

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

(Nevada Revised Statutes 218.5363)

December 18, 1997

Las Vegas, Nevada

The third meeting of the Nevada Legislature's Committee on Public Lands (*Nevada Revised Statutes* [NRS] 218.5363) during the 1997-1998 interim was held on Thursday, December 18, 1997, commencing at 9:40 a.m. The meeting was held in Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Pages 2 and 3 contain the "Meeting Notice and Agenda" for this meeting.

COMMITTEE MEMBERS PRESENT:

Senator Dean A. Rhoads, Chairman

Assemblyman John W. Marvel, Vice Chairman

Senator Dina Titus

Assemblyman P.M. Roy Neighbors

Assemblywoman Genie Ohrenschall

R. Llee Chapman, Elko County Commissioner

COMMITTEE MEMBERS ABSENT:

Senator Lawrence E. Jacobsen

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Dana R. Bennett, Principal Research Analyst

Michael J. Stewart, Senior Research Analyst

J. Randall Stephenson, Senior Deputy Legislative Counsel

Ann M. Iverson, Deputy Legislative Counsel

Jonnie Sue Hansen, Senior Research Secretary

All place names mentioned in these minutes are in Nevada unless otherwise noted.

MEETING NOTICE AND AGENDA

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

(Nevada Revised Statutes 218.5363)

Date and Time of Meeting: Thursday, December 18, 1997

9:30 a.m.

Place of Meeting: Grant Sawyer State Office Building

Room 4412A, B, and C

555 East Washington Avenue

Las Vegas, Nevada

A G E N D A

I. Opening Remarks and Introductions

***II. Approval of the Minutes for the Committee's Meeting in Carson City, Nevada, on October 24, 1997**

***III. Reports to the Committee**

***A. Update on Public Lands Issues in Clark County, Nevada**

Robert V. Abbey, Nevada State Director, Bureau of Land Management,
United States Department of the Interior (BLM)

Michael F. Dwyer, Las Vegas District Manager, BLM

***B. Interbasin Transfers of Water**

Steve Bradhurst, Planning and Water Consultant

R. Michael Turnipseed, State Engineer, Nevada's Division of Water
Resources

Kay Brothers, Director, Resources Department, Southern Nevada Water
Authority

***C. Recreational Opportunities on Public Lands**

Michael F. Dwyer, Las Vegas District Manager, BLM

Alan Pinkerton, Assistant Forest Supervisor, Spring Mountains National
Recreation Area, U.S. Forest Service

Robert Maichle, Vice President, Motorcycle Racing Association of
Nevada; Board Member and Past President, Spring Mountains Association;
Board Member, Nevada Wildlife Federation

IV. Public Comment

***V. Work Session on Preceding Agenda Items**

*Denotes items on which the committee may take action.

TOUR At 12 p.m., the Public Lands Committee will leave the Grant Sawyer State Office

Building to visit the Nellis Air Force Base and tour its facilities. Participants will have the opportunity to purchase lunch at the Officer's Club on base. The public is cordially invited to participate. If you plan to attend, you must arrange for your own transportation. For more information, please call Michael J. Stewart, Committee Staff Director (telephone numbers: Carson City, 684-6825; Las Vegas, 486-2626, Extension 6825; Rural Areas, 1-800-992-0900, Extension 6825).

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 89710, or call Jonnie Sue Hansen, 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.

OPENING REMARKS AND INTRODUCTIONS

Senator Rhoads called the meeting to order and introduced the committee members and staff, and he noted that Senator Jacobsen was absent due to heart surgery.

APPROVAL OF THE MINUTES FOR THE COMMITTEE'S

MEETING IN CARSON CITY, NEVADA, ON OCTOBER 24, 1997

Chairman Rhoads postponed approval of the minutes of the October 24, 1997, meeting until the next meeting to allow for a technical correction to be made.

REPORTS TO THE COMMITTEE

UPDATE ON PUBLIC LANDS ISSUES IN CLARK COUNTY, NEVADA

Robert V. Abbey

Robert V. Abbey, Nevada State Director, Bureau of Land Management (BLM), United States Department of the Interior, explained that he and other members of the BLM staff have met with representatives of various communities, interest groups, and stakeholders in southern Nevada to discuss questions posed at a previous meeting of the committee concerning growth and land exchange impacts and water issues. Meetings also have been scheduled with Resource Advisory Councils (RACs) to address options and to set environmental goals, and with various state agencies to reduce the duplication of effort and expense.

Agreement has been reached with the Division of Minerals, Nevada's Department of Business and Industry, regarding inspections of oil and gas sites and to reduce the paperwork associated with industry reporting requirements.

He introduced Michael F. Dwyer, Las Vegas District Manager, BLM, who presented information on the management of public lands in Clark County.

Michael F. Dwyer

Mr. Dwyer discussed the:

- Demands on natural resources;
- Bureau's programs and related issues;

- Physical boundaries of the areas of responsibility, which extend from the Lincoln County line in the northeast; to just south of Beatty in Nye County on the west; to the state line in the south, east, and west; and include all of Nellis Air Force Base (NAFB), the Desert National Wildlife Area, and the Nevada Test Site;
- Size of lands managed by the Federal Government, which is approximately 3.6 million acres, compared with about 650,000 acres of private land in the state;
- Geological and meteorological characteristics of the area, the types of flora and fauna (including threatened and endangered species) present, and the range of recreational opportunities such an environment provides and supports;
- Distribution of water from the four perennial streams (which are greater than one-half mile in length), the ephemeral streams, and the perennial springs on public land in the district;
- Groundwater overdraft status of the Las Vegas Valley, which has worsened over the past decades. Twice as much water is drawn out of the system as is recharged annually;
- Cultural resources, including petroglyphs, pictographs, and town and mine sites, which are numerous throughout southern Nevada;
- Scope of scientific resources, including fossils and dinosaur bones; and
- Inherent beauty of the landscape itself.

Mr. Dwyer also emphasized the impact of Clark County's net population increase—approximately 4,000 people per month, which has resulted in:

- New houses being completed at the rate of 3.2 units every working hour in Las Vegas;
- The school district hiring 1,600 new teachers for the 1997-1998 school year;
- Pahrump becoming the fastest growing city in southern Nevada, based on percentage of increase;
- The gaming industry employing one of three workers; and
- An already urban area dealing with problems related to assimilating 28 to 30 million visitors per year.

In summary, there is a demand for:

- Land, due to tremendous growth in all the cities and towns in southern Nevada;
- Access to public lands, for recreation, rights-of-way for utilities, construction of roads, and other public purposes, i.e., airports, parks, schools, and other infrastructure uses;
- Protecting open land from the pressures of growth; and
- Resources to support growth—the BLM operates its largest sand and gravel operation in Clark County, and the area is a significant source of decorative rock and gypsum.
- Recreation and commercial opportunities.

The mission of the Las Vegas field office is to manage these resources in southern Nevada by providing opportunities for diversified use of the public lands in an environmentally sound manner and to enhance the quality of life for current and future generations by:

- Maintaining and restoring the health and productivity of the natural environment;
- Preserving and protecting the natural and cultural heritage;

- Providing opportunities for environmentally responsible recreation and commercial activities;
- Reducing the threat to public health, property, and safety, especially those that emanate from the public lands; and
- Continuing to improve the BLM to achieve that mission.

Sometimes, these goals are in conflict with one another, he concluded.

Relative to BLM programs and associated issues, Mr. Dwyer discussed:

- The need to mitigate and restore the natural environment according to the National Environmental Protection Act (NEPA) regulations;
- The acquisition and management of habitat for threatened and endangered species;
- Wilderness Study Areas (WSAs), which are subject to interim management guidelines;
- Various activities related to the 8,000 known cultural sites in the district;
- The vandalism and theft that occurs on public lands;
- The realty program that includes applications for easements, exchanges, leases, rights-of-way, and sales, which has been heavily impacted by the growth in southern Nevada. At the beginning of Fiscal Year (FY) 1996 there were 837 cases on the books, and approximately 500 applications were received in FY 1996, while only 514 cases were completed. Three realty program staff positions were added to assist in clearing the remaining backlog;
- The Recreation and Public Purposes Act (R&PP), which allows the BLM to make public land available to local governments for fire stations, parks, schools, and other public purposes at no or minimal cost. In Clark County, over 400 sites have been turned over to local governments at no charge, and those transfers have directly and positively benefitted local communities;
- The difficulties involved in managing small parcels of public lands that are contiguous to or interspersed with urban properties. Such property is in great demand and, therefore, the pressure on the Las Vegas district to make land exchanges has increased. The disposal area boundary, or the "limit of development" area proposed in the agency's land use plan to be released in the summer of 1998, is the same as the area designated by the Public Land Task Force chaired by Nevada's United States Senators. He noted that the disposal area boundary is almost identical to the area delineated in the "ring around the valley" legislation proposed during the 1997 Legislature by Senator Dina Titus (Assembly Bill 490—Provides for limitation of urban development in Las Vegas Valley of Clark County). The goal in that "limit of development" is to preserve some area of the public land surrounding Las Vegas from development, while allowing more appropriate urban areas to be developed. Of the 55,000 acres within the designated area, some 12,000 acres have already been turned over to local governments for public purposes. Further, because of steep slopes and other precarious geographical characteristics, there are only about 27,000 acres of developable public land within Las Vegas that could be subject to disposition; and
- How, during three of the past four years, more land has been taken out of federal ownership than has been taken in. Land exchanges have been used to assist the BLM in reaching its goals, for allowing commercial activities within urban areas, protecting the natural environment, and providing access to recreation. Management and policing of urban parcels, with four law enforcement rangers (in addition to the five rangers who are assigned to the Red Rock area) to patrol and respond to complaints on 3.5 million acres of public land is a challenge. Using law enforcement rangers to answer calls from urban residents complaining about situations related to two- to ten-acre parcels within the city only prevents those employees from fulfilling other assignments that are more beneficial to the overall goals of the agency. Those properties should be under the control of local governments or private parties.

Mr. Dwyer also noted that:

- Similar exchange and development activities are occurring in other southern Nevada communities.
- Appraisals are conducted on public lands at the time an exchange or sale is considered.
- The agency has become more sensitive to the impacts of its realty program and exchange activities in rural areas, where economies and tax rolls can be substantially and adversely affected. He noted that only four miles of road have been closed on public lands (with the approval of the affected county) in the last five years.
- There are 45 mining plans of operation in the district that produce gypsum, industrial minerals, and sand and gravel; all of which contend with an urban interface at some point.
- Unauthorized occupancy of public lands under the guise of mining or milling also poses additional control problems.
- Because of the desert tortoise, grazing issues are not substantial in this area; however, there are 54 allotments in the district, most of which have been bought out and retired.
- There are other private and commercial activities occurring on the public lands, including: (1) casual recreation, (2) guides and outfitters, and (3) film and fashion shoot permits.
- Red Rock National Conservation Area, which receives revenue from a recently initiated user fee, hosted 1.2 million visitors during the past year, and residential development has approached its eastern boundary. In time, it may become an urban park.
- There are 50 to 60 recreation permits issued each year for off-road vehicle races, mountain bike races, horse endurance rides, among other uses.
- The eight herd management areas for wild horses and burros in the district are being assessed, and acceptable population levels are being achieved to the benefit of those animals and the environment.
- The agency responds to about 150 wildfire calls annually, participates in fire prevention activities, and endeavors to stay abreast of unauthorized dumping and landfill closures.

Mr. Dwyer said that declining budgets make it difficult to deal with all the challenges of the district. But, there is money available in southern Nevada to help defray the costs of services, and the volunteer involvement has been exemplary. He concluded that the agency is in the "quality of life" business and that the land is, indeed, public land—not just government land. It is his intent to work in a collaborative and open manner.

Responding to questions from the committee, Mr. Abbey or Mr. Dwyer noted that:

- Five exchanges currently are being processed, and a list of those activities will be provided to staff.
- The burro population at Spring Mountain has been reduced this year by about 40 animals.
- Rural landfill properties now need to be patented or purchased for fair market value.
- No congressional legislation has been introduced to relax the restrictions on commercial mineral development in the wilderness study areas of Nevada; however, some discussion has occurred regarding the range renewal process near Beatty.
- If the southern Nevada land bill now before the U.S. Congress were to pass, it would provide another tool for the BLM to reduce some of the impacts on rural counties. Currently, exchanges are the only way to keep the benefits within Nevada. Outright sale of property based on appraisals tends to undervalue the land. The competitive market should be allowed to set the price for raw land.

Mr. Abbey noted, in summary, that:

- Managing for multiple use on public land is challenging;
- Complex issues affect southern Nevada; and
- The agency cannot do the job by itself—the cooperation of communities and other agencies and organizations within the state is needed.

INTERBASIN TRANSFERS OF WATER

Stephen T. Bradhurst

Stephen T. Bradhurst, Planning and Water Consultant, introduced Rey Flake, Vice Chairman of the Board of County Commissioners in Lincoln County; Greg James, Special Counsel to Inyo County, California, and Director of Inyo County Water Department; and Tom Dill, Lincoln County District Attorney.

Rey Flake

Commissioner Flake explained that, in his view, his responsibilities include the preservation of the customs and culture of the Lincoln County as well as the encouragement of its economic well-being, general welfare, and future of its residents, which directly involves the continued protection of water resources in basins of origin.

In his view, if Clark County and the Las Vegas Valley Water District (LVVWD) "walked away" from the 1989 filings now, the threat of interbasin water transfers would not be eliminated. The transport of water from rural counties to urban areas has been and will continue to be an important issue.

Mr. Bradhurst provided Exhibit A, a copy of the October 1989 *Water Rights Filings* of Las Vegas Valley Water District and related materials (pages 1 through 12); and Exhibit B, which includes excerpts from *Water Transfers in the West*, National Research Council, Washington, D.C., 1992; Legislative Counsel Bureau Bulletin No. 95-4, *Study of the Use, Allocation, and Management of Water*; Udall Center Issue Paper Number 2, *Does Anybody Win? The Community Consequences of Rural-to-Urban Water Transfers: An Arizona Perspective*, May 1990; and Senate Bill 454 from the 1997 Nevada Legislative Session, which proposes to limit inter-basin transfers of water, with related documents; for review.

Referring to Exhibit A, he described the negative impacts experienced in and anticipated by rural counties affected by the filings, wherein 121 applications remain active as indicated by the dots on the map on page 4. He explained:

- The most critical aspect of the potential water draw down is its possible effect to the south and west, where a decrease in the water table of ten feet can severely erode the deep carbonate aquifers (water tables).
- Many people have questioned whether deep carbonate aquifers are isolated or connected to the shallow valley-fill (alluvial) aquifers above them. If the carbonate aquifers are relics of the last ice age, they may be susceptible to depletion over time, he explained. The resource deserves further study. In his view, if the LVVWD is allowed to pump water on a consistent basis from the aquifers indicated, subsidence will likely occur.
- Although the United States Geological Survey (USGS) drilled wells in the Kane Springs area (northeast of Las Vegas) and stressed the system in 1981 during site studies for the MX missile program, the pumping did not last long. An important question remains—If these basins are pumped down, when will the recharge come and from what source?

Chairman Rhoads noted the filings of the LVVWD are reminiscent of the Owens Valley project in California, where Los Angeles County pumps water south about 300 miles for its use.

Mr. Dill explained that:

- Los Angeles County paid fair market value for the ranch lands it purchased in the Owens Valley before 1914, and Inyo County initially received some real property tax revenues.
- Subsequently, however, Los Angeles County was able to get a constitutional amendment passed that limited the rural counties' ability to tax its properties and facilities in the Owens Valley.

Relative to the LVVWD filings, Mr. Dill added that, potentially, one of the more serious effects of draw down activities is the reduction in storage capacity for the perennial yield in the groundwater basin. Therefore, the ability to store water in the future may be jeopardized.

Describing the remainder of Exhibit A, Mr. Bradhurst explained:

- There has been little dialogue between the rural counties and the LVVWD.
- In the event the water project is pursued, the financial feasibility would have to be investigated (in 1992 dollars, the price of 51,000 acre-feet of water was \$1.2 billion plus financing costs—almost \$5 billion).
- A substantial amount of right-of-way land would have to be acquired from the BLM to allow for pipelines, pumping stations, and reservoirs.
- It is important to leave the rural counties' water basins with a "future," and legislative policies need to be established to do that.
- The rural counties have been and will continue to be interested in this issue.

He then reviewed and commented on Exhibit B. The points to be made here, he said, are:

- That interbasin transfers not only have consequences in Nevada's rural counties; and
- There is concern at the national level on this issue and the resultant impacts on areas of origin—third-party interests. Special note was given to the National Research Council's recommendations on page 2 of Exhibit B.

Chairman Rhoads commented that if the LVVWD is able obtain permits and pump water from rural areas to the Las Vegas area, it will be required to pay \$6 per acre-foot to the host or county of origin. Mr. Bradhurst agreed but noted that \$6 is the only compensation payable under existing state law. Mr. Neighbors interjected that Arizona has offered water at a cost of \$30 per acre-foot. Senator Titus questioned whether Clark County voters could be convinced to finance such a project.

Mr. Bradhurst noted that:

- The rural counties supported Senate Bill 454 of the 1997 Session, which provided for interbasin transfers depending on decisions of the State Engineer. But the measure required that when more than 20 percent of the perennial yield of the water resource is affected, the project would undergo additional scrutiny.
- The investigation of potential recovery time is important to the decision.
- Various government agencies and technicians throughout southern Nevada and California have worked on answering questions that stem from proposed interbasin transfers.
- There has been no public policy forthcoming from Clark County.
- The rural counties have spent over \$800,000 that should have gone to pay for other county services to protest the LVVWD applications.
- There were over 4,600 protests received against the applications, including some from Clark County residents.
- The LVVWD has begun to look at alternate water sources, including the Colorado and Virgin Rivers.

- United States Secretary of the Interior Bruce Babbitt, who associated himself with the rural counties in 1990, also supports finding alternative sources.
- The concepts in Senate Bill 454 came from one of the several recommendations made in a 1993-1994 legislative study of issues related to water use in Nevada.
- There should be some conformance between the public interest or impact criteria used for the state water plan (in *Nevada Revised Statutes* [NRS] 540.101, "Development, contents and implementation of plan for use of water resources within state; submission of plan and recommendations to legislature") and those that pertain to the approval of water applications in Chapter 533, "Adjudication of vested water rights; Appropriation of Public Waters," of NRS.

Mr. Dill explained that:

- Although Clark County has not pursued its filings under current law, there is no method to subordinate those filings by other claims.
- Rural counties are interested in their future development; therefore, a statutory mechanism should be established that would allow subordination to take place for projects within the county of origin.
- Currently, entities must negotiate for rights to unappropriated water in the related areas with the Southern Nevada Water Authority, rather than with the historical water appropriation authority—the State Engineer.
- There is an increase in rural development activity, and in a few instances developers have been successful in getting claims subordinated; however, no formal approval process exists.

In conclusion Mr. Dill noted that the "Law of the River" includes a principle that "a race for development" should be avoided. Rural counties support that principle because, in his view, in a fight for water, Nevada's rural counties would end up "last."

Mr. Flake requested staff to review suggestions that were made in past studies, which may protect the interests of the counties, so they might be revisited in the future.

Greg James

Greg James, Special Counsel from Inyo County, California, explained that the aquifer under discussion flows southwesterly and culminates in Inyo County, and:

- Significant pumping of the Nevada aquifer might adversely affect the water supply in the eastern portion of Inyo county.
- During the early 1900s, the activities of the Los Angeles water project resulted in the transfer of water from the Owens Valley through a aqueduct system. It also resulted in the export of the area's economy.
- During the 1970s, the capacity of the aqueduct was enlarged to accommodate the increased volume from the further development of the groundwater pumping project. That was accomplished without any additional permitting.
- In California, a landowner does not have to seek permission to pump groundwater, unlike the process in Nevada, therefore; "the county is on its own to fight for its natural resources."
- Inyo County has spent several million dollars over the past 20 years fighting with Los Angeles County. A cooperative agreement that describes how the water resources in the basin will be managed has been reached.
- Currently, water developers are buying private ranch property in Owens Valley with the intent to form "water ranches" and sell the appurtenant water to commercial or other interests.
- There should be a balancing mechanism where the needs of the rural areas or communities and the needs of the

exporting entity are evaluated. These are long-term issues. Had a permitting mechanism similar to Nevada's existed in California, the future of the Owens Valley might have been considered before Los Angeles was permitted to buy 350,000 acres of land, the underlying water, and the local economy.

He invited the committee to travel to Inyo County for a meeting and hear from residents who have been directly affected by that interbasin transfer of water.

Answering questions from the panel, Mr. James explained:

- California shares few water basins with Nevada.
- Where that does occur, primarily in northern California counties, a state authority has been formed to create local regulatory agencies and to enter into joint powers agreements. Elsewhere, there is no regulation. It is left to local control—either to counties or water districts.
- There is no general regulatory framework statewide and, therefore, groundwater pumping is always subject to litigation.

Mr. Bradhurst suggested that if the LVVWD applications have not gone through the hearing process and the Legislature makes statutory changes in the decision making criteria, then the changes might apply to hearings held and decisions made subsequently. For previous related recommendations, he referred the members to Exhibit B.

R. Michael Turnipseed

R. Michael Turnipseed, State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources, provided a copy of a map titled "Water Resources and Inter-Basin Flows," dated September 1971 (see Exhibit C).

Mr. Turnipseed explained that:

- The state spent several hundred thousand dollars to study the MX well site in the late 1980s. The state ceased to fund that project due to an ongoing disagreement (between the BLM, the Bureau of Reclamation, Department of Interior; the United States Geological Survey; the Nevada's Desert Research Institute, and others) as to how to proceed;
- If the water rights applications filed by the LVVWD were approved and the carbonate aquifer tapped, in his view, there is little concern about potential subsidence, which only occurs when there is direct communication between the alluvial and carbonate systems.
- A unique set of soil characteristics cause subsidence. If water is taken from a solid rock aquifer, the rock will not collapse when the system is dewatered.
- California has never regulated groundwater pumping nor does it do so now. Land can be purchased in any valley in that state, a well drilled, and the water can be pumped to any desired remote location without a permit.
- Nevada has been regulating groundwater pumpage to some extent since 1913 and totally since 1939.
- Because of those statutory and philosophical differences, an Owens Valley scenario will not happen in Nevada, so long as the groundwater law remains as comprehensive as it is today. However, mistakes have been made.
- The Las Vegas Valley groundwater basin was overallocated and overpumped on purpose.
- In 1941, the State Engineer recognized that the Las Vegas Valley groundwater basin had the potential to be overpumped, but the decision to cut off well permits would have left Las Vegas with a population of about 30,000 people.
- Legislation passed during the 1955 Session of the Nevada Legislature provided for the issuance of temporary

well permits, revocable upon Colorado River water service being available.

- Groundwater pumpage has decreased over time since permits have been revoked based on the availability of alternative water service.
- There are no filings in Steptoe Valley, where Ely gets its water; in Panaca Valley, where Panaca gets its water; in Ralston Valley, where Tonopah gets its water, or in the Caliente area. Therefore the filings of the LVVWD should not impede economic development in Lincoln, Nye, or White Pine Counties. There is a lot of water in those valleys.
- A large amount of water also exists in the Hamlin, Snake, and Spring Valleys, much of which leaves the state and evaporates in the Great Salt Lake in Utah. Therefore, out-of-basin transfers in those basins cannot be allowed because the water should be put to beneficial use in Nevada, either within the basin or by some other entity in this state.
- The 20 percent figure used in S.B. 454 was set arbitrarily. In some basins export should not be allowed because the water resource is already 90 percent appropriated; in other valleys and basins where no groundwater development exists, development and export should be allowed at a higher level.
- Most cities in Nevada receive some water from outside their respective basin.
- The Eco-Vision project was not withdrawn, it was rejected based, in part, on its potential adverse effects on Elko and Eureka Counties.
- Arizona, like California, had no control of groundwater pumping until 1971, when it formed several groundwater management districts to regulate that pumpage; however, the portion of the state falling outside those districts remains unregulated.
- When hearings are held on the each application from the LVVWD, the district will have to prove that unappropriated water is available in the basin. Approval of the permit will not interfere with existing rights, and such use does not pose a threat to the public interest.
- During the last eight years, there have been less than six claims for subordination in the basins in question, and in every instance the LVVWD has subordinated its priority and the development has gone forward.
- The USGS has documented naturally occurring interbasin transfers as noted in Exhibit C. The agency is conducting a study of 17 valleys in the Northwest, and preliminary findings show that: (1) substantially more recharge occurs in those valleys than previously expected, and (2) there is more natural interbasin flow than anticipated.

In response to questions from the panel, Mr. Turnipseed further explained:

- The LVVWD filings constitute a small portion of the 4,000 backlogged applications at the State Engineer's office, and the statutory time line for applicants to put those claims to beneficial use does not begin until the filings are heard and approved.
- The United States Navy owns ranch land and appurtenant water rights in Dixie Valley for which it has filed extensions to prevent forfeiture. There is a substantial amount of groundwater in Dixie Valley, where old artesian well sites have begun to flow again, and other applications have been filed on properties in that area.
- Water levels have begun to decline in Churchill County's basalt aquifer, the source of the water for the Fallon area. The quality of wells in that area also varies widely. The basalt aquifer is distinct from the alluvial aquifer there. Those phenomena have been and are being studied by the USGS and others. It may be the least understood water basin in the state.
- It would be interesting to know what Secretary of the Interior Babbitt has planned regarding the water resources of Nevada. If his ideas include a redistribution of the flow from the Colorado River, a congressional act would have to be passed to change the current status that is based upon a U.S. Supreme Court case. It is known that,

to even out shortages, he favors the interstate sale of water, water banking, and wheeling activities.

- An application for the transfer of 27,000 acre-feet of water from the Amargosa Valley to Clark County was denied.

Michael Johnson

Michael Johnson, Southern Nevada Water Authority (SNWA), noted that under its existing integrated resource plan, the key issue is the Colorado River cooperative water project initiated by the LVVWD in 1989. That project is "on hold" at this time.

He asked to provide an in-depth presentation at a later meeting. Ongoing work, including negotiations between the Arizona Banking Authority and Nevada, will not be completed until early 1998. Some technical discussions were commenced between the rural counties and the LVVWD in January 1997. Future dialogue is anticipated.

RECREATIONAL OPPORTUNITIES ON PUBLIC LANDS

Michael F. Dwyer

Michael F. Dwyer, Las Vegas District Manager, BLM, introduced Dave Wolf, District Manager of Recreation and Wilderness, and provided a copy of *Public Rewards From Public Lands, Nevada—1997* (see Exhibit D).

Mr. Dwyer explained that recreational use of Nevada's public lands has almost tripled over the past decade.

Alan Pinkerton

Alan Pinkerton, Assistant Forest Supervisor, Spring Mountains National Recreation Area (SMNRA), U.S. Forest Service (USFS), discussed the exponential growth of the state and its effect on the Spring Mountains.

- No new campgrounds, picnic areas, or other recreation facilities have been developed at the SMNRA since the 1960s when the population around Las Vegas was about 50,000 people; it is now well over 1 million. Today, approximately 4 million people per year take advantage of the recreation area, 25 percent of those arrive by airplane.
- The need for new recreational facilities was identified in a 1991 study by the state, and in a recently designed and approved forest plan amendment.
- Since 1989, 260,000 acres, proximate to the Spring Mountains, have been added, through an enhancement act, to the lands administered by the USFS. The SMNRA now has about 320,000 acres, of which about 40,000 acres are in the Mt. Charleston Wilderness Area.
- Within any given year, five of the trails within the SMNRA trail system experience more use than do all the trails in the Great Basin National Park.
- There is an increased need for mountain bike opportunities. Although the system encompasses 50 miles of trail, 80 percent of those trails are in wilderness areas wherein mechanized travel is not appropriate. Therefore, more pressure is placed on remaining areas for nonwilderness, year-round uses.
- Other locations are being investigated for new trail construction, i.e., lower Lee Canyon, lower Deer Creek Canyon, lower Kyle Canyon, and the south side of Potosi Mountain.
- The effects of people and vehicles on riparian areas is of concern in the Cold and Willow Springs and the north side of Potosi. The USFS is working with off-highway vehicle (OHV) and other groups to ensure that whatever activities are allowed in those locations makes sense and is sustainable and beneficial.

- Rock climbing activities have increased throughout the park. Although the Red Rock area was the sight of most rock climbing in the past, the increased use of Kyle and Lee Canyons for sport ice and rock climbing has begun to dramatically effect the limestone cliffs there. The busiest climbing times follow snowfalls in the winter, when all the campgrounds and picnic areas are closed, facilities and parking are limited, and no water is available.
- Understaffing is a critical problem. Management of campgrounds and picnic areas is performed by two full-time employees and a law enforcement officer. There is a need for at least ten full-time field personnel and four full-time law enforcement officers. The reality is that there is no federal money to pay for increased staffing needs. Therefore, the USFS and BLM use available staff to the best advantage possible. The USFS annually spends over \$5,000 on toilet paper alone.
- Ten of the developed campgrounds and a picnic area are managed by one concessionaire, and those facilities serve over 120,000 people each summer.
- Fifty percent of the 30-year-old water distribution system serving campgrounds and picnic areas in Kyle and Lee Canyons is being replaced this year. The cost of that improvement is about \$250,000.
- Restrooms at the Fox Tail Snow Play and Picnic Area and at Dolomite Campground will be upgraded with an improved sewage treatment system, including changing to low-volume toilets.
- There is a need to incorporate the park's sewage treatment with that of Clark County, since the septic systems that are in use throughout the park today will be unacceptable within ten years.
- Traditional funding sources, congressional earmarks, will need to come from the Southern Nevada Public Land Management Act of 1997 (H.R. 449, sponsored by U.S. Representative John Ensign [R - Nevada]), nonprofit foundations, and the implementation of appropriate user fees. It will also come from partnerships formed with volunteers.
- The USFS wants to be a part of the dialogue in planning for the future uses and resultant challenges. It is committed to building strong, positive relationships with agencies, communities, and individuals to ensure long-term success. Future generations should be left with options, not problems.
- Campgrounds that cannot be maintained should not be built.

The four assistant forest supervisors in Nevada are committed to local communities. That is evidenced by actions undertaken to update planning and the desire to positively involve others. Pooling resources and combining skills with other agencies is necessary to "get the job done," he concluded.

Responding to questions from the members, Mr. Pinkerton explained that:

- The Spring Mountain Youth Camp (SMYC) is inside the national forest, but on R&PP land added during the enhancement process.
- The SMYC is one of the partners that makes the park work; all the trails are maintained by the young men who reside there.
- Indian Springs Conservation Camp inmates are used to maintain fuel breaks and for fire suppression.

Robert Maichle

Robert Maichle, Vice President, Motorcycle Racing Association of Nevada; Board Member and Past President, Spring Mountains Association; Board Member, Nevada Wildlife Federation, stated that he has been involved in various public land related issues in the state over the last 25 years. He discussed:

- The scope of opportunities for recreation that exist on the public lands;
- The importance of recognizing the benefits of all types of outdoor activities for Nevada's residents;

- How land made available for grazing, mining, and wildlife management should yield a substantial return to the state;
- How various personal and philosophical aspects related to the privatization of resources versus holding lands in common trust for the people bring forth strong opinions from various interested parties;
- Why, since and while there are large expanses of public land in Nevada, the state must ensure that those lands are managed to best advantage to the overall citizenry;
- Why cooperation between agencies is critical;
- That while mining is "the heart of Nevada," it is not the only use of the land; reclamation of mining properties is necessary to provide for grazing ("the soul of Nevada") and other purposes once mineral resources are depleted;
- How responsible grazing activities and the overall health of the land are connected, contrary to the extreme views often expressed by a few. Healthy, productive land is a benefit to the permittee, the public, and to the range itself, since it supports wildlife and other recreational opportunities;
- Why the long-term success of the land is the goal;
- Why, today, most permittees are willing and eager to return the land to health through reclamation, and that kind of action is to be encouraged; however, the small percentage of permittees who are unwilling to reclaim their lands should be identified and penalized;
- How fishing and hunting licensees form an integral part of the utilization of the public lands. Nearly 70,000 fishing licenses are purchased each year, and revenues derived from consumptive use licenses benefit Nevadans. The indirect economic and personal benefits of these uses should also be recognized;
- That, while there may be a problem balancing public access and private rights, access should be improved throughout the state;
- The need for quantitative analysis of the amounts of revenue derived directly and indirectly from hunting and fishing. Putting dollar amounts on these activities over time might lead to a better appreciation of their overall contribution;
- How important off-highway access is, by whatever method, to many Nevadans. To many residents, an essential part of living in Nevada is the ability to explore dirt roads and the back country;
- While organized and professional off-road events bring millions of dollars to the state, the volume of casual OHV use by residents far exceeds that of planned events; and
- How scenic areas in Nevada compete with those in other states to draw tourism, and why adequate access is essential.

Mr. Maichle stated that because Nevada offers such great quality and quantity of wilderness and "wildness," it offers unique opportunities unimagined by most Americans. It is not "just nothing." Fees for park use should reflect the indirect benefits to the state. He supports Mr. Dwyer's position that checkerboard public lands are difficult to manage, and he also advocates the exchange, sale, or transfer of urban public lands from federal agency control to private or local government ownership.

In conclusion, Mr. Maichle said Nevada's strength has been its tolerance of different interests and viewpoints, and that leads to the recognition of the benefits of multiple use of the public lands.

Chairman Rhoads thanked Mr. Maichle for his balanced approach.

Mr. Dwyer, responding to Assemblyman Marvel, noted that in the event an organization wants land set aside for

purposes such as motorcycle training, that use could possibly be accommodated.

PUBLIC COMMENT

Shelley Wadsworth

Shelley Wadsworth, staff with the Lincoln County Public Lands Commission, commented that it is the position of the commission that Lincoln County's self-determination has been relinquished to Clark County because of the 1989 LVVWD filings. When development is planned in the county, it is "outrageous" that permission must be sought from a Clark County entity.

She noted that:

- When those applications were filed, she was Director of Economic Development.
- The county immediately lost three prospective projects, which had been developing over the previous two years.
- The individuals who withdrew stated they had no desire to "fight with Las Vegas over water."
- Whether or not those applications will ever be granted or denied is not the point. The perceived "cloud cast by their presence" has an adverse effect on development and the local economies of rural areas.

She also explained that:

- Over the last five months, Lincoln County has been involved in a confrontation with the U.S. Fish and Wildlife Service (USFWS) over the details and implementation of a recovery plan affecting the county. The plan includes a project that involves 99 percent private land. That project will include the reengineering of a river through a previously nonriparian portion of the Pahrangat Valley and the fencing off of land previously used for grazing. Although the USFWS has said that the plan is "just a recipe," it has not included input from the county. The USFWS, in her view, has ignored the county's comments and suggestions regarding the general recovery plan.
- Many of the rural counties' public lands commissions are writing their own public land management elements, similar to Clark County's. She offered to submit Lincoln County's final plan to the committee.
- Congress has never fully funded the Payment-in-Lieu-of-Taxes (PILT) program, which does not adequately compensate counties for the loss of private revenues and taxes the land would generate.
- While there may be an economic benefit derived from the public lands, much revenue has been curtailed due to loss of ranching and animal unit months (AUMs). Nye County, for instance, has lost approximately \$14 million annually due to management techniques that have reduced AUMs.
- During the recent drought, which adversely affected the range in Lincoln County, ranchers voluntarily pulled their cattle off allotments early last year to prevent further damage. The populations of wild horses had been underestimated and, because the health of the wild herds was so poor, emergency gathers of wild horses were undertaken by the BLM to reduce the problem.
- Recently, Lincoln County was transferred from the jurisdiction of the Las Vegas BLM office to the Ely District.
- While there have been a number of water filings by the Federal Government in Lincoln County, the National Park Service at Lake Mead has protested all livestock filings in the county, which generally are for relatively small amounts of water.
- Lincoln County received approximately \$185,000 in payments last year. In her view, the county's receiving

title to land would be preferable to receiving partial PILT money.

Mr. Neighbors noted that Esmeralda County also has concerns regarding the PILT program. During the committee's recent trip to Washington, D.C., it was noted that there have been some changes in how PILT revenues are calculated.

Ms. Wadsworth suggested that the committee obtain copies of a Nevada Association of Counties presentation on PILT that illustrates the disparity of what is paid in Nevada compared to other parts of the nation.

Responding to Commissioner Chapman, she explained that Lincoln County:

- Is of the opinion that it is cost prohibitive to try to get lands from the BLM;
- Has a low income base and is, therefore, unable to negotiate successfully for lands that might be commercially developed;
- Developed a land use plan and maps that reflect the minute proportion of land that is in private or local government hands;
- It is difficult to provide public services, i.e., fire, hospitals, and police, with the restricted tax base available; and, the county has reached its tax capitation;
- Livestock is the only industry left. There are approximately 85 operators remaining in the county, down by about one-third from last year (mostly due to the impact of the desert tortoise); and
- There has been a 50 percent decrease in AUMs in Lincoln County.

Chairman Rhoads noted that, according to a recent letter from the USFS, from 1987 to 1997, the number of AUMs in the Humboldt district is down 24 percent, and in the Toiyabe district it has declined 25 percent during the same period. Part of that reduction, in his view, is tied to economics—ranchers cannot make any money.

Ms. Wadsworth continued:

- There needs to be a method by which cumulative impacts can be addressed.
- Currently, the federal agencies can take up to 5 percent of a rancher's land annually without any remedy being available to him.
- There has been a significant amount of oil exploration activity, which has generated a few thousand dollars per year in revenues for the county. Many wells have been capped, however, because of the poor quality of the oil.
- While writing the county's plan, there was an attempt to identify the culture and customs over the last century. Federal agencies, as they have begun ecosystem management plans, have failed to consider or recognize the human element.
- Lincoln County must protect its resources, but it must at the same time provide for its residents. It is land poor.

Commissioner Chapman added that rural counties find that "you cannot fight with everyone all the time about everything." He suggested that the committee assist Lincoln County in presenting and defending its plan.

Chairman Rhoads added that counties go through a process similar to the one followed by the Division of State Lands, State Department of Conservation and Natural Resources. The division developed a statewide plan concerning the use of public land in Nevada, which was authorized under Senate Bill 40 (Chapter 587, *Statutes of Nevada*) of the 1983 Session. The initial state plan has not been updated since first released in June 1985. The division is, however, in the process of revising the plan and is supposed to have it ready for presentation to the 1999 Legislative Session. Ms. Wadsworth offered to assist in the process. She noted that Utah, in its public land use planning process, provides state funds to counties to ensure that public land use plans are done and that they identify basic issues and how to address them.

WORK SESSION ON PRECEDING AGENDA ITEMS

Senator Rhoads presented Dana R. Bennett, lead staff person for the committee over the past seven years, with a plaque in appreciation for her dedication, excellence, and service.

He announced that the next meeting will be held in January 1998 in Pahrump, Nevada, and asked the members to gather immediately for the tour of Nellis Air Force Base (NAFB).

TOUR OF NELLIS AIR FORCE BASE

The committee met with Colonel Gerald C. Carpenter, Commander, 99th Range Group; Colonel Stewart P. Highberg, Director, Range Renewal; Colonel William J. Moran, Vice Commander, Air Warfare Center; and Colonel (Select) Jack Schofield, Deputy Commander, 414th Combat Training Squadron, at NAFB, near North Las Vegas.

Although time did not permit a scheduled visit to the Nellis Air Traffic Control Facility, other areas toured and discussed included the:

- Flightline;
- Red Flag facility;
- Air Warfare Center;
- Range Group; and
- Range Renewal.

At the conclusion of the tour, a discussion ensued about opening highly mineralized fringe areas of NAFB to mining. Colonel Carpenter indicated he has viewed mining operations, and it is his opinion that the industry does not provide "good" stewardship of public lands.

Assemblyman Neighbors pointed out that mining is an important part of Nevada's economy and invited Colonel Carpenter to view mining reclamation projects in northern Nevada.

Exhibit E is the agenda for the tour of NAFB, and Exhibit F is the "Attendance Record" for this meeting.

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

Respectfully submitted,

Jonnie Sue Hansen and Linda Chandler Law

Senior Research Secretaries

APPROVED BY:

Senator Dean A. Rhoads, Chairman

Date: _____

LIST OF EXHIBITS

Exhibit A is a copy of the October 1989 *Water Rights Filings* of Las Vegas Valley Water District (LVVWD) and related materials (pages 1 through 12) provided by Stephen T. Bradhurst, Land Use and Planning Consultant.

Exhibit B includes excerpts from *Water Transfers in the West*, National Research Council, Washington, D.C., 1992; Legislative Counsel Bureau Bulletin No. 95-4, *Study of the Use, Allocation, and Management of Water*; Udall Center Issue Paper Number 2, *Does Anybody Win? The Community Consequences of Rural-to-Urban Water Transfers: An Arizona Perspective*, May 1990; and Senate Bill 454 from the 1997 Nevada Legislative Session, which proposes to limit inter-basin transfers of water, with related documents; for review, provided by Mr. Bradhurst.

Exhibit C is a copy of a map titled *Water Resources and Inter-Basin Flows*, dated September 1971, provided by R. Michael Turnipseed, State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources.

Exhibit D is a copy of *Public Rewards From Public Lands, Nevada—1997* provided by Michael F. Dwyer, Las Vegas District Manager, Bureau of Land Management.

Exhibit E is the agenda for the tour of Nellis Air Force Base.

Exhibit F is the "Attendance Record" for this meeting.

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.