

5/26/78

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

EVALUATION REPORT



Office Evaluated Nevada

Type of Evaluation Multi-Functional Program

Conducted by Washington Office

Dates May 15 - 26, 1978

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Date

May 25, 1978

EVALUATION REPORT TITLE PAGE

Title/Subject

NEVADA RESOURCES EVALUATION

Type of evaluation

Multi-Functional Program

Dates conducted

from May 15, 1978

to

May 25, 1978

Conducted by (office)

Washington Office

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Arnold E. Petty

Date

7/12/78

NEVADA STATE OFFICE MULTI-PROGRAM FUNCTIONAL

RESOURCES EVALUATION

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Report Title
General Comments

Type of Evaluation
Resource Functional Evaluation

EVALUATION SUMMARY

General - The evaluation team found the morale of employees on the whole to be fair to good and attitudes positive. District and Area staff (both management and specialist) are maintaining high professional standards in the conduct of their work. New employees appear to be highly motivated and very competent. The procedure of selecting full time permanent (FTP) from when actually employed (WAE) (temporary and permanent) employees may be assisting the Bureau in recruiting highly qualified people.

Although the high turnover rate of district employees was of concern to management, it is recognized as a condition created by the recent rapid growth of most BLM programs.

The team found that district resource staffs have a strong commitment and are making a good effort to practice multiple-use resource management on the ground.

There is a strong commitment by district management and staff specialists to make the Bureau's Planning System work.

The Nevada State Office is to be commended for the excellent condition of the central files/library. Bureau personnel in charge of that area have done an excellent job.

The team has identified the following major shortcomings affecting progress of an effective resource management program. Previous evaluations have identified most of these as major problem areas.

Program Direction, Coordination and Communications:

1. District staffs expressed a lack of confidence in the effectiveness of some members of the Biological Branch of the State Office Division of Resources. This has contributed to a breakdown in communication and program direction.
2. There is a problem of insufficient communications and coordination between the Division of Resources and some of the other divisions in the State Office.
3. There is a lack of uniform program application between districts.
4. The establishment of Environmental Sstatement (ES) teams at the State Office to write District ESs is a source of concern by the District Offices.
5. State Office resources staff and District staffs need to work closer in developing new techniques not covered by existing manuals in order to save manpower and reduce the frustrations of variable standards and procedures.

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EVALUATION SUMMARY

6. There is a lack of sensitivity by some employees to Bureauwide impacts of decisions made on major programs and issues in the State. New programs, i.e., Wilderness and Wild Horses and Burros, where program guidance is lacking or in the development stage, requires special consultation with the Washington Office before decisions are reached.
7. The team found that frequent and regularly scheduled staff meetings at all levels in the State Office are not being held. This has been pointed out several times in previous evaluations.
8. During the past 12-month period, the State Office has issued 59 news releases; Battle Mountain, 41; and Las Vegas, 81. See enclosed exhibits A, B, and C for a summary of these releases by resource category. There seems to be a notable lack of releases that inform the public as to BLM resource development, construction and maintenance activity. Only three "contracts" were referred to - all in Las Vegas. No "end of year" report was issued by either district or the state of the type showing and describing programs and progress. Such a report could be used as a year-long public relations handout covering all resource activities.
9. Past coordination between the Wildlife, Range, and Watershed programs has not been adequate. Previously prepared activity plans, Habitat Management Plans/Allotment Management Plans (HMPs/AMPs) have been, in the main, prepared independent of each other. Recent efforts are improving this situation.
10. There appears to be good communications and coordination between the State minerals, lands, and recreation staff and their counterparts in the districts. This is not true in the Range, Wildlife, and Watershed programs. The State Office range specialists' roles are not clearly understood nor accepted by the District Offices.
11. Overall, the team found the districts were not following Washington Office and State Office policy directives in some cases.
12. The team found that there is a lack of feedback from employees attending resources workshops, meetings, and conferences.
13. The State has experienced difficulty in recruiting and keeping professionals in many of the resource program fields.
14. It is noted that in Las Vegas a considerable amount of correspondence is being signed "Resource Area Manager" (RAM). The proper designation is "Area Manager". Districts should be so advised.
15. There was the feeling expressed by the State Office that there were too many #1 Bureau priorities; e.g., range, wilderness and then on top of that, each division places their own priorities. There is a need to have a more definite delineation of Bureau (and division) priorities.

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16. Recently the Field Solicitor's office in Reno was closed. BLM State Office must now rely on Solicitor's office services from Sacramento. The present Solicitor's office representative in Sacramento is responsive to state office needs for the most part, mostly by telephone. It would be desirable for the Solicitor's office representative to adhere to a positive schedule of office visits, e.g., the first 3 or 4 working days per month.

17. A frequently observed problem in the Young Adult Conservation Corps (YACC) is the construction of things on the ground without the benefit of adequate planning. It is encouraging to note the determination of field managers to only build that which is included within an approved activity plan such as Recreation Management Plan, Habitat Management Plan, and Allotment Management Plan.

18. Tape-narrated wildlife slide series are a major plus. Wildlife Biologists attending the Communication Workshop are bringing back to the State good skills, attitudes, and wildlife visual products, suitable to wide distribution.

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Date	Work Sheet Number
May 15-26, 1978	1
Office Evaluated Nevada	
Type of Evaluation Resource Functional Evaluation	
By (office) Washington Office	

EVALUATION WORKSHEET

Worksheet Subject
Advisory Boards

Findings

The Las Vegas District has a multiple of uses requiring input from a variety of interests to provide viable land use decisions. Public meetings have not attracted a cross-section of public interests and are commonly attended only by the most active interests, such as ORV or mining. This presents a slanted representation and does not provide the total public viewpoint. The situation in this district has been found in varying degrees in all Bureau district offices.

Recommendations

The BLM Director and Assistant Secretary for Land and Water Resources pursue a decision by the Secretary on previous initiatives aimed at establishment of District Advisory Councils under Section 309 of the Federal Land Policy and Management Act.

FINAL REVIEWING OFFICER	Title Associate Director	Signature <i>Ronald E. Petty</i>	Date 7/12/78
Assigned to (office) AD-L&P		IMPLEMENTATION Response Date	

UNITED STATES
DEPARTMENT OF THE INTERIOR
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Date	May 15-26, 1978	Work Sheet Number	2
Office Evaluated	Nevada		
Type of Evaluation	Resource Management		
By (office)	Washington Office		

EVALUATION WORKSHEET

Worksheet Subject Resource Personnel Orientation

Findings

High turnover rate among District resource personnel adversely impacts program continuity and maintaining momentum.

Recommendations

1. The Nevada SO Resources staff should reserve sufficient time to assist and orient new employees in getting off to a rapid start.
2. The AD Resources should consider recommending an evaluation of this problem to determine if it is Bureau-wide in scope and if a Bureau-wide beginning resource personnel orientation program is needed.

FINAL REVIEWING OFFICER	Title Associate Director	Signature <i>Arnold E. Petty</i>	Date 7/17/78
IMPLEMENTATION			
Assigned to (office)	1. Nevada State Director - 2. AD Resources		Response Date

UNITED STATES
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EVALUATION SUMMARY

Page	1	of	1
Report Title	Wildlife Program		
Type of Evaluation	Resources Functional Evaluation		

The Wildlife Program has made significant progress since the last Washington Office evaluations (1973-74). The Wildlife Program is achieving identity and acceptance as a Bureau program and responsibility. Application of the planning system, as seen in the Tonopah MFP, is integrating habitat management objectives into the mix of multiple-use land management. Livestock grazing programs are being coordinated with wildlife objectives. Wildlife staffing has improved with the fairly recent addition of a fisheries biologist in the State Office and biologists on each of the Resource Area staffs in the Battle Mountain and Las Vegas District Offices. Recent wildlife workshops on inventory techniques plus the issuance of BLM Manual 6602 on wildlife inventory have substantially increased the morale of field personnel in terms of having tangible direction and systems to apply. The Nevada Department of Fish and Game is making a concerted effort to provide input to the Bureau planning process for big game resource information. This is an important assist in the planning process.

Major problems exist for the Wildlife Program within Nevada. Most of these problems are shared Bureau problems and not unique to this state. Origination of these problems is often beyond the scope of Nevada's control. For example, substandard wildlife inventories exist principally because of lack of man-months and dollars to do the job. Changing Washington Office directives relative to soil and watershed inventories have been disruptive to Wildlife Program continuity and the accomplishment of wildlife inventory as planned.

Relationships with the State Fish and Game Department are broadly characterized as good by both BLM and Fish and Game personnel. Some skepticism exists with the Fish and Game Department in terms of BLM's capability and commitment to follow through with tangible, on-the-ground programs that recognize and provide for wildlife values. Wildlife inventories, the Bureau Planning System, Environmental Assessment Reports (EARs), ESs, and HMPs are viewed by some State personnel as devices to procrastinate in implementing management and habitat improvement.

Morale at the district level for wildlife biologists is characterized as improving, and ranges from fair to good. Improving outlooks are contingent upon program continuity and planning integrity with followthrough for on-the-ground multiple-use management that properly provides for wildlife needs.

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Date 5/15-26/78 Work Sheet Number 3

Office Evaluated Nevada

Type of Evaluation Resources

By (office) Washington Office

EVALUATION WORKSHEET

Worksheet Subject Range Betterment Funding - Wildlife

Findings

1. Greater opportunity exists for use of Range Betterment Funding for wildlife projects for the interim period in that many range improvement facilitating projects for domestic livestock are not being identified until planning is completed.
2. A negative public image exists relative to the Bureau's commitment to enhance fish and wildlife habitat.

Recommendations

1. Issue Change 1 to WO Instruction Memo No. 77-606, further clarifying the status of Range Betterment funding for Wildlife projects.
2. More detailed briefings for State Fish and Game and the general public on limitations and accomplishments of wildlife facilitating projects is needed.

FINAL REVIEWING OFFICER	Title Associate Director	Signature <i>Donald E. Petty</i>	Date 6/27/78
Assigned to (office) I. AD, Resources and AD, Administration - 2. SD, Nevada			Response Date

UNITED STATES
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EVALUATION WORKSHEET

Date 5/15-26/78 Worksheet number 4

Office Nevada

Type of Evaluation Resources

By (office) Washington Office

Worksheet Subject Wildlife/Resource Inventories

Findings

District Office staff range and wildlife specialists appear narrowly acquainted with resource inventories in their functional areas and are unaware of companion resource inventory needs, procedures, and systems.

The Soil Vegetation Inventory Method (SVIM) is criticized by some as, too costly, time consuming, and detailed. Narrow program orientation of some staff specialists and lack of understanding by new employees apparently makes them unaware that SVIM has broad resource application beyond more than one speciality. Completion of SVIM inventory is an essential base for wildlife inventories. Planning completed without adequate wildlife inventories is incomplete planning.

Battle Mountain does not have an immediate inventory workload. Staff and area biologists are not receiving positive program direction in terms of moving out on other wildlife program priorities.

Reluctance to accept new procedures is evident on the part of many resource personnel in anticipation that the WO will again change standards or procedures for inventory, plans, and environmental assessment schedules.

Wildlife inventory input into MFPs:

a. Tonopah: Excellent treatment and analysis of existing data. Inventory not sufficient to be specific to wildlife needs, and identification of key wildlife values.

b. Stateline: A good effort for a first generation Management Framework Plan (MFP). Inventory deficiencies and lack of specifics make it difficult to track interrelationships between program and determine who's doing what to whom for how much. Lacks clear, concise wildlife objectives.

Recommendations

1. Establish the confidence in existing inventory systems through formal training at SO and DO levels.
2. Maintain continuity in existing systems.
3. Develop tape-narrated slide series on inventory procedures and disburse to State Offices.

FINAL REVIEWING OFFICER	Title Associate Director	Signature <i>Arnold E. Petty</i>	Date 6/22/78
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IMPLEMENTATION

Assigned to (office) 1. DSC (330)(360), State Director, Nevada	Response Date
2. AD, Resources; 3. Division of Range, Wildlife & D-DSC	

UNITED STATES
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EVALUATION WORKSHEET

Date	5/15-26/78	Worksheet number	5
Office	Nevada		
Type of Evaluation	Resources		
By (office)	Washington Office		

Worksheet Subject Interagency Relations

Findings

BLM State Fish and Game relationships are good, but could be improved.

The Department of Fish and Game has made organizational changes and shifted emphasis to provide wildlife data and species recommendations for the BLM planning process. This is an outstanding example of progressive State-Federal relationships and has further opportunities for application.

Skepticism was expressed by many Fish and Game employees over the Bureau's ability and commitment to follow through the planning-ES process with tangible, on-the-ground programs that provide for wildlife in the multiple-use mix.

Habitat Management Plans (HMPs) are sometimes viewed as a device to delay or prohibit on-the-ground developments for wildlife. In that many HMPs have been developed, but few are effectively implemented or coordinated with other BLM resource programs, it has detracted from the creditability of the HMP program in the Fish and Game's viewpoint.

Fragmented communications are sometimes responsible for adversely impacting relationships. For example, the misinterpreted Desert Bighorn Sheep Water Development policy of the Las Vegas District Office created major schisms in statewide relationships.

Recommendations

1. A) State Game and Fish inventory programs in support of the BLM planning and ES processes should be expanded to include non-game and endangered species.
B) Commensurate with available funding, BLM should explore establishing extended contracts with the States in order to accelerate these efforts.
2. Provide formal BLM briefings for Nevada Fish and Game at state and regional levels, on an explanation of the Bureau Planning System, the timetables for inventory, planning, ES development, and HMP development and implementation.
3. Enlarge the scope of informal contacts with the State Fish and Game at the district-regional levels, in light of the turnover and transfer of staff specialists.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>[Handwritten Signature]</i>	Date 6/21/78
Assigned to (office) State Director, Nevada - #1A, 2, 3; Div. of Wildlife-WO-#1B			Response Date

UNITED STATES
DEPARTMENT OF THE INTERIOR
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Date	5/15-26/78	Work Sheet Number	6
Office Evaluated	Nevada		
Type of Evaluation	Resources		
By (office)	Washington Office		

EVALUATION WORKSHEET

Worksheet Subject
Habitat Management Plans

Findings

Bureau and state priorities to complete inventories in support of planning to meet court ordered Range ES commitments have shifted most of the State wildlife capability to inventory and planning. Little effort is being expanded toward developing, revising, and implementing HMPs. Not all Districts and Resource Areas have the same time table for operational inventories in support of planning.

Existing HMPs are generally narrow in scope and need revision. They do not meet current Manual standards.

Recommendations

1. Review existing HMPs and evaluate as to adequacy, compliance with Manual standards, coordination with other resource programs, and how appropriate they are in light of most recent BLM policies and priorities.
2. In cooperation with the Nevada Department of Fish and Game, establish a state-wide priority for funding and implementation of HMPs.
3. Districts/Resource Areas not committed to operational inventories should revise, update, and implement appropriate HMPs contingent upon funding and manpower available.

FINAL REVIEWING OFFICER	Title AD. Resources	Signature <i>Langell-Sea</i>	Date 6/21/78
Assigned to (office) Nevada State Office		IMPLEMENTATION Response Date	

UNITED STATES
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Date	5/15-26/78	Work Sheet Number	7
Office Evaluated	Nevada		
Type of Evaluation	Resources		
By (office)	Washington Office		

EVALUATION WORKSHEET

Worksheet Subject

Animal Damage Control on the Public Lands

Findings

Animal Damage Control (ADC) programs are not following the intent of the President's environmental message of May, 1977; to be selective to depreddating animals. Compliance with the National Environmental Policy Act (NEPA) for the action of authorizing ADC activities on the public lands is almost nonexistent. WO directives on ADC are either expired, incomplete, or inconsistent with current administration intent.

Recommendations

Develop and issue current directives on ADC in line with the administration's intent and meeting NEPA requirements.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>Louise A. Lea</i>	Date 6/28/78
Assigned to (office) Division of Wildlife, WO		IMPLEMENTATION Response Date	

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Date	Work Sheet Number
5/15-26/78	8
Office Evaluated	
Nevada	
Type of Evaluation	
Resource Functional Evaluation	
By (office)	
Washington Office	

EVALUATION WORKSHEET

Worksheet Subject
Sensitive Wildlife Species

Findings

The desert bighorn sheep has just been designated a sensitive species in Nevada as per BLM 6840 manual procedures. The intention of this designation is to give sensitive species special attention in planning and decision making processes. This will minimize the chances for Federal listing as either a threatened or endangered species. Currently no state manual supplement exists for the sensitive animal program outlined in BLM Manual 6840.

Current decisions within the Stateline MFP may be establishing conflicts between wild horses and burros and desert bighorn sheep. For example, designating the Spring Mountain range as a wild horse range and moving horses from other sites to this range may adversely impact 70 bighorns in the area. Existing wild horses and/or burro populations in the Silver Peak Range, Red Rock, Potosi, Bird Spring Range, McCullough Range, to name a few locations, may result in serious competition problems if coordinated management plans are not developed and implemented.

Recommendations

1. Develop a manual supplement for sensitive species as described in BLM Manual 6840.
2. Update the Stateline-Esmeralda MFPs to reflect sensitive species priorities for desert bighorn sheep.
3. Develop coordinated wild horse-burro management plan and desert bighorn HMP to pre-empt problem-conflict development.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>George D. Lea</i>	Date 5/31/78
Assigned to (office) State Director, Nevada			Response Date

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BUREAU OF LAND MANAGEMENT

EVALUATION SUMMARY

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Report Title	Recreation		
Type of Evaluation	Resource Functional Evaluation		

Introduction

The Bureau's recreation program is composed of five distinct programs: Cultural Resource Management, Natural History Resource Management, Recreation Management, Visual Resource Management, and Wilderness Management. This evaluation concentrated on such basic aspects of these programs as general organization, guidance regarding inventory, planning, and management actions.

General

Since these programs are still evolving, basic guidance is incomplete. It is worth noting that the Nevada State Office (NSO) has organized to handle these programs within the Branch of Lands, Minerals and Recreation (LMR). The NSO has exercised considerable initiative in developing state guidance where Bureauwide guidance is lacking. Ongoing guidance development efforts in FY 1978 should rectify the more critical needs.

A major thrust of the Recreation programs in Nevada is to provide adequate input to planning efforts to meet Bureau deadlines. Exceptions include the Wilderness review efforts relating to oil and gas activity and the Red Rock Canyon Recreation Area development. Of particular note is the general commitment of Nevada to do things within the planning system - for which the NSO is to be commended.

Personnel within the recreation programs throughout the state have shown a high level of professionalism and dedication. NSO recreation program personnel are highly regarded within the State and are performing in a professional manner. Of particular concern is the crush of paperwork within the State Office that frequently keeps the NSO in a reactive stance. This is critical when combined with the pattern of frequent personnel turnover in the District Offices. There was unanimous praise for Branch Chief of LMR for his support of all programs in a fair and unbiased manner.

Cultural Resource Management (CRM) Program

The situation in CRM has improved considerably with the issuance of basic policy and inventory manual sections (8100, 8110). This has done much to resolve policy questions in this program. There was an expression of concern that the inventory procedures might be better suited for southwesterly archaeology than for the Great Basin. At the time of this evaluation, the mid-year review results were being analyzed and reductions in subactivity 4330 may curtail further inventory efforts in FY 78. Review of proposed actions to clear conflicts with cultural resource values is working well and is now on a timely basis. The State Office archaeologist is working closely with the districts and appears to have a good working relationship with the districts.

The Nevada State Historic Preservation Officer expressed complete satisfaction with the Bureau's operations with regard to cultural resources and wished that all Federal agencies were as easy to work with as BLM.

Natural History Resource Management (NHRM) Program

The NHRM program guidance is currently under preparation by the WO; therefore, little emphasis was placed on this program during this evaluation.

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Report Title
Recreation

Type of Evaluation
Resource Functional Evaluation

EVALUATION SUMMARY

Recreation Management (RM) Program

Bureauwide RM guidance and procedures are outdated and incomplete; therefore, Nevada BLM has frequently had to improvise. The SO recreation program leader is in danger of being overwhelmed by paperwork and crisis situations to the point where assistance to the districts is being constricted.

Recreation Management Plans (RMP) are being prepared prior to implementation of actions. The RMP for the Lunar Crater site is an excellent example of a workable product. The Red Rock Canyon Recreation Area development effort has required considerable NSO attention. Care should be taken to involve the NSO recreation program in negotiations with the design contract to assure that the resulting facility meets the originally-identified objectives. Full utilization of the interpretive specialist from DSC regarding the interpretive aspects of the project is strongly encouraged.

Visual Resource Management (VRM) Program

The recent shift of the visual resource specialist to the resources staff is logical. While not a serious problem, arrangements for physically moving Mr. Ross into the resources staff area should be accomplished as soon as possible. Field use of VRM procedures is still being hindered by a lack of understanding which should be corrected by the training sessions scheduled this spring.

Wilderness Management (WM) Program

Considering the short length of time he has been on the staff, the Wilderness Specialist has developed a good working relationship both within the NSO and with the districts. The press release on oil and gas drilling restrictions (1/13/78) has created an awkward situation regarding wilderness review that should be brought to the attention of the WO as soon as possible for concurrence in approach similar to projects such as the Sierra-Pacific, Pacific Power and Light, etc. There has been a good effort to educate BLM Nevada personnel on the wilderness program through an all-employees notice and slide tape programs.

An innovative approach to wilderness review has been suggested to the Director (memo dated March 7, 1978) that outlines the proposal. This will be given consideration in reviewing comments on the proposed procedures. However, based on a number of comments about the urgency of conducting the review in the manner described, rather than the proposed way, it might be advisable for the NSO to brief the WO in detail on their alternative proposal.

Newspaper accounts of statements attributed to Washington officials regarding wilderness potentials in Nevada have been misleading the public. The Bureau's effort to proceed in an unbiased manner is hampered when these statements are pointed out to the BLM as an indication of Departmental direction.

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Report Title
Recreation

Type of Evaluation
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EVALUATION SUMMARY

Special Recognition

An excellent example of a positive use of the Visual Resource Management program was observed at the Lunar Crater Recreation Site. Briefly, the area was classified as a VRM Class II. The livestock operator had located a mobile stockwatering tank along the entrance road in plain view of the viewing area of the crater rim. Area staff negotiated with the operator to move his tank completely out of sight (see Appendix D), but still covering the same land base. The result was a common sense - no cost mitigation of an unsatisfactory situation. The Tonopah Area Office is to be commended for a job well done.

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EVALUATION WORKSHEET

Date	5/15-26/78	Work Sheet Number	9
Office Evaluated	Nevada		
Type of Evaluation	Resource Management		
By (office)	Washington Office		

Worksheet Subject
Wilderness Management

Findings

The situation regarding wilderness review in relation to areas of interest for Oil and Gas activity is complex and, if allowed to proceed on its present course, has the potential of directly conflicting with the Bureau's public review efforts. (See Appendix E for a brief synopsis of the situation.)

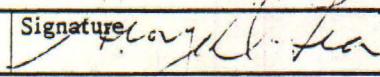
Recommendations

Immediately initiate consultation with Washington to assure that the following objectives will be met:

1. The Nevada State Director's commitment on key oil and gas areas is met.
2. The Bureau's commitment to the public to begin wilderness review only after public input and formal approval of the procedures.

The solution can probably be found within the Department's interim management policy found on the last three pages of the Bureau's Draft Proposed Wilderness Review Procedures.

In future situations where sensitive Bureau programs are involved, the State Director should work closer with the Washington Office to assure a complementary and consistent Bureau-wide policy.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature 	Date 6/21/78
Assigned to (office) State Director, Nevada			Response Date

IMPLEMENTATION

UNITED STATES
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Date	5/15-26/78	Work Sheet Number	10
Office Evaluated	Nevada		
Type of Evaluation	Resource Management		
By (office)	Washington Office		

EVALUATION WORKSHEET

Worksheet Subject
Cultural Resource Management

Findings

Efforts to accomplish cultural resource inventory by contract were temporarily bogged down by the failure of NSO and the DSC Procurement staff to quickly and efficiently resolve details in the Request for Proposal (RFP).

Recommendations

1. Develop specific guidance on information and format to be included in an RFP for cultural resource inventory.
2. Spell out responsibilities for preparing RFPs within the NSO.

FINAL REVIEWING OFFICER	Title AD. Resources	Signature <i>George A. Lea</i>	Date 6/21/78
Assigned to (office)			Response Date
1. Division of Recreation - WO 2. State Director, Nevada			

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Date	5/15-26/78	Work Sheet Number	11
Office Evaluated	Nevada		
Type of Evaluation	Resource Management		
By (office)	Washington Office		

EVALUATION WORKSHEET

Worksheet Subject
Recreation Management Program

Findings

The Nevada BLM has developed guidance on two key elements of the Recreation Management program: 1. Recreation Management Plans, and 2. Visitor Management, without the benefit of Bureau-wide guidance. Specifically, the roles and needs of the "ex-rangers" in the Red Rock Canyon Recreation Area need to be clarified and defined.

Recommendations

Establish a deadline for issuing guidance on Recreation Management Plans and Visitor Management.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>[Handwritten Signature]</i>	Date 6/21/78
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Assigned to (office) Division of Recreation, WO	IMPLEMENTATION	Response Date
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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Date	5/15-26/78	Work Sheet Number	12
Office Evaluated	Nevada		
Type of Evaluation	Resource Management		
By (office)	Washington Office		

EVALUATION WORKSHEET

Worksheet Subject
Recreation Management Program

Findings

The relationship between NSO Resources and Technical Services regarding the handling of the design contract for the Red Rocks Recreation lands has been unclear at times.

Recommendations

Develop procedures indicating both the timing of and the degree of involvement of concerned parties from the point of initiating a facility proposal for design to acceptance of the completed construction.

FINAL REVIEWING OFFICER	Title Associate Director	Signature <i>Arnold E. Petty</i>	Date 4/27/78
Assigned to (office) Washington Office - Recreation and Engineering			Response Date

IMPLEMENTATION

UNITED STATES
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EVALUATION WORKSHEET

Date	5/15-26/78	Work Sheet Number	13
Office Evaluated	Nevada		
Type of Evaluation	Resource Management		
By (office)	Washington Office		

Worksheet Subject
Visual Resource Management

Findings

While there are a number of good examples of applications of VRM principles, there is still considerable lack of understanding of the VRM program in the Districts.

Recommendations

VRM sessions scheduled this Spring by the State should make every effort to work with Area Managers in sufficient detail so that they can see the benefits of the VRM program.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>George J. Tea</i>	Date 6/21/78
Assigned to (office) State Director, Nevada			Response Date

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Date	5/15-26/78	Work Sheet Number	14
Office Evaluated	Nevada		
Type of Evaluation	Resource Management		
By (office)	Washington Office		

EVALUATION WORKSHEET

Worksheet Subject
Natural History

Findings

Instruction Memorandum No. 78-175, called for a status report on each formally identified Natural Area. This instruction was included in the AWP directives; however, the NSO FY 78 AWP (p. 134) states that this work will not be accomplished.

Recommendations

Review priorities within 4330 programs in NSO AWP to see whether lower priority work should be foregone or the request rescinded.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>George L. Lee</i>	Date 6/31/78
Assigned to (office) Division of Recreation, WO			Response Date

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Report Title
Lands and Realty

Type of Evaluation

Resource Functional Evaluation

EVALUATION SUMMARY

1. Lands and Realty Direction/Coordination - At the State Office level, it was found that the relationship between all staffs on lands and realty activities was excellent. The Districts interviewed advised that direction/guidance/coordination on lands and realty matters from the State Office was excellent. All persons interviewed advised that guidance (Instruction Memos/Organic Act Directives) from the Washington Office were adequate to meet field needs. Some regulation guidance is needed, and are in various stages of development. The Nevada State Office staff is active in preparing supplemental guidance documents (memos, etc.) to provide the District Offices with direction needed to meet situations peculiar to Nevada.

2. Land Disposals/Sales - As a result of continuing pressure from some State and local officials, the Bureau is committed to a program of disposal of public lands, primarily by exchange or sale. The purpose of the accelerated sale program is allegedly to place more public land on the tax rolls, making needed land available for residential commercial and industrial purposes, and meet public needs of various types.

3. Land Disposals - Considering the large percentage of BLM land in Nevada, to reduce that figure by a mere 1%, would require the disposal of 700,000 acres of BLM land. In view of the many requirements of law enacted the past few years, the likelihood of disposing of large acreages of land in Nevada each year, is unlikely. Examples of legislation that mandate certain actions before BLM land can be disposed of under any provision of law, include:

- NEPA
- Endangered Species Act
- FLPMA
- Flood Plains
- Cultural Resources
- Clean Air Act
- Wilderness Aspect of FLPMA
- Local Planning and Zoning
- Local Governmental Needs

4. Land Sales/Disposals - While BLM Nevada has initiated a sales program under FLPMA, it should be noted that some local planning officials informally feel that BLM should go slow. Rapidly expanding areas such as Reno/Sparks/Las Vegas do in fact have large acreages of private lands that can (and probably should) be developed before more remote BLM lands are sold. They maintain that the addition of more BLM lands will compound already serious problems as to water, sewage, air/noise pollution, and other required public services.

Insofar as small interior "land locked" communities are concerned, BLM has encouraged such communities to let their wishes be known, together with a justification of need.

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BUREAU OF LAND MANAGEMENT

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Report Title
Lands and Realty

Type of Evaluation
Resource Functional Evaluation

EVALUATION SUMMARY

5. Accelerated Land Sales Program - As a continuation of Nevada's program to make public lands available - particularly adjacent to expanding communities, a program is under way to offer 300-600 acres in the "Inner Ring" at Las Vegas. Most of this area will be in existing small tract areas. BLM's planning supports the disposal of this property. It will be FY 1979 before the sales can actually be scheduled. There is continuing pressure by several additional Southern Nevada communities to have BLM lands put up for sale.

6. Land Sales at Tonopah, Nevada - At the request of local officials, BLM plans, in the near future, to offer some lands at public sale. Some 175 acres have been identified through the planning process for this purpose. It should be noted, however, that the high concentration of public lands are not responsible for lack of commercial/residential expansion. The status records will show that there are considerable acreage of patented land in the Tonopah area which private owners do not see fit to make available for this purpose. Sale by BLM of 175 acres, or of any acreage, would not assure such development - theoretically - the same private landowner could buy this land and hold it for speculation. Thus, the cycle would start again - demand for sale of BLM land - with no assurance of the development/use that is allegedly needed.

7. Carey Act - During the past year and a half about 1900 Carey Act applications have been filed by private individuals with the State of Nevada. No state applications have yet been filed with BLM. Many filings are the work of "promoters" who collect a fee or people who profess to offer some type of "service." Eventually, BLM can expect at least some filings by the State of Nevada, which in turn will require approval or denial by BLM. Some state officials informally feel as BLM does; e.g., there is little or no public lands in Nevada that can support a farm type family on 160 acres. BLM studies show that in the best situations, at least 400 productive acres are required, and in many areas, up to 1,000 acres for a farm unit. At present, the State has imposed a Carey Act filing moratorium, but feel they cannot continue to impose it.

In the event the State is opened to the filing of Desert Land applications, many top filings will result on existing Carey Act filings, which will further complicate any action taken by BLM. A BLM strategy must be developed to handle this eventually.

8. Leasing of Agricultural Lands - Many small parcels of land, that may have qualified under the 1968 Unintentional Trespass Sale Act, still exist. An estimate in Elko County alone suggests a considerable acreage in agricultural trespass. Battle Mountain and Las Vegas District have a few. For the most part, these lands may be in such a location or of a character that precludes their sale, but a lease arrangement may be acceptable. FLPMA authorizes the leasing of agricultural land. With the issuance of Bureau guidelines, the State/District offices will have a tool with which to deal with this continuing problem.

9. Withdrawal Review Progress - The State Office is now in the process of developing and announcing the availability of a Withdrawal Review Coordinator position. There has been problems in classifying the position, e.g., GS-12 or GS-11. It appears that the position classifiers feel it does not warrant more than a GS-11 at this time. State Office need not wait the hiring of this person to proceed with the withdrawal inventory that is required this FY. Such work can be started promptly using status clerk expertise. Consider WAE effort also.

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Report Title
Lands and Realty

Type of Evaluation
Resource Functional Evaluation

EVALUATION SUMMARY

10. U. S. Forest Service/BLM Boundary Adjustment Program - State Office and Forest Service have agreed to push ahead for completion of the Ruby Mountain adjustment. There is agreement that the agencies would go slow on future adjustment projects.
11. Trespass Billboard Program - After a struggle, beginning in 1968, the State and District Offices are to be commended for the completion of a billboard removal program which has involved 800 such trespasses. Obstacles during this period included political and economic pressure and finally a lawsuit in which BLM prevailed.
12. Right-of-Way Trespass - At least two situations are known where a Power Company, apparently knowingly, built lines in trespass in order to facilitate their power sales. Follow-up and payment of "minimal" damages is not the answer. In such instances BLM should obtain a legal injunction/restraining order to stop such willful trespass. The company should be advised.
13. Townsite Problem Resolution - At least three potential "townsite" problem areas exist; they are: Round Mountain, Manhattan and Ione. Some progress was being made to resolve these problems when the townsite law was repealed by FLPMA in 1976. Since that time numerous discussions have been held as to a course of action of which several exist: (1) limited legislation to legalize only these existing sites (not new townsites) (2) sale under Sec. 203 of FLPMA, possibly to the county or an association of occupants, or (3) lease under FLPMA.
14. Illegal Dumping - Because of the extreme "shotgun" land pattern resulting from small tract disposition, a great deal of dumping is occurring on public lands in the immediate Las Vegas area. It is difficult to detect or control. Actual apprehension in the act of dumping and publicizing the names of offenders would do a great deal in reducing such activities. This would require more surveillance and monitoring, not only by BLM, but by other agencies that would be willing to cooperate. Perhaps summer temporaries could be utilized for more surveillance.
15. Phoenix Lands & Realty Training - The Las Vegas District just completed a three-week training assignment of two Phoenix lands trainees. The District Realty Specialist is to be commended for developing a meaningful and productive program during which these trainees completed a number of cases from start to finish. The effort was experimental, and if successful in Las Vegas and Riverside, could become a regular part of the lands training school program each year.
16. Use of Existing Environmental Statements - The Las Vegas District indicated a concern that the Allen-Warner Valley ES team in Cedar City, Utah was not using the Navajo McCullough transmission line ES.

Las Vegas believes the Navajo-McCullough ES could be used as a base for a supplement or incorporated by reference into the Allen-Warner Valley ES for analyzing the cumulative impacts of both lines. The Richfield Utah IPP ES team is cooperating with the Las Vegas District in use of this approach for the IPP transmission line.

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Date	Work Sheet Number
5/15-26/78	15

Office Evaluated	Nevada
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Type of Evaluation	Resource Management
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By (office)	Washington Office
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EVALUATION WORKSHEET

Worksheet Subject
Contingency Plan if the State is Opened to the Filing of Desert Land Applications

Findings

In 1964 the Secretary of the Interior modified the application/filing procedures to preclude the filing of Desert Land Applications in the State of Nevada until certain statewide water studies were completed. At the time there were about 1500 DL applications on hand. The water studies have long since been completed. See Appendix F. On April 25, 1978, the State of Nevada brought suit in United States District Court for Nevada to force the Secretary of the Interior to revoke his suspension order and open the State to filings under the act. See Appendix G.

There is some question as to whether the Governor is in fact aware of the suit, and the many ramifications affecting the State, should the State prevail in this suit.

Recommendations

1. a) Develop a contingency plan for handling massive desert land application filings in the event the Court (through appeals if appropriate) agrees with the State.
- b) In addition, address the legal sufficiency and permanency of segregative classifications under the provisions of the 1964 Classification and Multiple Use Act - not only in Nevada, but other States as well.
2. Arrangements should be made for an indepth briefing of the Governor of the ramifications of the lawsuit as it would affect both the State and BLM. The State Attorney General should also be briefed. Potential conflict with State Carey Act filings should also be discussed. Consider the suggestion that the State drop their suit in favor of a logical, deliberate program to make viable agricultural lands available without massive filings.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>George A. Lea</i>	Date 6/21/78
IMPLEMENTATION			
Assigned to (office)	1a SD, Nevada, 1b Div. of Lands & Realty 2. SD Nevada	Response Date	

UNITED STATES
DEPARTMENT OF THE INTERIOR
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Date	5/15-26/78	Work Sheet Number	16
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Office Evaluated	Nevada
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Type of Evaluation	Resource Management
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By (office)	Washington Office
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EVALUATION WORKSHEET

Worksheet Subject
Development of a Current Program to Review Existing Small Tract Classifications

Findings

FLPMA repealed the Small Tract Act. Several hundred thousand acres are still to be classified under that Act Bureau-wide. The passage of FLPMA, more particularly Section 204(e), mandates that BLM, not only in Nevada, but Bureau-wide, review the segregative effect of several hundred thousand acres of classified small tract areas. Numerous questions need to be addressed such as: (1) with the repeal of the Small Tract Act (Title VII of FLPMA), does the classification continue indefinitely? (2) does the segregation provided under the Small Tract Act continue indefinitely? (3) how can permanent public access to patented small tracts be maintained? (4) should a general program of revoking small tract classification orders be initiated, and if so, what stages and steps are necessary?

In Nevada, there are about 88,000 acres of land classified under the Small Tract Act. To date 44,611 acres have been patented, leaving about 43,633 acres that must be considered in a review program.

Recommendations

Establish a small Nevada/California ^{1/} Study Team to address the many ramifications of how to deal with this very complex issue.

^{1/} Calif. Resource Evaluation of May 9, 1977, worksheet #6.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>George D. Lee</i>	Date 6/20/78
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IMPLEMENTATION

Assigned to (office)	Division of Lands & Realty - WO	Response Date
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DEPARTMENT OF THE INTERIOR
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EVALUATION WORKSHEET

Date	Work Sheet Number
5/15-26/78	17
Office Evaluated	
Nevada	
Type of Evaluation	
Resource Management	
By (office)	
Washington Office	

Worksheet Subject

Acreage Limitation Under the Carey Act

Findings

The Carey Act limits the amount of land that can be entered to 160 acres per entry. Actual experience in Nevada during past years conclusively shows that 160 acres is not of sufficient size to be an economic unit. A recent BLM-financed study concludes that at least 400 acres are required as a minimum anywhere in the State, and in some places up to 1,000 acres is necessary due to limiting factors. Allowance of Carey Act filings is discretionary with the Secretary, taking into consideration such factors as availability of water and the economic feasibility of the proposal. This being the case it appears obvious on its face that no Carey Act filings by the State will be approved by BLM. If such a situation does in fact exist, then Interior/BLM should advise the State before they file with BLM, that such filings will be denied.

Recommendations

Develop a detailed comprehensive report that fully supports the acreage limitation problem and submit for a policy decision by the Secretary. The report should include a summary of all available data on this subject, e.g., present size of economic farms in Nevada, results of BLM, University and private studies, and an analysis of "160 acre farm" success/failure ratios.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>[Handwritten Signature]</i>	Date 6/21/78
Assigned to (office)		IMPLEMENTATION	Response Date
SD, Nevada			

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EVALUATION WORKSHEET

Date	5/15-26/78	Work Sheet Number	18
Office Evaluated	Nevada		
Type of Evaluation	Resource Management		
By (office)	Washington Office		

Worksheet Subject
State-wide Compliance Program

Findings

There is lack of an effective State-wide Compliance Program. Other than "5-year checks", or end of project reports, little, if any planned, continuing, compliance monitoring is being carried out.

Recommendations

Review existing instructions and guidelines to determine if compliance responsibilities have been properly assigned to and within district offices. Compliance monitors need not be journeymen resource persons. Perhaps WAE/temporary people with construction/development background could be trained to monitor most projects. Also consider contracting.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>George A. Lea</i>	Date 6/12/78
Assigned to (office) SD, Nevada			Response Date

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DEPARTMENT OF THE INTERIOR
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Date	Work Sheet Number
5/15-26/78	19
Office Evaluated	
Nevada	
Type of Evaluation	
Resource Management	
By (office)	
Washington Office	

EVALUATION WORKSHEET

Worksheet Subject
Indiscriminate Dumping on Public Lands in the Immediate Las Vegas Area

Findings
Because of the extreme "shotgun" land pattern resulting from small tract dispositions, a great deal of dumping is occurring on public lands in the immediate Las Vegas area. It is difficult to detect or control. Actual apprehension in the act of dumping and publicizing the names of offenders would do a great deal in reducing such activities.

Some semblance of control will require a substantial amount of surveillance year-round, not only by BLM, but by cooperating employees of other agencies and offices, e.g. Power/Telephone crews, and City/County employees.

The Bureau should develop a cooperative program and enlist the assistance of public-minded citizens. The recruiting of temporary employees as surveillance monitors, who could become familiar with these areas, would be a good start. Posting would be of help.

Recommendations

Develop and implement a plan to alleviate the problem of indiscriminate dumping on Public Lands in Las Vegas area.

FINAL REVIEWING OFFICER	Title AD. Resources	Signature <i>George N. Lea</i>	Date 6/21/78
Assigned to (office)			Response Date
SD, Nevada			

UNITED STATES
DEPARTMENT OF THE INTERIOR
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Report Title
Minerals

Type of Evaluation
Resource Functional Evaluation

EVALUATION SUMMARY

General

Relationship between the State Office and the District Offices has been excellent under the guidance of the former S.O. Minerals Specialist. The position has been vacant about 5 months, but a new incumbent has just reported in. The State Office appears to be following directives from the Washington Office. Leases have been issued on all qualifying geothermal applications, and on most oil and gas offers. Those remaining require site specific EARs. Of 28 mineral patent applications pending 10/1/77 (OPS report), 26 were awaiting some BLM actions leading to patent or contest. In 1972 there were 78 mineral applications being processed.

There is a difference of opinion as to the opportunity to attend professional and technical meetings in the state. Both Reno and Las Vegas are national convention centers. Mineral examiners in the state should be encouraged and assisted to attend at least one major industry or professional conference, held in the state, per year. It should be noted that every three years the American Mining Congress meets in Las Vegas. An important part of that meeting is its extensive equipment exhibition.

Mining

Communications between BLM and the Nevada Mining Association have not been as good as they might be. The lack has been one primarily of missed opportunities to explain policies, delays, reassignments of minerals personnel and similar items of mutual interest. There are also other organizations with which BLM has a minerals interest including Citizens for Mining, Exploration Geologists of Nevada and Public Land Users Coalition (PLUC) which should be contacted.

Mineral Materials

There is some showing that methods of handling several types of applications, including materials sales and free use permits vary between districts and between resource areas within districts. Because no specific situations were identified, no findings and recommendations are being made. It is, however, the responsibility of the State Office Minerals Specialist to assure that consistency in case handling is assured among the districts, and of the District Office Minerals Specialists to do the same for resource areas.

Contesting the Mining Claim Involving the "Silt Pit" has been energetic and in the public interest. This pit has been a prime source of topsoil in the Las Vegas area. The public appreciates the Bureau's actions here and have cooperated by notifying the Bureau of trespass situations, complete with necessary identifying information.

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EVALUATION SUMMARY

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Report Title	Minerals		
Type of Evaluation	Resource Functional Evaluation		

Mining Claims

Recordation of mining claims is being handled in a neat and expeditious manner. A 13,000 filing backlog is being reduced at an adequate pace.

Mineral Leasing

The State, District and Resource Area offices are to be commended for their efforts in connection with both the geothermal leasing and the oil and gas leasing programs. Timely EARs, and continuous surface protection oversight have made this program a success. A few offers still require detailed EARs, but the bulk of the leases have been issued.

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Date	5/15-26/78	Work Sheet Number	20
Office Evaluated	Nevada		
Type of Evaluation	Resources		
By (office)	Washington Office		

EVALUATION WORKSHEET

Worksheet Subject
Minerals Resource Inventory

Findings

There is little attempt to keep up a Minerals Resource Inventory when no URA is being written. The M.R.I. is a basic component of the URA. It requires a lot of time, so must be kept updated continuously. This is especially critical in Nevada where mineral development is so important and where new discoveries and developments are being made at a rapid rate.

Recommendations

Assign priority to M.R.I., that each district update its M.R.I. so that future planning can proceed without delay in compiling an inventory.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>Henry A. Lea</i>	Date <i>6/31/78</i>
Assigned to (office) State Director, Nevada			Response Date

UNITED STATES
DEPARTMENT OF THE INTERIOR
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Date	5/15-26/78	Work Sheet Number	21
Office Evaluated Nevada			
Type of Evaluation Resources			
By (office) Washington Office			

EVALUATION WORKSHEET

Worksheet Subject
Mineral Patents

Findings

All mineral patent field work is done out of the State Office except in Carson City and Las Vegas. This ignores the skills of other district minerals examiners and causes a loss of proficiency at the field level.

Recommendations

In order to expedite the work and to maintain the district mineral examiner's skills, consideration should be given to having them assist with examinations and to perform examinations of apparently simpler applications. In the latter case, where unforeseen problems are encountered, the State Office should be consulted immediately.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>George D. Lee</i>	Date 6/21/78
Assigned to (office) State Director, Nevada			Response Date

UNITED STATES
DEPARTMENT OF THE INTERIOR
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Date	5/15-26/78	Work Sheet Number	22
Office Evaluated	Nevada		
Type of Evaluation	Resources		
By (office)	Washington Office		

EVALUATION WORKSHEET

Worksheet Subject
Mineral Materials Decisions
Findings

The Las Vegas District appears to be a key Bureau area in the matter of mineral materials. Most significant mineral materials decisions resulted from situations in that district.

Recommendations

The Bureau should utilize this situation as a prototype district to develop new and innovative procedures.

FINAL REVIEWING OFFICER	Title	Associate Director	Signature	Date
			<i>Arnold E. Petty</i>	7/13/78
Assigned to (office)			Response Date	
AD, Minerals				

UNITED STATES
DEPARTMENT OF THE INTERIOR
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Date	5/15-26/78	Work Sheet Number	23
Office Evaluated	Nevada		
Type of Evaluation	Resources		
By (office)	Washington Office		

EVALUATION WORKSHEET

Worksheet Subject
Trespass

Findings

Mineral materials trespass is a major problem in the Las Vegas District. Because most of the instances involve relatively small quantities and generally occur over weekends, documentation has been difficult. The trespass register does not, therefore, reflect the extent of the problem.

Recommendations

An inventory of trespasses should be made so that possible solutions to the problem, based on the number of sites and estimated quantities taken, may be made.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>George A. Lee</i>	Date 5/21/78
Assigned to (office) State Director, Nevada			Response Date

IMPLEMENTATION

UNITED STATES
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Date	5/15-26/78	Work Sheet Number	24
Office Evaluated	Nevada		
Type of Evaluation	Resources		
By (office)	Washington Office		

EVALUATION WORKSHEET

Worksheet Subject
Communications
Findings

There appears to be some lack of communication between the Bureau and the Nevada Mining Association. Examples provided are: (1) There has been a long delay since the public meetings on proposed surface management regulations. (2) Completely unfounded rumors regarding personnel assignments have been widely spread. (3) Considerable speculation and misinformation exists as to the relationship and intent of the Bureau and the Department with respect to mineral and mining matters.

Recommendations

A periodic meeting with the Executive Secretary, Nevada Mining Association, should be arranged, possibly a luncheon meeting. Where a specific subject or situation has come to the fore, appropriate staff should attend to provide complete and candid discussion on the various topics.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>George A. Lee</i>	Date 5/15/78
Assigned to (office)	State Director, Nevada		Response Date

IMPLEMENTATION

UNITED STATES
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EVALUATION WORKSHEET

Date	5/15-26/78	Work Sheet Number	25
Office Evaluated	Nevada		
Type of Evaluation	Resources		
By (office)	Washington Office		

Worksheet Subject
Paperwork Management

Findings

There is no coding for "Geology" in the Bureau's filing system. As currently used, "Geology" must refer to some other subject such as "hazards," "recreation," or "mineral examination." There are, however, times when that is not appropriate. It may be difficult to retrieve geologic information or references which are coded to an apparently unrelated subject.

Recommendations

Consider establishing a code, in the 3000 series, for "Geology."

FINAL REVIEWING OFFICER	Title Associate Director	Signature <i>Arnold E. Pithy</i>	Date 6/22/78
Assigned to (office) AD, Technical Services		IMPLEMENTATION Response Date	

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EVALUATION SUMMARY

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Report Title
Watershed Management

Type of Evaluation
Resource Management

Watershed Responsibilities

Soil: There is a strong emphasis on collecting soil information for resource management. Most districts have one or more soil scientists, or a position vacancy. However, a better understanding by land managers is needed about how District Soil Scientists can assist other staffs, as well as in the use and limitations of a soil survey.

In the long run, soil scientists trained in soil mapping and the application of this data to other resource activities will be more effective in the overall resource program. A training program has been initiated in some districts.

Water: The application of water resource data in Multiple Use Management is not fully understood in the State and District Offices. Planning for 208 Water Quality activities has been initiated in the SO, but the districts have no clear instructions to take action involving BLM in the 208 process. Some districts have contracts for water quality studies and others have been collecting samples by using untrained personnel, and having different personnel take the samples on a whoever-is-available basis.

Confusion exists concerning water rights procedures on public lands because of no Bureau policy for affirmative action in "Protection of Federal Water Rights". The BLM State Office and State of Nevada Engineer's Office have a working agreement on protests of water filing on public lands by non-Bureau interests, and the State Office has issued an instruction memo regarding protest action. In most cases this arrangement seems to be working well, but in some districts there is hesitation to follow SO directives. This can result in a loss of the resource for multiple use management.

Earth Science: The most important earth science concern within the State is related to groundwater basin studies, well site investigations, and development of springs. A suitability criteria for livestock grazing in the Range Program is based on a four-mile distance to water. This restriction, together with dwindling existing water supply, will create increased activity in the search for groundwater.

Since the State and District Offices do not have the technical capability to address groundwater problems, consideration should be given to training appropriate personnel in well site investigations. Basic equipment for water well studies are located in the State Office.

Air: The air resource and potential air quality problems that BLM may be responsible for are not fully understood within the State. Although there is no expertise within the State, some districts have established a good working agreement with local government. In the Las Vegas District, areas in Clark County have been closed to ORV use because of a dust hazard. Major sources of air quality problems on public lands are gravel pits, ORV sites, and batch mix sites for highways.

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EVALUATION SUMMARY

Page	2	of	2
Report Title	Watershed Management		
Type of Evaluation	Resource Management		

Threatened or Endangered Plant Species (TE Plants): Although this activity holds a low priority position in the State Resource Program, some districts are responding to supplemental guidance from the State Office. Examples of the problems involved with the collection of data are a lack of available basic data, and considerable time must be spent in literature searches and field reconnaissance to determine existence of these plants in areas of concern. TE plants are significant to the management of the ORV and energy programs. The requirement of the Endangered Species Act of 1973 stipulates protection of these species. Currently, information has been gathered through contractual arrangements in most instances.

Pesticides: There has been little activity in the application of pesticides; however, an effort has been made to have one certified specialist in each district. The Nevada Department of Fish and Game reviews all pesticide proposals.

UNITED STATES
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Date	5/15-26/78	Work Sheet Number	26
Office Evaluated	Nevada		
Type of Evaluation	Resource Management		
By (office)	Washington Office		

EVALUATION WORKSHEET

Worksheet Subject Soil Surveys

Findings

District and State Office staffs do not fully understand the use and need of soil surveys in resource management. This is mostly due to the lack of coordination of range and soil surveys in the past, and a limited understanding by land managers and resource specialists as to the value of soils data and a misunderstanding of the difference between soil mapping units and soil taxonomic units. As a result, there is the reluctance to fully commit district office soil scientists to conducting soil surveys.

Recommendations

Conduct a workshop or orientation session for staff personnel on use of soil data correlated with vegetative information. These sessions should begin as soon as possible to enhance the orderly transition to the Soil Vegetation Inventory Method of inventorying.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>George W. Lee</i>	Date <i>6/13/78</i>
Assigned to (office) State Director, Nevada		IMPLEMENTATION	
		Response Date	

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

EVALUATION WORKSHEET

Date	Work Sheet Number
5/15-26-78	27
Office Evaluated	
Nevada	
Type of Evaluation	
Resource Management	
By (office)	
Washington Office	

Worksheet Subject Groundwater

Findings
Where there is a need, experienced well site investigators should be deployed to determine water development capabilities for multiple-use management. Many water developments in the State no longer are supplying water. This will result in the search and development of new water sources.

- Recommendations
1. Determine existing workload and future need for an experienced staff well-site investigator.
 2. Provide training for appropriate staff personnel by the DSC Grounwater Specialist.

FINAL REVIEWING OFFICER	Title	Signature	Date
	AD, Resources	<i>George A. Lee</i>	5/15/78

Assigned to (office) State Director, Nevada IMPLEMENTATION Response Date

UNITED STATES
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Date	5/15-26/78	Work Sheet Number	28
Office Evaluated	Nevada		
Type of Evaluation	Resource Management		
By (office)	Washington Office		

EVALUATION WORKSHEET

Worksheet Subject Water Rights

Findings

There is confusion about what steps the Districts should take on filing for "Protection of Federal Water Rights". Presently, there are only State Office instructions on protest filing after water filings by individuals have been made on public land. There is currently no Bureau policy regarding BLM initiated filings.

Recommendations

Develop Bureau policy concerning water rights filing on public lands.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>[Handwritten Signature]</i>	Date 5/21/78
Assigned to (office) Division of Watershed, WO		IMPLEMENTATION	
		Response Date	

UNITED STATES
DEPARTMENT OF THE INTERIOR
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Date 5/15-26-78 Work Sheet Number 29

Office Evaluated
Nevada

Type of Evaluation
Resource Management

By (office)
Washington Office

EVALUATION WORKSHEET

Worksheet Subject Water Resources Program Plan

Findings

There is the need for a statewide plan for a Water Resources Program that identifies present and future management needs. There is also the need to identify manpower requirements and 208 Water Quality activities in Nevada and to assist in the development of a Bureau-wide water management program. The FY 78 AWP directives requires that each State submit a draft plan by February 1, 1978. Nevada has not yet submitted a draft plan.

Recommendations

Submit a plan for a Water Resource Program as called for in the FY 78 AWP

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>Long D. Lea</i>	Date <i>5/1/78</i>
Assigned to (office) State Director, Nevada			Response Date

IMPLEMENTATION

UNITED STATES
DEPARTMENT OF THE INTERIOR
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Date	Work Sheet Number
5/15-26/78	30

Office Evaluated
Nevada

Type of Evaluation
Resource Management

By (office)
Washington Office

EVALUATION WORKSHEET

Worksheet Subject

Air Quality

Findings

Air quality problems exist, especially in the Las Vegas District, resulting from dust sources on disturbed soil surfaces. There are no personnel trained to address air quality issues where the resource is impacted within the State.

Recommendations

Guidance and training should be provided by the DSC Air Quality Specialist for appropriate State and District personnel.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>George L. Lee</i>	Date 5/15/78
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IMPLEMENTATION

Assigned to (office)

State Director, Nevada

Response Date

UNITED STATES
DEPARTMENT OF THE INTERIOR
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Date	Work Sheet Number
5/15-26/78	31

EVALUATION WORKSHEET

Office Evaluated
Nevada
Type of Evaluation
Resource Management
By (office)
Washington Office

Worksheet Subject

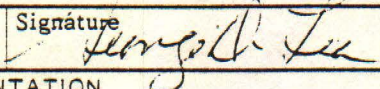
Protection of Threatened and Endangered Plants

Findings

There is the potential for destruction of Threatened or Endangered Plants Species in areas where drastic surface disturbance may result from mining and ORV activities.

Recommendations

Consider providing for a staff specialist to interpret the information that has been gathered and to protect proposed TE Plants.

FINAL REVIEWING OFFICER	Title	Signature	Date
	AD. Resources		5/15/78
Assigned to (office)			Response Date
State Director, Nevada			

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Page 1 of 1

Report Title
Wild Horse and Burro Program

Type of Evaluation
Resource Functional Evaluation

EVALUATION SUMMARY

The wild horse and burro program in Nevada appears to be having a difficult time in setting a course of action and establishing priorities. This is due in part to the sheer magnitude of the wild horse situation in Nevada, plus a lack of advance planning coupled with funding limitations. It is also affected by a general negative attitude concerning the animals in the State of Nevada.

With the national attention which is continually being focused on wild horses and burros, it is imperative that BLM demonstrate a positive and equitable program for the animals.

At the present time a positive program for wild horses and burros cannot be effectively implemented in Nevada because the program direction, thrusts, and overall objectives are essentially non-existent from a Bureau standpoint. Management of wild horses and burros is proceeding in every direction conceivable, based upon the personal opinions or interpretations by resource managers. The result is that resource managers are forced to take a particular course of action in order to obtain resource objectives, only to be forced into changing direction when a crisis develops. This creates an adverse response from the general public but more importantly, provides the foundation for building negative attitudes on the part of BLM employees toward wild horses and burros.

The overall finding resulting from this evaluation is that BLM will never be able to effectively manage wild horses and burros in Nevada until overall program direction is established. Until that time, the majority of management actions proposed will be exercises in futility. This situation is not unique to Nevada but is applicable to the wild horse and burro program throughout BLM.

More specific comments relative to the wild horse and burro program in Nevada, concern the relationship between the District offices and the Nevada State Office, Division of Resources. There appears to be a conflict between the State Office Resources staff and personnel in the district offices. As relates to wild horses and burros, the conflict concerns the State Office wild horse and burro specialist and various resource managers at the district level. The exact causes of the conflict could not be specifically pinpointed, but seems to have deteriorated to the point of personality conflict. This situation needs to be resolved before positive wild horse and burro management can begin in Nevada.

Finally, it appears that some Nevada districts are still issuing domestic horse grazing licenses in wild horse areas. Although the specific circumstances under which these licenses are being issued could not be ascertained, such licenses may be a failure on behalf of certain districts to comply with previous Nevada State Office instructions which directed the elimination of authorized domestic horse grazing in wild horse areas. It is suggested that the circumstances under which these licenses are still being issued be reviewed and if necessary revoke the licenses.

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Date	Work Sheet Number
5/15-26/78	32
Office Evaluated	
Nevada	
Type of Evaluation	
Resource Management	
By (office)	
Washington Office	

EVALUATION WORKSHEET

Worksheet Subject
Palomino Valley Adoption Facility

Findings

Nevada BLM is taking positive steps to correct the adverse conditions which existed at the Palomino Valley Adoption Facility. However, it is apparent that the facility, as it existed before, was more than adequate for adoption of excess animals, since other BLM offices have successfully adopted large numbers of animals with facilities which were marginal at best. While it is realized that the Palomino Facility is subject to more intensive public scrutiny, overcrowding did occur. This type of situation could happen again at the enlarged/improved facility if the number of animals coming in and moving out of the facility rapidly are not carefully planned for and monitored.

144 sq ft./horse
required

it is obvious that animals were crowded into the facility at a rate which exceeded the rate of adoption.

Recommendations

Assure that the rate of wild horse capture does not exceed the rate of wild horse disposition at Palomino Valley.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>Henry D. Lee</i>	Date 6/21/78
Assigned to (office) State Director, Nevada		Response Date	

UNITED STATES
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Date	5/15-26/78	Work Sheet Number	33
Office Evaluated		Nevada	
Type of Evaluation		Resource Functional Evaluation	
By (office)		Washington Office	

EVALUATION WORKSHEET

Worksheet Subject
Wild Horse and Burro Inventories

Findings

1. Concern was expressed at both the State and District office level that wild horse and burro inventories (aerial census) are not providing accurate estimates of population numbers. This concern has been expressed widely by BLM but unfortunately, is not one that can be resolved. While precision can be improved through rigid standardization of inventory procedures, it is economically unfeasible to obtain a precision of greater than 80 or 90% over the majority of wild horse and burro habitat in Nevada.

The problem of precision in aerial census of wild horses and burros becomes most apparent when used to determine population increase or decrease. It is simply not appropriate to establish rate of increase by comparing two or more aerial censuses unless sophisticated and refined techniques are incorporated as part of the aerial census

2. Concern was expressed by at least one Nevada district that current wild horse inventories are not providing sufficient information for adequate application in the Bureau Planning System. One example of additional inventory data which is needed, is a determination of the distribution and movement patterns of the animals.

Recommendations

1. Establish minimum requirements for precision of aerial censuses. Since numerous methods are available for obtaining such precisions, the exact techniques to be used should be left at the discretion of the field biologists. More importantly however, the Washington Office should provide guidance for determining rate of increase by more appropriate methods. The shortcomings of BLM's population estimates should be pointed out to the public and BLM employees must be cautioned against projecting population increase based on inadequate data.

2. Establish uniform inventory requirements for both wild horse and burro populations and wild horse and burro habitat. Provide training in inventory methods.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature 	Date 5/21/78
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Assigned to (office) Division of Range - WO	IMPLEMENTATION	Response Date
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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Date	5/15-26/78	Work Sheet Number	34
Office Evaluated	Nevada		
Type of Evaluation	Resources		
By (office)	Washington Office		

EVALUATION WORKSHEET

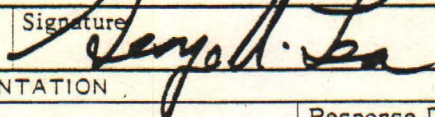
Worksheet Subject
Wild Horse and Burro Habitat Management

Findings

State and District personnel in Nevada expressed concern and confusion relative to how wild horses and burros are to be managed to prevent resource damage within their habitat. Many different concepts were presented but the concern can best be defined by identifying two concepts which are diametrically opposite. One concept is that wild horses and burros should be managed similar to domestic livestock, i.e., rotated through pastures under a grazing management system. The other concept is that wild horses and burros must be left free-roaming and resource damage prevented by strict control of numbers.

Recommendations

Establish specific guidelines for "Intensity of Management" as defined by 43 CFR 4730.2. This should be accomplished as soon as possible since the direction chosen will have considerable effect on the Bureau's Planning System.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature 	Date 5/21/78
Assigned to (office) Division of Range, WO			Response Date

UNITED STATES
DEPARTMENT OF THE INTERIOR
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Date	Work Sheet Number
5/15-26/78	35
Office Evaluated	
Nevada	
Type of Evaluation	
Resource Management	
By (office)	
Washington Office	

EVALUATION WORKSHEET

Worksheet Subject

Designation of Wild Horse and Burro Ranges

Findings

Nevada State and District personnel expressed considerable interest in establishing designated ranges for wild horses and burros and removing the animals from adjacent areas.

As an illustration, MFP decisions in the Las Vegas District already contain provisions for undertaking such actions.

Recommendations

Develop policy and guidance concerning establishment of designated ranges and identify the specific conditions under which total removal of wild hroses and burros can be allowed.

FINAL REVIEWING OFFICER	Title	Signature	Date
	AD, Resources	<i>George N. Lee</i>	5/17/78
Assigned to (office)			Response Date
Division of Range - WO			

UNITED STATES
DEPARTMENT OF THE INTERIOR
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Date	Work Sheet Number
5/15-26/78	36
Office Evaluated	
Nevada	
Type of Evaluation	
Resource Management	
By (office)	
Washington Office	

EVALUATION WORKSHEET

Worksheet Subject

Disposition of Wild Horses and Burros

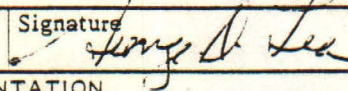
Findings

The State Director Nevada with local Solicitors Office review, has entered into a co-operative agreement with the State of Nevada for the disposition of wild horses and burros gathered from public ranges within the State of Nevada. This agreement contains the following provisions which appear to be in violation of WO IM NO. 77-605.

- a. BLM will reimburse state for the actual cost of brand inspection services provided at the capture site.
- b. Disposition of those horses that are claimed, but which lack any evidence of ownership will be determined jointly by the State and BLM on a case by case basis. In case of disagreement as to proper disposition, State and BLM agree to submit the question to an administrative law judge.

Recommendations

Reivew this State/BLM cooperative agreement to evaluate compliance with WO IM NO. 77-605

FINAL REVIEWING OFFICER	Title AD. Resources	Signature 	Date 5/1/78
Assigned to (office)			Response Date
Division of Range - WO			

UNITED STATES
DEPARTMENT OF THE INTERIOR
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Date 5/15-26/78 Work Sheet Number 37

Office Evaluated
Nevada

Type of Evaluation
Resource Management

By (office)
Washington Office

EVALUATION WORKSHEET

Worksheet Subject
Adoption of Excess Animals

Findings

Nevada State Office personnel indicated that the Palomino Valley holding facility is not functioning as a means of disposing of excess wild horses. Excess animals have been held for unreasonable periods of time resulting in excessive costs and inability to bring adoptable animals into the facility, due to overcrowding. Older animals, especially older males are the primary problem.

The reason why adoption of wild horses from the Palomino facility has been so difficult can be attributed to a number of factors. These include time of year when excess animals are available for adoption, geographic location of the Palomino facility, and the type of animals available for adoption.

Recommendations

Develop uniform procedures and guidance in the following areas:

- a. Distribution of excess animals to adoption facilities throughout the country, including BLM operated facilities. A specific item which might be considered, is a requirement that all BLM districts be allowed to transport excess animals to any existing adoption facility, so long as room is available at that facility for the excess animals. In other words, the Adopt-A-Horse system should be made a Bureau, rather than a State or District effort.
- b. Population manipulation criteria to include release of captured, unadoptable animals back onto the range is needed. This could include guidance concerning the management implications of population manipulation as well as the potential for adopting more desirable excess animals.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>George D. Lee</i>	Date 5/21/78
Assigned to (office) Division of Range - WO			Response Date

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Date	5/15-26/78	Work Sheet Number	38
Office Evaluated		Nevada	
Type of Evaluation		Resources	
By (office)		Washington Office	

EVALUATION WORKSHEET

Worksheet Subject
Suitability Criteria - Wild Horses and Burros

Findings

BLM in Nevada is beginning the process of developing allocations of forage among the various herbivores on public lands. In developing these allocations, the suitability criteria outlined in the "Nevada Range Policy" are being used. In some Nevada districts the suitability criteria developed for domestic livestock are being applied on an across-the-board basis to wild horses and burros. A number of differing points of view have been expressed concerning this method of application, basically the concern revolves around the argument that wild horses and burros do not necessarily occupy the same areas as domestic livestock, can travel further from water than livestock, and can be considered similar to wildlife simply because their presence in an area indicates it is suitable for them.

Recommendations

- Determine: (a) whether suitability requirements as developed for domestic livestock should be applied to wild horses; (b) whether wild horses and burros should have their own suitability requirements, or (c) whether suitability requirements should be applied to wild horses and burros at all.
- Develop guidelines for the alternative selected above.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>George D. Lee</i>	Date 5/31/78
Assigned to (office) Division of Range, WO			Response Date

IMPLEMENTATION

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Date	5/15-26/78	Work Sheet Number	39
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Office Evaluated	Nevada
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Type of Evaluation	Resources
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By (office)	Washington Office
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EVALUATION WORKSHEET

Worksheet Subject
Interim Management - Wild Horses and Burros

Findings

Nevada BLM personnel identified a need for guidance concerning interim management of wild horses and burros. The primary need identified concerns establishing interim management levels (number of animals) to be maintained until planning can be completed and "optimum numbers" established. At the present time, guidance in this matter is totally absent. For a short time it was Bureau policy that numbers be maintained at the 1971 levels where resource damage is occurring and planning was delayed. The problem encountered when using this guidance is that the 1971 level cannot be supported by data and is subject to challenge from various interest groups. In many instances, BLM employees have been required to project populations backward in time with information which is not biologically sound.

Recommendations

Develop new guidelines for establishing interim management levels which is based on criteria other than 1971 levels.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>George D. Lee</i>	Date 5/15/78
Assigned to (office) Division of Range, WO			Response Date

IMPLEMENTATION

UNITED STATES
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Date	5/15-26/78	Work Sheet Number	40
Office Evaluated	Nevada		
Type of Evaluation	Resource Management		
By (office)	Washington Office		

EVALUATION WORKSHEET

Worksheet Subject Freeze Branding of Wild Horses and Burros

Findings

The Nevada State Office has encountered problems with the ALPHA ANGLE System of identifying wild horses and burros which was officially adopted for use by the Bureau on 4/1/78. The problem concerns the "Signalment Key" portion of the ALPHA ANGLE System. The "Signalment Key" is a numerically coded description of an animal and Nevada's concern is that the coded description is too general for rapid identification of an animal.

Recommendations

Propose a modification of the "Signalment Key" and submit to the patent holder of the ALPHA ANGLE System for freeze marking wild horses and burros.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>George A. Lee</i>	Date 12/1/78
Assigned to (office) WO Division of Range		IMPLEMENTATION Response Date	

UNITED STATES
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Date	Work Sheet Number
5/15-26/78	41
Office Evaluated	
Nevada	
Type of Evaluation	
Resource Management	
By (office)	
Washington Office	

EVALUATION WORKSHEET

Worksheet Subject

Herd Management Area Plans

Findings

Herd Management Area Plans reviewed in Nevada were generally found to be somewhat lacking in terms of applying biological principles to the management of wild horses and burros. For example, the Flanigan Herd Management Area Plan, Carson City District, contained provisions for selective manipulation of the wild horse population in a manner which would favor a high reproductive rate. While this type of management may be desirable in certain situations, the plan also contained provisions which counteracted the management designed to increase production of animals.

Recommendations

Develop guidance for preparation of management plans for horses and burros and provide training for wild horse and burro specialists in the management of wild animal populations

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>George D. Lea</i>	Date 5/1/78
Assigned to (office)		Response Date	
Division of Range - WO			

UNITED STATES
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Date	Work Sheet Number
5/15-26/78	42
Office Evaluated	
Nevada	
Type of Evaluation	
Resource Management	
By (office)	
Washington Office	

EVALUATION WORKSHEET

Worksheet Subject

Capture Plans

Findings

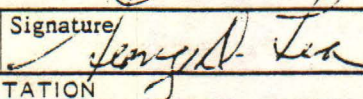
WH&B EAR's

EAR's reviewed in Nevada for removing excess wild horses or burros did not contain alternatives for relocation of excess animals as provided for in the Wild Horse and Burro Act of 1971 and subsequent regulations. Including this alternative within an EAR may prevent a roundup from being stopped on a legal technicality.

Also, alternative population levels for wild horses and burros must be considered and discussed.

Recommendations

In all EAR's, include as an alternative the possibility of relocating excess wild horses and burros, and alternatives regarding the different levels of horse and burro populations to be retained and managed.

FINAL REVIEWING OFFICER	Title	Signature	Date
	AD, Resources		5/21/78
Assigned to (office)			Response Date
State Director, Nevada			

UNITED STATES
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Date	5/15-26/78	Work Sheet Number	42.1
Office Evaluated	Nevada		
Type of Evaluation	Resource Management		
By (office)	Washington Office		

EVALUATION WORKSHEET

Worksheet Subject
Claimed Horses and Burros

Findings

The claiming period for wild horses and burros expired on 11/15/73. Since that time, a number of claimants have failed to gather and remove their claimed animals from public lands in Nevada. These claims are still active and some method of adjudicating them is required.

Recommendations

Develop manual guidance for use in adjudicating claims for private horses and burros.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>George A. Lee</i>	Date 5/15/78
Assigned to (office) 1	Division of Range - WO	IMPLEMENTATION Response Date	

UNITED STATES
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Page	1	of	1
Report Title	Range Program		
Type of Evaluation	Resource Functional Evaluation		

EVALUATION SUMMARY

The Nevada range management program is frustrating many people who are either closely aligned with it, or feel that they or their programs are being impacted by it. This frustration stems from a lack of specific goals, procedures, quality standards, and schedules. Washington Office guidance is needed on all of these elements.

Many in the profession, both within BLM and outside, are saying that current resource information is adequate to properly manage the public lands. Others are saying the Bureau does not need to develop new inventory methods but should utilize traditional methods. Both groups believe that a single use is involved - livestock.

The real problem is that the public has demanded and will insist on seeing an accounting of the vegetation resources available by area, the allocation of those resources to every use and they want to be a partner in the allocation of that vegetation resource through land use planning.

To meet this public demand, a new inventory method had to be developed. This has been done, but is not yet fully understood. Many people also do not understand how forage allocations will be made. Others wonder if all of this effort will result in better management and really pay off.

FLPMA has established the goal of multiple use management. NEPA and the courts have established the analytical process to be followed and have expanded the audience.... an audience that will assure a solid analysis.

The new inventory method has just been explained to the field and no one from the two districts visited have been involved, so they have questions, and fear the unknown. The recent court ruling adds additional work.

The team has found the BLM employees in Nevada are ready to meet these challenges and to proceed with professional multiple use management.

UNITED STATES
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EVALUATION WORKSHEET

Date	5/15-26/78	Worksheet number	43
Office	Nevada		
Type of Evaluation	Resource Functional Evaluation		
By (office)	Washington Office		

Worksheet Subject
Rangeland Management

Findings

There are some differences of professional opinions, perhaps personality conflicts, misunderstanding, and lack of explanation between the State Office and District Office. This translates into counter productive efforts and a misunderstanding as to who is accountable and responsible for what. The problem is particularly acute between the SO Resources Division and Battle Mountain District. Many of these differences are a result of the changes taking place in the Bureau. The Tonopah ES is a classic demonstration of this situation. In addition, confusion exists with proper use factors, forage acre requirements (FAR), suitability standards (especially 32 Ac per AUM), and wildlife use calculations.

Recommendations

1. Review the entire situation as to what has happened, where we are going, and why. This will provide for a common foundation and will set a positive course.
2. Resolve what is to be done in the Tonopah area regarding inventory, allocation, MFP, AMPs, and the ES. The Tonopah ES could assist the Bureau to make up some needed acreage.
3. NSO proper use factors should be used as a guide for the development of proper use factors during the pre-inventory analysis of each area, with the SD approval of each before an inventory is initiated.
4. FARs be computed using actual use pastures, with the team employing the same techniques in those pastures as in the area to be surveyed or rechecked.
5. Suitability standards must be endorsed at all levels, but with review by WO to assure all criteria are appropriate and all offices informed of its findings and reasons therefore. Productive criteria must be reviewed immediately.
6. Review Nevada IM No. 77-320 and its interpretation by the districts to assure the proper allocations in the planning system.
7. Following the resolution of the above, establish and follow solid Annual Work Plans. PIPRs for line managers must reflect these AWP commitments.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>Henry D. Lee</i>	Date 5/31/78
Assigned to (office)		Response Date	
1. Division of Range-WO & SD, Nevada, 2-7 - SD, Nevada			

UNITED STATES
DEPARTMENT OF THE INTERIOR
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Date 5/15-26/78 Work Sheet Number 44

Office Evaluated
Nevada

Type of Evaluation
Resource Functional Evaluation

By (office)
Washington Office

EVALUATION WORKSHEET

Worksheet Subject
Range Trespass Abatement

Findings

The State Office and all districts visited are performing an excellent job on grazing trespass abatement. They are using ear tags, closure orders, trespass actions, and impoundments to totally eliminate unauthorized use.

Recommendations

Compliment all units for this fine effort.

FINAL REVIEWING OFFICER Title Associate Director Signature *Arnold E. Petty* Date *6/22/78*

Assigned to (office) AD, Resources - WO IMPLEMENTATION Response Date

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Date 5/15-26/78 Work Sheet Number 45

Office Evaluated
Nevada

Type of Evaluation
Resource Functional Evaluation

By (office)
Washington Office

EVALUATION WORKSHEET

Worksheet Subject Rangeland Survey Computations

Findings

1. There will be serious reductions in licensed use in the Caliente area. All computations, including potentials, must be accurate so that realistic forecasts can be made for planning, ES, and to inform the public of what BLM's efforts will yield.
2. There may be an opportunity to soften the impacts on the affected livestock operators by the use of an unallotted grazing area in Nevada.

Recommendations

1. Audit all rangeland survey computations for accuracy; all range site write-ups must be made available to the districts.
2. Consider the use of Nellis rangeland in the overall resource management program for public lands.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>George L. Lee</i>	Date 6/12/78
Assigned to (office) State Director, Nevada			Response Date

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

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Report Title
Budget & Programming

Type of Evaluation

Resource Functional Evaluation

EVALUATION SUMMARY

The NSO programming and budgeting process is active with knowledgeable employees dedicated to doing a good job. In the past, District Offices have not been fully utilized in program development; however, FY 1980 packaging preparation has started a trend for greater district involvement. There is a general feeling that the packaging process is at best just a paper exercise. This stems from a lack of understanding of the budget process by those involved.

There appears to be a good working relation between the NSO budget staff and the district offices. District offices have confidence in the SO budget staff, which has resulted in a smooth, coordinated product. Some resource staff specialists feel that budgeting is requiring time that detracts from other responsibilities and duties related to resource guidance. Staff specialist, however, must be involved in the development and monitoring of programs because of their knowledge of specific programs and ability to recognize problem areas. Close coordination between SO resource staff specialists during program monitoring should be emphasized to more effectively recognize problem areas and expedite solutions. The problems stemming from mid-year review points out a problem in tracking the AWP and a confidence that problem areas will be solved during mid-year adjustments. Significant adjustments at mid-year does not always provide for reactive programs where workloads are based upon daily public demands. This forces miscoding to accommodate these demands which distorts future programming efforts.

Greater emphasis should be placed on program monitoring and control by managers to insure that shortfalls or overruns in units or man months does not occur. This will also require area managers to look at all programs allowing that individual to be actively involved with all public land uses and not restricted to one or two of the major programs.

Increasing resource values, law suits, new legislation and program thrusts have resulted in frustration and confusion both in Washington and at the field level. Since this source of frustration will always be a factor, coordinated relations at all levels will have to be refined to meet this challenge for solving problems and providing capabilities for proper multiple resource management.

Outlook for future Full Time Permanent (FTP) position increases does not look favorable for meeting Bureau needs. Increasing public demands and program thrusts will require greater manpower capabilities. Therefore, Nevada should explore all avenues to meet future needs with temporary and contract manpower in addition to permanent position increases. A major problem noted in Nevada is the increased workload placed on the district's division of operations to provide project planning and inspection for YACC. This is an immediate problem and should be solved both on the Bureau and State Office levels before the problem affects future project development after grazing ESs have been completed.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Date	Work Sheet Number
5/15-26/78	46
Office Evaluated	
Nevada	
Type of Evaluation	
Resource Functional Evaluation	
By (office)	
Washington Office	

EVALUATION WORKSHEET

Worksheet Subject
Personnel Turnover

Findings

The District Offices are having rapid turnover in beginning professionals because of the non-uniformity in using Civil Service Registers. A beginning employee may have their name on three registers ranging from technician to GS-7. One district may select an individual from a GS-5 register and hire at that level. This same individual is also found on a GS-7 register and will be selected at that level by another district as short as 6 weeks after he/she was first hired at the GS-5 level. The employee's and the Bureau's best interests may not be served as provided in BLM Manual 1400-335.06C1.

Recommendations

1. Canvass all State offices to determine the extent and magnitude of the problem identified above; if significant then:
2. Consider developing a pre-employment agreement for first time hire employees that stipulates tenure and moving expense limits and standards appropriate to the best interests of employee development and BLM program efficiencies.

FINAL REVIEWING OFFICER	Title	Signature	Date
	Associate Director	<i>Arnold E. Petty</i>	7/12/78
IMPLEMENTATION			
Assigned to (office)			Response Date
AD, Administration			

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Date	5/15-26/78	Work Sheet Number	47
Office Evaluated Nevada			
Type of Evaluation Resource Functional Evaluation			
By (office) Washington Office			

EVALUATION WORKSHEET

Worksheet Subject
Range Improvements

Findings

Significant amounts of Range Improvement Funds are being carried over from one year to the next. Some of this has occurred from misunderstanding concerning policy, others have occurred from State Office determination of project validity, and others have been due to a lack of planning and manpower

Recommendations

Intensify efforts to identify opportunities where range conditions can be improved under the guidelines of the recent Range Improvement Policy. The districts should also be free to make this determination within funding limitation.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>Longest Lea</i>	Date 4/21/78
Assigned to (office) State Director, Nevada			Response Date

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Date	5/15-26/78	Work Sheet Number	48
Office Evaluated	Nevada		
Type of Evaluation	Resource Functional Evaluation		
By (office)	Washington Office		

EVALUATION WORKSHEET

Worksheet Subject

Fire Management Program

Findings

The NSO fire management responsibility is presently a function of protection in the Division of Technical Services. The Division of Resources is consulted on fire management details, but does not have responsibility for use of fire as a tool in resource management. The Bureau's Division of Range Management presently has the responsibility for use of fire as a management tool; however, Bureau policy and functional responsibility is not clear.

Recommendations

Provide policy direction for fire management in the Bureau. This should be followed up by the State Office establishing fire use responsibility. With pending potential fire use in rangeland improvement and development following completion of grazing ESs and implementation of activity plans, this direction and action should be expedited.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>Loyd Lee</i>	Date 6/1/78
Assigned to (office) Division of Range - WO			Response Date

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Date	5/15-26/78	Work Sheet Number	49
Office Evaluated	Nevada		
Type of Evaluation	Resource Functional Evaluation		
By (office)	Washington Office		

EVALUATION WORKSHEET

Worksheet Subject
Forest Woodland Management

Findings

Demand in the State of Nevada for forest products such as juniper posts, firewood, pinyon pine nuts, Christmas trees, etc., are increasing. This is placing greater emphasis on their values as well as increasing workload for processing permits and carrying out compliance checks. Inventory procedures are not uniform throughout the Bureau resulting in each district office developing their own procedures.

Recommendations

Develop guidance for forest product inventory and use of the woodland products resource. This should be followed up by the NSO to standardize district office procedures and supplemental guidance for use and management within the State.

FINAL REVIEWING OFFICER	Title AD, Resources	Signature <i>Loyd L. Lee</i>	Date 6/1/78
Assigned to (office) Division of Forestry - WO			Response Date

SUMMARY OF NEVADA STATE OFFICE PRESS RELEASES
ISSUED PAST 12 MONTHS (May 1977 - May 1978)

<u>General Subject</u>	<u>No. of Releases</u>
<u>Environmental Statements</u>	
Valmy Power Plant	1
Grazing	1
Nellis AF Range	1
Oreana-Hunt Transmission Line	1
 <u>Recreation</u>	
Wilderness	4
Permits/Fees	1
Site Designation	1
Antiquities/Archaeology	2
Boating Permits	1
 <u>Wildlife</u>	
Endangered Nevada Fish	1
 <u>Lands and Realty</u>	
Land Records	1
Billboards	4
Rights-of-way	2
Withdrawal	1

Mining/Minerals

Recordation	2
Oil/Gas Drilling	3
Geothermal	3
Mineral Rights Sales	1
Mining Law Reform	1

Grazing

Fees/Regulations	6
Wild Horses	3
Livestock Trespass	1

Other Releases

Conservation Corps	2
Director Gregg Visit	1
Land Use Planning	1
Fire	3
Pinyon Trespass	1
In Lieu Payments/Payment to States	4
Personnel Actions	3
Vandalism	1
Nevada Statistics Book	1

TOTAL

59

Battle Mountain Press Releases
May 1977 - May 1978

<u>Category</u>	<u>Number</u>
Grazing	7
Recreation	1
Wildlife	2
Minerals	1
Lands & Realty	1
Personnel Actions	15
Other	<u>14</u>
TOTAL	41

Battle Mountain Press Releases
May 1977 - May 1978

Grazing

Advisory Board	3
Wild Horses	1
Grazing Trespass	1
Horse Trespass	1
Locoweed	1
	<u>7</u>

Recreation

Wilderness	1
------------	---

Personnel Shifts/Actions 15

Wildlife

Duck Hunting/Fishing	2
----------------------	---

Mining/Minerals

Mining claim recordation 1

Lands

Signboards	1
------------	---

Other

Office Days Change	4
Christmas Trees	2
Environmental Training	1
Status Maps	1
Pinenuts	2
Aerial Photography	1
State Director Tour	1
Training	1
Tree Planting	1
	<u>14</u>

=====

TOTAL	41
-------	----

LAS VEGAS DISTRICT PRESS RELEASES
May 1977 - May 1978

<u>Topic</u>	<u>Number</u>
Grazing	8
Recreation	12
Lands and Realty	2
Wildlife	0
Minerals	0
Personnel Actions	23
Other	<u>36</u>
	<u>81</u>
	TOTAL

3 releases describe district office contracts.

DRAFT - 5/24/78 (Spud Chandler)

LAS VEGAS DISTRICT PRESS RELEASES
May 1977 - May 1978

Grazing:

Closure Notice	- 1	
Wild horses/Burros	3	
* Fence Contract/cattle guard	2	
Regulations	1	
Range cutbacks	1	
	<hr/>	8

Recreation:

Wilderness	2	
Red Rocks	5	
Mint 400	2	
Camping	1	
Cold Creek/Willow Creek	1	
ORV	1	
	<hr/>	12

Personnel Actions:

23

Lands and Realty:

Signboard removal	2
-------------------	---

Other:

Esmeralda Guide	1
Assistant Secretary's Visit	2
YACC/YCC	4
Christmas Trees	3
Hiker Safety	1
Summer Help	1
Las Vegas District (& Manager)	1
Fire	14
Caliente FR	2
Payments to State/Local Government	1
* Janitorial Contract	1
Cemetery Spruce up	2
Firewood	2
Pinyon Pine Nuts	<u>1</u>

Background (Wilderness Management)

1. The FY 78 AWP directives (p. Encl. 1-88) encourage accelerated wilderness study effort as much as possible.
2. Organic Act Directive 77-71 contains the following statement: "Be aware that identification of roadless areas and the wilderness character evaluation will not be initiated until the wilderness review process has received public review and approved by the Director." The proposed procedures project approval by the end of July, 1978.
3. The NSO FY 78 AWP states "Wilderness Study area inventory procedures consisting of a roadless area identification and a wilderness characteristics analysis will be implemented for each area."
4. The Oil and Gas Lease Drilling restrictions press releases committed the NSO to completing "roadless area inventories in key oil and gas areas in east-central Nevada."
5. Nevada SO IM 78-25 gave guidance on "roadless area screening" that drops roadless inventory and directs the Districts to review for wilderness characteristics. NSO IM 78-115 provided a form and added the caveat that: "Since our draft procedures will not be reviewed in a final form until or at least July 30, do not make any public comment on your findings in any area yet. Contact Dave Harmon (N-932.8) first."
6. The NSO review of the Caliente MFP recommended the inclusions of specific information on wilderness, but not an inventory.
7. The Battle Mountain and Las Vegas Districts are now reviewing lands in the areas of oil and gas interest for wilderness character according to Section 2(c) of the Wilderness Act. The Las Vegas District is reviewing the entire Caliente Planning Unit and is scheduled to present the MFP to the public on June 15th.

Office of the Secretary

NEVADA

Revision of Application Procedure
for Public Lands

and on the approximate boundary of PLO 2541, an FAA withdrawal.
From corner No. 1 by notes and bounds, S. 7° W. 10.00 chains to corner No. 2; D. 6 West 18.76 chains to corner No. 3; N. 15° W. 14.10 chains to corner No. 4; D. 6 East 27.93 chains to corner No. 1, the point of beginning.

Containing 24.1 acres more or less.

Parcel No. 2. An unurveyed parcel of land and water contiguous, and to the north of the previously described parcel No. 1, more particularly described as follows:

Beginning at a point (the rock) center on the south boundary of PLO 2541 and approximately 25 feet east of the south-east corner of said PLO 2541. This point is also located approximately 2500 feet west of corner No. 1 of the previously described Parcel No. 1. From this point by notes and bounds,

Meandering along the road centerline in a northeasterly direction which averages N. 57° E. a distance of approximately 321 feet to a second point which is on the east boundary of PLO 2541 and about 300 feet south of the line of mean high tide;

South approximately 2530 feet to a third point which coincides with the southeast corner of PLO 2541;

West approximately 3150 feet to the point of beginning.

Describing a triangular parcel containing approximately 80 acres.

2. The lands involved are located near the south boundary of a Federal Aviation Agency airport withdrawal and about a mile from the main runway hangar complex and FAA quarters area at Cold Bay.

Cold Bay is an important refueling stop, alternate airfield, and air navigation facility lying on the northern great circle route between the United States and the Orient. It has one of the longest and best airport facilities in Alaska with a paved runway in excess of 10,500 feet. Because of the ready availability of direct air transportation to the great markets of the Pacific Coast and the Orient, commercial interest has been awakened in developing a processing facility for the largely untapped King Crab fishery of the area. The subject lands are the closest suitable unappropriated lands to the dock facility and the airfield hangar area.

The lands are served by a network of fair to good gravel roads and contain a number of derelict buildings dating from the Alutian Campaign against the Japanese in World War II. Some of these buildings contain salvagable lumber and materials.

3. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws, and also excepting any prior valid rights.

4. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 690, 43 U.S.C. 682a), as amended until it is so provided by an order to be issued by an authorized officer opening the lands to application or bid.

JAMES W. SCOTT,
District Manager.

[P.R. Doc. 64-5531; Filed, June 3, 1964; 3:30 a.m.]

Whereas, the State of Nevada is faced with immediate problems in allocating water resources to support expanding population, industry, and agricultural activity, and

Whereas, the economic future of that State in large measure depends upon the careful husbandry of its water resources, and

Whereas, the underground waters of the State, an integral part of the total water resource, pose special problems of water management, and

Whereas, the proper long-range development of all water resources of the Lower Colorado River Basin is presently being studied by Federal and State agencies, and

Whereas, the development of the public lands pursuant to the agricultural entry laws of the United States (Revised Statutes sec. 2230 et seq., 43 U.S.C., Ch. 7; Act of March 3, 1877 (19 Stat. 207), as amended (43 U.S.C., Ch. 9); Act of October 22, 1919 (41 Stat. 293), as amended (43 U.S.C., Ch. 10), must be coordinated with State programs for utilization of the total water resource, and

Whereas, the experience of a decade reveals that less than 2 percent of applications under the above cited laws result in sustained agricultural use of the lands, and

Whereas, the duly authorized officials of the State of Nevada have determined that no further permits should be issued for appropriation of underground water in the principal agricultural valleys of the State until all factors pertinent to the availability of underground water resources have been ascertained, and

Whereas, the State of Nevada and the U.S. Department of the Interior are cooperating in a study of the water and soil resources which may be made available for agricultural development under Federal and State programs, and

Whereas, the filing, investigation, and adjudication of agricultural entry petition-applications on unclassified lands can result in only such a small percentage of success as to constitute unprofitable expenditure of Federal, State, and private funds.

Now therefore, pursuant to the authority granted to the Secretary of the Interior by sections 452 and 2473 of the Revised Statutes as amended (43 U.S.C. 2, and 1201), it is hereby directed that:

1. All petitions for classification and applications for entry under the Homestead, Desert Land, and Pittman Laws (43 U.S.C., Chapters 7, 9, and 10), for public lands in Nevada, submitted after the date this order is published in the Federal Register will not be accepted, will not be considered as filed, and will be returned to the petitioner-applicant together with all documents and remittances submitted therewith, unless the lands described in such petition-application had first been classified by the authorized officer and opened to such petition-application.

2. All petitions and applications of the types referred to in subparagraph (1) above which were valid and subsisting as of the date this order is published in the Federal Register will, as promptly as possible, be considered on their merits by the authorized officer of the Bureau of Land Management. However, no such petition or application will be approved which is dependent upon irrigation water pumped from underground sources where there is some doubt as to the availability of sufficient water under Federal and State criteria.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 2, 1964.

[P.R. Doc. 64-5531; Filed, June 3, 1964; 8:50 a.m.]

DEPARTMENT OF THE TREASURY
Office of the Secretary
(AA 643.3-s)
CARD AND STEEL BARS FROM CANADA
Determination of Sales at Less Than
Fair Value
MAY 23, 1964.

An allocation was received that carbon steel bars, bars-shapes under 3 inches and structural shapes 3 inches and over, from Canada were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that carbon steel bars, bars-shapes under 3 inches, and structural shapes 3 inches and over, manufactured by Western Canada Steel Limited and/or its subsidiary, the Vancouver Rolling Mills Limited of Vancouver, Canada, are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. The information received indicates that shipments to the United States were pursuant to cut-price sales transactions between firms not related within the meaning of section 207 of the Antidumping Act.

The quantity sold in the home market for home consumption was sufficient to form a basis for the fair value comparison.

Accordingly, the appropriate comparison for fair value purposes is between purchase price and home market price.

Purchase price was calculated on the basis of the f.o.b. mill selling price for export to the United States.

The home market price was calculated on the basis of the f.o.b. mill selling price for home consumption. The record disclosed no reason for a circumstance of sale adjustment or for a quantity allowance.

Purchase price was found to be lower than the home market price during the entire period involved.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

77-930

United States District Court

FOR THE
DISTRICT OF NEVADA

853
12513

CIVIL ACTION FILE NO. 78-001

STATE OF NEVADA ex rel. NEVADA STATE BOARD
OF AGRICULTURE;

Plaintiff

v.

UNITED STATES OF AMERICA, CECIL D. ANDRUS,
Secretary of the Interior, FRANK GREGG,
Director, Bureau of Land Management,
Department of Interior, E. I. ROWLAND,
State Director, Bureau of Land Management,
Department of Interior,

Defendant

SUMMONS

To the above named Defendants :

You are hereby summoned and required to serve upon

Robert List, Attorney General of Nevada

plaintiff's attorney , whose address
Capitol Complex
Carson City, Nevada 89710

an answer to the complaint which is herewith served upon you, within 60 days after service of this
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be
taken against you for the relief demanded in the complaint.

CAROL C. FITZGERALD

E. SCHULTZ Clerk of Court.

Deputy Clerk.

Date: APR 25 1978

[Seal of Court]

NOTE:—This summons is issued pursuant to Rule 4 of the Federal Rules of Civil Procedure.

RECEIVED
AND FILED

APR 25 3 08 PM '78

CAROL G. STELLER, CLERK

BY

DEPT. 71

1 ROBERT LIST
Attorney General
2 JAMES H. THOMPSON
Chief Deputy Attorney General
3 HARRY W. SWAINSTON
Deputy Attorney General
4 Heroes Memorial Building
Capitol Complex
5 Carson City, Nevada 89710
6 Telephone: (702) 885-4170
7 Attorneys for Plaintiff

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10
11 STATE OF NEVADA ex rel.
12 NEVADA STATE BOARD OF
AGRICULTURE,

13 Plaintiff,

14 vs.

15 UNITED STATES OF AMERICA,
16 CECIL D. ANDRUS, Secretary
of the Interior, FRANK GREGG,
17 Director, Bureau of Land
Management, Department of
18 Interior, E. I. ROWLAND,
State Director, Bureau of
19 Land Management, Department
of Interior,

20 Defendants,
21

Civ. No. R-78-0077 *BL*

22
23 COMPLAINT FOR MANDAMUS

24 INJUNCTIVE AND DECLARATORY RELIEF

25
26 Plaintiff alleges:

27 FIRST CAUSE OF ACTION

28 1.1 The jurisdiction of this Court arises under 28 U.S.C.
29 §1331, 28 U.S.C. §1346(F), 28 U.S.C. §1361, 28 U.S.C. §2201-2202,
30 28 U.S.C. 2409(a). 5 U.S.C. §702-706, as hereinafter more fully

1 appears.

2 The matter in controversy exceeds, exclusive of interest
3 and costs, the sum of \$10,000. 28 U.S.C. §1931 provides that the
4 District Courts shall have original jurisdiction of all civil
5 actions arising under the Constitution, laws or treaties of the
6 United States, where the matter in controversy exceeds \$10,000.

7 28 U.S.C. §1346(f) provides that the District Courts
8 shall have exclusive original jurisdiction of civil actions under
9 28 U.S.C. §2409(a) to quiet title to an estate or interest in
10 real property in which an interest is claimed by the United
11 States.

12 28 U.S.C. §1361 provides that the District Courts shall
13 have original jurisdiction of any action in the nature of mandamus
14 to compel an officer or employee of the United States to perform
15 a duty owed to the plaintiff.

16 28 U.S.C. §2201 provides that in a case of actual
17 controversy within its jurisdiction any Court of the United
18 States may declare the rights and other legal relations of any
19 interested party seeking such declaration.

20 28 U.S.C. §2202 provides that further necessary or
21 proper relief based upon a declaratory judgment or decree may be
22 granted.

23 5 U.S.C. §702 provides that a person suffering legal
24 wrong because of agency action is entitled to judicial review
25 thereof and an action seeking specific relief may not be dismissed
26 nor relief be denied on the ground that it is against the United
27 States or that the United States is an indispensable party. 5
28 U.S.C. §706 provides that the reviewing court shall compel agency
29 action unlawfully withheld or unreasonably delayed and hold
30 unlawful and set aside agency action under certain listed

1 circumstances of unlawfulness.

2 1.2 This action arises under federal common law; the equal
3 footing doctrine; Article IV, §3 of the Constitution; the Fifth
4 and Tenth Amendments to the Constitution, and the agricultural
5 entry laws of the United States, particularly, the Desert Land
6 Act, 43 U.S.C. §321 et seq.

7 1.3 Plaintiff State of Nevada brings this action in her
8 sovereign capacity, her proprietary capacity and as parens
9 patriae of her citizens.

10 1.4 Plaintiff State of Nevada is a sovereign State of the
11 United States, which was admitted into the Union on an equal
12 footing with the other states.

13 1.5 Defendant, Cecil D. Andrus, is the duly appointed,
14 qualified and acting Secretary of the United States Department of
15 the Interior. Defendant Frank Gregg is the duly appointed,
16 qualified and acting Director of the Bureau of Land Management,
17 Department of Interior. Defendant E. I. Rowland is the State
18 Director of the Bureau of Land Management, Department of Interior.

19 1.6 An actual case or controversy has arisen and now exists
20 between plaintiff and defendants concerning their respective
21 rights and obligations as appears more particular hereinafter.

22 1.7 On or about June 4, 1964, Stewart L. Udall, then Secretary
23 of the Interior, published an order in the Federal Register which
24 in effect placed a moratorium upon consideration of any application
25 for agricultural entries under the Homestead, Desert Land, and
26 Pittman Acts. The Secretary directed that:

27 "All petitions for classifications and
28 application for entry under the Homestead,
29 desert Land, and Pittman Laws (43 U.S.C.
30 Chapters 7, 9 and 10), for public lands

1 in Nevada, submitted after the date this
2 order is published in the Federal Register,
3 will not be accepted, will not be considered
4 as filed, and will be returned to the
5 petitioner-applicant together with all
6 documents and remittances submitted therewith,
7 unless the lands described in such petition-
8 application had first been classified by
9 the authorized officers and opened to such
10 petition-application."

11 Defendant officials have refused to process any applications for
12 agricultural entries under the Homestead, Desert Land and Pittman
13 Acts since Secretary Udall's Order was published on June 4, 1964
14 and continue to refuse to process such applications although the
15 Desert Land Act is a valid and existing law. The Pittman Act was
16 repealed by Pub.L. 88-417 §1, Aug. 11, 1964.

17 1.8. On September 16, 1977, Tom Ballow, Director of the
18 Nevada Department of Agriculture, at the direction of the Nevada
19 State Board of Agriculture requested by letter addressed to
20 Defendant E. I. Rowland, that the public lands in Nevada be
21 reopened to entry under the Desert Land Act.

22 1.9 On February 8, 1978, defendant E. I. Rowland answered
23 Mr. Ballow's letter and declined on behalf of the Bureau of Land
24 Management to reopen the public lands in Nevada to the Desert
25 Land Act.

26 1.10 The foregoing described actions of the defendant
27 Department of Interior officials were in excess of their autho-
28 rity, unconstitutional, arbitrary, capricious, an abuse of
29 discretion, and were done without procedures required by law. By
30 perpetuating the moratorium imposed against agricultural land

1 entries under the various Acts enacted by Congress for that
2 purpose, defendant officials usurped the powers of Congress. By
3 imposing such moratorium only in Nevada, defendant officials have
4 invidiously discriminated against Nevada citizens. By refusing
5 to lift the moratorium, defendant officials have attempted to
6 establish an unconstitutional policy of perpetual federal reten-
7 tion of the public lands.

8 1.11 Defendant officials owe the plaintiff and its citizens
9 the plain duty under the Desert Land Act to receive applications
10 for agricultural entries and to process such applications accord-
11 ing to the procedures set forth and contemplated by such Acts.

12 1.12 Since June 4, 1964, defendant officials and their
13 predecessors in office have acted in disregard of their plain
14 duty in that they have refused to receive and process applications
15 for agricultural entries under the Desert Land Act.

16 1.13 Plaintiff is entitled to an order in the nature of a
17 Writ of Mandamus to compel defendant officials to receive and
18 process applications for agricultural entries pursuant to the
19 Acts of Congress designed for the disposal and settlement of the
20 public lands.

21
22 SECOND CAUSE OF ACTION

23 2.1 Plaintiff incorporates herein by reference the allega-
24 tions of Paragraphs 1.1 through 1.13 of its First Cause of Action.

25 2.2 Plaintiff has no adequate remedy at law for the contin-
26 uing injury presently being perpetrated by defendants' actions
27 and conduct in that despite written demand from plaintiff State's
28 Director of the Department of Agriculture, defendants are persistent

29 xxxxxx
30

1 in their refusal to reopen the public lands for entry under the
2 various land acts.

3 2.3 The defendant officials' refusal raise constitutional
4 issues of the highest order involving the land holding function
5 of the United States. Unless the defendants are restrained and
6 enjoined the unconstitutionality of a perpetual federal retention
7 of all of the public lands will go unremedied and the unlawful
8 policy established by defendant officials will continue to cause
9 irreparable injury to plaintiff. Unless enjoined and restrained
10 plaintiff will continue to suffer an arbitrary and unreasonable
11 federal interference with its Tenth Amendment rights resulting
12 particularly with the loss of suitable agricultural lands which
13 should have been disposed of under the land laws in accordance
14 with expressed will of Congress. The United States presently has
15 control of nearly 87 per cent of Nevada's lands. Much of those
16 lands are suitable in all respects for agriculture. Unless
17 defendants are restrained and enjoined, those lands will be
18 appropriated for less valuable purposes, many of which foreclose
19 entirely any use by citizens of the State of Nevada.
20

21 THIRD CAUSE OF ACTION

22 3.1 Plaintiff incorporates herein by reference the allega-
23 tions of Paragraphs 1.1 through 1.13 of the First Cause of Action
24 and Paragraphs 2.1 through 2.3 of the Second Cause of Action.

25 3.2 Defendant officials' aforementioned actions and conduct as
26 described hereinabove are in excess of the authority conferred
27 upon defendants under the Constitution and various acts of Congress
28 whereby defendant officials represent the United States in varying
29 capacities relative to the public lands.

30 3.3 Defendant officials' actions as described hereinabove

1 are arbitrary, capricious and an abuse of discretion.
2 3.4 Defendants' actions as described hereinabove are contrar
3 to the constitutional rights, powers, privileges and immunities
4 of plaintiff and plaintiff's citizens and constitute deprivation
5 without observance of procedure required by law.

6 3.5 Plaintiff desires a judicial determination of her
7 rights and duties and a declaration as to whether defendant
8 officials can continue to maintain a moratorium with respect to
9 applications filed pursuant to the Desert Land Act and the Homeste
10 Act.

11 3.6 Plaintiff further desires a judicial determination as
12 to whether defendant officials and indeed the defendant United
13 States may maintain a policy of permanent and perpetual federal
14 retention of the public lands.

15 3.7 Plaintiff State of Nevada is entitled to a decree which
16 declares and adjudges that the landholding function of the United
17 States with respect to public lands not appropriated for particular
18 federal purposes are held for disposal under the Acts of Congress
19 designed for that purpose.

20 WHEREFORE, with respect to plaintiff's First and Second
21 Causes of Action, plaintiff prays for relief as follows:

22 1. For an order directing defendant officials to
23 recognize and respect the efficacy and validity of the Desert
24 Land Act in their administrative capacities.

25 2. For an order directing defendant Andrus to rescind
26 the order of the Secretary of Interior of June 4, 1964 relating
27 to public lands and applications for entries under the various
28 acts of Congress.

29 3. For an order enjoining defendant officials from
30 administering the public lands in the State of Nevada so as to

1 effectuate a policy of permanent and perpetual federal retention
2 of the public lands.

3 With respect to plaintiff's Third Cause of Action
4 plaintiff prays for relief as follows:

5 4. For a declaration of the rights and duties of the
6 parties with respect to the disposal of the public lands pursuant
7 to acts of Congress, particularly the Desert Land Act and the
8 Homestead Act.

9 With respect to all causes of action, plaintiff prays
10 for relief as follows:

11 5. For costs of suit herein; and

12 6. For such other and further relief as to the Court
13 appears equitable and proper.

14 DATED this 25TH day of April, 1978.

15 ROBERT LIST
16 Attorney General
17 JAMES H. THOMPSON
18 Chief Deputy Attorney General
19 HARRY W. SWAINSTON
20 Deputy Attorney General

By Harry W. Swainston
Harry W. Swainston
Deputy Attorney General