McCorkle asked if the plan included the extra honor camp people who will be able to work in areas such as these. Mr. Smith said the majority of the work would be done by inmate crews or YCC crews.

Senator Lamb asked if more money is put into honor camps wouldn't it reduce costs. Mr. Smith said yes.

Jack Dieringer, Chief, Division of Fisheries, reported on the fish hatchery operation at Marlette Lake. He said about 75 percent of eggs taken, hatched. He said this is the only state-owned cutthroat brood stock lake in Nevada. Mr. Dieringer said eggs are also taken at another location in Nevada. He said the cutthroat trout are on the threatened list, which causes many management problems, for example on the Truckee River. He said they were able to take all the cutthroat trout they needed for Nevada from Marlette Lake and also supply eggs to Arizona, Colorado, and Pyramid Lake. Mr. Dieringer said they feel they may be able to remove the trout from the threatened list through their efforts.

Senator Echols asked about user fees of the area. Mr. Meder, Administrator of State Parks, reported that user fees are charged at the Spooner entrance on Lake Tahoe. He said user fees are projected to offset part of the Park operation. He said he cannot determine how much will be earned by fees.

Senator Lamb asked if numbers of people going into this area can be controlled. Mr. Meder said yes. Senator Jacobsen said they would like to see a permanent employee in this area to oversee many aspects of management of this area. Mr. Smith said right now Buildings and Grounds, Fish and Game, Forestry, and others go through the area on a regular basis. He said they could cut their own traffic down by adding this individual who would coordinate all these activities.

Roland Westergard, Director, Department of Conservation and Natural Resources, reported that the state controls the water rights of Hobart and certain surrounding areas. He said the City of Carson has filed on certain areas up there.

Senator Gibson asked the purpose of subsection 4, page 2, of SB 408. Mr. Westergard said it is his interpretation that it relates to rights which had been established. He said this section would assure those rights.

Senator Lamb asked about line 17. Mr. Westergard said his interpretation is that it is another safeguard so that water could not



be appropriated by another party without the consent of the legislature.

Senator Jacobsen said he had wanted to make sure the State buildings would always have water. He said the State acquired water rights without protest. Senator Jacobsen observed it has been contended that the State cannot prove beneficial use of Marlette because the State has not pumped it on a regular schedule. He said they pumped four years ago, and did not pump since then because it was not necessary. Senator Jacobsen continued that they can prove beneficial use because of the fishery that is there; and this year they will pump water whether it is needed or not, to make sure they are within the 5-year period used to gauge water usage.

Senator Gibson asked if there has been a problem with drainage from Marlette into Lake Tahoe. Senator Jacobsen said the water draining into Lake Tahoe is excess from Marlette. He said the State water comes from Hobart.

Senator Wilson asked if the water going into Tahoe is accounted for in the Compact. Mr. Westergard said the Compact addresses this question and allocates water.

Senator Jacobsen explained that Marlette Lake is about 45 feet deep, having about 110,000 acre feet of water in it. He said if it is drawn down below 3 feet, it could endanger the fishery operation; it will prohibit breeding. Senator Jacobsen mentioned that there is inadequate storage at Hobart; that is where water is being wasted because it cannot be stored.

Senator Jacobsen stated that presently the City can buy water from the State; from July 1977 to July 1978, they bought 2,746,800 gallons from the State (and only in the month of July). He said the reason the city has not purchased much water is that they can produce it themselves cheaper than the 16 cents per thousand gallons presently charged to Virginia City and the Lakeview development above Carson City.

Senator Wilson asked what is the City's position. Mayor Jacobsen said one reason they did not use the water is that according to EPA standards the water is not good enough to put into the water system. He said a treatment plant will be available this fall. Mayor Jacobsen said also Carson City has recently adopted a different water policy. They have found that too much underground water has been used, causing the water table to drop; so they are trying to use as much surface water as possible.

Senator Wilson asked if the City is willing to commit itself to purchasing a given amount of water from the State. Mayor Jacobsen said yes, if the price is affordable.

John Winters, member, California Nevada State Compact, spoke on SB 357 and SB 408. He said they agree with section 1 of SB 357. He said if water right users and ranchers had been aware of this bill, the Committee room would be filled. Mr. Winters said section 2 and remaining sections of this bill should be completely eliminated. He said these sections completely change the water of the State. It sets a dangerous precedent whereby a water basin can be eliminated from State water laws. Mr. Winters added he believes the State is sovereign, and holds the water rights in trust for the people; the State should not lose water rights. He commented, regarding section 3, the City filed on water rights to protect those water rights from being filed on by someone else. Mr. Winters stated that section 3 needs to be dealt with in the contract with the City; that they (the City) relinquish the application for the Marlette water that they filed on to protect it from being filed on by anyone else for a non-use charge. He said the contract could stipulate that the city relinquish that water right thereby not applying this law by changing general water laws. Mr. Winters said there is no need to change the water laws. He said he can submit other reservations he has, regarding this bill, in writing.



SB 240 Provides for control of certain public lands  
by State of Nevada. (Attachment E)

Senator Glaser testified in favor of SB 240. He stated that the federal government controls 87 percent of Nevada and is equivalent to an absentee landlord. He said the critical situation is lack of a tax base. He said gambling was started in Nevada to stimulate the economy; but the future of gambling in Nevada is unstable because other states are beginning to legalize gambling, and the gas shortage will affect tourism in Nevada. Senator Glaser said he believes that it was the intent of the framers of the Constitution that the state have sovereignty over all matters within its boundaries, except those powers granted to the U.S. as an agent of the State.

Senator Glaser introduced Andrew Grose, Director, Research Division, Legislative Counsel Bureau, Harry Swainston, Attorney General's Office, and Jac Shaw, Administrator of the Division of State Lands. Senator Glaser asked the Committee to consider amendments which were the result of an April 4 meeting which about 500 people attended.

Mr. Grose reviewed the amendments. He submitted Attachment F, explaining that the amendments to SB 240 are the same as those in the handout.

Senator McCorkle asked about the intent of this bill. Mr. Grose said the intent is to first seek voluntary cooperation from the federal government in giving Nevada a greater role in management of the land. If the cooperation is not forthcoming, the bill contains the means by which a resolution would be forced, perhaps in court.

Senator Echols asked about what constitutes public lands, in view of the lands exempted from the bill. Mr. Gross said there are about 50,000,000 remaining after excepted lands; these acres fall within the jurisdiction of the Bureau of Land Management. He said that probably the Forest Service lands could constitutionally be claimed under the same argument as in SB 240; but the bill does not assert this jurisdiction at this time.

Senator McCorkle asked why any State or federal land would not come under the control of the Commission referred to in the bill. Mr. Grose said the public land addressed in the bill is the unallocated public domain lands. He said State lands are allocated for some purpose.

Senator Lamb asked why there are nine members on the Board. Senator Glaser replied that they chose this number so they could match the Regents' geographic districts, with 1 person, 1 vote.

Mr. Grose commented that an elected board is less responsive to guidance from either the Governor or the legislature. He feels that an appointed board should have guidance from the legislature.

Senator Echols questioned the value of an appointed board. Senator Glaser said board members would not be well known enough on a ballot. If voted in, people may represent the extremes. Lower elected offices have a low profile. He said the Governor would know better who to put on this board.

Senator Wilson asked if Senator Glaser had in mind criteria for the appointment of these people. He asked if they should have particular qualifications for their responsibility. Senator Glaser said they assumed the Governor would appoint people with the proper qualifications. Mr. Grose said there could be a general statement about qualifications, but not as specific as stating certain factions such as the Sportsmen's Club must be represented.

Senator Wilson said the bill is about a master plan for the use of certain lands which includes decisions of permanent and long-range results involving recreation, energy, etc. He said this is a heavy charge for 9 people. Senator Glaser stated he is amenable to an



amendment which would specify qualifications.

Mr. Grose said other states have Land Commissions and Nevada may receive guidance from other states which already have such boards.

Senator Lamb said he thinks qualifications should be added to the bill.

Senator Echols said he feels legislators should recommend these people for the board, thereby ensuring input by the people, who elected the legislators.

Mr. Grose pointed out that it is difficult to combine geographic districts with special interests; often difference special interests are not represented in different geographic locations.

Senator Wilson asked if this is a "skeleton" bill in the sense that is a predicate for some kind of basis to join the issue in a court and litigate the question of title. He said this bill is not a comprehensive land planning document. Senator Wilson added that if the legislature were really serious, this bill needs to be much more complete. Senator Glaser agreed that Senator Wilson is probably correct. Mr. Gross said he thinks the bill is an adequate framework for management to start out with. Senator Wilson said he does not believe it is adequate; which does not matter if all that is being done is joining the issue. Senator Glaser said that Senator Wilson is correct; the management plan is not detailed in the bill.

Senator Wilson said he is reluctant to see legislative jurisdiction delegated on questions that have this permanent and important an impact. He said he has difficulty in viewing SB 240 as any kind of basic management policy that should be followed; and he assumes that the sponsors of the bill do not intend it to be viewed as such.

Senator Wilson asked if this bill is needed to get into court. Mr. Swainston replied that it is desirable because it represents the States' declaration about the constitutionality of the federal government holding state lands.

Senator Wilson said the bill could be made stronger by putting in other problems that exist, besides grazing fees; such as loss of geo-thermal energy, or using public lands for bombing ranges.

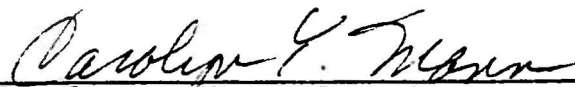
Mr. Swainston described the redrafting of section 11 of the bill. He said this section pertains to identifying a case to be tried which might be won against the federal government.

Senator Glaser said if this bill passes, the whole problem should be looked at as a whole again.

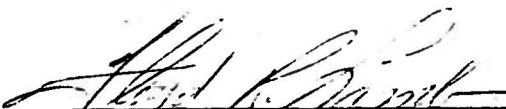
Senator Wilson asked if the lawsuit can be won. Mr. Swainston said it depends on the Supreme Court. If they look to the intent of the of the Constitution, Nevada will win. He said chances of winning with this Supreme Court are better than ever. Senator Glaser said the Washington Post quoted a federal lawyer who stated that there are sound arguments for Nevada's case.

Meeting adjourned at 10:40 a.m.

Respectfully submitted,

  
Carolyn Y. Mann, Secretary

APPROVED:

  
Floyd R. Lamb, Chairman



SENATE Finance COMMITTEE

GUEST LIST ATTACHMENT A

DATE: April 19, 1979

NAME	AGENCY OR ORGANIZATION
Don Hataway	Carson City
LURNADUGH	CARSON CITY
Roland D. Westergaard	Dept. Cons. & Nat. Resources
LADY SKITTA	NV. Div. of Forestry
A. JACK DIERINGER	NV. Dept. Fish & Game
Roy Trenoweth	Nv. Div. of Forestry
Jac R Shaw	Dir. of State Lands
Marshall Humphreys	Div. of State Parks
Boies Galt	Insur. Dev Co
Joyce Hall	Div. of Mineral Resources
W E Hancock	Public Works Board
Mike Weitz	Baldwin Landmarks
RICK JONES	Nv. Div. of Forestry
JOHN MEDER	STATE PARKS
DWIGHT C MILLARD	SELF
RICHARD R MASON	CARSON CITY HOME BUILDERS ASSOC.
Frank Taylor	St. Public Works Board
Ron Knacht	Carson City Home Builders Assoc.
Ed Nelson	
Edd FURBERSON	Carson City Home Builders Assoc.
HERBY W. SUTHERSTON	ATTORNEY GENERAL'S OFFICE
ROBERT BROWN	CARSON CITY SUPERVISOR
Ed - [unclear]	[unclear]
John Winters	Dayton, Nev. Member Cal. Nev. Inter State Compact Commission







ATTACHMENT B

S. B. 459

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SENATE BILL NO. 459—COMMITTEE ON FINANCE

APRIL 12, 1979

Referred to Committee on Finance

SUMMARY—Makes appropriation from the state general fund to the legislative fund. (BDR S-2120)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: Contains Appropriation.

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

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AN ACT making an appropriation from the state general fund to the legislative fund.

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

- 1 SECTION 1. There is hereby appropriated from the state general fund  
2 to the legislative fund existing pursuant to the provisions of NRS 218.085  
3 the sum of \$750,000.  
4 SEC. 2. This act shall become effective upon passage and approval.



ATTACHMENT C

S. B. 408

SENATE BILL NO. 408—SENATOR JACOBSEN

MARCH 30, 1979

Referred to Committee on Finance

SUMMARY—Revises act relating to Marlette Lake water system. (BDR S-1688)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

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

AN ACT to amend an act entitled "An Act relating to the Marlette Lake water system; authorizing the state board of examiners to issue and sell state securities in not to exceed the principal amount of \$5,000,000, for the purpose of acquiring with the proceeds thereof certain facilities for and improvements to the Marlette Lake water system; prescribing other details and conditions concerning such securities; prescribing powers, duties and responsibilities of the state board of examiners and the state public works board; otherwise concerning such securities and properties by reference to the State Securities Law; authorizing the execution of a contract between the State of Nevada and Carson City for supplying water to Carson City from the Marlette Lake water system; making an appropriation; and providing other matters properly relating thereto," approved May 23, 1975.

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

- 1 SECTION 1. Section 5 of the above-entitled act, being chapter 681,  
2 Statutes of Nevada 1975, at page 1370, is hereby amended to read as  
3 follows:  
4 Sec. 5. The legislature finds and declares that:  
5 1. A severe and critical shortage of water is imminent in the  
6 Carson City area which vitally affects the health and welfare of all  
7 of the residents of such area.  
8 2. The state owns the Marlette Lake water system, composed of  
9 the water rights, easements, pipelines, flumes and other fixtures and  
10 appurtenances used in connection with the collection, transmission  
11 and storage of water in Carson City and Washoe County, Nevada.  
12 3. The state is obligated by contract to provide the Virginia  
13 City Water Company or its successor with water from the Marlette  
14 Lake water system not in excess of [300,000] 450,000 gallons per  
15 day and the Lakeview Water Company or its successor with water  
16 from such water system not in excess of 50,000 gallons per day, and  
17 to provide minor amounts to others.



1 4. Pursuant to the requirements of subsection 5 of NRS 331-  
2 160, the director of the department of administration has caused to  
3 be developed an engineering study prepared by Water Resources  
4 Consulting Engineers and Montgomery Engineers of Nevada,  
5 intended to suggest alternative methods of alleviating the existing  
6 water shortage by improvement and modernization of the Marlette  
7 Lake water system, and the state has selected that alternative which  
8 primarily involves improvement and utilization of the Hobart Creek  
9 reservoir.

10 5. [The state is responsible for maintaining Marlette Lake as  
11 an efficient trout brood stock and spawn taking facility.

12 6.] Bonds issued by the state pursuant to this act shall consti-  
13 tute a debt which is not subject to the limitations stated in the first  
14 paragraph of section 3 of article 9 of the constitution of the State  
15 of Nevada, as from time to time amended, and may mature within  
16 not exceeding 50 years from their date.

17 [7.] 6. The execution of a contract between the state and  
18 Carson City for the supplying of water to Carson City from the  
19 Marlette Lake water system is necessary and will be beneficial to  
20 both parties.

21 SEC. 2. Section 7 of the above-entitled act, being chapter 681, Stat-  
22 utes of Nevada 1975, at page 1371, is hereby amended to read as follows:

23 Sec. 7. After receipt of a resolution from the state public works  
24 board certifying the need for moneys with which to acquire the  
25 project, the commission, on the behalf and in the name of the state,  
26 may:

27 1. Acquire the facilities.

28 2. Borrow money and otherwise become obligated in a total  
29 principal amount [of not exceeding \$5,000,000] not to exceed  
30 \$7,500,000 to defray wholly or in part the cost of acquiring the  
31 facilities, and issue state securities to evidence such obligations.

32 SEC. 3. Section 8 of the above-entitled act, being chapter 681,  
33 Statutes of Nevada 1975, at page 1371, is hereby amended to read as  
34 follows:

35 Sec. 8. 1. Subject to the limitations as to the maximum princi-  
36 pal amount in section 6 of this act, the commission may issue to  
37 defray the cost of the project, or any part thereof, at any time or  
38 from time to time after the adoption of this act, but not [after 5  
39 years from the effective date thereof,] later than July 1, 1984, as  
40 the commission may determine, the following types of state securities  
41 in accordance with the provisions of the State Securities Law:

42 (a) General obligation bonds and other general obligation  
43 securities payable from taxes, the payment of which securities is  
44 additionally secured with net pledged revenues;

45 (b) Revenue bonds and other securities constituting special obli-  
46 gations and payable from net pledged revenues; or

47 (c) Any combination of such securities.

48 2. The cost of the project shall include in addition to the items  
49 specified in NRS 349.168 not to exceed [the sum of \$45,000]  
50 \$60,000 for the preparation, before construction is undertaken, of

1 an environmental assessment under the direction of the state public  
2 works board to determine the manner of carrying out the Hobart  
3 alternative with the least practicable environmental damage, and  
4 not to exceed [\$6,500] \$8,500 for the employment and retention of  
5 financial consultants and attorneys at law. If necessary for its  
6 timely preparation, the state public works board or the department  
7 of general services, or both, may advance all or part of the cost of  
8 preparation of the environmental assessment from any moneys  
9 lawfully available to either agency, and any moneys so advanced  
10 shall be repaid to the general fund from the proceeds of the bond  
11 issue and credited to the account from which advanced. The state  
12 department of conservation and natural resources shall on or before  
13 January 1, [1977,] 1981, prepare a watershed management plan  
14 for the Marlette Lake system, with particular emphasis on the  
15 portion affected by the Hobart alternative.

16 3. [Nothing in this act shall be construed as preventing] This  
17 act does not prevent the commission from funding, refunding or  
18 reissuing any outstanding state securities issued by the commission at  
19 any time as provided in the State Securities Law.

20 4. Subject to existing contractual obligations, the net revenues  
21 pledged, if any, for the payment of state securities by the commission  
22 may be derived from the operation of all or any part of the income-  
23 producing facilities under the jurisdiction of the state, including with-  
24 out limitation the facilities acquired by the project.

25 SEC. 4. Section 9 of the above-entitled act, being chapter 681, Stat-  
26 utes of Nevada 1975, at page 1372, is hereby amended to read as follows:

27 Sec. 9. 1. After consultation with the Marlette Lake water sys-  
28 tem advisory committee and with the prior approval of the governor,  
29 the director of the department of general services is authorized to  
30 execute a contract on behalf of the state with Carson City, a consoli-  
31 dated municipality created by and existing pursuant to the provisions  
32 of chapter 213, Statutes of Nevada 1969, to carry out the selected  
33 Hobart alternative plan to develop additional water from the Mar-  
34 lette Lake water system and to make such additional water available  
35 to Carson City. Notwithstanding the provisions of chapter 213,  
36 Statutes of Nevada 1969, as amended, or any other statute, the  
37 mayor and the board of supervisors of Carson City are authorized  
38 to execute such a contract on behalf of Carson City, the term of  
39 which may not exceed 55 years.

40 2. The contract shall include a provision requiring Carson City  
41 to pay for a specified amount of water available for delivery each  
42 year, whether or not this amount of water is actually used.

43 3. The following matters shall also be considered in formulating  
44 the contract:

45 (a) Recognition of the existing contract obligations of the state  
46 concerning water from this source.

47 (b) Mutual releases because of impossibility of performance.

48 (c) Description of the improvements constituting the Hobart  
49 alternative.

EX H I B I T C

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1 (d) Reimbursement by Carson City to the state for these  
2 improvements.

3 (e) Criteria for the operation and maintenance of the Marlette  
4 Lake water system after the improvements are made, the respective  
5 responsibilities of the parties, and the allocation and payment of  
6 attendant costs.

7 (f) Sale or transfer to Carson City by the state of the state's  
8 storage *and treatment* facilities in Ash Canyon, the transmission  
9 facilities from such storage reservoirs into Carson City, and the  
10 water distribution system within Carson City.

11 (g) Criteria for the operation and maintenance of the facilities  
12 and water system described in paragraph (f) by Carson City and  
13 assurances by Carson City that all state-owned facilities within the  
14 vicinity of the Carson City water system will be supplied with water.

15 (h) The method of measuring amounts of water sold and deliv-  
16 ered to Carson City.

17 (i) The term of the contract.

18 (j) Water rates to be charged the state by Carson City for water  
19 supplied to state properties.

20 (k) Quality of the water sold and delivered.

21 (l) Future renegotiation of the contract.

22 4. Subsection 3 does not require that every matter enumerated  
23 be included or mentioned in the final contract. The intention of the  
24 legislature is that the director of the department of general services,  
25 with the approval of the governor, may execute a contract contain-  
26 ing equitable provisions mutually beneficial to the parties to achieve  
27 the purposes stated in this act.

28 SEC. 5. This act shall become effective upon passage and approval.

ATTACHMENT D

MARLETTE-HOBART  
MANAGEMENT PLAN

DEPARTMENT OF CONSERVATION AND  
NATURAL RESOURCES  
NEVADA DIVISION OF FORESTRY  
JUNE 1978



## SYNOPSIS

This management plan was prepared pursuant to Assembly Bill 732 enacted by the 1977 Legislature. The Department of Conservation and Natural Resources assigned the responsibility of preparing this management plan to the Nevada Division of Forestry (NDF). NDF contacted Fish and Game, State Parks, Soil Conservation Service, Consumer Health Protection and State Lands to ask for their expertise in preparing various portions of the management plan.

A working group consisting of representatives from Fish and Game, State Parks, Bureau of Consumer Health Protection Services, Division of Buildings and Grounds, State Lands, Soil Conservation Service, U.S. Forest Service, NDF and other agencies and people interested in the management of the watersheds, met on several occasions to discuss and revise the rough draft plans to assure compatibility.

The attached management plans are the long range goals for management of the watersheds. The two year plan and budget included within are the portions of the long range plans that the working group felt could be and should be implemented pending legislative funding and authorization.

During subsequent Legislative years, a two year plan and budget will be submitted to insure that these two important watersheds are managed on a continuing basis. This approach was considered the best by the working group as it was felt that the management accomplishments should be done gradually. This approach would also help maintain control on water quality and quantity which is of utmost importance. Water quality is

important to the consumers in the Carson City and Virginia City area and to the Bureau of Consumer Health Protection Services which is charged by federal legislation to enforce the Safe Drinking Water Act. Water quality can be influenced by the activities of the agencies who have management responsibility in these watersheds and therefore should be managed in a cautious and coordinated manner as proposed.



## TWO YEAR IMPLEMENTATION PLAN

This two year plan for FY 80 and 81 was agreed upon by the working group and approved by the Director of the Department of Conservation and Natural Resources as being the most important and necessary items needed for implementing management affecting Marlette-Hobart watersheds.

The forest management program consists of monitoring insect and disease problems to determine if any type of action needs to be taken. Sites will also be selected and evaluated for sanitation cutting in conjunction with working group members. Plans and budget needs for the initial phase of the sanitation cutting will be presented to the 1981 Legislature.

The fuel management program consists of: removing the large log piles at the south end of Marlette Lake; developing and evaluating a site specific plan for fuel hazard reduction along approximately seven miles of primary road during FY 80; and implementing site specific plans, upon approval of working group, during FY 81.

The firefighting plan consists of: locating, cleaning up and marking five (5) helispots on ridgetops throughout the two watersheds; and establishing six (6) water sumps at stream crossings throughout the watersheds. The water sumps will be established during the road improvement work.

The road plan is to: improve all primary roads leading into and existing in the watersheds to the point of controlling soil erosion; open the pipeline road from Red House to the junction of Tunnel Creek Road; close off other roads not necessary for management of watersheds; and restrict travel on fire trails to emergency vehicles only. The improvements

on primary roads will consist of putting in thirty-five (35) steel or concrete culverts at all stream crossings and shaping the roads to prevent soil erosion.

The soil erosion control plan provides for: inventory the area to determine needs during the summer of 1979. A damage assessment team consisting of Division of Forestry, State Parks, Fish and Game, U.S. Forest Service and Soil Conservation Service will do the inventory work.

The water quality plan provides for: adopt parameters for water quality to assure that quality is maintained or improved; prohibitions of activity that would effect water quality; and water sampling on a quarterly basis at eight locations.

The livestock grazing plan consists of not permitting livestock to graze in either watershed or State land.

The utility corridor plan states that: any new corridors be prohibited in these watersheds; uprating of existing power lines and expansion of the gas line be allowed only if impacts can be mitigated; the use of vehicles for inspection and use of heavy equipment for routine maintenance should be kept to a minimum.

The fish and wildlife management plan is to: reduce the common beaver population in the Hobart area; reduce the eastern brook trout and Tahoe sucker population in Marlette Lake; and establish a maximum draw-down on Marlette Lake of three (3) feet below the 1959 spillway level of 7,838 feet. Draw-down should not exceed a one foot drop in elevation during the spawning run in May and June.

The equestrian program provides for: restricting horses to designated trails; restricting the number of organized trail



rides and the number of horses per organized trail rides; establishing a permit system for trail ride groups; prohibit horses to be within 200 feet of surface waters used for municipal purposes; restrict horses from meadows, aspen glades and from grazing anywhere within the watersheds; provide hitching post and signs at selected areas to help control horse use; and to monitor horse use on trails, soils, water quality and vegetation to determine future management policy.

The overnight, backpack camping plan provides for: establishing two walk-in campgrounds outside the watersheds; establishing restrictions and a permit system for use of these campgrounds; establishing a monitoring system for the day hikers to determine the impact; marking of trail systems in watersheds to assist users; and provide toilet units in the watersheds for the users.

The natural reserve plan for the Marlette watershed consists of: designating the entire Marlette watershed as a natural reserve; securing a written agreement with U.S. Forest Service to dedicate their lands within the watershed as a natural reserve; private land to be surveyed; signing of natural reserve boundary to explain purpose; close off unnecessary roads; establish interpretive trails with signs.

During the course of preparing these management plans, it was suggested that a law enforcement person be hired to work in the Marlette-Hobart area to enforce all forestry, fish and game and parks laws, rules and regulations. It was later agreed upon by the working group that this person could accomplish a number of other duties while enforcing the law. The person would be

hired on as a Forester I and be under the supervision of NDF.. Duties would include such task as: taking water quality samples for Consumer Health; finish establishing permanent inventory plots; re-inventory all permanent plots on a five year interval; develop, implement, and analyze a multiple use watershed impact monitoring system; coordinate with State Parks in developing and enforcing their permit and registration system for all users; maintain quality control on all management plan projects; provide initial attack on all fires in and adjacent to the watersheds; assist adjacent landowners in developing a watershed management program compatible with the one prepared for the Marlette-Hobart area; assist the State Watermaster by checking the water levels of Marlette, Hobart, the tanks and the diversion dam and make adjustments as needed to regulate the flow; inspect the dams, overflows, weirs, and control valves for failures and vandalism; inspect the road system before and after winter and after major thunderstorms to determine what type of work is needed to put it in shape; observation and documenting of all wildlife species, sign and habitat type; trapping of beaver in Hobart area; furbearer inventory which includes baiting, fur collection and analysis; observation of blue grouse and turkey to document mating territories and determine annual productivity; construction of nesting platforms for raptors; determine mountain beaver distribution and densities; conduct fish population and feeding habit studies; observe spawning activities and test various methods for removal of brook trout and suckers; analyze water chemistry and determine water temperature at various depths; determine plankton quantity and quality and monitor any changes which may occur as management plans are



put into effect; assist with annual cutthroat spawning operation; and enforce all laws, rules and regulations for forestry, parks, and fish and game.

The historic preservation plan provides for: identification and assessment of historical and archeological resources present in the watersheds; development of a management plan element that describes the resources and provides guidelines for their management in a compatible or non-conflicting manner with other resource types.

## BIENNIAL BUDGET NEEDS FOR FY 79-80 AND 80-81

Fuel Management Plan		
- Remove log pile at Marlette Lake		\$ 9,250.00
- Hazard reduction along roads		15,000.00
	TOTAL	\$ 24,250.00
Firefighting Plan		
- 5 helispot construction		\$ 3,200.00
- 6 water sumps		1,110.00
	TOTAL	\$ 4,310.00
Road Plan		
- Improve 25 miles of road		\$ 25,000.00
- Install 35 culverts		15,000.00
- Open pipeline road		10,000.00
	TOTAL	\$ 50,000.00
Water Quality Plan		
- Lab analysis of water samples		\$ 3,600.00
Fishery and Wildlife Management Plan		
- Construction of nesting platforms		\$ 500.00
Equestrian Plan		
- 6 hitching posts		\$ 300.00
Overnight Backpack Camping Plan		
- Construct 10 camp units		\$ 1,750.00
- 6 toilet units		9,000.00
- Pump unit to service toilets		3,500.00
- Signing		1,000.00
	TOTAL	\$ 15,250.00
Natural Reserve Plan		
- Survey private land		\$ 5,000.00
- Boundary signing		900.00
- Interpretive signing		3,750.00
- YCC materials		1,000.00
	TOTAL	\$ 10,650.00
Historical and Archaeological Study		\$ 7,200.00
Forester I Position		
- Grade 31, Step 1 + Fringe Benefits		\$ 29,350.00
	<u>TOTAL BUDGET</u>	<u>\$145,410.00</u>



February 14, 1979

MEMORANDUM

TO: Senator Lawrence Jacobsen

FROM: L. V. Smith

SUBJECT: Marlette-Hobart Watershed Funds

The Forester who will supervise the Marlette-Hobart area will need some equipment and operating funds.

The operating and equipment are as follows:

3/4 ton 4x4 pickup	\$8,000	
Mobile radio	1,200	
Handi-talki radio	900	
Operating supplies	500	
Insurance for equipment	600	
Vehicle operation	2,500	
	<u>\$13,700</u>	TOTAL

This person should have a vehicle to get around the area and the radios would be used for communication, especially during the summer months during fire season.

The remaining items will be for operating expenses.

This amount is for the two year period.

js

February 14, 1979

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 FROM: L. V. Smith  
 SUBJECT: Marlette-Hobart Watershed Funds

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This amount is for the two year period.

js



ATTACHMENT E

S. B. 240

SENATE BILL NO. 240—SENATORS GLASER, BLAKEMORE,  
KEITH ASHWORTH, ECHOLS, JACOBSEN, SLOAN, LAMB,  
GIBSON, NEAL, HERNSTADT, FAISS, CLOSE, DON ASH-  
WORTH AND McCORKLE

FEBRUARY 15, 1979

Referred to Committee on Natural Resources

SUMMARY—Provides for control of certain public lands by  
State of Nevada. (BDR 26-251)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: Contains Appropriation.

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

AN ACT relating to public lands; creating the Nevada lands commission; provid-  
ing for state control of certain lands within the state boundaries; providing  
penalties; making an appropriation; and providing other matters properly  
relating thereto.

1 WHEREAS, The intent of the framers of the Constitution of the United  
2 States was to guarantee to each of the states sovereignty over all matters  
3 within its boundaries except for those powers specifically granted to the  
4 United States as agent of the states; and

5 WHEREAS, The attempted imposition upon the State of Nevada by the  
6 Congress of the United States of a requirement in the enabling act that  
7 Nevada "disclaim all right and title to the unappropriated public lands  
8 lying within said territory," as a condition precedent to acceptance of  
9 Nevada into the Union, was an act beyond the power of the Congress  
10 of the United States and is thus void; and

11 WHEREAS, The purported right of ownership and control of the public  
12 lands within the State of Nevada by the United States is without founda-  
13 tion and violates the clear intent of the Constitution of the United States;  
14 and

15 WHEREAS, The exercise of such dominion and control of the public  
16 lands within the State of Nevada by the United States works a severe,  
17 continuous and debilitating hardship upon the people of the State of  
18 Nevada; now, therefore,

19  
20 *The People of the State of Nevada, represented in Senate and Assembly,*  
21 *do enact as follows:*

22  
23 Section 1. Chapter 321 of NRS is hereby amended by adding  
24 thereto the provisions set forth as sections 2 to 10, inclusive, of this act.



1 SEC. 2. As used in sections 2 to 10, inclusive, of this act, unless the  
2 context otherwise requires:

3 1. "Commission" means the Nevada lands commission.

4 2. "Public lands" means all lands within the exterior boundaries of  
5 the State of Nevada except lands:

6 (a) To which title is held by any private person or entity;

7 (b) To which title was held by the State of Nevada or any of its local  
8 governments before July 1, 1979;

9 (c) Which are located within national parks, monuments or other  
10 recreational areas;

11 (d) Which are controlled by the United States Department of Defense  
12 or Bureau of Reclamation; or

13 (e) Which are subject to treaties between the United States and Indian  
14 tribes.

15 SEC. 3. 1. There is hereby created the Nevada lands commission.

16 2. The commission consists of:

17 (a) Twenty members who shall be elected from the state senatorial  
18 districts in the same proportionate numbers as senators are elected; and

19 (b) A chairman, who shall be appointed by the governor. The  
20 chairman shall preside over the commission and may vote only in the  
21 event of a tie among the commissioners present.

22 3. Except for initial appointments, the members of the commission  
23 shall be elected in nonpartisan elections when members of the legislature  
24 are elected and shall serve for terms of 2 years.

25 SEC. 4. 1. The commission may contract for or employ such profes-  
26 sional and clerical personnel as are needed to carry out its functions.

27 2. The commission may adopt rules for its own governance, but no  
28 regulation which imposes any limitation upon the people of Nevada is  
29 effective until approved by the legislature.

30 SEC. 5. 1. The commission shall manage the public lands of the  
31 state in an orderly and beneficial manner.

32 2. The commission may sell, lease, exchange or encumber the  
33 public lands when specifically authorized to do so by an act of the  
34 legislature and under the terms and conditions set forth in the act.

35 3. No public lands may be disposed of before July 1, 1981, except  
36 for any sales or exchanges which were pending on July 1, 1979, or  
37 rights-of-way for public purposes.

38 SEC. 6. 1. Subject to existing rights of the people, on and after  
39 July 1, 1979, all public lands in Nevada, all waters on and below the  
40 surface of the land and all minerals not previously appropriated are the  
41 exclusive property of the State of Nevada.

42 2. Until equivalent measures are enacted by the State of Nevada,  
43 the rights and privileges of the people of the State of Nevada under the  
44 National Forest Reserve Transfer Act (16 U.S.C. §§ 471 et seq.), the  
45 General Mining Laws (30 U.S.C. §§ 21 et seq.), the Homestead Act (43  
46 U.S.C. §§ 161 et seq.), the Taylor Grazing Act (43 U.S.C. §§ 315 et  
47 seq.) and the Desert Land Act (43 U.S.C. §§ 321 et seq.) and all rights-  
48 of-way and easements for public utilities must be preserved under admin-  
49 istration by the state.

1 3. Public lands in Nevada which have been administered by the  
2 United States under international treaties or interstate compacts must  
3 continue to be administered by the state in conformance with those  
4 treaties or compacts.

5 SEC. 7. The public lands of Nevada must be used to the greatest  
6 extent possible for recreation, wildlife habitat, agriculture, mineral and  
7 timber production and for the development, production and transmission  
8 of energy and other public utility services under principles of multiple  
9 use which provide maximum benefit to the people of Nevada.

10 SEC. 8. The annual fees charged for grazing leases must not exceed  
11 the fair market value of the leases, as determined upon consideration  
12 of the prices for livestock and the costs of raising livestock. Each lease  
13 must provide for a term of not more than 10 years.

14 SEC. 9. All proceeds of sales, fees, rents, royalties or other money  
15 paid to the state under sections 2 to 10, inclusive, of this act must be  
16 deposited with the state treasurer for credit to the state general fund.

17 SEC. 10. 1. The State of Nevada has exclusive jurisdiction to enforce  
18 the provisions of sections 2 to 9, inclusive, of this act.

19 2. A citizen of Nevada may institute civil action to recover damages  
20 for any injury or loss which he sustains as the result of any violation of  
21 sections 2 to 9, inclusive, of this act.

22 3. Any person who attempts to exercise jurisdiction over the public  
23 lands in a manner not permitted by the laws of the State of Nevada  
24 shall be punished by imprisonment in the state prison for not less than  
25 2 years nor more than 10 years.

26 4. Any corporation or other entity which attempts to exercise juris-  
27 diction over the public lands in a manner not permitted by the laws of  
28 the State of Nevada shall be punished by a fine of not more than \$5,000.

29 SEC. 11. 1. The legislative commission shall conduct a study of the  
30 public lands of Nevada to determine, in conjunction with the respective  
31 boards of county commissioners and the planning commissions of the  
32 several counties:

33 (a) Which lands in each county should be made available for disposi-  
34 tion;

35 (b) Which lands in each county should be retained by the state as  
36 habitats for wildlife or for recreational or other public purposes; and

37 (c) Which lands in each county should be made available for county  
38 administration in accordance with the appropriate provisions of NRS  
39 regarding county property.

40 2. The legislative commission shall submit a report of its findings  
41 and recommendations to the 61st session of the legislature.

42 SEC. 12. The governor shall appoint the first members of the Nevada  
43 lands commission, who shall be representatives from the senatorial dis-  
44 tricts in the same numbers as senators are elected, and who shall serve  
45 until November 7, 1980.

46 SEC. 13. 1. There is hereby appropriated to the Nevada lands com-  
47 mission from the state general fund the sum of \$125,000 for the bien-  
48 nium beginning July 1, 1979, and ending June 30, 1981, for support of  
49 the commission in carrying out the purposes of this act.



ATTACHMENT F

A.B. 413 - ENGROSSED WITH  
PROPOSED AMENDMENTS  
April 16, 1979

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

1 SECTION 1. Chapter 321 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 10, inclusive,  
3 of this act.

4 SEC. 2. The legislature hereby finds that:

5 1. The intent of the framers of the Constitution of the  
6 United States was to guarantee to each of the states sover-  
7 eignty over all matters within its boundaries except for  
8 those powers specifically granted to the United States as  
9 agent of the states; and

10 2. The attempted imposition upon the State of Nevada by  
11 the Congress of the United States of a requirement in the  
12 enabling act that Nevada "disclaim all right and title to  
13 the unappropriated public lands lying within said territory,"  
14 as a condition precedent to acceptance of Nevada into the  
15 Union, was an act beyond the power of the Congress of the  
16 United States and is thus void; and

17 3. The purported right of ownership and control of the  
18 public lands within the State of Nevada by the United States  
19 is without foundation and violates the clear intent of the  
20 Constitution of the United States; and

21 4. The exercise of such dominion and control of the public  
22 lands within the State of Nevada by the United States works  
23 a severe, continuous and debilitating hardship upon the  
24 people of the State of Nevada.

25 SEC. 3. As used in sections 3 to 11 inclusive, of this act,  
26 unless the context otherwise requires:

27 1. "Commission" means the Nevada lands commission.

1        2. "Public lands" means all lands within the exterior  
2 boundaries of the State of Nevada except lands:  
3        (a) To which title is held by any private person or entity;  
4        (b) To which title was held by the State of Nevada, any  
5 of its local governments or the University of Nevada System  
6 before July 1, 1979;  
7        (c) Which are located within congressionally authorized  
8 national parks, monuments, national forests or wildlife  
9 refuges, or which are lands acquired by purchase consented  
10 to by the legislature;  
11        (d) Which are controlled by the United States Department  
12 of Defense, Department of Energy or Bureau of Reclamation;  
13 or  
14        (e) Which are held in trust for Indian purposes or are  
15 Indian reservations.

16        SEC. 4. 1. There is hereby created the Nevada lands commission.

17        2. The commission consists of nine members appointed by  
18 the governor, one from each district constituted for the  
19 election of regents of the University of Nevada System.

20        3. The governor shall appoint one of the nine members as  
21 chairman. The chairman shall preside over the commission  
22 and may vote on all matters before the commission.

23        4. Members of the commission shall be entitled to \$40  
24 per day salary, and per diem and travel expenses provided  
25 by law for state employees.

26        5. Members of the commission, except for initial appoint-  
27 ments, shall serve for 4-year terms.

28        6. Vacancies on the commission shall be filled for the  
29 remainder of a term in the same manner as regular appoint-  
30 ments.

31        SEC. 5. 1. The commission may contract for or employ  
32 such professional and clerical personnel as are needed to  
33 carry out its functions.



1     2. The commission may adopt rules for its own governance,  
2     and to carry out the purposes of this act.

3     SEC. 6. 1. The commission shall manage the public lands of  
4     the state in an orderly and beneficial manner.

5     2. The commission may sell, lease, exchange or encumber the  
6     public lands when specifically authorized to do so by an act  
7     of the legislature and under the terms and conditions set forth  
8     in the act.

9     3. No public lands may be disposed of before July 1, 1981,  
10    except for any sales or exchanges which were pending on July 1,  
11    1979, or rights-of-way for public purposes.

12    SEC. 7. 1. Subject to existing rights of the people, on  
13    and after July 1, 1980, all public lands in Nevada and all  
14    minerals not previously appropriated are the property of the  
15    State of Nevada.

16    2. Until equivalent measures are enacted by the State of  
17    Nevada, the rights and privileges of the people of the State  
18    of Nevada under the National Forest Reserve Transfer Act  
19    (16 U.S.C. §§ 471 et seq.), the General Mining Laws (30 U.S.C.  
20    §§ 21 et seq.), the Homestead Act (43 U.S.C. §§ 161 et seq.),  
21    the Taylor Grazing Act (43 U.S.C. §§ 315 et seq.), the Desert  
22    Land Act (43 U.S.C. §§ 321 et seq.), and the Carey Act (43  
23    U.S.C. §§ 641 et seq.) and all rights-of-way and easements  
24    for public utilities must be preserved under administration  
25    by the state.

26    3. Public lands in Nevada which have been administered by  
27    the United States under international treaties or interstate  
28    compacts must continue to be administered by the state in con-  
29    formance with those treaties or compacts.

30    SEC. 8. The public lands of Nevada must be used to the  
31    greatest extent possible for recreation, wildlife habitat,  
32    agriculture, mineral and timber production and for the develop-  
33    ment, production and transmission of energy and other public  
34    utility services under principles of multiple use which provide  
35    maximum benefit to the people of Nevada.

1     SEC. 9. The annual fees charged for grazing leases must  
2 not exceed the fair market value of the leases, as determined  
3 upon consideration of the prices for livestock and the costs  
4 of raising livestock. Each lease must provide for a term of  
5 not more than 10 years.

6     SEC. 10. All proceeds of sales, fees, rents, royalties or  
7 other money paid to the state under sections 3 to 11, inclusive,  
8 of this act must be deposited with the state treasurer for  
9 credit to the state general fund.

10    SEC. 11. 1. The State of Nevada has exclusive jurisdiction  
11 to enforce the provisions of sections 3 to 10, inclusive, of  
12 this act.

13    2. Every person who exercises jurisdiction, power or author-  
14 ity over the public lands in Nevada, under color of any  
15 purported statute, ordinance, regulation, custom, or usage of  
16 the United States, subjects or causes to be subjected, any  
17 citizen of the State of Nevada or other person within the  
18 jurisdiction thereof to the deprivation of any rights, privi-  
19 leges, or immunities secured by the Constitution of the United  
20 States, the Constitution of the State of Nevada, or the laws  
21 of the State of Nevada, shall be subject to the jurisdiction  
22 of the commission.

23    3. Any person claiming damage, either individually or as  
24 a representative of a class of complainants, as a result of  
25 any act referred to in subsection 2 may file with the com-  
26 mission a verified complaint. The complaint shall set forth  
27 the alleged violation and contain other information as required  
28 by the commission. A complaint may also be filed by a com-  
29 missioner or the attorney general with the commission.

30    4. Whenever it may appear that a substantial number of  
31 persons may be injured or otherwise adversely affected by  
32 actions complained of in subsection 2, the commission may  
33 request the attorney general to represent such class in an  
34 action at law, suit in equity, or other proper proceeding  
35 for redress.



1 SEC. 12. 1. The department of conservation and natural  
2 resources shall conduct a study of the public lands of Nevada  
3 to determine, in conjunction with the respective boards of  
4 county commissioners and the planning commissions of the several  
5 counties:

6 (a) Which lands in each county should be made available for  
7 disposition;

8 (b) Which lands in each county should be retained by the  
9 state as habitats for wildlife or for recreational or other  
10 public purposes; and

11 (c) Which lands in each county should be made available for  
12 county administration in accordance with the appropriate pro-  
13 visions of NRS regarding county property.

14 2. The department of conservation and natural resources  
15 shall submit a report of its findings and recommendations to  
16 the Nevada lands commission and to the 61st session of the  
17 legislature.

18 SEC. 13. The members of the Nevada lands commission shall  
19 be appointed to initial terms as follows:

20 1. From regents district No. 1, subdistricts A and B and  
21 district No. 2, subdistrict A, 2 years.

22 2. From regents district No. 2, subdistricts B, C and D,  
23 3 years.

24 3. From regents district No. 2, subdistrict E and district  
25 No. 3, subdistricts A and B, 4 years.

26 SEC. 14. There is hereby appropriated to the interim  
27 finance committee from the state general fund the sum of  
28 \$125,000 for the biennium beginning July 1, 1979, and ending  
29 June 30, 1981, for the support of the commission in carrying  
30 out the purposes of this act, and for the attorney general  
31 for any litigation arising out of this act.

32 SEC. 15. Sections 6, 7, 8, 9, 10, and 11 become effective  
33 July 1, 1980. All other sections become effective July 1,  
34 1979.

Division of State Lands  
State Land Office  
State Land Use Planning Agency  
(702) 885-4363



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

SB 240  
AB 413

STATE OF NEVADA  
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
Division of State Lands

April 12, 1979

M E M O R A N D U M

TO: Andy Grose, Research Director  
Legislative Counsel Bureau  
  
Roland Westergard, Director  
Department of Conservation and Natural Resources

FROM: Jac R. Shaw, Administrator  
Division of State Lands *JRS*

SUBJECT: Preliminary Estimated State Costs for Administration of  
Bureau of Land Management Lands (SB 240 and AB 413)

As per your request of April 11, 1979, this office has compiled estimated costs for the administration of lands now administered by the U.S. Bureau of Land Management. Following is our preliminary estimates of administering and maintaining these public lands in Nevada.

I. Estimated Revenues (Based on Fiscal Year 1978)

A. Bureau of Land Management within Nevada<sup>1</sup>

<u>Source</u>	<u>Receipts</u>
Mineral Leases and Permits (including geothermal)	\$ 9,137,658
Sale of Lands and Materials	210,842 <sup>2</sup>
Grazing within Grazing Districts	3,599,963 <sup>2</sup>
Grazing Outside of Grazing Districts	75,611 <sup>2</sup>
Fees and Commissions	328,483
Rights-of-Way	60,410
Rent of Land	12,115
Other	3,478
TOTAL	<u>\$13,428,560</u>

<sup>1</sup> Does not include 1.5 million acres administered by Boise and Susanville BLM Districts

<sup>2</sup> Represents 25% greater than actually received to indicate new grazing rates



- B. Total estimated annual revenues would be considerably higher with the sale of selected small tracts of land in the Las Vegas area. These sales could be spread out over a period of years to coordinate with the Master Land Use Plans of local governments in the area. Following is a table relating to BLM holdings in the Las Vegas Valley:

Total BLM acreage in Valley	37,011 acres
Approx. developable acreage	30,000 acres
Average selling price per acre (based on 1978 land sale)	<u>\$28,000</u>
Total projected income at \$28,000 per acre	\$840,000,000
Total projected income at \$10,000 per acre	\$300,000,000

II. Estimated Expenditures (Based on Fiscal Year 1978)

Bureau of Land Management within Nevada<sup>1</sup>

<u>Type</u>	<u>Amount</u>
Range, Soil and Water Improvement	\$ 442,700
Facility Construction	111,500
Road Construction and Acquisition	785,300
Maintenance of Road and Facilities	506,700
Fire Prevention	391,000
Fire Suppression	1,204,400
Lands and Minerals Management	1,548,600
Range Management	2,401,000
Cadastral Surveys	317,000
Forest Management	99,700
Recreation Management	423,700
Wildlife Habitat Management	459,200
Program Development	2,127,400
Contributions	<u>104,000</u>
TOTAL	<u>\$10,922,200</u>

<sup>1</sup> Does not include 1.5 million acres administered by Boise and Susanville BLM Districts

III. Funds now received by State of Nevada and local governments from Federal lands

<u>A. To Nevada State Treasury in 1978<sup>1</sup></u>	<u>Total Received</u>
Federal Mineral Leases (50%)	\$4,568,829
Sale of Land and Minerals (5%)	8,434
Grazing within grazing districts	359,996
Grazing outside of grazing districts	<u>30,245</u>
TOTAL	<u>\$4,967,504</u>

B. In Lieu of Tax Payments to Local Governments in 1978<sup>1</sup>

	<u>Total Payment</u>
All Counties	\$5,200,330 <sup>2</sup>

<sup>1</sup>Some Federal funding should continue if SB240/AB413 are implemented because not all Federal lands are to be acquired by the State of Nevada.

<sup>2</sup>Some lands could be deeded to private ownership to increase local tax rolls, or deeded to local governments for development. This would lessen amount of State funding required.

C. Federal Aid to Highways

1. Interstate Highways - Currently 95% Federally funded with 5% State funding. \$1.41 million paid by Nevada in 1978.

If Nevada took over BLM lands, we would be eligible for only 90% Federal funds with a 10% State match. Under this situation, using 1978 figures, Nevada's funding obligation would be \$2.98 million.

2. Primary and Secondary Highways and Other Programs - Currently 95% Federally funded with 5% State funding. \$1.99 million paid by Nevada in 1978.

If Nevada took over BLM lands, we would be eligible for only 70% Federal funds with a 30% State match. Under this situation, using 1978 figures, Nevada's funding obligation would be \$16.21 million.

Summary - In 1978, Nevada paid \$3.40 million to match Federal Highway funds. If Nevada did not have its "public land State" status, this State match would have to increase to \$19.20 million. This results in a total of \$15.8 million additional State expenditures on highways.

IV. Staffing Estimates

For January, 1979, the Bureau of Land Management employed 470 persons, which projects out to an expenditure of \$5,858,782 annually for salaries and related costs. This figures out to an average of \$12,465 per employee.

Two specialized programs of BLM which Nevada may not wish to continue involve wilderness planning (15 employees) and grazing environmental statements (an additional 15 employees). Because of the specialized nature of these programs we would guess that these people earn close to \$20,000 per year.



- V. In conclusion, the foregoing figures are preliminary and additional in-depth studies would have to be made to fully determine the costs of administering the many millions of acres involved. Logic would seem to indicate a possible reduction in manpower of sizeable proportions, but this would have to be done over a span of 5 or 10 years as experience would dictate.

Please note that we have not estimated the cost of initial capital investments which would be required. To be included would be buildings and office space in at least some of the eight communities now containing BLM district offices. These localities are: Reno, Carson City, Las Vegas, Winnemucca, Battle Mountain, Elko, Ely, and Tonopah. In addition to offices, other significant capital expenditures would involve office equipment, vehicles, fire-fighting vehicles and aircraft, and other specialized equipment.

JRS/lc

attachment

## SUMMARY

COSTS AND BENEFITS OF ADMINISTRATION OF PUBLIC DOMAIN  
BY THE STATE OF NEVADA (SB240 & AB413)

COSTS OF ADMINISTRATION

Annual Cost (1978 figures)

Public Domain (BLM) <sup>1</sup>	\$ 9,922,200 <sup>2</sup>
In Lieu of Tax Monies to Local Governments	5,200,330 <sup>3</sup>
Additional State Expenditures on Highways	<u>15,800,000</u>
	\$30,922,530

<sup>1</sup> Estimated cost is \$1,000,000 less than current BLM expenditures to reflect reduction of 30 staff positions now working on wilderness studies and grazing environmental statements.

<sup>2</sup> May include some costs of administration now incurred outside of Nevada.

<sup>3</sup> Some Federal funding should continue as not all Federal lands are to be acquired.

ESTIMATED REVENUES

Annual Revenue (1978 figures)

Public Domain (BLM)	\$13,428,560 <sup>4</sup>
Sale of 30,000 acres in Las Vegas Valley <sup>5</sup>	<u>20,000,000</u>
	\$33,428,560

<sup>4</sup> Reflects 25% increase in grazing from new grazing lease rates.

<sup>5</sup> Sale of 2,000 acres per year over next 15 years at an average price of \$10,000 per acre; OR, sale of 714 acres per year over next 42 years at an average price of \$28,000 per acre.