

MEMBERS PRESENT: Chairman Jeffrey
Vice Chairman Redelsperger
Assemblyman Dini
Assemblyman DuBois
Assemblyman Kovacs
Assemblyman Mello
Assemblyman Polish
Assemblyman Rhoads

MEMBERS ABSENT: Assemblyman Schofield (excused)

OTHERS PRESENT: Assemblyman Horn
Jac Shaw, Administrator, Division of State Lands
Don Quilici

Chairman Jeffrey called the meeting to order at 3:05 p.m. and summarized AJR 45.

AJR 45: Urges President of the United States to rescind withdrawal of public land surrounding spring or waterhole

Assemblyman Ed Kovacs, Clark County District 1, said that AJR 45 urges the President of the United States to rescind the withdrawal of public lands surrounding springs or waterholes in settlement location, sale or, most importantly, entry. He distributed to the members of the committee a copy of a presidential order signed by Calvin Coolidge which is attached to these minutes as EXHIBIT A. He noted that this order gave the United States the authority to withdraw these lands and this resolution asks that our new President rescind that order. He explained that the mining, agricultural and ranching industries in the State of Nevada are certainly in need of access to water.

Mr. Kovacs then distributed and read a statement from Mr. Bob Warren, Executive Secretary of the Nevada Mining Association, a copy of which is attached to these minutes as EXHIBIT B.

When Mr. Redelsperger asked if there were any particular areas where this problem existed, Mr. Kovacs indicated that the northern areas of the state were experiencing more but someone from southern Nevada did bring it to his attention. He added that it is now in litigation, and although the governor and the Congressional Delegation are aware of this, they have been unable to accomplish anything up to this point. He explained that the BLM is using this executive order to withhold access to water in certain localities.

Mr. Rhoads inquired whether Mr. Kovacs had consulted with the water engineer, and Mr. Kovacs said no, but he had discussed it with the mining and ranching people. Mr. Rhoads commented

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that until he read this bill, he had not been aware of this problem, but in discussing the measure with the cattlemen, he found them to be in favor of the resolution.

Mr. Jac Shaw, Division of State Lands, said that he was not against the bill but would play "devil's advocate." He noted that the water in the state is controlled by the state so that this executive order (EXHIBIT A) does not affect the issuance of water permits or water use, but prohibits the development of land around water sources. He indicated that the Sagebrush Rebellion bill now being introduced in Congress states that, if the states acquire land, the land shall be managed in a multiple-use concept; in light of this legislation, opening up land around waterholes could, in essence, tie up the use of much of the land but not multiple-use concept. He added that it conflicts with the state's land issues wherein the state is stressing that, if and when land is acquired by any means, it will be managed in a multiple-use concept.

In response to Mr. Kovacs question, Mr. Shaw explained that if this land were acquired by a mining company or a rancher, other uses might not be allowed to continue; but their limit of water could be piped to a further location so that this land could still be used for a multiple-use concept.

Mr. Kovacs asked Mr. Shaw what might be good about this bill, and Mr. Shaw replied it could make it easier for more development, but he was not sure that private taking of land around the scarce water sources in the state was advantageous.

When Mr. Rhoads asked if passage of land from federal ownership to private ownership must go through the state, Mr. Shaw replied that land may be sold directly by the Federal Government to a private owner.

Since there was no one else present to testify on AJR 45, Mr. Jeffrey directed attention to AB 686.

AB 686: Allows use of same tag for hunting deer in general hunt and special hunt with muzzleloaders.

Assemblyman Nick Horn, Clark County District 15, said that AB 686 is a dual-hunting bill; that currently in Nevada there is a musket season, a muzzleloading season or black powder season, and there is a regular rifle hunting season. He indicated that this bill will allow a person who draws a tag for the regular season to hunt in the muzzleloading season if he is unsuccessful in the regular season and vice versa. He noted that this will not increase the number of tags but will allow some hunters two opportunities to go into the hills.

Mr. Mello pointed out that this does not include the bow hunter, and Mr. Horn said that there is a separate season for the bow hunter prior to the rifle or muzzleloading season.

When Mr. Rhoads asked if the Department of Wildlife had seen this proposal and what was their reaction, Mr. Horn answered that they have seen the proposal, and he thought they were going to do this by regulation but something had changed this.

Mr. Dini suggested that the bill should require this by regulation rather than by statute.

Mr. Don Quilici said he was testifying only as a hunter and that he was present at the meeting last week when this proposal was discussed. He said he felt that the bill generates problems in that the archers will be the next to ask for legislation. He noted that archers, muzzleloaders, pistol shooters and riflemen are all looking to their own interests, and these special interest groups might all be proposing legislation in the future. He added that statistics show that 15 percent of archers are successful, 38 percent of muzzleloaders, and 51 percent of rifle hunters; that through improvement in techniques and equipment success rates will rise.

Mr. Mello suggested sunseting this legislation to see how it is working by the next session. Mr. Quilici indicated that the mechanism is available now to regulate the seasons through the Wildlife Commission and the county Game Management Board.

When Mr. Rhoads asked why the Wildlife Commission did not seem to favor this legislation, Mr. Quilici said it was because the response from the counties was fragmented; that nine counties recommended a stratified hunt and the remaining eight counties wanted a separate hunt.

Mr. Mello moved DO PASS on AB 686, seconded by Mr. Dini and carried unanimously by the members present with Mr. Schofield absent at the time of the vote.

Mr. Dini moved INDEFINITE POSTPONEMENT on AJR 45, seconded by Mr. Polish and carried unanimously by the members present with Mr. Schofield absent at the time.

Since there was no further business to come before the meeting, Chairman Jeffrey adjourned the meeting at 3:40 p.m.

Respectfully submitted,

Judy E. Sappenfield
Committee Secretary

ASSEMBLY
ECONOMIC DEVELOPMENT
AGENDA FOR COMMITTEE ON AND NATURAL RESOURCES

TUESDAY
Date May 19, 1981 Time 2:00 P.M. Room 222

Bills or Resolutions to be considered	Subject	Counsel requested*
AJR 45	Urges President of the United States to rescind withdrawal of public land surrounding spring or water hole.	
AB 686	Allows use of same tag for hunting deer in general hunt and special hunt with muzzleloaders.	

THIS AGENDA CANCELS AND SUPERSEDES THE PREVIOUS AGENDA FOR
THIS DATE

*Please do not ask for counsel unless necessary.

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0/29/81
Exhibit 4

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ORDER OF WITHDRAWAL
PUBLIC WATER RESERVE NO. 107

Under and pursuant to the provisions of the act of Congress approved June 25, 1910 (36 Stat., 817), entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases", as amended by act of Congress approved August 24, 1912 (37 Stat., 497), it is hereby ordered that every smallest legal subdivision of the public land surveys which is vacant unappropriated unreserved public land and contains a spring or water hole, and all land within one quarter of a mile of every spring or water hole located on unsurveyed public land be, and the same is hereby, withdrawn from settlement, location, sale, or entry, and reserved for public use in accordance with the provisions of Sec. 10 of the act of December 29, 1916 (39 Stat., 362), and in aid of pending legislation.

(Sgd) CALVIN COULIDGE

President.

April 17, 1926.
1926

ORDER OF WITHDRAWAL
PUBLIC WATER RESERVE NO. 107

Under and pursuant to the provisions of the act of Congress approved June 25, 1910 (36 Stat., 847), entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases", as amended by act of Congress approved August 24, 1912 (37 Stat., 497), it is hereby ordered that every smallest legal subdivision of the public land surveys which is vacant unappropriated unreserved public land and contains a spring or water hole, and all land within one quarter of a mile of every spring or water hole located on unsurveyed public land be, and the same is hereby, withdrawn from settlement, location, sale, or entry, and reserved for public use in accordance with the provisions of Sec. 10 of the act of December 29, 1916 (39 Stat., 862), and in aid of pending legislation.

(Sgd.) CALVIN COOLIDGE

President

3575

April 17, 1926.

5/19/81
Exhibit "B"

AJR 45

PLEASE ADVISE COMMITTEE AS FOLLOWS ON BEHALF OF THE
NEVADA MINING ASSOCIATION

STATEMENT:

THE NEVADA MINING ASSOCIATION REPRESENTS SOME 50 OF THE
LARGEST MINING COMPANIES IN THE STATE AND 600 OTHER SMALLER
FIRMS AND INDIVIDUALS INTERESTED IN MINING.

THE ASSOCIATION SUPPORTS AJR 45 FOR THE FOLLOWING REASONS:

- (1) ACCESS TO WATER FOR MINING AND MILLING IS ESSENTIAL
FOR THE CONTINUED DEVELOPMENT OF THE MINING INDUSTRY
IN NEVADA.
- (2) THE COMBINATION OF THE MINING AND AGRICULTURAL INDUS-
TRIES NOW PROVIDES THE MAIN ECONOMIC BASE FOR 7 OF
NEVADA'S 17 COUNTIES. IT WILL MEAN MORE WHEN THE 20
ANNOUNCED NEW MINES COME TO PASS BY THE END OF 1983,
WITH AN INVESTMENT IN EXCESS OF \$700 MILLION.
- (3) INASMUCH AS ACCESS TO WATER IS ESSENTIAL TO BOTH
THE MINING AND AGRICULTURAL INDUSTRIES, THE PRESIDENT
SHOULD BE RECEPTIVE TO RECINDING THE 1926 PRESIDENTIAL
EXECUTIVE ORDER WHICH PERMITS FEDERAL AGENCIES TO WITH-
DRAW PUBLIC LANDS SURROUNDING SPRINGS AND WATER HOLES.

SUCH AN ACTION CAN DENY THE USE OF SUCH VITAL WATER
RESOURCES IN NEVADA FOR SUCH NON-GOVERNMENTAL AC-
TIVITIES AS MINING, RANCHING AND AGRICULTURAL.

BOB WARREN
EXECUTIVE SECRETARY
NEVADA MINING ASSOCIATION