

The hearing was called to order at 2:00 p.m. Senator Neal in the Chair.

SENATE MEMBERS PRESENT:

Senator Joe Neal, Chairman
Senator Norman Glaser, Vice-Chairman
Senator Wilbur Faiss
Senator Lawrence Jacobsen
Senator Floyd Lamb
Senator Mike Sloan

ASSEMBLY MEMBERS PRESENT:

Assemblyman Steve Coulter, Chairman
Assemblyman Jack Fielding, Vice-Chairman
Assemblyman Tod Bedrosian
Assemblyman Louis Bergevin
Assemblyman Joe Dini
Assemblyman John Polish
Assemblyman Paul Prengaman
Assemblyman Robert Price
Assemblyman Dean Rhoads

OTHERS PRESENT:

Assemblyman Karen Hayes, Clark County District No. 13
Senator Rick Blakemore, Central Nevada Senatorial District
Mr. Bob Warren, Executive Secretary, Nevada Mining Association
Mr. Norman Ty Hilbrecht, Attorney
Assemblyman Tom Hickey, Clark County District No. 18
Assemblyman John Marvel, District No. 34
Assemblyman Virgil Getto, District No. 37
Senator Cliff Young, Washoe District No. 1
Assemblyman Alan Glover, District No. 40
Mr. Harry Swainston, Deputy Attorney General
Ms. Marjorie Sills, Toiyabe Chapter of Sierra Club
Mr. Ted Hermann, Nevada State Chamber of Commerce
Mr. Robert Mann, Lahontan Audubon Society
Mr. Jac Shaw, Administrator of State Lands
Mr. David Horton, National Committee to Restore the Constitution
Mr. Ed Crawford, Nevada Open Land Organized Council
Mr. Mike Toone, Washoe County Game Management Board
Ms. Colleen Freemon, Nevada Public Land Users Association
Mr. David Secrist, Nevada Cattleman's Association
Mr. Tom Ballow, Department of Agriculture
Mr. Ernie Newton, Nevada Taxpayers' Association
Mr. Tim Hafen, Nevada Farm Bureau
Mr. Emmett L. Dahl, Western Mining Council
Ms. Diane Campbell
Mr. Bertrand Paris, Jr., Nevada Wool Growers Association
Mr. Lyle Campbell, Citizen of Lovelock

OTHERS PRESENT (Continued):

Mr. Richard Gerish, Western Mining Council
Mr. Doug Miller, Oil, Gas and Mining Board
Mrs. Lee Bowman, Esmeralda County
Mr. Mel Molyneux, Nevada Miners and Prospectors Association
Mr. Joe Faleny, Citizens Against Bureaucracy
Mr. James D. Houston, Elko Citizens Council
Ms. Cheryl Erwin, Reno Chapter of Women in Mining

S.B. 240 & A.B. 413 - Provides for control of
certain public lands by State of Nevada.

Senator Neal announced the format of the hearing, which would first allow testimony from legislators responsible for the bill, the persons from state agencies and other interested parties.

Senator Norman Glaser, Northern Nevada Senatorial District, had the privilege of making the opening remarks in support of S.B. 240 and A.B. 413. Prior to making his statement, he entered into the record the remarks of United States Senator Paul Laxalt, attached as Exhibit A.

Senator Glaser then stated that the explanation of the purpose and intent of the bills will be a shared presentation between himself and Assemblyman Rhoads, Assemblyman Hayes, Senator Blakemore and former Senator Hilbrecht covering several different areas of the bill.

Then Senator Glaser gave a brief background on the public lands situation in Nevada as an introduction to the reasons for this legislation. His statement is attached as Exhibit B.

Assemblyman Dean Rhoads spoke next in favor of the "public lands" bills. Before making his statement, he read letters into the record from Governor Bob List, attached as Exhibit C, and from United States Senator Howard Cannon, attached as Exhibit D.

Assemblyman Rhoads, the prime sponsor of A.B. 413, described the problems with continued federal control of 87% of the land in Nevada, and the current developments which have long-range detrimental ramifications. His statement is attached as Exhibit E.

Assemblyman Karen Hayes, Clark County District No. 13, spoke in support of S.B. 240 and A.B. 413. Her statement was directed toward the impact the BLM has in urban areas, and is attached as Exhibit F.

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Senator Blakemore, Central Nevada Senatorial District, spoke next in support of S.B. 240 and A.B. 413. His presentation was directed to the work of the Select Committee on Public Lands, of which he has been the Chairman over the past 4 years. His statement is attached as Exhibit G.

Mr. Bob Warren, Executive Secretary to the Nevada Mining Association, prepared a slide presentation illustrating why the mining industry supports S.B. 240 and A.B. 413. The text of his slide presentation is attached as Exhibit H.

Senator Sloan asked Mr. Warren if the creation of the Great Basin National Park and the MX Missile Base would create a broader economic base because of the substantial stimulus for tourism for the people of south central Nevada where they have asked for special consideration of their problems. Mr. Warren responded that the Air Force intends to use that same approach for the encouragement of the citizens of Nye County to locate the missile site there. The national park consideration has not proven itself quite so successful in generating activity. Mr. Warren's position is that it is not appropriate to trade off a national park for the mineral and oil reserves and potential wealth that could be generated.

Senator Neal asked Mr. Warren if it is known what the estimate of mineral deposits in the state are. Mr. Warren stated that he was not able to determine that, but he did know that there has been in excess of \$1 million invested in exploring in that area because of the potential it has for oil and mineral reserves. If these areas were turned into national parks or missile sites, they would be closed to exploration.

Assemblyman Bedrosian stated that this issue represents a conflict of values; the economic value over the recreational value. He remarked that the number one industry in Nevada revolves around recreation. Mr. Warren responded that he felt that the state should make the determination of the best use of the land.

Senator Lamb stated he has seen selfish appetites take over a lot of land in Nevada, and somewhere down the road Nevadans always pay for the take-overs. He felt the point of Mr. Warren's testimony is that if we don't stop these take-overs pretty quick, there will be nothing left to take over.

Mr. Ty Hilbrecht, former state senator, spoke in support of S.B. 240 and A.B. 413, limiting his testimony to the constitutional aspect of the bill and the legal consequences which might be expected with the passage of this legislation.

Mr. Hilbrecht reminded the committee to consider the impacts of the withdrawals Mr. Warren discussed. One aspect would affect the in-lieu tax which presently provides for the rudimentary necessities of local governments. This tax is something less than ideal because it does not pay the political subdivisions on a par with what

private citizens would be paying if they occupied the same land. He stated that the reason for this inequity is that an artificial limitation has been placed on the amount of taxes the federal government will pay in lieu of tax, which relates in a complicated formula to population caps.

Mr. Hilbrecht stated that one of the constitutional theories upon which the state may claim a management interest in the public domain is the trust theory; that is, the constitution does not authorize the federal government to own public domain lands and never has. It authorizes the Congress only to dispose of, and make rules and regulations respecting the territory of the United States. He cited the specific itemizations in Article I of the United States Constitution, Section 8, whereby the federal government may own land for exerting dominion. The legislation proposed in A.B. 413 and S.B. 240 is addressing that land under the trust theory that is not committed to those uses itemized in Article I.

Mr. Hilbrecht continued, stating that the trust theory has some difficulties because it has never been elaborated in court. However, there is a companion doctrine in law which has been successful. It was developed by the Supreme Court and is known as the equal footing doctrine. It dates back to the case of Pollard's lessee vs. Hagan in 1845 involving the rights of the state to administer lands lying beneath the navigable waters. The significance of the case was evidenced by the exclusive reliance on Pollard's lessee by the Supreme Court in deciding the case in 1977 of Oregon vs. the Corvalis Sand and Gravel Co. In that case the question was not a question of sovereignty, but whether or not the state could give up its right to withdraw minerals from the land, which is an incidence of dominion. The Supreme Court sustained that contention.

Mr. Hilbrecht discussed the two legal theories that pertain to rights of the state to become involved in the management of the trust or public domain lands lying within its boundaries. The equal footing principle states that because of the terms under which the union was established under the constitution, every successive state came into the union on an equal footing with the original 13 states and has all the rights those states had, including their claims to the western lands and a share in the benefits of the public domain lands. The latter theory would permit the State of Nevada to institute litigation against the United States requesting conditional release, participation in the management of, or the adoption of a plan for disposition of public domain lands not committed to a specific purpose by the federal government.

Mr. Hilbrecht stated that the theory of the land being held in trust was disturbed when the BLM Organic Act was passed in 1976. In that Act, the federal agency declared that public domain lands are to remain in the ownership of the federal government in perpetuity. He felt that declaration is a dangerous one for Nevada and it must be challenged for the opportunity of a partnership with the federal government in placing public domain lands into the private sector.

Senator Neal reminded Mr. Hilbrecht of the disclaimer in the ordinance of 1864 which the State of Nevada agreed to when it became a state. It required that Nevada disclaim all right and title to the unappropriated public lands lying within its territory. Senator Neal questioned how the state could get away from that disclaimer. Mr. Hilbrecht replied that the state agreed to that disclaimer because it had no choice. The Supreme Court has since ruled in Pollard's lessee that the disclaimer had no effect since Congress does not have the authority to own such land or withhold the public domain as a cost of getting into the union.

Senator Faiss asked Mr. Hilbrecht if his opinion was that after a state comes into the union, that all land previously held by the federal government then becomes the possession of the state. Mr. Hilbrecht stated that he did not mean to imply that the state has anything other than sovereignty over the land, but neither does the federal government. He felt a crisis arose when the federal government passed the BLM Organic Act which is attempting to say that the federal government owns dominion over the public lands. The purpose of the bill is to assist in a partnership concept for facilitating the disposition of the land in an orderly and correct fashion into private ownership. If the federal authorities resist on the grounds that the trust no longer applies, it should be tested in a court of law.

Senator Neal asked if line 22 on Page 3 of S.B. 240 which provides for imprisonment of anyone trying to exercise jurisdiction over the land is supposed to provide a means by which this case would be brought to court. Mr. Hilbrecht replied that he would prefer to see the issue raised in a situation such as when Mineral County needed more land for one of its cities to grow and the BLM was reluctant to make that land available.

Assemblyman Bedrosian asked if Mr. Hilbrecht had any idea of how much this legislation would cost and how long it would last. Mr. Hilbrecht answered that he had no way to estimate the cost or the time involved.

The next speaker was Assemblyman Tom Hickey, Clark County District #18, who informed the committees of his support and involvement with this bill. He told a story of a man who said to the Governor: "You govern 13% of the land, 87% of the land is governed by someone else, so who should I see."

Assemblyman John Marvel, District No. 34, stated his support for S.B. 240 and A.B. 413 citing the strangulation in his district because 80% of the land is in federal hands. His statement was directed at the concern of the sovereignty of the waters and the intention of the BLM to file from six to nine thousand applications on Nevada's water resource, and is attached as Exhibit I.

Assemblyman Virgil Getto, District No. 37, spoke in support of S.B. 240 and A.B. 413. He entered into the record a letter from the Sheriff of Pershing County and it is attached as Exhibit J.

Mr. Getto stated his wholehearted support for both bills. He did have some reservations about the financial feasibility of this venture and the proper procedure for accomplishing it, but his fears have been dispelled. He gave an example of how this legislation would allow the people of the state to be closer to the source of any problems they might have with public lands.

Senator Neal announced that the hearing would recess for 10 minutes. In recess at 4:07 p.m.

The hearing reconvened at 4:17 p.m.

Senator Clifton Young, Washoe District No. 1, spoke in opposition to S.B. 240 and A.B. 413. He felt that enacting this legislation and turning the control of the public lands over to the state may not be in the best interest of the majority of the people in Nevada.

Senator Young stated that it is his understanding that implementation of the plan for control of public lands would involve a court case predicated on two doctrines; first would be the trust fund doctrine and the second would be the equal footing doctrine. He felt sure the committee members had seen Bulletin #77-6 entitled "Means of deriving additional state benefits from public lands", which treats with the trust fund doctrine. He felt the legislators should give much thought to whether there is a sound legal basis for instituting legal action against the United States.

In speaking of the document prepared by the Legislative Counsel Bureau regarding the trust fund doctrine, Senator Young stated that the author concluded that legal action by the State of Nevada to remove Congress from trusteeship of public lands is not very likely to succeed because of the long-standing legal precedent as laid down by the Supreme Court.

Senator Young then remarked that in the attorney general's opinion which deals with the equal footing doctrine and its application by Congress and the courts, the author concludes that a state may not sue the United States without Congress giving its consent. The prospect of Congress giving its consent is unlikely and the prospects for success, however small, require serious consideration.

Senator Young felt that neither legal premise would seem to commend itself to institution of a suit against the United States. But he asked the committees to consider what would happen if the state did win the suit. First, the committee should consider the expense of administration. Although Senator Young did not feel the federal government has been a very good steward, he stated that all the fault does not lie entirely with the federal agencies. Each year the BLM expends \$3-1/2 million more than it takes in, and the Forest Service also goes into the red about \$3-1/2 million.

Next Senator Young discussed highway funding and stated that because of a high percentage of federal lands, Nevada received over \$111 million over a 10-year period. In regard to education, he stated that under PL 74-815 if there is a high number of federal employees, federal aid is forthcoming. In 1974, this brought in \$3-1/2 million. In regard to in-lieu payments, it was Nevada that complained that it was unfair for the federal government to have large areas of land and not pay taxes on them. As a result, the federal government pays in-lieu taxes which in 1978 amounted to \$5 million. If all the land controlled by the BLM was transferred to the state and put out on grazing, in lieu-taxes would be \$2 million less. Considering all these factors, there would be a deficit of from \$20 million to \$25 million per year.

Senator Young continued by stating that 55% of the monies in the general fund are derived from gaming. However, Nevada no longer has the only "game" in town since New Jersey has legalized gaming and other states are presently considering legalization. Therefore, this state can ill-afford to rely on the tremendous amounts of monies generated by gaming in the past, and the expenses of the state are rising. He felt there would be a great temptation to dispose of the public lands for additional revenues if the state had control. He noted the poor handling of the disposition of lands by the state in the past. He felt the improper disposal of land would cause fragmented ownership, would deny the use of the land to the citizens of this state and the tourists who visit here, and worstly, would hamper proper management of the watersheds. He also felt it would hinder the access of public lands.

Senator Young also pointed out other expenses which would be required if the state did acquire the public lands. One would be surveys, since 2/3 of the townships in Nevada have never been surveyed or have been inaccurately surveyed. It is estimated that it would cost \$17 million to survey those townships that have never been surveyed, and another \$17 million to survey those that are inaccurate.

In regard to range improvement, Senator Young stated that studies indicate that 16% of the BLM land is in good condition and 84% is in bad or deteriorating condition. The 40,000 mustangs on the range are not helping the situation. It is estimated to cost about \$150 million for rehabilitating the range.

Another area he felt should not be overlooked is recreation. The state spends about \$1 million for parks. BLM and the forest service have a recreation budget of about \$4 million. Their long-range planning includes additional investments which the State of Nevada is not capable of providing.

Another factor which Senator Young said makes him doubtful about the wisdom of this legislation, is that the history of the state in regard to land management is one of the sorriest chapters of land mismanagement among the western states. He discussed the sections of land Nevada received for recreational purposes when it came into the union and the scandal when officers of the state sold that land for their own profit.

Senator Young stated that in the last 25 years the public has received one million acres of BLM land and he felt that the statement that the BLM has the land locked up is far from the truth. He was aware of Reno and Carson City officials asking the BLM not to release any land for development, but to hold onto it for recreational purposes. He felt that there is ample land to be had, but the problems are the lack of water and sewage facilities.

He felt that the supporters of the bills would agree with him that the land should be managed for the best use of the greatest number of people. He commented that the federal government is better equipped and financed to manage these lands, but that there should be public participation and input. The responsibility should be on the people of this state to provide that participation and input. He concluded by stating that working with the BLM would be more productive than filing lawsuit after lawsuit.

The next speaker was Assemblyman Alan Glover, District No. 40, who spoke in support of the two bills. He stated that he firmly believes that the State of Nevada can manage the public lands better than the federal government and cited the state's surplus versus the national debt as an example. He quoted from a senate joint resolution which was passed on February 3, 1885 which dealt with this same problem. Mr. Glover remarked that if the matter is not forced to a conclusion in the courts, the problem might still be around 100 years from now.

Mr. Harry Swainston, representing the Attorney General's Office, made himself available to answer any questions and stated that the attorney general's office supports S.B. 240 and A.B. 413. Mr. Swainston did remark that he felt the claim of the state is legitimate and may be based on either the doctrine of equal footing or the trust doctrine.

Senator Sloan asked Mr. Swainston if he shared the concern of Senator Young in his reference to Bulletin #77 which concluded that they did not have any faith in this state's ability to persevere in the public trust doctrine. Mr. Swainston stated that he did not have such concern, and in fact, there is a public lands case before the federal district court in Reno which was pursued on the basis of the equal footing and public trust theory doctrines. That case deals with the Desert Land Act moratorium, and one aspect of the case was that it raised the policy issue first contained in the Organic Act of 1976 with regard to disposal versus perpetual detention by the federal government. It is the position of the attorney general's office that the state is not only entitled to continue with the orderly disposal of public lands, but it is obligated to a certain extent to pursue that right and privilege as a member of the union of the United States.

Senator Sloan then asked Mr. Swainston if he felt that this would have to be triggered by the arrest of a BLM official and if the bill is needed at all to get to court. Mr. Swainston replied that the arrest is not needed and would be inadvisable since it can result in a case against the state for false arrest and imprisonment. He stated that the bill is not needed for a court case to be instituted, but it is needed in that it sets forth a statement by the state that it is ready to manage and service public lands for the benefit of our citizens.

Senator Neal asked Mr. Swainston his opinion of the applicability of the disclaimer clause pertaining to unappropriated lands which Nevada agreed to when it entered the union. Mr. Swainston replied that he agreed with Mr. Hilbrecht that the disclaimer is void. Mr. Swainston felt that it was void because anything that passes through the equal footing doctrine passes immediately on admission to the union and thereafter the doctrine is spent. Also, any disclaimer that introduces a state into the union with any less power, dignity and rights than the other states is void. The United States does not own one square foot of land in the original 13 states so that any disclaimer by the states disclaiming unappropriated public lands is not consistent with the original 13 states, and is therefore void.

Ms. Marjorie Sills, representing the Toiyabe Chapter of the Sierra Club, spoke in opposition to these two bills. She stated that her chapter, which includes 900 to 1,000 members, opposes these bills because they feel that even with all the deficiencies found in the federal agencies, they will still do a better job of administering public lands in respect to the wildlife, watershed, good

land management practices and recreation. Her organization is also concerned about the expense involved with administering all the lands involved, the ability of the committee to properly manage the lands, and the prospect that public lands would be sold to the highest bidder.

Ms. Sills discussed the elimination of access to public lands under private ownership. Her organization objected to the provision which would provide for the arrest of anyone trying to manage public lands.

Mr. Ted Hermann, Nevada State Chamber of Commerce Association, spoke in support of S.B. 240 and A.B. 413. He entered into the record a position paper of the Nevada State Chamber of Commerce, attached as Exhibit K. He stated that in his opinion Senator Young is wrong. He commented that in considering the cost of the anticipated legislation, one must also consider that the cost of liberty and freedom comes high. He mentioned that oppression, rebellion, revolution and tyranny are all more expensive than litigation. Those choices are the progression which comes from socialism when a big central government loses contact with its constituency and ignores states' rights. He concluded by stating that when the strongest lobby in the Congress of the United States turns out to be government employees themselves, the country is in big trouble.

Mr. Robert Mann, lobbyist for the Lahontan Audobon Society, spoke in opposition to S.B. 240 and A.B. 413. He felt the state does not have the resources or finances to manage these lands. He reminded the committee to weigh the extra expense the implementation of this bill would have with the taxpayers' revolt. He was also concerned that the lands would be sold to the highest bidder, which would be against the interest of the people of the state.

Mr. Jac Shaw, Administrator of State Lands, stated that he was asked by the Legislative Counsel Bureau through the Department of Conservation and Natural Resources to prepare a preliminary study indicating what is involved in administering the public lands. He referred to a map, attached as Exhibit L, which shows the federal land in Nevada in black.

Mr. Shaw explained that they did not have the time to prepare an in-depth study, but tried to prepare an honest, legitimate, preliminary study. The sources they used were the BLM and the forest service, and both agencies were cordial and helpful. Mr. Shaw reviewed the study, a copy of which is attached as Exhibit M. The study compares the income from management and sale of the lands and the expenses involved in administering these lands. The conclusion of the study indicates that the state would have to raise an additional \$1,610,000 to meet the expenses for administering this land. However, the study does not take into account the rise in the amounts and value of the minerals being derived from the state, as well as other factors which may affect this figure up or down.

Mr. Shaw remarked that this change in administration would have to take place over the next 5 or 10 years. He also mentioned that many other western states are awaiting Nevada's action on these bills because they too are contemplating this type of action.

Mr. Shaw objected to Senator Young's testimony in that he ran down the state officials and their ability to manage public lands.

Senator Glaser asked Mr. Shaw if the job presently being done by 1,000 federal employees could be carried out just as well by 500 state employees. Mr. Shaw responded that there is an over-production of people which could be eliminated and the present state force could be moved into those positions thereby cutting the number of employees and dollars considerably over a period of years.

Senator Sloan asked a two-fold question of Mr. Shaw. Firstly, where will the additional revenue come from that is needed to support the management of these lands after the 30,000 acres in Las Vegas have been sold; and secondly, has the impact of the resultant growth in population been taken into consideration as far as sewer facilities, smog and highways are concerned. Mr. Shaw replied that there is no reason why after 10 years this project should not be in the black without the land sale. He stated that just as a matter of conjecture, even if expenditures are cut by 30%, that is a tremendous savings. Mineral income has quadrupled in the last three years and it will continue to increase.

Assemblyman Prengaman asked Mr. Shaw if he had considered what would happen if the land could not be sold. He asked if these lands could be managed without the sale of the land. Mr. Shaw replied that he felt there is opportunity for managing the lands on a lease basis. Mr. Prengaman questioned whether Nevada could maintain the level of services the people are now receiving on public lands.

Senator Jacobsen asked Mr. Shaw how much of the 87% federal land is undesirable. Mr. Shaw replied that all the land is desirable for something. He felt the key to agricultural development is the water.

Mr. David Horton, Legal Counsel to the National Committee to Restore the Constitution, spoke in support of A.B. 413 and S.B. 240. He read from a prepared statement attached as Exhibit N.

Mr. Ed Crawford, President of the Nevada Open Land Organized Council (NOLOC), which is comprised of 15 outdoor organizations with memberships totaling 1,000 members, spoke next. He stated that he came prepared to oppose this bill because they are concerned about the continued access to public lands. After hearing the testimony given by Mr. Shaw on the application of the sale of Las Vegas land, he was beginning to take a different approach.

In response to Mr. Prengaman's comment about the high level of service presently provided by the federal agencies, Mr. Crawford stated that the users feel the federal agencies provide very little service and considering the money being spent, they would rather not have the service.

Mr. Crawford suggested that the passage of S.B. 47 and S.B. 133, which would provide for access to the backcountry, would make the two bills being considered at this hearing much more palatable.

Mr. Mike Toone, Chairman of the Washoe County Game Management Board and Director of the Nevada Wildlife Federation, read from a prepared statement in opposition to S.B. 240 and A.B. 413. His statement is attached as Exhibit O.

In response to Mr. Marvel's statement criticizing the BLM for filing water rights in the state, Mr. Toone remarked that the state asked the BLM to file on those water rights because there is no water allocated to the wildlife in this state. Mr. Toone also asked the committee to consider how much of the 87% federal lands are good and how much are bad.

Mr. Toone mentioned the Southern Nevada Conservation Council's letter opposing these two bills and asked that it become part of the record. That letter is attached as Exhibit P.

The next speaker was Colleen Freemon, President of the Nevada Public Land Users Association, who spoke in favor of S.B. 240 and A.B. 413. She stated that her organization is concerned with Section 9 dealing with the monies being put into the general fund. They felt that these monies should be kept in a separate fund and then returned to the public lands.

Ms. Freemon submitted petitions and letters written by members of different clubs and organizations as proof that the people of this state care about the lands within it. They felt more able to reach their legislators at the state level than in Washington, D.C.

Mr. David Secrist, President of Nevada Cattleman's Association, and a representative of Elko Chamber of Commerce, Nevada Land Action Association, Wells Chamber of Commerce and the City of Wells, stated his support of S.B. 240 and A.B. 413. He cited some of the problems which the cattle industry is having with the federal government regarding the 10-year permit, the grazing fee formula, Ruby Marshes, wilderness study area withdrawals, and the wild horse population. He stated that if the suitability guidelines are administered as the BLM intends to administer them, they will break the backbone of the livestock industry in this state.

Mr. Tom Ballow, Executive Director of the Department of Agriculture, stated that in 1977 he was asked to make a survey for the select committee on public lands to assess the suitability of the land for agriculture. He reviewed that study for the committees, which indicates that there is 11 million acres of land in the public domain which is suitable for irrigated agriculture. A copy of the study he refers to is attached as Exhibit Q, Part I. Mr. Ballow also prepared a map which shows that the bottoms of most of the valleys in Nevada are suitable for some type of irrigated agriculture, and the only shortage that does exist in some areas is water. He felt that water is a portable commodity and there are ways of improving methods of obtaining water in the future, such as treating the water so it would be suitable for irrigation. The map Mr. Ballow refers to is attached as Exhibit Q, Part II.

Mr. Ballow then spoke on the history of some legal decisions in this area. He referred to the reopening of the Desert Land Act and noted that if this case had not been pursued from a legal standpoint, that land would never have been reopened for agricultural use. He felt that if the legislature does not take action on these two bills being considered, Nevada will lose the public lands.

Mr. Ernie Newton, Nevada Taxpayer's Association, explained that most of the input he would have provided has already been provided by Mr. Jac Shaw. However, he was concerned about the lack of faith in the competency of Nevada people to operate the public land areas. He admitted that there are some state officials who were "on the take", but cited many cases where federal officials were involved in scandals also.

Regarding the concern expressed for continuation of access to the public lands, he referred to the situation in Pennsylvania where there is no public land and no public access problems.

Mr. Newton explained that in regard to the trust theory, it was reviewed by the Legislative Counsel Bureau before the Organic Act was adopted and there was a report issued which indicated that there was not much room for complaint since the purpose of the trust theory was for ultimate disposition. Since that report was issued, the Organic Act was adopted which states that the land is now held in perpetuity. Under these circumstances, Mr. Newton felt that the author of the original report would most likely change his position.

In regard to highway funding based on public land ownership, Mr. Newton explained that Nevada recently received \$65 million in federal highway trust fund allocations. A similarly allocated amount is available each year, and the only variable is the amount of money required by the state to match that amount. Last year the state collected from users and paid from state funds for maintenance and construction, a little over \$47 million. The requirement for matching if Nevada had no federal lands would have increased by \$15.8 million. It would require some additional funding for the

State Highway Department to match that money and do the work that is the responsibility of the state. But that \$15.8 million would be an additional amount of construction money available, in addition to what was had previously. The State Highway Department is pressed for money presently, and has suggested an increase in gas tax and use fuel tax. If that money were made available, they would have ample money with which to match all the money that is available from the federal government.

Mr. Newton felt that Mr. Shaw's proposed allocation of \$125,000 is a realistic figure for getting the job done during the next two years. He did suggest that the Finance and Ways and Means Committees might provide a special fund for the Attorney General to pursue or defend a lawsuit for the resolution of this problem. He reminded the committees that the statute of limitations on the Organic Act will run out so action should be undertaken quickly.

Mr. Tim Hafen, President of the Nevada Farm Bureau, spoke in support of S.B. 240 and A.B. 413. Mr. Hafen read from a prepared statement which is attached as Exhibit R.

The next speaker was Emmet L. Dahl, President of the Western Mining Council, who spoke in support of this bill. He submitted a letter to be entered in these minutes as Exhibit S.

Ms. Diane Campbell, citizen of Pershing County, read a prepared statement in support of S.B. 240 and A.B. 413 which is attached as Exhibit T, Part I. She also entered into the record a statement signed by citizens of Pershing County and several letters in support of these two bills. Those documents are attached as Exhibit T, Parts II through VI.

Mr. Bertrand Paris, Jr., of the Nevada Wool Growers Association, spoke in support of A.B. 413 and S.B. 240. His statement is attached as Exhibit U.

Mr. Lyle Campbell, citizen of Lovelock, read a statement in support of S.B. 240 and A.B. 413. His statement is attached as Exhibit v.

Mr. Richard Gerish, Vice-President of Western Mining Council and a member of the Nevada Miners and Prospectors, spoke in support of S.B. 240 and A.B. 413. He spoke of the attitude of the public toward mining as a part of the free enterprise system and the problems the industry is having under the BLM.

Mr. Doug Miller, representing the senior citizens and the Oil, Gas and Mining Board of Nevada, spoke in support of the two bills being considered. He had gotten 412 signatures of senior citizens having problems with the federal government on public lands.

Mrs. Lee Bowman, representative of Esmeralda County, stated that they passed Ordinance 134 which says that the people are sovereign and should have something to say about the public lands. She felt the control of public lands would be achieved more quickly if S.B. 240 and A.B. 413 were passed than by passing ordinances county by county.

She remarked that the voting record on the Organic Act shows that New England turned it down and all but one western state voted for it.

Mr. Mel Molyneux, speaking for the Nevada Miners and Prospectors Association, stated his concern that the public lands in Nevada would follow the same course as those in Alaska, where 51,600,000 acres were turned over for wilderness areas. There is no hunting, fishing or trapping and the best mineral resources in the state have been withdrawn because of the wilderness designation.

He reminded the committee that the Organic Act will become effective on October 21st of this year and urged them to pass S.B. 240 and A.B. 413.

Mr. Joe Faleny, a rancher from Tonopah, spoke next in favor of the two bills representing Citizens Against Bureaucracy. He explained that from 1946 when the BLM was formed, until the Organic Act, the BLM has acquired equal to 1/3 of the land mass of Europe, yet that agency was formed for the purpose of being a disposal agency.

Mr. Faleny had requested a copy of the budget for the BLM, and after many attempts received a copy of the 1976 budget which amounted to \$450 million. Included in the revenues of the BLM is \$5,000 a day for oil exploration of 3,000 barrels a day. This money could be attributed to the state if these bills pass. Also, with all the regulations to contend with under the BLM with regard to oil exploration, there is only about 1/3 of the activity that could be generated.

Statements in support of these bills, attached as Exhibits W and X respectively, were also submitted into the record by James D. Houston representing the Elko Citizens Council and Cheryl Erwin representing the Reno Chapter of Women in Mining.

Senator Neal closed the hearing on S.B. 240 and A.B. 413. There being no further business, the meeting was adjourned at 7:35 p.m.

Respectfully submitted,



Eileen Wynkoop
Committee Secretary

APPROVED:


Joe Neal, Chairman

(Committee Minutes)

PAUL LAXALT

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

United States Senate

WASHINGTON, D.C. 20540

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March 30, 1979

Gentlemen:

I appreciate the opportunity to file with the respective committees a statement on A. B. 413 and S. B. 240, which are designed to remove the inequity inherent in the current pattern of federal land holding in Nevada.

There is no question that the passage of the Organic Act in 1976 poses for Nevada and other Western Public Domain states the very real threat that the economic, social, political and philosophical control of the State, its counties, cities and sub-divisions has been passed to a federal bureau.

The flood of impractical rules and regulations pursuant to the Act proposed by the Interior Department to restrict all uses reflects further federal encroachment and the elimination of local self determination.

The introduction of bills and resolutions into this session of the Nevada Legislature indicates the concern and awareness of both Assembly and Senate of proposals to freeze added large areas of the State into wilderness areas, national monuments, national parks, nuclear waste disposal and MX missile sites.

The Select Committee on Public Lands is to be commended for its efforts here in Washington and in Nevada in obtaining the release of some land into private hands and for its oversight activities on proposed federal rules and regulations affecting Nevada and the Public Domain.

I am confident that the legislature, in its wisdom, will weigh the feasibility of laying the groundwork for a court suit either under the "equal footing" doctrine or the "trust" doctrine as a test of the constitutional issue.

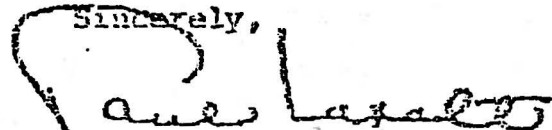
Mr. Rhoads and Mr. Glaser
March 30, 1979
Page 2

It is equally clear that the legislature has under consideration and will weigh the fiscal impact on the state of the assumption of control of the lands.

What the legislature is deciding may well be the most critical issue facing the state, and you have my assurance that I will make every effort to focus the attention of the Western Coalition here in the U. S. Senate on this same issue and on the preservation of the rights of the Domain states.

With this in mind, and with all considerations fully weighted, at this point in time, it would seem appropriate to come to a positive resolution of the status of the land rather than leave the issue in question into the unforeseeable future. Thank you and success in your deliberations.

Sincerely,



PAUL LAXALT
U. S. Senate

W:aki

The Honorable Dean Rhoads
The Honorable Norman Glaser
Nevada Legislature
Carson City, Nevada 89701

*think to be very well re. for. session
Ft. Sumpter bill*

PRESENTATION ON S.B. 240/A.B. 413

Senator Norman D. Glaser

MR. CHAIRMEN AND COMMITTEE MEMBERS, IT IS MY PRIVILEGE TO
OPEN THIS JOINT HEARING ON S.B. 240 AND A.B. 413. I DON'T
INTEND, HOWEVER, TO COVER ALL THE REASONS FOR THESE BILLS
ALL ASPECTS OF THEM. WITH YOUR PERMISSION, WE WOULD LIKE
TO HAVE A SHARED PRESENTATION TO COVER SEVERAL AREAS.
SENATOR BLAKEMORE, ASSEMBLYMAN RHOADS, ASSEMBLYMAN HAYES
AND FORMER SENATOR HILBRECHT WILL OFFER OUR VIEWS ON THIS
LEGISLATION AND ITS POSSIBLE RAMIFICATIONS. IN ADDITION,
SEVERAL OTHERS HAVE PRESENTATIONS THAT COMPLEMENT OUR BASIC
POSITION.

*REFERRED TO AS
THE
FORT
SUMPTON
BILLS
Let's do
something
rebellion
that
here
+
now*

I WOULD LIKE TO OFFER SOME BRIEF BACKGROUND ON THE PUBLIC
LANDS SITUATION IN NEVADA AS AN INTRODUCTION TO THE REASONS
FOR THIS LEGISLATION. FIRST, THERE ARE BASICALLY TWO
CATEGORIES OF FEDERAL LAND. THE FIRST TYPE IS FEDERALLY
OWNED LAND WHICH INCLUDES LAND FOR FEDERAL BUILDINGS,
NATIONAL PARKS AND DEFENSE ESTABLISHMENTS. THE SECOND

TYPE IS FEDERALLY CONTROLLED LAND. FROM THE BEGINNING OF THIS NATION UNTIL OCTOBER 1976, THE THEORY AS TO THE SECOND TYPE OF FEDERAL LANDS--THE PUBLIC DOMAIN CONTROLLED BY THE FEDERAL GOVERNMENT--WAS THAT SUCH LAND WAS TO BE DISPOSED OF INTO PRIVATE OWNERSHIP. THIS POLICY WAS FORMALLY ESTABLISHED IN 1785 WITH THE PASSAGE OF THE NORTHWEST ORDINANCE AND CONTINUED THROUGH THE PUBLIC LAND ACT OF 1796, THE HOMESTEAD ACT OF 1862 ON THROUGH THE DESERT LAND ENTRY ACT AND THE CAREY ACT. INDEED, DISPOSITION OF THE PUBLIC LANDS INTO PRIVATE OWNERSHIP WAS ALMOST TOTAL WESTWARD TO THE ROCKIES.

FROM THE ROCKIES WEST TO THE SIERRAS, VERY LITTLE LAND WAS SUITABLE FOR HOMESTEADING AND NOT MUCH MORE WAS SUITABLE FOR DISPOSAL UNDER THE LAWS DESIGNED FOR THE GREAT BASIN. THE LAND WAS USEFUL ONLY FOR OPEN GRAZING AND WAS USED FOR THIS UNTIL 1934 WHEN THE TAYLOR GRAZING ACT WAS PASSED. THAT ACT INSTITUTED LEASES AND SET UP GRAZING FEES. THIS CLOSED THE OPEN RANGE.

EVEN THOUGH THE PUBLIC LANDS AREA SUFFERED BADLY FROM A LACK OF CLEAR DIRECTION AND CLEAR POLICY UP TO 1976, THE OFFICIAL POLICY OF THE FEDERAL GOVERNMENT REMAINED ONE OF CUSTODIAL MANAGEMENT OF THE LANDS UNDER A MULTIPLE USE CONCEPT WITH DISPOSAL INTO PRIVATE OWNERSHIP WHEREVER FEASIBLE. IN FACT, OVER THE PAST 20 YEARS OR SO, DISPOSAL OF ANY KIND HAS BECOME PROGRESSIVELY MORE RARE.

IN OCTOBER 1976, CONGRESS PASSED THE FEDERAL LAND POLICY MANAGEMENT ACT, COMMONLY CALLED THE BLM ORGANIC ACT. IT DID MANY THINGS BUT MOST SIGNIFICANTLY, IT SAID THAT THE POLICY OF THE FEDERAL GOVERNMENT WAS NOW TO RETAIN THE PUBLIC DOMAIN IN FEDERAL OWNERSHIP IN PERPETUITY. CERTAIN LIMITED EXCEPTIONS ARE PROVIDED BUT BASICALLY, THE PUBLIC DOMAIN IS TO REMAIN UNDER FEDERAL CONTROL, PERIOD.

THE ORGANIC ACT WOKE A LOT OF PEOPLE UP--ALL ACROSS THE WEST. PUBLIC LANDS, AFTER ALL, ARE A WESTERN PHENOMENON. OF ALL THE LAND WEST OF THE ROCKIES, 63 PERCENT IS FEDERAL. IT WAS SUBSEQUENT TO THE PASSAGE OF THE ORGANIC ACT THAT SENATOR BLAKEMORE AND I INTRODUCED S.B. 398 LAST SESSION. THAT WAS MUCH THE SAME BILL AS THOSE YOU HAVE BEFORE YOU.

WE DECIDED IN 1977 THAT WE SHOULD FIRST TRY FOR A POLITICAL SOLUTION TO THE PROBLEM SO WE CREATED THE SELECT COMMITTEE ON PUBLIC LANDS. SENATOR BLAKEMORE WILL TELL YOU ABOUT THAT GROUP SHORTLY. AT THIS POINT, LET ME SAY THAT WHILE POLITICAL SOLUTIONS STILL OFFER SOME POSSIBILITIES, WE THINK IT'S TIME FOR OPENING ANOTHER FRONT IN THIS BATTLE. THAT BRINGS ME TO THE SPECIFIC INTENT AND CONTEXT OF THESE BILLS.

WE BELIEVE THAT THERE IS NO CONSTITUTIONAL BASIS FOR THE PERPETUAL RETENTION OF THE PUBLIC LANDS BY THE FEDERAL GOVERNMENT. IN FACT, WE BELIEVE THE CONTRARY TO BE THE CASE. TY HILBRECHT WILL DEVELOP THE CONSTITUTIONAL ARGUMENTS IN MORE DETAIL. THE PASSAGE OF ONE OF THESE BILLS WILL RESULT IN THE ADJUDICATION OF THIS ISSUE. THE COURTS WILL NOT ADJUDICATE THE ISSUE IN THE ABSTRACT AND THE FEDERAL GOVERNMENT IS NOT LIKELY TO CONSENT TO BE SUED. THIS MEANS THAT WE MUST CREATE A SITUATION IN WHICH THE STATE POSES A CHALLENGE TO THE FEDERAL GOVERNMENT WHICH WILL LEAD TO A SUPREME COURT TEST OF THE RIGHT OF THE FEDERAL GOVERNMENT TO HOLD THE PUBLIC DOMAIN INDEFINITELY.

DEAN RHOADS, WHO IS THE PRIME SPONSOR OF A.B. 413, WILL DESCRIBE SOME OF THE PROBLEMS WITH CONTINUED FEDERAL CONTROL OF 87 PERCENT OF THIS STATE AND TELL YOU ABOUT CURRENT DEVELOPMENTS WITH LONG-RANGE DETRIMENTAL RAMIFICATIONS.

ASSEMBLYWOMAN KAREN HAYES WILL EXPLAIN THAT THE PROBLEM IS NOT JUST A RURAL ISSUE. IT HAS SOME SURPRISING IMPACTS ON OUR URBAN AREAS TOO.

A FREQUENT AND ENTIRELY PROPER QUESTION IS WHETHER THE STATE COULD MANAGE THE PUBLIC DOMAIN. IN THE FIRST PLACE, THE RECORD OF THE BUREAU OF LAND MANAGEMENT IN MANAGING THE LAND IS HARDLY A SOURCE OF INSPIRATION. IN FACT, THEY DON'T EVEN CLAIM TO BE PROUD OF THEIR EFFORT. THEY CLAIM THINGS ARE GETTING BETTER. PERHAPS. MORE TO THE POINT, ~~ROLAND~~ WESTERGARD [JAC SHAW?] HAVE PREPARED AN ESTIMATE OF WHAT IT WOULD COST THE STATE TO MANAGE THE LANDS. ~~ON BALANCE,~~ THE STATE ^{CAN} ~~COULD~~ MANAGE THE LANDS AT LEAST AT THE CURRENT LEVEL WITH LITTLE ADDITIONAL STATE COST. I WON'T GO INTO THOSE DETAILS.

ANOTHER PROPER QUESTION IS TO ASK ABOUT THE CONSEQUENCES OF LOSING THE LITIGATION. WE DON'T THINK WE WILL LOSE BUT THAT POSSIBILITY HAS TO BE CONSIDERED. YOU WILL SEE THAT SECTION 11 OF S.B. 240 CALLS FOR A STUDY OF THE LANDS FOR THE PURPOSE OF AN INVENTORY AND TO DETERMINE WHICH LANDS SHOULD BE DISPOSED OF, TO WHOM AND FOR WHAT PURPOSE. BY THE WAY, WE ARE AGREED WITH THE GOVERNOR THAT THE STUDY IS MORE PROPERLY PLACED IN THE EXECUTIVE BRANCH, PROBABLY IN THE DIVISION OF STATE LANDS. THE PROCESS CALLED FOR WILL TAKE SEVERAL YEARS AT LEAST. IF WE WIN THE LITIGATION, THE STUDY WILL SERVE AN OBVIOUS PURPOSE. IF WE LOSE, THE STUDY WILL STILL BE OF GREAT VALUE.

SECTIONS 201, 202 AND 203 OF THE ORGANIC ACT DEAL WITH INVENTORY, PLANNING AND SALES OF THE PUBLIC LANDS. SALES UNDER THE ORGANIC ACT WILL BE NEXT TO IMPOSSIBLE IN THE ABSENCE OF A THOROUGH AND CREDIBLE INVENTORY AND PLANNING PROCESS. IF THIS PROCESS BEGINS AS A RESULT OF PASSING ONE OF THESE BILLS, THERE WILL BE BENEFITS TO THE STATE REGARDLESS OF WHETHER OUR LITIGATION IS SUCCESSFUL.

I HAVE NOT ATTEMPTED TO PROVIDE A SECTION BY SECTION EXPLANATION OF THE BILLS AT THIS POINT. WE THOUGHT THAT THE CONCEPT NEEDS TO BE CONSIDERED AND DISCUSSED FIRST. AFTER THAT, WE CAN GET INTO THE SPECIFICS AND THE MECHANICS OF THE BILL.

ADMITTEDLY, THESE BILLS ARE A BOLD AND INNOVATIVE APPROACH TO A PROBLEM ~~THAT PROMISES ONLY TO GET WORSE.~~ THOSE OF US WHO'VE BEEN CLOSELY INVOLVED IN PUBLIC LANDS ISSUES FEEL STRONGLY THAT THE TIME IS HERE FOR BOLD ACTION TO ASSERT

OUR RIGHTS AS AN EQUAL STATE IN THE UNION. IF THE PUBLIC LAND STATES ^{IF THEY WANT} DON'T GET THEIR LANDS BACK, WE'LL PERHAPS, THINGS WEREN'T SETTLED AT APPROXIMATELY
I'D LIKE NOW TO TURN THE PRESENTATION OVER TO DEAN RHOADS,

THE SPONSOR OF A.B. 413.



The State of Nevada
Executive Chamber
Carson City, Nevada 89710

Robert List
Governor

March 29, 1979

The Honorable Dean A. Rhoads
Nevada State Assemblyman
Nevada State Legislature
Carson City, Nevada 89710

Dear Dean:

I sincerely appreciate your very comprehensive letter of March 13, regarding Assembly Bill 413, Senate Bill 240 and the public land issues.

The legal aspects and ramifications of the possible suit against the federal government and chances for success are difficult to assess. However, I agree that the proposed legislative action would provide an opportunity to place the matter of control of the public domain at issue.

Generally I endorse getting as much of the productive land as feasible into private ownership; also, that land left in federal control should be administered in such a fashion that Nevadans have direct input into its use and control before the federal government places new rules and regulations into effect.

I also concur heartily with your view that planning and inventory of the public lands would be valuable. Your observation that this should be accomplished by the Division of State Lands is also appropriate, and I concur. However, if this assignment is made to the Division it could be necessary to provide at least one additional staff person, a point you may wish to discuss with Roland Westergard, Director of Conservation and Natural Resources and Jac Shaw, Administrator of the Division of State Lands.

Thank you again for providing the extremely important information and please feel free to keep me completely informed as this matter progresses through the legislative consideration.

Sincerely,

A handwritten signature in black ink, appearing to be "R. List", written over a horizontal line.

ROBERT LIST
Governor

HOWARD W. CANNON
NEVADA

COMMITTEES:
ARMED SERVICES
COMMERCE
AERONAUTICAL AND SPACE
SCIENCES
RULES AND ADMINISTRATION

United States Senate

WASHINGTON, D.C. 20510

April 3, 1979

The Honorable Dean Rhoads
The Honorable Norman Glaser
Nevada State Legislature
Capitol Complex
Carson City, Nevada 89710

Gentlemen:

It is a pleasure to be invited to submit a statement to the respective committees as they begin consideration of AB 413 and SB 240.

I am aware of the many legal and historical impediments to the goals sought in this legislation but believe it is appropriate for the Committees to review the legal basis of present federal authority. It is important also that the Committees weigh the fiscal impact on the state should the goal of this legislation be obtained.

We are all well aware of the current administration of public lands which are in complete disregard of state and local officials, as well as private citizens.

I wish the Committees every success in their deliberations and clear insight into the reasonable and practical alternatives available at the State level to clarify or modify existing law. Past conflicts with federal authorities have certainly contributed to the introduction of this legislation. These hearings will demonstrate the depth of feeling existing in the State and will hopefully lead to positive results.

With best wishes, I am

Sincerely,

Howard W. Cannon

HOWARD W. CANNON

PRESENTATION ON S.B. 240/A.B. 413

Assemblyman Dean A. Rhoads

MR. CHAIRMAN AND COMMITTEE MEMBERS, I'M THE PRIME SPONSOR OF A.B. 413. I APPRECIATE THIS OPPORTUNITY TO EXPLAIN THE REASONS FOR THESE TWO BILLS. AS SENATOR GLASER HAS SAID, WE DON'T INTEND TO GO INTO ALL THE DETAILS OF WHY THIS LEGISLATION SHOULD BE PASSED OR THE DETAILS OF HOW IT WOULD WORK. THERE ARE A NUMBER OF PEOPLE HERE TODAY WHO WILL DO THAT. MY REMARKS WILL BE GENERAL WITH SOME EMPHASIS ON RANCHING, MINING AND LANDOWNERS - SPORTSMAN RELATIONSHIP.

WHY DO WE NEED THIS BILL? I HAVE BEEN INVOLVED IN FEDERAL PUBLIC LAND ISSUES NOW FOR SEVERAL YEARS. DURING THE LAST 5 YEARS I HAVE BEEN TO D.C. SOME 24 TIMES MAINLY ON PUBLIC LAND PROBLEMS.

I'VE ALSO TRAVELED ALL OVER THE WEST ATTENDING HEARINGS AND TESTIFYING FOR THE CONTINUED EXISTENCE OF THE LIVESTOCK INDUSTRY ON THESE PUBLIC LANDS. ALTHOUGH WE ARE FORTUNATE IN WASHINGTON, D.C., TO HAVE SENATOR CANNON, SENATOR LAXALT AND CONGRESSMAN SANTINI, AND IN THE WEST SOME EXCELLENT AND POWERFUL SENATORS AND CONGRESSMEN, WE HAVE A BIG PROBLEM. INCREASINGLY, FEDERAL POLICIES IN THE WEST ARE RESULTING IN LESS PRODUCTION ON OUR PUBLIC LANDS AND AT THE SAME TIME THE NATION IS DEMANDING CHEAPER AND MORE FOOD.

THERE ARE 622 MILLION ACRES OF GRAZING LAND BOTH PUBLIC AND PRIVATE IN THE 11 WESTERN STATES, OR 83 PERCENT OF THE TOTAL LAND AREA IN THESE STATES. FEDERAL GRAZING LANDS COMPRISE ALMOST HALF OF ALL

RANGE LANDS IN THE WEST, SEVERAL RECENT STUDIES HAVE SHOWN, HOWEVER, THAT THESE PUBLIC RANGE LANDS ARE NOT PRODUCING FORAGE ANYWHERE NEAR CAPACITY. I BELIEVE THIS TREMENDOUS RESOURCE SHOULD BE UTILIZED, IT ISN'T NOW UNDER FEDERAL MANAGEMENT.

MOST OF US INVOLVED IN AGRICULTURE IN NEVADA AND THE OTHER WESTERN STATES ARE PESSIMISTIC ABOUT THE FUTURE, THE INTERPRETATION AND ENFORCEMENT OF LAWS AND REGULATIONS BY THE CURRENT ADMINISTRATION HAS LED TO A SUBSTANTIAL DECREASE IN AGRICULTURAL PRODUCTION IN THE WEST. TAKE LIVESTOCK, FOR INSTANCE, SOME 40 YEARS AGO THERE WERE SOME 1.3 MILLION SHEEP IN NEVADA. TODAY THERE IS JUST BARELY OVER 80,000 HEAD. THE TREND IN CATTLE IS NOT SO DRASTIC BUT THE NUMBER OF CATTLE IS AT THE LOWEST POINT IN 14 YEARS, SURE, THERE ARE REASONS SUCH AS THE HIGH COST OF LABOR AND MATERIALS THAT HAVE CONTRIBUTED TO THIS DECLINE BUT EXCESSIVE GOVERNMENT REGULATION, CONFUSION AND HARASSMENT WERE IN THE LEAD.

THERE HAVE BEEN 3 MAJOR SIGNIFICANT PUBLIC LAND LEGISLATIVE ACTS IN THE LAST 45 YEARS. THE TAYLOR GRAZING ACT OF 1934, THE ORGANIC ACT IN 1974 AND THE PUBLIC RANGE LAND ACT OF 1978, HAVE ALL HAD A TREMENDOUS IMPACT ON THE LIVESTOCK INDUSTRY, MINING AND THE GENERAL PUBLIC. THE WILDERNESS ACT OF 1964 IS NOW ALSO BEING FELT ACROSS THE WEST. THERE WILL BE A PRESENTATION BY MR. WARREN THAT WILL SHOW THE POTENTIAL EFFECT OF WILDERNESS REVIEW ON NEVADA. IT AMAZES ME THAT IN THE 45 YEARS SINCE THE TAYLOR ACT WAS PASSED, THAT AGRICULTURAL PRODUCTION ON THE PUBLIC LANDS HAS DECREASED! RANCHERS ON PRIVATE LANDS IN THE SAME PERIOD HAVE INCREASED FORAGE PRODUCTION DRAMATICALLY. ON THE PUBLIC LANDS IT HAS GONE DOWN

SUBSTANTIALLY. THIS DECREASED EFFICIENCY IN THE AGRICULTURAL USE OF THE PUBLIC LANDS IN AN ERA WHEN FOOD NEEDS WORLDWIDE ARE GROWING RAPIDLY BOGGLES THE MIND. ELSEWHERE, FARMS, FACTORIES AND BUSINESSES HAVE DOUBLED AND TRIPLED PRODUCTION IN THIS SAME PERIOD.

IT ALSO AMAZES ME THAT IN AN ERA WHEN OIL, GAS AND MINERAL EXPLORATION AND PRODUCTION HAVE BECOME FAR MORE CRITICAL TO THIS NATION, IT HAS BECOME FAR MORE DIFFICULT TO EXPLORE AND DEVELOP ON THESE PUBLIC LANDS. EVEN IF YOU FIND OIL, YOU MAY NOT BE ALLOWED TO BUILD A ROAD TO WHERE YOU FOUND IT. AGAIN, AN EXAMPLE OF THE FEDERAL GOVERNMENT WORKING AGAINST THE OBVIOUS NATIONAL INTEREST INSTEAD OF FOR IT. THERE IS NO DOUBT IN MY MIND THAT THE STATE CAN DO A BETTER JOB OF PROTECTING THIS LAND AND MANAGING IT IN A SENSIBLE METHOD.

THE LIVESTOCK INDUSTRY OVER THE NEXT 10 YEARS WILL BE UNDERGOING SEVERE REDUCTIONS IN AVAILABLE LAND BECAUSE OF THE ENVIRONMENTAL IMPACT STATEMENT PROCESS MANDATED BY A COURT CASE. IN SOME AREAS 50 TO 80 PERCENT REDUCTIONS ARE BEING RECOMMENDED, JUDGED TO BE TOTALLY UNNECESSARY BY MANY RANGE SCIENTISTS AND OTHER EXPERTS IN THE FIELD. THE SAD RESULT OF THESE ENVIRONMENTAL IMPACT STATEMENT PROCESSES, IF ONLY THE ENVIRONMENTALISTS AND PUBLIC LAND AGENCIES WOULD REALIZE, IS THAT WE ARE TAKING LIVESTOCK OFF THE PUBLIC LANDS AND PUTTING MORE PRESSURE BACK ON PRIVATE LANDS.

MANY OF YOU ARE PROBABLY ASKING YOURSELF, CAN THE STATE AFFORD TO RUN THESE LANDS? YOU WILL BE PRESENTED AN ANSWER TO THAT QUESTION IN A FEW MINUTES BY OTHER PERSONNEL IN STATE GOVERNMENT. YET STILL ANOTHER QUESTION THAT MANY OF YOU PROBABLY HAVE IS HOW CAN WE AFFORD TO SPEND DOLLARS FOR NEEDED RANGE IMPROVEMENTS? FOR MANY YEARS NOW THE LIVESTOCK INDUSTRY, SOME WESTERN SENATORS AND CONGRESSMEN, RANGE SCIENTISTS AND OTHERS HAVE ADVOCATED A PLAN OF LETTING THE RANCHER WHO OWNS A PERMIT DO HIS OWN RANGE IMPROVEMENTS. LET'S FACE IT. A GOVERNMENT PROJECT COSTING \$20,000, I AM SURE COULD BE ACCOMPLISHED BY PRIVATE INDUSTRY FOR HALF THAT MUCH MONEY. THIS AMOUNT COULD BE CREDITED TO THE RANCHERS' FUTURE GRAZING FEE CHARGES.

I HEAR 3 MAJOR CRITICISMS OF THIS PUBLIC LAND LEGISLATION.

1. STATE CAN'T AFFORD TO RUN IT, 2. IT IS UNCONSTITUTIONAL,
3. IF THE STATE DOES GET IT -- EVEN MORE LANDS WILL BE LOCKED UP, ACCESS PROBLEMS WILL BECOME GREATER. THE FIRST 2 ITEMS WILL BE ADDRESSED BY OTHERS HERE LATER TODAY -- LET ME COMMENT ON THE 3RD ITEM -- THE ACCESS PROBLEM.

I DO NOT THINK ANY COUNTY IN NEVADA CAN BE MORE GUILTY AND MORE AWARE OF THE ACCESS PROBLEM THAN THE COUNTY THAT SENATOR GLASER AND MYSELF REPRESENT -- ELKO COUNTY. AFTERALL -- WE ARE THE HUNTING AND FISHING PARADISE IN NEVADA. I AM SURE THAT SENATOR GLASER WILL AGREE WITH ME THAT THE LOCKING UP OF PRIVATE LANDS FOR ACCESS TO PUBLIC LANDS IS A POLICY THAT BOTH HE AND I CAN'T SUPPORT. THE RUBY MOUNTAIN AREA IN ELKO COUNTY IS A TYPICAL EXAMPLE. MUCH OF THIS AREA IS ALMOST TOTALLY LOCKED UP. TRUE, MANY OF THESE

RANCHERS HAVE VALID REASONS FOR SUCH ACTIONS, LOSS OF LIVESTOCK, DAMAGE TO THEIR PROPERTY, LEAVING GATES OPEN, ETC., BUT MUCH OF THIS BLAME CAN GO RIGHT BACK TO THE MANAGEMENT OF THESE PUBLIC LANDS -- IN MANY CASES THE HANDLING OF THESE PUBLIC RANGES HAVE LEFT THE RANCHER NO CHOICE.

MANY OF THESE RANCHERS AND LANDOWNERS THAT HAVE LOCKED THEIR GATES ARE HERE TODAY IN THIS AUDIENCE. I HAVE NOT SPOKEN TO EACH INDIVIDUAL, BUT I BELIEVE THAT I CAN SPEAK FOR MOST OF THEM. IF THE STATE WERE TO MANAGE THESE LANDS AND DO IT WITH SOME COMMON SENSE -- YOU WILL SEE MUCH OF THIS PREVIOUSLY UNACCESSIBLE LAND AVAILABLE FOR ACCESS. MANY GATES WILL BE UNLOCKED.

MR. CHAIRMAN AND MEMBERS OF THESE 2 COMMITTEES -- I PRESENTLY HAVE LEGISLATION IN THE BILL DRAFTER'S OFFICE THAT WILL INSTIGATE A 2 YEAR LEGISLATIVE STUDY INTO THIS ACCESS PROBLEM. THIS LAND-OWNER - SPORTSMAN PROBLEM MUST BE EXPLORED. IN THIS STUDY PROJECT, I HOPE TO ADDRESS MANY OF THE PROBLEMS THAT SOME OF THE CRITICS OF THE BILL BEFORE YOU HAVE STATED. I AM SURE A STUDY OF THIS NATURE IS LONG OVERDUE.

IN CONCLUSION, I AM SURE THAT IF A SURVEY WAS TAKEN HERE TODAY AT THIS HEARING OVER 80% OF THE PRIVATE LAND IN NEVADA IS IN THE HANDS OF THE PEOPLE IN THIS AUDIENCE BEFORE YOU. TRUE, MANY OF THEM ARE RANCHERS -- SUCH AS MYSELF. IT IS ALSO TRUE THAT MOST OF US COULD SELL TOMORROW TO DEVELOPERS, SUB-DIVIDERS OR LAND SPECULATORS FOR A VERY HANDSOME PRICE. PROBABLY THE INTEREST OFF THIS SALE WOULD

BE MORE THAN WE HAVE MADE OVER THE LAST FEW YEARS. BUT -- NO WE DON'T WANT TO QUIT, WE LIKE THIS WAY OF LIFE -- WE WANT TO CONTINUE. LET ME PLEAD TO YOU -- IF THE FEDERAL LAND AGENCIES CONTINUE THE PRESENT POLICIES YOU WILL SEE FAMILY RANCHER AFTER RANCHER CASH IN TO THESE SUBDIVIDERS AND CASH IN. IT IS HAPPENING IN OTHER PARTS OF THE COUNTRY -- LETS DON'T LET IT HAPPEN HERE IN NEVADA. YOUR CONTINUED SUPPORT OF THESE TWO BILLS WILL BE GREATLY APPRECIATED.

PRESENTATION ON S.B. 240 AND A.B. 413

Assemblywoman Karen W. Hayes

MR. CHAIRMEN AND COMMITTEE MEMBERS, IT IS MY PRIVILEGE TODAY TO GIVE YOU A LESS COMMON PERSPECTIVE ON THE PUBLIC LANDS. MANY PEOPLE WHO ARE FAMILIAR WITH PUBLIC LANDS AND UNDERSTAND MANY OF THE ASSOCIATED PROBLEMS STILL THINK OF IT AS A RURAL ISSUE--SOMETHING AFFECTING RANCHERS AND MINERS. I'D LIKE TO TELL YOU OF THE URBAN DIMENSION OF THIS SUBJECT AND WHY IT IS IN THE INTERESTS OF THE OVER 80 PERCENT OF THE PEOPLE OF THIS STATE WHO LIVE IN URBAN AREAS TO PASS THIS LEGISLATION.

BEFORE I TALK ABOUT CLARK OR WASHOE COUNTIES, LET ME REFER TO RURAL TOWNS. MOST OF OUR SMALL TOWNS ARE TINY ISLANDS IN A SEA OF PUBLIC LAND. THEY ARE SEVERELY LIMITED IN TERMS OF ECONOMIC DEVELOPMENT BECAUSE THERE IS SO LITTLE PRIVATE LAND ON WHICH TO LOCATE BUSINESS OR INDUSTRY. THE ACTIVITY OF THE HAWTHORNE AMMUNITION DEPOT HAS BEEN REDUCED SIGNIFICANTLY IN RECENT YEARS. THERE HAVE EVEN BEEN ATTEMPTS TO CLOSE IT ALTOGETHER. HAWTHORNE AND MINERAL COUNTY HAVE TRIED TO ATTRACT REPLACEMENT INDUSTRIES. THE PROBLEM--

HAWTHORNE IS EXACTLY 1 SQUARE MILE OF PRIVATE LAND COMPLETELY SURROUNDED BY PUBLIC LAND--IN THIS CASE, DEFENSE DEPARTMENT LAND. THE ANSWER FOR HAWTHORNE WAS A SPECIAL ACT OF CONGRESS TAKING OVER 3 YEARS TO PASS WHICH FREES SOME 3,000 ACRES FOR PRIVATE OWNERSHIP. MOST SMALL TOWNS IN NEVADA HAVE THE SAME PROBLEM AND WE DON'T THINK IT SHOULD TAKE AN ACT OF CONGRESS EVERYTIME A COMMUNITY NEEDS TO EXPAND.

SOME WILL SAY THAT IT IS EASY TO GET PUBLIC PURPOSE LAND FROM BLM--LAND FOR PARKS, SCHOOL SITES AND SO FORTH. WHILE THAT IS POSSIBLE, IT'S NOT EASY. ALSO, IT IS OFTEN NOT WITHOUT STRINGS. A WONDERFUL EXAMPLE OF STRINGS OCCURRED IN ELKO A FEW YEARS AGO. INTERSTATE 80 TOOK A PART OF THE CITY GOLF COURSE. IN ORDER TO ADD THE NECESSARY LAND TO COMPENSATE FOR THE LOSS, BLM LAND WAS REQUIRED. ELKO GOT THE LAND BUT NOW THE GREENS FEES ON THE COURSE ARE SUBJECT TO APPROVAL BY THE SECRETARY OF INTERIOR! THAT'S A 2,200 MILE STRING.

NOW, LET'S LOOK AT OUR URBAN AREAS, CLARK COUNTY IN PARTICULAR. WE HAVE TWO SLIDES SHOWING AN AMAZING SITUATION. THE FIRST ONE SHOWS THE LAS VEGAS VALLEY. SURPRISINGLY, THERE IS A GREAT DEAL OF BLM LAND IN THE VALLEY--60,000 ACRES

BY ESTIMATE OF THE BOARD OF REALTORS, 37,000 ACRES BY ESTIMATE OF OUR OWN DIVISION OF STATE LANDS. IN EITHER CASE, IT'S A LOT OF LAND AND ALMOST ALL OF IT IS DEVELOPABLE LAND INTERSPERSED OR CHECKERBOARDED WITH PRIVATE LAND. A SECOND SLIDE SHOWS A BLOW-UP OF ONE SECTION OF THE VALLEY THAT SHOWS THE INDIVIDUAL PARCELS OF PUBLIC LAND, SOME AS SMALL AS 1 1/4 ACRE.

THE PROBLEMS CAUSED BY THIS SITUATION ARE ENORMOUS. IN A RAPIDLY GROWING AREA, THIS MUCH PRIME LAND NOT AVAILABLE INFLATES THE PRICES OF THE REST, THUS DRIVING UP THE COST OF HOUSING. IT ALSO GREATLY INCREASES THE COST OF UTILITIES TO THE PRIVATE LAND BECAUSE EASEMENTS ACROSS PUBLIC LAND OFTEN CANNOT BE GOTTEN AND WHEN THEY CAN IT CAN TAKE UP TO 2 YEARS TO GET ONE. THE PUBLIC LAND PATTERN HAS CONTRIBUTED TO A DIFFUSE AND SCATTERED DEVELOPMENT THAT RESULTS IN FAR MORE EXPENSIVE GOVERNMENT SERVICES IN AREAS SUCH AS POLICE AND FIRE.

THERE IS NO RATIONAL REASON BASED ON PUBLIC POLICY OR ENVIRONMENTAL CONCERNS TO KEEP ALL THIS URBAN LAND IN PUBLIC CONTROL. IT IS NOT USABLE, FOR THE MOST PART, FOR ANYTHING UNDER THE

MULTIPLE USE CONCEPT. IT IS VALUABLE THOUGH. THE DECEMBER SALE OF ABOUT 240 ACRES AVERAGED \$28,000 PER ACRE! THAT WAS A \$6.7 MILLION LAND SALE. AS YOU WILL HEAR A BIT LATER, SELLING OFF A SMALL FRACTION OF THAT LAND ANNUALLY WOULD PAY FOR THE MANAGEMENT OF THE REST OF THE PUBLIC LAND IN THE WHOLE STATE. BY THE WAY, 40 ACRES OF THAT BLM LAND IS ON THE STRIP, SOUTH OF THE HACIENDA AND ACROSS FROM THE AIRPORT. YOU COULDN'T TOUCH THAT FOR \$28,000 AN ACRE.

I THINK THE URBAN NEVADAN HAS THE RIGHT TO ASK A COUPLE OF QUESTIONS ABOUT THE IMPACT OF STATE OWNERSHIP. MANY OF OUR URBAN DWELLERS LIKE THE IDEA OF VAST AREAS OF PUBLIC LAND WHERE THEY CAN GO TO ENJOY THE OUTDOORS AND THE WONDERS OF NATURE. MANY OF THEM ARE SPORTSMEN WHO LIKE TO HUNT. OTHERS LIKE TO GO OUT IN OFF-ROAD VEHICLES. STILL OTHERS ARE WEEKEND PROSPECTORS. THESE PEOPLE ALL WANT TO KEEP THE PUBLIC LANDS OPEN AND THEY ASK ABOUT A STATE TAKEOVER.

THIS BRINGS US TO AN INTERESTING PARADOX. MANY PEOPLE WORRY THAT STATE OWNERSHIP WILL BRING AN END TO THE OPEN PUBLIC LANDS THAT WE'VE KNOWN FOR SO LONG. THERE IS THE FEAR THAT THE STATE WILL SELL IT ALL AND IT WILL ALL GO INTO PRIVATE

HANDS AND BE CLOSED. THAT IS SIMPLY NOT TRUE. THE STATE WOULD SELL THE LAND THAT IS UNMANAGEABLE FOR ANY PURPOSE SUCH AS THE RURAL AND URBAN CHECKERBOARDS AND LANDS NEEDED FOR URBAN GROWTH. THE REST IT WOULD MANAGE UNDER THE MULTIPLE USE CONCEPT. THIS BRINGS US TO THE PARADOX. WITH THE SEVERAL THINGS THAT ARE GOING ON RIGHT NOW SUCH AS MX MISSILE SITING, WILDERNESS DESIGNATION AND A GREAT BASIN NATIONAL PARK, TO NAME A FEW, YOU WOULD BE SHOCKED AT HOW MUCH OF THIS STATE MAY WELL BE WITHDRAWN FROM MULTIPLE USE. MR. WARREN WILL DEMONSTRATE THAT IN HIS PRESENTATION.

FROM THE URBAN PERSPECTIVE, THERE ARE GOOD REASONS TO SUPPORT THIS LEGISLATION. URBAN DEVELOPMENT WOULD BECOME MORE RATIONAL AND ECONOMICAL, THE PUBLIC LANDS WOULD CONTINUE TO BE OPEN FOR MULTIPLE USE AND THE CONDITION OF THE LAND WOULD CERTAINLY BE IMPROVED.

PRESENTATION ON S.B. 240/A.B. 413

Senator Richard E. Blakemore

SENATOR GLASER HAS GIVEN YOU THE GENERAL BACKGROUND ON PUBLIC LANDS EXPLAINING BRIEFLY HOW WE GOT TO THE SITUATION WE SEE TODAY. WE ARE A STATE WITH 87 PERCENT OF ITS LAND IN THE CONTROL OF FEDERAL GOVERNMENT AGENCIES WHO RESPOND NOT TO PRESSING AND CRITICAL STATE INTERESTS BUT INSTEAD TO SOME ILL-DEFINED NATIONAL CONSTITUENCY. THE CONTROL AND REGULATION BY THESE AGENCIES BECOMES HEAVIER WITH EACH PASSING DAY. ASSEMBLYMAN RHOADS HAS DISCUSSED THE POTENTIAL DETRIMENT TO THE FUTURE OF THIS STATE FROM WILDERNESS REVIEW. THE NOOSE IS DRAWING TIGHTER.

WHAT I'D LIKE TO SHARE WITH YOU TODAY IS OUR EXPERIENCE OF THE PAST 4 YEARS. THE 1975 SESSION DIRECTED A STUDY ON DERIVING ADDITIONAL STATE BENEFITS FROM THE PUBLIC LANDS. I CHAIRED THAT STUDY. WE CONCLUDED THAT UNTIL MORE OF THE PUBLIC DOMAIN WAS PLACED IN STATE AND PRIVATE OWNERSHIP, VERY LITTLE ADDITIONAL STATE BENEFIT WOULD ACCRUE. INDEED, THE OPPOSITE IS LIKELY TO BE THE CASE. WITH NO ACTION BY THE STATE, THE BENEFITS CURRENTLY REALIZED WILL LIKELY DECREASE.

WE CONCLUDED THAT THIS STATE AND THE OTHER PUBLIC LAND STATES WERE GOING TO HAVE TO ORGANIZE TO PROTECT MUTUAL INTERESTS. WE DETERMINED THAT THERE IS A GREAT DEAL OF PUBLIC LAND IN THIS STATE THAT IS NOT BEING USED FOR ANY PURPOSE AND HAS NO PARTICULAR ENVIRONMENTAL VALUE EITHER. MRS. HAYES HAS DESCRIBED THE SITUATION IN CLARK COUNTY. THERE IS A GOOD DEAL OF AGRICULTURAL LAND THAT IS NOT BEING UTILIZED TO ITS POTENTIAL. WE FOUND THE PROBLEMS OF URBAN EXPANSION AND THE RESULTING INFLATION IN LAND VALUES AS A RESULT OF AN ARTIFICIAL LAND SHORTAGE IN MANY AREAS. THE AVERAGE PRICE OF \$28,000 PER ACRE IN THE RECENT SALE IN CLARK COUNTY SHOWS THE EXTENT OF THIS INFLATION. WE FOUND THAT OUR SMALL RURAL COMMUNITIES WERE LIMITED IN BRINGING NEW INDUSTRY IN BECAUSE THERE IS NO LAND FOR THEM.

TOWARD THE END OF THAT STUDY, CONGRESS PASSED THE ORGANIC ACT. YOU'VE HEARD SOME OF THE IMPACT OF THAT LAW AND MUCH MORE IS YET TO COME. BECAUSE OF THE ORGANIC ACT AND ITS COMPLETE CHANGE IN FEDERAL LAND POLICY, SENATOR GLASER AND I INTRODUCED S.B. 398 LAST SESSION. THAT BILL WAS NOT PASSED, AS SENATOR GLASER SAID, BECAUSE WE WANTED TO SEE

HOW THINGS WERE ON THE POLITICAL FRONT IN WASHINGTON. TO DO THIS, WE CREATED THE SELECT COMMITTEE ON PUBLIC LANDS.

BEYOND THE GENERAL CHARGE TO STUDY AND MAKE RECOMMENDATIONS, THE SELECT COMMITTEE WAS GIVEN TWO OTHER TASKS. THE FIRST WAS TO GO TO WASHINGTON AND EXPLAIN OUR PROBLEMS AND SUGGEST IDEAS TO CONGRESS AND THE EXECUTIVE BRANCH ON HOW TO SOLVE THOSE PROBLEMS. THE SECOND WAS TO ORGANIZE THE WESTERN STATES FOR COMBINED EFFORTS ON PUBLIC LANDS.

MY PURPOSE HERE IS NOT TO GIVE A HISTORY OF THE SELECT COMMITTEE BUT INSTEAD TO EXPLAIN HOW THE BILLS BEFORE YOU TODAY FIT INTO WHAT THE SELECT COMMITTEE HAS BEEN TRYING TO DO. TO DO THIS, I NEED TO TELL YOU SOMETHING OF WHAT THE SELECT COMMITTEE HAS DONE. WE WENT TO WASHINGTON IN MAY 1977. WE MADE PRESENTATIONS BEFORE THE PUBLIC LANDS SUBCOMMITTEES OF BOTH HOUSES OF CONGRESS, THE DEPARTMENT OF INTERIOR, AND BLM OFFICIALS AND WHITE HOUSE STAFF. WE CONCLUDED THAT WHILE WE MADE PROGRESS IN TERMS OF EDUCATION, NEVADA AS ONE STATE WAS NOT GOING TO HAVE ANY SUBSTANTIAL IMPACT ON FEDERAL LANDS POLICY. THAT'S WHY WE SET TO WORK

IN THE SUMMER OF 1977 ON BUILDING A WESTERN COALITION ON PUBLIC LANDS. WE FIRST GOT THE SUPPORT OF THE WESTERN CONFERENCE OF THE COUNCIL OF STATE GOVERNMENTS. WE THEN BROUGHT ABOUT AN ALLIANCE BETWEEN WESTERN CSG AND THE WESTERN INTERSTATE REGION OF THE NATIONAL ASSOCIATION OF COUNTIES. IN MAY 1978, THIS NEW COALITION WENT TO WASHINGTON AGAIN WITH STATE AND COUNTY ELECTED OFFICIALS FROM THROUGHOUT THE WEST.

AS CHAIRMAN OF THE SELECT COMMITTEE ON PUBLIC LANDS, I'M SUPPORTING THESE BILLS BECAUSE THEY WILL SERVE AS A RALLYING POINT FOR ALL THE WESTERN STATES. WE ARE ALREADY RECEIVING MANY INQUIRIES ABOUT THESE BILLS AND MANY EXPRESSIONS OF SUPPORT. LEGISLATORS IN UTAH AND ALASKA ARE TRYING TO DO THE SAME THING. THE ASSERTION OF RIGHTS BY NEVADA WILL BECOME THE FOCUS OF REGIONAL EFFORTS TO BRING PRESSURE TO BEAR ON CONGRESS AND THE BUREAUCRACY. THESE BILLS REPRESENT A TANGIBLE MEANS OF PUBLICIZING OUR PROBLEMS NATIONWIDE. WE BELIEVE, FROM OUR EXPERIENCES IN DEALING WITH PEOPLE UNFAMILIAR WITH PUBLIC LANDS, THAT THIS KIND OF PUBLICITY CAN ONLY HELP US.

NOW, I HAVE EMPHASIZED THE VALUE OF THESE PROPOSALS IN TERMS OF PUBLICITY AND REGIONAL IMPACT. THAT'S BECAUSE I'M LOOKING AT THE ISSUE FROM THE STANDPOINT OF THE SELECT COMMITTEE'S ATTEMPTS TO ORGANIZE THE WEST ON THE PUBLIC LANDS ISSUE. DON'T LET THIS OBSCURE THE FACT THAT I BELIEVE THIS STATE HAS A VERY STRONG CASE ON CONSTITUTIONAL GROUNDS. IN THE MEANTIME, HOWEVER, I'M POINTING OUT OTHER BENEFICIAL ASPECTS OF THIS LEGISLATION. I'M CONVINCED THAT WASHINGTON UNDERSTANDS AND RESPONDS TO POLITICAL PRESSURE. ANY WAY WE CAN DEVISE TO INCREASE THAT PRESSURE IS GOING TO HELP US ACHIEVE THE GOAL OF GAINING SOME CONTROL OVER THE DESTINY OF THIS STATE.

Testimony - AB 413, SB 240
April 4, 1979
Bob Warren, Exec. Sec.
Nevada Mining Association

MY NAME IS BOB WARREN. I AM THE EXECUTIVE SECRETARY TO THE NEVADA MINING ASSOCIATION. I HAVE PREPARED A PRESENTATION OF 13 SLIDES TO ILLUSTRATE WHY THE MINING INDUSTRY SUPPORTS AB 413 AND SB 240. THE MINING INDUSTRY BELIEVES THAT THE STATE OF NEVADA SHOULD HAVE A STRONGER VOICE IN THE USE AND MANAGEMENT OF PUBLIC LANDS WITHIN ITS BORDERS.

SLIDE 1.

NEAL, COUNTER

Mr. CHAIRMEN, MEMBERS OF THE JOINT COMMITTEE... WELCOME TO NEVADA - PROPERTY OF THE U.S. GOVERNMENT. THE SLIDE BEFORE YOU DEPICTS A HUGE STATE OF 110,000 SQ. MILES. THE AREA IS BLACK - 87 PERCENT OF THE LAND - IS CONTROLLED BY FEDERAL AGENCIES. NEVADANS HAVE LITTLE OR NOT SAY IN THE MANAGEMENT AND USE OF THESE LANDS. THE REMAINING AREAS - IN WHITE - 13 PERCENT, ARE PRIVATE PROPERTY OR PROPERTIES OF STATE AND LOCAL PUBLIC ENTITIES.

ONE WOULD EXPECT FROM THIS SLIDE THAT THERE WILL ALWAYS BE AMPLE PUBLIC LAND FOR NEVADA'S TRADITIONAL USES - RANCHING, CROP AGRICULTURE, MINING AND ALL TYPES OF VEHICLE-ACCESS OUTDOOR RECREATION. BUT SUCH IS NOT THE CASE

SINCE THE 1940's, ACCESS TO THESE LANDS FOR MOST NEVADANS HAS BEEN INCREASINGLY RESTRICTED. AND DURING THIS UPCOMING DECADE OF THE 1980's, IF NEVADANS DO NOT QUICKLY FIND A WAY TO EXERT MANAGEMENT CONTROL, THE PUBLIC LANDS IN OUR STATE WILL BE SUBJECT TO GREATLY INCREASED SPECIAL USES BY A VARIETY OF FEDERAL AGENCIES.

WE WILL HAVE FEWER PLACES TO FARM, ONLY LIMITED ACREAGE FOR GRAZING OF CATTLE, MUCH LESS LAND FOR HUNTING AND FISHING AND OUTDOOR RECREATION, AND ALMOST NO LAND FOR MINING

(more)

SLIDE 2.

THE REMAINING SLIDES WILL REVEAL THE PATTERN OF ACCUMULATED FEDERAL WITHDRAWALS OF THE LANDS IN NEVADA FOR LARGELY SPECIAL-PURPOSE USES.

NEVADANS GENERALLY AGREE THAT MANY OF THE EARLIER WITHDRAWALS WERE NECESSARY AND PROPER. THIS SLIDE DEPICTS WITHDRAWALS FOR FEDERAL WILDLIFE REFUGES. IN THE NORTHWEST - THE CHARLES SHELDON WILDLIFE AND ANTELOPE RANGES.

- THE FALLON NATIONAL WILDLIFE REFUGE
- THE FERNLEY AND STILLWATER WILDLIFE MANAGEMENT AREAS
- THE RUBY LAKE NATIONAL WILDLIFE REFUGE
- THE DESERT NATIONAL WILDLIFE RANGE, HABITAT FOR NEVADA'S BIG HORN SHEEP.

SLIDE 3.

OTHER EARLIER WITHDRAWALS WERE, LIKEWISE, NECESSARY AND PROPER. THIS SLIDE ADDS THE INDIAN RESERVATIONS TO THE PATTERN.

- IN THE NORTH, THE DUCK VALLEY RESERVATION
- AND TO THE WEST, THE FORT MCDERMITT AND TE-MOAK RESERVATIONS
- ___ THE PYRAMID RESERVATION
- THE WALKER INDIAN RESERVATION
- AND ON THE NEV-UTAH BORDER, THE GOSHUTE RESERVATION

SLIDE 4.

TWO WORLD WARS GAVE IMPETUS TO FURTHER WITHDRAWALS - SOME OF THEM MASSIVE - FOR MILITARY PURPOSES.

- WITHDRAWN AFTER WORLD WAR I was the FORMER NAVAL AMMUNITION DEPOT AT HAWTHORNE, NOW RUN BY THE ARMY.
- LATER THE NELLIS AIR FORCE RANGE AND THE NUCLEAR TEST SITE WERE ESTABLISHED, HALTING ALL MINING AND MOST RANCHING IN THESE AREAS.

(more)

WORLD WAR II ALSO GAVE IMPETUS TO THE ESTABLISHMENT OF FOUR NAVAL AIR STATION BOMBING RANGES CLUSTERED AROUND FALLON. THERE IS ALSO NEARBY A NUCLEAR TEST SITE. ADDITIONALLY, ^{in California} THE CONGESTED AIRWAYS AND INCREASING DANGERS TO THE POPULATION CAUSED BY THE NAVY'S BUSY AIR BASES IN THAT STATE ~~CALIFORNIA~~ ^{has} ON SEVERAL OCCASIONS PROMPTED THE NAVY TO CONSIDER MAJOR WITHDRAWALS OF ^{additional} MORE NEVADA LAND TO ACCOMMODATE MORE OF THEIR CALIFORNIA OPERATIONS IN THIS STATE.

SLIDE 5.

OVER THE LAST FOUR DECADES THE FEDERAL GOVERNMENT HAS ALSO HAD OCCASION TO WITHDRAW OTHER LANDS IN NEVADA, SUCH AS THE DEATH VALLEY NATIONAL MONUMENT AND THE LAKE MEAD NATIONAL RECREATION AREA. AND....

SLIDE 6.

THE JARBIDGE NATIONAL WILDERNESS AREA IN NORTHEASTERN ^{IN} NEVADA. UP TO THIS POINT, THE LAND WITHDRAWALS HAD ^{generated} DRAWN LITTLE OPPOSITION FROM THE GENERAL POPULACE IN NEVADA. ^{It looked like there would always be ample land for multiple uses.} BUT THIS SLIDE LEADS US INTO A NEW AND RAPIDLY ACCELERATING ERA OF FEDERAL ~~LAND~~ WITHDRAWALS IN THE WESTERN STATES - PROPOSED MASSIVE WITHDRAWALS FOR WILDERNESS, NATIONAL PARKS AND A HUGE MX MISSILE BASE. ALL THREE WOULD PROHIBIT MINERAL DEVELOPMENT; AND WILDERNESS AND NATIONAL PARKS ^{designations} ~~COULD~~ ALSO SEVERELY LIMIT THE ECONOMIC BASE OF ADJOINING ^{of uses} LANDS, BECAUSE OF THE POSSIBLE CLASH BETWEEN THE AIR BASINS OF THE WILDERNESSES AND THE ADJOINING OR NEARBY VALLEYS.

SLIDE 7.

NOW WE CAN BEGIN TO SEE THAT OUR VAST 110,00 SQ. MILES OF LAND ARE BECOMING OFF LIMITS TO MUCH OF THE GENERAL PUBLIC. WE HAVE NOW LEARNED THAT THE FEDERAL GOVERNMENT WANTS TO WITHDRAW AS MUCH OR MORE NEVADA LAND WITH THE DECADE OF THE '80's THAN THE TOTAL WITHDRAWALS FOR THE PAST 40 YEARS. SOME HAVE TERMED THIS PHENOMENON THE GREAT FEDERAL LAND GRAB! AND, AT PRESENT, NEVADANS HAVE NO CONTROL OVER THESE WITHDRAWALS.

THIS SLIDE BRINGS US TO THE START OF THIS LAND RUSH. FIRST IS THE PROPOSAL BY THE U.S. FOREST SERVICE TO ESTABLISH FIVE "INSTANT WILDERNESSES" IN NEVADA. *instant* THESE RECOMMENDATIONS FOR WILDERNESS HAVE BEEN MADE WITHOUT A PROFESSIONAL EVALUATION OF THE MINERAL POTENTIAL OF THE LANDS.

AS A RESULT, THE FOREST SERVICE HAS MISCLASSIFIED HUGE AREAS; CERTAIN OF THE SITES RECOMMENDED FOR WILDERNESS ~~HAVE BEEN THE ON-GOING~~ *are the* TARGETS OF MINERAL EXPLORATION BY SOME OF THIS NATION'S LARGEST AND MOST SKILLED FIRMS. SOME OF THESE AREAS ALSO CONTAIN WELL TRAVELLED ROADS - IN DIRECT CONFLICT WITH THE LAW AND THE INTENT OF CONGRESS.

AGAIN, ALSO AS THE RESULT, GOVERNOR LIST, SENATORS CANNON AND LAXALT, AND REP. SANTINI HAVE WRITTEN TO THE SECRETARY OF AGRICULTURE OBJECTING TO CERTAIN OF THE CLASSIFICATIONS. IN PARTICULAR, THEY HAVE POINTED OUT THE HIGH MINERAL POTENTIAL OF TWO PROPOSED SITES FOR WILDERNESS - THE GRANT MOUNTAINS AND THE QUINN CANYON MOUNTAINS. THEY HAVE ASKED THE SECRETARY TO DROP THESE FROM WILDERNESS CONSIDERATION.

IN NEVADANS HAD HAD A VOICE IN THE MANAG^EMENT OF THEIR LANDS, THIS WOULD NOT HAVE HAPPENED!

SLIDE 8.

THE FOREST SERVICE HAS ALSO RECOMMENDED THAT FOUR ADDITIONAL SITES BE ~~FURTHER~~ STUDIED FOR POSSIBLE WILDERNESS DESIGNATION. THESE STUDY AREAS ARE THE :

-- WHEELER PEAK AND THE HIGHLAND RIDGE-GRANITE PEAK AREAS SOUTHEAST OF ELY; AND THE MT. MORIAH AREA EAST OF ELY.

If either of these areas are designated wilderness, the proposed power generating facility near Ely would be in extreme jeopardy. Wilderness enthusiasts will charge the plant might impair the quality of the air within the wilderness basins.

THE FOURTH STUDY AREA IS EXPANION OF THE EXISTING JARBIDE WILDERNESS. SOME OF THESE AREAS, TOO, HAVE HIGH MINERAL POTENTIAL. NEVADANS - NOT THE FEDERAL GOVERNMENT - SHOULD BE ABLE TO DECIDE THE PROPER USE OF THESE LANDS.

SLIDE 9.

WE CAN NOW START TO SEE THE RAPID MOVES BY FEDERAL AGENCIES TO ACQUIRE THE AVAILABLE PUBLIC LANDS IN NEVADA. ~~THESE AGENCIES ALSO RECOGNIZE THAT PUBLIC LANDS WILL BECOME SCARCE -- EVEN IN NEVADA.~~

CONSIDER THE AREA IN GREEN - THE PROPOSED ONE MILLION ACRES THAT THE NATIONAL PARK SERVICE WANTS NEVADA TO CONTRIBUTE TO ITS NEW PARK-OF-THE-MONTH CLUB. THIS HUGE AREA, JUST NORTH OF THE NUCLEAR TEST SITE, IS ONE OF THE TWO TOP TARGETS FOR A GREAT BASIN NATIONAL PARK IN NEVADA. TENTATIVELY, IT WOULD STRETCH ON THE WEST FROM WARM SPRINGS (A GASOLINE-TAVERN ON HIGHWAY 6 BETWEEN TONOPAH AND ELY) AND EASTWARD ACROSS THE RAILROAD VALLEY, THE GRANT-QUINN RANGES AND ON TO THE WHITE RIVER VALLEY AND HIGHWAY 30, WHICH RUNS FROM HIKO TO LUND.

NOTICE THAT THE PROPOSED WITHDRAWAL COVERS THE MINERALIZED GRANT-QUINN MOUNTAINS, ALREADY TARGETED FOR WILDERNESS. AND IT WOULD COVER NEVADA'S EMBRYO BUT PROMISING OIL DISCOVERIES IN RAILROAD VALLEY AND OTHER PRIME OIL TARGETS TO THE EAST.

Some day
~~PERHAPS,~~ A GREAT BASIN NATIONAL PARK IS AN APPROPRIATE USE FOR THIS LAND: BUT AT THE VERY LEAST, THE STATE OF NEVADA SHOULD HAVE THE FINAL VOICE IN ^{any} A DECISION TO WITHDRAWN ONE MILLION ACRES FROM MULTIPLE USE.

SLIDE 10.

I MUST ALSO INCLUDE THE ~~20~~⁴⁰ MILE-WIDE STRIP OF INTERMINGLED PUBLIC AND PRIVATE LANDS THAT TRAVERSE NORTHERN NEVADA. THE LEGISLATION BEFORE YOU WOULD PERMIT INTERCHANGES, SALES AND THE FASHIONING OF LAND BLOCKS FOR IMPROVED MANAGEMENT AND USE OF THIS HUGE AREA.

SLIDE 11.

RETURNING TO SOUTH CENTRAL NEVADA, WE CAN SEE THAT YET ANOTHER AGENCY, THE U.S. AIR FORCE, ALSO WANTS A HUGE CHUNK OF THE PUBLIC DOMAIN IN NEVADA. I'M REFERRING TO THE LARGE PINK AREA SURROUNDING THE PROPOSED GREAT BASIN NATIONAL PARK (IN GREEN) AND THE PROPOSED FOREST SERVICE GRANT-QUINN WILDERNESS. (NOW WE HAVE THREE AGENCIES COMPETING FOR THIS SITE.)

THE AIR FORCE WANTS THIS LAND FOR A HUGE MX MISSILE BASE - UP TO 6,000 SQ. MILES. MULTIPLE USE ACTIVITIES WOULD BE SHARPLY IMPAIRED. MINING WOULD NOT BE PERMITTED. IF THE AIR FORCE WINS THE LAND RUSH COMPETITION, THE NATIONAL PARK SERVICE HAS ALREADY PICKED ANOTHER TARGET: ALL OF THE TOQUIMA AND MONITOR MOUNTAIN RANGES AND THE HUGE MONITOR VALLEY BETWEEN - ANOTHER ONE MILLION ACRES STRETCHING ROUGHLY FROM MANHATTAN ON THE SOUTH TO THE U.S. HIGHWAY 50 ON THE NORTH. THE AREA IS SPOTTED WITH MINES, SOME ACTIVE AND SOME GOING INTO PRODUCTION IN THE '80's . AND IT IS ONE OF NEVADA'S PRIME RANCHING AREAS.

I HAVE A FINAL "WITHDRAWAL" SLIDE.

SLIDE 12.

AS MOST OF US IN THIS ROOM KNOW, THE BUREAU OF LAND MANAGEMENT IS NOW GEARED UP TO EVALUATE THE WILDERNESS POTENTIAL OF ITS 46 MILLION ACRES OF PUBLIC LANDS IN NEVADA. IF IT FINALLY DESIGNATES JUST TWO PERCENT OF ITS LANDS AS WILDERNESS, THE WITHDRAWAL WOULD TOTAL NEARLY ONE MILLION ACRES. (PICTURED AS A LAND BLOCK IN YELLOW.)

THEN, IF NEVADA BECOMES A NUCLEAR BURIAL SITE, MORE LAND MAY BE NEEDED. (PERHAPS WIPING OUT THAT NOW LARGELY USELESS LAND BETWEEN THE NELLIS BOMBING RANGE AND THE MX MISSILE SITE.) AND SO ON .. AND SO ON.. AND SO ON.

Nations newest, Nevadas largest Tungsten Mine

SLIDE 13.

~~WELCOME TO NEVADA,~~ ^{So} MR. CHAIRMAN, ^{members of the J. cont,} ^{-Welcome to Nevada-} PROPERTY OF THE U.S. GOVERNMENT!

Trail present in it
TRAIL

JOHN MARVEL
ASSEMBLYMAN
DISTRICT No. 34
EUREKA, HUMBOLDT, LANDER COUNTIES
CARLIN TOWNSHIP
P.O. Box 432
BATTLE MOUNTAIN, NEVADA 89820



Exhibit I COMMITTEES
MEMBER
TAXATION
GOVERNMENT AFFAIRS
AGRICULTURE

Nevada Legislature

SIXTIETH SESSION

APRIL 4, 1979

CHAIRMAN NEAL, CHAIRMAN COULTER AND MEMBERS OF THE JOINT
COMMITTEE,

I AM JOHN MARVEL, ASSEMBLYMAN, DISTRICT 34, WHICH CONSISTS OF
EUREKA, HUMBOLDT, AND LANDER COUNTIES, AND THE TOWNSHIP OF CARLIN IN
ELKO COUNTY. I AM HERE TO SUPPORT THE PASSAGE OF SB 240 AND AB 413
BECAUSE MY DISTRICT IS STRANGLED WITH OVER 80 PERCENT OF FEDERAL
LANDS WHICH STIFLES GOOD LAND USE AND WATER PLANNING.

MY STATEMENT TODAY, AND IN ORDER TO AVOID REPETITION, WILL BE
ADDRESSED TO MY CONCERN OVER THE SOVEREIGNTY OF OUR WATER. ONE OF THE
MOST INSIDIOUS DEVICES THAT THE BUREAU OF LAND MANAGEMENT HAS EVER
DESIGNED TO EMASCULATE STATES' RIGHTS AND SOVEREIGNTY IS ITS PRESENT
ACTIVITY OF FILING ON THE WATERS OF THE SOVEREIGN STATE OF NEVADA.
TO DATE THE B.L.M. HAS FILED ON OVER FORTY SPRINGS, LAKES AND OTHER
WATER RESOURCES. WE HAVE BEEN TOLD BY THE STATE DIRECTOR THAT THE
BUREAU OF LAND MANAGEMENT INTENDS TO FILE FROM SIX TO NINE THOUSAND
APPLICATIONS ON THE WATER RESOURCES OF THE STATE OF NEVADA. THIS, IN
MY OPINION, TRANSLATES INTO COMPLETE DOMINATION BY THE B.L.M. AND
OTHER FEDERAL AGENCIES OVER THE CITIZENS OF NEVADA AND RESOURCE
USERS AND FORCE THEM TO CAPITULATE TO THE CAPRICIOUSNESS OF
WASHINGTON, D.C.

APRIL 4, 1979

PAGE 2

IN A DIRECT QUESTION TO THE STATE DIRECTOR OF THE B.L.M. WHAT THEIR POSITION WOULD BE ON PRIVATE FILINGS FOR WATER ON PUBLIC LANDS -- HIS ANSWER WAS, "THE BUREAU WILL PROTEST." THIS STATEMENT SHOULD ALARM ALL CITIZENS OF THE STATE.

AGAIN, I PRONOUCE MY SUPPORT OF AB 413 AND SB 240 BECAUSE I AM CONVINCED IT IS TIME FOR THE STATE OF NEVADA TO EXERCISE A VALID CLAIM FOR FIRST-CLASS CITIZENSHIP VERSUS THE PROVINCIAL CLASS STATUS THAT THE FEDERAL BUREAUCRATS WITHIN THE STATE OF NEVADA AND WASHINGTON, D.C., ARE ATTEMPTING TO SENTENCE THOSE OF US WHO ARE WINNING THE WEST.

SHERIFF
PERSHING COUNTY**JAMES K. McINTOSH, Sheriff**
Phone 273-2641
LOVELOCK, NEVADA 89419

April 3, 1979

TO: The Senate and Assembly
Nevada State Legislature

Ladies and Gentlemen:

As the Sheriff of Pershing County, Nevada, I would like to make known to you my thoughts concerning the bills for which you have a joint hearing, under S.B. 240 and A. B. 413. It is my understanding that these bills, if passed, would have the State assert its authority over the public lands within the State of Nevada, thereby challenging the federal jurisdiction over our public lands.

Recently, as the Sheriff of Pershing County as well as the president of the Sheriffs and Chiefs of Police Association of the State of Nevada, I have discussed the various possibilities and problems involved in trying to act as enforcement agents for the Bureau of Land Management on public lands within our individual jurisdictions. We have been approached by various officials of the B.L.M. to determine the feasibility of such a plan, and through our discussions it has become clear that we would be far better off if, in fact, we, as the local law enforcement officers, were enforcing appropriate control over the public lands, to the exclusion of any federal laws. We have found that, in fact, the federal laws which we would be required to enforce if such a plan were implemented are often frivolous and ridiculous in nature. Such laws, as the laws related to artifacts, wild horses and grazing, are often the work of individuals who do not understand local problems.

I would, therefore urge that you pass the above named bills, with the idea that we on a local level, through strengthened departments, could, in fact, carry out enforcement of all of the public lands within the State of Nevada, as to a large extent we are already doing this function.

At such time as there would be federal enforcement of the federal laws within the State of Nevada, there would

The Senate and Assembly
Nevada State Legislature


Page 2

be many other problems arise, including the question of what court system would be used to handle criminal defendants. This would necessarily require either a duplicate system of federal courts within each state, or each criminal defendant would have to be tried in a central area under what are often insignificant misdemeanor violations.

For all of these reasons and many more associated with the problems of federal bureaucracy, I urge the passage of the above named bills and a strengthening of our local law enforcement agencies to enforce the laws of the State of Nevada.

Thank you for your consideration in this matter.

Sincerely,


James K. McIntosh, Sheriff
Pershing County, Nevada

JKM:sc

POSITION PAPER

Nevada State Chamber of Commerce Association

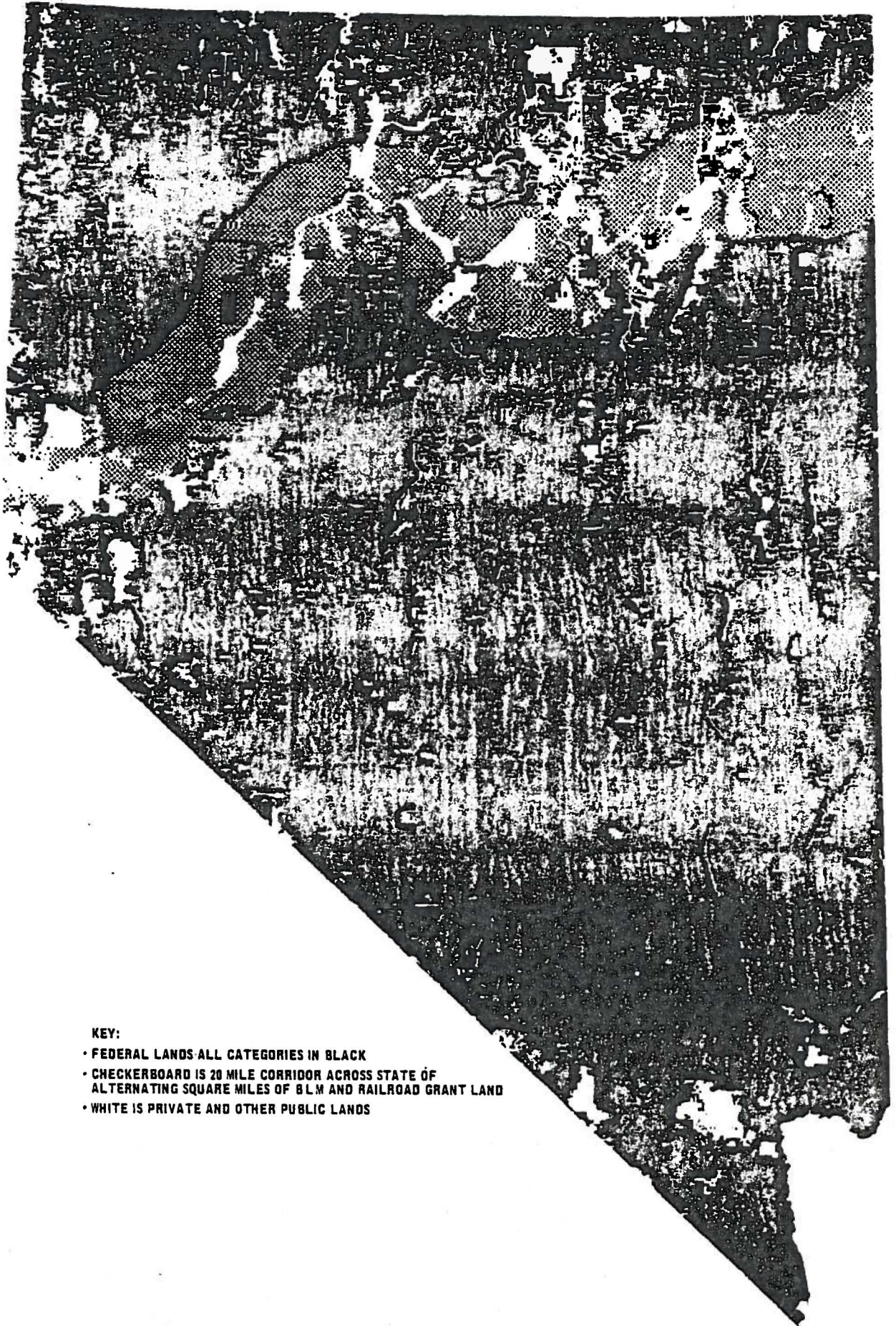
April 2, 1979
E. T. Hermann
Director and Past President

This will advise you of our support on behalf of our membership for duplicate bills, AB 413 and SB 240.

Having traveled the entire state prior to this year's session of the Legislature, there is little doubt Nevadans would much prefer to control Nevada public lands. They resent the increasing intrusion of the federal government into Nevada's affairs and of arbitrary attitudes by those remote from Nevada's problems.

Undoubtedly, the bill as drafted will require amendments, but we subscribe to the concept since the proponents of the bill seem to have provided substantial research into this matter; including costs of acquisition and operation and methods of funding these costs.

We urge your support of these two bills.



- KEY:**
- FEDERAL LANDS ALL CATEGORIES IN BLACK
 - CHECKERBOARD IS 20 MILE CORRIDOR ACROSS STATE OF ALTERNATING SQUARE MILES OF BLM AND RAILROAD GRANT LAND
 - WHITE IS PRIVATE AND OTHER PUBLIC LANDS





STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Division of State Lands

March 27, 1979

RECEIVED

MAR 28 1979

MEMORANDUM

TO: Roland Westergard, Director
FROM: Jac R. Shaw, Administrator *JRS*
SUBJECT: Estimated State Costs for Administration of Public Lands
(SB 240 and AB 413)

Department of Conservation
and Natural Resources

As per your request of February 21, 1979, this office has compiled estimated costs for the administration of lands specified in SB 240 and AB 413. Following are our estimates of administering and maintaining the public lands in Nevada.

I. Estimated Revenues (Based on Fiscal Year 1978)

A. U.S. Forest Service within Nevada¹

<u>Forest</u>	<u>Receipts</u>
Toiyabe	\$ 539,357
Humboldt	334,968
Inyo	35,676
Eldorado	940
TOTAL	\$ 910,941

¹Lake Tahoe Basin Management Unit receipts included in these figures.

B. Bureau of Land Management within Nevada²

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

²Does not include 1.5 million acres administered by Boise and Susanville BLM Districts

³Represents 25% greater than actually received to indicate new grazing rates.

- C. Total Revenues, U.S. Forest Service and BLM, based on preceding:
 \$14,339,501.
- D. 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)

A. U.S. Forest Service within Nevada

<u>Forest</u>	<u>Expenditures</u>
Toiyabe ¹	\$2,086,930
Humboldt	2,693,000
Lake Tahoe Basin Management Unit ^{1,2}	251,000
TOTAL	\$5,030,930

¹Only includes Nevada portions

²Does not include \$12.5 million for casino site acquisition

B. Bureau of Land Management within Nevada³

<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	\$10,922,200

³Does not include 1.5 million acres administered by Boise and Susanville BLM Districts

C. Total Expenditures, U.S. Forest Service and BLM, based on preceding:
(\$15,953,130)

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

<u>A. To Nevada State Treasury in 1978</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	\$4,967,504

<u>B. In Lieu of Tax Payments to Local Governments in 1978¹</u>	<u>Total Payment</u>
All Counties	\$5,200,330 ²

¹ Some Federal funding should continue if SB 240/AB 413 are implemented because not all Federal lands are to be acquired by the State of Nevada.

² 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 and U.S. Forest Service 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 and U.S. Forest Service 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.

Roland Westergard
 March 27, 1979
 Page 4

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.

The U.S. Forest Service now employs the following numbers of personnel in Nevada.

Yearlong	169
Seasonal	215
YACC	32
YCC	<u>29</u>
TOTAL	445

- 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 nearly 55 million 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 eleven communities now containing either BLM or U.S. Forest Service district offices. These localities are: Reno, Carson City, Las Vegas, Winnemucca, Battle Mountain, Elko, Wells, Mountain City, Ely, Austin, and Tonopah. In addition to offices, other significant capital expenditures would involve office equipment, vehicles, fire-fighting vehicles and aircraft, and other specialized equipment.

SUMMARY

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

COSTS OF ADMINISTRATION

ESTIMATED REVENUES

Annual Cost (1978 figures)

Annual Revenue (1978 figures)

National Forests	\$ 5,030,930 ¹
Public Domain (BLM) ²	9,922,200 ¹
In Lieu of Tax Monies to Local Governments	5,200,330 ³
Additional State Expenditures on Highways	15,800,000
	<hr/>
	\$35,953,460

National Forests	\$ 910,941
Public, Domain (BLM)	13,428,560 ⁴
Sale of 30,000 acres in Las Vegas Valley ⁵	20,000,000
	<hr/>
	\$34,339,501

¹ May include some costs of administration now incurred outside of Nevada.

² 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.

³ Some Federal funding should continue as not all Federal lands are to be acquired.

⁴ Reflects 25% increase in grazing from new grazing lease rates.

⁵ 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.

THE CONSTITUTIONAL BASIS FOR THE
NEVADA PUBLIC LANDS BILL
(SB 240, AB 413, 69TH SESSION)

EXHIBIT N

STATEMENT OF DAVID HORTON, LEGAL COUNSEL, NATIONAL COMMITTEE TO RESTORE THE CONSTITUTION, AND NATIONAL LEGISLATIVE VICE-CHAIRMAN, THE AMERICAN LEGION, BEFORE THE JOINT MEETING OF THE SENATE NATURAL RESOURCES COMMITTEE AND THE ASSEMBLY ENVIRONMENT AND PUBLIC RESOURCES COMMITTEE, APRIL 4, 1979:

Chairman NEAL, Chairman COULTER, Members of the Committees:

The United States Constitution supports Senate Bill 240 and Assembly Bill 413. Article I, Section 8, clause 17, deals with the matter of public lands:

Congress shall have the Power . . . to exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of Particular States and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Dockyards and other needful Buildings."

This provision denies to all federal agencies any control over public lands within a State unless each of the three requirements is met:

(1) the land is bought, (2) the State Legislature consents, and, (3) the land is then applied to one of the purposes listed.

These conditions have to be met, that are clearly stated in Article I, Section 8, clause 17, in order for any federal agency to exercise lawful authority over public lands within the State.

The United States Supreme Court has confirmed that "the United States have no Constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a State, or elsewhere, except in cases in which it is expressly granted. . ." (Pollard vs Hagen, 3 How. 211,

11 L. Ed.565).

Sovereignty Inheres in the State

An important transtition occurred when Nevada became a State. When Nevada was a territory, the Congress not only had the right, but the responsibility to adminster the area as a trustee for the other States in conformity with the terms of the Mexican Cession, which provided that the area would be formed into States that would then be admitted into the Union on an "Equal Footing" with the 13 original Nations. When the State of Nevada was created and then admitted into the Union, from that point forward, Congress lost lawful authority to exercise control over the public domain in the State. As can be seen by the nature of the Constitution, it is an Agreement between nations that have all the powers of sovereignty. Article VII requires that nine States had to agree before the Constitution was established between the States so ratifying. If less than nine States had ratified, each would have remained a sovereign Nation with its own army, navy, diplomatic corps and coinage power (see "Stop Usurpation With State Action" attached, pages 3-6).

The nation-hood that attached to Nevada on her creation into a State was a necessary prerequisite to her admission into a untion of States: "New States may be admitted by the Congress into this Union;" (Article IV, Section 3).

This sovereign status of "Equal Footing" was also recognized by the enabling act and Presidential proclamation.

(See "Equal Footing Doctrine", Office of the Attorney General, May, 1977, pp. 11, 12n, 50-53; "Nevada's Public Lands" attached, pp. 3,4)

SB 240 and AB 413 Put Down an Unlawful Sediton

BLM bureaucrats, in structuring "citizen input" into their unlawful regulatory scenario, are bypassing elected State and local officials, while exercising important governmental functions that belong to the State.

This represents a sediton against the lawful government of this State.

Congratulations to the co-sponsors and supporters of SB 240 and AB 413 for your resolve to use the State's Legislative Power to cure a serious Constitutional infraction. This remedy will discharge the oath to "support this Constitution," and will launch Nevada on a course of Full Statehood.

Thank You



David Horton

MIKE TOONE, CHAIRMAN-WASHOE COUNTY GAME MANAGEMENT BOARD/
DIRECTOR OF NEVADA WILDLIFE FEDERATION

I WOULD LIKE TO GIVE TESTIMONY IN OPPOSITION TO SB-240 AND AB-413. I WOULD HAVE TO AGREE WITH SOME OF THE THOUGHTS BROUGHT FORTH IN THESE BILLS, BUT THE METHOD SUGGESTED TO INSURE THE USE OF OUR PUBLIC LANDS BY ALL THE PEOPLE OF NEVADA IS NOT REFLECTED IN THIS BILL. I BELIEVE THIS IS THE WRONG APPROACH. IF WE WERE TO ACQUIRE THESE LANDS, THE STATE COULD NOT AFFORD TO ADMINISTER THEM IN A MANNER THAT IS NECESSARY. THE FEDERAL AGENCIES SPEND A LOT OF MONEY AND UTILIZE A LOT OF PERSONNEL IN THE STATE, THIS HELPS THE ECONOMY AND ALSO INITIATES PROGRAMS FROM RANGE REHABILITATION TO REESTABLISHING GAME IN AREAS WHERE IT HAS BEEN REMOVED. THE BLM FOR INSTANCE, IN 1978 SPENT \$5,858,000 FOR PERSONNEL AND PROJECTS. ALSO THE STATE RECEIVED \$4,967,000 FROM MINERAL LEASES, SALE OF LANDS AND MATERIALS AND GRAZING AND ALSO ^{5,200,000}~~\$2,500,000~~ IN LIEU OF TAX PAYMENTS TO THE COUNTIES WERE REALIZED. I SHOW BLM'S CONTRIBUTIONS BECAUSE THEY ARE THE MOST CRITICIZED ESPECIALLY BY THE RANCHER AND THE MINERS. ONE OTHER ITEM THAT BOTHERS ME ABOUT THE BILL IS THAT IT ADDRESSES ITSELF TO SELLING OFF OF PUBLIC LANDS INTO PRIVATE OWNERSHIP WHICH IS THE OPPOSITE APPROACH OF WHAT WE SHOULD BE DOING. WE SHOULD BE FINDING WAYS OF ACQUIRING PRIVATE LANDS FOR PUBLIC ACCESS INTO LAND-LOCKED PUBLIC AREAS. ALSO ACQUIRING GAME RANGES THAT ARE BEING DEVELOPED TO THE DETRIMENT OF OUR NATURAL RESOURCES. I SHOW THE SAME CONCERN ON THE TAKE OVER OF LANDS IN THE STATE OF NEVADA BY FOREIGN INVESTORS, AS THE SPONSORS OF AB-34, BUT I CONSIDER OUTSIDERS ANYONE THAT DOES NOT LIVE ON THE LAND OR NEAR THE LAND THEY CONTROL. AT THE PRESENT TIME, 23% OF THE LIVESTOCK OPERATORS IN ELKO COUNTY DO NOT RESIDE THERE AND 36% OF THOSE OPERATORS IN LINCOLN AND CLARK COUNTIES DO NOT RESIDE IN THEIR COUNTIES. AS YOU REALIZE, LANDS IN PRIVATE OWNERSHIP ARE NO LONGER SUBJECT TO THE CONTROL OF THE PEOPLE OF THE STATE OR IS THERE ANY OPEN RECREATION OPPORTUNITY AFFORDED ON THESE LANDS. I WOULD LIKE TO SITE TWO AREAS IN NORTHERN WASHOE THAT HAVE BEEN LOST TO THE PUBLIC, ONE IS NORTH AMERICAN ROCKWELL, NORTHEAST OF RENO AND THE MAJORITY OF THE LAND IN STOREY COUNTY THAT IS OWNED BY CURTIS-WRIGHT.

THE LANDS CONTROLLED BY CURTIS-WRIGHT HAVE BEEN DISCUSSED WITH THESE PEOPLE FOR APPROXIMATELY 8 YEARS IN AN EFFORT TO ALLOW HUNTING AND TRESSPASS, BUT ALL TO NO AVAIL, SINCE THERE IS NO WAY WE CAN REACH A CORPORATION WITH OUR THOUGHTS. THESE TYPE OPERATIONS WOULD CERTAINLY HAVE THE MONEY TO SOAK UP ANY PUBLIC LANDS THAT WOULD BE OFFERED SINCE THE MONIES AVAILABLE TO THEM FOR LAND DEVELOPMENT AND ACQUISITION IS PLENTIFUL AND THEY ARE READY TO GRAB ANY LAND THAT BECOMES AVAILABLE AND WE CAN'T AFFORD TO LOOSE ANY MORE OF OUR RECREATIONAL AREAS. AT THE PRESENT TIME, 1/3 OF ALL OUR FISHABLE STREAMS ARE ON PRIVATE LANDS AND IF YOU WOULD LOOK AT A LAND MAP, THE LAST LAND GRANT PUT APPROXIMATELY 75% OF ALL THE SPRINGS AND MEADOWS ON PRIVATE PROPERTY WHICH DOES NOT ALLOW THE GENERAL PUBLIC ACCESS OR CONTROL. THEREFORE, WE SHOULD BE PROTECTING OUR PUBLIC LANDS, NOT ATTEMPTING TO EXPLOIT THEM. WE FIND THAT IN THE PAST, WE HAVE ALL HAD OUR DIFFERENCES WITH THE FEDERAL AGENCIES, BUT WE DO NOT FEEL THAT THIS IS REASON TO ASK FOR THEIR REMOVAL FROM THE STATE. I AM SURE WITH THE COOPERATION OF ALL ENTITIES, WE COULD WORK OUT ANY PROBLEMS THAT WOULD ARISE, MAYBE NOT TO ANY ONE FACTION'S SATISFACTION, BUT NOT TO THE DETRIMENT OF THE STATE AS A WHOLE.



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

April 2, 1979

Dear Senator Neal:

I am enclosing a position letter that has been developed on the subject of acquisition of Federal Lands by the Southern Nevada Conservation Council.

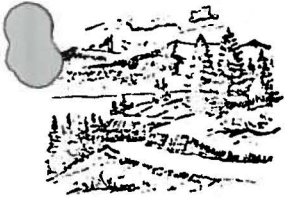
We are in opposition to Senate Bill 240 and Assembly Bill 413 because of the reasons stated in the position letter.

Would you please have this letter and the position statement read into the record?

Thanks for your assistance.

Sincerely yours,

David F. Rollins
Chairman, S.N.C.C.



Southern Nevada Conservation Council

210 South 16th Street Las Vegas, Nevada 89101

SOUTHERN NEVADA CONSERVATION COUNCIL POSITION STATEMENT ON ACQUISITION OF FEDERAL LAND BY THE STATE OF NEVADA

The subject of land acquisition by the state has been discussed at some length by the SNCC. We would like to offer our suggestions for safeguards and procedures before you proceed further with this measure. We have talked with representatives of the BLM and Forest Service, and members of the Nevada State Assembly involved in Federal land use. We represent a wide variety of federal land users - from the Sierra Club to motorcyclists - and our concerted opinion is that we should proceed very carefully when asking for federal land for state or private use.

As a suggested procedure, first, insist on establishment of a State Planning Board to determine the need and intended use for all of the requested land. Second, based on the classification of the lands requested, ask for direct transfer to the state or public auctions by the controlling agencies.

As a suggestion for land classification, we recommend that first priority be given to those lands near or within the boundaries of existing communities. If a community can demonstrate that it can supply facilities to a larger area and has essentially developed all of the land within its present boundaries, land should be made available adjacent to the existing boundaries. Lands within the existing boundaries of a community should be made available as soon as possible - preferably at public auction with some percentage set apart for community use (schools, parks, fire and police facilities, etc.).

Lands outside of and separate from existing communities will present the greatest problem, and, therefore, should receive special attention to assure the acquisition of land in orderly and economical fashion. The "checkerboard" lands adjacent to the railroad in the north are perhaps the most difficult areas to acquire wisely. There are several areas that supply badly needed habitat for wildlife. There are other areas that are good grazing or ranch lands. There is much that is open land of extremely limited use. Those areas that can be identified to be single use areas (agriculture, mining, grazing, etc.) should be made available to the state and to private interests. Those that have multiple use should be retained in public ownership.

In the "checkerboard" areas, exchange of lands should be sought rather than outright turnover to the state. The work involved would be considerably greater, but the gain for the state and the nation would be greater by far. Land turned over to the state will end up in private ownership; this is historically proven. Private ownership of the lands now in the checkerboard would deny access to hunting, fishing, camping, and other recreational uses presently available. There are already areas in the Ruby Mountains where access to public lands is available only by paying to cross private land. Exchanges would permit present private owners to consolidate their holdings while establishing solid blocks of land for recreation or grazing or other uses.

SOUTHERN NEVADA CONSERVATION COUNCIL POSITION STATEMENT ON ACQUISITION OF FEDERAL LAND
BY THE STATE OF NEVADA

Page 2

Finally, when public lands are acquired by the state, and such lands are sold to private interests, we would like to suggest that the money received for the state's share of the sale be applied to the development of recreational facilities throughout the state. Examples would be: reservoirs for aquatic sports and fishing, campgrounds, picnic areas, public shooting ranges, off-road vehicle recreation areas, hiking trails, historic and scenic site protection and designation, etc..

We appreciate your concern for Nevada's need for additional private lands. Our biggest concern is the danger of acquiring lands that will end up in private hands devoted to speculation. Also, acquisition of land by the state that the state is not prepared to manage will result in either establishment of an expensive management agency or mismanaged land and loss of a valuable resource.

If we can be of further advice, please call on us. Our members represent a wide range of land users familiar with Nevada land problems.



David F. Rollins
Chairman
Southern Nevada Conservation Council

Home address:

116 South Jones Boulevard
Las Vegas, Nevada 89107

Telephone: 702-878-9351

May 10, 1977

I have attached a report of the public land acreage in Nevada that is suitable for crop production through irrigated farming. The report was requested by the Legislative Subcommittee authorized by S.C.R. 9. The data was collected and compiled over the past decade by river basin study and survey teams made up of representatives of federal and state agencies. I have extracted the data relating to Nevada from the reports and compiled and summarized it. The three study reports are:

1. "GREAT BASIN REGION COMPREHENSIVE FRAMEWORK STUDY," which covers most of Nevada except for a portion in the northeast that drains into the Columbia River Basin and the southeast that drains into the Colorado River Basin.
2. "COLUMBIA-NORTH PACIFIC REGION COMPREHENSIVE FRAMEWORK STUDY," which provided data for the northeast portion of Nevada (parts of Humboldt and Elko Counties) that drains into the Snake River and then the Columbia River.
3. "LOWER COLORADO REGION COMPREHENSIVE FRAMEWORK STUDY," which provided data for the southeast portion of Nevada (parts of Clark, Lincoln, Nye and White Pine Counties) that drains into the Colorado River.

TABLE I. I extracted the acreage that was determined from actual field surveys and was shown in each of the above reports as suitable for irrigated crop production.

This does not include land already under irrigation but it does include all land where the topography and soils make it suitable for irrigation. All of the land that is suitable for irrigation is also land that is suitable for livestock grazing under irrigated pasture or as non-irrigated pasture and range. I factored the data to indicate the potential acreage that is presently B.L.M. or U.S.F.S. administered lands.

WATER. Extensive studies and reports have been completed on water in Nevada, both surface and underground. These are available from the State Water Engineer's office. Irrigation is necessary for almost all areas and crops in Nevada. Most surface water in Nevada has been appropriated, although considerable improvement can be made in efficiency of storage, distribution and use. With these improvements, more land could be irrigated with the present surface water. Usually, the final test to determine if underground water is available for a given tract of land is the drilling and testing of a well. However, as we look toward the future, we can speculate on other possibilities. I believe that in the future we will have and need regional water systems using desalted seawater, other reclaimed water and surplus water. This will eventually provide water for most of these lands. Developments in energy will make pumping from deep wells profitable. For example, I point out that a very recent development in electric motor design may increase the efficiency up to 40%. In any event, the data on acreage suitable for irrigation in this report does not address the problem of whether or not water is available, but assumes that it is presently available or would be available in the future.

TIME FRAME. The reports were very extensive and comprehensive and went into many areas of technical and social aspects and needs over a period of years up to the year 2020. This time frame appears logical to me. I believe that we would need to, and would be able to, get the majority of this land into irrigated agriculture by the year 2020 if we started now. Certainly, the demand for the food will exist.

MAP. The comprehensive framework study reports contained maps showing the location of the potential irrigated cropland and land suitable for grazing or timber production. Each type of land was shown in a different color. Because of the limited time, I could not reproduce these in color, but have done so in black and white. This is adequate to show the approximate location of the potential irrigated lands. The colored maps and the many volumes of the reports on the studies of the three river basins are available. [1] In addition, the files of field notes, maps, studies, etc., should be available if needed.

[1] *The three reports are available in the Office of the State Engineer, Roland Westergard, at 201 So. Fall St., Carson City, Nevada, and also available in the Office of U.S.D.A., Soil Conservation Service, 103 So. Fall St., Carson City, Nevada.*

TABLE II. Table II shows the acreage that is suitable for livestock grazing. This basically is the same acreage that is presently being grazed. The data was taken from B.L.M. reports. It should be noted that most of the acreage that is suitable for irrigation is duplicated in the acreage suitable for grazing. This is presently being grazed and even when it is put under irrigation it would still be grazed as irrigated pasture or as crop aftermath.

CREDIT AND CREDABILITY. The credit for this data must go to the work group agencies and members and others that provided funds, manhours, technical support and other assistance in preparing the reports for each of the three comprehensive framework studies. These agencies include the Soil Conservation Service, Bureau of Reclamation, Bureau of Outdoor Recreation, Bureau of Land Management, Bureau of Mines, Bureau of Indian Affairs, Corps. of Engineers, U. S. Forest Service, State of Nevada, Environmental Protection Agency, Bureau of Sport Fisheries and Wildlife, Economic Research Service, and others. The large number of agencies involved, both state and federal, as well as the many many years of field work and study, should give the highest degree of credibility to the acreage data.

DATA FOR INITIAL DISCUSSIONS. The calculations I have made are based on rough percentages of the totals in each region. It appears that this data should be adequate for initial discussions but a more thorough analysis should be made. I did not have the time or data available to determine exactly how much of the potential irrigated cropland, and of which soil class, was under B.L.M., U.S.F.S., private or other ownership or management. These are rough preliminary calculations for discussion purposes.

If I can be of further assistance, please let me know.

Sincerely,

Thomas W. Ballow
Executive Director
NEVADA DEPARTMENT OF AGRICULTURE

TWB:sm
Attachments

E I
IRRIGATION LAND CLASSES AVAILABLE FOR DEVELOPMENT
Acres of Potentially Irrigable Land Not Presently Irrigated

(Sub Region)	Class 1	Class 2	Class 3	Class 4	Total	(1)		(1)	
						Estimated Total Acreage Currently BLM		Estimated Total Acreage Currently U.S.F.S.	
<u>GREAT BASIN REGION</u>									
Great Salt Lake	6,000	34,000	94,000	157,000	291,000	(69.03%)	200,877 Ac.	(7.75%)	22,552 Ac.
Sevier Lake			1,000	11,000	12,000	(100.00%)	12,000 Ac.	(0.00%)	0
Humboldt	74,000	550,000	1,183,000	1,461,000	3,268,000	(64.65%)	2,112,762 Ac.	(6.47%)	211,439 Ac.
Central Lahontan	10,000	68,000	142,000	176,000	396,000	(42.14%)	166,874 Ac.	(5.73%)	22,690 Ac.
Tonopah	92,000	588,000	1,353,000	1,929,000	3,962,000	(70.98%)	2,812,228 Ac.	(10.20%)	404,124 Ac.
Region Total	182,000	1,240,000	2,773,000	3,734,000	7,929,000		5,304,741 Ac.		660,805 Ac.
<u>LOWER COLORADO REGION</u>									
Lower Main Stem	60,000	209,000	705,000	1,409,000	2,383,000	(74.23%)	1,768,900 Ac.	(3.07%)	73,158 Ac.
<u>COLUMBIA NORTH PACIFIC REGION</u>									
Upper Snake	7,400	50,800	113,000		171,200	(82.70%)	141,582 Ac.	(6.93%)	11,864 Ac.
Central Snake	10,500	99,600	392,100	49,500	551,700	(45.90%)	253,230 Ac.	(26.17%)	144,380 Ac.
Region Total	17,900	150,400	505,100	49,500	722,900		394,812 Ac.		156,244 Ac.
TOTAL									
STATE OF NEVADA	259,900	1,599,400	3,983,100	5,192,500	11,034,900		7,468,453 Ac.		890,207 Ac.

(1) This acreage was arrived at by determining the percentage of land in the subregion under BLM and also under USFS and multiplying this by the total potential irrigated cropland in the region.

EXHIBIT: 0

TABLE II
B.L.M. AND U.S.F.S. ACREAGE SUITABLE FOR GRAZING IN NEVADA

Bureau of Land Management
Number of Livestock Authorized to Graze on B.L.M. Managed Public Lands
Grazing Year 1975

<u>District</u>	<u>Number of Cattle & Horses</u>	<u>Number of Sheep & Goats</u>	<u>Acres</u>
Elko	170,597	88,254	6,991,449
Winnemucca	65,460	19,566	7,600,031
Carson City	25,818	45,800	5,116,607
Ely	35,657	54,768	7,998,162
Las Vegas			
Section 3	23,448	19,651	5,896,482
Section 15	4,423	20	2,365,235
Battle Mountain	31,216	26,495	7,887,843
Susanville	20,438	9,000	1,431,976
Totals	377,057	263,554	45,287,785

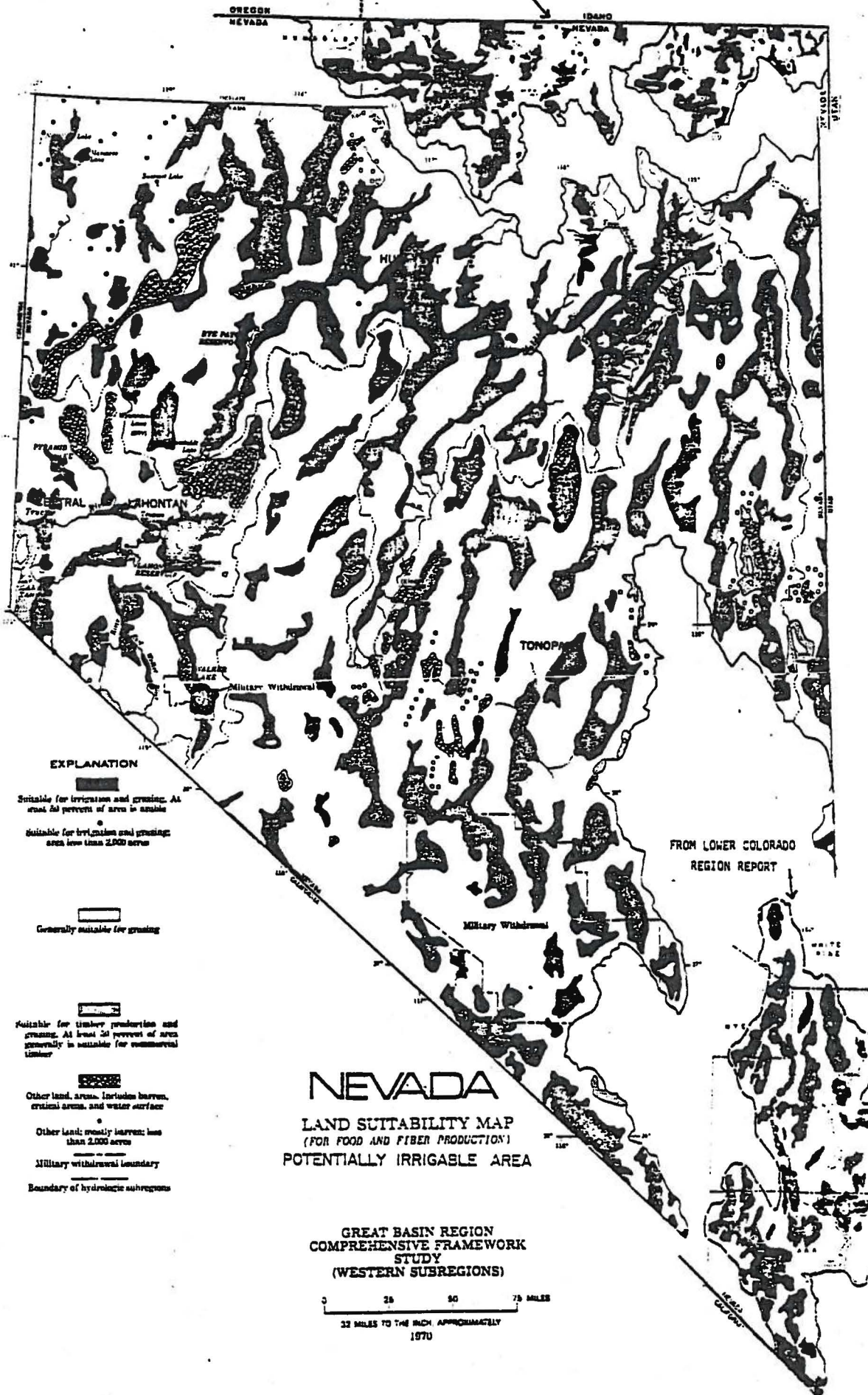
U.S. Forest Service

A portion of the National Forest Land in Nevada is managed under the Toiyabe National Forest and a portion is under the Humboldt National Forest. The total acreage under both within the state of Nevada is as follows:

1. Total National Forest Acreage in Nevada: 5,051,938 Acres.
2. 95%, or 4,797,900 acres, is "open" to grazing.
3. 5%, or 254,038 acres, is closed to grazing. This is in community watersheds, etc.
4. A.U.M.'s are actually leased out on 2,521,760 acres; or 50%.
5. A large portion of the 45% that is "open" to grazing but that is not now currently leased out for grazing, could be suitable for grazing with installation of grazing practices such as Pinyon-Juniper removal, water development, seeding of grass, etc.

TWB:sm
5/10/77

FROM COLUMBIA NORTH PACIFIC
REGION REPORT



STATEMENT BY
TIM HAFEN, PRESIDENT
NEVADA FARM BUREAU FEDERATION
BEFORE THE
ASSEMBLY ENVIRONMENT AND PUBLIC RESOURCES
AND
SENATE NATURAL RESOURCES COMMITTEES

MY NAME IS TIM HAFEN AND I AM PRESIDENT OF THE NEVADA FARM BUREAU FEDERATION. I AM HERE TODAY REPRESENTING THAT ORGANIZATION.

THE NEVADA FARM BUREAU IS A VOLUNTARY ORGANIZATION OF FARM AND RANCH FAMILIES UNITED FOR THE PURPOSE OF ANALYZING THEIR PROBLEMS AND FORMULATING ACTION TO SOLVE THOSE PROBLEMS.

THE NEVADA FARM BUREAU HAS OVER 4,000 MEMBERS STATEWIDE. WE APPLAUD THE FOURTEEN SENATORS WHO HAVE CO-SPONSORED SENATE BILL 240 AND THE THIRTY-SEVEN ASSEMBLYMEN WHO HAVE CO-SPONSORED ASSEMBLY BILL 413.

WE ALSO SUPPORT THIS LEGISLATION. FOR A NUMBER OF YEARS THE NEVADA FARM BUREAU HAS SUPPORTED THE CONCEPT OF TRANSFERRING THE PUBLIC LANDS TO THE STATE OF NEVADA. A POLICY RECONFIRMED AT A RECENT NEVADA FARM BUREAU ANNUAL MEETING BY THE VOTING

-MORE-

DELEGATES REPRESENTING COUNTY FARM BUREAUS FROM THROUGHOUT NEVADA STATES:

"THE NEVADA FARM BUREAU SUPPORTS REASONABLE ACTIONS TO TRANSFER FEDERAL LANDS TO THE STATE OF NEVADA (EXCEPT NATIONAL PARKS AND RESERVATIONS), PROVIDED THAT ANY INDIVIDUAL, FIRM OR CORPORATION WHICH NOW HAS BENEFICIAL USE OF THESE LANDS SHALL CONTINUE THAT USE WITHOUT PREJUDICE BECAUSE OF THE PROPOSED LAND TRANSFER. WE SUPPORT STATE OWNERSHIP OF LANDS MANAGED ON THE MULTIPLE USE CONCEPT."

THE PROBLEM OF THE FEDERAL GOVERNMENT CONTROL OF STATE LANDS IS NOT ONLY IN THE STATE OF NEVADA, BUT IN OTHER WESTERN STATES. THIS IS SUCH A PROBLEM THAT DELEGATES TO THE AMERICAN FARM BUREAU ANNUAL MEETING PASSED POLICY STATING, "THE FEDERAL GOVERNMENT SHOULD GRANT THE PUBLIC LAND STATES EQUALITY OF STATEHOOD BY TRANSFERRING OWNERSHIP OF ALL LANDS UNDER THE BUREAU OF LAND MANAGEMENT TO THE STATES IN WHICH SUCH LANDS ARE LOCATED," THE NATIONAL FARM BUREAU POLICY GOES ON TO SAY, ". . . THE POLIFERATION OF AGENCY REGULATIONS HAS PROVED TO BE CUMBERSOME, COUNTERPRODUCTIVE AND EXTREMELY EXPENSIVE."

WE HAVE JUST SEEN THE COMPLETION OF THE FOREST SERVICE'S WILDERNESS REVIEW PROCEDURE WHICH RECOMMENDS THAT 879,996 ACRES OF NEVADA'S LAND BE LOCKED UP. WE ARE NOW HAVING A SIMILAR REVIEW BY THE BUREAU OF LAND MANAGEMENT WHICH UNDOUBTABLY WILL RESULT IN THE LOCKING UP OF EVEN MORE OF NEVADA'S LANDS.

WE IN THE AGRICULTURAL INDUSTRY SEE THE RESULTS OF THESE WILDERNESS PROPOSALS WITH THE LOSS OF GRAZING RIGHTS.

AS A RESULT OF THE WILDERNESS CLASSIFICATION NATIONALLY WE COULD LOSE SUFFICIENT GRASS TO SUPPORT A FLOCK OF SHEEP THE SIZE OF THE STATE OF CONNECTICUT -- EACH YEAR. WE COULD ALSO LOSE GRAZING SUFFICIENT TO SUPPORT TWO MILLION RANGE CATTLE -- EVERY YEAR.

BUT, OTHER INDUSTRIES ALSO SUFFER. LOOKING NATIONALLY IT IS ESTIMATED THAT FEDERALLY CONTROLLED LANDS CONTAIN 50 PER CENT OF ALL KNOWN ENERGY RESOURCES. INCLUDED IS 40 PER CENT OF THE NATION'S COAL; 70 PER CENT OF THE LOW-SULFUR COAL; 75 PER CENT OF THE COUNTRY'S OIL SHALE; 85 PER CENT OF THE TAR SANDS; 15 PER CENT OF THE DEVELOPED OIL RESOURCE BASE; AND 43 PER CENT

-MORE-

OF THE ESTIMATED U.S. NATURAL GAS BASE.

WE FEEL THE DECISION TO DEVELOP NEVADA'S FEDERAL LANDS
WHETHER IT BE FOR AGRICULTURAL, MINERAL OR RECREATION USES
SHOULD BE THE DECISION OF THE PEOPLE OF NEVADA NOT A DECISION
FROM WASHINGTON D.C.

WE SUPPORT THE CONCEPT OF NEVADA OWNING NEVADA'S LANDS
AND ENCOURAGE YOU TO GIVE BOTH S.B. 240 AND A.B. 413 A "DO PASS"
RECOMMENDATION.

THANK-YOU FOR THE OPPORTUNITY TO EXPRESS THE OPINIONS OF
THE AGRICULTURAL COMMUNITY OF NEVADA.

#



WESTERN MINING COUNCIL, INC.

(NON-PROFIT ORGANIZATION)

P.O. Box 288
TUOLUMNE, CA 95379
(209) 928-3575

April 4, 1979

TO: The Honorable Chairman, Senate and Assembly Committee of the State of Nevada.
Capitol Building
Carson City, Nevada

SUBJECT: Senate Bill No. 240 and/or Assembly Bill No. 413

Honorable Members of the Committee:

Although Western Mining Council is national in scope, many of its 30,000 members are concentrated in Nevada.

Nevada is one of the twelve Western States addressed in Report No. 94-1163 during the second session of the 94th. Congress and ordered to be printed May 15, 1976.

Page 2, paragraph 1 of this report (in part) reads:

- (1) At the present time these public lands total more than 450 million acres (out of an original 1,800 million acres) about one-fifth of the Nation's land. Located almost entirely in the 11 Western States and in Alaska their resources are highly varied and of tremendous value.

Mr. Huey D. Johnson, Secretary of Resources, ^{of California} released a report January 5, 1979 which is generally applicable to all states but of particular significance to our twelve western states.

"The Public Lands belong to all the people in our State and because they are the last remaining undeveloped lands in public ownership determination of their future uses deserves careful thought by an involved public".

Mr. Johnson further stated, "California Public Lands produce millions of dollars each year in revenues for the use of our resources. If these fees were managed better and were returned to California for reinvestment in resource management, many of the mistakes and abuses of the past and present could be managed on a sound, long term, renewable basis".

Page 2 - Senate and Assembly Committee.

Actually the Equality of States Doctrine under Article iv, Section 3, commands that all States shall be dealt with equally by the Federal Government. In the majority of the public land states the Federal Government disposed substantially of all public domain lands so that they could be placed on the tax rolls.

Nevada is about 13% of a State, for the Federal Government has created on the public domain lands a Federal Empire which is governed by wholly autonomous agencies which are not answerable to the citizens of the State of Nevada.

Affected county ordinances or resolutions relating to public land generally report the concentrated views of county residents. Knowledgeable people who harvest the highly varied county resources present their views. It further expresses the "Wants" of people who are interested in, or make their living off of recreation, or its allied activities.

Where the "needs" of the people are contained, neglected, or over-regulated, both "needs" and "wants" must eventually suffer. Where these attributes are compatible, the needs, wants and rights of the people are ensured.

The Nevada Public Land Highly Varied Resources should be managed by the Nevada Government. The full potential of your state would then be available under the government of your people.

The Western Mining Council heartily endorses and recommends adoption of Assembly Bill No. 413 and/or Senate Bill No. 240 for both your and our people in Nevada.

Respectfully submitted by,

Western Mining Council, Inc.

Emmet L. Dahl

Emmet L. Dahl
President

Members of the Joint Committee,

I submit this statement to you signed by
214 concerned citizens along with letters of support
from

Pershing County Chamber of Commerce

The Nevada Prospectors + Miners Assn. +

The Public Land Users Assn. of Henderson Nev

Also being submitted are numerous copies of editorial
news articles + letters that reflect our concern.

I read this statement on behalf of the
Pershing County concerned Citizens as follows:

P.C.C.C.

As in all democratic systems, the final decisions in Nevada are made by the people. The extent to which the citizens understand government, discuss government and participate in government is the true test of free government and the best measure of its capacity to endure.

Equality of constitutional right and power is the condition of all the states of the union, old and new. This doctrine is now a truism of constitutional law.

From the time Nevada became a state until this very day, she has been treated as a second class state. First by Congress at the constitutional convention, second, when Congress gave the Bureau of Land Management authority to make regulations, enforceable, contrary to our Bill of Rights.

As citizens of the State of Nevada and Pershing County, we are asking you, our Senators and Assemblymen, to do your duty by sending SB240 and AB413 out of committee to our legislators, so they can vote our State Rights into law.

The Federal Government is stealing our public lands and again trying to steal our water. We support you. Now lets stop this GRAND THEFT!!!

PRINTED NAME

SIGNATURE

1.	Lyle E. Campbell	Lyle E. Campbell
2.	DIANE CAMPBELL	Diane Campbell
3.	George Mitchell	George Mitchell
4.	Betty Brown	Betty Brown
5.	William Jones Tula Jones	William Jones
6.	Robert D. Felt	Robert D. Felt
7.	Eric J. ...	Eric J. ...
8.	John ...	John ...
9.	JACK H. OLSEN	JACK H. OLSEN
10.	PETER F. DANIELS	Peter F. Daniels
12.	John Arrascada	John Arrascada
13.	FRANK H. STAMP	Frank H. Stamp
14.	WALTER W. MERCER	Walter W. Mercer
15.	VICTOR E. GERHART	VICTOR E. GERHART
16.	Robert D. Ernst	Robert D. Ernst
17.	PATRICIA A. McMASTERS	Patricia A. McMasters
18.	Bobbie J. Aufdermaur	Bobbie J. Aufdermaur
19.	JOHN LACA	John Laca
20.	Doris Jones	Doris Jones

	PRINTED NAME	SIGNATURE
1.	JOHN REITZ	John Reitz
2.	Shela Luntz	Shela Luntz
3.	LOUIE BRIGHT	Louie Bright
4.	MARIAN A. McCLELLAN	Marian A. McClellan
5.	Jack Richman	Jack Richman
6.	Cecil N. Cook	Cecil N. Cook
7.	Norma C. Mercer	Norma C. Mercer
8.		
9.	SALLY A. ESTRADA	Sally A. Estrada
10.	Fosie Estrada	Fosie Estrada
11.	John Maloney	John Maloney
12.	Jeanne Graham	Jeanne Graham
13.	IRENE CANISSA	Irene Canissa
14.	Ernestine Massey	Ernestine Massey
15.		
16.		
17.	REBECCA HILTON	Rebecca Hilton
18.		
19.	Bertha Giusti	Bertha Giusti
20.	Julia Giusti	Julia Giusti

	PRINTED NAME	SIGNATURE
1.	C. Basso	C. J. BASSO
2.	Tune Albiston	Tune Albiston
3.	Franklin Albiston	Franklin Albiston
4.	Tim Alon	Tim Alon
5.	RAMONA G. MONROE	Ramona G. Monroe
6.	Mik Gomez	Michael Gomez
7.	Mick Jones	Mick Jones
8.	J M PRESTI	Jim Presti
9.	WALTER WITKOWSKI	Walter Witkowski
10.	FRANKIE QUINCE	Frank Albert Quince
11.	DARLENE	PITGGS
12.	Raylyn J Brannum	RAYLYN J. BRANNUM
13.	Daniel R Brannum	DANIEL R. Brannum
14.	Donna M Brannum	Donna M Brannum
15.	Ed Mayberry	Ed Mayberry
16.	Jack P. Larkin	Jack P. Larkin
17.	Melinda Moore	Melinda Moore
18.	Stephanie Cameron	Stephanie Cameron
19.	Brenda Moore	Brenda Moore
20.	Michael Coltrane	Michael Coltrane

	PRINTED NAME	SIGNATURE
1.	Edmond F. Orzechowski	Edmond F. Orzechowski
2.	FAYE J. MOORE	Faye J. Moore
3.	Ed. Donaldson	Ed. Donaldson
4.	ED. BOWMAN	B. Edward Bowman
5.	ROBERT M. RYAN	Robert M. Ryan
6.	DEAN KEBBEL	Dean Keibel
7.	BARRIE J. PRINGLE	Barrie J. Pringle
8.	LARRY C. PRINGLE	Larry C. Pringle
9.	Bill Root Carl Root	Bill Root
10.	David Root David Root	David Root
11.	Irrin M ^c Garra	Irrin M ^c Garra
12.	FRANK T. LEECH	Frank T. Leech
13.		
14.	R. I. Schubert	R. I. Schubert
15.	Lando M. Ryan	Lando M. Ryan
16.	Kenner Summersfield	Kenner Summersfield
17.	MILT FARLOW	Milt Farlow
18.	WALTER CARLSON	Walter Carlson
19.		
20.	Michael T. Rosso	Michael T. Rosso

	PRINTED NAME	SIGNATURE
1.	Roberta J. Eden	Roberta J. Eden
2.	Carolyn Mattingly	Carolyn Mattingly
3.	Lena C. Bottomley	Lena C. Bottomley
4.	ELANOR ROSE	Elleanor Rose
5.	Cynthia Moore	Cynthia Moore
6.	Frances Killfail	Frances Killfail
7.	BILL HYDE	Bill Hyde
8.	Lucretia Bunker	Lucretia Bunker
9.	Dolores Vincent	Dolores Vincent
10.	Rosie McCartney	Rosie McCartney
11.	Wilbur Wasson	Wilbur Wasson
12.	Casey DeWitt	Casey DeWitt
13.	Debra Mitchell	Debra Mitchell
14.	Paul R. M. White	Paul R. M. White
15.	Linda Bechler	Linda Bechler
16.	MICHAEL TAYLOR	Michael Taylor
17.	PATRICK BOLLS	Patrick Bolts
18.	Judy Lynn Bailey	Judy Lynn Bailey
19.	Geneva Johnson	GENEVA JOHNSON
20.	Lena Johnson	Lena Johnson

EXHIBIT T

	PRINTED NAME	SIGNATURE
1.	ROY BIGGS	ROY BIGGS
2.	EMMETT COOK JR	EMMETT COOK JR
3.	DAVE AYCOBS	DAVE AYCOBS
4.	JANICE ALOYS SMITH	LOUISE ALOYS SMITH
5.	EDWARD E KURZBACH	EDWARD E KURZBACH
6.	FRANCES DAVIS	FRANCES DAVIS
7.	SANDI BUSHMAN	SANDI BUSHMAN
8.	WINSTON ABEL	WINSTON ABEL
9.	JAMES L. STARR	JAMES L. STARR
10.	HELEN BROWN	HELEN BROWN
11.	RICHARD S. LEE	RICHARD S. LEE
12.	FRANCES E. PRITCHARD	FRANCES E. PRITCHARD
13.	WILLIAM WESLEY	WILLIAM WESLEY
14.	JANICE ROSE	JANICE ROSE
15.	LEE R. DANBROV	LEE R. DANBROV
16.	SHIRLEY S. THORP	SHIRLEY S. THORP
17.	DICK GUILLICCI	DICK GUILLICCI
18.	ERNEST A. DUNBROV	ERNEST A. DUNBROV
19.	NICHOLAS C. SPILLARDI	NICHOLAS C. SPILLARDI
20.	VERA M. DUNBROV	VERA M. DUNBROV

	PRINTED NAME	SIGNATURE
1.	Dawn A. Wood	Dawn A. Wood
2.	Dorothy D. Jones	Dorothy D. Jones
3.	Nelda Noble	Nelda Noble
4.	Anne Stone	Anne Stone
5.	Isabel George	Isabel George
6.	CLAYTON M MENDHAM	Clayton M Mendham
7.	ANTIONETTE BATES	Antionette Bates
8.	Jeanne Leseberg	Jeanne Leseberg
9.	Felicia Turbillas	Felicia Turbillas
10.	Cynthia J. Ingliam	Cynthia J. Ingliam
11.	RICHARD C LOVELIEN	Richard C Lovelien
12.	BARBARA WILSON	Barbara Wilson
13.	JOE A. POPCZY	Joe A. Popczy
14.	Felicitas E Popczy	Felicitas E Popczy
15.	M D Meeo	M D Meeo
16.	ETHEL S. HEMP	Ethel S. Hemp
17.	KATHY GARRELL	Kathy Garrell
18.	GARRELL DAVIDSON	Garrell Davidson
19.	DENISE ELIZABETH	Denise Elizabeth
20.	PAMELA L. MONTES	Pamela Montes

	PRINTED NAME	SIGNATURE
1.	EMMA B. HESS	Emma B. Hess
2.	JUDITH E. HATLIP	Judith E. Hatlip
3.	SARA B. BAILEY	Sara B. Bailey
4.	WARREN FISK	Warren Fisk
5.	MILLIE B. FURMAN	Millie B. Furman
6.	ANN ANTONISCH	Ann Antonisch
7.	JANE SPENCER	Jane Spencer
8.	JANE E. GUYTON HEDGECOCK	Jane E. Guyton Hedgcock
9.	LEITA PRESTON	
10.	BETTY J. SMIDER	Betty J. Smider
11.		
12.	WICK HOWEL	Wick Howel
13.	JANNI BASSO	Janni Basso
14.	RUBY GOODWIN	Ruby Goodwin
15.	KORI BASSO	Kori Basso
16.	PENNY GOODWIN	Penny Goodwin
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	PRINTED NAME	SIGNATURE
1.	MARY JO JOHNSON	MARY JO JOHNSON
2.	TRACY SUMMERFIELD	Tracy Summerfield
3.	ESTHER ROBLES LOPEZ	Esther Robles Lopez
4.	FRANCES RUIZ	Frances Ruiz
5.	SHARON WOODBECK	Sharon Woodbeck
6.	HECTOR MANUEL SANCHEZ	Hector Manuel Sanchez
7.	JUAN CARLOS FLORES	Juan Carlos Flores
8.	ALFREDO C. ZERMEÑO	Alfredo C. Zermeno
9.	ROY D JONES	Roy D. Jones PO Box 36
10.	ESTELA YRIGUEN	Estela Yriguen
11.	C. M. VILLAS	H. M. VILLAS
12.	FELIPE ZAVALA	Felipe Zavala
13.	CATALINA ZAVALA	Catalina Zavala
14.	LARRY A. HENDERSON	Larry A. Henderson
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	PRINTED NAME	SIGNATURE
1.	FRANK MOCK	Frank Mock
2.	Simeona GALL	Simeona Gall
3.	LARRY BLANCHARD	Larry Blanchard
4.	Virginia M. Hill	VIRGINIA M. HILL
5.	JAMES C. Hill	James Hill
6.	Doris A Blanchard	Doris A Blanchard
7.	Doris Blanchard	Doris Blanchard
8.	JAN BARRICK	Jan Barrick
9.	LARA JARVIS	Lara Jarvis
10.	LOKKI HAPPY	Loki Happy
11.	DEBBIE HAPPY	Debbie Happy
12.	GRACE M. COONEY	Grace M. Cooney
13.	Veronica C Finkbein	Veronica C Finkbein
14.	Ellie K Finkbein	Ellie K Finkbein
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PRINTED NAME

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1.	Sharon Collins	Sharon Collins
2.	Cheryl Duarte	Cheryl Duarte
3.	JEE GANDIAEA	JEE GANDIAEA
4.	Nancy OSTRANDER	Nancy Ostrander
5.	Stacy Ostrander	Stacy Ostrander
6.	Michael Ostrander	Michael Ostrander
7.	Johnny Morison	Johnny Morison
8.	GREY WILFE	Grey Wilfe
9.	ARLIS WILFE	Arlis Wilfe
10.	Jerry B Ostrander	Jerry B. Ostrander
11.	Jessie Stillwell	Jessie Stillwell
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EXHIBIT T

	PRINTED NAME	SIGNATURE
1.	C. R. HARRIS BARGER	<i>C. R. Harris Barger</i>
2.	F. RICHARD F. FANELLI	<i>F. Richard F. Fanelli</i>
3.	WILLIAM G. GUSTAFSON	<i>William G. Gustafson</i>
4.	DARLENE CRUMHOLT	<i>Darlene Crumholt</i>
5.	KENNETH KNIGHT	<i>Kenneth Knight</i>
6.	Ronald Kiel	<i>Ronald Kiel</i>
7.	FRANK E. SANTOS	<i>Frank E. Santos</i>
8.	Greg Oberman	<i>Greg Oberman</i>
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PRINTED NAME

SIGNATURE

	PRINTED NAME	SIGNATURE
1.	GERI N. TEAKLE	Geri N Teakle
2.	LEO ARRASCADA HANK Blagen	Leo Arrascada
3.	XXXXXXXXXX Sheryl Blagen	Hank Blagen
4.	Sheryl Blagen	Sheryl Blagen
5.	DAROLD TYLER	Darold Tyler
6.	Quinta J Wilcox	Quinta J Wilcox
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PRINTED NAME

SIGNATURE

	PRINTED NAME	SIGNATURE
1.	Johnny Moreira	Johnny Moreira
2.	BRIAN RUDY	Brian Rudy
3.	WILLIAM CHRISTOPHER	William Christopher
4.	Brian Rudy	Brian Rudy
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PRINTED NAME

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PHIL SPEER

Phil Speer

1

Members of this joint hearing

I can see by the great numbers sponsoring this Bill the majority of our legislators understand and support the Constitution of the United States.

Our own Senator Dodge did not sponsor SB 240, but promised to support it.

I'm asking for a No Pass and report this Bill. We don't want it killed in committee.

Pershing County has a Grass Roots movement started over constitutional rights, regarding public lands. Our people are being educated. We have had many phone calls from our neighboring counties giving support to this movement.

Many people have asked us to let them know how the voting goes on this Bill. To inform all of Pershing County we will have the Senate and Assembly Daily Journal published by our local newspaper.

This Bill is one of the best pieces of legislation I've read in a long time. It's something you all should be proud of.

Thank You,
Maiane Campbell

Whereas the Citizens of Pershing County have been notified that the Bureau of Land Management has designated 17 per cent of their county with a Letter "A" designation.

Whereas this "A" designation indicates that these lands are to be included in the inventory for further wilderness study.

Whereas the District Attorney and County Officials of Pershing County have asked the Bureau of Land Management to follow their own designation requirements in placing designations on proposed wilderness study areas.

Whereas areas such as Unionville, Seven Troughs and heavily populated areas do not qualify under the BLM guidelines.

We, the Nevada Prospectors and Miners give moral support to the citizens of Pershing County in their fight to protect their lands from inclusion in the BLM inventory.

Nevada Prospectors &
Miners Association

Pershing County Chamber of Commerce

P.O. Box 821
LOVELOCK, NEVADA 89419

RESOLUTION

WHEREAS, the Pershing County Chamber of Commerce does not feel the proposed wilderness areas of the Black Rock Desert, Sahwave, and Seven Troughs in Pershing County should be set aside for a designated wilderness area and

WHEREAS, this move to set aside these lands would have a definite negative impact on the citizens and businessmen of Pershing County and

WHEREAS, the Pershing County Chamber of Commerce and its members wish to express their opposition to the wilderness proposal,

Now, therefore, it is hereby resolved that the Pershing County Chamber of Commerce submits its opposition to these above-mentioned lands being set aside as wilderness areas.

PASSED AND ADOPTED THIS 8th DAY
of March 1979, by the following of the board

Geri N. Jenks
President, Pershing County Chamber
of Commerce

PERSHING COUNTY CONCERNED CITIZENS

BOX 692

LOVELOCK, NEVADA 89419

MARCH 9, 1979

The intention of this letter is to explain not only the displeasure and dismay of the Pershing County citizens, in regard to the proposed Wilderness Inventory by the Bureau of Land Management, but also to give you a clear concept of the activity and use of the land at the present time.

Valuable minerals were first discovered and mining was started around the year 1910...nine years even before Pershing County was established in 1919. Mining has continued steadily all these years, all over the County. There are roads of every classification all over the area in question with the County regularly maintaining the roads designated as County roads.

If you know anything at all about mining, you'll realize that the price of minerals has risen tremendously in just the last ten years, let alone from the time of the first discovery of minerals here. Old dumps and tailings ponds, because of the increase in price, are minable now. The district carries a variety of minerals so new drilling programs are entirely feasible.

Cattle were being grazed over this area even before minerals were discovered and also have continued using the area. The County Assessor estimates 2,500 head of cattle are there now. According to the Bureau of Land Management's standards in a wilderness area, there can be no vehicular traffic. Consider the plight of the cattlemen if salt blocks are needed...they must be carried in on horseback. If feed is needed in the winter again it must be taken on horseback. How is the miner supposed to take equipment to his mine? Is he to regress to the use of burros as pack animals to haul out his ore?

According to the rules of the Bureau of Land Management, all existing business can continue under the approved officer, but only at the same level of October 1976. (Except for the use of vehicles)!

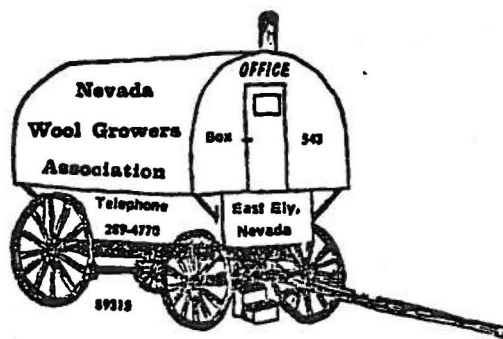
Why does the Bureau feel the need to isolate this area when right now, all the people they are trying to "protect" enjoy the privileges they feel are threatened? Back-packers, rock-hounds, prospectors, picnickers, week-end R V's, hunters and all outdoor solitude seekers, not to mention some who live there, already are free to come and go as they please. The various rescue units of the County are called to rescue many each year in their uneducated and ill-prepared search for solitude. We believe from past experience, that miners and cattlemen are the best friends these people could have. For the Bureau of Land Management to declare this area as Wilderness would be a great non-essential expenditure of tax money and a total duplication of services.

Our presentation of the petition would have been greatly enhanced if the promise of Mr. Cameron had been fulfilled. There was one open meeting by Mr. Cameron, acting as an agent of the Bureau, at which he promised to send maps to the County Recorder upon which existing known roads could be placed. These maps were to reach us March 2, 1979. When no maps were received, Mr. Laca, the County Recorder, called March 6, 1979. Mr Cameron could not be reached, but Mr. Laca was told that the maps would be ready March 12 or 13, 1979. Obviously, since the public comment date was to be closed March 14, this would not have allowed enough time to prepare the maps and would have been just another exercise in futility.

One of our questions to the Bureau of Land Management, which we ask very sincerely and we expect an equally sincere answer, what reason is there for the big "rush" concerning this problem? The definition of a wilderness, according to Websters New World Dictionary; an uncultivated, uninhabited region, a wasteland. Do you really believe this description could possibly fit Seven Troughs Range or the Black Rock Desert?

_____ citizens of Pershing County don't think so.

We think it is entirely superfluous to have to remind you of the economic disaster to the County and the State if you persist in placing the esthetic values of the back-packer on vacation above the basic, elemental and Constitutional rights of our citizens.

OFFICERS*President**Gracian N. Uhalde**Ely, Nevada**Vice President**Robert Belzarena**Imlay, Nevada**Secretary - Treasurer**Vivian Joy**East Ely, Nevada***DIRECTORS***Elias Goicoechea**Elko, Nevada**Ray Staley**Salt Lake City, Utah**Stanley Ellison**Tuscarora, Nevada**Loyd Sorenson**Elko, Nevada**Ray Corta**Jiggs, Nevada**Jay Henroid**Ely, Nevada**DeLoyd Sattethwaite**Tuscarora, Nevada**Bert Paris**Ely, Nevada**Fred Fulstone Jr.**Smith, Nevada**Pete Paris Jr.**Austin, Nevada**Reed Robison**Ely, Nevada**Jack Mendibourri**Eureka, Nevada**Alex Dufurrens**Winnemucca, Nevada**Joe Onaindia**Lovelock, Nevada**Wes Cook**Cedarville, California**Lyman Rosenlund**Schelborne, Nevada*

April 4, 1979

Mr. Chairman and Committee Members:

My name is Bertrand Paris, Jr. and I am a voting resident of White Pine County, Nevada.

I am here today representing the Nevada Wool Growers Association, Box 543, East Ely, Nevada of which I am a member and serve on the Board of Directors. I also represent Bertrand Paris & Sons Co. of Butte Valley, White Pine County, of which I am a 1/3 owner and Paris, Paris, & Inchauspe, Silver Creek, Austin, Nevada, of which I am 1/4 owner.

For six months from May 1 to October 1 I live in Butte Valley, located on the White Pine - Elko County lines and the remaining six months, November 1 to April 1, I live in Coal Valley on the Lincoln - Nye County lines.

This company operates on both BLM and Forest Lands in Elko, White Pine, Nye, and Lincoln counties.

It was started in 1926 by my dad who is still in partnership with my brother, Pete, and myself. This company is now operating approximately 600 mother cows and 6000 range sheep.

The Paris, Paris, & Inchauspe Company operates in Nye, Lander, and Mineral Counties. It was started in 1958 by Pete, my brother, Paul, my cousin, and myself. At the present time, this company is operating approximately 3000 mother cows and 3000 range sheep. This company operates on both BLM and Forest Service Lands.

Speaking for the Nevada Wool Growers Association and both companies of which I am part owner, we strongly urge passage of AB 413 and SB 240 which would create the Nevada Land Commission to manage the public lands of Nevada and take them out of the hands of the Federal Government and return them to the state and people of Nevada.

Thank you,

Bertrand Paris Jr.
Bertrand Paris, Jr.

MEMBERS OF THE LEGISLATURE

I would like to comment on a few points to give not only my views, but also the views of a good many citizens throughout this great state that I have personally spoken to, during the last few months.

First, there can be no logical reason for the ecologists and the environmentalists to oppose Senate Bill 240 and Assembly Bill 413, because it is specifically stated in the bills that all of the forests and wildlife and recreation areas will be protected. They also state that all existing statutes will not be affected and are in force, thus protecting the air, water and future development of the land itself by the Regional Land Planning Commission throughout the state along with the Department of Natural Resources. Therefore, we feel their only reasons to continue to disrupt and hinder the smooth and economical function of our state and local governments in the subversive manner in which they have in the past are to get irresponsible regulations passed that are inapplicable to many local areas where they are enforced.

Second, the outdoor and motor club enthusiasts should have less reason than most people to oppose these bills because if one or the other of these bills are not passed and the B L M and Forest Service are allowed to continue their dictatorial practices in our state, it will not just be a few private driveways and roads going to some mines and ranches that will have a gate. These Government Agencies are systematically locking up over twenty million acres of Nevada which will be closed completely to everyone except the most enthusiastic backpackers and horsemen. In short, they will be closed to all motorized vehicles of all types so that anyone who happens to be handicapped will be denied use of these lands. These bills will keep the land open to multiple use.

Finally, I would like to say, as voters last election, we felt we had voted in office some of the most capable people in this state who would be able to run this state, that probably has more natural resources than any other state, without holding out their hands to the Federal Government.

The money that this state does recieve from the Government are **E X H I B I T W**
actually about fifteen to twenty percent less than our legal
share of the revenues that are taken from our state to begin
with. If there are any in this legislature who feel they are not
competant and capable of running this state on equal footing
rights with the other states in the Union, then maybe we were
wrong.

I therefore promise that any who feel inadequate to the task
and say "we can't afford it" or "we can't do it", will be
replaced at the polls by those who know "we can do it" and will.
So I ask you to pass these bills into law as is, without
amendments now. Thank you.

Lyle E. Campbell

TO THE HONORABLE MEMBERS OF THE 1979 NEVADA LEGISLATURE

Gentlemen:

My name is JAMES D. HOUSTON. I represent a recently formed organizations of Elko, Nevada known as the Citizens Council. The Citizens Council consists of 6 separate groups of people, each of which has a different interest. These groups are Agriculture, Business, Recreation, Mining, Organizational and other concerned citizens of the State. We are in effect an organization made up of concerned Nevada People. We are loyal and patriotic citizens of the United States, however, the present and future welfare of the State of Nevada is of the utmost concern. To that end, we urge the passage of SB240 and AB413.

Agriculture and Ranching are viable industries being threatened by over-regulation due to absentee management whose lack of understanding leads to policy decisions that are incompatible with the requirements of the industries.

Recreation and Tourism are the main dollar industries of the State of Nevada. Current and future planning policies, such as the Ruby Marsh fiasco, the Wildhorse Reservoir take-over, the Rare II Wilderness proposals, indicates the inability of Washington to understand and meet the needs of the State of Nevada.

The very existence of our Statehood was dependent upon the mineral wealth contained within our Boundaries. Without the existing mineral wealth within the State of Nevada, neither the State nor the Nation would enjoy a high standard of living as we enjoy it today. Through existing and proposed Federal regulations the very existence of the Nevada Mining Industry is in serious jeopardy. Federal regulations as now proposed will, to all intent and purpose, eliminate the independent prospector and small miner, who are the backbone of the mining industry, from locating and claiming and developing mineral deposits on the public lands. The State of Nevada is capable of managing the mineral industry within its borders.

Various Civic and Fraternal Organizations within the Elko area have endorsed the concept of State ownership of public lands. They feel State ownership as opposed to Federal ownership will give increased public accessibility to public lands. The consensus is that limiting accessibility to public lands, as proposed by certain national groups, is not in the best interests of the people of the State of Nevada.

The economic health of the State of Nevada is dependent upon the proper regulations and control of public lands. The total economy of the State of Nevada is greatly affected by the existing Federal Land regulations. Power stations and transmission lines are being delayed and in some cases completely stopped. All utilities are incurring expensive and unnecessary delays in obtaining rights-of-way across public lands within the State of Nevada. Further economic growth within the State is seriously hampered due to excessive Federal control. State and local control of public lands would allow orderly growth of the economy within the State.

The individual rights of the citizens of Nevada are being trampled upon by the present administrative policies of the various Federal Bureaus through regulation and abuse of power.

In closing, we urge, encourage and do support your passage of SB240 and AB413. Let us stand united on the passage of these two important bills as written.

have been lost to multiple use through the programs of various government agencies, d-2 withdrawals, and President Carter's withdrawals under the 1906 Antiquities Act.

Accelerating demand worldwide for minerals, oil, and gas will inevitably require heavy reliance by the United States on domestic sources. The trend to "lock up" public lands that are vital to our nation's economic and strategic health is obviously contrary to the national interest.

How does this affect Nevada? We stand to lose access to 87% of our state if this trend is not stopped. There is a middle ground of wise multiple use. Nevada's history and tradition have combined ranching, prospecting, mining, and recreational activities. We do have the right to intelligently control our own lands.

Section 7 of the proposed legislation states the issue as clearly as it can be said: "The public lands of Nevada must be used to the greatest extent possible for recreation, wildlife habitat, agriculture, mineral and timber production, and for the development, production, and transmission of energy and other public utility services under principles of multiple use which provide maximum benefit to the people of Nevada."

Women in Mining wholeheartedly supports the enactment of S.B. 240 and A.B. 413.

Thank-you.

*Add to
minutes of hearing*

April 4, 1979
Comments on S.B. 240
and A.B. 413

Honorable...

My name is Cheryl Erwin, and I am speaking on behalf of the Reno chapter of Women in Mining, a national organization formed to promote the interests of the minerals industry. The issue dealt with by S.B. 240 and A.B. 413, the return of control of Nevada's public lands to the state, is of vital concern to Nevada and to her people. As we are all well aware, 87% of Nevada is public land, which makes the current trend of land withdrawals all the more alarming. Although we live and work here, we have virtually no control over the disposition of Nevada's lands, which makes the legislation under discussion today an important safeguard of our state's economic well-being.

It may be valuable to look at the current status of the public lands on a nation-wide basis. Bit by bit, acre by acre, vast tracts of the United States have been withdrawn from entry for mineral exploration and multiple use at a time when access to our nation's resources is crucial. United States Geological Survey figures indicate that within the next 25 years, the United States will be 100% dependent on imports for 12 essential mineral commodities, more than 75% for 15, and more than 50% dependent for 26 mineral commodities. Yet out of the approximately 742 million acres of public land in the United States, 59% is totally withdrawn, 2% is open to only restricted exploration, and the Bureau of Land Management and the Forest Service will withdraw an estimated additional 7% during 1979 and 1980, leaving only one-third of all public land in this country open to mineral exploration. This means that no longer accessible is a land mass larger than the combined areas of all of the states east of the Mississippi River. It is significant that most of this withdrawn land is in the western United States and Alaska.

Withdrawals for a variety of purposes have accelerated sharply in recent months, without coordination and without regard for the cumulative effect on future production of metals and minerals from domestic sources. Millions upon millions of acres in Alaska alone