

**MINUTES OF THE MEETING  
OF THE  
LEGISLATIVE COMMITTEE ON PUBLIC LANDS**

***(Nevada Revised Statutes 218.5363)***

**April 28 and 29, 1998**

**Washington, D.C.**

On April 28 and 29, 1998, members of Nevada's Legislative Committee on Public Lands (*Nevada Revised Statutes* 218.5363) held its sixth meeting of the 1997-1998 interim and met with congressional, administrative, and agency officials in Washington, D.C. The following minutes reflect information noted by staff during this visit. Pages 2, 3, and 4 contain the "Meeting Notice and Agenda."

**COMMITTEE MEMBERS PRESENT:**

Senator Dean A. Rhoads, Chairman

Assemblyman John W. Marvel, Vice Chairman

Senator Lawrence E. Jacobsen

Senator Dina Titus

Assemblyman P. M. Roy Neighbors

Assemblywoman Genie Ohrenschall

R. Llee Chapman, Elko County Commissioner

**LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Michael J. Stewart, Senior Research Analyst

J. Randall Stephenson, Senior Deputy Legislative Counsel

Ann Iverson, Deputy Legislative Counsel

Linda Chandler Law, Senior Research Secretary

**OTHERS PRESENT:**

Andres Ramirez, Federal Liaison, Nevada State Office, Division of Economic Development, Commission on Economic Development, Washington, D.C.

**MEETING NOTICE AND AGENDA**

Name of Organization: Nevada's Legislative Committee on Public Lands

*(Nevada Revised Statutes 218.5363)*

Date and Time of Meeting: Tuesday and Wednesday, April 28 and 29, 1998

(See below for specific times)

Place of Meeting: Washington, D.C.

(See below for specific locations)

## **A G E N D A**

Following is the anticipated schedule for the committee to exchange information with various federal officials. Because these discussions are at the pleasure of those officers, the schedule is subject to amendment in Washington, D.C. Interested persons may wish to confirm times and locations with Nevada's Washington, D.C., Office (telephone: 202/624-5405).

### **Tuesday, April 28, 1998**

10 a.m. Topic: Update on Mining Issues and Mining Legislation

Tom Altmeyer, National Mining Association (NMA)

1130 17<sup>th</sup> Street, NW, NMA Boardroom, First Floor

11 a.m. Topic: Update on the Gold Industry

Paul Bateman, Executive Vice President, Gold Institute

1130 17<sup>th</sup> Street, NW, NMA Boardroom, First Floor

12 noon Lunch: Western States Lands Commissioners Conference

Radisson Barcelo Hotel

2121 P Street, NW, National Gallery Ballroom A and B, Second Level

2 p.m. Topic: Discussion of Public Lands Issues

Council on Environmental Quality

Beth Viola, Associate Director for Public Liaison,

Executive Office of the President

Old Executive Office Building

17<sup>th</sup> Street and Pennsylvania Avenue, NW

3 p.m. Topic: Update on United States Forest Service (USFS) Issues

Jim Lyons and Stephanie Hague, USFS

1400 Independence Avenue, SW, 217E Jamie Whitten Building,

U.S. Department of Agriculture

4 p.m. Topic: Update on Public Lands Issues in Nevada

Representative Jim Gibbons (R-Nevada)

100 Cannon House Office Building

5 p.m. Topic: Update on Public Lands Issues in Nevada

Senator Harry Reid (D-Nevada)

Senator Richard H. Bryan (D-Nevada)

269 Russell Senate Office Building

**Wednesday, April 29, 1998**

9 a.m. Topic: Update on Mining and Other Public Lands Issues

Bureau of Land Management Officials

U.S. Department of the Interior

1849 C Street, Main Interior Building, Room 5622

10 a.m. Topic: Update on Regional Haze Regulations and Other Environmental Issues

Bill Harnett, Environmental Protection Agency

401 M Street, SW, Conference Room 927, West Tower

11:15 a.m Working Lunch — Hall of the States, 444 North Capitol Street, Room 285

\*Approval of Minutes of the Meeting Held January 23, 1998, in Pahrump, Nevada, and the Meeting Held March 5 and 6, 1998, in Elko, Nevada;

\*Consideration of Committee Resolution No. 98-1, regarding the Interior Columbia Basin Ecosystem Management Project; and

Public Comment Period

1:10 p.m. Topic: Update on Public Lands Issues in Nevada

Representative John Ensign (R-Nevada)

414 Cannon House Office Building

2 p.m. Topic: Federal Legislation Affecting Public Lands

Representative Don Young (R-Alaska), Committee on Resources Chairman

2111 Rayburn House Office Building

3 p.m. Topic: Federal Legislation Affecting Public Lands

Jani Brackett, Legislative Assistant, and Mike Menge, Professional Staff, to Senator Larry E. Craig (R-Idaho), Forests and Public Land Management Subcommittee Chairman

313 Hart Senate Office Building

4:30 p.m. Topic: Update on National Defense Issues Affecting Nevada

U.S. Air Force and Navy Officials

U.S. Department of Defense

Pentagon, River Entrance

\*Denotes items on which the committee may take action.

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Research Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, Capitol Complex, Carson City, Nevada 89701-4747, or call Linda Chandler Law, at (702) 684-6825, as soon as possible.

Notice of this meeting was posted in the following Carson City, Nevada, locations: Blasdel Building, 209 East Musser Street; Capitol Press Corps, Basement, Capitol Building; Carson City Courthouse, 198 North Carson Street; Legislative Building, Room 1214, 401 South Carson Street; and Nevada State Library, 100 Stewart Street. Notice of this meeting was faxed for posting to the following Las Vegas, Nevada, locations: Grant Sawyer State Office Building, 555 East Washington Avenue; Clark County Office, 500 South Grand Central Parkway.

**TUESDAY, APRIL 28, 1998**

Chairman Rhoads opened each of the following meetings with a period of introductions, a brief overview of the issues of interest to the committee, and an outline of its formation and purpose.

### **UPDATE ON MINING ISSUES AND MINING LEGISLATION**

Beginning at 10:10 a.m., the committee met with representatives of the National Mining Association (NMA), including Thomas H. Altmeyer, Senior Vice President, Government Affairs; G. F. "Ric" Fenton Jr., Vice President, Congressional Affairs; and David O. Finkenbinder, Director of Environmental Policy; and Martha Gunderson, Economist. Also present at this meeting were Russell A. Fields, President, Nevada Mining Association; and George G. Byers, Vice President of Government Relations, and Mary Beth Donnelley of Newmont Gold Company.

#### **Thomas H. Altmeyer**

Mr. Altmeyer presented the members with a packet of information describing the mining industry, its challenges, economic and regulatory concerns, and long-range goals. See Exhibit A, which contains: (1) a binder titled "Mining Law Reform Briefing Book, 1998"; (2) brochures titled "Mining and the American Economy," "Metal Mining and the American Economy," "Facts About Minerals," "What Mining Means to Americans," and "Mining and the Struggle for America's Economic Future: A Contest Between Wide Possibilities and Narrow Views"; and (3) a folder with information on the "Abandoned Mine Land Initiative," "Kyoto Protocol," "Regional Haze Rules," and "The Greenhouse Effect." He outlined the NMA's position and concerns regarding:

- Proposed amendments to the 43 *Code of Federal Regulations* (CFR) 3809 ("3809") surface management/mining regulations, which affect the way states regulate mining;
- Regional haze;
- Abandoned mine land (AML) law;
- The Kyoto Accord and its effects on environmental aspects of mining and reclamation;
- The trend toward "agency regulatory reforms driving congressional action," which effectively reverses the traditional lawmaking procedure;
- Senate Bill 327 (S. 327), the Hard Rock Mining Royalty Act of 1997, introduced by U.S. Senator Dale Bumpers (D-Arkansas), which would set a 5 percent net smelter royalty and extend annual assessment fees.
- Senate Bill 1102 (S. 1102), the Mining Law Reform Act of 1997, introduced by U.S. Senators Larry Craig (R-Idaho) and Frank Murkowski (R-Arkansas), which proposes, among other things, to initiate a 5 percent net

proceeds royalty for minerals mined on public lands, requires payment of fair market value for surface patents, and establishes an abandoned mine fund; and

He noted that testimony on S. 327 and S. 1102, as well as a companion bill (S. 326, also sponsored by Senator Bumpers), would be heard (that day) on April 28, 1998, during meetings of the Senate Subcommittee on Forests and Public Lands, Senate Committee on Energy and Natural Resources. He also explained that:

- Should the proposals made in these measures be adopted in a manner that would increase royalties and other fees for the mining industry, such action will have negative impacts on an industry that is already facing substantial economic hardships resulting from the suppressed gold market;
- When a mining company becomes marginally profitable, its employees, vendors, and the various service and retail companies of local communities that depend on the company all potentially suffer an economic downturn; and
- Although nationally the number of mining jobs is relatively small compared with some other industries, approximately five million jobs are indirectly affected by the mining industry, many of which are in rural communities that have no other major industry.

Mr. Altmeyer briefly discussed the regional haze enclosure in Exhibit A as it relates to mining activities in the West.

#### G. F. "Ric" Fenton Jr.

Mr. Fenton said the changes proposed in S. 326, S. 327, and S. 1102 pose three concerns:

- Whether royalties will be based on gross revenue or net income and whether such royalties will be set at a reasonable level. If tax liabilities increase costs to too high a level, investors may be dissuaded from buying or holding mining stock, and, ultimately, consumers will find goods that utilize precious metals more expensive or too costly to purchase.
- What the effect of making the \$100 maintenance fee for mines permanent will be.
- How the mining patent laws could be changed under either the Clinton Administration's or Senator Bumpers' proposals, both of which virtually eliminate the current patent system, to result in increased risks to investors and the reversion of lands to the Federal Government when mining activities are completed.

He explained that, although no activity has occurred on these Senate bills in the House of Representatives, it may be possible for provisions from these measures to be attached to a House bill and passed before the end of this session of Congress.

#### David O. Finkenbinder

Mr. Finkenbinder explained that the Abandoned Mine Lands Initiative (AMLI), which emanated from the Western Governors Association (WGA) conference in June 1997, has four key parts:

- The production of a report describing AML programs in the Western States including, among other information: (1) a compilation of the three top-priority abandoned sites in each of the ten states — the "dirty thirty" — that need to be cleaned up or secured; and (2) a description of mine cleanup success stories in each state.
- The formation of an issues forum comprised of members from the NMA and the WGA that will: (1) outline impediments to cleanup work, i.e., "if you touch it, you are responsible for it"; and (2) develop Good Samaritan programs to encourage interested parties to secure AML sites.
- The encouragement of remining of sites with increased reclamation activity (using existing and innovative technologies) to decrease the overall danger or contamination of those previously mined areas.
- The identification of funds that may be available to states or other entities to clean up or improve AMLs. There

is approximately \$15 million in the federal budget for groundwork in this area.

Assemblyman Neighbors said it is especially difficult for small mining concerns to undertake reclamation efforts when that activity cannot be claimed as part of required annual "improvement" work on the site. Reclamation work, under current law, must be bonded, and most individual miners with small properties cannot afford the expense.

That issue may be discussed during a meeting of the Northwest Mining Association scheduled for mid-May 1998, Mr. Altmeyer explained.

#### Russell A. Fields

Russell A. Fields, the previous Administrator for Nevada's Division of Minerals, Department of Business and Industry, responding to questions from the panel said that:

- Nevada is in an arid region and, therefore, mining sites in that state pose less of an environmental hazard;
- The top locations in Nevada that might be classified as those in need of cleanup include the Rio Tinto copper mine site near Mountain City, proximate to the Owyhee River, in northern Elko County and the Buckskin site located on U.S. Forest Service (USFS) land in the Sonoma Mountains north of Winnemucca in Humboldt County;
- In Nevada, AML cleanup is a "fait accompli," since approximately 5,000 sites have been fenced as a result of cooperative efforts between the state, counties, the mining industry, and, in some instances, the United States Bureau of Land Management (BLM). In addition, hundreds of others have been identified and are slated for fencing.

Mr. Altmeyer noted that:

- Sites presently itemized on the Environmental Protection Agency's (EPA) list of "Super Fund" sites would not be included under AMLI, e.g., the Carson River in western Nevada.
- The AMLI program is intended to be a collaborative process that will give states the flexibility to control and set priorities.
- The coal mining industry contributes 35 cents per ton produced to a coal mine AML fund, which has collected between \$3 billion and \$4 billion since it was established in 1977. However, though there has been a 98 percent collection rate, 25 percent of that money collected has been used to pay various administrative costs.

Mr. Finkenbinder noted that, of the money collected since 1977, the Federal Government has failed to release approximately \$1.5 billion that could be used for additional coal mine cleanup activities.

Mr. Altmeyer further commented that:

- If the proposed changes to the "3809" regulations are adopted, exploration money will likely be redirected outside the United States.
- When the NMA has questioned, "What problem are you trying to address?" there has been no response.
- The association supports the comments of Nevada Governor Robert J. "Bob" Miller expressed in his letter to Patrick A. Shea, Director of the BLM, dated April 6, 1998, and shares the position expressed by the WGA in its document titled "State Concerns with the Department of Interior's February 23, 1998, Draft Changes to BLM's Surface Management Rules, Subpart 3809," both of which will be presented to the Subcommittee on Energy and Mineral Resources at its April 28 meeting. See Exhibits B and C, respectively.
- There has been little effort to include the states in the certification process for the "3809" amendments. A one-day certification hearing was held in Denver, Colorado, in early April 1998. The proposed amendments were initiated in November 1997, and they are expected to be finalized within one year.

- Mining companies find it advantageous to locate in foreign countries. Even though the same environmental and operational criteria are followed, regardless of where the mine may be located, permitting time varies significantly. In Canada, Mexico, or South America, permits can be obtained in about 18 months; however, that process can take from two to seven years in the United States.
- Potentially, if the "3809" amendments are adopted, states will have to develop two different programs — each of which will have to provide a plan of operation and a National Environmental Protection Act (NEPA) reclamation plan — one for private properties and one for public land.
- Federal agencies have generally failed to work with affected industries and state and local governments when amending regulations and developing new programs. For example, the EPA, in its formulation of the proposed Regional Haze Regulations, virtually ignored the input of the Western Regional Air Partnership in its assessment of the Grand Canyon Visibility Transport Commission's (GCVTC) study.
- Best available retrofit technologies (BART) are being used by many companies currently to improve the environment; however, levels of improvement designated by federal agencies often require levels of improvement that carry a disproportionate cost to benefits or they are impossible to obtain with today's technology.

## **UPDATE ON THE GOLD INDUSTRY**

### **Paul Bateman**

Paul Bateman, Executive Vice President, Gold Institute, noted that his organization represents gold producers, refiners, and bullion bankers, primarily in Australia and North America. Mr. Bateman provided a brochure that outlines the organization's purposes and goals. See Exhibit D. He also noted that the Institute was founded in 1971, primarily to educate the public about the industry. He noted that member companies operate at a higher standard than required by the law with regard to the disclosure of transaction details and production standards have been universally adopted.

He further explained that:

- Exploration and research and development activities are capital intensive and for companies to maintain profitability, they must look for mineral deposits outside the United States.
- Mining revenues have dropped almost 50 percent since 1996 due to a poor international market for gold and increased regulatory pressure.
- For funding purposes, Nevada's mining standards are complied with worldwide.
- Australia's mines have been hardest hit by the decline in market price for gold.
- The reserve levels established for the new European currency will affect the national market.
- Industrial use of gold accounts for 70 percent of U.S. production; however, advertising by various environmental organizations has emphasized the use of gold and other metals for personal uses.
- The mining industry has a generally poor track record in its efforts to educate the public about the benefits of mining.
- Some states, including Montana, have had either initiative measures or laws proposed that would substantially curtail or outlaw metals mining.
- The relatively small numbers of people employed in the mining industry make it difficult to be politically effective.

Senator Rhoads noted that the public perceptions of mining and ranching in America suffer from the same plight — the public sees miners and ranchers as no longer necessary. Environmental sensitivity, as promoted by "Ranger Rick," is influencing young people to hold the view that industries that use the land are inherently harmful.

### **WESTERN STATES LANDS COMMISSIONERS CONFERENCE**

The committee attended a luncheon at the Radisson Barcelo Hotel that was held as part of the Eastern Lands and Resources Council and the Western States Lands Commissioners Conference. At this function, Bob Armstrong, Assistant Secretary for Land and Minerals Management, United States Department of the Interior, introduced Secretary of the Interior Bruce Babbitt who spoke on various public lands issues. In his presentation, Secretary Babbitt commented generally that:

- The Federal Government is moving away from micromanaging the public lands, turning that responsibility over to individual states.
- Federal agencies are working to build successful federal-state relationships to protect and preserve the public lands.
- Budget constraints have limited some projects and curtailed maintenance and improvement work in some parks and recreational areas.
- The hearings on mining law reform, being held concurrently, are expected to result in an update of mining law and provide for improved reclamation efforts. Nevada's Governor Miller is expected to testify at those hearings.

Following Mr. Babbitt's remarks, a brief period was dedicated to the presentation of several awards to various federal and state agency officials involved in the management of the public lands.

### **DISCUSSION OF PUBLIC LANDS ISSUES**

#### **Beth Viola**

Beth Viola, Associate Director for Public Liaison, Council on Environmental Quality (CEQ), Executive Office of the President, and Linda Lance, Associate Director for Air, Energy and Transportation, met with the committee.

Ms. Viola explained that the CEQ:

- Coordinates matters of environmental policy for all executive agencies.
- Only becomes directly involved in NEPA and environmental impact statement (EIS) regulatory issues when the various agencies cannot resolve differences among interested or affected parties at the state or local level.

Senator Rhoads questioned why it takes so much longer for a mine to complete the permitting process in the United States than it does elsewhere, when, regardless of where they are located, all mines must meet Nevada's operational standards to obtain funding.

In response, Ms. Viola noted that:

- There has been an effort to streamline the permitting process by co-opting certain phases, and a report on that effort is available.
- The focus of the CEQ is to conserve habitat and to protect the natural treasures that exist on the public lands.
- Federal agencies have tried to work with states to reach common goals and to address the needs of private



landowners.

She explained that her first visit to Nevada was to attend the environmental summit at Lake Tahoe, in the summer of 1997. At that time, various issues and programs related to the Lake Tahoe Basin were discussed, including: (1) air quality and transportation; (2) water quality; and (3) the tribal lands claims of the Washoe Indians.

### Linda Lance

Responding to various comments and questions from the members, Ms. Lance noted that:

- "Anti-environmental" amendments have been attached to some pending legislation, and it is difficult to meet environmental goals when legislation is compromised by such action.
- Final GCVTC visibility rules still are not complete, but facilities such as the Mohave Power Plant in Arizona must be cleaned up to prevent further visibility degradation in the region.
- If the permitting process takes too long and is not done efficiently, agency credibility may be lost, but when several agencies are involved it can become a "piecemeal" undertaking.
- Public lands surveys can be done by using satellite technology; however, local BLM offices are delaying that process.
- Local offices are sometimes afraid to "break the rules"; but, the goal of the CEQ is to allow those offices to exercise judgment based on the facts of each case. Even though policy is set in Washington, D.C., state offices should provide the flexibility needed within their states.
- In her view, President Bill Clinton and Governor Miller have a good working relationship.
- It is difficult to accommodate the rate of growth that southern Nevada has experienced recently and still provide for the protection of the environment.

In conclusion, Ms. Viola noted that the CEQ plans to study sustainable community growth.

### **UPDATE ON UNITED STATES FOREST SERVICE (USFS) ISSUES**

Jim Lyons, Stephanie Hague, and Gerald "Skip" Coghlan, of the USFS discussed the following issues with the members:

- Roadless areas in the national forests; and
- The service's suspension of the building of new roads and its inability to maintain and repair existing roads and trails due to budget constraints.

Mr. Coghlan, Deputy Director of Engineering, noted that the agency expects to meet with regional foresters soon to establish interim alternative programs; however, at this time nothing definitive is complete. When the plans are finalized, probably within the next 18 months, they will be published.

Management activities will not stop during the interim period, timber sales will proceed, and forest supervisors expect minimal impact on roadless areas, Mr. Lyons added.

Mr. Chapman said that, in his view, if companies were given the rights to harvest timber on the public lands, a portion of the proceeds from those sales could "go a long way" toward maintaining existing roads.

A brief discussion of various road projects and funding mechanisms followed.

Mr. Lyons explained that:

- The USFS has limited funds within its budget for the maintenance of its roadways, and several bridges need to be repaired. He provided copies of a "Nevada State Summary" that samples high-priority projects (by forest) on land management agency jurisdiction roads, charts on "Road Mileage and Timber Sales Volume Affected by Proposed Roadless Moratorium," and "Preliminary Estimates for FY (Fiscal Year) 1998 Timber Sale Volume Effects of the Proposed Interim Roads Policy in Inventoried Roadless Areas." See Exhibit E.
- In his view, the USFS should not consider building new roads when the main focus should be on maintaining the mileage that already exists.
- Full funding of USFS road projects in Nevada would require \$6.2 million and no Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) funds are available. A maximum of \$1.2 million in highway trust fund revenue may be authorized in S. 1173, which is currently under consideration.
- In addition to approximately 2,900 miles of designated land management agency roads in Nevada, there are about 7,600 miles of limited-access roads that cannot be maintained. Broad congressional support is needed to generate funds to maintain these roads.
- It would be a "strategic mistake," in his opinion, to try to address the needs of all roads on public lands at the same time. Unfortunately, the moratorium has "backfired" to some extent and has been interpreted by the public as a "road closure" program.

Mr. Coghlan said that the USFS is compiling road lists that will be used to prioritize the need for maintenance or improvement, and it plans to work with counties to transfer the responsibility for some maintenance activities.

Mr. Lyons, responding to questions from Mr. Chapman, indicated that:

- Previously, 80 percent of the agency's focus was to provide money for the improvement of arterial collector roads, which make up less than 25 percent of identified roads; therefore, one of the biggest challenges now facing various governmental management entities is to identify and inventory "ghost" roads.
- Although nationally there is a \$10.5 billion backlog in road maintenance projects, only \$110 million has been appropriated during this congressional session.
- The USFS would like to be able to depend on a minimum funding level of \$200 million per year, in addition to funds for maintenance on lands owned by the U.S. Department of the Interior's, National Park Service, Bureau of Indian Affairs, and the U.S. Fish and Wildlife Service, all of which have road maintenance projects.

No infrastructure capital account has been established for maintenance, he concluded, and resources are needed.

Ms. Hague noted that fee-demonstration projects have been undertaken, and a report is available on the results of those programs. She also noted that allowing concessionaires to manage certain aspects of operations on public lands helps to reduce the strain on agency budgets.

After Senator Rhoads noted the committee's concern over and disapproval of the Interior Columbia (River) Basin Environmental Management Project (ICBEMP), Mr. Lyons stated that it is important to finish the project because it will stop the litigation that has been ongoing in the region and allow decisions to be based on scientific information gathered during the project. The project was begun to generate a resource assessment and learn how local communities would be affected. He agreed that the project has gone on "too long"; however, in his view, if it is not completed, conflicts will continue as before.

Mr. Lyons briefly discussed the:

- Forestry improvements in the Lake Tahoe Basin, including the present fire prevention program.
- Noxious weed initiative that, in his view, needs more support.
- Roadless areas data contained in Exhibit E.

- Efforts to establish a seed bank program for the West, including the use of aerial mapping to develop inventories, identify native seed stocks, and investigate the use of inmate crews on public lands.

He noted that he will have the western regional supervisor contact the committee regarding these USFS issues.

### **UPDATE ON PUBLIC LANDS ISSUES IN NEVADA**

This meeting with Representative Jim Gibbons (R-Nevada) was rescheduled to coincide with the meeting with Representative John Ensign on Wednesday, April 29. See page \_\_\_\_.

### **UPDATE ON PUBLIC LANDS ISSUES IN NEVADA**

Senator Harry Reid (D-Nevada), and Senator Richard H. Bryan (D-Nevada), met with the committee to discuss the following issues:

- The vulnerability of Nevada's mining companies to the low market price of gold, and the negative effects that increasing costs to the gold industry could have on Nevada's rural communities;
- The status of mining reform laws and "3809" reform;
- The committee's opposition to further funding and development of ICBEMP (Senator Jacobsen provided a copy of the committee's proposed resolution in opposition to the project);
- The definition of roads in rural areas and the moratorium on road improvements and construction on the public lands;
- Lake Tahoe issues;
- The need to release lands included in BLM wilderness study areas (WSAs) that have been recognized as not qualifying for further study or classification; and
- Status of the Forage Improvement Act of 1997 (H.R. 2493), which affects the management of grazing allotments in 16 contiguous states in the West.

Responding to comments from Mr. Chapman, Senator Reid concurred that rural roads on Nevada's public lands need attention and improvement, and that it appears that the moratorium may be aimed at further restricting access by the public to USFS and other agency lands. Senator Bryan noted that the USFS is not participating in building roads into remote areas for timber harvests. Mr. Chapman said it is not so important that new roads are not being built as it is that the thousands of miles of roads that already exist are maintained and not simply "lost." He suggested the federal agencies should be working more closely with local governments to ensure road identification and maintenance.

Senator Reid said that the grassland states want to be left out of H.R. 2493. Nothing has happened legislatively on this issue as yet. Chairman Rhoads noted that, in his view, it would be beneficial to have grazing fees established in statute. Senator Bryan said he would investigate that idea.

Regarding the Lake Tahoe Basin, Senator Reid explained that agency cooperation has been good since the environmental summit held in the summer of 1997, and some money may be forthcoming from various sources to ensure that the air and water quality of the lake and its basin are maintained.

Senator Reid noted that it is not anticipated that the Endangered Species Act (ESA) reauthorization will pass this session because it lacks a funding source. He expressed his concern about the diversion and use of revenue from the sale of public lands in Nevada by federal agencies for ESA and EPA programs in other parts of the country. Senator Bryan said that the reauthorization bill does not require exchanges of land but does allow for the sale of land by auction, and the proceeds may be earmarked for improvements in the Clark County metropolitan area. Mr. Chapman

suggested that the first parcels federal agencies should consider for sale or release to individuals and local governments should be the small areas of public land encapsulated within or contiguous to urban areas as provided in the Southern Nevada Lands Bill sponsored by Representative Ensign (H.R. 449). Senator Bryan stated that such provisions are not included in the ESA reauthorization bill.

The temporary nuclear dump legislation that has been pending at the federal level has, according to Senator Reid, little chance of passage this session. On a related topic, Senator Bryan explained that a new report on Yucca Mountain shows more seismic movement than anticipated at the surface. Considering the presence of the volcanic cones in the area and the information in the new report, there is even more reason not to place the permanent nuclear waste repository site in southern Nevada.

The activities of the Nevada Test Site Development Corporation, a newly formed private company, include the investigation of the feasibility of locating and testing new technologies at the Nye County venue, i.e., alternate energy programs such as hydrogen fuels and solar generation. The University and Community College System of Nevada is also involved at the site, under a \$10 million grant program, to develop a research facility similar to other national laboratories located throughout the country, e.g., Los Alamos and Sandia National Laboratories (New Mexico) and Lawrence Livermore National Laboratory (California). Enron Corporation has also submitted a proposal to construct a facility at the test site, and other energy related industries have shown an interest in the area.

Assemblyman Neighbors discussed a highly mineralized area near Beatty and asked that the Senators investigate the release of that area, for mining purposes, during the next range reauthorization process for Nellis Air Force Base (AFB).

Senator Reid expressed his concern over the air quality requirements developed by the GCVTC and noted that a significant portion of the pollution in that region is generated by the Mohave power facility, located in Arizona, and by environmental factors over which Nevada has no control.

This day's business was concluded at 6:05 p.m.

## **WEDNESDAY, APRIL 29, 1998**

Chairman Rhoads opened each of the following meetings with a period of introductions and a brief overview of the issues of interest to the committee and an outline of its formation and purpose.

### **UPDATE ON MINING AND OTHER PUBLIC LANDS ISSUES**

Beginning at 9:10 a.m., the committee met with Sean McMahon, Deputy Director, Office of Intergovernmental Affairs, Office of the Secretary of the Interior, U.S. Department of the Interior; and with the following representatives of the BLM: Ray Brady, lands and realty specialist; Jeff Jarvis, wilderness specialist; Dwight Hempel, military liaison; Bob Anderson, Deputy Assistant Director of Minerals, Realty, and Resource Protection, "3809" issues; and Barbara Wainman, group manager for legislative affairs.

The issues discussed were as follows:

- The processing and management of permits for mining operations. Mr. Anderson explained that NEPA regulations, complicated by the requirements of all the other affected agencies, cause the time lines for permitting to be extended. He noted that the CEQ has been working to coordinate efforts and streamline the process. The committee's concern regarding this issue would be duly noted.
- A summary of the proposed changes to the "3809" regulations was released on February 23, 1998, many comments have been received by the department, and comments are still being received. The reasons for making the changes proposed include: (1) a need to utilize "best available" technologies versus the "most appropriate" technologies; (2) to provide for environmental objectives based on performance standards; and (3) to ensure that end use is conducive to habitat health and recreational use.

Mr. Chapman noted that if mines in the West were required to backfill pit operations, the mining industry will "go out of business." Earth cannot be moved twice for each operation when the profit margin is only \$28 per ounce. Although environmental mitigation and reclamation are worthwhile, some options must be allowed to the industry. Mr. Anderson stated that the provision for backfilling now provides that the activity take place on site; however, if reclaiming the mining site is not feasible, the reclamation might be used to establish habitat "somewhere else."

Relative to unsurveyed public lands, Mr. Brady explained that today's technologies are used differently at various agency levels; however, with the geographic-coordinate data base technology capability, which uses geographic positioning systems (GPS), and information gleaned from traditional files and records, more accurate titling information should become available in the near future along with satellite surveys. He suggested that the committee members contact Robert V. Abbey, Director of BLM's Nevada office, to discuss land exchange details and other issues in the state and to determine priorities.

Mr. Brady provided a document, titled "Concepts in the 2/23/98 Working-Draft 43 *CFR* 3809 Regulations," dated April 22, 1998, which outlines the guide points suggested by Secretary of the Interior Bruce Babbitt in his letter of January 1997. See Exhibit F.

Committee members shared their views regarding:

- Opposition to the continuation of ICBEMP;
- Support for the release of areas within WSAs that have been cited as "not recommended";
- The reluctance of Congress to make decisions on WSA areas;
- The need to eliminate third-party engineers from small mining projects (see Item 6 of Exhibit F);
- The desire to include reclamation as an adjunct to annual assessment work required for mines;
- Why the concerns of environmental groups are sometimes given preference over those of business, communities, and the general public; and
- Support for the military's use of the public land to maintain national security preparedness and the need for the military to recognize issues of importance to affected communities.

Mr. Hemple noted that the BLM is working with representatives of the U.S. Navy to improve relationships with communities impacted by military operations and public lands. Mr. Brady noted that the Assistant Director of the Interior has visited the Navy facility at Fallon, Nevada, in an effort to reopen the dialog and improve working relationships. Mr. Hemple explained that the Navy has been more proactive and cooperative in its recent dealings with the BLM in Washington, D.C.

## **UPDATE ON REGIONAL HAZE REGULATIONS**

### **AND OTHER ENVIRONMENTAL ISSUES**

William T. Harnett, Associate Director, Air Quality Strategies and Standards Division, U.S. Environmental Protection Agency (EPA), distributed a document, titled "The Proposed Regional Haze Program," dated April 19, 1998, which provides an overview of the EPA's position on the issue. See Exhibit G.

Mr. Harnett briefly reviewed Exhibit G and provided additional background information on regional haze topics, including: (1) 1980 visibility regulations; (2) the policy and technical recommendations considered in the 1997 revisions; (3) regional haze program elements; (4) applicability of the program, progress targets, and time lines; and (5) implementation plans, which encompass BART, long-term strategies, and visibility monitoring.

He explained that:

- The EPA's established visibility targets found in the Regional Haze regulations were based on a "deciview" measure.
- A deciview is an atmospheric haze index that expresses uniform changes in haziness, and a one-deciview fluctuation is a small but noticeable change in air clarity in Class I (pristine air quality) areas.
- Contrary to the opinion of some people, the EPA's goal is the continuous reduction of emissions, with a focus on sources of contamination that contribute more than 100 tons of emissions into the atmosphere.
- The State of California is the largest contributor of air contaminants to regional haze in the Grand Canyon area of Arizona.

Following questions and comments from the members, he explained:

- The visibility program applies to states that: (1) have any Class I (pristine air quality) areas; (2) are in a corridor for interstate pollutant transport; or (3) have emissions that may reasonably be anticipated "to cause or contribute to any impairment of visibility" in Class I areas.
- Pollution levels caused by fugitive dust, forest and wild fires, and volcanic ash are not necessarily judged by the criteria listed in the visibility program and can be "adjusted."
- High-wind days are not included in samples used to verify compliance with the standards.
- Time lines that apply to improving air quality in the East are being moved to more closely coincide with the time lines required in the West.
- Although the maps included in Exhibit G indicate the greatest impacts from the program burdening the West, the progress will not be made "at any cost."

Assemblyman Marvel noted that difficulties arise when the states, through their governors, legislatures, or other representatives, believe that a consensus has been reached and then the EPA sets rules that differ from the perceived agreement. Mr. Chapman also pointed out that, in his view, Nevada should not be held to a higher standard than surrounding states that are more densely populated, have greater financial resources, or may have a higher number of pollution point sources.

Mr. Harnett said that:

- At the end of the visibility assessment process, the governors in western states will be those who finally decide the definition of "reasonable progress" and who will determine the level of implementation in each state.
- Benefits versus costs must be assessed for each aspect affecting air quality in Class I areas and elsewhere.
- Mexico has three power plants and four copper smelters that are taken into consideration when modeling the air quality patterns of the Southwest. The United States cannot regulate foreign industrial sites.
- Although various trade agreements exist with Mexico, getting that country to establish higher environmental standards is difficult.
- Agricultural burning has been curtailed somewhat by mandatory requirements in some areas; however, pollution from automobiles, trucks, and other fossil fuel use generates more air pollution than does agricultural burning.

By 2007, there will be a national ambient air quality standard applicable to all parts of the country to protect visibility and "economic realities will be kept in mind." By 1999, 130 monitoring sites will be installed on land owned by the USFS and the data will be available to the states for the establishment of a baseline from which improvements can be gauged. Funds have been provided, from a \$200,000 grant set aside for modeling costs, to analyze data through 1999.

Mr. Chapman noted that several million dollars have already been spent on the GCVTC and the ICBEMP projects, none of which was authorized by Congress. Mr. Marvel suggested that, in his view, an audit of the money used for ICBEMP should be undertaken.

In conclusion, Mr. Harnett encouraged the committee to submit its comments on the Proposed Regional Haze Program in writing, including the basis upon which the comments are made, and noted that the final rules should be published in the fall of 1998.

### **WORKING LUNCH — HALL OF THE STATES**

This portion of the meeting was called to order at 12:50 p.m. All members of the committee and staff were present except Senator Titus. Also present at this meeting were: Andres Ramirez; R. Leo Penne, Director, Nevada State Office, Washington, D.C.; Russell Fields; George Byers; and Alan R. Coyner, Administrator, Division of Minerals, Nevada's Department of Business and Industry.

### **APPROVAL OF MINUTES OF THE MEETING HELD JANUARY 23, 1998, IN PAHRUMP, NEVADA, AND THE MEETING HELD MARCH 5 AND 6, 1998, IN ELKO, NEVADA**

ASSEMBLYMAN MARVEL MOVED TO APPROVE THE MINUTES OF THE THIRD MEETING OF THE COMMITTEE, HELD ON JANUARY 23, 1998, IN PAHRUMP, NEVADA.

ASSEMBLYMAN NEIGHBORS SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

MR. CHAPMAN MOVED TO APPROVE THE MINUTES OF THE FOURTH MEETING OF THE COMMITTEE, HELD MARCH 5 AND 6, 1998, IN ELKO, NEVADA.

ASSEMBLYWOMAN OHRENSCHALL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

### **CONSIDERATION OF COMMITTEE RESOLUTION NO. 98-1,**

#### **REGARDING THE INTERIOR COLUMBIA BASIN**

#### **ECOSYSTEM MANAGEMENT PROJECT**

ASSEMBLYMAN MARVEL MOVED TO ADOPT COMMITTEE RESOLUTION NO. 98-1, WHICH OPPOSES THE CONTINUATION OF OR FUNDING FOR THE INTERIOR COLUMBIA BASIN ECOSYSTEM MANAGEMENT PROJECT.

MR. CHAPMAN SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

### **PUBLIC COMMENT**

Russell Fields, President, Nevada Mining Association, reported briefly on Governor Miller's testimony (before the U.S. Senate Committee on Energy and Natural Resources) in opposition to S. 326 (the "Abandoned Hardrock Mines Reclamation Act of 1997") and 327 (the "Hardrock Mining Royalty Act of 1997"), both sponsored by Senator Dale Bumpers (D-Arkansas); and in support of S. 1102 (the "Mining Law Reform Act of 1997"), sponsored by Senator

Frank Murkowski (R-Arkansas). See Exhibit H, "Statement of Nevada Governor Bob Miller before the United States Senate Committee on Energy and Natural Resources, Testimony on S. 1002, S. 326 & S. 327, April 28, 1998."

In brief, relative to S. 326 and S. 327, Governor Miller noted the mining industry makes an important contribution to the nation's economy and to Nevada's in particular. To initiate "piecemeal" legislation that is "unnecessarily cumbersome" and which might threaten the survival of one of Nevada's "mainstay industries," through the imposition of royalties and other increased costs, should not be done without further, comprehensive, third-party evaluation.

While minimal change could be made to S. 1102, passage of this bill would eliminate the need to amend "3809" reclamation regulations. In his view, the legitimacy of changing mining law through the administrative process should be questioned. The responsibility for environmental oversight should remain with the states.

The mine permitting and surface management provisions of S. 1102 will conform to those activities already being conducted by Nevada's state regulators and the BLM, and the bill references other federal and state acts already used to regulate mining activities with respect to the environment, Governor Miller concluded in his testimony.

George Byers, Newmont Gold, stated that, in his view, the Department of the Interior wants to produce a set of "one-size-fits-all" regulations, and that approach cannot work effectively because each state's mining activities are unique. He suggested that federal law should be modeled after Nevada's, which many nations and states already follow as a standard.

Mr. Fields noted that mining companies and affected agencies have been and are working with the WGA on mining reform issues. He also suggested that any federal law on taxing mines should follow Nevada's net proceeds of minerals tax at a rate of, perhaps, 5 percent.

A brief discussion of mine titling followed. It was noted that patenting on public land might only give title for mining and appurtenant activities during the duration of exploration, extraction, and reclamation. Mr. Chapman noted that such an approach would help to change the perception held by a portion of the public that mine patents are "land giveaways."

It was noted that:

- Senators Bryan and Reid, in their remarks before the Senate, underscored the importance of mining to Nevada's rural communities.
- The hearings, being held concurrently, have not been well attended thus far.
- Secretary Babbitt is strongly in favor of reform and the Department of the Interior does not support S. 1102.
- Although Senator Bumpers plans to retire, there are other legislators who may continue his efforts in mining reform and taxation.

Mr. Fields noted that, in his view:

- It is unlikely any action will be taken on S. 1102 this session; and
- The most important thing that came from the hearings was the suggestion that a third-party study be initiated to analyze and investigate the need for mining reform.

#### Alan R. Coyner

Alan R. Coyner, Administrator, Division of Minerals, Nevada's Department of Business and Industry, noted that comment letters in opposition to the "3809" regulation changes have been sent to the BLM by the WGA and the various sections of Nevada's Division of Minerals, among others.

A brief dialogue followed regarding:

- Areas from which support for S. 1102 might be forthcoming;



- Military communications sites;
- Military range renewal; and
- The declining number of available mine sites in and around Clark County for "saleable materials" (sand and gravel); "leaseable resources" (oil and gas); and "locateable minerals" (hardrock minerals, i.e., gold and silver).

No other public comment was received, and this portion of the meeting was concluded at 12:30 p.m.

### **UPDATE ON PUBLIC LANDS ISSUES IN NEVADA**

Representative John Ensign (R-Nevada), accompanied by Legislative Assistant Windsor Laing; and Representative Jim Gibbons (R-Nevada), assisted by Senior Legislative Assistant Jack Victory, met with the committee and discussed the following topics:

- The ceding of power by the Congress to the Executive Branch, which apparently stemmed from concessions made to Presidents during the "Great Depression" of the 1930s;
- The need for the Legislative Branch to have approval powers to ensure that regulatory actions and codes follow the intent of enabling legislation;
- Passage of the American Land Sovereignty Protection Act of 1996 (H.R. 3752) during the 104<sup>th</sup> Congress, which protects the sovereignty of lands in this country from being declared by the United Nations as "World Heritage Sites" or as "UN Biosphere Reserves";
- The overall lack of understanding exhibited by congressional members from the East and North about issues of importance to the South and West and the tendency of California's representatives to side with the former group;
- The frustration experienced by many congressional members who see executive agencies "establishing law through regulatory acts" or "executive order";
- Environmental terrorism that has accelerated and which includes the use of ceramic spikes, which cannot be discovered by a metal detector, in trees as a deterrent to logging;
- The desire of some "elitist environmental" groups to restrict the use of public lands to only those persons who are young and physically fit enough to hike or backpack into remote areas, to the exclusion of all other citizens;
- Rights of states and local governments to have sovereignty and control over the use of lands within their borders;
- Congressional action on designation or release of areas that are being evaluated for WSA classification, which are "de facto" wilderness areas, has been stymied by the influence of environmentalist groups on some members;
- Nevada's role as an air "filter" corridor — and the economic impact of 90 percent of the Class I pristine air quality areas being present in the West; and
- The effect of executive orders on the West and its citizens, e.g., the designation of the Grand Staircase-Escalante National Monument (1.7 million acres in Utah) and the initiation of ICBEMP, neither of which had the support of Congress or affected states.

Representative Ensign noted that the Congress has the authority to repeal executive orders; however, it has failed to retake its previous level of power. Representative Gibbons said that there is a need to expand western states' influence

in the Congress. Gaining influence is difficult because of the relatively small number of elected officials who represent western issues compared with the whole congressional body. He suggested that the Nevada Legislature should "work hard" to educate Nevada's citizens about issues being discussed in the nation's capital and encourage them to voice their opinions. He provided two background documents titled "Western Caucus, Legislative Agency, 105<sup>th</sup> Congress — Second Session" and "Legislative Accomplishments — 105<sup>th</sup> Congress," which discuss various public lands issues of concern to the committee. See Exhibit I.

### **FEDERAL LEGISLATION AFFECTING PUBLIC LANDS**

The committee met with Allen Freemyer, Staff Director, Parks and Public Lands Committee, and Lloyd Jones, Aide to Representative Don Young (R-Alaska), Committee on Resources Chairman, and discussed the following issues:

- Proliferation of agency rules and regulations and executive orders;
- Future of the ICBEMP study and funding;
- Need to clean up the environment in the East prior to demanding that the West improve its air and water, which are already of a better quality generally than is found in the area east of the Mississippi River;
- Impact of organizations such as the League of Conservation Voters who insist that elected officials "do the right thing" without giving sufficient consideration to the effects of laws on local citizens or governmental entities or to the cost-to-benefit ratio;
- Need to contact moderates from all over the nation and educate them about the importance of voting with the western delegations regarding grazing, mining, and other public lands issues (economic and environmental) and how to defend or gain support for such votes among their constituents;
- Damaging effects of large wild horse populations on the range lands of the West;
- Conflict between private property rights and the public interest as reflected in the application of the ESA and other federal programs; and
- Adverse effects on access to public lands areas that the USFS's road moratorium will have.

Mr. Jones noted that the USFS's program of road maintenance differs from that which is normally expected of a county for rural roads in the West. Historically, the timber companies that have harvested timber on USFS land have provided the majority of road building and repair operations. The "Quincy-Library" timber harvest project in the Plumas National Forest (near Quincy, California) is a good example of a current private-public effort that has improved the local economy and forest roads while it has, with the support of local environmentalists, substantially increased the overall timber harvest in that area.

### **FEDERAL LEGISLATION AFFECTING PUBLIC LANDS**

Jani L. Brackett, Legislative Assistant to Senator Larry E. Craig (R-Idaho), Forests and Public Land Management Subcommittee Chairman; and Michael Menge, Professional Staff, to the Senate Committee on Energy and Natural Resources, chaired by Senator Frank Murkowski (R-Arkansas), noted:

- The ICBEMP issue has not been an issue of discussion in Washington because it primarily affects the communities in the Columbia River Basin and was not authorized by or funded through congressional action.
- A grassroots effort to build support to stop ICBEMP must come from the communities, county governments, and states to their respective congressional delegations.
- Senator Slade Gorton (R-Washington), Chairman of the Senate Appropriations Subcommittee on Interior is

planning a field hearing in Spokane, Washington, on May 28, 1998, which will include a discussion of the ICBEMP proposal.

- It would be beneficial for this committee to express its opposition to congressional appropriations for ICBEMP to Senator Gorton.
- Grassland states want to be left out of the grazing bill debate.
- Although there is little time left during this congressional session for controversial bills to be acted upon, the ESA bill is not dead yet; the obstacle to passage lies in funding sources.
- The committee would be well advised (according to Mr. Menge) to submit its preferences on grazing and mining reform to Nevada's Congressional Delegation and to other representatives who sit on committees that hear these issues.
- Although S. 1102 may not pass this session, there is a possibility that a bill to establish a grazing fee formula into statute might stand on its own, since the administration has indicated that a formula might be supported at this time.
- Nevada's university system should approach Nevada's and other states' governmental agency representatives and the state BLM offices to develop best management practices and a monitoring program to ensure environmental and economic stability on private and public lands throughout the West.

Mr. Menge noted that "cowboys, loggers, and miners are all independent individuals" who rarely join together, even though their best interests and goals may be similar.

Ms. Brackett concluded that no state wants the high-level nuclear waste storage site in its jurisdiction.

## **UPDATE ON NATIONAL DEFENSE ISSUES AFFECTING NEVADA**

### **U.S. Navy Officials**

Diana H. Josephson, Principal Deputy to the Assistant Secretary of the Navy; Commander Rebecca J. Beener, Special Assistant for Airspace, Land Use, and Water Pollution; Carl Lowery; and Matt Gagelin represented the U.S. Navy and discussed the following topics with the committee:

- Placement of additional emitter sites adjacent to the Naval Air Station (NAS) Fallon fighter training area.
- Reconfiguration of Bravo 16 Range, which has reduced the impact of noise on nearby residents.
- Benefits to the general public derived from the use of Navy equipment and personnel in emergency rescue efforts in northern Nevada.

### **U.S. Air Force**

Jimmy G. Dishner, Deputy Assistant Secretary of the Air Force for Installations, and Larry Leehy represented the U.S. Air Force and discussed the following topics with the committee:

The status of Nellis AFB as the nation's primary strategic and training facility and its importance to military preparedness;

- The mineralized site at the northwestern edge of the military operations area near Beatty and whether that area might be released from military control or opened to mining exploration as a part of the reauthorization of the overall range, which will occur within the next two years;
- The benefits of the privatization of services at Nellis AFB;

- The overall reduction in demand for military personnel to perform activities that can be outsourced, i.e., the construction and operation of the Bachelor Officers Quarters (BOQ) and the Visiting Officers Quarters (VOQ) facilities by a private firm;
- The activities of the parties involved in the Keystone Dialogue, which is aimed at arriving at consensus regarding the environmental and economic issues throughout the Nellis range; and
- The cooperation that occurred between the Federal Government and the state during the planning, construction, and completion of the 188-bed veterans' home facility on leased land near Nellis AFB, which will provide services to qualifying military retirees.

There being no further business to come before the committee, the meeting was adjourned at 5:20 p.m.

Respectfully submitted,

Linda Chandler Law

Senior Research Secretary

APPROVED BY:

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Senator Dean A. Rhoads, Chairman

Date: \_\_\_\_\_

### **LIST OF EXHIBITS**

Exhibit A is a packet of information that contains: (1) a binder titled "Mining Law Reform Briefing Book, 1998"; (2) brochures titled "Mining and the American Economy," "Metal Mining and the American Economy," "Facts About Minerals," "What Mining Means to Americans," and "Mining and the Struggle for America's Economic Future: A Contest Between Wide Possibilities and Narrow Views"; and (3) a folder with information on the "Abandoned Mine Land Initiative," "Kyoto Protocol," "Regional Haze Rules," and "The Greenhouse Effect," presented by Thomas H. Altmeyer, Senior Vice President, Government Affairs, National Mining Association (NMA).

Exhibit B is a copy of a letter dated April 6, 1998, addressed to Patrick A. Shea, Director, Bureau of Land Management (BLM), United States Department of the Interior, in which Nevada Governor Robert J. "Bob" Miller comments on proposed regulatory changes contained in BLM's "3809" Initiative.

Exhibit C is a copy of a document from the Western Governors Association, titled "State Concerns with the Department of Interior's February 23, 1998, Draft Changes to BLM's Surface Management Rules, Subpart 3809," presented by Mr. Altmeyer.

Exhibit D is a brochure that outlines the Gold Institute's purposes and goals, which was provided by Paul Bateman, Executive Vice President, Gold Institute.

Exhibit E contains copies of a "Nevada State Summary," on land management agency jurisdiction roads in the state that samples high-priority projects (by forest); charts on "Road Mileage and Timber Sales Volume Affected by Proposed Roadless Moratorium"; and "Preliminary Estimates for FY (Fiscal Year) 1998 Timber Sale Volume Effects of the Proposed Interim Roads Policy in Inventoried Roadless Areas," submitted by Jim Lyons, U.S. Forest Service.

Exhibit F is a copy of a document, titled "Concepts in the 2/23/98 Working-Draft 43 *CFR* 3809 Regulations," dated April 22, 1998, which outlines the guide points suggested Secretary of the Interior Bruce Babbitt in his letter of January 1997, submitted by Ray Brady, Lands and Realty Specialist, BLM.

Exhibit G is a copy of a document, titled "The Proposed Regional Haze Program," dated April 19, 1998, provided by William T. Harnett, Associate Director, Air Quality Strategies and Standards Division, U.S. Environmental Protection Agency.

Exhibit H, "Statement of Nevada Governor Bob Miller before the United States Senate Committee on Energy and Natural Resources, Testimony on S. 1002, S. 326 & S. 327, April 28, 1998," submitted by Russell Fields, President, Nevada Mining Association, provides Governor Miller's testimony before the Committee in opposition to Senate Bills 326 (the "Abandoned Hardrock Mines Reclamation Act of 1997") and 327 (the "Hardrock Mining Royalty Act of 1997"), both sponsored by Senator Dale Bumpers (D-Arkansas), and in support of S. 1102 (the "Mining Law Reform Act of 1997"), sponsored by Senator Frank Murkowski (R-Arkansas).

Exhibit I includes copies of two background documents titled "Western Caucus, Legislative Agency, 105<sup>th</sup> Congress — Second Session" and "Legislative Accomplishments — 105<sup>th</sup> Congress," provided by U.S. Representative Jim Gibbons.

Copies of the materials distributed in the meeting are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the library at 702/684-6827.