

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON NATURAL RESOURCES, AGRICULTURE,
AND MINING**

**Seventy-Eighth Session
March 31, 2015**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Robin L. Titus at 1:31 p.m. on Tuesday, March 31, 2015, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada, and to Room 120, High Tech Center, Great Basin College, 1290 Burns Road, Elko, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website: www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video record of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Robin L. Titus, Chair
Assemblyman Jim Wheeler, Vice Chair
Assemblyman Nelson Araujo
Assemblywoman Maggie Carlton
Assemblyman Richard Carrillo
Assemblywoman Victoria A. Dooling
Assemblyman Chris Edwards
Assemblyman John Ellison
Assemblyman David M. Gardner
Assemblyman Ira Hansen
Assemblyman James Oscarson
Assemblywoman Heidi Swank

COMMITTEE MEMBERS ABSENT:

None



GUEST LEGISLATORS PRESENT:

Assemblywoman Michele Fiore, Assembly District No. 4

STAFF MEMBERS PRESENT:

Susan Scholley, Committee Policy Analyst
Jered M. McDonald, Senior Research Analyst
Jim Penrose, Committee Counsel
Donna J. Ruiz, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Matt Shea, State Representative, 4th Legislative District, Spokane Valley, Washington
Ammon Bundy, Private Citizen, Bunkerville, Nevada
Jacob Findlay, Private Citizen, Phoenix, Arizona
Geoffrey Lawrence, Private Citizen, Carson City, Nevada
Steve Winn, Director, Client Services, Avannis, LLC, Denver, Colorado
Russell Best, Private Citizen, Stagecoach, Nevada
Wayne Hage, Private Citizen, Tonopah, Nevada
Cliff Gardner, representing Rural Heritage Preservation Project, Ruby Valley, Nevada
Charles Horne, Private Citizen, Mesquite, Nevada
Sam Bushman, Vice President, Operations, Constitutional Sheriffs and Peace Officers Association, Higley, Arizona
Bobby Franklin, Daydream Land and Systems Development Company, Laughlin, Nevada
Mel Bundy, Private Citizen, Round Mountain, Nevada
John Ridgeway, Private Citizen, Las Vegas, Nevada
Alisa Bistrek, Private Citizen, North Las Vegas, Nevada
Chris Harold, Private Citizen, Clark County, Nevada
Jim Sallee, Private Citizen, Clark County, Nevada
Yvonne Sweeten, Private Citizen, Henderson, Nevada
Frances Deane, Private Citizen, Clark County, Nevada
Donna Cox, Nye County Commissioner, Pahrump, Nevada; and President, Concerned Citizens for a Safe Community, Pahrump, Nevada
Bob Clifford, Coordinator, Fallon Tea Party, Fallon, Nevada
Rick Dalton, Executive Vice President, Legislative Liaison, Constitutional Sheriffs and Peace Officers Association, Higley, Arizona
Bruce Olsen, Private Citizen, Overgaard, Arizona
James Thompson, Private Citizen, Clark County, Nevada

Angel Peña, Private Citizen, Clark County, Nevada

John Hiatt, Conservation Chair, Red Rock Audubon Society, Las Vegas, Nevada

Terri Robertson, Private Citizen, Las Vegas, Nevada

Lynn Davis, Nevada Senior Program Manager, National Parks Conservation Association

Nancy Gentis, Private Citizen, Clark County, Nevada

Dolly Rowan, Private Citizen, Las Vegas, Nevada

Paul Aizley, Private Citizen, Las Vegas, Nevada

Jesy Simons, Private Citizen, Las Vegas, Nevada

Howard Booth, Private Citizen, Boulder City, Nevada

Kyle Davis, representing Nevada Conservation League

Anne Macquarie, Chair, Legislative Committee, Toiyabe Chapter, Sierra Club

Loretta Low, Private Citizen, Washoe Valley, Nevada

Margaret Flint, representing Nevadans for Responsible Wildlife Management

Kay Scherer, Deputy Director, State Department of Conservation and Natural Resources

James Lawrence, Special Advisor to the Director, State Department of Conservation and Natural Resources

Joe Bryan, Cultural Monitor for Washoe Pine Nut People of Nevada Tribe, Carson City, Nevada

Jaina Moan, Executive Director, Friends of Gold Butte, Mesquite, Nevada

Shaaron Netherton, Executive Director, Friends of Nevada Wilderness, Reno, Nevada

Karen Boeger, Private Citizen, Washoe Valley, Nevada

Dave Cencula, Private Citizen, Sparks, Nevada

Ryan Bundy, Private Citizen, Bunkerville, Nevada

Weldon Travis, Private Citizen, Rough and Ready, California

Holly Hansard, Private Citizen, Weed, California

Trebor Gibson, Private Citizen, North Las Vegas, Nevada

Jim Jacobs, Private Citizen, Rough and Ready, California

Bonnie McDaniel, Private Citizen, Las Vegas, Nevada

Donald Cox, Private Citizen, Pahrump, Nevada

Linda Sanders, Private Citizen, North Las Vegas, Nevada

Jackie Stroud, Private Citizen, Carson City, Nevada

Chair Titus:

[Roll was taken. Committee policies and procedures were explained.] We are broadcasting to Las Vegas and Elko and there are multiple overflow rooms. We will try to be polite and on time. If you are going to speak, please leave

your information with our secretary. We are going to start with an overview of the interim Legislative Committee on Public Lands which will be presented by Jered McDonald from the Research Division of the Legislative Counsel Bureau.

Jered M. McDonald, Senior Research Analyst, Research Division, Legislative Counsel Bureau:

I was the lead staff person to the Legislative Committee on Public Lands in the recently completed 2013-2014 Interim. I am here to provide you with a brief history of the Legislative Committee on Public Lands and an overview of the activities of the Committee in the last interim. Before I start, I would like to recognize three of your members who served on the Public Lands Committee: Assemblywoman Carlton, who also served as chair in a previous interim; Assemblyman Ellison; and Assemblyman Hansen. I invite you to comment on the Committee or any part of my review.

To provide a little background, the Legislative Committee on Public Lands is a permanent committee of the Nevada Legislature. It was officially created in 1983, making it one of the oldest interim committees of the Legislature. Senate Bill No. 33 of the 62nd Session consolidated two existing committees: the Legislative Committee for the Review of Federal Regulations, which were regulations particular to public lands, and a select committee on public lands. Both committees were started in the mid- to late 1970s. A couple of reasons contained in the legislative record from 1983 for the creation of the committees included the high percentage of Nevada's land area controlled by the federal government, and that a committee composed of elected officials has more clout and influence than appointed advisory committees or agency administrators. It can also be expected to more consistently represent the prevailing interests of the state and its citizens.

The legislative findings, duties, and powers regarding the Committee on Public Lands are set forth in statute in *Nevada Revised Statutes* (NRS) 218E.500 through 218E.535. The Committee's duties generally include reviewing and commenting on existing and proposed laws and policies and regulations affecting federally managed lands in Nevada. It provides an avenue for the Legislature to engage with citizens and stakeholders when the Legislature is not in session. It also provides for a forum for the discussion of matters relating to the conservation, disposal, management, preservation, and use of public lands with federal, state, and local officials, representatives of special interest organizations, and others.

The Committee is currently composed of four members of the Senate, which for this interim included Senators Ford, Goicoechea, Gustavson, and Parks. It is also made up of four members of the Assembly, which

included Assemblymen Aizley, Carlton, Ellison, and Hansen. It also included one elected officer representing local government; for this last interim it was Commissioner Tom Collins from Clark County. The members must be appointed with regard to their knowledge and experience with public lands matters and also represent the various geographical regions of the state.

The subject matter of the Legislative Committee on Public Lands is exceptionally broad. Just for a small sample, from recent years the Committee has considered matters relating to general forestry and range subjects, agriculture, conservation, endangered species, fire, invasive weeds, livestock grazing, pinyon-juniper woodlands, and wild horses and burros.

The Committee has also considered resources closely associated with the public lands: air, archeological and cultural resources, energy, minerals and mining, and recreation, including off-highway vehicles and hunting and fishing.

Additionally, the Committee has reviewed subjects related to infrastructure and public services in rural Nevada: roads; small water systems; solid waste management; economic development; land use planning and zoning; military uses of the land; revenue sharing from projects on public land; special designations like wilderness areas and national monuments; and travel management plans put together by the U.S. Forest Service, U.S. Department of Agriculture.

Since the passage of Senate Bill No. 216 of the 72nd Session, the Committee has reviewed the activities of the Colorado River Commission and the state's water authorities, districts, entities, and systems.

That is just a small sample of the issues from recent years. You can imagine how broad those issues would be from the last 30-plus years.

Unlike most interim committees that meet in Carson City and Las Vegas during the interim, the Committee on Public Lands traditionally holds its meetings in rural locations of the state. Up until 2007, the committee routinely traveled to Washington, D.C., each interim to meet with Nevada's congressional delegation, federal agency representatives, and national organizations such as the National Mining Association and the National Cattlemen's Beef Association. During the 2013-2014 Interim, the Committee held six public meetings. Four of those meetings were held in rural Nevada in the towns of Elko, Ely, Tonopah, and Winnemucca. The Committee also met in Carson City and Las Vegas.

The Committee received and discussed reports from federal land management agencies including the Bureau of Land Management (BLM), U.S. Department of the Interior; U.S. Forest Service, U.S. Department of Agriculture; U.S. Fish and Wildlife Service, U.S. Department of the Interior; and Nellis Air Force Base north of Las Vegas. Eight counties provided updates on their issues with public lands: Carson City, Clark, Elko, Esmeralda, Eureka, Lincoln, Nye, and White Pine. The Committee heard from nine water authorities, agencies, and districts. They also received testimony from a number of state agencies, including the Divisions of Environmental Protection, Forestry, State Lands, and Water Resources of the State Department of Conservation and Natural Resources; the State Department of Agriculture; the Department of Wildlife; and Nevada's Division of Minerals. They also heard from numerous interest groups, including the Nevada Mining Association and the Nevada Farm Bureau Federation.

Unique to this interim, the Committee on Public Lands received numerous updates from the Nevada Land Management Task Force, which was created by Assembly Bill No. 227 of the 77th Session. The point of the bill was to report on matters relating to the transfer of federal lands to the state. The Committee did receive the Task Force's final report on August 1, 2014, which is included in the Legislative Committee on Public Lands' final bulletin. In addition, the Committee received reports and discussed topics affecting Nevada's public lands, including an environmental assessment conducted by the Elko District Office of the BLM last spring entitled "Management and Mitigation For Drought Impacted Rangelands"; the Crescent Dunes Solar Energy Project; the funding structure for firefighting efforts on public lands in Nevada; and fire suppression programs and efforts for the 2014 fire season.

In addition to the meetings, the Committee attended a few educational tours in its time out in rural Nevada. In Winnemucca, they visited Winnemucca Farms and learned quite a bit about the challenges of farming in an arid state. For its meeting in Elko, they visited Susie Creek Ranch to see on-the-ground range management practices following a fire and what they are doing with invasive plant species. In Tonopah, they toured the Crescent Dunes Solar Energy Project, and in Ely, the Committee took a tour provided by the Forest Service to see their efforts to control the spread of pinyon-juniper stands that are encroaching on the sagebrush habitat.

In its final meeting in Carson City, the Committee approved 19 proposed actions for legislation, Committee letters, and statements related to the topics of the greater sage grouse, general public lands issues, wild horses, grazing, water resources, and wildfire suppression. For a complete review of the Committee's activities and recommendations, you can see an electronic version of the

"Legislative Committee on Public Lands Bulletin No. 15-7" ([Exhibit C](#)) on the Legislature's website. You can also contact the Legislative Counsel Bureau Research Library to review the Committee's work from this interim and all previous interims.

That is a very brief summary of the activities of the Public Lands Committee from this last interim. I would be happy to answer any questions.

Chair Titus:

I am going to ask a few Committee members to speak, and I will turn it over to Assemblywoman Carlton first.

Assemblywoman Carlton:

You cannot talk about public lands in this building without talking about Senator Dean Rhoads. He was the impetus behind the Public Lands Committee doing all the good work it did for some 20 years. He was the only chair we had for a number of years and even though the chair does rotate from house to house, he was so well respected by both parties that he chaired it for a very, very long time. I was honored to be the second person ever to chair the Public Lands Committee. We really cannot discuss all the good work this Committee has done without thanking Senator Rhoads for his commitment to the state and to these issues. I just wanted to make sure that was on the record.

Assemblyman Ellison:

We passed Assembly Bill No. 227 of the 77th Session, which created a study group to address the land transfer back to the state of Nevada. That group, the Nevada Land Management Task Force, with membership from 17 counties, met and came up with some recommendations and a good working resolution. It is Senate Joint Resolution 1. Senator Goicoechea, Assemblymen Hansen and Oscarson, and I sponsored Assembly Bill No. 227 of the 77th Session along with others and now S.J.R. 1 will be heard tomorrow. If that passes, it will come back to this house and when it does, it will go to Washington, D.C. This is a major bill for public lands, ranching, agriculture, and hunting.

There were so many good things that came out of the Public Lands Committee. They also addressed the problem of predators. Sage grouse and other species are coming up on the endangered species list and we have to address the problem. A lot of the problem is predator control. This Committee has passed a resolution; it is in the Senate now and it will try to get Washington, D.C., to remove the ravens from the list of birds protected by the Migratory Bird Treaty Act.

We are hoping that when Senate Joint Resolution 1 comes out, it will protect the rights of the people, ranching, hunting, and agriculture all across the state. It is a great bill and we did a lot of work on this for several years. I think everything to do with public lands in the future will be addressed by this bill.

Assemblyman Hansen:

I have served twice on the Public Lands Committee. The first time I served was when Assemblywoman Carlton was a brand new chairwoman. I have to admit I was pretty worried about that, but I must say, by the time that Committee was done, it was clear that she not only did an excellent job directing the Committee but she was very open-minded and fair. I thought the letters that we sent, especially the ones to the various federal agencies, were extremely well done. They addressed very real and serious problems that we have in rural Nevada dealing with federal issues. I just wanted to get on the record that Assemblywoman Carlton did an excellent job as chair of the Public Lands Committee. It was a pleasure serving with you.

Chair Titus:

I would like to thank Mr. McDonald for the good overview of where we started and where we are presently. I will now open the hearing on Assembly Bill 408. The folks who are here today, and in the two overflow rooms and in Las Vegas and in Elko, are here because of one thing—we love Nevada. No matter how you feel about how to best manage Nevada, please remember that we are all here for the same reason. I appreciate everyone taking time to be here because it shows that you care. I would like to add that there is other testimony and proposed amendments on the Nevada Electronic Legislative Information System. Would the sponsor of the bill please come forward.

Assembly Bill 408: Enacts provisions governing the acquisition and use of certain public lands. (BDR 26-1060)

Assemblywoman Michele Fiore, Assembly District No. 4:

Good afternoon, Madam Chair, Committee members, and fellow Nevadans. I am going to stick to my notes (Exhibit D) so that we can make this brief. I want to thank Chair Titus for giving me the opportunity today to present Assembly Bill 408, the Nevadans' Resource Rights Act. I brought this bill before you today because I, as an elected official, believe it is our responsibility to represent and protect the entire state of Nevada, not just the 16 percent of our state that our federal government has allowed us to govern.

Eighty-four percent of the land in our state is owned and controlled by the federal government, according to the federal government. The court of public opinion has changed and it is time for the state to take up this issue and stop leaving our Nevadans to stand alone against the federal government. It is simple—the land belongs to the people.

Before we get into the bill, I would like to talk about the elephant in the room. I am sure that each of you has received this legal opinion ([Exhibit E](#)) from the Legislative Counsel Bureau that the *Constitution of the State of Nevada* does not mean what it says. I have Representative Matt Shea of the 4th Legislative District, Spokane Valley, Washington, on the telephone who will speak once I am finished presenting the sections of this bill. He will go over some of the constitutionality of what we received.

I ask you, if the Supremacy Clause gives the federal government complete authority over Nevada, then explain to me how we legalized medical marijuana just two years ago; how we have stopped Yucca Mountain with two state statutes; how we have enacted the Adam Walsh Child Protection and Safety Act; and how, in 2007, we were supposed to enact the Real ID Act of 2005, which we still have not, and as we do this year, it is by choice.

Article 2 of the *Arizona Constitution* has basically said they were not going to abide by certain federal rules, and Kansas enacted a Second Amendment Protection Act to ban anything that infringes upon our Second Amendment rights. Along with the few that I mentioned, I actually printed out about 122 more ([Exhibit F](#)).

Western states are looking for leadership, and Nevada is in the best possible position to provide true leadership. It is our job to protect our citizens. We need only to look at Yucca Mountain. We, as a state, should have started receiving nuclear waste in the mid-1990s based upon a bill that Congress passed in the 1980s. We have blocked it in defiance of the federal government for over 30 years. It is our job again to protect citizens that have elected us to protect them. With that thought in mind, Assembly Bill 408 is the most supported bill on our legislative website.

I will go through the sections of the bill now. I want to make sure that all Committee members understand that this bill is a rough draft. When I say it is a rough draft, it is open to many amendments and changes to make it right for all Nevadans and all parties.

Section 1 of this bill simply states that sections 2 through 8 will be added to NRS Chapter 321. Section 2 defines "public lands" in Nevada.

Section 3 states that the federal government may only own and manage land and resources within the state of Nevada that were lawfully acquired and used as outlined in Article I, Section 8, Clause 17 of the *U.S. Constitution*. Any land, water, or other resources not constitutionally obtained by the federal government belong to the citizens of Nevada. In addition, this section explicitly protects the people's right to have access to public lands and further protects the landowners' rights to the natural resources on their property. Some of the issues all Nevadans have is when we purchase a house or a piece of property, we do not own it. It is kind of like the Beverly Hillbillies. If I go into my backyard and my grandson starts digging and strikes oil, it is not mine. We would not be going to Beverly Hills with that. My horse trainer used to race in Caliente but now it is all blocked off. The federal government will not allow him to race anymore in that area. I can go on and on, but all of you are familiar with what has been going on.

Section 4 requires regulations be adopted to allow rights currently in use to be registered with the State Land Registrar. This section sets up a system by which miners, ranchers, loggers, and other beneficial users can gain title to their rights instead of begging the federal government for permission to lease those rights.

Section 5 would require the State Land Registrar to publish a list of available rights for public notification to allow initial creation of the registry. Section 6 creates a procedure by which a person may protest the claim of another based upon the prior appropriation or prior beneficial use of the right and further allows the Attorney General to defend this act. Section 7 sets up a process by which a person can obtain a permit for beneficial use and eventually ownership of unclaimed rights that are currently held in common by the people of Nevada. Section 8 imposes a tax on the beneficial use of Nevada's resource rights.

As I mentioned, we are allowed to govern 16 percent of our state. The other 84 percent we receive less than 1 percent of property taxes which they call Payments in Lieu of Taxes (PILT). Sections 9 through 10 include the provisions of this act into existing NRS. Section 11 makes this act effective July 1, 2015.

I would like Representative Matt Shea, from Washington State, who is an attorney, to speak now on the constitutionality of this bill.

Matt Shea, State Representative, 4th Legislative District, Spokane Valley, Washington:

I am the cofounder of the Coalition of Western States, an informal group of 30 state legislators from six Western states, dedicated to protecting the property rights of citizens in the West. I am also a constitutional attorney by profession, and I have been asked to comment briefly on Assembly Bill 408.

I applaud the work you are doing in Nevada to reclaim what was intended to be, and is, as a matter of right, Nevada's state land. I want to brief three main points today. First, the federal government has failed to live up to its constitutional and historically established obligations. Specifically, A.B. 408 would reaffirm and enforce *United States Constitution*, Article I, Section 8, Clause 17. This very clearly and unequivocally states that Congress has the authority over all places purchased by the consent of the legislature of the state in which the same shall be for the erection of forts, magazines, arsenals, dockyards, and other needful buildings. It is very clear that vast swaths of land clearly fall outside the plain language of that provision.

Furthermore, in 1996 the people of the state of Nevada affirmatively voted by a margin of 56 percent to amend the *Constitution of the State of Nevada* by removing what is called the disclaimer clause, giving the federal government all rights over unappropriated lands and thus transferring those same lands to Nevada. The federal government has ignored this for the people for over 19 years, and this is an affirmative vote of nonconsent under *U.S. Constitution*, Article I, Section 8. Also Article IV, Section 3, Clauses 1 and 2 of the *U.S. Constitution* lay out what has come to be known as the equal footing doctrine. States are admitted and must continue to be treated on equal footing. The U.S. Supreme Court case *Pollard's Lessee v. Hagan*, 44 U.S. 212 (1845), confirmed that this principle also applies to the contraction of states' sovereignty. Another Supreme Court opinion, *Coyle v. Smith*, 221 U.S. 559 (1911), further confirmed the equality between states means not less or greater or different in dignity or power. Both of these cases were reaffirmed in a 2013 Supreme Court case, *Shelby County v. Holder*, 570 U.S. ____ (2013).

I would also mention that at the very inception of our country, it was laid out by our founding fathers very clearly what states were supposed to do versus what the federal government was supposed to do as part of its sovereignty. *Federalist Papers* No. 45 very clearly states that each of the principal branches of the federal government will owe its existence more or less to the favor of the state governments:

The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State.

The federal government also knows this extends to the ownership and management of state lands, as Representative Ken Ivory from Utah and the American Lands Council showed this conclusively. In 1924, the *Constitution Annotated*, which was ordered by Congress for Congress, states that rights acquired by a state are on equal footing with the old states. "The right of every new state to exercise all powers of government which belong to and may be exercised by the original states of the Union must be admitted and remain unquestioned except so far as they are temporarily deprived of control over the public lands." That very conclusively shows that the federal government knew and does know today that that temporary control was supposed to be exactly that, temporary over public lands.

I would also mention that most enabling acts of those same states in the western United States contain language similar to "disclaim until extinguish title." That means, by the federal government they will extinguish title or transfer those lands back to the states. This is a very well acknowledged body of law. I will also give the example of Washington State, North Dakota, South Dakota, and Montana, which came into the Union under the same enabling act. Right now, North Dakota only has 3 percent federally owned land, South Dakota only has 5 percent, and Washington State and Montana only have 30 percent federally owned land. What is the difference? In Nevada it is over 80 percent.

It is beyond dispute that the most practical way for our sovereignty to be protected as a state is through land management, and specifically, that will make us on equal footing if our lands are treated the same. The only way that can happen is if the state owns the lands. Assembly Bill 408 restores the balance, because the federal government will not. Assembly Bill 408 is also not asking anymore nor waiting around for the federal government to act.

Some have challenged the constitutionality of that. I would point those people to three U.S. Supreme Court cases over the last 20 years: *New York v. United States*, 505 U.S. 144 (1992); *Printz v. United States*, 521 U.S. 898 (1997); and also the recent Obamacare decision [*Nat'l Fed'n of Indep. Bus. v. Sebelius*, 567 U.S. ____ (2012)], which actually confirmed that

there is doctrine called anti-commandeering which makes it so the federal government cannot force a state to enact or enforce a federal regulatory scheme. *Printz* in particular goes further. It states very clearly that we live in a republic where there is a system of dual sovereignty and it is actually the duty of the states to check the federal government when it overreaches and goes beyond its sovereign boundaries. I also want to state that in *Printz*, Justice Scalia was very clear that a law is only constitutional if it is constitutional and then it becomes the supreme law of the land. To put it another way, it is only the supreme law of the land if it is constitutional.

It is well settled that the federal government is also an agent of the state and not the other way around. That means very clearly that the federal government is not the final arbiter of what or what is not constitutional in our system of dual checks and balances. Lastly, I would say that it is the state of Nevada's duty, just as it is the state of Washington's duty, to protect the rights of every citizen. That has not occurred regarding the federal management of land in our respective states. I will reference a 104-page opinion, [*United States v. Estate of Hage*, No. 2: 07-cv-01154-RCJ-VCF (D. Nev. May 23, 2013)], written by Judge Robert C. Jones, which said there was a "literal, intentional conspiracy to deprive the Hages not only of their permits, but also of their vested water rights." That judge went on to refer the U.S. Forest Service of the U.S. Department of Agriculture, and the Bureau of Land Management (BLM) of the U.S. Department of the Interior, for racketeering, mail fraud, and extortion charges. That case then went to the U.S. Court of Federal Claims, where even though that Claims Court upheld the principles that Judge Robert C. Jones laid out in that 104-page opinion, it said no damages would be awarded. That means that every citizen in our state, even though they are right on the constitutionality of a law and right on how they use their property, they have no recourse. Therefore, it is the job of the state to step in and make sure that our citizens are protected. It is indeed constitutional to take our lands back in the West, and I would thank you for hearing my testimony today. I am available for any questions.

Assemblyman Wheeler:

I do not believe the federal government should own one inch of land in Nevada. That said, what is the best way to accomplish it? Based upon what you just said, the federal government's control of the land in Nevada was supposed to be temporary. Who defines temporary? To God, that is the blink of an eye; to us, that is a thousand years. Who is defining that? We have 150 years of precedent of the federal government controlling 85 percent of the land in Nevada. Will that precedent go into a court case if it comes up? Obviously, if this bill passes, it is going to court. Would that precedent be considered in a court case as well, and will it be weighed heavily?

Matt Shea:

Actually, I would counter with this; the definition of what temporary means is what the historical precedent has been and what they originally meant. What they meant was that the federal government would hold title to those lands until the state government could be large enough and effective enough to take over control of those lands. That was at the determination of the state government whether it was large enough in its effectiveness to take over control of the state lands. I think that answers your first question. Regarding the second question as far as precedent is concerned, the precedent actually has been for the federal government and the rest of the states outside of the West to turn control back over to the states, as in my example with North Dakota and South Dakota, where they only have 3 and 5 percent, respectively, owned by the federal government. The question is what has made the Western states any different? The answer is the title has not been extinguished and the federal government has failed to live up to its obligations. I would lastly add that, yes, this probably will go to court and this will be a groundbreaking case when it does. It is clear, and I do not think anyone refutes the fact, that states are better managers of land than the federal government, and that the founding fathers very clearly intended that government closest to the people should manage those properties closest to the people.

Assemblyman Ellison:

There are several of us who try to go to all of the meetings we can in Utah with Ken Ivory and the American Lands Council. We have been working on this for several years. Assemblyman Hansen and I have been to those meetings. Senator Goicoechea and I both belong to the Western Counties Alliance, working on the sage grouse and other issues.

All the Western states are coming on board and forming groups. They are saying this is wrong; we have been in this battle for years, and if we are going to survive and these states are going to survive, we have to manage our own lands. We are staying involved with these public lands issues. The only way we can do this, I think, is with numbers and powers and then we will have a better shot of winning. However, it will end up in court like you said.

Matt Shea:

I concur wholeheartedly with your sentiments. On the property tax issue, the fact that federal lands in nonuse are depriving states of the ability to fully fund education, among many other things, has really helped galvanize coalitions that include both Democrats and Republicans across the West. That was one of the reasons for creating the Coalition of Western States.

Assemblyman Hansen:

We have a little different way of approaching the same goal. In Nevada, we had representatives from 17 counties come together under the chairmanship of Elko County Commissioner Demar Dahl, and they produced "A Report of the Nevada Land Management Task Force to the Nevada Interim Legislative Committee on Public Lands: Congressional Transfer of Public Lands to the State of Nevada." The reason I bring that up is that the approach in this seems to be much more incremental. I have no idea how involved you have been with Commissioner Dahl, but in your opinion, are both courses of action wise, or where should we go with this from your perspective?

Matt Shea:

I think that both courses of action should be pursued. Nevada is unique in that you had a vote of the people in 1996 that affirmatively nonconsents and says that this disclaimer issue should be removed from the *Nevada Constitution* and the issue should be brought up by the federal government. I think multiple approaches at this are a wise strategy. I think this should happen not only in Nevada, but it should happen throughout the West.

Assemblyman Hansen:

Are you working closely with the American Lands Council?

Matt Shea:

Yes. I have met several times with Ken Ivory, and I have also introduced legislation in Washington State to that effect as well.

Chair Titus:

I want to go on record as saying, again, that the federal government does not own our lands; we own our lands. The federal government manages our lands. Are there any further comments?

Assemblyman Ellison:

Assemblywoman Fiore, when I met with you about some of the amendments that you proposed, you told me that this is a work in progress. Is that still true?

Assemblywoman Fiore:

One hundred percent.

Assemblyman Wheeler:

I noticed on this bill it takes a two-thirds majority to pass this and there is a \$95 million projected fiscal note by the State Department of Conservation and Natural Resources, although the actual amounts are zero. Can you tell me why it is going to take a two-thirds majority to pass this bill?

Assemblywoman Fiore:

As this is a work in progress, we are going to ask the Legislative Counsel Bureau to amend that so that a two-thirds vote is not required to pass it. The \$95 million is a pie in the sky number. Maybe they made a mistake and maybe they thought we would generate \$95 million in revenue since we are going to be taxing our resource rights.

Assemblywoman Carlton:

I would like Assemblywoman Fiore to get on the record that she does not agree with the legal opinion from the Legislative Counsel Bureau.

Assemblywoman Fiore:

Actually, I did get that on the record. Just to be crystal clear, I will reread my statement. This is basically saying that the *Constitution of the State of Nevada* is unconstitutional and I disagree with that 100 percent.

Assemblyman Carlton:

So you do not agree with our Legislative Counsel Bureau?

Assemblywoman Fiore:

I disagree 100 percent; absolutely correct.

Assemblyman Edwards:

I just wanted to find out what is the basis of your disagreement?

Assemblywoman Fiore:

You were not here last session. It is against federal law to have medical marijuana, yet we have it. There are several federal laws that we, as the state of Nevada, have said we are just not going to abide by.

Assemblyman Edwards:

If you are driving down the highway and you are breaking the speed limit, you are drinking a beer, and you are doing other things in the car that are illegal, it does not make it legal. It means you are breaking more than one law.

Assemblywoman Fiore:

That is state law, Assemblyman Edwards, and we have state laws on the books. If you want to argue, we can do that offline.

Assemblyman Edwards:

I am merely making the point that simply because we may not abide by some, that does not make it constitutional.

Assemblyman Hansen:

I think we should point out that regarding the Legislative Counsel Bureau, while I deeply respect all of their views, it is in fact an opinion, and like many legal opinions, they are often overturned. I read it and I have complete respect for our own staff and will support them in whatever they push for on issues like that. However, I think it is important for us to remember it is, in fact, an opinion.

Chair Titus:

I am going to open the meeting to testimony in favor of this bill. I want to set some ground rules again. We are going to try to allow as many people as possible to testify, but to do that we have to be respectful. I am going to give three minutes to all of the speakers. We are going to allow 45 minutes for those in favor and 45 minutes for those in opposition and then the same amount of time for neutral. For those of you who do not have time to speak, we will upload your testimony to the Nevada Electronic Legislative Information System (NELIS) so we will have it on the record.

Ammon Bundy, Private Citizen, Bunkerville, Nevada:

Land and resources equals power: the power to eat; the power to live; the power to have shelter, warmth, and comfort; the power to travel; the power to communicate; the power to invent; the power to prosper; the power to oppress; the power to control; the power to put one or a society into submission; and the power to make miserable. Everything we use comes from the earth. Our clothes, devices, homes, food, vehicles, even these computers and this building are derived from the resources found in the earth. They who control the land and the resources control everything. Land and resources equals power.

It is sure knowledge that men such as Thomas Jefferson, George Washington, Samuel Adams, Ben Franklin, James Madison, and so on understood that the power of the land and the resources is not safe in the hands of a centralized government. They vehemently insisted that such great power was most safe in the hands of the people. No matter how many times the federal government in a federal court with a federal judge rules upon federal code that the land and the resources belong to them, the federal government, no matter that we know the *U.S. Constitution* was drafted and ratified to keep the power, the land, and resources, out of the government's hands and into the people's. We can lose 1,000 federal court cases but the fact remains the same—the land and the resources belong to the people.

Furthermore, I reference an even greater authority. For the record, let it be known that I believe in God. I believe that He is the creator of this earth and that He has ultimate power and authority and decides who this earth belongs to. I believe that the Bible is a compilation of His words. In Genesis, Chapter 1, verses 26, 28, and 29, the Lord makes it clear who the earth belongs to: And God said Let us make man in our image, after our likeness: and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth. God said unto them, Be fruitful, and multiply, and replenish the earth, and subdue it: and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth. And God said, Behold, I have given you every herb bearing seed, which is upon the face of all the earth, and every tree. He also said, For the earth is full and there is enough for all.

Land and resources are necessary for our survival and pursuit of happiness. The Lord gave this earth to mankind for happiness and probation. Control of the earth, the land, and the resources must not be held in the hands of the few, especially a predatory, centralized government that has proven to be in the business for itself and not for the people. God created man and this earth we live on. Man created states and the states created the federal government. It would serve us well to remember that the creation is not greater than the creator.

Jacob Findlay, Private Citizen, Phoenix, Arizona:

My purpose is to explain the underlying principles of Assembly Bill 408. From the days of the *Magna Carta*, when the royal forest was opened up to the people through today, the people's access to public domain land, regardless of who manages it, has been part of common law. Property rights are governed by three overarching principles: claim, use, and defend. In order to be held, rights must be claimed, beneficially used, and then defended if necessary.

The beauty of principles is that you can apply them anywhere. Imagine if you are in a long line at a grocery store. You have claimed a position in that line. First come, first served. This is also known as first in time, first in right. Everyone knows that if you leave the line, or do not beneficially use your position and come back later, you have to go to the end. Even a child understands that. Hence the principle of beneficial use. Use it or lose it. The principles of claim and use clearly apply there. What about defend? Well, if someone cuts in front of you in line, once you get over your shock at their nerve, you have a choice. Do you speak up and defend your position or do you

say nothing and let them cut? If you want to maintain the position you claimed in the first place, you must speak up; otherwise you are allowing the cutter to take adverse possession of your right to a place in the line and you are effectively bumped back one person.

Adverse possession is that thing that you learned in introductory law where if your neighbor builds a fence that takes in part of your land, and you do not challenge him after a certain period of time, your neighbor can take title to that land because he claimed it and you did not defend yourself. Adverse possession is a very real thing and anyone with property rights has to be ready to defend them.

Claim, use, and defend. Water rights in Nevada are based on these same three principles. As anyone who has dealt with water rights knows, at some point in time a person established that right by staking a claim to the water. That claim had to have priority over anyone else who might claim water there, so we record a priority date in the Nevada water rights registry. There are water rights in Nevada with priority dates going back more than 150 years. That is a claim. In order to maintain water rights, the state requires a person to beneficially use that water. Use it or lose it. This is also known as beneficial use. The State Engineer regularly checks up on water rights holders to ensure that they are actually using their water. If you do not use your water, the state will take it back and allocate it to someone else. Beneficial use: use it or lose it. Finally, if challenged, a water right must be defended. You may be challenged on priority date, beneficial use, or another entity may attempt adverse possession.

Regardless of the challenge, if you do not speak up and defend yourself, you are just like that person in line at the grocery store who says nothing when someone cuts. You may get steaming mad inside but unless you act, you lose your right. This bill gives Nevada the chance to act instead of talking about it, instead of even just urging; this bill has Nevada do something about it. In conclusion, members of the Committee, if not you, then who? If not now, then when? If not this, then what?

Geoffrey Lawrence, Private Citizen, Carson City, Nevada:

I am testifying on my own behalf as an individual because I have worked on this issue extensively in a previous capacity. I think the issue that came up was whether this measure would be constitutional. The Supremacy Clause of the *U.S. Constitution* would generally indicate that any federal statute would preempt any state constitutional measure or statute, provided that the federal statute in itself comports with the authority given by the *U.S. Constitution*.

The argument that I think this bill is trying to get at, and why there are different interpretations as to the constitutionality vis-a-vis the *U.S. Constitution*, is that the bill is trying to say that the federal statute itself is in conflict with the *U.S. Constitution* because the enabling act of the state of Nevada that requires the disclaimer of interest in public lands violates the state's equal footing right. Bringing a state statute in this capacity then gives the state standing to challenge the constitutionality of the federal statute in court and to get a determination as to whether that actually comports with the *U.S. Constitution*. I think that is where a lot of the confusion comes from and I just wanted to clear that up.

Steve Winn, Director, Client Services, Avannis, LLC., Denver, Colorado:

My purpose is to enter into the record a survey ([Exhibit G](#)) that we conducted. This survey shows overwhelming support for the principles of this bill. I am the owner of a research firm that was founded in 2007, and I have used my 12 years of professional experience in sourcing, designing, and presenting surveys to create the most fair assessment possible. Because of time constraints, I will begin by describing the demographics of the respondents surveyed, then I will show you some key findings in the results. If I have time, I will show you a couple of supporting slides to further illustrate public support.

We surveyed 400 Nevada residents, 18 years or older, giving the survey a 4.5 percent margin of error. It is important to note the demographics of the respondents. There are 65 percent women, there are 12 percent more Democrats than Republicans, and only 15 percent of the respondents live in rural areas [page 3, ([Exhibit G](#))]. Logic would suggest that a survey with a demographic that skews away from rural areas and that leans Democrat might show less than favorable attitudes about the actions suggested in the Nevadans' Resource Rights bill. Standard practice would call for adjusting results to account for these demographic differences to the population as a whole, but to avoid any question about motivation or methodology around those reweighting calculations, the numbers I am about to show you are how those opinions fell naturally in the survey; in other words, skewed towards women, away from rural, and leaning Democrat.

Keeping these demographics in mind, we have discovered some eye popping results. Eighty-three percent of Nevadans want to keep public lands public. There were 88 percent of Republicans and 65 percent of Democrats who believe the state would be better than the federal government at managing the balance between the economy and the environment if the actions of A.B. 408 were enacted [page 4, ([Exhibit G](#))]. Seventy-seven percent believe their freedom and independence would be strengthened if the actions in the bill were taken.

As Assemblywoman Fiore talked about, the court of public opinion has changed. For the record, the data clearly show Nevada public support for the actions in Assembly Bill 408. I do not have time to go into the results because I have 20 seconds left. If you have any questions about the methodology or any of the supporting documents, you can email me at ab408bill@gmail.com. I am available for questions if you like.

Assemblywoman Carlton:

Were there any questions in the survey about being willing to pay for the cost of such an endeavor? That is what I hear from my constituents. My constituents want it, but they want to know if the state can afford it. Did you ask any questions about the dollars and cents of the issue?

Steve Winn:

The following question was asked. How would things change in Nevada if the following three conditions were true: Nevada instead of the federal government regulated public lands for hunting, fishing, and recreation; Nevada instead of the federal government regulated water, grazing, and mineral resources within the state; and Nevada citizens were able to own their water, grazing, and mineral rights without federal involvement. We then asked if these three conditions were true taxes on Nevada resources should it go to the federal government or to the local, county, or state officials as shown on the fourth bullet on page 12 ([Exhibit G](#)). Ninety percent felt that the state should have a right to receive those resources.

Assemblywoman Carlton:

That is a good answer, but that is just regarding the money now. You really did not discuss with them the impact of the cost to the state in the future for taking over these responsibilities. They just said we want to keep the money, but they did not say anything about wanting to pay for the money. That was the question. That is the issue that has come up in my district.

Steve Winn:

No, that question was not on the survey.

Assemblyman Wheeler:

Did you have anything in your survey that included the fact that the Nevada Land Management Task Force that was created by this body said that we would make \$300 million a year?

Steve Winn:

No, we did not.

Assemblyman Hansen:

The last chairman of the Legislative Committee on Public Lands decided at the last minute to pull this complete report [from the Nevada Land Management Task Force]. It was not presented to the Committee even though the Legislature actually passed the law and they completed the report and tried to give it to us. Some of the answers to the questions that you are being asked about, how would the public respond if, in fact, we could determine what the cost would be, was included in this report that was denied to a public body. Therefore, all the people who are wondering about that, there is the answer right there. Could the state, in fact, actually afford to take over the public lands and would we lose money, save money, or what would the cost be? You cannot really answer the question because nobody out there has any idea what the answer is but, in fact, we had a report done and it is available. Everyone should look at that report because if you are a citizen of the state of Nevada and you want to know what the costs would be to take over the lands and whether we can we do it, it is in there. In fact, their conclusion is not only can we do it, but the state would make substantial tax revenue from it. I just wanted to get that on the record.

Russell Best, Private Citizen, Stagecoach, Nevada:

I believe we should go forward with A.B. 408. The *Constitution* says we are limited on what the federal government can own and land is one of them. We can say President Lincoln is the one who got us in and made us a state, but he was interested in the gold and silver. He also knew they were going to be selling the land afterward but he met his demise before then. I believe the state can afford it. If we have public lands, we can sell them, rent them, do all these different things that can create money for us; taxes are one of them.

I can tell you a story that happened to me in the 1970s. In 1973, I started a lawsuit, but not on purpose. I homesteaded some land in Fallon, Nevada, and they said I had to have water rights. The state said we have had this lawsuit going on with the Indians for over 100 years; you cannot have it. I developed a system where we could have geothermal water and turn it into a by-product of fresh water and use it. The state then said the water is theirs. I paid the federal government money for the land and the water use and we went to court in 1976, I believe. What happened was real simple. In 1976, the federal government decided to back down on supporting us in the lawsuit, which gave the state's water right back. I think we need to get our land back and we need to get rid of some of the people in the federal government running our public lands.

Wayne Hage, Private Citizen, Tonopah, Nevada:

My testimony might be a lot better in writing ([Exhibit H](#)), and due to time constraints, I will defer to someone else.

Cliff Gardner, representing Rural Heritage Preservation Project, Ruby Valley, Nevada:

I am a rancher from northeast Nevada. In 1984, a group of us got together and were very disgruntled with what we were seeing going on with regard to public lands management. We began collecting all the data and doing all the research we could to make a number of determinations, both with regard to resource health and vigor as well as jurisdictional issues. Fourteen years ago we produced these two documents that I have with me today.

We reviewed every Supreme Court decision multiple times beginning back when Thomas Jefferson first made the Louisiana Purchase until more recently. What we find is that the Supreme Court has said many times that the citizens made subject to Article IV of the *U.S. Constitution* jurisdiction are not afforded their constitutional rights. The power under Article IV of the *U.S. Constitution* is unlimited. To give you a perspective of what that means and what has been defined by these court decisions is that every right—the right to due process, the right to local self-government, all of the things we see in the Bill of Rights and the *Constitution*, what we are experiencing as persons made subject to Article IV of the *U.S. Constitution* jurisdiction—is only at the behest of Congress in view of what they want to adopt from the *Constitution* or what they do not want to adopt from the *Constitution*. That is our concern and that is what we would like this Committee to take into consideration on these issues.

This issue has never been voiced before. I have put this argument before state officials and governors over the past 15 years. Not once has it been discredited or challenged. If there is anyone here in this room, representatives or others, I would like to know. I would like to see this addressed because this is a very serious situation. Think of it. We are Americans, and the primary purpose of our federal or state *Constitution* is to limit the size of government. That would be the primary goal. When the Supreme Court comes out and says repeatedly that this jurisdiction is plenary and without limitation, that is a very serious consideration.

There has been much discussion during the presentations here today with regard to legality. I do not think I will be able to cover it today but there are several very good arguments that we have uncovered in recent years that should be presented to the Supreme Court that show conflict in what is happening in regard to loss of rights and what was said in the Treaty of Guadalupe Hidalgo and in constitutional discussion.

Chair Titus:

If you want to submit some of those arguments online, you would be welcome to.

Charles Horne, Private Citizen, Mesquite, Nevada:

In light of full disclosure, it has been several decades since I sat in your position, so I appreciate the gravity of your decisions and know what you are going through.

James Madison declared in very specific terms every word of the *Constitution* decides a question between power and liberty. Think of the gravity of that statement. The issue before us is a constitutional question, pure and simple. There is a lot of minutia that can be added to it. In Chapter 4 of my handout, *Public Lands vs. the United States* ([Exhibit I](#)), we have reference to the *U.S. Constitution*, Article I, Section 8, Clause 17.

The first portion of Clause 17, "To exercise exclusive Legislation in all Cases whatsoever..." certainly has to do with power, does it not? All power to make all of the rules with regard to the seat of government. That is what the dot, dot, dot ([Exhibit J](#)) refers to: the seat of government in Washington, D.C. Then it says, "over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings." Very stark language; every word there has to do with a decision between power and liberty. When it first came out of committee, it did not contain the words, "over all Places purchased by the Consent of the Legislature of the State in which the same shall be...." That was left out. Mr. Elbridge Gerry, a delegate from Massachusetts, was concerned about that, and he said this power might be made use of to enslave any particular state by buying up its territory, and the strongholds proposed would be a means of awing the state into an undue obedience to the general government. In conclusion, by virtue of the intent of the founding fathers in the starkness of the verbiage, the land within the state boundaries once statehood is acquired automatically reverts to state control. Simple as that. Two questions, if I may. If the feds own it, why does the contract say they must buy it with the consent of you folks? If the state does not own it, how can they sell it?

Sam Bushman, Vice President, Operations, Constitutional Sheriffs and Peace Officers Association, Higley, Arizona:

I am a blind person, but I am here to help you see our point of view. I am speaking on behalf of the Constitutional Sheriffs and Peace Officers Association and several of us are here in place of Sheriff Richard Mack, who had

a heart attack and is not able to be here. I hope that does not encroach upon my time. However, I know it was referred to as the Beverly Hillbillies and I am not sure if I am a Beverly Hillbilly or if I am on Jeopardy. Nevertheless, I will use my time wisely.

I would like to ask a couple of rhetorical questions. To those of you who ask if we can afford to buy this land or have this land back and if we can afford to manage it, my response is how is the federal government doing in affording that? Are they not \$18 trillion in debt? I rest my case. That is a no starter question. The real question that you have to ask is this: is Payments In Lieu of Taxes (PILT) money giving you as much as resources would? I suggest you look at Alaska and other states to find out. In answer, you will find the PILT money does not compare to resource money. The land as a resource can provide much more money than PILT money—in other words, compromise money—will ever provide.

I ask an even more important question. Does the federal government not exist based upon the consent of the governed? All we are asking is for this body to decide to rescind your consent for the federal government to have permission to temporarily utilize or control the land. We are simply saying we are not going to consent to that anymore. We believe there are resources here that must be utilized to support our growing populations appropriately. It is my hope to encourage each of you to consider this very carefully, but remember one thing as you do, if you will. You have future generations of Nevadans who want the same rights to the land that your forefathers had. Are you willing to make that possible for them?

Bobby Franklin, Daydream Land and Systems Development Company, Laughlin, Nevada:

I will start by saying that God Almighty has blessed the Bundy Ranch for the standoff which was successful, and if it was not for the Bundy Ranch, this entire Committee would not be here. I thank God for the Bundy Ranch. For the record, I have a quiet title action on appeal in the Nevada Supreme Court with a motion for a stay of order for an injunction against the "For Sale" signs on my property in Laughlin, Nevada.

In 1988, I purchased 80 acres in Laughlin under the Desert Land Act. My father also purchased 80 adjacent acres under the Desert Land Act, so we consolidated. I read in the newspaper that the Bureau of Land Management (BLM) was issuing a processed mineral patent on 1,280 acres—which is two sections, sections 9 and 16—in Laughlin, when there were no minerals on it. In 1989, the Government Accountability Office in Washington, D.C., did a study and said there were no minerals there. Why are you going to give

miners a patent to 1,280 acres of land that is the most vital and expensive land for development in Laughlin? The BLM came up with a decision and said the land is mineral in character. I appealed to the Interior Board of Land Appeals. During the appeal process, U.S. Senator Harry Reid's top aide started sending ex parte letters to my appeal judges. They wrote me a letter and said if he continues to do this, your appeal will be dismissed. I went to Harry Reid's chief aide and told him to stay out of my appeal. This was my property, and I did not want my case dismissed. So he quit. In 1990, the Interior Board of Land Appeals made a decision. They reversed BLM's opinion that it was mineral in character because there were no minerals there. They expunged the processing of the mineral patents. It is a published record.

To sum it up, I can say that the corporations that claim they own my land now never did a title search. I still have title to the land that I bought and that I lawfully own. I have all my statutory rights and my deed of sale is in my title. Without my title ever being examined in a court of law, it is in the Nevada Supreme Court now. The property will stay in the clouds. There is no title insurance.

Mel Bundy, Private Citizen, Round Mountain, Nevada:

I would like to testify as to the culture and beliefs the U.S. Forest Service and the BLM have that they own state lands and also the ramifications for disobedience to their federal codes. Last night I was watching the television in our hotel room and a commercial came on. It depicted a man in his backyard, and coming over the property fence from his neighbor's yard was a bunch of junk, an old tire, some bouncy balls, and an old swimming pool. Then it showed a BLM ranger out in the desert who said you would not like it if somebody threw trash in your backyard; do not throw trash in ours. I thought, "Ours?" Does she mean ours, as we the people ours, or ours exclusively as theirs?

We can all look back and remember some of the incidents that took place in Riverside, Clark County, Nevada, last year. A lot of them were not very nice to watch. I believe the horrible things that we saw happen were due to federal government overreach. I recall an incident where a young man, a friend of ours, went down a county road against federal court orders at the time because they shut off pretty much 900,000 acres of that area. He went through their "No Trespassing" signs to document what was happening at that particular moment. What they were doing was flying helicopters to gather my father's cattle. Up the river they went, back and forth, flying over these cattle trying to push them. It was hot, the cattle had their tongues hanging out, and the

baby calves could not keep up with their mothers. Many of those baby calves had just been born the day before, a week before, or even on the go because of the stress caused by federal agents and their inhumane actions. This is an example of ramifications if you go against federal court orders.

After they documented what was happening, I got a call from the head director running the operation, Dan Love. He called me and said, "Mel, you know you are breaking the law and a federal law." I said I was not breaking any law by stepping off of the road at that time to document the harassment of my father's cattle. He said, "Let me tell you something, Mel. The county may maintain that road and you guys may drive that road because of access, but let me tell you what, the federal government owns the earth that that road lies on." That did not set very well with me. They own the earth? From the commercial I saw last night, and remembering what Dan Love told me a year ago, it confirms that they believe they are the true owners of the earth and the resources thereof. I am here to protest against it.

Chair Titus:

Because we are under time constraints here and we are almost up to the maximum, 45 minutes, that was allowed for the pros, I am going to go down to Las Vegas. I know there are some folks in Las Vegas that have signed to testify in favor of A.B. 408. Please identify yourselves and we will hear your testimony.

John Ridgeway, Private Citizen, Las Vegas, Nevada:

All of the questions that have been asked—is it constitutional, unconstitutional, this that and the other—should be 100 percent researched. This bill has no problem being consistent with the *Constitution*.

Justice Joseph Story was on the Supreme Court from 1811 to 1845 and he ruled on these with equal footing in all cases whatsoever clauses. He basically said that there has been no cession by the state, with no purchase from the government; the state jurisdiction still remains complete and perfect. That was back in 1803. There are other cases that have been previously mentioned. There is another comment that Justice Joseph Story made that is extremely pertinent to this situation: "In order to guard against any possible abuse, the consent of the State Legislature is necessary to divest its own territorial jurisdiction; and of course, that consent will never be given unless the public good will be manifestly promoted by the cession."

Getting the land back into the control of the state would be for the best and the public good. We all know BLM and the Forest Service overreach. If you allow the county commissioners to develop an economic development package and

present that, and say this is what we need to do to develop our resources, that is the answer. Please give the people a chance. The government has failed miserably over the last 150 years.

Alisa Bistrek, Private Citizen, North Las Vegas, Nevada:

I would like to testify today on the relevance and the need for A.B. 408. I would like to share that I am a rancher's daughter, not from Clark County but from Nevada. Over 30 years ago, we were dealing with some of the encroachment and the challenges that we have been talking about here today, the matter of the states, and the percentage of the public lands and so forth that the federal government has. The reason that those things have not been resolved is because we have never done a bill like this to where we have actually resolved the situation. Back in the Sagebrush Rebellion, the legislators had formed some laws at different times. Basically, what has happened is that outside interests are coming to Nevada with the amount of public lands that are here, with the authority of the federal government, and with outside authority making decisions for our land and our resources that outweigh and pits itself against the residents.

The entire United States of America, our *Constitution*, our Declaration of Independence, every bit of it is about the livelihood of the people. It is we the people, by the people, for the people, of the people. We have the right to defend ourselves. We have the right to prosper from our own goods and services. We have the right to own our own property. All of these rights are to ensure our protection against the power of the state.

Last year you saw an incredible abuse of that. When someone comes in and takes a water tank out of a desert area, that affects every single animal in that area, regardless of what is going on with the ranchers and the people around, and who is squabbling over what. That is just vicious and it is cruel. The BLM is not in good standing with us, they are not in good standing with the land, they are not in good standing with the people, and they are not in good standing with the animals.

We want our rights back. We want the jurisdiction to be properly represented. We want our lands and resources to be properly administered. We want to be treated fairly; we want the animals to be treated fairly. Since last November, we have been dealing with some of the legalities of this situation that came about last spring. We have spoken out, we have talked to news networks, and we have gone to our county commissioners. We have spoken and spoken, and we have not been heard. We are tired of not being heard. The whole authority of our government is based on we the people. I do not mean to be overly

emphatic, but you need to understand the relevance of what it is we are dealing with. This is a matter of our safety. This is a matter of our livelihood. This is a matter of our future. There is a lot of misunderstanding about what is going to happen if the state handles the land and whether it is better to have the state do it or the federal government do it. I agree with the incremental approach and, hopefully, this will go to court and get resolved. I am in support of A.B. 408, and I thank you for all you have done.

Chris Harold, Private Citizen, Clark County, Nevada:

I thank you for the opportunity to speak today. I really want to express my appreciation for Representative Shea's comments earlier. The preeminent black letter law case that speaks to the manifest destiny of America and the concept of land ownership that our founders found so dearly is *Chisholm v. Georgia*, 2 U.S. 419 (1793). It is restated in *Summa Corp. v. Cal. State Lands Comm'n*, 466 U.S. 198 (1984), and *Nollan v. California Coastal Comm'n*, 483 U.S. 825 (1987). It sets forth the concept of absolute, exclusive land ownership, fee simple absolute that America was set forth under. In fact, one of our former speakers, a brother from the First Nations tribe spoke to the nature of treaty laws and to the absolute exclusive federally protected nature of private grants of land made patent.

I myself have had the unfortunate circumstance of having to defend against the corporate states of abuse of the people in Arizona under Article IV, Section 3, Clause 2 of the *U.S. Constitution*, which is treaty law, international law of treaties, private grants of land made patent, and constitutional diversity of citizenship. They paved a nice section of road for many of the people they had been abusing and taking taxes from without providing any proper benefits for the exorbitant amount of fees they were charging without any quid pro quo.

There are many things that are in this document that are wonderful and I generally support A.B. 408. I would say there needs to be clearer definition as to the term "year" relating to continuous use and four years, because there are very dramatic weather extremes that occur both in the northern and southern sections in the state of Nevada that make it uninhabitable for significant elements. The state of Arizona requires occupation for seven months out of the year, and that is a reasonable amount of time in my conjecture because the extreme colds and extreme heats may deprive the ability to reasonably occupy it for a full 365 or 366 days a year.

Another thing I noticed that is kind of troubling is in the amendment—it speaks to the defense of the people's right. I think we want to guard, protect, defend, secure, and perhaps be good stewards in looking over the lands for the people. I think that is what the duty of public servants would probably constitute and most of the people here today.

Jim Sallee, Private Citizen, Clark County, Nevada:

I have lived here now for 51 years and I have seen a lot of encroachment by the federal government. I can remember the shovel brigade trying to get the road fixed going up to Jarbidge and the government stood in the way through the whole process. Assemblywoman Fiore is talking about the federal Real I.D. law, the federal marijuana laws, and Yucca Mountain. I believe she is talking about nullification of unconstitutional laws. I applaud Mr. Shea. He gave eloquent testimony on the *Constitution*. The *Constitution* is the solution to our problems. The other gentleman said if you do not use it you are going to lose it. We need to honor our *Constitution* and use it. I just want to mention that we have a bill, Assembly Joint Resolution 7, for an Article V convention and if we have that, all of this will go away. There will be no *Constitution* to use to get our lands back and to get the Hage problem restored. I am kind of excited about this.

Yvonne Sweeten, Private Citizen, Henderson, Nevada:

I support Assembly Bill 408, or as my husband calls it, the Bundy bill. I believe in God, the Bundy Ranch, and all of the people who are supporting this process. I feel like we are really exercising our freedoms today. Thank you for allowing us to speak. We need to get our country back and it starts by getting our state back. I want to leave with my full support of this bill to get back our freedoms.

Frances Deane, Private Citizen, Clark County, Nevada:

I have been a resident of the state of Nevada for 26 years and a resident of Clark County for the same amount of time. In front of me here today I have a spur. I would like to remind all of you why I carried this spur with me today. It is in remembrance of all the people who have tried to fight the BLM and maintain the state of Nevada, but are no longer here today to testify. The Hage family and Grant Gerber come to mind, and I am certain there are plenty of others in the 52 ranchers who no longer reside in the state of Nevada.

What I want to bring up today, specifically, that has not been touched upon is the financial aspect. Perhaps many of you are not aware that the BLM's budget is \$1 billion. That \$1 billion generates \$4 billion in revenue. Breaking that down into an easier math problem, for every \$1 that the BLM spends they generate \$4. In answer to the question as to whether or not the state of Nevada could afford to maintain its own land, if using the mathematical rule of

thumb that the BLM uses, for every \$1 we would spend it would generate \$4 in revenue. I want to also remind you what the largest amount of expenditures are from the BLM budget. The first, of course, is managing by emergency. They use an awful big bunch of their budget to put out fires. You and I both know that if the ranchers were allowed to maintain the land, those forest fires would not occur.

The second item in their budget that seems to be rather excessive to me is the federal court battles defending their erroneous positions against people like the Hage and Bundy families, or anyone who has owned property in the state of Nevada and had to fight for their rights. If we did not have to have the BLM, I assert that we would not be spending those federal tax dollars on fighting who owns what, whose cows graze where, and what that money should be used for today. I truly believe that if the state of Nevada spends \$1 and can generate \$4 in revenue, we would surely spend that \$4 a lot more mindfully than people who live 2,000 miles away.

The third largest line item in the BLM budget is the amount of money they spend on the 200 agents that manage the Nevada land. Again, I submit to you that we could figure out how to spend that money a lot more productively. I support A.B. 408. I carry this spur to remind you that so many have gone before us in support of Nevada owning our land.

Donna Cox, Nye County Commissioner, Pahrump, Nevada; and President, Concerned Citizens for a Safe Community, Pahrump, Nevada:

I am here to represent myself, the people of Nye County, and all the residents who I know support A.B. 408. A few months ago, Judge Andrew Napolitano said on Fox News that our government has gone absolutely wild. The feds claim to own 81.1 percent of the land in Nevada. The *Constitution* simply does not authorize the federal government to own any of this land. All of it is being held unconstitutionally, and all of it should be returned to the private property owners from which it was taken or to the state. The BLM is preventing Nye County from developing in many ways. We have also written several resolutions lately in regard to the BLM, and one of them is to say "No" to BLM. The BLM has abused their rights and their purpose, not only in Clark County and Nye County, but all over the state of Nevada and the United States. For the sake of the people, we cannot allow the BLM to control our land any longer. It needs to be given back to the people of the state of Nevada. I know the majority of the people, as do I, support and ask you to pass A.B. 408.

Bob Clifford, Coordinator, Fallon Tea Party, Fallon, Nevada:

The BLM is very good at taking public comment and then ignoring it. Their decisions are made by unelected, unaccountable bureaucrats behind closed doors, directed top down from Washington, D.C., and influenced by political donors, and in my view, corruption. If transferred to the state, everything would be subject to open meeting laws, and I think that would solve the problem. It would not be behind closed doors. The BLM has stated that it is above the law. Amy Lueders, State Director of the BLM, has stated that the BLM does not recognize pre-1976 rights that are preexisting rights that are guaranteed by federal law. How can she say things like that? With unlimited resources for litigation, this leads to tyranny.

I have a friendly amendment. The bill explicitly addresses property rights like grazing, mining, and rights-of-way. Opposition to the bill may raise concerns that all the lands will be sold in multiple use, specifically recreation eliminated. Wording that could be put into the bill, that by easements all open land would continue to be multiple use for recreation, could address this opposition. I think that wording would help both this bill and Senate Joint Resolution 1, because it essentially quashes the opposition's argument.

Rick Dalton, Executive Vice President, Legislative Liaison, Constitutional Sheriffs and Peace Officers Association, Higley, Arizona:

I am also an instructor with the National Center for Constitutional Studies. I am here in support of this bill. It is a fairly simple bill, even though there may be some complicated legal issues to deal with. It is a bill that helps restore federalism. The founders separated powers both horizontally and vertically; it is called federalism. The federal government is supreme but only within its own sphere. This bill does provide for a federal presence in Nevada. It does allow for it, but only through the constitutionally limited processes and purposes for dockyards, arsenals, forts, and other needful buildings. It does not really seek to totally throw the federal government out of Nevada.

It is also an economic recovery bill, in our view. Imagine when these lands and the initiative of state residents put those lands on the tax rolls and make them profitable. It is also a jobs bill. Imagine how much money you will save—the millions of taxpayer dollars that the federal government spends to administer and comically manage the land.

It is also an American restoration bill that will make it clear that in Nevada and, indeed, the entire western United States, it is not cattle that are trespassing, but an out-of-control federal government. They are not all bad, but it is the rogue agents and the people who run things.

Finally, this is a sheriffs bill. You should have never heard of the Bundy family, except for locally, if the county sheriff would have done his job in that situation. I live in Arizona. I should not have heard of the Bundy family. Please remember, every citizen of Nevada needs to protect their God-given rights and you are their representative.

Bruce Olsen, Private Citizen, Overgaard, Arizona:

We have been dealing with a lot of these issues that you are dealing with. Due to an effort that I pursued some time ago, I got into this BLM and Forest Service nonsense that we have been dealing with. I remembered an incident in 1986 when Ronald Reagan was looking for money to support his agenda. In that quest, they wanted to sell land west of the 15th [*sic*] meridian. Wayne Hage discussed this in his book, *Storm over Rangelands*. I remember the incident, and I remember them saying quietly in political circles that they could not sell that land because they did not own it. I contacted Marilyn Fisher at the Ronald Reagan Presidential Museum Library and she remembered the same incident and put me onto a book that I have. Mr. Hage went to that same issue in his book, and I know that President Reagan had an intent to try to sell the land out here that they claim they owned. They dropped it. Bob Dole is a friend of mine. I researched it and it is true; they could not sell what they do not own.

Chair Titus:

I am going to close the testimony in support of A.B. 408. We will begin taking testimony in opposition to A.B. 408 from those in Las Vegas.

James Thompson, Private Citizen, Clark County, Nevada:

I am a citizen of the United States of America. I have heard every name from Jefferson to Monroe to God as though folks sat down and had breakfast with them today. I had breakfast with my grandfather; he is a World War I veteran. He was conscripted into the United States Army by the federal government to fight to ensure that these shores could enjoy this kind of dialog of dissent. After that, my father and his brothers all fought in World War II. One of them died on Saipan. My brother and I served in Vietnam.

I am a citizen of the United States. The public lands that you folks want to give away belong to my niece in New Hampshire, they belong to my sister and her husband in Florida, they belong to my sister in Dell, Oklahoma. They belong to all of those people.

You do not have the right to sit here and conspire against the government that has given you the opportunity to enjoy business and to enjoy the life that you have on these open ranges. You may have some grievances, I will not deny that, but I will say the thing that is paramount to the badness of this bill is the divisiveness of the people who are enjoining it.

Anytime business tells me they are doing something to create jobs for me is paradoxical. We are talking about a group of folks who just gutted prevailing wage and you are going to do something for me? You are not doing anything for me; you are not doing anything for my kids; you are not doing anything for my grandkids. This is a land grab. This is where people are going to go out and set up signs saying, this is mine, this is mine, this is mine, and you cannot hunt here.

Hunting it is not even hunting anymore. I heard one of those folks talking about hunting. There is no recipe for horns. Subsistence hunting is a thing of the past now. Folks that used to go get 100 pounds of meat cannot do that anymore because people are out there trophy hunting. Folks that would not know north from south or east from west are out there tooling around with automatic weapons they do not know how to fire.

Let me tell you something. I am disgusted. In the corner here is a red, white, and blue flag. That is the flag my family raised up under. That is the flag my family fought for. Everybody gets a right to complain, everybody gets a right to voice their dissent, but you do not get the right to take land that is not yours and give it to somebody else so that they can make a buck.

Angel Peña, Private Citizen, Clark County, Nevada:

I stand here today in strong opposition to A.B. 408 because of the strong economic opportunities that come with safe, protected, properly managed public lands. I am here as a father, as well as a concerned community member. A recent study conducted by Headwaters Economics used hard data to illustrate the positive impacts protected lands have on local and greater state economies. Make no mistake, this is not only an attack on the geological and cultural resources, but also the economic opportunities. I urge you to stand with us in opposition to A.B. 408.

John Hiatt, Conservation Chair, Red Rock Audubon Society, Las Vegas, Nevada:

I am strongly opposed to A.B. 408. On more than one occasion it has been stated that those who ignore history are doomed to repeat it. If you look back, we went through all of these arguments between 1880 and 1910, and it was understood at that time that the laissez-faire management of public lands

did not work. We saw what happened, and the result was that we formed the U.S. Forest Service. We had the Forest Reserve Act of 1891 and wise people understood that the arid lands of the West cannot be managed and settled in the same way as lands in the eastern part of the country. We simply do not have the water resources here to do that. The concept expressed by the backers of S.J.R. 1 the goal of revenue maximization has clearly shown that is a recipe for disaster when it comes to managing the arid lands of the West.

I think A.B. 408 is misguided. Certainly there are problems with the BLM in the way they manage land, and we can work on that. But I, as a citizen, consider myself an owner of a portion of the public lands—an undivided share of that public land, if you will. The idea that it will be sold off, that it will be leased, or in some way transferred to other people for their exclusive use, I find repugnant. I think the idea that somehow these public lands, when given to certain private individuals for exclusive use, will still be public and still be open to the public for hunting and for recreation is pure fallacy. Therefore, I would strongly urge you to reject A.B. 408.

Terri Robertson, Private Citizen, Las Vegas, Nevada:

I am a native Nevadan and I have three generations who came before me and are buried in Clark County. I am a die-hard Democrat and I am so glad that Assemblywoman Fiore mentioned Yucca Mountain. Let me tell you that it is culture that makes things happen. The Republican culture and former Senator Paul Laxalt are the ones that tried to jam the Yucca Mountain dump site down the throat of Nevada. It was environmentalists and Democrats who saw to it that that did not happen. Right now, what we have is a Republican culture of the Nevada Association of Counties. We have 17 counties, all of them with a greater percentage of Republicans than Democrats. It is culture that drove the report that everybody is waving. The Nevada Land Management Task Force, even though it was a state appointed committee, decided it did not have to abide by the open meeting laws. All they did was sit and have people talk to them. No one could say anything. Demar Dahl is a staunch Republican.

This is a fight between the Republicans and Democrats who support environmental issues. It is the culture that is doing this. I am going to tell you right here and now that Cliven Bundy is a criminal. He has broken the law, and he needs to be put in jail. I do not support the people who think he is a hero. His cattle need to be off that land and I am telling you I am getting tired of it. Maybe they all think they are so smart with their guns and scaring everybody. Only chicken shits carry guns. I do not support this bill and I have been fighting this kind of issue for years.

Assemblyman Hansen:

The report you talked about [from the Nevada Land Management Task Force] has an appendix, which lists the people who provided public comments in summary of the issues. All those meetings held by all 17 counties were fully open to the public and, in fact, their comments are specifically addressed in the report. In at least one of the counties, the commissioner was a Democrat and it was unanimous in support of this effort. I wanted to get that on the record, because what you said was factually inaccurate.

Lynn Davis, Nevada Senior Program Manager, National Parks Conservation Association:

We are a nonprofit organization that speaks on behalf of national parks. I would like to point out that this legislation includes our national parks as federal lands that would be taken over by the state. There are 300 million annual visitors who visit our national parks, and about 20 percent of those are international visitors. In Las Vegas, about 10 million people, primarily international visitors, visit our national parks surrounding Las Vegas. There is an economic impact.

Today, I would like to say that we stand in opposition to the bill in its totality across all federal agencies and for its precedence in being divisive. The National Park Service, for instance, has 407 units; one of those is the Statue of Liberty. I am listening to a lot of patriots here, and I think those patriots would find it appalling for the state of New York to decide to take over such an iconic representation of our democracy as the Statue of Liberty, or for the state of South Dakota to take over Mount Rushmore, or any of these things that are held in public trust. I have also heard testimony about water rights. In terms of a dangerous precedence and certainly representing the interests of Lake Mead National Recreation Area, which is critical to southern Nevada as a water source, what happens if Colorado follows suit with Nevada? What happens if they decide our resources of snowpack are theirs to own in Colorado alone, and they refuse to honor the Colorado River Compact to allow water to flow down through Nevada? We would argue that this bill is not constitutional, but we mostly argue that it is dangerous to look at Nevada as being an isolationist state.

Nancy Gentis, Private Citizen, Clark County, Nevada:

There is nothing better that I like to do than go out and enjoy my public lands and the wonderful spots. I also enjoy taking out-of-state visitors to those places. I do not take them to the Strip. I take them to public lands. As a member of the public, I participated in meetings and procedures to set aside some of those public lands for conservation so that children not even born yet would be able to enjoy the public lands.

I am so against A.B. 408. To think that a group of county commissioners could decide, when I worked for Sloan Canyon for so many years, to set that aside. That they could decide that a corporation could come here and use some of the mineral rights and take away the rights I and other public members had where we worked and got public support to conserve the special places. That is why I am against A.B. 408. It is not for the public; it is for corporations. The public has been involved in conserving these things, and they had input.

Dolly Rowan, Private Citizen, Las Vegas, Nevada:

I am here as a mother and a grandmother. Five generations of my family have watched the good old boys allow their neighbors to continue to take what is ours. I have two grandsons in Reno, and I want them to continue to enjoy these public lands. I do not care what you want to call it, A.B. 408 or whatever you want to call this bill, it is allowing the good old boys to continue taking away from our future children. My grandsons cannot speak for themselves, but I am here to speak for them. Protect this land. Do not allow people with guns to continue to dictate and the good old boys who get elected into the positions you are in to continue to take from this land that is rightly all of ours. Please, do not allow this bill to go forward.

Paul Aizley, Private Citizen, Las Vegas, Nevada:

I am a former Assemblyman and a resident of Nevada for 47 years. I think the legal facts will be settled somewhere else. That is not what I am interested in at this time. I do not look at the opposing sides in this discussion as north versus south, and I do not look at it as Democrat versus Republican. It seems to be rural versus urban, and not in a sense that we are packing weapons. It is something that we have to discuss and talk about and work out the problems as they arise. The Nevada Land Management Task Force that was created by Assembly Bill No. 227 of the 77th Session was mentioned by several of you who did an excellent job in presenting the issues from a rural point of view. The problem was that the Task Force has 15 rural members and two urban members representing the 17 counties. The 3 million people in Washoe and Clark Counties had 2 representatives, and the other Nevadans had 15 representatives. The result is a biased situation.

Many Nevadans like the public lands the way they are. They are open to hiking, hunting, fishing, and they do not want to see any more "Private Property Keep Out" signs. They also want more lands to be designated as wilderness. The urban citizens need to understand problems such as raising cattle, the "checkerboard lands," the sage grouse, and all the other things I learned about on the Legislative Committee on Public Lands. The rural people need to understand the desire to keep Nevada lands open.

No matter which side you are on, you will have to solve two problems. I am sure you know what they are; they are money and water. The federal government has hundreds of employees in Nevada. Some of you are saying they are not needed, but are they all doing unnecessary work? If not, which payroll in Nevada is going to get them? Who is going to pay their salaries? Millions more dollars were spent for fire suppression and control. I know you are saying that if the rurals controlled the land, there would be no more fires. I do not think that is a reasonable statement. Take a look at California. They have fires regularly. We do need to control them. Who is going to pay for these things?

The water problem is huge. Right now, Lake Mead and Lake Tahoe are low and getting lower. Any suggestion of moving water from the rural areas to Clark County gets the immediate response that there is none to spare. If there is no water to spare, then what is there for further development of the rural areas? Solve these problems first. Do not just add them to Nevada's list of unfunded programs. You will find if you look at the different funding sources whether the rural counties are paying for their own operations. The rurals in general do not pay for their roads, schools, or hospitals. We need to find out where the money will come from for Nevada to take over all the public lands.

Assemblyman Hansen:

While it is true that the 17 different counties were involved in the discussion, is it not also true that the vast majority of the public lands in the state are, in fact, in those rural counties? That is why they are most interested in it because there is such dramatic impact on their economic development.

Paul Aizley:

I agree. That is why I said that there needs to be more discussion, not fighting, between the two areas. The urban folks have to understand the rural problems. Living here in Las Vegas, we just do not see them. Taking over the lands and giving additional costs to Clark County is not the solution either. We pay the highest sales tax in the state. We generate the money that covers a lot of the operations in the rest of the state. I do not want to see more programs taken on that cost me more money.

Assemblyman Hansen:

You were Chairman of the Public Lands Committee when the Nevada Land Management Task Force's report was brought before our body. You refused to allow that to go forward. To me, that is a form of censorship where all these

people in the rurals and the urbans could have had an opportunity to discuss this in a public forum. You, as Chairman, denied the public the right to even hear that report even though they were all there presenting it. Can you elaborate on why you basically refused that report to go forward?

Paul Aizley:

We had six meetings, and we did have open meetings in Winnemucca, Tonopah, Ely, and Elko. The people who came and testified were mostly the urban people. I think the word did not get out to the general public that there was this proposal of privatizing the lands. You can argue that that is not what the issue was about, but you have heard people say that is what it is going to result in. We already have private lands.

Assemblyman Hansen:

The question is why did you not allow a public report which was required by Assembly Bill No. 227 of the 77th Session to be brought to the public when you were the Chairman?

Chair Titus:

I actually think that this is not relevant to A.B. 408 at this moment in time.

Assemblyman Oscarson:

The one thing that I am concerned about is your statement about the rurals. People choose to live in the rurals for a reason. They contribute their share and do what they can do in the rural areas and participate in this process. I agree with my colleague, Assemblyman Hansen, that the rurals are the ones most at risk when these kinds of things happen. I am appalled that you made a statement like that about the rurals. You of all people should know better.

Chair Titus:

Any further testimony in opposition to A.B. 408 in Las Vegas?

Jesy Simons, Private Citizen, Las Vegas, Nevada:

I am a college student here in Clark County, and I think A.B. 408 is an attack on public lands. I think this proposal devalues our public lands. It does not recognize that our public lands are more than just a place to graze cattle or extract mining resources. There is more to it than that, and I am afraid of what A.B. 408 would do to those public lands. Leasing and selling those lands really frightens me. I use public lands. I visit those places regularly, and I value them. My access would be cut off because of the "Private" signs everywhere. I am mostly afraid of raping the land of its natural resources. I do not think that is good for anyone. It is not good for Nevadans. It is not good for us now, and it is not good for future generations. That is what public land is about; it is not

only for the locals, the rurals, or the urbans. Public land is more than just for us here in Nevada. It is for Americans, for people all over the earth, and more importantly, for future generations. I think A.B. 408 really threatens that, and I oppose this bill.

Howard Booth, Private Citizen, Boulder City, Nevada:

I have lived for over 55 years in the state of Nevada. I came here and planned to stay only a couple of years in the good job that I was offered. The one thing that changed my mind was what I found in the public lands. They were worth staying for and loving and enjoying, which I have done for all of those 55 years. I fought for Red Rock Canyon, and I fought for the management of Red Rock and for national forest lands, not just in this county, but throughout the state. I fought for the national park lands. I love them and they are part of my heritage. I want all my children and grandchildren to have those same opportunities that I have had as an 88-year-old person.

I have listened to all of these glib and honey-tongued talkers today. I hope that you will burrow into all of these statements that they have made, because I do not think the law and the history of our country supports a lot of what they say. An example is the use of the water: first in use, first in right. That is a terrible model to use for the lands and the resources on it. Yet, this is the kind of thing that these people have been spouting all through this hearing. We know that water laws of different states and the first in use, first in right laws have tied up the water laws and are probably threatening our state just about as much as anything as far as getting enough water to survive. They want to use the same laws for lands and resources. How ridiculous. Please look at all these statements that have been made this afternoon and dig into them deeply, because I think you will find them very, very flawed.

Chair Titus:

Thank you, sir, and thank you for still having a strong opinion regardless of what it is at the age of 88. You still obviously love Nevada and care about our country. There is no one in Elko and there is no one else at the table in Las Vegas. If you have any further comments, please submit them to our website. I am now going to move back to northern Nevada.

Kyle Davis, representing Nevada Conservation League:

We are in opposition to A.B. 408 as presented today for a few reasons. I will try to be brief. First of all, we have heard a lot about the constitutional basis. I think the Legislative Counsel Bureau's opinion speaks for itself. There have been plenty of attempts in other Western states, including Nevada, over the years. It has just not really gone anywhere. I do not see how this is a bill that in any way could be implemented. The second point I would make is that when

you look at what is contemplated under this bill, we are not just talking about unappropriated areas managed by the federal government. We are talking about all of it: Red Rock National Conservation Area and Great Basin National Park. We are talking about some of Nevada's most treasured places. Under the provisions of this bill, somebody will be able to file on that land and put it to some sort of beneficial use. It is not clear whether that will be for exclusive access, whether the public would be locked out, or whether you would have access for hunting and fishing. Those types of things do not seem to be contemplated in the bill.

What does seem to be contemplated is the bill does value mining, grazing, and timber over all other uses of land. Through the multiple use process in the BLM, which all of us have had our problems with over the years, it does allow for multiple uses on that same piece of land. I can hunt on the same piece of land that somebody is grazing their cattle on, and when managed properly, those two can coexist. In fact, just a few months ago, I was out chukar hunting when I came up over a mountain. I thought the dog was on a good point, but he was pointing at a cow. I did not get to the birds that time, but that is just one of the things you can encounter here in Nevada. I think that is something we want to maintain.

Looking at what the impacts would be for this, I do not know what would happen with two existing leases or existing uses. What would happen to those things that are happening on the land right now that are going through the federal process if this bill was to all of a sudden be implemented in its current form?

A lot has been talked about regarding the Nevada Land Management Task Force and the report they put out. I would like to agree with Assemblyman Hansen that it was an incredibly public process. I attended a number of their meetings and the Chair, Mr. Dahl, was very gracious to me and other people who had concerns with it. We simply do not agree in terms of the conclusions that came from that report. The costs are fairly clear. The costs the federal agencies incur are somewhat overstated because it is not clear if it includes fire. Even if you make the argument that maybe there are some efficiencies that can be gained there, we are still looking at a loss of millions of dollars a year. When you look at the revenues that are assumed in that report, you start talking about comparing states that are not like us. We do not have much in the way of oil, gas, or timber, so you cannot really look at those in terms of revenues. Because of the costs, this will be a very bad path for our state to go down.

Anne Macquarie, Chair, Legislative Committee, Toiyabe Chapter, Sierra Club:

I am speaking today on behalf of over 4,000 members in Nevada. Our motto is explore, enjoy, and protect the planet. Our members use our abundant public lands in Nevada for hiking, biking, birding, camping, exploring, and other outdoor recreation. Moreover, the club has a long history of cooperation with federal land management agencies in protecting vital environmental resources on public land.

We strongly oppose A.B. 408. As I read the bill, I think it would require every single acre of public land in the state, including Great Basin National Park, Red Rock Canyon National Conservation Area, Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area, wilderness areas, and areas of critical habitat, to be permitted for grazing, logging, and mining, which the bill calls beneficial uses. Would the public even be allowed on the lands put to so called beneficial use? Our members tell us that "No Trespassing" signs already abound on public land used for mining. With this bill, "No Trespassing" signs would spring up all over the state on land where Nevadans have hunted, camped, and hiked for generations. This bill would move Nevada from land owned by all of us to land controlled by the barons of cattle grazing, mining, and logging, which is a big step backwards to the 19th century. What about the wildlife habitat, historic resources, watershed, environmental, and scenic values of the land? Those are not even mentioned in the bill. I urge you to protect the interests of the people of Nevada and vote no on this radical bill.

Assemblyman Wheeler:

First, you keep calling it public land and I keep saying the public is not allowed on BLM land. I have to take a little exception with public land; some of it is and some of it is not. According to this bill, that is what we are worried about here today. The way I read the bill, and tell me if I am right or wrong, someone, say the Southern Nevada Water Authority, would be able to come and take acre-feet of water rights from what is now BLM land in Douglas County. Is that correct, or am I wrong on that?

Kyle Davis:

It is not clear to me right now in terms of the way water is dealt with in the state. That is something the state of Nevada does regulate and control. I would expect that any water resources that are there, that exist with that land, is already something being dealt with by the Office of the State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources. I could potentially see a scenario in which there may be some water

rights that are held by a federal agency, and I believe that is contemplated in this bill, that they would not be able to have those rights anymore, in which case, theoretically, those would be up for claiming to put to beneficial use under our water law.

Loretta Low, Private Citizen, Washoe Valley, Nevada:

As Madam Chair said, the people own the land. We own the land. The question is, who manages it; the federal government or the state of Nevada? Consider this carefully—does Nevada have the resources and the budget to manage these lands? It would be expensive to manage these lands with regard to firefighting, wildlife, water resources, and so forth. Would Nevada sell these lands to the highest bidder to raise revenues for various projects? The state could sell to large corporations or individuals who could afford to purchase large parcels of land.

It was also stated that 83 percent of Nevadans want the lands kept public, but if the revenues are needed, would the sale of our lands mean lands for just one, be it a corporation or a wealthy individual? If that were the case, it would be a land for one—the person who purchased it—not land for each and every one of us as it was intended. My concern is that these lands would be sold to raise revenues, which could deny access to citizens and hurt wildlife and public recreation in various forms. Assembly Bill 408 values grazing, mining, timber, and development over all other uses. These are important uses of land, but they should not be more important than public recreation, wildlife use, and conservation uses. Wildlife, public recreation, conservation areas, and access would all suffer under this bill. Nevada's public lands belong in public hands.

Margaret Flint, representing Nevadans for Responsible Wildlife Management:

We believe moving federal lands into state hands is just the first step to private ownership, and that means public access disappears. The state cannot afford fire protection, taking care of wild horses and burros, and subsidizing grazing and mining. Wildlife would suffer because economic opportunities would trump concerns about responsible wildlife management. We would like to be on the record in opposition of this bill.

Kay Scherer, Deputy Director, State Department of Conservation and Natural Resources:

With me today are the Special Advisor to the Director, Jim Lawrence, and Charles Donohue, Administrator and State Land Registrar, Division of State Lands. We are here today with very specific concerns about A.B. 408.

As you may know, the State Department of Conservation and Natural Resources (DCNR) and its agencies, particularly the Division of State Lands, have actively participated in many efforts on the topic of securing more land for the state. The Department generally supports the concept of securing more lands for the state from the federal government. However, we do feel a strong obligation to point out that the proposed legislation, as written, requires the Division of State Lands to develop regulations and initiate a new process prior to any perfection of title for current federally managed lands. This bill language would cause a substantial level of confusion for the general public, as the requirements would overlay a process currently in the *Nevada Revised Statutes* regarding grazing, harvest of timber, and mineral development on state-owned lands. Were the bill to pass, the language in sections 4 through 7 would create this unnecessary overlap and cause significant fiscal resources to be expended. That would be an expending of fiscal resources on the development of regulations that are prospective and extraneous to what is currently in law.

Thank you for the opportunity to provide those very brief comments that pertain to state land, as it is called in the bill. We would be happy to answer any questions. We also felt that it was only correct that because we placed a fiscal note on this bill, we would be before you to explain the rationale and the purpose behind that fiscal note.

Assemblywoman Carlton:

Thank you for wanting to address the fiscal note. I did read it and do understand where you are coming from, but I know some folks are confused with the numbers and then the zero. If you are not used to doing fiscal notes, that can be confusing. Could you explain how you extrapolated that number? Members of the Public Lands Committee have heard it before, but other members have not.

James Lawrence, Special Advisor to the Director, State Department of Conservation and Natural Resources:

As you can imagine, it was a bit of a difficult fiscal note to wrap our heads around, to read the bill and come up with some sort of fiscal implications. As Deputy Director Scherer articulated in her testimony, our challenge was the way the bill is written. The state incurs costs in developing regulations and administering appropriation of rights and permits prior to any perfection of title. As we read the bill, given the complexities, we would be incurring costs before taking in any revenue, because we would not have actual title of the land. The way we approached the fiscal note was to look at other Western state land offices, and we used Arizona as a benchmark. In the state of Arizona, their

land office has a budget that they report as \$14.6 million and they administer 9.2 million acres. If A.B. 408 were implemented as written, 86 percent of the state is federally managed, about 71 million acres. If most of those lands would come to the state, about 60 million acres could potentially be transferred, resulting in a \$95 million budget.

Chair Titus:

I want to give equal time for opposition as I did to the proponents of this bill. Are there any other folks in the audience who want to testify against the bill?

**Joe Bryan, Cultural Monitor for Washoe Pine Nut People of Nevada Tribe,
Carson City, Nevada:**

I am a Washoe Tribal member and I am here to oppose what I have seen of this bill. I became involved about a month ago due to a meeting we attended in Minden on the sage grouse issue. A lot of the reports I have heard mentioned the flammability of the hills. These pine nut hills do not take that much land. They are throughout our area just south of here. They are also in Austin and other parts of this state. The verbiage they use is that these trees are encroaching. Understand this, these trees do not encroach. These trees are unique to Nevada and they are slow growing. The trees they used were from the studies in Colorado. Our trees are not like those in New Mexico, Arizona, or California. Utah has a very similar type of tree to those we have. Our pine nut trees have been the prime food source for our people for thousands of years. To others they are a scrub tree, because they are short and do not make for good lumber and other things. When the settlers came into our area some 160 years ago, they did not understand our culture and our customs. Therefore, they took these trees and used them for firewood, for fencing, for the fuel for railroad engines, as well as mining. They used these trees for smelting, because they burn very hot.

The thing about these pine nut trees is the nutritional value for people. Our pine nut trees are very unique in taste. They are different than other areas. Countries such as China and other places around the world seek to have these. I did a presentation and a Governor's aide talked to me personally. He asked why we were not exporting these pine nuts. They have done studies on them. They have vitamins A and B and 20 amino acids, plus other minerals. They are a soft nut. These trees take 50 years to even produce a first crop. A tree that is 100 to 150 years old is just in its prime.

When they say these trees are encroaching, they are falsifying their information. These trees were here and were exterminated and they are just growing back. Another thing is that these trees provide habitat for a lot of our game, such as the bear, deer, mountain lions, raccoons, and all the other animals up there.

I would like to add that if these lands are given up and used for oil and mining, which would pollute our water supply, we do not have the luxury of replacing our tainted water. We are experiencing that in northern Nevada and Idaho. We have to protect our water resources and our lands.

Jaina Moan, Executive Director, Friends of Gold Butte, Mesquite, Nevada:

I represent a nonprofit organization of over 500 members, and we are opposed to A.B. 408. Gold Butte is 350,000 acres of BLM managed land located in southeastern Nevada. I think that it is the best example of Mojave Desert that we have in this state. Gold Butte is a treasure. It is home to cultural and natural resources, home to desert plants and animals, a place for visitors who like to ride ATVs, hike, camp, and enjoy the natural world around them. Gold Butte belongs to all of us, and we want to keep it that way. Gold Butte can also teach us a lesson.

Today it provides a unique example of what happens to our land when the designated land manager is not able to tend to it. The BLM has halted work in the Gold Butte region for almost a year now for security reasons. Sadly, since that time, our members have witnessed and documented an increasing number of vehicle intrusions into pristine desert habitat. There is more trash, vandalism, damage to cultural resources, and delay in planned restoration projects. Needless to say, we miss BLM's presence in Gold Butte.

On a more positive note, our organization is working to achieve permanent protection for Gold Butte. We believe that permanently protecting this area will bring sustainable economic benefits for Nevada, particularly for the City of Mesquite. Protecting Gold Butte will increase tourism to the region. It will create jobs and boost tax revenue. It will attract more residents. A recent study by the Center for Western Priorities reported that retirees are three times more likely to move to counties in the West with a high percentage of protected public lands. The report estimated that over 65,000 jobs have been created in Nevada in the past ten years to support retirees. These jobs were created in a range of industries, including health care, housing, construction, banking, and entertainment. The best part is that with a protected designation, Gold Butte will be managed to support both its natural environment and its recreational opportunities. Hence, protection will provide a long term and sustainable economic benefit for the City of Mesquite and for Nevada, one that also preserves the integrity of the land. The bottom line is that the people want to visit and live in areas with protected lands. This is good for our economy.

Overall, keeping public lands open for everyone to enjoy and working with our federal land managers to balance the numerous uses of our land is a much more viable option for achieving revenue gains from our public lands than the plan that is put forth in this bill. Our public lands belong to all Americans. The federal government does not own any land. We the people of the United States own the land, and we would like to see the federal government enabled instead of prohibited from doing their job.

Shaaron Netherton, Executive Director, Friends of Nevada Wilderness, Reno, Nevada:

I am here today speaking on behalf of our 6,000 supporters, most of whom are Nevadans, but many live in other states as well. However, they equally own these lands and have a say in what should be done with them. Our volunteers, of whom we have hundreds and hundreds, give back about \$250,000 of service each year to Nevada and our public lands. We take our trust responsibilities very, very seriously.

After carefully reading A.B. 408, it seems to me it is kind of a peculiar combination of cherry-picked sections from the *Constitution* blended with Western water law and put together in a creative yet totally unconstitutional package. Aside from it being unconstitutional, the process laid out for claiming our public lands is exceedingly complex and unworkable. I really think it could bankrupt the state in trying to implement this kind of craziness.

When the Committee gets time to fully read the implications of A.B. 408, I cannot help but think you would also see it is unworkable. I have to wonder how the state could possibly determine who the first person who used the land for which the rights are claimed for 60 million acres or more of land is going to happen. I hope the state has a huge staff of lawyers and clerks to figure this process out and to process all of those claims and protests. Since there are no limits on how much you can claim, it is going to be an interesting showdown of Nevadans against Nevadans for decades. I just think this is a very unworkable system. It sets up a whole new system of state taxes. It seems that the mantra of Nevada water law and this bill seemingly is first in time, first in right. If this is the case, it seems that our Native American tribes would be claiming all of the state, and perhaps rightly so since they were first in time.

It would also seem only to protect the existing rights of people in the state of Nevada. Section 3, subsection 4, says that these rights would only be protected for the people of the state of Nevada. I question that if there are

ranchers or miners or people with rights-of-way or power plants who have facilities now and they do not live in Nevada, does that mean they lose all of their rights? It just seems that this is not particularly well thought out. There are a lot of questions.

I totally understand the frustration with the government; we see the same thing sometimes. There are better ways of going about solving this than throwing the whole system out. In summary, I would say A.B. 408 is unconstitutional and we respectfully request that the bill not be passed out of Committee. Moving this bill along is a clear waste of taxpayer money and time. Please go back to the important work of governing our state in a rational and legal manner.

Karen Boeger, Private Citizen, Washoe Valley, Nevada:

I am taking off my Backcountry Hunters and Anglers hat today and speaking for myself. I am a retired schoolteacher and over half of my 70 years have been spent as a conservation activist, and I hope I am still doing it at 88 like the gentleman in Las Vegas. This bill proposes a plan that is undemocratic, unconstitutional, and un-American in my opinion. It is a plan to profit a few at the expense of the many. Are any of us happy with the way the federal government manages or mismanages our public lands? Probably not. We could all go have a beer and complain, probably about the same things. Do we want to exchange an oftentimes disagreeable manager with one who would shackle and muzzle us? This proposal would shackle us with no guarantee of the access to our public lands, no opportunities guaranteed for recreation and traditions—sportsman's traditions, in my case. Even more so than Senate Joint Resolution 1, this bill would muzzle us by silencing public participation in the democratic processes we currently have in the Multiple-Use Sustained-Yield Act of 1960 and National Environmental Policy Act process. The words multiple-use and sustained-yield appear nowhere in this document. There is no mention of any decision-making process or public decision-making process based on science to ensure our resources are sustained over time. It equates to robbing our piggy bank, our savings account for the future, and giving it away free to the first person who can prove he or she has been using resources that once belonged to us all. I bet our Paiute and Washoe friends are watching this with interest. It could be their chance to reclaim their land and there would be some poetry in that.

We fought our Revolutionary War partially to escape the shackles of the wild woods and wildlife belonging as the property of the king and our landed gentry. The visionary concept of the commons, the wild woods, and wildlife belonging to all of us is our bedrock Western heritage and tradition. When it comes to sportsman traditions, this in effect consigns we unlanded masses to the serfdom of merry old England.

Just think about those unfortunate residents of domesticated, privatized states like Kansas or Texas, or countries like England blanketed with "No Trespassing" signs, reduced to hunting on game farms, but only if they have the money to do so. The folks from those places come here to hunt and recreate on this public land belonging to us all. We ask you to tell these folks who want to domesticate Nevada for their profit at our expense that our beloved Nevada is the last of the Wild West, and we want to keep it that way.

Dave Cencula, Private Citizen, Sparks, Nevada:

I would like to refute one point that has been put out as common knowledge: the closer you are to the government, the more responsive it is. I am familiar with a particular case involving our Washoe County Commissioners, as Assemblyman Hansen is also familiar with. They essentially ignored public input. Hundreds of people spent many, many hours testifying and they pretty much ignored public input in favor of money, I think, although I cannot prove it. Another thing I would like to say is the strength of one's belief has no correlation to the validity of that belief and the loudness of your voice has no validity in that belief. I would also like to say that people will frequently say what God wants. We have heard that today quite a bit. What they are really saying when they tell you what God wants is essentially what they want. I moved to Nevada about 12 years ago. I was retired and we could have lived anywhere in the country. I chose Nevada because of its public lands and wonderful recreational opportunities, such as hiking, camping, and bird watching. It is a fabulous state. I would like to see this remain a fabulous state, and for that reason, I am very much against A.B. 408.

Chair Titus:

I am going to close the opposition comments now and I am going to open it up to neutral comments.

Ryan Bundy, Private Citizen, Bunkerville, Nevada:

I understand and sympathize with a lot of these folks who are saying they are in opposition. I read through a lot of the comments on the website where you can say if you are for or against. I read a lot of those that are against and I listened to those who were against today. I understand them. Being involved in bringing this bill to pass, their concern is our concern. We want to make sure that this land remains open for the public to hunt, to fish, to hike, and to recreate. That is one of the main purposes of this bill. It is not just for the utilization of the resources; enjoyment is a resource also. The parks and recreation can still exist. This land has been here for thousands of years, it will remain for thousands of years, and we want it to remain. We want it to be open for everybody. You are holding me to neutrality and that is why I am addressing the issues of those who are opposed. Those are the same issues

that we are concerned about. We care about this land and we want people to be able to access and enjoy this land. We see that the federal government is closing these lands systematically rather than keeping them open, and that is part of this bill. Maybe some of the verbiage needs to be adjusted to make it more clear that it is part of this bill. Those of you, Friends of Gold Butte, all of you who spoke today, we are in favor of you. We want you to be in favor of this bill, which will protect those things in the long run, not just eliminate them. As far as the constitutionality, I will leave the neutral part there. I am going to hold my comments to that point, that we care about their needs.

Chair Titus:

Again, I want to emphasize that this is to be neutral testimony. I will not accept a pro or a con. I am trying to give the folks who are truly neutral a moment to speak.

Weldon Travis, Private Citizen, Rough and Ready, California:

I am a retired police officer with 33 years of law enforcement in the Bay Area. I am a member of the Constitutional Sheriffs and Peace Officers Association. I attended Reno High School. My family lives on the Pine Nut Mountains near here. We were at the Bundy Ranch a year ago, and I have prepared an overview of our experiences, observations, and conclusions ([Exhibit K](#)). I would just like that to be included in the record. I claim neutrality because as a sworn police officer, I was in opposition to the sworn police officers down there. It was a very tenuous situation and I was just glad to be a part of it.

Holly Hansard, Private Citizen, Weed, California:

My house was one of those houses that burned down in the Boles wildfire. My father's house was about 100 yards from being burned down earlier in the summer. I was in Nevada, your wonderful state, and I got to experience turquoise mining. When we were kids in Southern California, we had a gold mine but we never did anything with it. We took our friends from North Hollywood, where I grew up, to our gold mine near Lake Isabella outside of Bakersfield. Just last month, I got the idea of what Nevada is and the mining issue. I was doing some research on the BLM. Being aware of the area where this turquoise was, I realized the BLM, or the government, was taking land, like they are saying this bill might do, and selling it to private individuals. I would suggest that you look at how we can protect the land from being bought by foreign interests like the Chinese interests or Saudi Arabian interests. There are individuals who could represent ISIS. I am sorry I am getting off track. I do not fully understand, but I do know it is bull if it could happen privately with the government doing it. I am neutral leaning toward supporting the bill.

Trebor Gibson, Private Citizen, North Las Vegas, Nevada:

It keeps being said that this land could be open to public use and also used as a source of income. Does that mean once a corporation comes in and leases the land and is doing fracking, would I still be allowed to climb the rocks or hike in that area? Likewise, if we decide that the land Cliven Bundy's cattle are on is public land and he is using it for his grazing, does that mean that I can go for a hike there and expect nothing to happen to me? The record says yes. Some clarifying wording might be good just to make sure that people do not get themselves in trouble.

The other thing I am very concerned about is the language as far as leasing it to commercial interests. Back to the theoretical example of leasing it out for fracking, should that cause environmental damage and if it is merely a lease, is the Nevada taxpayer then on the hook for cleaning up the land once the lease is up?

Jim Jacobs, Private Citizen, Rough and Ready, California:

I was with the Cliven Bundy group when they stood off the BLM. One thing Mr. Bundy said was that anybody there could camp on his property for as long as they wanted. It was beautiful with the river and all that. Just because the land is in private ownership, does it mean they are going to restrict people from coming on it? That is all I have to say.

Bonnie McDaniel, Private Citizen, Las Vegas, Nevada:

I am a 55-year resident of Las Vegas, Nevada. I was raised on a ranch in South Dakota, so I know all about public lands. Assemblywoman Fiore said that this is a draft and everyone wants access to the public lands. The BLM is actually closing off some roads and not letting the public on those public lands. It belongs to all Americans, but it is up to the Nevadans to take care of it. No one wants the land sold to the highest bidder. I would like to see an amendment put into the bill that states no public official, elected official, or developer can purchase any public lands for a minimum of 25 years after leaving office after this is adopted. The national parks would stay the national parks, the national forest would stay the national forest. Let me remind everyone who owns a house or property, especially those who live in the Summerlin area of Las Vegas, if it had not been sold by the BLM to a developer, you would not own that house. I am neutral on this and because it is a draft, I would like to see some amendments put in and worked on some more, but I do not want it just voted down.

Donald Cox, Private Citizen, Pahrump, Nevada:

I have heard a lot of people speak here this afternoon and I think there have been a lot of people misled on both sides. I live in Nye County, and I am a lifelong resident of Nevada. My wife is a county commissioner, and she spoke earlier. We have been here over 60 years. I am 67 years old, and I came to Las Vegas a day before I turned 1 year old.

If you go to Nye County, Assemblyman Oscarson can take you on a tour of Nye County, especially in Pahrump, and you can see all the signs that say, "Do Not Go Beyond This Point." They have closed off roads leading up to Mount Charleston, and they are wanting more of our land. I have heard a lot of people get up here and speak about how they go to Red Rock Canyon National Conservation Area and do whatever they want to do. We cannot do that in Nye County; we have been restricted, and they want more restrictions on us. They were supposed to have a public meeting with us, but they did not do it. They shot a man in Red Rock Canyon National Conservation Area and they have pulled arms on the Bundys in Mesquite. The BLM is not supposed to be carrying automatic weapons or a pistol of any kind in Nevada. I believe they committed murder when they shot that man in Red Rock Canyon. If they are not allowed to carry guns in Nevada, why were they not prosecuted? There are a lot of things going on that a lot of people do not understand. I have seen a lot of people get up here in Las Vegas and speak from up there in Carson City, and they belong to these associations. How about the citizens who want to use their land?

Just because the state takes the land back does not mean it is not going to be managed. It will probably be managed a lot better. The finances on it will come automatically. There are not going to be any extra charges. We are going to be getting money back that we are giving the federal government right now. We will end up keeping that money and that is billions of dollars. I honestly believe the state of Nevada can manage their own land. When I talk about the state of Nevada, I am talking about all of the Assembly and the State Senate. They can manage our lands by keeping the money that we are sending to Washington, D.C., that they will not be getting anymore. There is a lot of stuff going on in rural Nevada. If you really want to know what is going on, go to Pahrump and Nye County. Go to these rural areas and see the signs they put up that say, "Do Not Enter."

Linda Sanders, Private Citizen, North Las Vegas, Nevada:

I use the public lands a lot. I ride horses up in the mountains and I am not really worried. Are people in states back east that have only a miniscule portion of their states under BLM or federal government control more capable of managing their lands than the people of Nevada are? That is all I have to say.

Jackie Stroud, Private Citizen, Carson City, Nevada:

I am a resident of Nevada. I have led many hiking trips in the Pine Nut Mountains, and I have utilized BLM land. I have had no problem entering BLM land. I am saying this because I have heard a number of things about restrictions on BLM land. The BLM also maintains campgrounds. Oftentimes they are free, because there is no water on site. I also want to mention that perhaps one needs to think about the greatest benefit for the most people. Getting out into nature, whether it is hunting, riding an ATV, bird watching, or hiking, are all activities people would like to be able to do and have access to land to do them. I have seen no restrictions on public land. I would be concerned that there would be restrictions if the land were privatized. I think in terms of benefit for most people and concern about the health of Nevadans, people need to get out and enjoy the land.

Chair Titus:

Would the sponsor of the bill please come up and give some final remarks.

Assemblywoman Fiore:

Thank you, Madam Chair, for allowing A.B. 408 to come before your Committee. I spoke of this bill being open to amendments, and we have received many amendments. I think many in opposition have not referenced the new amendments that were proposed. As I sat and listened to the opposition, there was a lot of discussion about public access and fear that corporations would close off the lands to public access. Right now, today, the BLM is proposing to shut down 3.1 million acres in southern Nevada. That is a 280 percent increase.

I want to read from section 3, subsection 8, of the proposed amendment ([Exhibit L](#)). "The right of the citizens of Nevada to access public land in the state shall not be infringed...." As I listen to the opposition, number one, I do not think that they have read the amended language as of this morning; and number two, I do not know if I was crystal clear that we are open to making sure that all of their concerns are addressed with this bill so that Nevada stays with Nevadans and not the federal government. I am going to close with that. I urge the opposition to email me with proposed solutions.

Chair Titus:

Are there any final questions for Assemblywoman Fiore? [There were none.] I will close the hearing on A.B. 408. I will open the meeting for public comment. [There was none.] The meeting is adjourned [at 4:36 p.m.].

[The following exhibits were submitted in reference to A.B. 480: ([Exhibit M](#)), ([Exhibit N](#)), ([Exhibit O](#)), ([Exhibit P](#)), ([Exhibit Q](#)), and ([Exhibit R](#)).]

RESPECTFULLY SUBMITTED:

Donna J. Ruiz
Committee Secretary

APPROVED BY:

Assemblywoman Robin L. Titus, Chair

DATE: _____

<u>EXHIBITS</u>			
Committee Name: <u>Committee on Natural Resources, Agriculture, and Mining</u>			
Date: <u>March 31, 2015</u>		Time of Meeting: <u>1:31 p.m.</u>	
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Jered McDonald, Senior Research Analyst, Research Division, LCB	Link to "Public Lands Bulletin No. 15-T"
A.B. 408	D	Assemblywoman Michele Fiore, Assembly District No. 4	Prepared Testimony
A.B. 408	E	Brenda J. Erdoes, Legislative Counsel, Legal Division, LCB	Legislative Counsel Bureau opinion on A.B. 408
A.B. 408	F	Assemblywoman Michele Fiore, Assembly District No. 4	List of overruled U.S. Supreme Court decisions
A.B. 408	G	Steve Winn, Director, Client Services, Avannis, LLC	PowerPoint presentation
A.B. 408	H	Wayne Hage, Private Citizen, Tonopah, Nevada	Testimony in favor
A.B. 408	I	Charles Horne, Private Citizen, Mesquite, Nevada	<i>Public Lands vs. the United States</i> (cover)
A.B. 408	J	Charles Horne, Private Citizen, Mesquite, Nevada	Page 23 of <i>Public Lands vs. the United States</i>
A.B. 408	K	Weldon Travis, Private Citizen, Rough and Ready, California	"Battle of Bunkerville: Victory Over Oppression"
A.B. 408	L	Assemblywoman Michele Fiore, Assembly District No. 4	Proposed amendment
A.B. 408	M	Assemblyman Harvey Munford, Assembly District No. 6	Proposed amendment
A.B. 408	N	Karen Boeger, Board, Nevada Chapter, Backcountry Hunters and Anglers	Testimony in opposition
A.B. 408	O	Bruce Wagman, American Wild Horse Preservation Campaign	Testimony in opposition

A.B. 408	P	Kent M. Ervin, Private Citizen, Reno, Nevada	Proposed amendment
A.B. 408	Q	Steve Winn, Director, Client Services, Avannis, LLC	Flyer
A.B. 408	R	Janine Hansen, Nevada Committee for Full Statehood	Testimony in support