

June 19, 2006

Senator Harry Reid
Senator John Ensign
ADDRESS

RE: State of Nevada Comments on the Proposed White Pine County Land Bill

Dear Senators:

The State of Nevada appreciates the opportunity to make the following preliminary comments to our Congressional Delegation and their dedicated staff regarding the proposed White Pine County Land Bill. Since we have not yet seen draft language for the bill, these preliminary comments are intended to convey the basic issues and concerns of the State.

This letter sets out the policy of the State regarding the proposed legislation. I have also attached specific comments from individual state agencies with additional detail, concerns and suggestions.

State Land Expansions and Transfers

We greatly appreciate your consideration of the transfer to the State of land for the expansion of Steptoe Valley Wildlife Management Area, Cave Lake State Park, and Ward Charcoal Oven State Historic Park. These facilities are a true asset to the residents of White Pine County, surrounding areas, and ever-increasingly, to the burgeoning population of the Las Vegas Valley. We are proud of the contribution of state facilities to tourism, recreation, resource protection, and the economic development of White Pine County

We realize that it would be usual for the State to pay all costs associated with these transfers. However, we request your consideration for allowing the costs of land transfers for public purposes to be covered by the special account.

EXHIBIT T - LANDS
Document consists of 6 pages.
Entire Exhibit Provided
Meeting Date: 08-24-06

Sale of Federal Lands/Disposition of Proceeds

The State of Nevada strongly supports the sale of appropriate federal lands for community expansion through a public and transparent process that acknowledges and conforms to local land use plans and policies.

We support a joint selection process, similar to the previously enacted Clark and Lincoln County legislation, so that sales can be held as local governments may request.

- Since these sales will affect state agencies, as well as local governments, we request that the joint selection process include notice to the State.
- We also request that public agencies (local and state) be permitted to reserve land for public purposes in advance of any land disposals, as was authorized in Section 4(b) of the Southern Nevada Public Land Management Act:

Sec 4. (b) RESERVATION FOR LOCAL PUBLIC PURPOSES – (1) RECREATION AND PUBLIC PURPOSE ACT CONVENANCES – Not less than 30 days before the offering of lands for sale or exchange pursuant to subsection (a), the State of Nevada or the unit of local government in whose jurisdiction the lands are located may elect to obtain any such lands for local public purposes pursuant to the provisions of the Recreation and Public Purposes Act.

It is important that local and state agencies have a mechanism for reserving land that will be needed for public facilities to serve new neighborhoods located on these land, such as schools, public safety facilities, and office buildings. This will make it possible for local and state agencies to acquire these sites in the future through the Recreation and Public Purposes Act.

With regard to the expenditure of the proceeds of land sales, we of course recommend the continuation of the payment of at least 5% of proceeds to the State Permanent School Fund, and at least 10% to local government. We assume that the remaining proceeds will be deposited in a special account for this act. The special account should be made available for a variety of governmental expenses, including but not limited to expenses of land disposal and management of wilderness areas.

In addition, we recommend that the special accounts created by any Nevada land acts be available for the protection and enhancement of the natural resources of the state, through such efforts as the Great Basin Initiative, wildfire prevention, and control of noxious weeds.

We request that any funds made available to local agencies in any Nevada land acts for such uses as parks, trails and natural areas also be made available to state agencies for similar uses. Consideration should also be given to making funds available for operating and maintenance of such parks, trails and natural areas.

For your additional information, we call your attention to comments of the Department of Wildlife (attached letter) concerning the sale of federal lands in White Pine County. The Department is particularly concerned about impacts on wildlife habitat and movement, and about impacts on the Steptoe Wildlife Management Area south of Ely. It is important to provide for buffer areas between community expansion and areas used by wildlife.

Wilderness

The State appreciates that the bill will designate areas as wilderness, and release wilderness study areas not so designated.

We note that it is presently proposed to designate as wilderness some areas that have not been previously designated as Wilderness Study Areas. The State continues to have concern about such additions to the nation's wilderness system. Any proposed wilderness area should be designated as such only after careful analysis, full consideration of competing values, and full public review, as occurred during the process of studying potential Wilderness Study Areas

However, it is also acknowledged that White Pine County and multiple stakeholder groups spent countless hours working on a consensus-based approach to the designation of the proposed wilderness areas. This effort is applauded as a model for future land bills.

Comments specific to individually-nominated wilderness areas and wilderness-specific language suggestions by the Nevada Division of Minerals, Division of Water Resources, Department of Agriculture, and Department of Wildlife are included as attachment to this letter. We would like to highlight the following concerns:

- Eight of the thirteen areas currently proposed for wilderness did not have any public agency scientific evaluation of mineral or energy resource potential. It is important that such evaluation occur prior to the designation of wilderness. This requirement allows the public to weigh the decision to remove these lands from exploration and development of mineral and energy commodities. The economic and strategic loss of this potential should be understood before such a step is taken. The Division of Minerals and other state agencies are available to help the Delegation review existing reports and databases which could substantiate any potential.
- Fish and wildlife management and habitat enhancement opportunities in designated wilderness continue to be an issue. Existing language and the management intent in the previous two lands bills remains subject to interpretation. Interpretations and decisions on wildlife management issues vary considerably between federal offices. We recommend stronger language be

developed that would allow for utilization of existing wildlife management tools when there is an identified resource problem.

- Buffers from adjoining roads and cherry-stem access roads should be as enacted in the previous Lincoln County legislation.
- The State has an overriding concern for the condition and management of desert ecosystems throughout the state, and particularly those lands that are wilderness or designated to become wilderness. While we recognize and share Congress' and the public's desire to preserve and protect certain lands in their natural condition, we also recognize that these lands are "living" and therefore dynamic systems. Change over time is natural and inevitable, and active management is necessary to maintain ecosystem health. We strongly encourage specific language to allow proactive management to enhance resource conditions, including specifically the prevention of wildfire and control of invasive species.
- There is a need for accurate water study and forecasting in southern and eastern Nevada. This is especially critical because of proposals by Clark County to utilize water resources in Lincoln and White Pine Counties. Data must be collected in the most appropriate locations, which may sometimes be in wilderness areas; precipitation gauges, snow survey devices, and similar study devices often must be placed at high elevations. It is strongly recommended that the language included in previous legislation regarding climatological data collection be strengthened to specifically include water supply forecasting:
 - *Subject to such terms and conditions as the Secretary may prescribe, nothing in this title precludes the installation and maintenance of hydrologic, meteorological, or climatological collection devices in the wilderness areas designated by this title if the facilities and access to the facilities are essential to flood warning, flood control, water supply forecasting, and water reservoir operation activities.*

The State would implement such language carefully in cooperation with the federal land management agency, and would ensure minimum impacts to wilderness resources.

- We are concerned that the areas proposed for wilderness designation contain an unknown number of existing water rights. It is important that all existing valid rights be honored in the legislation.

Most of these concerns were also raised concerning the Lincoln County act. We are raising them again because of their critical nature. We strongly encourage their consideration in this legislation.

Recreational/OHV Trails

The State of Nevada supports the inclusion of general language in the bill for the development of recreational/OHV trails.

- While additional work is needed to specific trail alignments, there should be an emphasis on trail connectivity, a true benefit to many counties.
- The State is committed to working with the county and OHV interests to develop opportunities for recreation and tourism in conjunction with trails, while protecting natural resource values. It is important to secure safe access and trailhead facilities from major roads and also to allow for OHV access to nearby communities on State and county roads for supplies and tourism activities.
- Trail alignments must consider impacts on natural resource values, including wildlife and fishery resources. The same factors which make a route favorable to OHV advocates (scenery, wildlife viewing, challenging terrain) often are the same qualities which put this use in direct conflict with wildlife resources.
- We strongly recommend that this legislation provide only general direction to the federal land management agencies to develop and designate trails, in cooperation and consultation with State agencies, under a public process, according to the National Environmental Policy Act (NEPA), that would avoid, minimize and mitigate the impacts on wildlife and other natural resources.

Tribal Expansion

In general, the State of Nevada supports the expansion of sovereign nations to the extent that negative impacts are minimal or can be mitigated. The attached letter from the Department of Transportation cites several concerns, including, most critically, the need to protect state access to existing material sites.

Summary

The State of Nevada appreciates the opportunity to assist you in developing quality legislation. It is hoped that on future bills, this working relationship can begin even earlier in the process. State agencies have considerable expertise on many pertinent issues and can participate in a very effective manner when brought into the process early on.

Please feel free to contact us, or any of the state agencies, if you need additional information.

Sincerely,

Steve Robinson
Deputy Chief of Staff

ATTACHMENTS:

Comments from:

Division of Water Resources
Department of Transportation
Division of State Parks
Division of Minerals
Department of Wildlife
Department of Agricultural