

SELECT COMMITTEE ON PUBLIC LANDS



Bulletin No. 79-19

LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA

September 1978

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Senate Concurrent Resolution No. 9—Senators Blakemore, Gibson, Bryan, Neal, Gojack, Glaser, Echols, Ashworth, Hilbrecht, Raggio, Dodge, Lamb, Ciose, Sheerin, Wilson and Schofield

FILE NUMBER.....

SENATE CONCURRENT RESOLUTION—Creating a select committee on public lands to meet with appropriate members of Congress and officials of the executive branch in Washington, D.C., concerning Nevada's need for additional lands in nonfederal ownership and related matters.

WHEREAS, The legislative commission was directed by S.C.R. 35 of the 58th session of the Nevada legislature to study means of deriving additional state benefits from the public lands; and

WHEREAS, The subcommittee appointed by the legislative commission to conduct the study, after receiving testimony and other evidence from a wide variety of sources, concluded that 13 percent of the state's land area in nonfederal ownership is not enough and recommended that the state make a serious effort to increase that percentage; and

WHEREAS, The subcommittee recognized that the state would benefit from a multipronged approach which would include such actions as requests for congressional grants and negotiations with federal executive officials as well as the assertion of the state's legal and equitable claims in the courts; and

WHEREAS, The subcommittee concluded that a select committee of the Nevada legislature, assigned the task of carrying Nevada's case to Washington, would be the legislature's most effective tool during the next few months for achieving a reduction in the extreme imbalance between federal and nonfederal lands in this state; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That there is hereby created a select committee on public lands, composed of three members of the senate appointed by the majority leader of the senate and three members of the assembly appointed by the speaker of the assembly, for the purpose of meeting in Washington, D.C., with appropriate members of Congress and officials of the executive branch to consider Nevada's unique public land situation, the need for additional lands in nonfederal ownership and related matters; and be it further

Resolved, That the meeting in Washington, D.C., shall be scheduled to occur as soon as possible after the adjournment of the 59th session of the legislature; and be it further

Resolved, That the members of the select committee shall meet during the legislative session for the purpose of selecting a chairman and preparing for the Washington meeting, and that their study and review shall include the following items:

1. As an item of first priority, the question whether it would be advantageous for the state to become the manager or trustee for all or some of the public lands located in Nevada, even without acquiring ownership or any greater share of the proceeds from the lands, but with reimbursement for managerial expenses;
2. In pursuit of the overall objective of increasing from 13 percent

the proportion of land in the State of Nevada under nonfederal ownership, consideration of specific proposals for a bill in Congress permitting the state each year to select a specified quantity of lands from the public domain within its boundaries until all such lands are in nonfederal ownership;

3. Review of the provisions of chapter 328 of NRS relating to state consent to acquisition of land for federal purposes, including consideration whether in the future the state should attempt to condition such consent upon the Federal Government's actually disposing of equivalent public lands in the state, and also including consideration whether state consent to federal acquisitions should be effective only upon approval by the legislature (or the legislative commission if the legislature is not in session);

4. Analysis to determine whether it would be in the best interests of the State of Nevada to pursue the possibility of congressional legislation, applicable to all federally held lands, specifying those uses and changes in use which could not be undertaken without the concurrence of the governor of the state in which the lands are located;

5. The commencement of efforts to develop, along with representatives of other western states, effective plans for joint action to carry to Washington the case of all the western states in favor of federal transfer of additional lands from the public domain; and

6. The identification of areas in the state where the Bureau of Land Management has failed to develop mechanisms for local residents to participate effectively in planning and decisionmaking for the public lands closest to them, and the necessary communication with B.L.M. and other Department of the Interior officials in Washington, as well as within the state, concerning whether the views of local residents ought to be entitled to greater weight and attention than those of persons from other areas within and without the State of Nevada; and be it further

Resolved, That the select committee is an official agency of the legislative counsel bureau and the members are entitled to receive out of the legislative fund for each day's attendance at the Washington meeting, and other meetings after adjournment of the 59th legislative session as approved by the legislative commission, \$40 per day and the per diem expense allowance and travel expenses provided by law; and be it further

Resolved, That the select committee shall submit its report to the legislative commission for transmission to the 60th session of the legislature.

REPORT OF THE LEGISLATIVE COMMISSION

TO THE MEMBERS OF THE 60TH SESSION OF THE NEVADA LEGISLATURE:

This report is transmitted to the members of the 1979 legislature for consideration and appropriate action. It is a partial compliance with S.C.R. 9 of the 1977 session. Unlike most resolutions directing interim activity, S.C.R. 9 directed specific activities be carried out instead of asking that a study be made.

The 1975 legislature had directed a study of public lands. That was carried out pursuant to S.C.R. 35 of the 1975 session. One recommendation of the 1975-1977 study was that a select committee be created to attempt to carry out several of the goals set forth in the study. The select committee was created and undertook the charge in S.C.R. 9. It had considerable success as noted in the attached report. It also has many activities still in progress and therefore asks that its charter be renewed.

The report is transmitted to the members of the 1979 legislature for their consideration.

Respectfully submitted,

Legislative Commission
Legislative Counsel Bureau
State of Nevada

October 1978

LEGISLATIVE COMMISSION

Assemblyman Donald R. Mello, Chairman
Assemblyman Paul W. May, Vice Chairman

Senator Keith Ashworth	Assemblyman Eileen B. Brookman
Senator Richard H. Bryan	Assemblyman Joseph E. Dini, Jr.
Senator Margie Foote	Assemblyman Lawrence E. Jacobsen
Senator James I. Gibson	Assemblyman Robert E. Robinson
Senator Norman Ty Hilbrecht	
Senator William J. Raggio	

SUMMARY OF RECOMMENDATIONS

1. The Select Committee on Public Lands recommends that it be continued as an official agency of the legislative counsel bureau under the direction of the legislative commission for another 2 years. (BDR 116)

I.

Introduction and Background

The 1975 session of the Nevada legislature in Senate Concurrent Resolution No. 35 directed a study of "* * * the several possible approaches to the problem of securing a greater degree of control by the State of Nevada over the public lands within its borders for the common benefit of its citizens * * * ." That study, reported in Legislative Counsel Bureau Bulletin 77-6, made a number of recommendations designed to increase state control over the use and disposition of federal lands in the state. In particular, that report recommended the creation of a select committee of the legislature charged with several specific responsibilities related to increased state control over public lands.

Before considering the work of the Select Committee and its recommendation, it may be useful to set forth the public lands situation in the West in general and Nevada in particular. First, there are several categories of federal land but for the purposes of this report, there are two. The first category is federally owned land which includes land for federal buildings, national parks, wildlife refuges and defense establishments. Such lands are used for specific federal purposes. The second category is land controlled by the Federal Government. The land in the second category is commonly referred to as the public domain. It is administered almost entirely by either the Department of the Interior's Bureau of Land Management or the Department of Agriculture's Forest Service. Public domain lands, in almost all cases, have never been privately owned. They are lands which came to the United States through the several major land acquisitions in our history, but especially the Oregon Compromise of 1846 and the Mexican Cession of 1848. Almost 87 percent of Nevada is federal land, the greater part by far in the public domain. No state, except Alaska, has more and when the selection process there is complete, Nevada will be the preeminent public land state.

Until October 1976, the official policy of the Federal Government had been the orderly disposal of the public domain. In fact, for at least 30 years preceding that date, very little disposition of the public domain was accomplished. In October 1976, the Federal Land Policy and Management Act (PL 94-579) was passed. It is commonly referred to as the BLM Organic Act. One of the goals of the legislation was to consolidate and clarify hundreds and hundreds of often conflicting laws dealing with the public domain and to give the Bureau of Land Management a clear charter. In addition, the act reversed the 200 year old policy of disposal of public lands by stating in section 102 that it be the policy of the United States that "* * * the public lands be retained in the federal ownership unless, as a result of the land use planning procedure provided for in this act, it is determined that the disposal of a particular parcel will serve the national interest * * *."

To understand better how dramatic a change in philosophy is represented by the Organic Act, it is useful to look at the development of the federal lands laws. In the early years of our nationhood, the attitude of the Federal Government was strongly in favor of pushing the development of the lands west of the Appalachians. This served the purpose of providing federal revenue also. In fact, the Revolutionary War debt was retired this way. Federal land law can be traced to the Northwest Ordinance of 1785 and after the Constitution was ratified, to the Public Land Act of 1796. Under these laws, land was sold for \$2 per acre in tracts of at least 640 acres. This was a lot of money for most prospective pioneers. National security pressures to settle the vast areas gained by the Louisiana Purchase and the Mexican Cession combined with political pressure from those hoping to be pioneers resulted in the Homestead Act of 1862. This act established 160 acres as a family farm. This size was based on the fertility and arability of the Midwest's tall grass prairies. From the Rockies through the Great Basin, the 160 acre homestead was not economically feasible. As a result, very little homesteading was done in those areas and the land remained open range.

The range remained open until 1934 when the Taylor Grazing Act was passed. This act closed the open range and instituted leases and grazing fees. There were other laws passed, in addition to the Homestead Act, which tried to encourage the settlement of the arid regions of the West. Laws such as the Carey Act and the Desert Land Entry Act did recognize that Utah and Nevada were far different from Kansas and Iowa but successful settlement under these laws was very limited.

From the passage of the Homestead Act in 1862 to the Organic Act in 1976, public lands policy has been in a state of drift and uncertainty. The result has been indecision and inaction in many areas of public lands policy. Combined with ill-defined policy has been a miserly federal commitment to the maintenance of federal lands. The Organic Act, already passed, and a range improvement bill that would authorize over \$1 billion over the next 20 years which has passed the House, reflect a federal commitment to a clear and forceful public lands policy. At this point, however, the exact shape of that policy is still unknown. Regulations under the Organic Act are still being awaited almost 2 years after passage of the law. The uncertainty over the way the Organic Act will be administered has been a major concern of the select committee.

Concern for the public lands is basically a regional problem. Certainly there is national interest in public lands policy but the land is actually located in 12 western states. In fact, 63 percent of all the land west of the Rockies is federal land. The percentages range from 29.5 for Washington to 86.6 for Nevada. Alaska is currently some 95 percent federal land but that is changing. The problems caused by such vast stretches of federal land were outlined in the 1977 study and will not be repeated here. Suffice to say that the select committee compiled even more evidence of the hardships caused for state and local governments, ranchers, farmers, miners and recreationists as a result of current and pending public lands regulation.

II.

Nevada's Select Committee on Public Lands

The 1977 legislature passed Senate Concurrent Resolution No. 9 which is reproduced at the front of this report. That resolution called for the appointment of three senators by the majority leader of the senate and three assemblymen by the speaker of the assembly. The committee was to choose its own chairman. Appointed from the senate were Senator Richard E. Blakemore of Tonopah, Senator Norman D. Glaser of Elko and Senator Norman Ty Hilbrecht of Las Vegas. Appointed from the assembly were Assemblyman Karen W. Hayes of Las Vegas, Assemblyman William A. Kissam of Las Vegas and Assemblyman Don A. Moody of Hawthorne. The committee selected Senator Blakemore as chairman.

The select committee is unique. There is no record of any similar body in the Nevada legislature. In addition to a charge to study an issue and make recommendations, the select committee was given at least two action tasks on behalf of the Nevada legislature. The first was to go to Washington, D.C., and make a case for Nevada regarding public lands. The second task was to build alliances with other states for the purpose of influencing public lands policy.

The committee began its work in the last 2 weeks of the 1977 session. Along with Assemblyman Dean Rhoads of Tuscarora, Chief Deputy Attorney General James H. Thompson, Director of the Department of Conservation and Natural Resources Norman S. Hall, and legislative counsel bureau staff, the committee began a series of 7 a.m. breakfast meetings that accomplished several things. First, it was determined what forums in Washington were appropriate and useful. Second, it was decided what issues would be addressed and by whom. Third, the content of presentations was developed. Concurrent with these three tasks, legislative staff made arrangements for scheduling for a week in Washington.

Two of the select committee members had served on the interim study of public lands. Those were Senator Blakemore and Mrs. Hayes. Mr. Rhoads, who was not a member of the committee but who participated with it, had been much involved in public lands issues through the American National Cattlemen's Association and the Public Lands Council. He became national president of the Public Lands Council later in 1977. Mr. Thompson had done extensive legal research on the equal footing doctrine as it applies to the public lands states. Mr. Hall directs the state agency charged with custody of state lands, water resources and state land planning. In short, the committee and the people who participated with it had considerable combined knowledge about public lands from both the legal and practical aspects.

The select committee recognized the fact that the Organic Act had passed in October 1976. The members were concerned to provide input on the future implementation of that law before regulations came out. Because time seemed to be short, the committee decided that a lobbying trip to Washington was the highest priority. Attempts to organize a regional voice would wait.

The week of May 15, 1977, was set for the committee trip. Legislative staff, with assistance from Senator Cannon, Senator Laxalt and Representative Santini, set up the following schedule:

- May 15, 1977, 9 p.m. - Meeting to discuss presentations.
- May 16, 1977, 9 a.m. - Meeting with various public interest group representatives to polish presentations.
- 3:30 p.m. - Meeting with Senator Laxalt.
- 4 p.m. - Meeting with Representative Santini.
- May 17, 1977, 9:30 a.m. - Meeting with Assistant Secretary of Interior Guy Martin and six Interior officials.

May 17 (continued)

2 p.m. - Meeting with Senator Howard Cannon.

May 18, 1977, 8:30 a.m. - Meeting with Public Lands and Resources Subcommittee of the Senate Energy and of Natural Resources Committee.

2 p.m. - Meeting with Indian Affairs and Public Lands Subcommittee of the House Interior and Insular Affairs Committee.

6-8 p.m. - Capitol Hill Social hosted by select committee.

May 19, 1977, 10 a.m. - Meeting with Domestic Affairs staff and Intergovernmental Relations staff at the White House.

Noon - Debriefing by committee.

Complete minutes of all the Washington meetings in 1977 were prepared and are available from the research division, legislative counsel bureau. For purposes of this report, those meetings can be summarized. The select committee had two purposes in mind. The first was to tell responsible officials in the federal executive and legislative branches about the public lands situation in Nevada and the difficulties we face as a result. The second was to make an assessment of the attitudes in Washington about public lands policy. Both purposes were achieved.

In general the select committee found in Washington a lack of awareness of the impact of federal lands on state and local governments. This was true even in the agencies charged with administering those lands. There was somewhat greater awareness of the plight of farmers, ranchers and miners but even in these areas, knowledge of problems was

not what might be expected. In the hearings before the two committees of Congress, the select committee was able to explain the difficulties in Nevada caused by 87 percent federal control. Just as important, the select committee heard first-hand what Congressional intent was in the Organic Act. Both Congressional hearings were formal, on-the-record hearings, and both were well attended by members. Questions and comments to the select committee indicated interest in the Nevada presentation and some curiosity about a special committee from a state legislature coming to Washington, D.C. This curiosity was also reflected in the turnout for the reception hosted by the select committee. Formal invitations for that event had been sent out a week in advance.

The meeting at the Department of Interior was useful for two reasons also. Again, the select committee was able to explain a situation that was not that well understood by Interior officials, especially by Guy Martin, the new Assistant Secretary for Land and Water Resources. The discussion, which included Secretary of the Interior Cecil Andrus for a period, allowed an assessment of the policy direction at Interior concerning public lands.

The meeting at the White House was less productive. The three staff members generally had little understanding of the public lands situation in the West so the select committee presentation seemed worthwhile. The committee did not, however, get much in the way of an idea of White House thinking on public lands.

The select committee formed two firm opinions as a result of its week in Washington, D.C. in May 1977. The first was that policy changes at the federal level do not come about overnight and that those who seek changes must be prepared for long-term effort. The second conclusion was that Nevada, as a practical matter, does not have the political leverage to bring about significant policy changes at the federal level. As a result, it was necessary that a regional organization representing state and local governments in the West be formed to take on the goals of the select committee.

III.

Formation of a Western Coalition on Public Lands

At the conclusion of the May 1977 Washington trip, the select committee began the process of building a regional position and a regional organization to speak for the West on public lands. The first effort in this regard was the joint meeting of the Energy and Natural Resources Committee and the Agriculture Committee of the Western Conference, The Council of State Governments. The meeting was held in Carson City in July 1977. The select committee made its Washington presentation and urged a resolution to the annual meeting of Western CSG in support of a regional coalition on public lands. This was done. At the Carson City meeting, Mr. George Turcott, Associate Director of BLM, spoke giving the Bureau's views on the Organic Act. That speech was confirmation of the need for a strong regional voice to speak for the West.

Senator Blakemore spoke before the annual meeting of the Western States' Lands Commissioners in San Diego in July 1977 also. An understanding of what Nevada was trying to do in terms of a regional organization was shared with this group.

In September 1977, the annual meeting of Western CSG was held in Santa Fe, New Mexico. Two resolutions were passed concerning public lands. The first supported the concept of a greater state role in the management and disposition of federal lands and the second supported the formation of a public lands coalition with the idea that the state most affected, Nevada, would take the lead. Senator Hilbrecht and Senator Glaser represented the select committee in Santa Fe.

In January 1978, the annual meeting of the Western Interstate Region of the National Association of Counties was held in Palm Springs, California. Senator Hilbrecht of the

select committee and Congressman Santini were featured speakers on that occasion. Senator Hilbrecht, Assemblyman Hayes and Assemblyman Kissam made presentations to the business meeting and urged state-county cooperation on public lands. The NACo Western Region gave unanimous support to such an arrangement. In informal discussions with Mr. Santini, it was decided that mid-May 1978 would be a good time for a coalition effort in Washington.

Early in 1978, the select committee began to contact legislators in other states with public lands interests and knowledge to determine who would be willing and able to participate in a trip to Washington. In March, representatives of Western CSG including Senator Glaser of the select committee went to Washington, D.C., to meet with NACo representatives to plan the May trip. As a result of that meeting, the chairman of Western CSG, Representative Marks of Montana, and the president of the Western Region NACo, Commissioner Jack Petitti of Clark County, Nevada, issued a joint call for a Washington meeting of a Western Coalition on Public Lands for the week of May 22, 1978. The various responsibilities for setting up meetings and making necessary arrangements were divided among Western CSG, Western Region NACo and the Utah and Nevada legislatures. A final pre-Washington meeting was held in San Francisco in early May at which staff developed a draft position paper for the coalition.

IV.

Western Coalition on Public Lands and Washington Trip

The purpose of the May 1978 trip to Washington by the Western Coalition on Public Lands was basically the same as that of the select committee the year before. The West wants to have a strong voice in public lands decisions to insure that state and local interests are protected, to guarantee that the public domain is managed for the benefit of multiple users and to bring about greater disposition of public

lands to private ownership for community expansion and agricultural development.

Specifically, the coalition developed an issues paper (attached as Exhibit A) which deals with five main areas: (1) Modification of the Organic Act; (2) Wilderness review by the land management agencies; (3) Regulations under the Organic Act; (4) Payments in lieu of taxes; and (5) Remedial legislation. The issues paper was agreed upon as consistent with the policy positions of NACo and Western CSG. The paper can be termed the charter of the Western Coaliton on Public Lands.

The following schedule was established for the Western Coalition on Public Lands:

- May 21, 1978, 4 p.m. - Meeting of Nevada Select Committee on Public Lands.
- May 22, 1978, 8 a.m. - Registration for Coalition.
- 9 a.m. - Opening Comments, followed by work on policy positions.
- 1:30 p.m. - Continued work on policy positions.
- 3:30 p.m. - Team lobbying.
- 5-8 p.m. - Capitol Hill Reception.
- May 23, 1978, - Team lobbying all day.
- 10 a.m. - Roundtable with U.S. Forest Service on RARE II.
- 1:30-3 p.m. - NACo Public Lands Steering Committee meeting.
- May 24, 1978, 8:30 a.m. - Roundtable with BLM on Organic Act.

May 24 (continued)

12:30 p.m. - Luncheon with U.S. Senate
Western Coalition.

3 p.m. - Meeting with House Interior
and Insular Affairs Committee
Subcommittee on Public Lands.

6 p.m. - Debriefing

May 25, 1978 - Team lobbying in the morning.

Complete minutes of all the Washington meetings in 1978 were prepared and are available from the research division, legislative counsel bureau.

Agreement on the basic substantive issues of the coalition has been reached. Agreement has not been reached, however, on the structure and processes of the coalition. Up to this point in the summer of 1978, the coalition, while a fact, is still very much an ad hoc thing. There was wide agreement among the legislators and county officials who participated as coalition members in Washington that the coalition must have staying power in order to achieve any of its goals. Nothing happens at the federal level very rapidly and very little happens without organized pressure to move it along. With this in mind, the priority issue is for Western CSG and Western Region NACo to formulate plans for an organizational structure adequate to guarantee continuity of the coalition and the consistent pursuit of its goals.

In June 1978, Western CSG appointed four members of its executive committee, including Senator James I. Gibson, to a subcommittee on coalition organization. Western Region NACo has appointed three of its board of directors to a like group. The goal of both groups is to establish a structure for leadership, staffing, issue selection and issue implementation for the western coalition.

At the annual meeting of Western CSG in Spokane in August 1978, several more steps were taken on the way to creating a

viable and useful regional coalition. Specifically the formal goal of a western coalition embracing state legislators, governors, county officials and city officials was established. The coalition concept was broadened so that issues in addition to public lands may be addressed. A process for issue identification and coalition implementation has been established. The coalition will be governed by a 16-member executive committee that will include four members each from the legislatures, the governors, the counties and cities. Staff and support will come from the constituent organizations of the coalition. No new organization will be established and no new budget is anticipated. Now, Western CSG and Western NACo are waiting for response from the governors and the cities. Initial indications are quite positive.

In July 1978, the National Conference of State Legislatures (NCSL) passed a resolution that brings that organization into support of the western position on public lands. Senator Blakemore, Senator Hilbrecht and Assemblyman Hayes attended the NCSL annual meeting in Denver and made a presentation on behalf of the western coalition that led to the passage of the resolution.

The strengths and weaknesses of the Western Coalition on Public Lands have already been implied. The strengths rest in the fact that the coalition is built on state and local elected officials, not any particular special interest. Two trips to Washington confirm the idea that elected officials are listened to more than staff or paid lobbyists. Broad representation, both geographical and levels of government, is another coalition strength. A third strength is the fact that the groups that have joined thus far and those that might join all have staff and all have Washington offices, eliminating the need for any major expenses associated with staff or facilities. Finally, the U.S. Senate has a western coalition which is complemented by a western coalition of state and local officials. The leaders of the U.S. Senate Western Coalition, Senator Laxalt and Senator DeConcini welcomed the state and local support promised by the Western Coalition on Public Lands.

The weaknesses of the coalition at this point reflect the newness of the group and perhaps the rapidity with which it was assembled and activated. The question of structure and recognized processes for reaching decisions has already been addressed. The absence of either is definitely a current but correctable weakness. Another weakness, related to the first, is the fact that there are not regularly designated state legislators and county officials who are to participate in coalition activities. Nevada is an exception to this because of its select committee but other states have nothing analogous. To correct this weakness, each state must designate coalition representatives and give them some sort of standing authority for travel. Unless this is done, there will not be continuity of membership, and it will require a great deal of time and effort to assemble the coalition whenever this is necessary.

The ad hoc nature of the coalition at this point was reflected in the May 1978 Washington trip. It was not known until everyone arrived in Washington who would be there. The levels of knowledge and experience with public lands varied widely among participants. There was no assurance that those who did attend would be in any position to carry on the work in their own states. The various staff involved--Western CSG, NACo, NCSL, Utah legislature and Nevada legislature--were never quite sure who was in charge. Because the Nevada select committee had been to Washington before, its members and staff took the lead in coalition activities but as a long-term arrangement, this is not viable. The highest priority, therefore, must be placed on formalizing structure. This very definitely does not mean that a new organization and new staff are required. They are not. It is simply a question of figuring out the most rational and effective use of existing resources.

Finally, and as referenced above, Western CSG and Western Region NACo envision an organization with a bit more flexibility that can be the implementing arm of the regional groups on a limited number of issues that are regional in nature and which the organizations agree upon in terms of formal policy positions. The Spokane meeting of Western CSG has moved in this direction.

V.

Future of the Select Committee

It is not possible to discuss the future of the select committee without some analysis of the accomplishments of this interim. To date, the select committee has not managed to get any federal land disposed to state or private ownership. Given the situation regarding public lands, no one expected such quick results. Several other accomplishments of the committee should be listed. First, and perhaps most important, the select committee has called considerable attention to the public lands problems in Nevada. It has done this in Nevada through media appearances, talking, to civic groups and to official bodies such as the State Multiple Use Advisory Committee. It has done this regionally through appearances at meetings of the Western Conference CSG, Western Region of NACo and Western States Lands Commissioners. It has done this nationally through appearances at meetings of the National Conference of State Legislatures and the several presentations before Congress, at the Department of the Interior and the White House.

Second, the efforts of the select committee have led to the introduction of legislation in Congress. One bill sponsored by Representative Santini but written by the select committee would establish a public lands trust fund so that the money from public lands sold would be used to purchase park and recreation land in other parts of the country (Exhibit B). Hearings may be held on this bill before the end of 1978. Another bill introduced by Senators Laxalt and Cannon along with several co-sponsors would direct the expeditious disposal of the checkerboard lands to the states (Exhibit C). This bill was also instigated and supported by the select committee.

Third, it is no exaggeration to say that the select committee is responsible for the creation of the Western Coalition on Public Lands. The committee used every possible forum and sent some of its members to virtually every relevant regional meeting in order to encourage coalition creation. Not only did it push for coalition creation, it also was the backbone of the coalition in Washington in terms of manpower, staff support and financial commitment.

Fourth, the select committee has served as the focal point of public lands issues in Nevada. It has reviewed proposed federal regulations, followed BLM activities in the state and worked with the executive branch and local governments in an attempt to coordinate knowledge and activities on public lands.

It is the unanimous recommendation of the Select Committee on Public Lands that the 60th session of the Nevada legislature renew the select committee for another 2 years with a continued mandate to represent the interests of the State of Nevada regarding public lands. A proposed resolution is attached. The select committee would continue to operate under the direction of the legislative commission and with financial support by the commission.

PUBLIC LANDS ISSUES
WESTERN COALITION ON PUBLIC LANDS
SUMMARY OF POSITIONS

I.
BLM Organic Act

1. The act should be amended to delete from Section 102 the policy of perpetual federal retention in favor of disposition of federal lands for state and local governments and private ownership. Retention of public lands reverses a policy of disposition followed since the adoption of the U.S. Constitution. That Section 102 of the Federal Land Policy and Management Act of 1976 should be amended by deleting the words: [(a) The Congress declares that it is the policy of the United States that -

(1) The public lands be retained in Federal ownership, unless as a result of the land use planning procedure provided for in this Act, it is determined that disposal of a particular parcel will serve the national interest;]

and inserting:

(a) The Congress declares that it is the policy of the United States that -

(1) The public lands be retained only to the extent permitted by Article IV, Section 3, Clause 17, of the United States Constitution, unless as a result of the land use planning procedure provided for in this Act, it is determined that disposal of a particular parcel will serve the national interest;

2. The act should be modified to decrease the arbitrary authority of the Secretary of the Interior in dealing with such activities as mining, grazing and rights of way.
3. Congress should immediately begin oversight hearings on implementation of the act to assure that agency

activities conform to legislative intent. Further, Congress should establish a regular regulation review process which would include the identification of the person responsible at a level consistent with that in Executive Order 12044 of March 23, 1978.

4. Preparation of regulations to implement the act should be expedited. The intent of the legislation has been circumvented by prolonging the adoption of regulations.
5. Immediate attention should be given to land transfers under Section 203 to alleviate checkerboard ownership patterns, expand encircled communities and develop prime agricultural lands. Section 203 regulations should also recognize the commercial, industrial and residential land needs of developments in the West.
6. In developing regulations, BLM should recognize that state and local government officials represent the public and therefore should be made an integral part of the review process, and testimony and recommendations from them should be given proportionally greater weight than testimony from special interest groups.
7. Executive Order 11821 of OMB Circular A-107 requires an inflationary impact statement on regulations. The Department of the Interior has routinely ignored this order despite the extensive potential for inflation in many regulations, especially those dealing with energy production in the West. Executive Order 11821 of OMB Circular A-107 should be complied with by the Department of the Interior.

II. Wilderness Designations

GENERAL:

8. Local agency offices of the land management agencies should be empowered to make substantive decisions

with regard to those public lands in their jurisdictions including wilderness tradeoffs.

9. Wilderness areas should be protected areas where wilderness values of "outstanding solitude or primitive recreation activities" are overwhelmingly present. Wilderness designation should not be used to withdraw public lands from multiple use or as a management tool.
10. The study of possible wilderness areas should not be confined to the Western United States, but all areas of the country should be surveyed for possible wilderness values and designations.
11. Federal agency recommendations to the President and Congress should include a specific, unedited statement of the views of state and local governments in whose jurisdictions proposed wilderness areas are located. In addition, a record of all hearing proceedings should be kept and be available to the President and Congress.
12. Forest Service and BLM areas recommended to Congress as unsuitable for wilderness should be returned to full multiple use status if Congress does not take positive action designating such areas as wilderness within 1 year after submission.

FOREST SERVICE:

13. RARE II evaluations performed have not consistently met Congressional intent concerning public involvement.
14. RARE II wilderness designations should be made on the basis of existing wilderness values and not to meet quotas set for regional offices by Washington officials.
15. Artificial and arbitrary goals and criteria such as establishment of wilderness areas within 250 miles of each other are also beyond Congressional intent.

16. Data used to identify possible wilderness areas are inadequate and incomplete, particularly with regard to identification of deposits of minerals, oil and gas. Adequate mineral surveys should be completed before the Forest Service recommends a wilderness designation to the President or Congress.
17. The draft environmental impact statement circulated for comment should include a detailed assessment of the economic impact of the Clean Air Act on proposed and adjacent areas.
18. The draft environmental impact statement should include an extensive analysis of the economic impact on a community in which federal land is withdrawn for wilderness.
19. In the case of lands recommended for "further study" as potential wilderness areas, a time limit of 2 years should be set for completion of the studies. If "further studies" have not been completed in that time, the land should be returned to multiple use and may not enter a "further study" status for at least 3 years. The "further study" option should not be used to tie up lands indefinitely.
20. Final decisions on RARE II recommendations should be made locally where specific needs and problems of public lands are understood. Also, the comments of officials of affected local governments be included with the recommendations of local Forest Service officials.
21. National parks and monuments should be studied for possible wilderness designation with consideration given to needs for public access, future development for public use and should be coordinated with wilderness proposals by other agencies. The Bureau of Land Management and the U.S. Forest Service should have management responsibility of lands in multiple use as multiple use management agencies and the National

Park Service should continue with management responsibility for all single use lands including all lands which may be designated by Congress as wilderness.

BUREAU OF LAND MANAGEMENT:

22. It is appropriate that wilderness proposal decisions should be made by state level BLM officials and such provisions must be assured. Also, the comments of officials of affected local governments should be included with the recommendations of state BLM officials.
23. As in the regulation process, BLM should recognize that state and local government officials represent the public and therefore should be made an integral part of the review process, and testimony and recommendations from them should be given proportionately greater weight than testimony from special interest groups.
24. It is vital that "wilderness study areas" not be placed in a state of limbo for prolonged periods. The agencies should have up to 2 years to complete such studies. Continuation of existing activities in "wilderness study areas" must be assured during the study period. Also, an area should not return to a "study" status for at least 5 years after such designation ends.
25. Designation of wilderness should be conditional on exchanging pockets of public and private lands within proposed wilderness areas to prevent private or non-wilderness public tracts from becoming isolated and/or unusable.
26. Management of wilderness areas must allow for, but not be limited to, protection of watershed, servicing of health facilities, search and rescue operations and other vital activities by the most modern means available.

III.
BLM Organic Act Regulations

27. All of the land planning is supposed to rest upon initial policy planning, but the procedures for doing the policy planning are not organized nor specified. The policy planning process should be specified, and the points at which state and local government officials are to make policy input should be outlined.
28. The BLM should gather and evaluate all plans from other federal agencies, state and local governments, and other sources to assure consistency.
29. Special meetings with state and local government officials should be held to obtain their input in addition to only hearing state and local officials at public hearings.
30. In instances where the BLM land use plans are not consistent with state or local plans, the BLM should be required to state the reasons their adopted plan was not made consistent with the existing state and local plans.

IV.
Payments in Lieu of Taxes

31. Congress should fund payments-in-lieu of taxes to provide full payment for entitlement lands where such payment was not received in 1977.
32. Entitlement acreage for payments-in-lieu should include all federally owned or controlled tax exempt lands.

33. Congress should provide for a 5-year funding renewal period for payments-in-lieu of taxes so that local governments may more accurately budget. Precedent for multiple year funding was established with revenue sharing.
34. General purpose governments with public lands within their boundaries should remain as the only recipients of payments-in-lieu. Inclusion of a single purpose units of government would not conform to the intent of the act.
35. Modify the population caps on the in-lieu payments.

V.
Remedial Legislation

36. Congress should direct the expeditious disposal of unmanageable and isolated tracts of federal land. Congress should also direct the expeditious disposal of prime agricultural lands. Federal land management agencies should be given a specific time in which to identify such lands after which they would become available for disposal in the same priority established in Section 203 of the Organic Act.
37. Congress should enact a Public Lands Trust Fund in which proceeds now going to the federal government from the sale of public lands would be deposited for the purpose of purchasing federal park, recreation and open space lands in areas where such lands are now inadequate or nonexistent.
38. Congress should enact rational and flexible criteria for determination of appropriate economic units for federally assisted western agriculture. Such criteria should consider soil, water and climatic conditions of particular areas.

39. Congress should designate a uniform term to describe protected areas such as wilderness areas. The invention by federal agencies of such terms as roadless, primitive and RARE II only confuse the public.

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for
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Proposal for "Public Lands
Equalization Act of 1978"

Part I

Section 1. This Act may be cited as the "Public Lands Equalization Act of 1978."

Sec. 2. The Congress declares that it is the policy of the United States, in managing Federal lands inside state boundaries, to distribute more evenly among the states the benefits and burdens stemming from Federal ownership of lands and to promote the eventual achievement of a fair and equitable distribution by instituting a program for accelerated disposal of public domain lands in states where too much Federal land exists, coupled with selective acquisitions for park and recreation purposes in states where too little Federal land is available for such purposes.

Sec. 3. As used in this Act:

1. "Lands in Federal ownership" means all lands held by the Federal Government, its departments and agencies. "Lands in Federal ownership" includes all vacant, unappropriated lands and all lands which are reserved or otherwise withdrawn for specific Federal purposes, but does not include trust properties.

2. "Public domain lands" means those lands in Federal ownership which are not reserved or otherwise withdrawn for specific

Federal purposes and which are managed by the Secretary through the Bureau of Land Management.

3. "Secretary" means the Secretary of the Interior.

4. "State selection of grant lands" means the process whereby a state, with the cooperation of the Federal Government, identifies and chooses lands for transfer from Federal to state ownership in fulfillment of Federal land grants to such state authorized by law.

Part II

Sec. 4. 1. The accelerated disposal program for public domain lands provided by this Act is in effect in every state where 35 percent or more of the land is in Federal ownership according to the most recent statistics available from the General Services Administration.

2. For the purpose of determining the eligibility of a state for the accelerated disposal program, all lands in Federal ownership shall be considered, including grant lands authorized but not yet selected by the state.

Sec. 5. 1. Subject to the provisions of subsection 3, lands are available for accelerated disposal if:

(a) They are located in a state where the accelerated disposal program is in effect;

(b) They are public domain lands, surveyed or unsurveyed; and

(c) They are suited to agricultural use or urban use.

2. For the purpose of this section, lands are not suited to urban use unless they are located within, adjacent to or not more than 3 miles outside a city or town or an urban area which has a population density of 500 or more persons per square mile, and are bounded on at least one side by lands not in Federal ownership.

3. All minerals and mineral rights in accelerated disposal transactions are reserved to the United States unless the Secretary makes the findings and follows the procedures set forth in section 209 of the Federal Land Policy and Management Act of 1976 (Public Law 94-579) for conveyance of the minerals together with the surface to the prospective surface owner under specified conditions.

Sec. 6. 1. Lands are available for accelerated disposal in parcels of:

(a) Six hundred forty acres, if the land is suited to agricultural use; and

(b) Five acres, if the land is suited to urban use.

2. No bidder is entitled to more than three parcels under the accelerated disposal program in a 10-year period.

3. The provisions of subsections 1 and 2 of this section do not apply to a state or its political subdivision.

Sec. 7. 1. Any natural person, corporation or state or its political subdivision meeting the eligibility requirements for bidders set forth in section 15 of this Act may apply to the Secretary for accelerated disposal of lands.

2. The Secretary shall prescribe the form of application to be used.

3. Each parcel requires a separate application.

4. The applicant shall pay a fee in the amount of \$25 for each application submitted.

5. An applicant is not required to bid on land for which he has submitted an application.

Sec. 8. The applicant shall submit, as part of the application, sufficient information to identify the parcel and establish a prima facie case for the suitability of such parcel for agricultural use or urban use, whichever is proposed.

Sec. 9. 1. An application submitted by an applicant other than the governing body of the city or county (or other general purpose local unit of government) in which the parcel is located is not complete unless it contains the endorsement of such governing body.

2. An application submitted by an applicant other than the state government of the state in which the parcel is located is not complete unless it contains an endorsement by the governor

of the state, certifying either that the state has already completed its selection of grant lands or that the state does not object to disposal of the parcel identified even though it results in a reduction in lands available for selection by the state as grant lands.

Sec. 10. 1. The Secretary shall consider applications in accordance with the priority rankings of the states in which the lands are located.

2. The priority rankings among the states where the program is in effect are determined by:

(a) Calculating for the respective states the number of acres of land in Federal ownership for which state selections are not pending;

(b) Converting the figure thus obtained for each state into a percentage of the total number of acres in the state; and

(c) Ranking all the states, giving first priority to the state with the highest percentage and last priority to the state with the lowest percentage.

3. The Secretary shall consider applications for lands within a single state in the order in which they are received.

Sec. 11. 1. The Secretary shall review the application initially to determine:

- (a) Whether the applicant is eligible to bid on the land;
 - (b) Whether the land is located in a state where the accelerated disposal program is in effect;
 - (c) Whether the land is public domain land; and
 - (d) Whether the required endorsements have been obtained.
2. If the Secretary rules favorably on all of the items listed above but the land identified in the application has never been surveyed, the Secretary shall proceed immediately with the survey.
3. When the Secretary has ruled favorably on all of the items listed in subsection 1 and has completed the survey if one is required, he shall determine whether the information submitted by the applicant establishes the suitability of the land for the use classification proposed.
4. The Secretary shall complete all determinations on the sufficiency of the application within 4 months after it was received.
- Sec. 12. If the Secretary determines that the applicant has not established the suitability of the land for the proposed use classification or that the application fails to meet any other statutory requirement, the applicant is entitled to an administrative hearing. The decision in the hearing shall be rendered no later than 4 months after completion of the Secretary's initial determinations. The decision constitutes final agency action subject to judicial review.

Sec. 13. The Secretary shall prepare an environmental impact statement pursuant to the National Environmental Policy Act of 1969 (P.L. 91-190) for each accelerated disposal transaction, but failure to complete the statement during the 12-month period following receipt of the application does not justify postponement or cancellation of bidding on any parcel and does not affect the validity of any disposition resulting from such bidding.

Sec. 14. 1. When the Secretary approves the application, including the proposed use classification, he shall determine the fair market value of the identified parcel.

2. The Secretary shall schedule competitive bidding on the parcel for not later than 6 months after completion of testimony at the administrative hearing, if any, but in no event later than 12 months after the receipt of the application.

3. The fair market value as determined by the Secretary shall be the minimum acceptable bid for the land.

Sec. 15. 1. Bids may be submitted by:

(a) A natural person who is 18 years of age or older; is a citizen of the United States or has filed a valid declaration to become a citizen or a valid petition for naturalization; and is a resident of the state in which the land is located.

(b) A corporation which is subject to the laws of the United States and is authorized to do business in the state in which the land is located, and in which the controlling interest is in persons who qualify as natural persons under paragraph (a) of this subsection.

(c) A state of the United States in which the land is located or a political subdivision of such state.

2. The Secretary shall determine the eligibiltiy of each bidder.

Sec. 16. The Secretary shall establish competitive bidding procedures for accelerated disposal transactions under this Act. The procedures shall follow, insofar as practicable, the competitive bidding procedures established for sales of public lands pursuant to section 203 of the Federal Land Policy and Management Act of 1976 (P.L. 94-579).

Part III

Sec. 17. 1. The public lands equalization fund is hereby created.

2. The fund consists of the proceeds from accelerated disposals of public domain lands as provided in this Act and such other amounts as may be added thereto from time to time.

3. The Secretary is responsible for the management and use of the money in the fund. No money may be expended from the fund without the approval of the Secretary.

Sec. 18. The Secretary shall deposit in the public lands equalization fund all proceeds from accelerated disposal transactions under this Act, after deducting an appropriate amount to cover the cost of administration.

Sec. 19. The money in the public lands equalization fund shall be used only for the purpose of acquiring park and recreation lands in selected states as provided in this Act.

Part IV

Sec. 20. The park and recreation land acquisition program provided by this Act is in effect in every state where less than 15 percent of the land is in Federal ownership according to the most recent statistics available from the General Services Administration.

Sec. 21. The Secretary shall study the sufficiency of publicly owned park and recreation lands in each of the states where the acquisition program is in effect and shall establish priorities and develop specific proposals for the use of money from the public lands equalization fund to provide needed parks and other recreational areas.

Sec. 22. The Secretary shall not proceed with any proposed park and recreation land acquisition until he has obtained the endorsement of the governor of the state and the governing body of the city or county (or other general purpose local unit of government) in which the land to be acquired is located.

Sec. 23. The Secretary shall establish procedures for park and recreation land acquisitions under this Act. The procedures shall follow, insofar as practicable, the procedures established for acquisitions pursuant to section 205 of the Federal Land Policy and Management Act of 1976 (P.L. 94-579).

95TH CONGRESS
2D SESSION

S. 3192

A BILL

To provide that certain public lands which are intermingled with nonpublic lands shall be conveyed to the several States.

By Mr. LAXALT, Mr. CANNON, Mr. DOMENICI,
Mr. GARN, Mr. STEVENS, Mr. HATCH, and Mr.
SCHMITT

JUNE 12 (legislative day, MAY 17), 1978
Read twice and referred to the Committee on Energy
and Natural Resources

IN THE SENATE OF THE UNITED STATES

JUNE 12 (legislative day, MAY 17), 1978

MR. LAXALT (for himself, Mr. CANNON, Mr. DOMENICI, Mr. GARN, Mr. STEVENS, Mr. HATCH, and Mr. SCHMITT) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide that certain public lands which are intermingled with nonpublic lands shall be conveyed to the several States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "Public Lands
5 Conveyance Act of 1978".

6 STATEMENT OF PURPOSE

7 SEC. 2. It is the purpose of this Act to provide for the
8 conveyance to the several States of certain public lands in
9 order to serve important public objectives, including the
10 expansion of communities and economic development, which

II

1 cannot be achieved on other than public lands and which
2 outweigh other public objectives.

3 DEFINITIONS

4 SEC. 3. (a) For purposes of this Act the term "public
5 lands" means any land and interest in land (including im-
6 provements thereon and mineral rights therein) owned by
7 the United States within the several States and administered
8 by the Secretary of the Interior through the Bureau of Land
9 Management, without regard to how the United States
10 acquired ownership, except—

11 (1) lands located on the Outer Continental Shelf;

12 and

13 (2) lands held for the benefit of Indians, Aleuts, or
14 Eskimos.

15 (b) For purposes of this Act, the term "Secretary"
16 means the Secretary of the Interior.

17 LANDS TO BE CONVEYED

18 SEC. 4. The public lands which shall be conveyed to the
19 several States under this Act shall be only those public lands
20 (as defined in section 3) which, as a result of land grants
21 made to railroads under any Act of Congress or as a result of
22 grants made under the provisions of the Act entitled "An Act
23 to provide for the purchase of public lands for home and other
24 sites", approved June 1, 1938, as amended, are intermingled
25 with lands not owned by the United States.

1 PLAN FOR CONVEYANCE

2 SEC. 5. (a) Within one year after the date of the enact-
3 ment of this Act, the Secretary shall submit to the Congress
4 a plan for the orderly conveyance to each of the several States
5 of all right, title, and interest of the United States in and to
6 any public lands which meet the criteria set forth in section 4.

7 (b) The plan shall provide—

8 (1) a description of the methods and procedures by
9 which the Secretary shall determine which lands shall be
10 conveyed under the provisions of this Act;

11 (2) a timetable for carrying out the conveyances
12 under this Act; and

13 (3) a description of the application procedure to be
14 used by a State in order to request that land be conveyed
15 to it under this Act.

16 (c) The plan shall be submitted to the Congress and
17 shall take effect at the end of the period which ends sixty
18 days after such plan is so submitted (excluding days on
19 which Congress is not in session), unless, before the end of
20 such period, either House of the Congress adopts a resolu-
21 tion of disapproval.

22 CONVEYANCES AUTHORIZED

23 SEC. 6. Within five years after the date on which the
24 plan for conveyance becomes effective, as provided in
25 section 5, the Secretary shall (subject to section 7) convey,

1 in accordance with the provisions of the plan, to each of the
2 several States all right, title, and interest of the United
3 States in and to any public lands located within the exterior
4 boundaries of such State, which have been determined in
5 accordance with the provisions of the plan to be lands that
6 meet the criteria set forth in section 4.

7 STATE APPLICATIONS; ADMINISTRATIVE COSTS;

8 IMPROVEMENTS

9 SEC. 7. (a) In order to receive land under the provisions
10 of this Act a State must—

11 (1) submit an application to the Secretary de-
12 scribing the land which such State wishes conveyed
13 under this Act;

14 (2) agree to pay to the United States an amount
15 equal to the administrative costs incurred by the United
16 States in the conveyance of such land, including the
17 costs of any necessary surveys; and

18 (3) agree to pay to the United States an amount
19 equal to the fair market value of any improvements on
20 such land.

21 (b) The Secretary shall determine the administrative
22 costs involved in any conveyance under this Act and the
23 fair market value of any improvements on lands subject to
24 conveyance under this Act.

1 WAIVER OF REQUIREMENTS

2 SEC. 8. The requirements of the National Environ-
3 mental Policy Act of 1969 and the Federal Land Policy
4 and Management Act of 1976 shall not apply to conveyances
5 authorized under this Act.

SUMMARY--Continues existence of select committee on public lands. (BDR 116)

CONCURRENT RESOLUTION--Continuing the existence of the select committee on public lands.

WHEREAS, S.C.R. 9 of the 59th session of the Nevada legislature directed the creation of a select committee on public lands charged with several responsibilities including:

1. Traveling to Washington, D.C., to meet with federal executive and legislative officials to consider Nevada's unique situation with respect to the public lands;
2. Studying the alternatives for management of the public lands that would include a role for the state;
3. Increasing the amounts of land in nonfederal ownership;
4. Considering state consent to acquisition of lands by the Federal Government;
5. Proposing federal legislation on public lands;
6. Forming a regional coalition on public lands;
7. Reviewing and assessing plans and decisions of the Bureau of Land Management in the state; and

WHEREAS, The select committee has accomplished some of the assigned tasks and is heavily involved in several others; and

WHEREAS, To accomplish modification of federal land policy is a slow process requiring constant attention over the next several years at least; and

WHEREAS, The Nevada select committee has taken a leading role in forming a western coalition on public lands and is now

looked to for leadership on this issue; now, therefore, be it

RESOLVED BY THE OF THE STATE OF NEVADA, THE
CONCURRING, That the Nevada select committee on public lands
be continued through the 60th session of the Nevada legislature
and for the interim period until the beginning of the 61st
session; and be it further

RESOLVED, That the select committee be composed of three
members of the senate appointed by the majority leader of the
senate and three members of the assembly appointed by the
speaker of the assembly, chosen with appropriate regard for
their experience and knowledge about public lands; and be it
further

RESOLVED, That the select committee shall:

1. Encourage and actively support the formation and efforts
of the western coalition on public lands;

2. Advance knowledge and understanding of Nevada's public
lands situation in local, regional and national forums;

3. Review and assess regulations proposed and put into
effect under the Organic Act (Public Law 94-579) and respond
to proposed regulations in a way that protects state and local
interests;

4. Support Congressional legislation that will enhance the
state and local roles in public lands management and that will
increase the disposal of public domain lands for public purposes,
for the expansion of communities, and for agricultural and
other development; and be it further

Exhibit D--page 2

RESOLVED, That the select committee is an official agency of the legislative counsel bureau whose members are entitled to receive out of the legislative fund for each day's attendance at meetings or official business of the select committee after adjournment of the 60th legislative session, if approved by the legislative commission, \$40 per day and the per diem expense allowance and travel expenses provided by law; and be it further

RESOLVED, That the select committee shall submit its report to the legislative commission for transmission to the 61st session of the legislature.