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APR 14 2003



United States Department of the Interior

Bureau of Land Management

Nevada State Office
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Reno, Nevada 89520-0006
<http://www.nv.blm.gov/>

In Reply Refer To:
7250 (NV-912)

The Honorable William J. Raggio
Nevada State Senate Majority Leader
Capitol Complex
401 South Carson, Room 1222
Carson City, Nevada 89701

APR 11 2003

Dear Senator Raggio:

I would like to express my concern about Senate Bill No. 76 (S.B. 76), as amended, which was passed out of the Senate Committee on Natural Resources April 7, 2003. As a federal land manager, I recognize the Nevada State Legislature's right and responsibility for crafting and passing legislation, and I would not presume to question state sovereignty. Unfortunately, the Bureau of Land Management (BLM) cannot support the bill as amended and passed by the Committee, and I ask that this letter be made a part of the permanent record.

The BLM supports S.B. 76, as introduced, which allowed for joint application for appropriation of water for the purpose of watering livestock and would have provided BLM the ability to work in partnership with ranchers to manage livestock grazing on public lands. On March 31, 2003, I testified in support of S.B. 76 because it reflected good compromise language that would allow us to manage the public lands as we are mandated to under federal statutes.

As you may recall, a bill was enacted during the 1995 legislative session that prohibited the BLM from holding individual water rights for livestock watering. That language is found in NRS 533.503. A lawsuit was filed in the State District Court, and the law was ultimately determined by the Nevada Supreme Court to be unconstitutional. This litigation was very costly to the State and the BLM, stopped many water development projects, and resulted in the BLM protesting new applications for stockwatering permits. As a result, during the interim, the permanent Public Lands Committee, chaired by Senator Rhoads, tackled this problem and worked diligently to draft language that was an acceptable compromise to NRS 533.503. Although the interim compromise did not allow the BLM to hold individual stockwater rights as it had under previous State water law, it did allow for joint filing, which we favored.

If S.B. 76, as amended, becomes law, it would create a hardship on the ranching industry in Nevada as well as on land managers. Once again, the BLM would be excluded from holding an interest in the water on lands we manage in trust for all Americans. The BLM likely would again be forced to place a moratorium on authorizing new water developments on public lands and to protest new stockwater filings in compliance with federal grazing regulations. Constrained by our inability to develop new water sources and facing the prospect of continued drought conditions, it also is likely that we would have to reduce permitted grazing in areas impacted by drought and fire to preserve long-term range productivity and to meet our resource management mandates under federal law.

EXHIBIT C Committee on Natural Resources/Fac.

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I believe that we all share the same objective -- healthy and productive rangelands that support livestock grazing and provide habitat for wildlife and wild horses. S.B. 76, as amended, will not allow us to achieve this objective. Reluctantly, this may again end in litigation, which will be costly and continue to divert scarce funding from work on the ground to improve the range, develop water resources and distribute livestock more evenly across the rangeland.

Ranching is deeply rooted in Nevada's history and culture, and livestock grazing, where appropriate and properly managed, is an entirely legitimate use of the public rangelands. I urge you to consider a law that will allow the BLM and livestock operators to work together to improve the rangelands and sustain the industry, rather than a law that will result in costly delays to the resolution of livestock watering and distribution issues. S.B. 76, as introduced, would accomplish this.

The BLM has many success stories in Nevada working with many different users, including the livestock and ranching industry. I am committed to working with all concerned toward the benefit of the public lands in Nevada. I would be glad to discuss this legislation with you and Senator Rhoads. I can be reached at 775-861-6590. Thank you for your consideration.

Sincerely,

ROBERT V. ABBEY
Robert V. Abbey
State Director, Nevada

cc:

The Honorable Dean Rhoads
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Carson City, NV 89701

The Honorable Tom Collins
Chair, Assembly Committee on Natural Resources, Agriculture and Mining
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The Honorable Kenny Guinn
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