

NvACD POSITION STATEMENTS
2013

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AGRICULTURE

AGRICULTURAL SUSTAINABILITY – NvACD supports the creation and funding of programs designed to improve the profitability and sustainability of agricultural operations and that enhance rural economic diversification.

A 1.1

AGRICULTURAL PRACTICES – RIGHT TO FARM - NvACD supports adoption of local Right to Farm ordinances designed to encourage agriculture and protect the existing rights of farmers and ranchers in each county of Nevada.

Productive agricultural lands should be identified in all county general plans and all properties within one mile should be notified upon purchase that agricultural practices include dust, noise, odor, spraying and machinery operation. We encourage cooperation between farmers/ranchers and the non-agricultural public in resolving conflicts that occur over agricultural practices without instituting unreasonable restrictions, regulations or undue liability and nuisance suits over carrying out normal production practices. Necessary agricultural practices should be considered in weighing agricultural/urban disputes.

A 1.2

AGRICULTURAL PRACTICES – DUST - NvACD supports the continued process of including the Nevada Department of Agriculture, Natural Resources Conservation Service and the Nevada Division of Environmental Protection Citizen Advisory Committee in working to resolve agricultural dust related problems. The advisory committee should continue to include farmer/rancher producers as part of the representatives from the agricultural sector. Ag producers should be allowed to continue to mitigate dust complaints through the use of best management practices as opposed to regulatory controls.

A 1.3

AIR QUALITY CONTROLS – NvACD believes air quality particulate standards should be based on attainable, scientifically sound standards with an exemption for normal agricultural practices. We encourage cooperation between farmers/ranchers and the non-agricultural public in resolving conflicts that occur over agricultural practices like burning or that involves concerns of dust, odors, etc. Necessary agricultural practices should be considered in weighing agricultural/urban disputes.

A 1.4

AGRICULTURE CHEMICALS – NvACD supports maintaining control of the agricultural chemical program within the Nevada Department of Agriculture. We further support the Department of Agriculture playing a lead role to coordinate use of agricultural chemicals, licensing of applicators and control of activities with other agencies (U.S. Fish & Wildlife, public land management agencies, etc.) We support the Nevada Department of Agriculture's program to collect and dispose of agricultural chemicals and urge the continuation of the program.

A 1.5

SOIL HEALTH – NvACD believes achieving soil health is part of a systems approach to agriculture production that benefits the landscape, reduces nutrient loading and sediment runoff, increases efficiencies, and sustains wildlife habitat, while providing the potential for cost savings to producers. Soil health minimizes the impacts of severe environmental and weather conditions to provide a consistent

food, fuel, feed, and fiber supply for future generations. NvACD supports NRCS' initiative to promote soil health and encourages all agriculturalists to educate themselves to enhance their own operations.
A 1.6

SHEEP GRAZING – NvACD urges the Bureau of Land Management and U.S. Forest Service to develop a policy in conjunction with animal science and wildlife experts at the University of Nevada Reno which will allow domestic sheep grazing on federal lands within a scientifically sound framework.
A 1.7

ANIMAL RIGHTS – NvACD opposes the granting of any public funds by any level of government for use in preparing, promoting and/or distributing non-traditional concepts of diet, animal rights, or anthropomorphism (the act of ascribing human emotions to other animals). We are opposed to the teaching and public funding of such concepts. We support animal welfare through generally accepted animal husbandry practices.
A 1.8

CONSERVATION FORESTRY

MANAGEMENT OF FORESTED AREAS - NvACD supports the sustainable management of forested areas within the state to improve overall health and productivity while maintaining the economic viability of landowners, land users, industry and communities that depend on those forested lands.
CF 2.1

MULTIPLE USE - NvACD supports the multiple use concept of management in the national forests and other public forests.
CF 2.2

FOREST MANAGEMENT - The objectives of Conservation Districts are to promote conservation of soil, water, and wildlife, to promote the sustainable use of natural resources for the benefit of people, and to support the economy and tax base of local communities. Therefore, the Nevada Association of Conservation Districts fully supports the policies and positions of the National Association of Conservation Districts and efforts by the state and federal government to improve the management of our forestlands. Further, NvACD urges congressional representatives and governors of the Western states to support federal and state policy and legislation that will facilitate thinning, prescribed burning, and prescribed grazing to improve the condition of Western forest and rangeland watersheds. NvACD also supports development of markets for sale of products derived from such treatments and/or exchange of wood and forage for services performed by private entities to offset the costs of these management actions. Income from these sources will save the taxpayers' money and benefit the economy of local communities.
CF 2.3

PINYON-JUNIPER CONTROL – NvACD supports rangeland restoration activities which address the serious problems of pinyon-juniper expansion and progression toward Phase 3 condition in existing stands. NvACD urges an aggressive approach to pinyon-juniper control to enhance effective management in Nevada and throughout the intermountain West. We further support economic development opportunities using pinyon-juniper resources.
CF 2.4

DISTRICT OPERATIONS

DISTRICT STATE APPROPRIATION - NvACD strongly endorses the continuation of state appropriations to conservation districts for local district programs.

DO 3.1

LAND AND WATER CONSERVATION FUNDS - NvACD supports NACD in urging Congress to amend legislation necessary to allow conservation districts to be eligible to receive Land and Water Conservation Funds at the local level. Local match requirements should be waived for conservation districts.

DO 3.2

NRCS FIELD STAFF - NvACD supports increased funds for field staff for the Natural Resources Conservation Service.

DO 3.3

COORDINATED RESOURCE MANAGEMENT - NvACD promotes that local Conservation Districts be the sponsoring agencies for Coordinated Resource Management (CRM) to ensure that CRM remains voluntary and is exempt from the Federal Advisory Committee Act (FACA).

DO 3.4

EQUAL ACCESS TO JUSTICE ACT - NvACD supports members of Congress and the general public having full access to data giving accurate representation of the administration of EAJA, allowing tracking of EAJA disbursements, with information regarding plaintiff organizations, attorney's fees and monetary awards distributed as a result of actions undertaken on EAJA. NvACD requests that NACD take action to convey the position to members of Congress, the Administration and any other pertinent party.

DO 3.5

CONSERVATION PROGRAM DELIVERY – Historically, the National Conservation District Law established the formal relationship between Conservation Districts and the Soil Conservation Service, now NRCS. There were Memoranda of Understanding (MOU) between the Secretary of Agriculture, the chief of NRCS and each CD to formalize and recognize each entity's mission purpose and responsibilities to work together for conservation. CD's determined their priority resource issues; their presence and the MOU gave the authority for NRCS to work in a particular area. NvACD supports a strong working relationship between CD's and NRCS.

1. NvACD promotes conservation program consolidation to streamline and reduce the time NRCS personnel spend on Farm Bill program administration and implementation.
2. NvACD supports a decrease in financial assistance dollars in conservation programs, such as the Conservation Stewardship and Wetland Reserve Programs, so that these funds may be utilized to fund either NRCS base, non-program related technical assistance, or a block grant to states to be utilized for technical assistance.
3. NvACD supports local or state, not regional, NRCS planning and decision making.

DO 3.6

EDUCATION

YOUTH EDUCATION - NvACD endorses conservation of natural resources and agriculture curriculum for youth education. The goal for a comprehensive program is a learning process designed to help young people develop an awareness of the natural environment, how it functions as a whole, how they are part of it, and how to sustain it.

E 4.1

CONSERVATION EDUCATION - NvACD supports teacher education institutions incorporating conservation and agriculture education into state and district standards.

E 4.2

NEVADA YOUTH RANGE CAMP – NvACD supports Nevada Youth Range Camp, organized by UNCE and the Nevada Section of Society for Range Management, and encourages all Conservation Districts to actively encourage local youth participation and provide sponsorships for attendance.

E 4.3

CABNR / LAND GRANT COLLEGE RESPONSIBILITY - NvACD strongly supports the National Land Grant College system, established under the Morrill Acts of 1862 and 1890, which reflected a growing demand for agricultural and technical education at colleges across the nation. The Hatch Act of 1887 provides funding to each state to establish agricultural experiment stations in connection with the state's land-grant institution. The needs which prompted enactment of these two laws clearly remain to this day. We strongly encourage the University of Nevada System; the University of Nevada, Reno; and, the College of Agriculture, Biotechnology and Natural Resources to recommit their efforts to conform to requirements set forth in the statutes/regulations for National Land Grant Colleges.

E 4.4

EDUCATION, GENERAL - NvACD supports an education system which will:

1. Provide for education about career opportunities in agriculture
2. Create partnerships with business, including agricultural business
3. Support science and humanity credits for agriculture science classes
4. Teach students basic nutrition utilizing a balanced approach
5. Offer vocational-technical programs in all school districts
6. Focus on a thorough understanding of basic economics, free enterprise systems and the United States and Nevada constitutions
7. Allow for individual flexibility in achieving education goals
8. Instill students with attributes of responsibility and discipline
9. Ensure a mastery of competencies
10. Provide that the costs for back ground checks for volunteers be paid by the ordering authority.

E 4.5

UNIVERSITY OF NEVADA COOPERATIVE EXTENSION (UNCE) – NvACD believes:

1. Cooperative Extension should enhance its liaison role between researchers and producers. This includes bringing not only new knowledge from the researcher/specialists to the producer but also identifying needs of producers to help guide new research.

2. Extension should play a role in educating the non-agricultural community regarding the issues facing people in agriculture today.
 3. Local Extension personnel's role needs to be strengthened to develop and carry out applied research for the benefit of production agriculture and conservation of natural resources.
 4. Development or strengthening the cooperative working relationship between the federal government; Cooperative Extension; the College of Agriculture, Biotechnology and Natural Resources; and the Agricultural Research Service is critical to solving conservation and agricultural challenges.
 5. UNCE should establish/maintain a core of specialists to cover key areas facing Nevada agriculture: livestock/agronomy/forage production, alternative crops and traditional agricultural enterprises, rangeland management, noxious weed control and water management.
 6. 4-H programs serve a vital role and should be strongly supported by UNCE and all Nevada counties.
- E 4.6

AGRICULTURAL RESEARCH - NvACD believe that the Experiment Station system should be maintained under the College of Agriculture, Biotechnology and Natural Resources and support the use of the Nevada Agricultural Experiment Stations by any component of the Nevada System of Higher Education that presents a research or teaching proposal that addresses an issue of critical importance to the future of Nevada's agricultural industry. We oppose the conversion of any Nevada Agricultural Experiment Station properties to urban use. We believe that the Nevada Agricultural Experiment Station should engage in more applied research as opposed to basic research, with input from Nevada farmers and ranchers. The UNR College of Agriculture, Biotechnology & Natural Resources, Cooperative Extension, Nevada Department of Agriculture, Natural Resource Conservation Service and other agencies of the USDA should conduct and/or continue research on water resources, usages, water studies, pipeline projects, water shortages, etc. and provide educational materials that agricultural producers can readily use, including, but not limited to educational classes on water rights, rangeland resources, etc..

E 4.7

EXTENSION - RESEARCH: NvACD maintains that agricultural funding for agricultural research, UNCE and the College of Agriculture, Biotechnology and Natural Resources should be maximized. Educational programs relating to Nevada agricultural needs should not be diluted. We support returning the College of Cooperative Extension to previous funding and staffing levels and to gain additional funding from the Legislature to establish/maintain a core of agricultural and natural resource experts to cover key areas facing Nevada agriculture and lands. We urge additional research on control measures for pests on private and federally-managed lands. Additional resources should be provided to address emerging agricultural issues related to small farm/urban agricultural development. These needs should not be addressed by diverting resources from existing agricultural programs.

E 4.8

COLLEGE OF AGRICULTURE, BIOTECHNOLOGY AND NATURAL RESOURCES (CABNR) - NvACD strongly urges CABNR to work with the NvACD, Farm Bureau and Nevada Cattlemen's Association to assess current statewide undergraduate educational needs in agriculture and natural resource management. Additionally we urge CABNR to work with the NvACD, Farm Bureau, Nevada Cattlemen's Association and UNCE to regularly assess the current statewide agriculture and natural resources research needs of the industry.

E 4.9

NATURAL RESOURCES

LANDSCAPE SOIL HEALTH – NvACD believes achieving soil health benefits the landscape to enhance ecological and biological system functionality, reduce nutrient loading and sediment runoff, and sustain vegetative and wildlife habitats. Soil health minimizes the impacts of severe environmental and weather conditions to improve rangeland and forest land resilience. NvACD encourages all producers to educate themselves to enhance their own operations.

NR 5.1

NEVADA PINYON – JUNIPER PARTNERSHIP – NvACD supports the work of the Nevada PJ Partnership to bring about interagency and public/private cooperation in landscape level efforts to restore the health of both pinyon-juniper and sagebrush steppe communities.

NR 5.2

SCIENCE-BASED RESOURCE MANAGEMENT – NvACD believes that all regulations and guidelines for state or federal agency action must be supported by proven, fact-based science subjected to external peer review.

NR 5.3

SOIL SURVEYS/ECOLOGICAL SITE DESCRIPTION - NvACD recommends the prioritization of soil survey mapping and the uniform use of ecological site descriptions developed by NRCS as the foundation for the inventory, evaluation, setting of monitoring objectives, and management of rangelands and forestlands because ecological sites are the basic units of soils and associated plant communities and they provide the basis for setting vegetative management objectives, monitoring and extrapolations of management impacts to other areas.

NR 5.4

RANGELAND RESTORATION VERSUS REHABILITATION – NvACD supports the inclusion of appropriate non-native species such as Crested wheatgrass or Kochia in seeding mixtures on public lands. NvACD recognizes the distinction between restoration and rehabilitation. We support restoration only when economically, biologically and ecologically sound as it requires undue expense, time and use of resources when required rehabilitation is usually sufficient.

NR 5.5

PRIVATE, STATE, AND FEDERAL LANDS

PROPERTY RIGHTS - NvACD supports private property rights.

PSFL 6.1

RELATIONSHIP BETWEEN PRIVATE AND PUBLIC LANDS – NvACD recognizes the interdependency between private and public lands for wildlife habitat, local economies, and agriculture. What happens on private affects federal lands and on federal lands affects private. This relationship should be strengthened to positively affect both ownerships: the federal is economically critical to the private to maintain viable ranching operations; the federal benefits from the buffer afforded by the private as well

as enhanced wildlife habitat and a local manager with eyes on the ground and a view to long term sustainability. One entity must not be sacrificed to the benefit of the other; it should be mutually beneficial to each.

PSFL 6.2

MULTIPLE USE - NvACD supports the multiple use and sound management of public lands applied with flexibility and sensitivity to local conditions and needs.

PSFL 6.3

LIVESTOCK GRAZING AS A TOOL - NvACD supports proper livestock grazing as a tool for the sound management of private, state and federal lands. NvACD further encourages targeted grazing treatments to accomplish specific management objectives applied with flexibility and sensitivity to local conditions and needs.

PSFL 6.4

NOXIOUS WEED CONTROL - NvACD supports and strongly encourages the control of noxious weeds and pests by owners, managers and users of all lands. NvACD urges private, state and federal land managers to increase funding, support, and coordinate noxious weed control efforts using sound, applied science to classify invasive species and administer the necessary treatments.

PSFL 6.5

LAND MANAGEMENT TOOLS - NvACD urges all local, state and federal land managers to fund, develop and coordinate the use of prescribed burning, chemical and mechanical treatments as effective management tools to maintain or restore Nevada rangelands where these tools are most appropriate.

PSFL 6.6

PUBLIC LAND MANAGEMENT PRACTICES - NvACD supports local, state and federal land managers in proper management of forest and other public lands through Best Management Practices (BMPs) including, but not limited to, timbering, select cutting, fire management and managed grazing practices for the prevention of catastrophic wildfires.

PSFL 6.7

COORDINATED RESOURCE MANAGEMENT PLANNING - NvACD favors the concept of Coordinated Resource Management Planning for local, state, and national planning efforts to support communication, cooperation and coordination of all local, state and federal entities with regard to natural resource management policies and decisions and other planning efforts.

PSFL 6.8

WILDERNESS AREA MANAGEMENT - NvACD urges all federal land management agencies to apply wilderness area management techniques only to those lands officially designated as wilderness areas and in full conformance with Congressionally Established Wilderness Management Policy and the Congressional Grazing Standards report.

PSFL 6.9

RECLAMATION OF TRANSPORTATION CORRIDORS - NvACD supports local, state and federal agencies in requiring proper construction, maintenance and reclamation of transportation corridors such as access roads, pipelines, transmission lines, etc. to prevent resource deterioration.

PSFL 6.10

WILDERNESS AREA DESIGNATIONS - NvACD recommends that no additional areas be designated as wilderness in coordination with local Natural Resource Plans.
PSFL 6.11

DISTRICT LAND USE PLANS - NvACD encourages all Conservation Districts to develop or work with county natural resource specialists to record a locally led natural resource land use plan including policy, to enable full participation in local, state and federal land planning processes.
PSFL 6.12

COOPERATIVE PERMITTEE MONITORING – NvACD supports Cooperative Permittee Monitoring using guidelines established in the Nevada Rangeland Monitoring Handbook (developed in conjunction with all state and federal agencies and the Nevada Rangeland Monitoring Taskforce) and the Nevada Rancher’s Monitoring Guide (UNCE Educational Bulletin 06-04)
PSFL 6.13

RETIREMENT OF GRAZING PERMITS BY PERMIT HOLDER

1. NvACD supports the right of any private individual or group to sell or buy private property on a willing buyer/willing seller basis. The buyer of a ranch should have the right to acquire federal grazing permits attached to that property if they meet all requirements to hold such permits.
2. NvACD believes that the only interest acquired in the federal grazing allotment is the right to graze it under terms and conditions established by the land management agency, and any legal rights to water or improvements that may have transferred to the new owner by the previous owner
3. NvACD believes that grazing, and all other uses of public land, should be governed by laws enacted by Congress and by the public planning process established under those laws. Any decision to graze or not graze public land grazing allotments must be consistent with direction in land use plans. Neither individuals nor government agencies have the right to make land use decisions not consistent with existing land use plans, government policy and federal law.
4. NvACD believes that future livestock grazing on the allotment should be determined by federal law and the land management planning process established by federal law. It is not the right of the permit holder or the land management agency to retire grazing without going through the appropriate legal processes. A permittee who does not wish to graze should be required to relinquish the permit, and it should be granted to another qualified applicant.
PSFL 6.14

RESTOCKING AFTER DROUGHT - NvACD believes that a realistic restocking policy after drought will increase the incentive for permittees to reduce stocking on federal permits when drought occurs. Decisions to either reduce stocking due to drought or increase stocking rates due to end of drought should be made cooperatively with each individual permittee and should consider the entire ranch operation including private and state lands. Decisions should be made on a site-specific basis and should consider the existing forage conditions in all pastures to be used within the foreseeable future. Rigid requirements on utilization levels, ground cover, forage production, or other factors applied over a broad area should be avoided. After each growing season the permittee and the agency should decide whether numbers can be increased or should be reduced given the amount of forage produced and available over the entire ranch and a plan worked out for utilization of existing forage. Use of all classes of forage (perennial grass and forbs, annuals, and browse) should be considered. On some yearlong ranges this decision may have to be made twice a year, i.e. in fall and in spring. Agency and permittees should jointly monitor conditions in the field to adjust the plan as needed. Regarding joint monitoring,

the Nevada Rangeland Monitoring Handbook (developed in conjunction with all state and federal agencies and the Nevada Rangeland Monitoring Taskforce) and the Nevada Rancher's Monitoring Guide (UNCE Educational Bulletin 06-04) are to be used as guidelines. NvACD believes that this flexible, cooperative approach will improve the ability of both ranchers and agencies to deal with drought. PSFL 6.15

FORAGE ALLOCATION - NvACD supports the use of a "stock and monitor" or adaptive management approach to adjusting numbers of grazing animals (both livestock and wildlife) allowed on public grazing allotments. NvACD does not support the use of one-point-in-time inventories of forage and forage allocation approaches to estimation of permitted carrying capacity for either livestock or wildlife on public lands. In almost every situation there exists a record of stocking rates, weather data, and various kinds of monitoring information that can be used to adjust grazing management to achieve goals and objectives of the agency and the livestock operator. Where such information is lacking or inadequate, joint agency permittee monitoring should, along with the professional qualifications of the individuals rendering such opinion, be initiated (See PLC Task Force Recommendation Language 12-20-02, as amended <http://www.publiclandscouncil.org/plcmaterials.aspx>), it can be supplemented by professional opinion. Where professional opinion rather than site-specific data is the basis for decision, that fact should be documented.

PSFL 6.16

FORAGE UTILIZATION AND RESIDUAL VEGETATION MEASUREMENT - NvACD supports the joint agency/permittee in-field monitoring (See PLC 12/20/02 Monitoring Task Force Recommendations, as amended). NvACD further recognizes that measurement of utilization and residual vegetation as valuable tools for managing public grazing allotments, but not as management objectives or basis for compliance with terms and conditions of permits. As stated in the Interagency Technical Reference on Utilization (1996) and supported by the Society for Range Management there are three legitimate uses for such data: 1) To identify use patterns, 2) To help establish cause-and-effect interpretations of range trend data, and 3) To aid in adjusting stocking rates only when combined with other monitoring data. NvACD believes that when utilization or residual vegetation guidelines are included in management plans or other documents, the following criteria should be documented:

1. The method of measurement
2. The season of measurement, i.e. whether utilization (based on entire growing season's production) or relative use (based on less than annual production) will be measured.
3. Where the measurement will take place, i.e. where are key areas and why were they selected.
4. Which species (key species) or group of species (browse, perennial grasses, annuals, etc.) will be measured, and why.
5. Studies that establish the relationship of the proposed measurement to the goals of management in terms of soil, vegetation composition or amount, wildlife values or other factors.
6. Consultation and agreement among grazing permittees and other parties with legitimate interests in the allotment on the protocol and interpretations to be used. NvACD does not support the use of rigid utilization and/or residual measurement standards, alone, to determine compliance with management plans or annual operating plans, or to trigger automatic livestock moves among pastures and/or removal from an allotment. Such actions should consider all pertinent information, including weather and forage conditions in the whole ranch operation, outlook for the rest of the grazing season, and the economic consequences of any proposed action.

PSFL 6.17

ECONOMIC RESEARCH - Government agencies should recognize that personal income of a small business does not reflect its real economic impact on a community; it is important to work towards ascertaining the full economic impact, including multiplier effect, of small businesses including farms and ranches on a community. NvACD encourages county commissioners to adopt land use plans that will protect their county's customs, culture and economic stability. We also urge counties to make an economic study of their counties' resources. NvACD supports local communities in their request for environmental, economic, and social impact studies addressing the cumulative impacts on the entire community of federal government regulation and legislative actions.

PSFL 6.18

AGRICULTURAL LAND PRESERVATION – NvACD supports programs enabling purchase or transfer of development rights on agricultural lands and irrigation water rights to preserve agriculture while at the same time permitting current owners a return on their investment.

PSFL 6.19

GOVERNMENT ACTIONS IMPACTING PRIVATE PROPERTY - With the strong foundation of many laws and our U.S. Constitution requiring full due process of law before federal or state agencies can take possession of private property, NvACD believes it is important for governments at all levels to enforce laws which require due process and the right of a grand jury judgment before any private property can be seized or civil rights violated. We believe that all agencies should honor private property rights and that no agency should be able to take private property without due process.

PSFL 6.20

FEDERAL LAND USE MANAGEMENT PLANS – Under FLPMA, federal land use management plans must be consistent with local land use and water plans. NvACD believes the implementation of such plans must be consistent with local plans as well.

PSFL 6.21

AFFECTED INTERESTS - When drafting regulations, NvACD believes government agencies must consider all entities which have economic interests which will be affected by the implementation of the regulation, taking into consideration private property rights, local people, multiple use of the land, and local economies. When federal agencies plan to make land use plan changes, they need to notify all land owners in the affected area by mail and anyone who holds prior existing permits should have potential for inclusion or intervention as an Affected Interest status in any legal actions.

PSFL 6.22

UTILIZING EQIP FUNDS ON FEDERAL LANDS – NvACD supports the continuation of existing Farm Bill policy to utilize EQIP funds on federal lands when a corresponding benefit to private land occurs.

PSFL 6.23

MITIGATION (NEPA) – NvACD believes any industry seeking permits to develop on federal lands may not supplant mitigation required for their actions to any other interest or industry. The industry pursuing the action must bear the costs and impacts of their intended enterprise.

PSFL 6.24

WILDLAND FIRE SUPPRESSION – NvACD supports coordination with the federal land management agencies to recognize rural, volunteer, and other local fire departments as a first line of defense for fire suppression. NvACD requests these agencies provide training and equipment needs to local fire

departments to ensure fires are aggressively and safely fought during initial attack and transition periods. We request agencies prepare maps to show areas that will allow immediate suppression efforts, including the use of heavy equipment.

PSFL 6.25

SPECIAL STATUS, THREATENED OR ENDANGERED FAUNA, FLORA OR RESOURCES

ENDANGERED SPECIES ACT (ESA) LISTING - Any listing of any species, animal or plant, as threatened or endangered, will undoubtedly affect the custom, culture and economy of the impacted area, as well as cause a financial impact to local landowners. NvACD believes this must be treated as a “taking” and dealt with through the appropriate court system so that just compensation can be obtained for impacted parties.

NvACD believes sound and complete science must be used to make a determination of need or eligibility for listing as well as to determine impacts from other uses on the proposed listing. There is an essential need for subject matter experts to make the determination if other uses show impact on a species; a wildlife biologist cannot make determinations concerning hydrology or rangeland ecology, experts in those fields must do so.

SS 7.1

ESA DELISTING – NvACD believes if an entity chooses to question the delisting of a species under ESA, they must do so with a significant preponderance of science-based information to document reasons to continue to list the species. The entity must be liable for any costs incurred in answering their question by U.S. Fish and Wildlife Service.

SS 7.2

SAGE GROUSE - NvACD opposes the listing of the Greater sage grouse under the Endangered Species Act.

1. We support local sage grouse conservation programs, which work to enhance sagebrush communities. We further maintain the need for incentive-oriented programs to involve private property owners in conservation efforts while providing for protections of property rights.
2. Any encroachment on permittees’ and/or grazing allotment owners’ AUMs shall be considered as a taking.
3. We support NDOW limits on sage grouse hunting or season closures where applicable, especially in light of concerns related to a possible ESA listing.
4. We support appropriate management activities to address site-specific problems.
5. We also believe that local management plans by county governments should be weighed as viable alternatives for sage grouse management.
6. We recognize the appropriate management of livestock as a contribution to the intrinsic values for thriving habitats for sage grouse and livestock. We also recognize the inherent value of a diverse economic base and access to resources necessary for different economic entities to survive.
7. We ask that the Governor and state legislature take all necessary measures to insure that wildlife and habitat management within the state be solidified as a local and state function, not a federal function.

SS 7.3

CHANGES ESA AND IMPLEMENTING REGULATIONS POLICY - NvACD supports the following 17 points, as adopted by the Western Coalition of Conservation Districts, as it pertains to the Endangered Species Act: The Endangered Species Act should be changed to:

1. Provide full compensation to individuals for current and long-term “takings”. Take into consideration cost-benefit analysis and mitigate for adverse economic, social, and cultural needs of the human element (change Section 4(b)(2) of ESA)
2. Consider and evaluate cumulative effects in accordance with the National Environmental Policy Act (NEPA). Single species management does not consider ecosystem needs and may be and likely is detrimental to the well-being of other organisms. (add to Section 4)
3. Focus on species recovery by improving ecosystem health instead of single species listing. Listing should be incentive based rather than regulatory (add to subsection (c) of Section 4 and a new statement to Section 4)
4. Seek scientific consensus and require mandatory non-governmental, non-biased peer review by the appropriate and varied subject matter experts prior to the listing of any species.
5. Petitioners requesting endangered or threatened species designation should be responsible for costs incurred if a listing is determined to be un-warranted.
6. Require appropriate bonding by any petitioner for a proposed listing of a species. Bond to be forfeited if a species is determined not warranted to be listed (add to Section 4 (b))
7. Ensure agency regulations conform to ESA law. (ex. Adhere to critical habitat provision)
8. Allow states to design, control, and implement functionally equivalent, state-specific programs for endangered species recovery planning and critical habitat designation with federal funding.
9. Codify applicant status to make clear that permit applicants (consists of any individual seeking a federal permit or license) are provided the opportunity of direct involvement in the Section 7 process. (amend Section 6 and 7 (a) and (d))
10. Allow implementation action of any project or activity already underway prior to completion and formal approval of a Recovery Plan (amend Section 7 (a))
11. Direct the Secretaries of Agriculture, Commerce and Interior to streamline the ESA Section 7 consultation process through a tiered programmatic consultation at the national, state and local level.
12. Eliminate the proposed listing of any sub-species. (Amend Section 3 (16))
13. Not allow taxpayer funds to be utilized by non-governmental entities to sue the Government or others (add to Section 1 (c)(4) as new policy and amend Section 11 (9)(g))
14. Enhance the incidental take rules to reduce the need for civil violations penalties.
15. Expedite the delisting process. (add new subsection under Section 4)
16. Revise the “taking” definition to protect private and state property rights in conformance with the United States Constitution, (Section 3(19))
17. Provide for “safe-harbor” provisions to make the Act more flexible and to encourage landowners to manage lands in a more “endangered species friendly” manner.

SS 7.4

URBAN

U 8.1

WATER RESOURCES

PROTECTION OF STATE WATER RIGHTS - NvACD urges that full consideration be given to the following recommendations in the implementation of national policy affecting water:

1. That no federal policy or action abrogates the traditional rights of the states and their citizens to use beneficially all waters within their boundaries.

2. That no attempt is made to establish rigid federal guidelines for control over state development and use of water resources.
3. That the federal role in water resources policy be one of cooperation, allowing the state and citizens input early and throughout the planning process.
4. That federal financial participation continues to be deemed as investment rather than subsidy.
5. That the definition of environmental quality as an objective be expanded to encompass the quality of the human as well as the natural resources environment.

WR 9.1

WATER PROJECT PERMITTING - NvACD supports streamlining the time it takes for water planning or water projects for issuance of all federal permits.

WR 9.2

LIVESTOCK WATERS ON FEDERAL LANDS – NvACD encourages actions to expand water project permitting on federally-managed lands, both by cooperative agreement where the project is titled to the federal government and particularly by Section 4 permits under the Taylor Grazing Act which titles improvements to the private party developing the project. NvACD supports the premise that all federally-managed ranges in Nevada were historically fully adjudicated. If during the intervening years the original carry capacities have been reduced by agency action, this cannot be construed as resulting in historically certificated waters becoming available for any other use, or available for any agency filing.

WR 9.3

WATERSHED STRUCTURE PROGRAM - NvACD supports funding and technical assistance for watershed structure rehabilitation for those structures constructed pursuant to the PL 566 program or by the Civilian Conservation Corps.

WR 9.4

LIABILITY FOR STRUCTURES - NvACD opposes local sponsors of watershed structures being held liable for costs of corrective actions required on dams if the dam was built and maintained as originally designed to Natural Resource Conservation Service specifications at the time of construction.

WR 9.5

WATER TRANSFERS - NvACD urges that the transfer of existing agricultural water uses to non-agricultural uses be discouraged.

WR 9.6

TRANS-BASIN DIVERSIONS - NvACD does not support the use, sale or lease by the state, of any Nevada basin water unless the water and storage needs of the affected basin(s) have been met and mitigated. Any sale or lease of water out of basin or out of state will be mitigated by storage, before the transaction is approved. Further, the Association generally does not support trans-basin diversions. For existing trans-basin diversion, storage mitigation will be further implemented prior to or concurrently with development and construction of a trans-basin diversion.

WR 9.7

STATE AUTHORITY OVER WATER RIGHTS – NvACD believes that the sole authority for the appropriation, distribution, and use of water or the change in place or manner of use of water is and should be state law or applicable court decrees.

The right to use water is a property right which should not be taken away from an owner without due process of law and just compensation at the highest valued use. We support the present system of appropriation of water rights through state law and oppose any federal water reserve right, federal law precedence, or preemption of state water resource distribution formulas.

WR 9.8

GROUND WATER EXPORT – NvACD is opposed to the export and transport of ground water out of the basin of origin without full protection of agriculture and wildlife waters.

Before any large inter-basin transfer of water is considered by the state water engineer the potential exporter shall provide the funding to independent professionals to accomplish the following:

1. A water model of the regional alluvial and carbonate aquifers
2. Studies required indicating the source, age and distribution of the water in the system
3. An adequate monitoring process
4. A scientifically sound, independent inventory of hydrologic and biological conditions in the basin of origin must be compiled at the applicant's expense to serve as a baseline against which potential effects or changes are gauged. This should include but not be limited to springs, creeks, seeps, wet meadows; types of vegetative and animal species; and current groundwater levels and quality.

WR 9.9

WATER QUALITY – NvACD fully recognizes and supports Nevada Revised Statutes (NRS) # 445A.425[3] and 445A.520[2] which in establishing water quality standards states, "shall recognize the historic irrigation practices in the respective river basins of this state, the economy thereof and their effects." To the extent that water quality standards are intended to define conditions necessary to support and protect fish and to provide for recreation, they must be reasonably, scientifically and economically attainable.

WR 9.10

WILD HORSE AND BURRO

WILD HORSE AND BURRO MANAGEMENT - NvACD recognizes the significant problems caused by wild horses and burros in Nevada and other western states. We believe:

1. It is essential that wild horse and burro numbers be kept at or below Appropriate Management Level (AML) on a statewide level and in each Herd Management Area (HMA).
2. Roundups must be conducted immediately if AML is exceeded regardless of budget concerns.
3. All established solutions to excess numbers must be allowed and followed: adoption, sale, sterilization, and humane euthanasia. Long term holding is not a solution but a misuse of public funds.
4. The 1971 Wild Horse and Burro Act should be enforced as enacted.

WHB 10.1

WILD HORSE AND BURRO – SANCTUARY - It does not appear that there is any demonstrated ability to manage large numbers of horses, exceeding AML numbers in a majority of HMAs, on open federally-managed rangeland without negatively impacting the objectives of approved grazing standards and guidelines, i.e. grazing rotation, riparian utilization, integrity of perimeter fences, actual use, conforming to land use plans and displacement of wildlife.

Therefore, NvACD opposes conversion of domestic livestock AUMs to wild horse and burro use. We also oppose the formation of wild horse and burro sanctuaries on federally- managed lands in Nevada as

these would only be a stop-gap measure, which don't address the long-term problem of wild horse populations that double every four to five years.

Our specific points of concern, regarding the proposed eco-sanctuary include:

1. The idea of the public paying a private organization to graze public horses on public land is inconsistent with logic.
2. The development of regulations and guidelines to monitor the range and neighboring wild horse herds under such a different set of conditions will be costly and time consuming for an already burdened government agency.

WHB 10.2

WILDLIFE

WILDLIFE MANAGEMENT – NvACD believes that the emphasis of wildlife management should be on improving and developing habitat which benefits all multiple-users.

W 11.1

WILDLIFE FORAGE COMPENSATION - NvACD supports Nevada landowner compensation hunts. NvACD recognizes and appreciates the intrinsic aesthetic and recreational value of Nevada's wildlife yet emphasizes that agriculture in Nevada provides the valuable water and habitat resources for wildlife. Sportsmen in Nevada have the best of both worlds with extensive federally-managed lands providing easy access on which to hunt and scattered, diverse cultivated crops and water sources to support wildlife.

W 11.2

ELK – NvACD supports no increases in the existing elk populations until there is a documented increase in forage available, better overall rangeland ecological functionality and sustainability, and all suspended livestock permits have been restored to their original capacity. NvACD opposes any planting, transplanting, relocating or releasing of elk anywhere in the state of Nevada. We believe that wild horse and burro populations and plans need to be considered in elk management plans.

W 11.3

WOLVES – NvACD opposes any establishment of wolves in Nevada. NvACD supports the development of appropriate plans to deal with the immediate removal of wolves should they come into the state.

W 11.4

WETLANDS – NvACD supports a voluntary, incentive-based approach to maintenance of wetlands and wildlife habitat on private property.

W 11.5