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**TESTIMONY OF BOB ABBEY
NEVADA STATE DIRECTOR
BUREAU OF LAND MANAGEMENT
BEFORE THE
ASSEMBLY NATURAL RESOURCES, AGRICULTURE
AND MINING COMMITTEE**

MAY 12, 2003

Good afternoon, Mr. Chairman and members of the Committee. For the record, my name is Bob Abbey and I am the Nevada State Director for the Bureau of Land Management. Thank you for the opportunity to come and testify before you today on Senate Bill 76, a bill that would revise the provision governing the acquisition of water rights on public grazing lands for the purpose of watering livestock.

As many of you know, during the interim, the permanent committee on public lands worked on this issue to develop a bill that would address the ruling of the Nevada Supreme Court and I applaud them for their effort and hard work. SB 76, as introduced, would allow for joint application for the appropriation of water for the purpose of watering livestock. The BLM manages the public lands in Nevada for many uses, including livestock, wildlife habitat and wild horses and SB 76, as introduced, would provide the greatest flexibility for long-term management of the public rangelands.

As we all know, livestock gathers where there is water. Finding a solution to this problem is important because it will allow the BLM and ranchers to work together to develop water sources away from streams. Dispersing grazing across the range makes better use of the available forage, and relieves pressure from streambeds to allow riparian areas to function properly.

Currently, the Bureau is in the process of revising its federal grazing regulations in order to promote more effective partnerships with grazing permittees and all who care about public rangeland. Four national scoping meetings have been held, including one in Reno in March, to hear concerns and suggestions. A major change being considered is to reinstate an earlier provision that allows the BLM and a grazing permittee to share title of certain range improvements, including water developments.

A companion initiative to the rule change proposal is a policy initiative that aims to improve management flexibility, so that we can work with livestock operators and other interests to try some innovative approaches to improve the public rangelands. One of the public workshops was held in Winnemucca on April 24th where the envisioned policy concepts were discussed and citizens were given an opportunity to provide testimony.

Both of these policy changes have the potential to greatly improve and change the way the BLM does business in Nevada.

The Bureau is a public lands agency committed to managing the range for multiple use. Grazing, when properly managed is an important and legitimate use of public lands. The BLM is committed to working in partnership with all users, including livestock producers, to manage the public rangelands. We have many success stories across the state that

illustrate the good work that results from these partnerships. The BLM, in partnership with the livestock producers, can work together to develop the necessary water sources to benefit the public rangelands.

I commend the Chairman and Sen. Rhoads for looking for a way to resolve this issue so we can get back on the range and get stalled water developments underway. This is not an easy task. The bill before you today, SB 76, as amended, would make it difficult for the BLM to do the job it is mandated to under federal regulations.

If I understand the amendment correctly, the BLM would be prevented from holding water rights jointly with producers on public lands unless it owns livestock. This has the potential of creating a hardship on the ranching industry in Nevada as well as on land managers. It is also inconsistent with the Bureau's current regulations and policies regarding water development on public lands. When taxpayers' money is expended on water development, the BLM has a fiduciary responsibility to the public to protect the investment.

The Department of the Interior's position is to comply with state water law. We hope any law that is enacted is fair to all users, including the agencies that manage public lands where the water development is proposed. BLM Director, Kathleen Clarke, and I are committed to working with the ranchers to manage the rangeland and water systems to benefit livestock as well as wildlife, wild horses, and protect habitat.

Thank you for holding this hearing and giving me the opportunity to provide testimony today. I'd be happy to answer any questions you might have.