

SELECT COMMITTEE ON PUBLIC LANDS

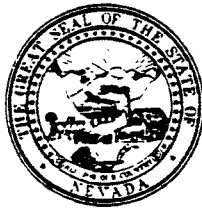


Bulletin No. 83-8

LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA

December 1982

S E L E C T C O M M I T T E E
O N . P U B L I C L A N D S



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LEGISLATIVE COMMISSION
OF THE
LEGISLATIVE COUNSEL BUREAU
STATE OF NEVADA

DECEMBER 1982

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Senate Concurrent Resolution No. 17—Committee on Natural Resources

FILE NUMBER 99

SENATE CONCURRENT RESOLUTION—Continuing the existence of the Nevada select committee on public lands.

WHEREAS, The 58th session of the Nevada legislature directed the legislative commission to study means of deriving additional state benefits from the public lands, and the 59th session of the Nevada legislature directed the creation and the 60th session continued the existence of a select committee on public lands which has been charged with:

1. Studying Nevada's unique situation with respect to public lands;
2. Considering alternatives for the management of public lands which include increasing the amounts of those lands in nonfederal ownership and management of those lands by the state;
3. Proposing state and federal legislation on public lands; and
4. Forming a regional coalition on public lands; and

WHEREAS, The select committee has accomplished some of its assigned tasks and continues to work on others, such as modifying federal policy respecting the public lands, which take time and will require continued attention during the next several years; and

WHEREAS, The select committee has been instrumental in the formation of a western coalition on public lands but is still looked to for leadership of the movement away from federal control of the public lands; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the Nevada select committee on public lands be continued through the 61st session of the Nevada legislature and for the interim period until the beginning of the 62nd 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 to provide for continuity of membership on the committee, and that if any vacancy should occur on the committee, the new member have experience and knowledge about public lands or be a member of an appropriate standing committee of the senate or assembly; and be it further

Resolved, That the select committee shall:

1. Actively support the efforts of the western coalition on public lands;
2. Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands;
3. Support Congressional legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands; and be it further

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 61st legislative session,

if approved by the legislative commission, \$80 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 62nd session of the legislature.

REPORT OF THE LEGISLATIVE COMMISSION

TO THE MEMBERS OF THE 62ND SESSION OF THE NEVADA LEGISLATURE:

This report is transmitted to the members of the 1983 legislature for their consideration and appropriate action. Senate Concurrent Resolution No. 17 of the 1981 session, while requiring preparation of this report, primarily directed the select committee on public lands to carry out other specific activities and functions. Appointed to conduct the study were:

Assemblyman Karen W. Hayes, Chairman
Senator Norman D. Glaser, Vice Chairman
Senator Don W. Ashworth
Senator Richard E. Blakemore
Assemblyman Alan H. Glover
Assemblyman Dean A. Rhoads

The 1975 legislature originally directed a study of public lands. That was carried out pursuant to S.C.R. 35 of the 1975 session. One recommendation of the 1975-77 study was that a select committee on public lands be created to attempt to carry out several of the goals set forth in the study. The select committee was created in 1977 with the adoption of S.C.R. 9. The select committee, continued by S.C.R. 5 in 1979 and S.C.R. 17 in 1981, has made significant strides for the past 6 years in promoting and gaining support for public lands reform measures in Nevada and the West.

This report is transmitted to the members of the 1983 legislature for their consideration.

Respectfully submitted,

Legislative Commission
Legislative Counsel Bureau
State of Nevada

Carson City, Nevada
December 1982

LEGISLATIVE COMMISSION

Assemblyman Robert R. Barengo, Chairman
Assemblyman Joseph E. Dini, Jr., Vice Chairman

Senator Keith Ashworth	Assemblyman Mike Malone
Senator Richard E. Blakemore	Assemblyman Paul W. May, Jr.
Senator Jean E. Ford	Assemblyman Kenneth K.
Senator Virgil M. Getto	Redelsperger
Senator Lawrence E. Jacobsen	Assemblyman Robert F. Rusk
Senator James N. Kosinski	

SUMMARY OF RECOMMENDATIONS

1. The select committee on public lands recommends that the proposed amendment to the state constitution which would regulate management and disposal of state lands, as passed by the 1981 legislative session, be passed by the 1983 session of the legislature and submitted to Nevada's voters in 1984 for final action. (Senate Joint Resolution No. 17 of the 61st session.)
2. The select committee on public lands recommends that a permanent committee of the legislature be established to address public lands matters in the state. By combining the select committee on public lands with the existing statutory committee for the review of federal (public lands) regulations, greater efficiency and continuity of efforts can be expected. The progress and accomplishments of the select committee on public lands, as outlined on pages 5 through 11 of this report, as well as the fact that 87 percent of Nevada's land area is controlled by the Federal Government, necessitates an ongoing commitment by the legislature to the resolution of public lands matters affecting the sovereignty of the state. (BDR 17-22)
3. In order that Nevada and its political subdivisions may develop positive alternatives to present federal land management programs, the select committee on public lands recommends that the state land use planning agency of the division of state lands of the department of conservation and natural resources be directed to prepare, in conjunction with local units of government, a land use plan or policies for the public lands of Nevada. (BDR 22-484)
4. Studies of the early history of various western states indicate that Nevada did not receive an equitable or adequate land grant from the Federal Government to allow for both the settlement of the state and future growth and development needs. Again, approximately 87 percent of the land area of Nevada is under the jurisdiction and control of the Federal Government. The select committee on public lands recognizes the continued validity of a report prepared for the legislature in 1970 which recommended that Congress grant Nevada approximately 6 million acres of federal land to at least partially resolve past inequities. It is therefore recommended that the legislature memorialize Congress to grant Nevada approximately 6 million acres of public land as outlined in the 1970 study.

REPORT TO THE LEGISLATIVE COMMISSION FROM THE SELECT COMMITTEE ON PUBLIC LANDS

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. The 1979 and 1981 reports of the select committee, Legislative Counsel Bureau Bulletin Nos. 79-19 and 81-22, respectively, noted considerable progress by the committee along these lines.

Before considering the work of the select committee in 1981 and 1982 and its recommendations, it may be useful to again 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 currently controlled by the Federal Government, commonly referred to as the public domain.

With passage of A.B. 413 by the 1979 Nevada legislature, the State of Nevada claims ownership to the lands in the public domain category administered by the United States Department of the Interior's Bureau of Land Management (BLM). Until Nevada's claim of ownership is resolved by Congress or the courts, most public domain land will continue to be administered by either BLM or the U.S. 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 has more except Alaska, and when Alaska's land selection process 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. However, for at least 40 years preceding that date, very little disposition of the public domain was accomplished. In October 1976, the Federal Land Policy and Management Act (Public Law 94-579) was passed. It is commonly referred to as the BLM Organic Act or FLPMA. One of the goals of the legislation was to consolidate and clarify hundreds of often conflicting laws dealing with the public domain and to give the BLM a clear charter. In addition, the act reversed the 200-year-old policy of disposal of public lands by stating that it be the policy of the United States that "* * * 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 * * * ."

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 land laws. In the early years of our Nation's history, 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 laws 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 significant investment for most prospective pioneers.

National security pressures to settle the vast areas gained by the Louisiana Purchase and the Mexican Cession, combined with political pressures 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 these areas and the land remained open range.

Two later acts, the Desert Land Entry Act (1877) and the Carey Act (1894), were designed to more specifically address the various issues related to irrigated "homesteads" in the semi-arid and arid West. These acts, particularly the Desert Land Entry Act, were more successful in promoting settlement in the Great Basin, but were still not adequate for the needs of this region.

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.

From the passage of the Homestead Act in 1862 to the BLM 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 was the lack of a federal commitment to provide the money needed to properly manage and maintain the public domain and its resources. The BLM Organic Act and the Public Rangelands Improvement Act of 1978 reflect a federal commitment to a more forceful public lands policy. During the Carter Administration, the shape of that policy was heavily weighted to environmental protection and related concerns. Under the Reagan Administration, there has been a dramatic shift back to a more balanced philosophy, with resource development given renewed priority.

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, 93 percent of all land controlled by the Federal Government is located in these 12 states. The percentages range from 29 for Washington to 87 for Nevada. The problems caused by such vast stretches of federal land were outlined in Legislative Counsel Bureau Bulletin No. 77-6 and will not be repeated here. Suffice it to say that the select committee has compiled even more evidence of the hardships caused for state and local governments, ranchers, farmers, miners and recreationists as a result of federal public lands legislation, regulation and policy.

"SAGEBRUSH REBELLION"

In 1979, the Nevada legislature passed A.B. 413 (Nevada Revised Statutes 321.596 through 321.599) which initiated the so-called "Sagebrush Rebellion" movement. This law, among other things, claims that "* * * subject to existing rights, all public lands in Nevada, and all minerals not previously appropriated, are the property of the State of Nevada and subject to its jurisdiction and control * * *." The public lands addressed by this law include only those unappropriated and unreserved public lands presently under the administration of the federal Bureau of Land Management. Some 49 million acres are involved in this claim which will eventually have to be resolved by either Congress or the courts.

Because of the tremendous amount of attention and controversy generated through passage of Nevada's "Sagebrush Rebellion" law, five other western states have adopted similar laws. Arizona, New Mexico, Utah and Wyoming enacted these laws in 1980. In 1982, the voters in Alaska overwhelmingly supported an initiative petition to enact this law. Also in 1982, Arizona voters rejected an initiative which would have repealed their "Sagebrush" law. Again, both of these votes were made on November 2, 1982, supposedly long after the "Sagebrush Rebellion" had "run its course." These votes indicate there is indeed a large continuing public support for the "Sagebrush Rebellion" concept in the West.

II. ACCOMPLISHMENTS AND ACTIVITIES OF THE SELECT COMMITTEE

The Nevada legislature's select committee on public lands was very active in 1981 and 1982. In S.C.R. 17, the select committee was directed to:

1. Actively support the efforts of the western coalition on public lands;
2. Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands; and
3. Support Congressional legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands.

Following is a summary of accomplishments and activities of the select committee on public lands over the last 2 years. Also listed are important events and matters in which the select committee had interest.

- April 1981 Public lands litigation, State of Nevada ex rel. Nevada State Board of Agriculture vs. United States of America, et al., decided in U.S. District Court for Nevada by Judge Edward C. Reed. Decision does not support Nevada's claim of ownership of the unappropriated public lands. Appeal subsequently filed by Nevada's attorney general in the Ninth U.S. Circuit Court of Appeals.
- May 1981 Article co-authored by Senator Blakemore and legislative counsel bureau research analyst, Bob Erickson, appeared in May-June 1981 issue of Journal of Soil and Water Conservation. The Journal is a major conservation publication with circulation throughout the United States and Canada. The article, entitled, "The Sagebrush Rebellion: A response to federal land policy in the West," resulted in several letters commending select committee efforts to advance knowledge of western public lands issues.*
- June 1981 Assemblyman Rhoads, because of his membership on Nevada's select committee and knowledge of public lands matters, was appointed to President Reagan's Federalism Advisory Committee. Rhoads was subsequently selected chairman of its Subcommittee on Land and Water.
- July 1981 Public meeting of the select committee in Reno. Committee outlined work program and budget proposal for the next 2 years. A budget of \$25,000 was subsequently approved by the legislative commission.*

*Copies available from the research division of the legislative counsel bureau.

August 1981	The Western Conference of The Council of State Governments, at its annual meeting held in Reno, reaffirmed its support of public lands goals as identified by Nevada and other western states. Senator Glaser provided leadership and direction at this meeting.*
September 1981	Public meeting of the select committee in Reno. Several members attended the meeting of the National Public Lands Council the following day.
September 1981	National Public Lands Council meeting held in Reno. Mr. Steve Hanke, a senior member of President Reagan's Council of Economic Advisors, advocated large-scale "privatization" or sale of the federal lands in order to redress western grievances and also significantly reduce the national debt.
October 1981	President Reagan announced that the MX missile system will not be deployed on the public lands of Nevada or Utah using the proposed multiple protective shelter or "grid" basing mode.
December 1981	Public meeting of the select committee in Elko. The committee reviewed a research report, commissioned through the Nevada attorney general and the University of Nevada, and ordered its publication. Committee began work on defining Nevada's public lands goals in light of federal "privatization" proposals.
January 1982	The select committee released Legislative Counsel Bureau Bulletin No. 82-1, entitled "State Sovereignty As Impaired By Federal Ownership of Land." This is the report prepared in cooperation with the Nevada attorney general and the University of Nevada.*

*Copies available from the research division of the legislative counsel bureau.

February 1982	American Land Alliance formed by several public lands interest groups to represent users of the public lands. National meeting held in San Francisco, California. A coalition of this type had been advocated and supported by the select committee for several years.
February 1982	Hearings held in the U.S. Senate regarding a resolution introduced by U.S. Senator Charles Percy to identify and expedite sale of federal lands and facilities not needed by the Federal Government.*
March 1982	Tour of the Nevada Test Site by several members of the select committee and other members of the Nevada legislature. Public meeting of the select committee the following day in Las Vegas. Select committee examined, through expert witnesses and testimony, the ramifications of siting a major repository for America's high-level radioactive wastes on either the Nevada Test Site or other public lands in the state.
April 1982	Senator Glaser addressed annual meeting of the Western Interstate Region of the National Association of Counties in Billings, Montana. Assemblyman Hayes addressed the annual meeting of the Western Social Science Association in Denver, Colorado. Both presentations emphasized Nevada's public lands situation and goals, and offered recommendations to strengthen western unity in public lands issues.
May 1982	Public meeting of the select committee in Reno. Committee devoted most of meeting to a discussion of federal "privatization" proposals, with expert witnesses representing a wide variety of interests

*Copies available from the research division of the legislative counsel bureau.

invited to testify. Select committee decided to prepare a draft resolution on this topic, send it to all interested parties for comments, and consider a final resolution based on those comments at its next meeting.

June 1982

Public meeting of the select committee in Reno. After further discussion and public testimony, committee adopted three resolutions:

1. Opposition to large-scale "privatization" of the federal lands and establishment of certain recommendations regarding Nevada's public lands;
2. Opposition to the siting of a repository for the Nation's high-level radioactive wastes on the federal lands in Nevada; and
3. Support of the original "Sagebrush Rebellion" concept reaffirmed.

(See appendix A.)

Letters of endorsement, either total or with certain qualifications, were solicited for the "anti-privatization" resolution. Select committee subsequently received such letters of endorsement* from the following diverse interests:

Citizens for Mining (Nevada)
Freeport Exploration Company
Nevada State Wildlife Commission
Nevada Cattlemen's Association
Nevada Department of Wildlife
Nevada Miners and Prospectors Assn.
Nevada Wildlife Federation, Inc.
Sierra Club (Toiyabe Chapter)
Southern Pacific Land Company
Washoe Board of County Commissioners

*Copies available from the research division of the legislative counsel bureau.

June 1982 Robert J. Burford, Director of the Bureau of Land Management, assured the select committee that his agency would consider the recommendations listed in the committee resolution when determining federal lands suitable for disposal.*

June 1982 The Heritage Foundation sponsored a national public lands conference in Washington, D.C., to determine support for the "privatization" concept. Senator Glaser represented the select committee at the meeting and presented Nevada's resolution opposing large-scale "privatization" of the federal lands.

June 1982 President Reagan's senior economist and "privatization" advocate, Steve Hanke, resigned from his post on June 25, 1982. The resignation marked the end of federal efforts to "privatize" or sell off massive amounts of federal land in the West to reduce the national debt. The select committee is credited with putting a halt to this program through its efforts and resolution. (See appendix B.)

August 1982 Oral arguments presented by Nevada's attorney general and representatives of the United States before the Ninth U.S. Circuit Court of Appeals in San Francisco, California. These arguments related to the appeal filed by Nevada regarding Judge Edward C. Reed's decision of April 1981. A decision is not expected from the Court of Appeals until sometime in 1983.

August 1982 Senator Glaser invited to testify before Congress regarding public landownership issues and the federal "good neighbor" policy. Senator Glaser presented his remarks on behalf of the select committee to the House Subcommittee on Public Lands and National Parks, chaired by U.S. Congressman John K. Seiberling of Ohio.*

*Copies available from the research division of the legislative counsel bureau.

August 1982	The Western Conference of The Council of State Governments, at its annual meeting held in Salt Lake City, Utah, reaffirmed its support of public lands goals as identified by Nevada and other western states. Senator Glaser took a leadership role by integrating past policies into three concise resolutions on public lands as required by the 1982 Western Conference for each subject area under consideration.*
September 1982	Public meeting of the select committee in Reno. Committee began developing recommendations for the 1983 legislative session, including continued support for the constitutional amendment to guarantee proper stewardship of public lands in state control. (Senate Joint Resolution No. 17 of the 61st session.) Committee finalized plans for meetings in Washington, D.C., in October 1982.
October 1982	Assemblymen Hayes and Glover traveled to Washington, D.C., to meet with key appointed and elected officials regarding Nevada's public lands situation and to present recommendations.*
October 1982	Senator Glaser was the featured speaker at the annual Nevada State Planning Conference in Winnemucca, Nevada. Presentation stressed the role of planning in future use and control of Nevada's public lands.
November 1982	"Sagebrush Rebellion" law on statewide ballot in two western states. Alaska voters enacted this law by passing initiative petition. Arizona voters retained this law by defeating an initiative which would have repealed the existing Arizona law.
November 1982	As a direct result of select committee efforts in Washington, D.C., in October

*Copies are available from the research division of the legislative counsel bureau.

1982, U.S. Congressman John K. Seiberling and members of his Subcommittee on Public Lands and National Parks conducted a factfinding tour of southern and central Nevada for 3 days. Select committee staff helped arrange details of the tour and select committee members presented recommendations for Congressional legislation to help expedite approved public land sales around larger urban areas.*

January 1983

Findings and recommendations of a regional public lands study to be released. This study was prepared through the Western Office of The Council of State Governments with financial support shared by eight western states, including Nevada. A summary presentation will be made by members of the research team to the Nevada legislature on January 31, 1983.

III. RECOMMENDATIONS OF THE SELECT COMMITTEE

FUTURE OUTLOOK

Recent issues relating to the public lands in Nevada give support to two primary considerations:

1. The vacant public lands of Nevada will continue to receive great pressures from competing federal entities seeking to achieve program objectives. Within the last year and a half, the following have all been major issues of controversy--MX missile deployment, "privatization," high-level radioactive waste disposal, inadequate federal programs for the accounting of oil and gas production, massive wilderness proposals, "population explosion" of wild horses, "asset management," little progress on Santini-Burton Act land exchanges, additional proposed military withdrawals and restrictions on civilian airspace.

*Copies are available from the research division of the legislative counsel bureau.

2. A long-term commitment and effort by the State of Nevada are required in order that positive changes regarding the ownership and management of public lands in Nevada may be achieved and that the interests of the state are adequately represented as the various federal proposals are evaluated.

The select committee continues to advocate actual divestiture of the unreserved and unappropriated public lands into state control as the only way in which Nevada may achieve a consistent and stable public lands situation in the future. However, it is obvious that legal, legislative and administrative remedies will not be easy to achieve. A continued commitment by both the Nevada legislature and Nevada's executive branch will be required.

RECOMMENDATIONS

For the 1983 legislative session, three recommendations are being made:

1. Nevada's constitution should be amended to guarantee to all Nevadans, other states, and the Federal Government that public lands will primarily remain public when conveyed from federal to state ownership. The state constitution should provide for the disposal of public lands only under very specific circumstances such as for needed community expansion, agriculture if soil and water conditions warrant, and recreation and public purposes. By placing this type of guarantee in Nevada's constitution, to be enacted by a vote of the general public, such provisions could only be changed through another vote of the people. The constitution should also provide for the multiple use management of public lands to allow for maximum benefits to all users of the public lands. For these reasons, the select committee recommends that the legislature again pass S.J.R. 17 of the 61st session.
2. The select committee recommends that a permanent committee of the legislature be established to continue the functions of the select committee and to also assume the responsibilities of the legislative committee for the review of federal regulations. Reasons for this recommendation include:

- (a) With 87 percent of Nevada's land area controlled by the Federal Government, the sovereignty of the state will continue to be impacted by federal proposals concerning the use and disposition of these lands.
- (b) Nevada should continue its efforts to reduce the amount of land currently under federal jurisdiction.
- (c) A committee composed of elected officials has more "clout" and influence than appointed advisory committees or agency administrators, and can also be expected to more consistently represent the prevailing interests of the state and its citizens.
- (d) By combining the select committee with a currently existing legislative committee established by statute (legislative committee for the review of federal regulations - NRS 218.536 through 218.537) money can be saved. This proposal is particularly appropriate because in the past there has been overlapping membership on these two committees.
- (e) By establishing a legislative committee on public lands by statute, continuity of efforts from session to session will be assured.
- (f) A legislative committee on public lands should work closely with the state multiple use advisory committee on federal lands (NRS 232.151 through 232.157) to ensure complementary efforts and to avoid duplications of effort.

The proposed legislation is contained in BDR 17-22. (See appendix C.)

3. Section 202 (c) (9) of the Federal Land Policy and Management Act of 1976 (FLPMA) provides in part that federal land use plans "shall be consistent with state and local plans to the maximum extent he (Secretary of the Interior) finds consistent with federal law and the purposes of this Act (FLPMA)." The select committee recommends that Nevada take more of a leadership role in public lands planning by actually developing a land use plan or policies for the areas of public land within Nevada. With a strong, logical and citizen-supported

plan or policies in effect, federal land managers will find it difficult to adopt land use plans contrary to such a state plan. Also, such a plan could indicate federal lands which should be transferred to state, local or private entities, plus a suggested timetable for such transfers. High priority should be given to planning those resources and geographical areas of Nevada which could be managed by the state under some type of trust agreement with the Federal Government.

The division of state lands, within the department of conservation and natural resources, presently contains a state land use planning agency which is required by state law (NRS 321.640 through 321.770), among other things, to "review and evaluate land use policies and activities for lands in Nevada which are under federal management, and may represent the interests of the state, its local or regional entities, or its citizens as these interests are affected by federal land use policies and activities." (Emphasis added.) It should be emphasized that the current state role along these lines is basically reactive in nature. The select committee strongly believes that with 87 percent of Nevada's land area under federal control, the state must assume an active leadership role concerning the planning, use and disposition of these lands. Additionally, state legislation enacted in 1981 (NRS 328.500) gives Nevada's attorney general authority to bring legal action on behalf of the state when federal actions or proposals affecting the public lands "impair or tend to impair the sovereignty of the State of Nevada."

The select committee therefore recommends that the Nevada division of state lands, through its state land use planning agency, be directed to work cooperatively with local units of government to develop a land use plan or policies for public land areas within the state (both federal and state). These concepts are presented in BDR 22-484.

4. The 1965 session of the Nevada legislature initiated a program to develop a state position on public lands for presentation to the Federal Land Law Review Commission.

Assembly Bill 152 of that session provided for the establishment of a state committee on federal land laws. Much effort went into the studies and meetings which followed.

The final report of this state committee was released in early 1970.* The "bottom line" of the report was that an additional 6,205,522 acre land grant should be made to Nevada by the Federal Government. This state request apparently did not receive serious consideration by the Federal Government because most Congressional efforts at that time were focused on the revision of public land laws. These efforts, in turn, resulted in the previously discussed Federal Land Policy and Management Act of 1976.

The 1970 state report and request were based on solid research efforts and are still most timely and relevant today. It is recommended that the Nevada legislature again ask Congress to consider this report and the 6 million acre land grant request in light of the events that have occurred since 1970. It is believed that the "climate" in Washington, D.C., may be much more favorable for such a request than it was in 1970.

It should also be understood that this request must be made in a manner that will not compromise Nevada's "Sagebrush Rebellion" legislation or litigation. The 6 million acre land grant is instead seen as an interim step to achieving the broader goals of the "Sagebrush Rebellion."

The select committee on public lands therefore recommends that the legislature memorialize Congress to review the 1970 state report and Legislative Counsel Bureau Bulletin Nos. 77-6 and 82-1, and grant Nevada an additional 6,205,522 acres of public land in accordance with state and federal agreements.

*Copies available from the research division of the legislative counsel bureau.

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RESOLUTION REGARDING "PRIVATIZATION" OF FEDERAL PROPERTY
AND DISPOSITION OF FEDERALLY OWNED OR CONTROLLED LANDS

WHEREAS, The Reagan Administration, several members of Congress and others are considering the "privatization" of federal lands and property for the avowed purpose of "reducing the national debt"; and

WHEREAS, It is recognized that sales of federal lands and property will not totally eliminate the national debt and that in the long term Congress and the President must develop solutions to the problems of national budget deficits which do not rely upon the sale of federal land, property or other national assets; and

WHEREAS, The Nevada legislature's select committee on public lands is responsible for advancing greater understanding of Nevada's unique public lands situation and promoting national legislation which will enhance state and local roles regarding the management and control of public lands; and

WHEREAS, Various individuals, government agencies and interest groups concerned with public lands in Nevada support the development of a unified Nevada position regarding the disposition of federal lands; now, therefore, be it

RESOLVED, That the Nevada legislature's select committee on public lands and various individuals, government agencies and interest groups support in concept the following positions regarding the status and disposition of federal lands in Nevada:

1. Properties determined by the Federal Government to be either excess or surplus, such as those formerly used for defense, communications, support housing and related purposes, should be sold at fair market value as soon as possible pending public hearings or input, and state and local concurrence;

2. Federal lands which because of their locations or other characteristics are difficult and uneconomic to manage as part of the public lands, as well as those lands needed by political subdivisions for orderly growth and development, should be sold at fair market value by the Federal Government;

3. Federal lands identified as having good potential and available water for agricultural development should be conveyed to private entities in accordance with existing federal and state laws and regulations;

4. In order to assist localities, the Federal Government should continue to provide political subdivisions and non-profit organizations with lands needed for recreation and public purposes at no cost or discounted rates;

5. Local land use planning, zoning and other state and local regulations should guide all proposed federal land sales or other disposals, and all such actions must be consistent with these controls;

6. Other than the categories specified in this resolution, the vast majority of public lands in Nevada should remain in public ownership and management;

7. Multiple use and sustained yield shall continue to be the guiding principles regarding the management of public lands;

8. Adequate access to public lands in Nevada for hunting, fishing, recreation and all other multiple use activities must be protected and preserved;

9. The United States General Mining Law of 1872 and the United States Mineral Leasing Act of 1920 should continue to prevail over mineral interests on all lands retained or sold by the Federal Government;

10. Federal land appraisals should be partially based on whether comparable land sales were made on a contractual or cash basis;

11. Congress should provide by law that federal lands may be sold under contract which allows the payment of the purchase price upon terms;

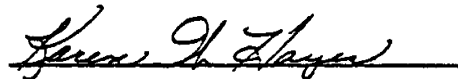
12. The Federal Government should place higher priority on requested land exchanges and transfers which are consistent with federal, state and local objectives and planning;

13. In the event of land transfers and exchanges between the Federal Government and private entities, the disposition of related mineral interests should be resolved through negotiation by the involved parties and assure adequate protection of the valid rights of surface owners and mineral claimants or interests, if any;

14. Because of the many objections and questions regarding larger scale "privatization" of federal lands, the Federal Government is encouraged to initially work on a cooperative basis with other interested parties in developing additional study and research materials, cost-benefit analyses, innovative approaches, experimental projects and the like, and all federal land sale programs and proposals resulting therefrom should be submitted to affected state and local governments for their approval; and be it further

RESOLVED, That a copy of this resolution be transmitted to the President of the United States, the Secretary of the Department of the Interior, the Secretary of the Department of Agriculture, the Director of the Office of Management and Budget, members of the Nevada Congressional delegation, and members of the Senate and House committees studying these issues.

Approved this fourth day of June 1982:



Assemblyman Karen W. Hayes, Chairman

Senator Norman D. Glaser, Vice Chairman

Senator Richard E. Blakemore, Member

Senator Don W. Ashworth, Member

Assemblyman Alan H. Glover, Member

Assemblyman Dean A. Rhoads, Member

RESOLUTION REGARDING RADIOACTIVE WASTE DISPOSAL
ON NEVADA'S PUBLIC LANDS

WHEREAS, The United States Department of Energy is studying three primary locations in America, including the Nevada Test Site, for the disposal of much of the nation's high-level radioactive wastes; and

WHEREAS, Through approval of Assembly Joint Resolution 15 (File No. 184) in 1975, the Nevada state legislature conditionally endorsed use of the Nevada Test Site "for the storage and processing of nuclear material," but conditions specified in this resolution have not all been met by the Federal Government; and

WHEREAS, The Nevada legislature's select committee on public lands is concerned that the overabundance of federal land in Nevada makes this state a likely "target" for radioactive waste disposal facilities unwanted by other states; and

WHEREAS, A large scale facility for the disposal of high-level radioactive wastes can be expected to cause immense environmental and socio-economic impacts not only in the area in which it is located, but also along the highways used for the transport of such wastes; and

WHEREAS, The State of Nevada has already contributed as heavily as any other state in the nation in the nuclear arena and believes that other states, particularly those producing large quantities of high-level radioactive wastes, should assume their proper responsibilities by providing appropriate waste disposal facilities; now, therefore be it

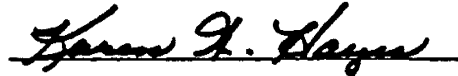
RESOLVED, That the Nevada legislature's select committee on public lands opposes the establishment or enlargement of any existing radioactive waste disposal facilities upon the federal lands of Nevada, including the Nevada Test Site; and be it further

RESOLVED, That the select committee, recognizing the vulnerability of public land states, supports Congressional legislation which would give states a measure of control over their own destinies by granting them veto power over federal proposals to place radioactive waste disposal facilities in such states; and be it further

RESOLVED, That the Federal Government should allocate additional money and research into the neutralization and recycling of radioactive wastes; and be it further

RESOLVED, That copies of this resolution shall be sent to the President of the United States, members of the Nevada Congressional delegation, chairmen of respective committees in the United States Congress dealing with the issue of radioactive waste disposal, and the governor of Nevada.

ADOPTED this fourth day of June 1982:



Assemblyman Karen W. Hayes, Chairman

Senator Norman D. Glaser, Vice Chairman

Senator Don W. Ashworth, Member

Senator Richard E. Blakemore, Member

RESOLUTION REGARDING NEVADA'S "SAGEBRUSH REBELLION"

WHEREAS, The Nevada state legislature in 1979 initiated the "Sagebrush Rebellion" movement through passage of Assembly Bill 413; and

WHEREAS, Nevada's "Sagebrush Rebellion" asserts state ownership and control of the vast unappropriated federal lands in the state; and

WHEREAS, The Nevada legislature, through passage of S.J.R. 17 in 1981, has initiated the process for amending the Nevada constitution to guarantee that public lands under state control will remain open and predominantly in public ownership, and also be managed under the guiding principles of multiple use and sustained yield; and


WHEREAS, The Nevada legislature's select committee on public lands has been diligently working through legal, administrative and legislative channels to accomplish actual divestiture of the unappropriated federal lands into state control; and

WHEREAS, Although the actual divestiture of such federal lands into state control will require many years and long-term commitments by the Nevada legislature and other proponents of the "Sagebrush Rebellion," such efforts will continue to provide positive short-term benefits to the State of Nevada; now, therefore be it

RESOLVED, That the Nevada legislature's select committee on public lands hereby reaffirms its total dedication to the original "Sagebrush Rebellion" concept and the efforts required to make the provisions of Assembly Bill 413 of 1979 a reality through actual federal divestiture of the unappropriated public lands into state control; and be it further

RESOLVED, That copies of this resolution shall be sent to members of the Nevada Congressional delegation, the governor of the State of Nevada, the attorney general of the State of Nevada, and various public lands users and interest groups in Nevada.

ADOPTED THIS fourth day of June 1982:



Assemblyman Karen W. Hayes, Chairman

Senator Norman D. Glaser, Vice Chairman

Senator Richard E. Blakemore, Member

Senator Don W. Ashworth, Member

Assemblyman Alan H. Glover, Member

Assemblyman Dean A. Rhoads, Member

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Article in Public Land News Entitled "Sagebrush
rebels in Nevada don't want massive land sales,"
June 10, 1982, Which Indicated the Resignation
of Steve Hanke, President Reagan's Senior
Economist and "Privatization" Advocate.....

Sagebrush rebels in Nevada don't want massive land sales

A committee of six Nevada legislators, the heart and soul of the Sagebrush Rebellion, backed away June 4 from a proposal to sell massive tracts of public lands to private interests.

The Nevada Select Committee on Public Lands adopted a resolution endorsing the sale of public lands around communities, land-locked tracts, checkerboard lands, and lands that could be managed better in private hands, said Dean Rhoads, a Nevada legislator who is running for Congress this year.

Referring to a proposal by White House Economist Steve Hanke, smiled on by Sen. Paul Laxalt (R-Nev.), to sell to private interests (privatize) as much as 155 million acres of public grazing land, Rhoads said, "We're greatly concerned that privatization means massive land sales. We are opposed to that."

Rhoads said ranchers are worried they would not receive first crack at grazing lands they now hold permits and leases on. He said the possibility of the lands being sold to the highest bidder is "very scary for us."

"We don't know if we can trust the Congress and the President to hold the line for ranchers," said Rhoads. "Many ranchers would be hard pressed to buy those lands at any price right now."

The Nevada Select Committee on Public Lands has been instrumental in creating the Sagebrush Rebellion. When talk circulated earlier this year of an idea to sell massive tracts of public land to private interests, many sagebrush rebels turned to privatization as a substitute for transfer of federal lands to states.

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Suggested Legislation

BDR 17-22 - Revises provisions governing
legislative committee for review of federal
regulations.....

SUMMARY--Revises provisions governing legislative committee for review of federal regulations. (BDR 17-22)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

AN ACT relating to the state legislature; revising provisions governing the legislative committee for the review of federal regulations; renaming the committee; expanding its membership; adding to its powers and duties; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 218 of NRS is hereby amended by adding thereto a new section which shall read as follows:

The committee shall:

1. Actively support the efforts of state and local governments in the western states regarding public lands and state sovereignty as impaired by federal ownership of land.
2. Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands.
3. Support legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands.

Sec. 2. NRS 218.536 is hereby amended to read as follows:

218.536 The legislature finds and declares that :

1. Policies and issues relating to public lands and state sovereignty as impaired by federal ownership of land are matters of continuing concern to this state.

2. This concern necessarily includes an awareness that all federal statutes, policies and regulations which affect the management of public lands are likely to have extensive effects within the state and must not be ignored or automatically dismissed as beyond the reach of the state's policymakers.

3. Experience with federal regulations relating to public lands has demonstrated that the State of Nevada and its citizens are subjected to [federal] regulations which sometimes are unreasonable, arbitrary, beyond the intent of the Congress or the scope of the authority of the agency adopting them and that as a result [certain federal] these regulations should be subjected to legislative review and comment, and judicially tested where appropriate, to protect the rights and interests of the [State of Nevada] state and its citizens.

4. Other western states where public lands comprise a large proportion of the total area have shown an interest in matters relating to public lands and those states, along with Nevada, have been actively participating in cooperative efforts to acquire, evaluate and share information and promote greater understanding of the issues. Since Nevada can both contribute to and benefit from such interstate activities, it is appropriate that a committee on matters relating to public lands be assigned primary responsibility for participating in them.

Sec. 3. NRS 218.5361 is hereby amended to read as follows:

218.5361 As used in NRS 218.5361 to 218.5371, inclusive, and section 1 of this act, "committee" means the legislative committee [for the review of federal regulations.] on public lands.

Sec. 4. NRS 218.5363 is hereby amended to read as follows:

218.5363 1. There is hereby established a legislative committee [for the review of federal regulations] on public lands consisting of [four members. The chairman of the legislative commission shall designate two senators and two assemblymen as members of the committee.] three members of the senate, three members of the assembly and one elected official representing the governing body of a local political subdivision, appointed by the legislative commission with appropriate regard for their experience with and knowledge of matters relating to public lands. The members who are state legislators must be appointed to provide representation from the various geographical regions of the state.

2. The members of the committee shall [elect] select a chairman [who shall be an assemblyman in odd-numbered years and a senator in even-numbered years. If a vacancy occurs on the committee, the chairman of the legislative commission shall appoint a new member from the same house as the committee member whose position is vacant.] from one house of the legislature and a vice chairman from the other. After the initial selection of a chairman and a vice chairman, each such officer shall hold office for a term of 2 years commencing on July 1 of each odd-numbered

year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the committee shall select a replacement for the remainder of the unexpired term.

3. Vacancies on the committee must be filled in the same manner as original appointments.

Sec. 5. NRS 218.5365 is hereby amended to read as follows:

218.5365 1. The members of the committee shall meet throughout each year at [such] the times and [at such] places [as shall be] specified by a call of the chairman or a majority of the committee. The director of the legislative counsel bureau shall act as the nonvoting recording secretary. The committee shall prescribe regulations for its own management and government. [Three] Four members of the committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the committee.

2. The members of the committee who are state legislators are entitled to receive a salary of \$80 and the subsistence allowances and travel expenses provided by law for each day of attendance at a meeting of the committee and while engaged in the business of the committee.

3. The member of the committee who represents a local political subdivision is entitled to receive the subsistence allowances and travel expenses provided by law for his position for each day of attendance at a meeting of the committee and while engaged in the business of the committee, to be paid by his local political subdivision.

Sec. 6. NRS 232.151 is hereby amended to read as follows:

232.151 1. The state multiple use advisory committee on federal lands, consisting of members appointed by the governor, is hereby created within the division of state lands of the department.

2. The committee shall:

(a) Consult with and solicit the advice of public and private users of land within this state which is under the jurisdiction of the Federal Government.

(b) Advise agencies of this state and of the Federal Government of the effect of the agencies' programs or regulations on the users of the land.

(c) Cooperate with the state land use planning advisory council to determine problems of the users of the land.

(d) Advise the legislative committee on public lands of its activities and those matters which may require consideration by that committee.

Sec. 7. The persons initially selected as chairman and vice chairman of the legislative committee on public lands shall serve terms commencing on the date of their selection and ending June 30, 1985.

Sec. 8. This act shall become effective upon passage and approval.