

*Legislative Committee
on
Public Lands*



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LEGISLATIVE COMMITTEE ON PUBLIC LANDS

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ACRONYMS USED BULLETIN NO. 01-17

AML abandoned mine lands
BDR Bill Draft Request
BOR U.S. Bureau of Reclamation, DOI
BLM Bureau of Land Management, DOI
CARA Conservation and Reinvestment Act
CEI Competitive Enterprise Institute
CFR *Code of Federal Regulations*
CRMG Coordinated Resource Management Group
CWA Clean Water Act
DEIS Draft Environmental Impact Statement
DOI United States Department of the Interior
EPA United States Environmental Protection Agency
ESA..... Endangered Species Act of 1973
FIRE Act Firefighter Investment and Response Enhancement Act
FLTFA Federal Land Transaction Facilitation Act of 2000
FLPMA Federal Land Policy Management Act of 1976
FY Fiscal Year
GBRI Great Basin Restoration Initiative
HMA Herd Management Area
HRB Humboldt River Basin
HRBA Humboldt River Basin Assessment
HRBWA Humboldt River Basin Water Authority
LCB Legislative Counsel Bureau
NACO Nevada Association of Counties
NAFB Nellis Air Force Base
NAS National Academy of Sciences
NCA National Conservation Area
NCPWH Nevada’s Commission for the Preservation of Wild Horses
NDF Nevada’s Division of Forestry, SDCNR

NDOT	Nevada Department of Transportation
NDOW	Nevada’s Division of Wildlife, SDCNR
NMA	Nevada Mining Association
NRS	<i>Nevada Revised Statutes</i>
OHV	off-highway vehicle
PILT	Payments in Lieu of Taxes
ppb	parts per billion
R.S.	<i>Revised Statute</i>
S.B.	Senate Bill
SDA	State Department of Agriculture
SDCNR	State Department of Conservation and Natural Resources
S.J.R.	Senate Joint Resolution
SNPLMA	Southern Nevada Public Lands Management Act of 1998
SNWA	Southern Nevada Water Authority
TAC	Technical Advisory Committee
TMDL	Total Maximum Daily Load
TRI	Toxics Release Inventory
USFS	United States Forest Service, U.S. Department of Agriculture
USFWS	Unites States Fish and Wildlife Service, DOI
WGA	Western Governors’ Association
WSA	Wilderness Study Area

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

(Nevada Revised Statutes 218.5363)

This summary presents the recommendations approved by Nevada's Legislative Committee on Public Lands during the 1999-2000 legislative interim and at its final meeting on October 6, 2000, in Yerington. The corresponding bill draft request (BDR) number follows each recommendation for legislation.

RECOMMENDATIONS FOR LEGISLATION

1. Enact legislation making an appropriation in the amount of \$250,000 to Nevada's Legislative Committee on Public Lands for the purpose of awarding grants to applicants for public lands and natural resource projects. This measure shall contain language similar to that found in Section 6 of Senate Bill 560 of the 1999 Legislative Session. (BDR S-721)
2. Enact legislation amending Chapter 235 of the *Nevada Revised Statutes* (NRS) designating "Orovada Soil" as the official State Soil for Nevada. (BDR 19-722)
3. Express, by resolution, discouragement of the use of the Antiquities Act of 1906, by the President of the United States to declare National Monuments in Nevada and other states without the consent and approval of the impacted states. This resolution may be similar to one approved in the State of Arizona in June 2000, which urges Congress to prevent further designation of national monuments in Arizona without concurrence at the local, state, and Congressional level. In addition, the resolution shall highlight the potential threat to local economies that may be associated with all types of nonconsensual federal land designations. (BDR R-723)
4. Enact legislation making a \$250,000 appropriation to Nevada's Division of Forestry (NDF), State Department of Conservation and Natural Resources (SNCDR), to fund "regional strike teams" to assist in fire suppression efforts in northern and central Nevada. (BDR S-724)
5. Enact legislation establishing the position of a full-time Seedbank Coordinator within the NDF to meet the increasing demands for services at Nevada's State Seedbank. The legislation shall state that the duties of the Seedbank Coordinator include: 1) identifying suitable seed and coordinating the collection of that seed on private and public lands in Nevada; 2) overseeing the permitting process for seed collection and the ordering of seed products; and 3) coordinating with federal, state, and local agencies to facilitate reseeding efforts. (BDR 47-725)

6. Request, by resolution, the authorization of an interim study to examine the issue of wilderness and wilderness study areas (WSAs) in Nevada. The study shall, in part, make formal recommendations to the Nevada Legislature, members of Nevada's Congressional Delegation, and others regarding suitable areas for formal wilderness designation by Congress. The study may also examine current policies regarding WSAs (management, qualification, selection, et cetera) and seek input from various governmental agencies, organizations, and individuals regarding wilderness topics. (BDR R-727)
7. Request, by resolution, the authorization of an interim study to address historically used roads over private and public lands. The study may include an examination of the meaning and impacts of R.S. 2477 roads, state and county impacts associated with the use of historic roads, liability issues, and the construction of new roads in both urban and rural areas. (BDR R-728)

RECOMMENDATIONS FOR COMMITTEE ACTION

The members of Nevada's Legislative Committee on Public Lands voted to send the following letters to:

8. The Bureau of Land Management (BLM), United States Department of the Interior (DOI), expressing support for the Western Governors' Association position concerning changes to the BLM's Surface Management Regulations (43 *Code of Federal Regulations* 3809) for Locatable Mineral Operations;
9. United States Senator Harry Reid, expressing support for a BLM national strategy to bring all wild horse management areas to their appropriate management levels within four years and requesting his assistance in ensuring that BLM's \$9 million budget request for Fiscal Year 2001 to fund the strategy is approved by Congress;
10. Nevada's Department of Transportation (NDOT), urging the department to construct a fence along a 20-mile portion of State Route 319 between Panaca and the Nevada-Utah border;
11. Nevada's Board of Wildlife Commissioners, SDCNR, requesting that the commission revisit the regulations regarding the Elk Depredation Program. Specifically, the letter requests that the regulations be amended to require that the Elk Depredation Program reimburse for losses of privately owned water (water rights) caused by elk. The letter specifies that, if privately owned water is used by elk, compensation to the owner should be provided for that use;

12. Nevada Governor Kenny C. Guinn, the members of Nevada’s Congressional Delegation, and various federal and state agency officials, expressing concern regarding the potential listing of the Sage Grouse as an endangered or threatened species;
13. The State Department of Agriculture (SDA) and NDOT, urging both departments to study and explore the possibility of reestablishing “ports of entry” at Nevada’s state lines (on major highways) to help prevent the spread of fire ants and other invasive species and noxious weeds. The letter encourages the SDA and NDOT to cooperatively evaluate the benefits of ports of entry and examine the ports of entry requirements in other states;
14. The members of Nevada’s Congressional Delegation, proposing an amendment to the Southern Nevada Public Land Management Act of 1998 (SNPLMA) and/or the Federal Land Transaction Facilitation Act of 2000 (S. 1892 of the 106th Congress, approved on July 25, 2000). The proposed amendment provides that a portion of the proceeds from land sales under either act be used for the improvement of the lands and issues addressed in the Great Basin Restoration Initiative and to assist in the high costs of land exchanges. The letter also encourages both Senator Reid and U.S. Representative Jim Gibbons to continue their efforts to pass a measure during the 107th Congress similar to SNPLMA that is specific to the rest of Nevada and urges them to incorporate in the measure the proposed amendment referenced above;
15. Governor Guinn, the members of Nevada’s Congressional Delegation, the Chairmen of the Committee on Energy and Natural Resources of the U.S. Senate and the Committee on Resources of the U.S. House of Representatives, the Secretary of the DOI, and the Director of the BLM, expressing support for BLM’s Great Basin Restoration Initiative. Additionally, the letter encourages sufficient funding of the program;
16. The President of the United States, the Secretary of the DOI, select Congressional representatives, and others, requesting that Nevada’s BLM operations receive funding which is at least equal to or greater than other states;
17. United States Senator Richard H. Bryan, expressing support for S. 1941, the Firefighter Investment and Response Enhancement (FIRE) Act;
18. The Secretaries of the United States Departments of Agriculture and Interior requesting the conduct of a pilot project for evaluating claims to rights-of-way under R.S. 2477;

19. **The Secretary of the DOI and the Director of the BLM, requesting, as a follow-up to Senate Joint Resolution No. 1 (File No. 130, *Statutes of Nevada*) of the 1999 Nevada Legislative Session regarding “land in lieu of PILT,” that Lincoln County be used as a “pilot project” for any efforts to reimburse local governments in the form of land for payments in lieu of taxes (PILT) that are not appropriated or made;**
20. **Nevada’s Division of Wildlife, SDCNR, Pershing County Water Conservation District, the United States Bureau of Reclamation, Governor Guinn, and others involved in the Argenta Marshes/Community Pasture land purchase and exchange, urging these parties to cooperatively convene and negotiate a conclusion to the issue that will result in the introduction of federal legislation on the matter;**
21. **The Administrator of the U.S. Environmental Protection Agency (EPA) and the head of the EPA’s toxics release inventory (TRI) program, expressing support for a petition filed by the National Mining Association to more broadly define (in the TRI rules) the term “over burden” to include waste rock;**
22. **The Administrator of the EPA and other EPA officials, opposing the agency’s proposal to reduce arsenic levels in drinking water from 50 parts per billion (ppb) to 5 ppb. The letter stipulates that a large number of well communities in Nevada will be impacted by this rule and associated costs to Nevada’s local communities to build treatment facilities to meet these standards will be exorbitant;**
23. **United States Representatives Shelley Berkley and Jim Gibbons, regarding S. 2273, the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area (NCA) Act of 2000. The letter requests that the Representatives carefully consider and readdress, before taking action on S. 2273, the concerns expressed by many Nevadans regarding the economic impacts to Nevada and the effects on land-based industries (grazing, mining, recreation, et cetera) if an NCA is authorized for the Black Rock Desert/High Rock Canyon area;**
24. **The SDA, the Nevada Weed Action Committee, the BLM, and other pertinent agencies and individuals, expressing appreciation and support for their ongoing efforts to rid Nevada of noxious weeds and invasive species;**
25. **The Secretary of the DOI, the Director of the BLM, the Nevada State Director of the BLM, and other officials, expressing satisfaction with the implementation of the SNPLMA;**
26. **Robert V. Abbey, State Director, Nevada BLM, and Robert Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, U.S. Forest Service (USFS), U.S. Department of Agriculture, expressing appreciation for their**

willingness to appear before Nevada's Legislative Committee on Public Lands and for the regular attendance at the committee's meetings by their respective agencies;

27. Senator Reid, the other members of Nevada's Congressional Delegation, the BLM, and the USFS, encouraging any efforts to obtain federal funding for facilities development, resource inventory, planning, and compliance activities for the selective harvest of Piñon Juniper in Lincoln County and eastern Nevada;
28. Nevada's Congressional Delegation, the Director of the BLM, and select Congressional Representatives, requesting that the PILT program (to benefit counties having a high percentage of federally-owned land) receive full funding by Congress; and
29. Nevada's counties and other local governments in Nevada, encouraging them to actively participate in noxious weed reduction programs and work to eliminate invasive species that threaten public lands, destroy agricultural areas, and increase fuel for wild fires.

**REPORT TO THE 71TH SESSION OF THE NEVADA LEGISLATURE
BY NEVADA'S LEGISLATIVE COMMITTEE ON PUBLIC LANDS**

I. INTRODUCTION

Nevada's Legislative Committee on Public Lands is a permanent committee of the Nevada Legislature whose authorization and duties are set forth in Chapter 218 of the *Nevada Revised Statutes* (NRS) (see NRS 218.536 through 218.5371, Appendix A of this report). Created in 1983, this body is responsible for reviewing and commenting on proposed and existing laws and regulations that affect the 61 million acres of federally managed lands in Nevada. The committee also provides a forum for the discussion of public lands matters with federal, state, and local officials; representatives of special interest organizations; and other interested individuals.

A report of the committee's activities during the 1999-2000 interim period has been prepared. This document reviews public lands legislation passed during the 1999 Nevada Legislative Session and summarizes the topics considered and acted upon by the committee during the 1999-2000 legislative interim. All cities and counties named in this report are located in the State of Nevada unless otherwise noted. The Legislative Committee on Public Lands held a total of eight meetings and three field excursions throughout Nevada, as well as two informational tours in Washington, D.C., to converse with various elected officials, congressional staff, and federal agency officials involved in public lands policy matters.

The committee considered or discussed over 55 public lands-related issues during its meetings and tours. Topics of particular interest during this interim period included: Bureau of Land Management (BLM), United States Department of the Interior (DOI) activities; county and city public land issues; elk management issues; the Endangered Species Act of 1973 (ESA); federal legislation regarding public lands and natural resources; United States Environmental Protection Agency (EPA) regulations (Total Maximum Daily Load [TMDL], Toxics Release Inventory [TRI], and standards for arsenic in drinking water); U.S. Forest Service (USFS), U.S. Department of Agriculture, activities; grazing; the Humboldt River Basin (HRB); invasive species and noxious weed abatement; military issues; mining; Nevada's Seedbank Program; public/private land exchanges; Sage Grouse habitat; the Southern Nevada Public Lands Management Act of 1998 (SNPLMA); vehicle access and right-of-way issues on public lands; Walker River/Walker Lake issues; water issues; rangeland rehabilitation efforts following wildfires; wild horses and burros; and wilderness issues.

In addition, at the first meeting of Nevada's Legislative Committee on Public Lands during the 1999-2000 legislative interim, the chairman appointed a subcommittee to address a \$250,000 appropriation to the Committee on Public Lands in Section 6 of Senate Bill (S.B.) 560 (Chapter 544, *Statutes of Nevada 1999*). The appropriation permits the committee to expend the money through grants to applicants. As a result, the Subcommittee to Review Grant Requests and Proposals for Money Appropriated in S.B. 560 met on

four occasions to review the 34 proposals and grant requests for studies, surveys, and other projects that were submitted. The subcommittee received and considered over \$1 million in grant requests and made recommendations to the full committee. To date, the full committee has awarded a total of \$234,500 to 15 applicants. A summary list of these awards is shown below:

- Appeal of *Public Lands Council v. Babbitt*\$10,000
- Creating Preferred Grazing Alternative in Forest Plan Amendments 10,000
- Development of Alternative Grazing Fee Structures 21,000
- Development of a Sage Grouse Habitat Conservation Plan 16,000
- Harvest of Piñon Juniper 10,000
- Humboldt River Basin Assessment 40,000
- Las Vegas Springs Preserve 18,500
- Las Vegas Wash/Wetlands 18,500
- Nevada Land Use Summit 20008,000
- Nevada Land Use Summit 20018,000
- Publication of Public Lands Handbook7,000
- Study of Nevada Mining Industry’s Economic Impact on Businesses
in Other States 10,000
- Study Regarding Federalism – Impacts of Federal Rule Making in Nevada 17,000
- Update of Statewide Policy Plan as Part of S.B. 40 10,500
- U.S. Highway 95/Bonanza Trail Development 20,000

Total Amount Awarded \$234,500

Attendance at the subcommittee and full committee hearings was high, and the committee was presented with numerous recommendations during the course of these meetings. The members voted to request the drafting of seven bills and resolutions for consideration by the 2001 Nevada Legislature. The subjects of these requests concern: 1) appropriation of funds to the committee for the purpose of awarding grants (similar to S.B. 560); 2) designation of “Orovada Soil” as the official Nevada State Soil; 3) appropriation of funds for “regional strike teams” to assist in fire suppression; 4) establishment of a full-time Seedbank Coordinator; 5) the Antiquities Act of 1906; and 6) authorization of two interim studies. Finally, the committee voted to send several letters and committee statements to various elected officials, organizations, and federal, state, and local government representatives and agency personnel regarding a wide range of public lands and natural resources matters.

A. COMMITTEE MEMBERS AND STAFF

The Legislative Commission appointed the following members to the committee:

- Senator Dean A. Rhoads, Chairman
- Assemblyman John W. Marvel, Vice Chairman

Senator Terry Care
Senator Mark A. James
Assemblyman Jerry D. Claborn
Assemblyman P. M. “Roy” Neighbors
Alex “Buster” Dufurrena, Humboldt County Commissioner

The commission also appointed the following alternate members to the committee:

Senator Mike McGinness
Senator Raymond C. Shaffer
Assemblyman Tom Collins
Assemblyman Don Gustavson
Assemblywoman Kathleen A. Von Tobel

Support for the committee was provided by the following Legislative Counsel Bureau (LCB) staff members:

Michael J. Stewart, Staff Director, Research Division
Christine Kuhl, Senior Research Secretary, Research Division
Kimberly Marsh Guinasso, Principal Deputy Legislative Counsel, Legal Division
J. Randall Stephenson, Senior Deputy Legislative Counsel, Legal Division

B. HEARINGS AND RECOMMENDATIONS

The Legislative Committee on Public Lands held eight meetings, four subcommittee meetings, and three field excursions throughout Nevada and traveled twice to Washington, D.C., to converse with various elected officials, congressional staff, and federal agency officials involved in public lands policy matters.

This report summarizes the committee’s activities during the 1999-2000 interim period, reviews public lands legislation passed during the 1999 Nevada Legislative Session, and summarizes the topics considered and acted upon by the committee during the interim. Furthermore, this document reviews actions that resulted in letters from the committee. Finally, the report reviews the recommendations adopted by the members of the committee, which includes seven bill drafts for consideration by the 2001 Nevada Legislature.

The committee received extensive testimony and supporting materials pertaining to the many public lands-related topics found in this report. All minutes of meetings and their corresponding exhibits are on file in the LCB Research Library (775/684-6827).

II. PUBLIC LANDS LEGISLATION OF THE 70TH SESSION OF THE NEVADA LEGISLATURE

Numerous bills regarding public lands topics were considered during the 1999 Session of the Nevada Legislature. This section of the report summarizes some of the approved public lands bills and resolutions.

A. LEGISLATIVE COMMITTEE ON PUBLIC LANDS RECOMMENDATIONS

Following the 1998-1999 interim, Nevada's Legislative Committee on Public Lands made six recommendations to the 1999 Legislature. Issues addressed included: 1) EPA air quality regulations; 2) federal land management legislation; 3) the interbasin transfer of water; 4) the mapping of rights-of-way on public lands; 5) noxious weeds; and 6) Payments in Lieu of Taxes (PILT). Detailed discussions of these recommendations may be found in the committee's final report to the 1999 Nevada Legislature, published as LCB Bulletin No. 99-13, *Legislative Committee on Public Lands*.

All of the six recommendations for legislation made to the 1999 Nevada Legislature by the Legislative Committee on Public Lands were ultimately approved. Following are summaries of these measures or portions thereof:

- Senate Bill 108 (Chapter 236, *Statutes of Nevada 1999*) outlines the criteria the State Engineer must consider in reviewing an application for an interbasin transfer of ground water. The bill also provides a statutory definition of "interbasin transfer of ground water," and it clarifies that the State Engineer must determine if additional studies are actually necessary before postponing action on an application.
- Section 33 of S.B. 560 (Chapter 544, *Statutes of Nevada 1999*) creates the position of weed control analyst within the State Department of Agriculture (SDA).
- Senate Joint Resolution No. 1 (File No. 130, *Statutes of Nevada 1999*) urges Congress to appropriate for the distribution to Nevada's counties the amount of money necessary to correct underpayments in the Federal PILT program, or to authorize the transfer of land of equivalent value from the federal government to the affected counties.
- Senate Joint Resolution No. 2 (File No. 23, *Statutes of Nevada 1999*) expresses the Legislature's support for a proposed amendment to the Federal Land Policy Management Act of 1976 (FLPMA) that would require the U.S. Secretaries of Agriculture and the Interior to contract with states to identify and map certain rights-of-way on public lands.
- Senate Joint Resolution No. 3 (File No. 131, *Statutes of Nevada 1999*) expresses strong disapproval of regulations proposed by the EPA regarding regional haze.

- Senate Joint Resolution No. 10 (File No. 132, *Statutes of Nevada 1999*) urges Nevada’s Congressional Delegation to support legislation to enact a general “Nevada Public Land Management Act” modeled after the existing SNPMLA.

B. OTHER PUBLIC LANDS LEGISLATION

With nearly 87 percent of Nevada’s land managed by the agencies of the Federal Government, the subject of public lands plays a major role in every Legislative Session. The 1999 Legislative Session was no exception. Topics addressed included grazing, land management, mining, water usage, wild horses, and issues that affect Nevada’s counties.

- Senate Bill 217 (Chapter 65, *Statutes of Nevada 1999*) authorizes boards of county commissioners to establish, use, and operate wetland mitigation banks.
- Senate Bill 291 (Chapter 285, *Statutes of Nevada 1999*) clarifies that water from a domestic well may be used for any purposes directly related to a single-family dwelling, including watering of livestock and household pets, as long as water usage does not exceed the daily maximum specified in Nevada law.
- Senate Bill 310 (Chapter 372, *Statutes of Nevada 1999*) creates the Rangeland Resources Commission. The measure allows the commission to assess a fee of 10 cents per Animal Unit Month for purposes of conducting research, disseminating information, and conducting other programs that promote the livestock industry.
- Senate Bill 330 (Chapter 247, *Statutes of Nevada 1999*) provides that notification of a livestock disease be kept confidential unless the disease is specifically regulated pursuant to Nevada law for mandatory control and eradication to protect public health, other livestock, or wildlife.
- Senate Bill 344 (Chapter 73, *Statutes of Nevada 1999*) corrects technical language relating to the option for persons who purchase school trust lands from the State of Nevada also to purchase the related mineral interests.
- Senate Bill 396 (Chapter 486, *Statutes of Nevada 1999*) sets certain penalties for the abuse of animals and states that any person who willfully and maliciously kills an estray, a head of livestock, or a wild horse is guilty of a category C felony.
- Senate Bill 508 (Chapter 491, *Statutes of Nevada 1999*) creates a revolving account for land management as a special account in the State General Fund. The measure allows the State Land Registrar to use the account for certain expenses related to the management of land held by the Division of State Lands.

- Senate Bill 526 (Chapter 253, *Statutes of Nevada 1999*) specifies that the provisions of the *State Water Plan* must not be construed to supersede, replace, amend or add to Nevada law and further declares that state and local governmental agencies shall consider the *State Water Plan* when developing their water resource programs.
- Assembly Bill 198 (Chapter 439, *Statutes of Nevada 1999*) makes a grazing preference right appurtenant to base property and makes other revisions regarding grazing rights.
- Assembly Bill 252 (Chapter 293, *Statutes of Nevada 1999*) revises provisions governing liens on lands entitled to receive water from irrigation districts when ownership of the water right is severed from the land.
- Assembly Bill 324 (Chapter 496, *Statutes of Nevada 1999*) expands certain agricultural extension programs of the University and Community College System of Nevada.
- Assembly Bill 347 (Chapter 468, *Statutes of Nevada 1999*) authorizes the Southern Nevada Water Authority (SNWA) to establish a payment program to assist property owners in paying the cost of abandoning their wells and connecting to a public water system.
- Assembly Bill 358 (Chapter 332, *Statutes of Nevada 1999*) specifies that Nevada's Division of State Lands, State Department of Conservation and Natural Resources (SDCNR), must notify local governments affected by a realty action by the federal government within one week of receiving an application from the federal agency and provides that the local governments may comment on the action to the division within 30 days.
- Assembly Bill 380 (Chapter 515, *Statutes of Nevada 1999*) revises provisions regarding certain aspects of Nevada water law and sets the priority of a water right within a federal reclamation project according to the date on which the United States appropriated water to initiate the project, unless the water right vested under Nevada law prior to that date.
- Assembly Bill 408 (Chapter 636, *Statutes of Nevada 1999*) addresses the manner in which temporary well permits and domestic wells are handled in the Las Vegas Valley and directs the Legislative Committee on Public Lands to conduct a review during the 1999-2000 legislative interim of issues relating to residential, municipal, and quasi-municipal wells.
- Assembly Bill 439 (Chapter 218, *Statutes of Nevada 1999*) makes changes regarding the use of state parks and recreational areas and revises provisions regarding the collection of fees for use of state park facilities.
- Assembly Bill 506 (Chapter 117, *Statutes of Nevada 1999*) revises provisions governing the reporting requirements, payment schedules, and collection procedures for the tax on net proceeds of minerals.

- Assembly Bill 509 (Chapter 221, *Statutes of Nevada 1999*) provides that counties may seek, at the request of the landowner, federal court action to remove wild horses that stray from public land to private property.
- Assembly Bill 641 (Chapter 349, *Statutes of Nevada 1999*) authorizes a county or city with an adopted master plan to represent its own interests regarding land and appurtenant resources within its boundaries that are affected by policies and activities involving the use of federal lands. The measure also authorizes the boards of county commissioners in Esmeralda, Lincoln, and Nye Counties to establish zones for the preservation of a federally declared endangered or threatened wildlife species.
- Senate Joint Resolution No. 12 (File No. 133, *Statutes of Nevada 1999*) encourages the United States Congress to support the establishment of a working partnership between federal land management agencies, local governments, and other interested parties on issues relating to the use of federal lands.
- Assembly Joint Resolution No. 2 (File No. 116, *Statutes of Nevada 1999*) urges Congress to amend provisions of the Wild Free-Roaming Horses and Burros Act to require that the population of wild horses be maintained at certain levels on public lands.
- Assembly Joint Resolution No. 19 (File No. 93, *Statutes of Nevada 1999*) urges the U.S. Secretary of the Interior to take certain actions regarding federal surface mining regulations and opposes the efforts of BLM to revise them.
- Assembly Joint Resolution No. 20 (File No. 118, *Statutes of Nevada 1999*) expresses concern regarding the expansion of the TRI to include the mining industry and urges the EPA to reconsider recent revisions to TRI.
- Assembly Joint Resolution No. 21 (File No. 119, *Statutes of Nevada 1999*) urges the EPA to reconsider certain proposed regulations for animal feeding operations.

III. SUMMARY OF 1999-2000 INTERIM ACTIVITIES

Nevada's Legislative Committee on Public Lands maintained an active schedule during the 1999-2000 interim period. This section of the report briefly summarizes the activities of the committee and the topics discussed at the meetings, field excursions, and informational tours held during the interim. Further, this section provides an overview of the meetings of the Subcommittee to Review Grant Requests and Proposals for Money Appropriated in S.B. 560 of the 1999 Legislative Session. Please refer to the section titled "Meetings of the Subcommittee to Review Grant Requests and Proposals for Money Appropriated in Senate Bill 560 of the 1999 Legislative Session," beginning on page 17 of this report, for more information regarding the subcommittee. Additional details of testimony received and exhibits

provided can be found in the committee's and subcommittee's minutes, which are on file in the LCB Research Library.

A. MEETINGS AND FIELD EXCURSIONS

The Legislative Committee on Public Lands met eight times and held three field excursions throughout Nevada. The committee typically meets in the populous areas of southern and northwestern Nevada and also holds meetings in many rural areas of the state where public lands issues are in the forefront. Most meetings in rural Nevada counties include a scheduled time for local government officials to present their concerns and report happenings pertaining to public lands and natural resources within their cities and counties. Comprehensive reports were submitted and public testimony was extensive at many of the hearings. Attendance typically ranged from 50 to 80 people. Additionally, coverage of the committee's activities appeared in numerous Nevada newspapers throughout the interim. A document titled "Newspaper Coverage, 1999-2000 Legislative Interim," appears as an exhibit to the "Minutes of the Meeting of the Legislative Committee on Public Lands, October 6, 2000."

Following are summaries of the committee's deliberations and activities at each of the eight meetings and three field excursions that coincided with that meeting.

1. Reno Meeting (September 8, 1999)

The committee's first meeting was held in Reno on September 8, 1999. At this organizational meeting, the committee elected Senator Dean A. Rhoads as Chairman and Assemblyman John W. Marvel as Vice Chairman. The committee also approved its budget and proposed work plan (see Appendix B of this report) for the interim and discussed future meetings, including upcoming informational tours to be held in Washington, D.C.

Generally, the initial meeting of the committee serves to highlight public lands issues that have transpired since the last legislative interim. Furthermore, the first meeting allows federal, state, and local agency personnel and representatives of special interest organizations to report to the committee on pertinent public lands matters. Numerous reports were provided regarding USFS activities, mining reform and regulation, as well as a presentation of a Natural Resource Industry Institute report, *Economic Impacts of Proposed Changes in U.S. Mining Laws and Public Lands Regulations on Nevada*. The committee also heard an update of rangeland impacts and range rehabilitation following the wildfires of summer 1999, which burned over 1.6 million acres in Nevada. Finally, the committee received an update on the progress of two pieces of federal legislation, S. 719 and H.R. 1506, both of which provide for the orderly disposal of federal land in Nevada and are similar in scope to the SNPLMA.

Public testimony included discussions regarding archeological studies on public lands, endangered species issues, management of grazing allotments following recent wildfires,

mining regulation, S. 719 and H.R. 1506, and public lands matters in Lincoln County. Finally, the committee requested that Assemblyman Marvel be appointed to represent the committee on the newly-created Nevada Invasive Species Council.

2. Lovelock Meeting (December 15, 1999)

The committee held a meeting on December 15, 1999, in Lovelock, and heard a brief overview of the December 14, 1999, meeting of the Subcommittee to Review Proposals and Grant Requests for Money Appropriated in S.B. 560 of the 1999 Legislative Session. Please refer to the section titled “Carson City Subcommittee Meeting (December 14, 1999)” on page 18 of this report for further details of the subcommittee meeting. Additionally, the committee received presentations highlighting a number of different studies and assessments of the HRB. The studies examined water usage and supply, the effects of mine dewatering on the basin, and the hydrology and geology of the river. In addition, the committee received an update of mine dewatering activities in northern Nevada from representatives of Barrick Goldstrike and Newmont Mining Companies. An overview of the EPA’s proposed TMDL regulations was also received.

The committee heard an update of issues pertaining to the Argenta Marshes, located in northern Lander County, and received extensive testimony on activities and land management in the Black Rock Desert and the potential designation of the region as a National Conservation Area (NCA). Finally, the committee heard an update of rangeland impacts and range rehabilitation following the wildfires of summer 1999, which burned over 1.6 million acres in Nevada.

3. Las Vegas Meeting (January 20, 2000)

The committee’s third meeting was held on January 20, 2000, in Las Vegas. Members heard a brief overview of the January 12, 2000, meeting of the Subcommittee to Review Proposals and Grant Requests for Money Appropriated in S.B. 560 of the 1999 Legislative Session. The committee voted to approve all but one of the subcommittee recommendations presented. Please refer to the section titled “Las Vegas Subcommittee Meeting (January 12, 2000)” on page 18 of this report for further details of the subcommittee meeting.

Members of the committee received a general overview of public lands issues in Clark County, followed by a review of the SNPLMA. Discussion focused on local government participation in and the implementation of the Act. The committee also heard an overview of water supply and water banking issues in southern Nevada from the Colorado River Commission as well as the SNWA. This presentation focused on current water management strategies, water supply, and the future of water management and usage in Clark County.

In addition, the committee received an update regarding invasive species and noxious weeds from representatives of the SDA, the BLM, and the University of Nevada Cooperative Extension. Finally, an overview of a recent report by the National Academy of Sciences

(NAS), “Hardrock Mining on Federal Lands” was also provided. Congress required this report, which examines the current regulatory structure for surface mining activities and makes numerous recommendations regarding the BLM’s hardrock mining laws. During the meeting, mining industry representatives and state regulatory agencies were given the opportunity to comment on this report. The committee voted to draft a letter to the Western Governors’ Association (WGA) supporting their position on the NAS report and other mining-related matters.

4. Nellis Air Force Base Field Excursion (January 21, 2000)

A field excursion of Nellis Air Force Base (NAFB), which is located on public land, was held on January 21, 2000.

5. Fallon Meeting (February 25, 2000)

Fallon was the site of the February 25, 2000, committee meeting at which the members heard a brief overview of the February 24, 2000, meeting of the Subcommittee to Review Proposals and Grant Requests for Money Appropriated in S.B. 560 of the 1999 Legislative Session. The committee voted to approve an \$8,000 grant award from the appropriation authorized in S.B. 560 to fund the Nevada Land Use Summit, held April 17 and 18, 2000, in Verdi. Assemblyman Marcia de Braga and Senator Dean A. Rhoads hosted the summit. Please refer to the section titled “Carson City Subcommittee Meeting (February 24, 2000)” on page 18 of this report for further details of the subcommittee meeting.

The committee received a general overview of public lands issues in Churchill County from John Singlaub, BLM, and Jim Regan, Chairman, Churchill County Board of Commissioners. Assemblyman John C. Carpenter and Roberta Skelton, Chairman, Elko County Board of Commissioners, presented an update of access and road issues in the Jarbidge Mountains. Discussion focused on local government participation in the attempt to reestablish access to the Jarbidge Mountains via South Canyon Road. Further, newly appointed Forest Supervisor for the Humboldt-Toiyabe National Forest, USFS, Robert Vaught, presented information regarding the Jarbidge Mountains and the proposed new “roadless area” policy of the USFS.

In addition, the committee received an overview of current water issues in Churchill County and a review of the County’s use of Truckee River and Carson River water from representatives of the SDCNR, the Truckee-Carson Irrigation District, and the Bureau of Reclamation, DOI. Discussion regarding rangeland rehabilitation efforts following recent wildfires in northern Nevada and an overview of the Rangeland Resources Commission, created in S.B. 310 of the 1999 Legislative Session (NRS 563.250 to 563.380, inclusive) also ensued. Finally, representatives from the U.S. Navy provided the committee with an update of Navy activities in northern Nevada.

In conclusion, public comment included discussions of endangered species, U.S. Navy activities, water issues in Churchill County, and the proposed spent nuclear fuel and high-level radioactive waste repository at Yucca Mountain.

6. Fallon Naval Air Station Field Excursion (February 25, 2000)

A field excursion of Fallon Naval Air Station, which is located on public land, was held following the committee meeting on February 25, 2000.

7. Caliente Meeting (April 7, 2000)

The committee held its fifth meeting in Caliente on April 7, 2000, and received a general overview of public lands issues in eastern Nevada from Dan Frehner, Chairman, Lincoln County Board of Commissioners; Brent Eldridge, Chairman, White Pine County Board of Commissioners; James Marble, Nye County Natural Resources; and Gene Kolkman, Field Manager, Ely District, BLM. A review of S.B. 108 of the 1999 Legislative Session and its effects on Lincoln, Nye, and White Pine Counties was presented by Mr. Frehner, Mr. Eldridge, and Dr. Marble. An update of endangered species in Nevada was provided by Allen Pfister, Assistant Field Supervisor, Nevada Fish and Wildlife Office, U.S. Fish and Wildlife Service (USFWS), DOI; Gregg Tanner and Jon Sjoberg of the Nevada's Division of Wildlife (NDOW), SDCNR; and Mr. Kolkman.

In addition, the committee received an overview of elk management strategies in Nevada from Laurel Etchegaray, Chairman, Steering Committee, Coordinated Resource Management Group (CRMG), White Pine County; Bevan Lister, Member, Lincoln County CRMG; and Mr. Kolkman. Don Henderson, Assistant Director and Rangeland Specialist, SDA, and Mr. Kolkman also provided information on public lands grazing trends and the economic effects in Nevada.

In conclusion, public comment included discussions of wild horses converging on State Route 319 in eastern Lincoln County, PILT, the Lincoln/Douglas exchange, the Conservation and Reinvestment Act (CARA) considered by the 106th Congress, endangered species, and wildfires.

8. Anglo Gold's Jerritt Canyon Mine Field Excursion (May 11, 2000)

A field excursion of Anglo Gold's Jerritt Canyon Mine, which is located on public and private land in northeastern Nevada, was held on February 25, 2000.

9. Carlin Meeting (May 12, 2000)

On May 12, 2000, the committee met in Carlin. Following opening remarks and introductions, the committee was welcomed by the Vice Mayor of Carlin, Ron Grube. The members then received an update of public lands issues in Elko County from Anthony Lesperance, Elko County Commissioner and Helen Hankins, Field Manager,

Elko District Office, BLM. Mr. Vaught, previously identified, reported on Forest Service matters in Elko County and presented the newly-released “Roadless Area Conservation Plan.” The committee also received an update on the Elko County Water Plan from officials of the Elko County Water Planning Commission, followed by an overview of numerous mining issues. Allen Biaggi, Administrator of Nevada’s Division of Environmental Protection, SDCNR, and Russell A. Fields, President of the Nevada Mining Association (NMA), highlighted current activities relating to the TRI Program of the EPA. A discussion of abandoned mine lands (AML), led by Alan Coyner, Administrator of the Nevada Commission on Minerals, also ensued. Dana R. Bennett, owner of Research By Design, presented research regarding the economic benefits of Nevada’s mining industry in other states.

In addition, the committee heard from several sixth through eighth grade students of the Orovada School and their teacher, Mr. Michael Teichert, regarding the “Orovada Soil for Nevada State Soil” project. The committee also received a presentation from Clinton Oake, Assistant District Manager of Renewable Resources for BLM’s Elko Field Office, regarding rangeland rehabilitation efforts following Nevada’s wildfires of 1999. Special focus during this segment was provided to BLM’s Great Basin Restoration Initiative (GBRI), which seeks to improve the condition of Nevada’s rangeland through the restoration of native plant communities, problem identification, and scientific analysis. Mr. Vaught, previously identified, also commented regarding the impacts of the wildfires on USFS land and expressed support for the BLM initiative.

The committee received a summary of the conclusions to a Humboldt River Basin Water Authority (HRBWA) Study, “Phase one, Evaluation of Water Management Alternatives for the Humboldt River Basin” from representatives of HRBWA and Kennedy/Jenks Consultants. In addition, an update on S. 2773, “Black Rock Desert/High Rock Canyon Emigrant Trails National Conservation Area Act of 2000” was provided. Presentations from proponents and opponents to the proposed NCA were received. Finally, the committee heard a brief overview from Chairman Rhoads regarding the Nevada Land Use Summit held April 17 and 18, 2000, in Verdi.

10. Eureka Meeting (August 25, 2000)

The committee held its seventh meeting on August 25, 2000, in Eureka. Following opening remarks and introductions, the committee received an update of public land issues in Eureka and Lander Counties from Pete Goicochea, Chairman, Eureka County Board of Commissioners, Cheryl Lyngar, Member, Lander County Board of Commissioners, and Jerry Smith, Battle Mountain Field Manager, BLM. Topics addressed included fire suppression, “roadless inventories,” mining, and land management issues. Assemblyman Marcia de Braga provided an overview of the Nevada Land Use Summit held April 17 and 18, 2000, and led a discussion of the S.B. 560 grant awarded for the event. Assemblyman de Braga also announced plans for a second Nevada Land Use Summit scheduled for February 2001.

The committee then received an overview of Nevada's Seedbank Program from Gail Durham, Nevada State Seedbank Coordinator, Nevada's Division of Forestry (NDF), SDCNR; Wade Mothershead, Seasonal Fire Rehabilitation Specialist, NDF; and Pete Anderson, Resource Program Coordinator, NDF. Discussion regarding the seedbank focused on rangeland rehabilitation following wildfires in Nevada, noxious weeds, and the suitability of plant species and seeds used to enhance range conditions.

In addition, the committee received an update regarding wild horses and burros in Nevada from Meg Jensen, Deputy State Director for Natural Resources, Lands, and Planning, BLM, Catherine Barcomb, Administrator, Nevada's Commission for the Preservation of Wild Horses (NCPWH), and Gracian Uhalde, Commissioner, NCPWH. The parties discussed the current wild horse management situation and expressed concern to the committee regarding the increasingly dry range conditions and the growing number of wild horses on Nevada's rangelands. Ms. Jensen, Ms. Barcomb, and Mr. Uhalde urged the committee to support a \$9 million annual appropriation (included as part of the DOI budget legislation) in Congress that would provide for a four-year management plan for wild horses. Mr. Goicochea also spoke on wild horse issues specific to Eureka County.

The committee also received a report from Richard Carver, Chairman, Nye County Board of Commissioners, regarding the County's "Draft Road Jurisdiction Protocol Pilot Project," in addition to other road issues in Nye County. Mr. Vaught, previously identified, responded to Mr. Carver's report and noted that cooperation and communication between the USFS and local government in Nevada has been very favorable. Finally, the committee received an update from C. Joseph Guild, President, Nevada Cattlemen's Association, regarding the Rangeland Resources Commission created in S.B. 310 of the 1999 Legislative Session. Discussion ensued regarding an S.B. 560 grant that was awarded to the Association for use in the forest plan amendment process.

The committee voted to send a letter to U.S. Senator Harry Reid (D-Nevada) supporting a \$9 million annual appropriation in the DOI appropriations measure to help fund the four-year plan to gather and adopt wild horses. This plan is designed to achieve "appropriate management levels" in Nevada's herd management areas (HMAs) within four years.

11. Yerington Meeting/Work Session (October 6, 2000)

The committee's final meeting and work session was held in Yerington on October 6, 2000. The committee heard a brief overview of the October 6, 2000, meeting of the Subcommittee to Review Proposals and Grant Requests for Money Appropriated in S.B. 560 of the 1999 Legislative Session. Please refer to the section titled "Yerington Subcommittee Meeting (October 6, 2000)" on page 19 of this report for further details of the subcommittee meeting.

The committee received an update of public land issues in Lyon and Mineral Counties from members of the Lyon and Mineral County Boards of Commissioners, and a representative from the BLM. Topics addressed included economic development, mining, public land

management, and water issues. The committee then discussed Walker River and Walker Lake issues and received testimony from a number of agencies and organizations that expressed concern about the ecological health of the Walker River system and the economic future of the Walker River/Walker Lake area. Those participating in this discussion included the BLM, Walker River Irrigation District, Walker Lake Working Group, NDOW, Walker River Paiute Tribe, and Nevada's Division of Water Resources, SDCNR.

The committee also received an update regarding the classification of BLM roads in Nevada following a recent reclassification of these roads that resulted in the reduction of 10,350 miles of "certified public roads" on BLM land in Nevada. Representatives from the BLM, Nevada Department of Transportation (NDOT), and the Nevada Association of Counties (NACO) commented on the current road classifications and the resulting impacts to the State of Nevada and its counties. Next, the committee received an update from Mike Baughman, Contract Executive Director, Lincoln County Regional Development Authority, regarding a study from the Authority that explores the feasibility of harvesting Piñon Juniper in Lincoln County and eastern Nevada. A portion of this feasibility study was funded by a grant from Nevada's Legislative Committee on Public Lands. The committee then heard a status report on the development of the Nevada Natural Resources Plan as well as the Public Lands Policy Plan update from representatives of Nevada's Division of State Lands and the SDCNR. In addition, the committee received an overview of the Federal Land Transaction Facilitation Act (FLTFA) of 2000 (S. 1892 of the 106th Congress, approved on July 25, 2000, sponsored by Senator Pete Domenici [R-New Mexico]). The measure resembles the SNPLMA in that it provides for the disposition, through sale and auction, of public lands in Nevada and in 11 additional western states. Further, the committee heard testimony regarding the valuation of certain mining properties in Nevada from representatives of the NMA, NACO, and Nevada's Department of Taxation. Finally, the committee received an update from Michael J. Stewart, Committee Staff Director, Legislative Committee on Public Lands, regarding the status of proposals and projects that were awarded grants from the committee pursuant to S.B. 560 of the 1999 Legislative Session. Please refer to the section titled "Meetings of the Subcommittee to Review Grant Requests and Proposals for Money Appropriated in Senate Bill 560 of the 1999 Legislative Session," beginning on page 17, and Appendix D for more information regarding grant requests and proposals considered by the S.B. 560 subcommittee.

The work session portion of the meeting included discussion of and action on recommendations for the legislation presented during this interim. Information on the approved recommendations can be found in the section of this report titled "Discussion of Recommendations," beginning on page 32.

B. WASHINGTON, D.C., INFORMATIONAL TOURS

Over the past several years, Nevada's Legislative Committee on Public Lands has developed critical relationships with many representatives from the executive and legislative branches of the federal government. Because much of the committee's focus is based on federal land

management, legislation, and other federal activities, informational exchanges in our nation's Capitol are a useful and meaningful way to express the views of Nevada's citizens and lawmakers regarding important natural resource and public lands issues. The members of the Committee on Public Lands typically travel to Washington, D.C., twice during the legislative interim to discuss with elected officials, agency personnel, and representatives of special interest organizations the public land issues of importance to Nevada

1. October 27 and 28, 1999

The committee's first informational tour in Washington, D.C., was held on October 27 and 28, 1999. Members of the committee visited with officials from the BLM, DOI, and others. In addition, the committee discussed public lands issues with Nevada's Congressional Delegation and other members of Congress and their staffs. Topics addressed included military land withdrawals, mining reform, national monument designations, the SNPLMA, the USFS proposed "roadless initiative," and wildfire suppression,

Members of the Legislative Committee on Public Lands met with the following officials and individuals during the first Washington, D.C., tour:

- Jeff Aardahl, Endangered Species, Plants and Animals, BLM;
- Buddy Arviso, Grazing Specialist, BLM;
- Bob Barbour, Land Exchanges, BLM;
- U.S. Representative Shelley Berkley (D-Nevada);
- Ray Brady, Group Manager for Lands and Realty, BLM;
- Michael Brown, Vice President, United States Public Affairs, Barrick Gold Corporation;
- U.S. Senator Richard H. Bryan (D-Nevada);
- Pete Culp, Associate Director, BLM;
- Lee Delany, Group Manager for Wild Horses and Burros, BLM;
- Mary Beth Donnelly, Vice President, Government Relations, Newmont Mining Corporation;
- John Douglas, Historic Preservation Officer, BLM;
- William I. Eby, Congressional Fellow, U.S. Senate Committee on Energy and Natural Resources;
- Gregory Evans, Special Assistant to Mr. Fry, BLM;
- Grace Ann Garcia, Director, Office of Intergovernmental Affairs, DOI;
- U.S. Representative Jim Gibbons (R-Nevada);
- U.S. Representative James Hansen (R-Utah);
- David G. Hayes, Acting Deputy Secretary of the Interior, DOI;
- Tim Hartzell, Group Manager for Rangeland, Soils, and Water, BLM;
- Brent Heberlee, Staff Assistant, Office of U.S. Senator Richard H. Bryan (D-Nevada);
- Jeff Jarvis, Senior Specialist, Wilderness and Special Areas, BLM;
- Lloyd Jones, Chief of Staff, U.S. House of Representatives Committee on Resources;
- Christian Kadas, Policy Analyst, Natural Resources Group, National Governors' Association;

- Elizabeth Megginson, Chief Counsel, House Committee on Resources;
- Cynthia Moses, Cultural Resources, BLM;
- Mike Pieper, Director, Nevada State Office;
- U.S. Senator Harry Reid (D-Nevada);
- Jay Thietten, Washington Office Liaison, Fire and Aviation, BLM; and
- Gary Ziehe, Agricultural Analyst, U.S. Senate Budget Committee.

2. June 7 and 8, 2000

On June 7 and 8, 2000, the committee held its second informational tour in Washington, D.C. Members of the committee visited with officials from the BLM, EPA, and the USFS. In addition, the committee discussed public lands issues with Nevada's Congressional Delegation and other members of Congress and their staffs. The members also visited with staff of the U.S. House of Representatives Committee on Resources. Topics addressed included numerous EPA regulations, the Black Rock Desert/High Rock Canyon NCA, the GBRI, Wilderness Study Areas (WSAs), and wild horse issues.

The committee members met with the following individuals and officials during the second Washington, D.C., informational tour:

- Kai Anderson, Legislative Assistant, Office of U.S. Senator Harry Reid (D-Nevada);
- U.S. Representative Shelley Berkley (D-Nevada);
- Henri R. Bisson, Assistant Director, Renewable Resources and Planning, BLM;
- Jane C. Bradshaw, Staff Assistant, Office of U.S. Representative Shelley Berkley (D-Nevada);
- Michael Brown, Vice President, United States Public Affairs, Barrick Gold Corporation;
- U.S. Senator Richard H. Bryan (D-Nevada);
- William Condit, Staff Director, U.S. House of Representatives Committee on Resources, Subcommittee on Energy and Mineral Resources;
- Maria J. Doa, Ph.D., Chief, TRI Branch, EPA;
- Mary Beth Donnelly, Vice President, Government Relations, Newmont Mining Corporation;
- Myron Ebell, Director of Global Warming and International Environmental Policy, Competitive Enterprise Institute (CEI);
- James R. Furnish, Deputy Chief, National Forest Systems, USFS;
- U.S. Representative Jim Gibbons (R-Nevada);
- U.S. Representative James Hansen (R-Utah);
- Brent Heberlee, Staff Assistant, Office of U.S. Senator Richard H. Bryan (D-Nevada);
- Lloyd Jones, Staff Director, U.S. House of Representatives Committee on Resources;
- Andrew Langer, Associate Director of Development, CEI;
- Robert H. Nelson, Ph.D., CEI;
- James F. Pendergast, P.E., TMDL Technical Support Team, Office of Wetlands, Oceans, and Watersheds, EPA;
- Mike Pieper, Director, Nevada State Office;

- U.S. Senator Harry Reid (D-Nevada);
- Roberta Savage, Executive Director, Association of State and Interstate Water Pollution Control Administrators; and
- Jim Taft, Acting Director, Standards and Risk Management Division, Office of Ground Water and Drinking Water, EPA.

Staff to the Legislative Committee on Public Lands prepared resource binders for the members' use during both informational exchanges in Washington, D.C. These documents are on file with the LCB Research Library.

C. MEETINGS OF THE SUBCOMMITTEE TO REVIEW GRANT REQUESTS AND PROPOSALS FOR MONEY APPROPRIATED IN SENATE BILL 560 OF THE 1999 LEGISLATIVE SESSION

During the final days of the 1999 Nevada Legislative Session, S.B. 560 (Chapter 544, *Statutes of Nevada*) was approved. Senate Bill 560 is a measure that was introduced late in the 1999 Legislative Session for the purposes of making numerous appropriations to various agencies and programs, and for other worthwhile activities and causes. One of the appropriation recipients was Nevada's Legislative Committee on Public Lands, as noted in Section 6 of the bill, for the amount of \$250,000. Please refer to Appendix C for the text of Section 6 of this bill. This section of the bill gives the committee broad discretion regarding the appropriate use of the funds and authorizes the committee to expend the money in the form of grants to applicants for public lands related projects. No requirements exist stipulating that money must be granted to one organization or person over another. The funds were to be used to fund projects and studies to: 1) maximize opportunities for the transfer and acquisition of federal public lands within Nevada; 2) study water management practices within the HRB; or 3) for any other purpose related to maximizing the utilization and enjoyment of public lands by Nevadans.

At the first meeting of the 1999-2000 legislative interim of Nevada's Legislative Committee on Public Lands, the chairman appointed a subcommittee to address the money appropriated in Section 6 of S.B. 560. The members of the Subcommittee to Review Grant Requests and Proposals for Money Approved in S.B. 560 of the 1999 Legislative Session were:

Assemblyman John W. Marvel, Chairman
 Senator Mark A. James
 Assemblyman P.M. "Roy" Neighbors

The subcommittee was directed to review the various proposals and grant requests for any studies, surveys, and projects that were submitted and make recommendations to the committee regarding the granting of money appropriated in S.B. 560. Appendix D contains all Subcommittee Reports.

1. Carson City Subcommittee Meeting (December 14, 1999)

The subcommittee held its first meeting in Carson City on December 14, 1999, to discuss 25 different proposals and requests for grant money for various projects and studies regarding public lands and natural resource matters. Approximately \$1,055,000 in grant requests and proposals was submitted to the subcommittee.

Grant requests considered by the subcommittee included proposals to study: 1) the harvest of Piñon Juniper in Lincoln County; 2) the HRB; 3) mine dewatering; 4) grazing and grazing fees; 5) land exchanges; 6) federalism; 7) the Sage Grouse; 8) the economic impacts of mining; and 9) abandoned mines. Additional applicants requested funding to acquire federal land in a number of Nevada counties, cities and towns, including, Caliente, Carlin, Carson City, Douglas County, Gardnerville, and North Las Vegas. Other applicants requested money for: 1) the Las Vegas Preserve and the Las Vegas Wash; 2) financial assistance in the appeal of a federal court case; 3) a statewide public lands symposium; 4) the update of the *Statewide Policy Plan for Public Lands*; 5) U.S. Highway 95/Bonanza Trail development; and 6) the publication of a handbook of public lands facts.

The subcommittee also discussed the history of S.B. 560, grant disbursement procedures, and future subcommittee meetings.

2. Las Vegas Subcommittee Meeting (January 12, 2000)

The subcommittee met on January 12, 2000, to discuss the grant requests received from various individuals, organizations, and state and local governments seeking funds for various projects. Public testimony regarding these requests was also received.

The subcommittee concluded its meeting by recommending that Nevada's Legislative Committee on Public Lands approve \$210,500 in grant awards to 14 applicants. Details regarding these recommendations were made available to the Legislative Committee on Public Lands in a subcommittee report presented at the committee's meeting on January 20, 2000.

3. Carson City Subcommittee Meeting (February 24, 2000)

On February 24, 2000, the subcommittee met to discuss a grant request received from Assemblyman Marcia de Braga and Steve Bradhurst seeking funds for a "Nevada Land Use Summit." Public testimony regarding this request, as well as a previous grant request from Carson City, was also received.

The subcommittee concluded its meeting by recommending that Nevada's Legislative Committee on Public Lands approve an \$8,000 grant award to fund the Nevada Land Use Summit. Details regarding this recommendation were made available to the

Legislative Committee on Public Lands in a report presented at the committee's meeting on February 25, 2000.

4. Yerington Subcommittee Meeting (October 6, 2000)

On October 6, 2000, the subcommittee met to discuss two requests pertaining to grants awarded pursuant to S.B. 560. The first request served as a follow-up to a previously awarded grant in the amount of \$8,000 to the Nevada Land Use Summit. Following the first summit, held in April 2000, \$5,454 was returned to the committee, as income from summit registration fees covered much of the costs previously assigned in the original grant award. A subsequent Land Use Summit has been planned for February 2001, and Assemblyman Marcia de Braga requested an identical grant of \$8,000 to help cover associated costs.

The second request, from the Nevada Cattlemen's Association, proposed to amend the Association's original grant award resolution to expand the possible uses of the \$10,000 S.B. 560 grant previously awarded. Specifically, the resolution would permit the Association to use a portion of the \$10,000 to cover costs incurred in responding to amendments to the USFS' Sierra Nevada Framework project and the Northern Sierra/Humboldt-Toiyabe Forest Plan.

The subcommittee concluded its meeting by recommending that Nevada's Legislative Committee on Public Lands approve an \$8,000 grant to the Nevada Land Use Summit 2001, for costs associated with the event. In addition, the subcommittee recommended that the original resolution of the Nevada Cattlemen's Association S.B. 560 grant award regarding the creation of a preferred grazing alternative be amended to include expenses incurred in the Association's response to the environmental impact statements for the Sierra Nevada Framework project and the Northern Sierra Amendment to the Humboldt-Toiyabe Forest Plan.

Immediately following the subcommittee meeting, details regarding these recommendations were presented to the Legislative Committee on Public Lands in a brief subcommittee report, contained in Appendix D.

a. Criteria and Guidelines for Submitting Proposals and Grant Requests

The "Criteria and Guidelines for the Use of Money Appropriated in Senate Bill 560 of the 1999 Legislative Session to Nevada's Legislative Committee on Public Lands" specified that the full committee make the final grant award decisions, while the subcommittee was charged with reviewing the merit and accuracy of each application. Recommendations of the subcommittee were brought to the committee for approval.

In order to expedite and simplify the grant process, the subcommittee requested that the following information be provided by each applicant:

- Name of applicant;
- Contact information for each applicant, including mailing address, telephone number, fax number, and electronic mail address;

- Brief summary/abstract of proposed project or request (not to exceed one page);
- Description of the project (not to exceed four pages);
- Brief explanation of the project's relation to the scope of the Committee on Public Lands and its relevance to public lands and natural resource matters;
- Explanation of methodology (not to exceed two pages);
- Detailed project time line (please include estimated completion date);
- Detailed budget; and
- Appendices as needed.

b. *Grant Conditions and Deadlines*

All requests for grants from money appropriated in S.B. 560 were limited to a maximum of \$50,000 per project/request. Requests for grants were categorized and prioritized by the subcommittee to ensure a diverse use of the available money. Recommendations and summaries of proposed projects were presented to the Legislative Committee on Public Lands by the subcommittee. The committee made all final decisions regarding the awarding of grants.

The purpose of the subcommittee meeting was for the purpose of gathering and reviewing grant request proposals. Final decisions on the awarding of grants for proposals were made at subsequent meetings of the Legislative Committee on Public Lands.

Grant recipients were advised to be prepared to report to the subcommittee or the committee on the progress of their projects and studies at various times throughout the 1999-2000 interim. They were further notified that they might be asked to present findings and written conclusions upon completion of their projects and studies. Additionally, all recipients were informed that projects should be at or near completion by August 24, 2000 and any recommendations for legislation to be considered by the 2001 Legislature or requests for action by the Legislative Committee on Public Lands were required to be submitted to the committee no later than Friday, September 8, 2000.

c. *Acknowledgment of Criteria and Guidelines*

The Legislative Committee on Public Lands requested that all applicants for grants of money appropriated in S.B. 560 acknowledge that they had read and understood the criteria and guidelines. To this end, it was required that the following statement be signed and submitted along with each request for a grant:

As a requestor for a grant authorized by S.B. 560 of the 1999 Legislative Session, I hereby acknowledge that I have received, read, and will comply with the criteria and guidelines set forth in this document and any additional conditions that may be imposed by Nevada's Legislative Committee on Public Lands.

IV. ISSUES CONSIDERED DURING THE 1999-2000 LEGISLATIVE INTERIM

The committee considered numerous public lands topics of interest to Nevada's residents. The Legislative Committee on Public Lands typically addresses a wide range of topics that are considered integral to the understanding of public lands and natural resources matters. The 1999-2000 interim was no exception, with over 55 different topics discussed. Formal presentations and public testimony informed the members and meeting attendees of these issues.

A. LIST OF ISSUES DISCUSSED

The following is a list of some of the many issues discussed by the committee during the 1999-2000 interim period:

- Abandoned mines;
- BLM activities in Nevada;
- CARA;
- Colorado River;
- County and city public land issues;
- Elk management issues;
- ESA;
- EPA regulations (arsenic levels in water, TMDL, TRI)
- Fallon Naval Air Station;
- Federal legislation;
- Fire suppression and prevention;
- USFS activities;
- GBRI;
- HRB;
- Interbasin transfer of water;
- Land sales;
- Las Vegas Valley Water District;
- Military issues (generally);
- Mine dewatering;
- Mining regulations;
- NCAs;
- NAFB;
- Noxious weed and invasive species abatement;
- PILT;
- Public/private land exchanges;
- Rangeland reform;
- Right-of-way issues and motor vehicle access on public lands (*Revised Statute* [R.S.] 2477);
- Road building on public lands;

- Seedbank maintenance;
- SNWA;
- State involvement in management of federal lands in Nevada;
- Threatened and endangered species in Nevada (possible listings);
- Transfers of federal land to state ownership or management;
- Water issues generally (usage, supply, water rights, litigation);
- Wild horses and burros;
- WSAs; and
- Wildlife management.

B. SUMMARY OF ISSUES DISCUSSED

1. Abandoned Mine Lands in Nevada

Nevada's Division of Minerals has a program that addresses AML in Nevada. As of late August 2000, there were 8,008 discovered abandoned mines in the state, 5,787 (72.3 percent) of which have been secured. The Division of Minerals is working to secure more sites, especially in Clark, Lyon, and Pershing Counties, where less than 65 percent of AML sites are secured. More than 90 percent of AML sites are secured in Carson City and Washoe County.

The Legislative Committee on Public Lands received reports and participated in discussions regarding AML areas at several meetings during the 1999-2000 legislative interim and during its informational tours in Washington, D.C. The committee is particularly pleased with the passage in the 106th Congress of the Abandoned Mine Restoration Act of 1999, sponsored by Congressman Gibbons, the language of which was incorporated into a broader Senate measure, S. 507. This measure authorizes, in part, the Secretary of the Army to provide technical, planning, and design assistance to federal and nonfederal interests for carrying out projects to address water quality problems caused by drainage and related activities from abandoned and inactive noncoal mines. In addition, the bill authorizes the maintenance of a technology database for the reclamation of abandoned mines.

The Division of Minerals, as well as the NMA and the National Mining Association view abandoned mines as a serious public safety threat found on public lands in Nevada. The Committee on Public Lands intends to continue monitoring this issue during the 2001-2002 interim and is encouraged by the work of the Division of Minerals in securing abandoned mines and educating the public on the dangers associated with AML.

2. Bureau of Land Management Activities in Nevada

The BLM administers 264 million acres of America's public lands, located primarily in 12 western states. More than 48 million acres of this land is located in Nevada (approximately 68.25 percent of the total land area in the state). In addition to the day-to-day management of this land, the bureau is directly involved in wild horse gathering plans and adoptions,

the regulation of some mining activity, fire suppression activities, public/private land exchange policies, land sales and auctions, and noxious weed abatement efforts.

The BLM has actively participated in the legislative process in Nevada. During the 1999-2000 legislative interim, the Legislative Committee on Public Lands received presentations and heard testimony from the BLM at nearly all of its meetings. Reports from the BLM included discussions of grazing issues, the GBRI, land management, land sales, recreation issues, military land use, mining regulation, and wild horses and burros. Throughout the legislative interim, the committee also received regular updates on fire suppression activities and reseeding efforts by the BLM following wild fires that burned over 1.6 million acres in summer 1999 and nearly 700,000 acres in summer 2000. In addition, the committee received several reports on the development of the recently approved amendments to Part 43 of the *Code of Federal Regulations* (CFR) 3809 Surface Management Regulations for Locatable Mineral Operations as well as presentations regarding BLM activities at the local level.

While several committee members have expressed disapproval with the revisions to the “3809” regulations, all members have expressed support of the GBRI as well as the BLM’s fire suppression and reseeding efforts. Some discussion was also held regarding BLM’s policies governing the use of off-highway vehicles (OHV) on public lands in anticipation for the release of a national strategy on the issue. The “National Management Strategy for Motorized Off-highway Vehicle Use on Public Lands” was released on January 19, 2001, and the committee anticipates discussing the effects of this strategy during the 2001-2002 legislative interim.

The committee members are encouraged by the BLM’s active participation in Nevada’s legislative process and understand that many of the concerns about these critical public lands issues are best addressed in an open and public forum that encourages honest and useful discussion.

3. County and City Public Land Issues

As noted earlier, the Legislative Committee on Public Lands meets throughout the State of Nevada in an effort to obtain local perspectives on public lands issues. During this interim, many county and city officials expressed a desire to become more involved in the planning activities for public lands in their areas. Several counties reported that they have experienced an improved working relationship with federal land management agencies during the past two years. A number of counties are taking advantage of “cooperative agency status” afforded to some state agencies and local governments under the National Environmental Policy Act and regulations of the Council on Environmental Quality.

Rural counties throughout Nevada continue to express concern regarding their lack of taxable property due to the high percentage of federally owned land located in most Nevada counties. Representatives from these local governments have noted that the PILT program, despite recent appropriation increases by Congress, fails to offset the loss of tax revenue associated

with the current land ownership pattern. The committee has addressed these concerns in two letters that appear in Appendix E of this report. In addition, local government representatives provided presentations to the committee regarding economic development, endangered species, right-of-way issues, water issues, wildlife management, and wild horses and burros. Finally, many counties and cities in Nevada are working to manage “checkerboard” land ownership (i.e., blocks of federal land surrounded by privately or municipally owned land) within developed areas. The passage of the SNPLMA in October 1998, is currently being implemented to help eliminate the checkerboard land ownership found in the Las Vegas Valley. This act set a precedent for the passage of the FLTFA, (S. 1892 of the 106th Congress), which provides for land disposal through sale and auction similar to the SNPLMA in 12 western states. While implementation of this Act has not yet occurred, many believe it will promote the sale or auction of nearly 1.3 million acres of BLM land already identified in Resource Management Plans as lands better suited for private or local government ownership outside the realm of federal management.

4. Elk Management

While some areas of the state have a balanced elk population, a few eastern Nevada counties are experiencing an overpopulation of elk. However, some people involved with elk management issues contend that problems experienced in these counties are not a result of elk overpopulation but, rather, elk distribution. Several counties have elk “technical review teams” to address this issue and are working closely with the BLM and the NDOW to control the elk population, address distribution issues, and prevent range damage. At least three counties have released elk management plans or reports to help address the concerns with elk depredation, distribution, hunting regulations, overpopulation, and relations between local governments and state and federal agencies. As in the past, ranchers and other land users continued to express concern to the Committee on Public Lands that elk may be competing for forage with domestic livestock. A few individuals also pointed out some concerns regarding the Elk Depredation Program administered by NDOW. The Committee on Public Lands addressed this issue in a letter that appears in Appendix E of this report.

The Legislative Committee on Public Lands recognizes that elk management is a very personal and important issue to many Nevadans. The committee appreciates the recent approval of several management plans and reports at the county and regional level, and will continue to monitor this issue and revisit the topic during the 2001-2002 legislative interim.

5. Endangered Species

Each interim, the Legislative Committee on Public Lands monitors endangered species issues and regularly hears from federal, state, and local government officials regarding the effects of species listings on species recovery, species habitat, and the land-use industry. One of the primary matters for discussion in this topic was the potential for the listing of the sage grouse as either threatened or endangered in the Great Basin. Throughout the interim, nearly everyone that spoke before the committee regarding this important topic expressed grave

concern over the potential listing of this species. In particular, land users feared the loss of cropland, grazing land, motor vehicle access, outdoor sports activities, water rights, and hunting and fishing access. It appears that no group or organization wants the sage grouse listed as threatened or endangered. The committee is pleased with recent efforts by state and local governments throughout the West, in cooperation with farmers, ranchers, recreationists, and other land users, to encourage habitat conservation plans and species recovery at the local level. These efforts, combined with an October 11, 2000, announcement by the USFWS declaring unwarranted a petition to list the Columbian Sharp-Tailed Grouse as threatened, bode well for the future of sage grouse populations in Nevada.

Discussion regarding the 1999 listing of the bull trout as “threatened” in the Jarbidge River has residents of northeastern Nevada (notably those living in the town of Jarbidge) concerned about economic impacts of that listing due to the loss of recreational opportunities. Several related matters surround the bull trout listing in the Jarbidge River, including an ongoing difference of opinion between Elko County and the USFS regarding right-of-way access near the river. During the past three years, the Committee on Public Lands has heard testimony from various groups expressing concern over this listing but has yet to take a formal position on the matter. Endangered species issues are always in the forefront of discussion and deliberation by the committee. The committee will continue to monitor this important topic and will revisit this issue again during the 2001-2002 legislative interim.

6. United States Forest Service Activities in Nevada

The USFS manages more than 5.1 million acres of land (7.28 percent of the total land area) in Nevada. Currently, the USFS is in the process of updating several of its management plans for the Humboldt-Toiyabe National Forest in the state. Reports on these updates and other Forest Service activities were provided to the Committee on Public Lands at several meetings during the interim, but no formal actions regarding USFS issues have been taken. The Forest Service also reported to the committee regarding fire suppression efforts, grazing matters, recreation, and wilderness issues.

The committee also received extensive reports regarding the development of the recently released “Roadless Area Conservation Rule.” Several federal, state, and local government representatives, various individuals, and private organizations spoke before the committee on this proposed rule. Many expressed concern about the potential impacts of the proposed rule on mining, grazing, farming, motor vehicle access, and recreation. The final roadless area rule was released on January 5, 2001; therefore, no direct impacts on these activities, if any, will be known for several months. The USFS is also involved in ongoing activities in the Jarbidge Mountains regarding the closure of South Canyon Road. The road, which was closed in 1995, following a severe flood, lies adjacent to the Jarbidge River near the town of Jarbidge in northeastern Nevada. The committee has also received numerous updates on this topic, but to date, has not taken an official position on the South Canyon road issue.

Nevada's Legislative Committee on Public Lands has expressed great appreciation to the USFS officials throughout the state and to the new Forest Supervisor for their active involvement in the committee's activities and deliberations. The committee is well aware that Forest Service officials are often requested to discuss somewhat controversial matters, and is thankful for their willingness to attend committee hearings and field excursions, sometimes on short notice.

7. Humboldt River Basin

Many agencies, individuals, mining companies, and scholars have conducted studies on the HRB. The Legislative Committee on Public Lands received extensive reports regarding numerous studies of the HRB at its meeting in Lovelock. Particular focus of these studies has been on drought; hydrology; mine dewatering; the impact of fluctuating water levels on water quality, quantity, and biota; water storage; the impacts of the EPA's TMDL regulations and Humboldt River history and paleohydrology. Please refer to the section titled "Water Issues (Generally)," beginning on page 29 of this report, for information regarding TMDL. In addition to receiving these reports, Nevada's Legislative Committee on Public Lands provided a \$40,000 grant, as authorized in S.B. 560 of the 1999 Legislative Session (Chapter 544, *Statutes of Nevada*), to the Humboldt River Basin Assessment (HRBA) project. This money has been committed for expenditure on the HRBA in April 2001, for the installation of observation wells near Carico Lake, the Middle Reese River, and the Upper Reese River Valley to better understand the depth of the groundwater and its hydrologic framework, and to provide information for the calibration of a groundwater flow model. Please refer to the section titled "Meetings of the Subcommittee to Review Grant Requests and Proposals for Money Appropriated in Senate Bill 560 of the 1999 Legislative Session," beginning on page 17 of this report, for further details regarding the S.B. 560 grants.

8. Military Issues (Generally)

During the 1999-2000 legislative interim, the committee continued to follow the activities of the U.S. Air Force at the NAFB, as well as operations at the Naval Air Station in Fallon. In particular, the committee typically monitors military land and airspace proposals, such as land withdrawals and land lease renewals. During 1999, both the Air Force and Navy renewed their Nevada land leases and withdrawals through Congressional action.

During the interim, the Committee on Public Lands was pleased to partake in two field excursions sponsored by the Air Force and the Navy. On January 21, 2000, committee members toured NAFB via helicopter and learned about the land stewardship and wildlife management practices of the Air Force and the various training methods employed at the base. In addition, on February 25, 2000, the committee conducted a tour of the Fallon Naval Air Station. During this field excursion, the committee received updates on land stewardship activities, noise reduction measures, training methods, and threat emitter sites. The committee welcomes these opportunities to discuss land management and defense issues with various military officials, and appreciates the hospitality provided by both the Air Force and Navy during these informational field excursions.

9. Mining Issues (Generally)

In 1999, more than 8.26 million ounces of gold were produced in Nevada, representing an estimated worth of \$2.3 billion at the 1999 average price of \$279 per ounce. This compares with 8.86 million ounces worth \$2.6 billion in 1998. Nevada ranks as the third largest gold producer in the world, behind South Africa and Australia. There are more than 35 major precious metals mines operating in Nevada, along with two-dozen industrial and other minerals mines, 67 producing oil wells, and 14 operating geothermal electrical generating plants. Nevada's mines directly employed over 11,920 people in 1999 (down from 14,700 in 1997), generating a payroll of \$664,640,000. It is clear, given these statistics, why the Legislative Committee on Public Lands regularly monitors mining activity in this state. Throughout the 1999-2000 interim, the committee received numerous reports regarding Nevada's mining activity, most of which takes place on public lands.

During the interim, much attention was given to the EPA's TRI program, which requires certain manufacturers and industries to report releases into the environment of more than 600 designated chemicals. The TRI regulations were amended in the late 1990s to require the hard rock mining industry to participate in this reporting. Testimony indicated that many of these chemicals are naturally occurring elements in the earth's crust and, as such, must now be reported as toxic releases under the amended TRI guidelines. This reporting is believed by many to be excessive, as Nevada's mines are now required to inventory and report the movement of soil, or overburden, from one location to another in order to access an ore body. At its final meeting and work session, Nevada's Legislative Committee on Public Lands voted to send a letter regarding TRI to the EPA supporting a petition from the National Mining Association that requests a broader definition of the term "overburden" in the TRI rules. It is believed that if this definition were expanded, a more reasonable TRI reporting from the mining industry would occur. Please refer to the section titled "Discussion of Recommendations" beginning on page 32, for more information regarding this letter, or refer to Appendix E, which contains a copy of the letter.

With the exception of the Abandoned Mine Restoration Act of 1999 (refer to the section titled "Abandoned Mine Lands in Nevada," beginning on page 22), federal legislation regarding mining was sparse. There was, however, considerable regulatory activity regarding hardrock mining. During the interim, the committee heard numerous reports regarding the proposed amendments by the BLM to the 43 CFR 3809 Surface Management Regulations for Locatable Mineral Operations. These regulations were released on November 21, 2000, and became effective on January 20, 2001. The committee anticipates discussing the impacts of these rules on Nevada's mining industry during the 2001-2002 legislative interim.

10. Noxious Weed and Invasive Species Abatement

The spread of noxious weeds and other nonnative invasive species has been a concern to Nevada lawmakers, local government officials, land users, and ranchers for many years.

During this legislative interim, officials from the BLM, the SDA, and the University of Nevada Cooperative Extension noted that the spread of noxious weeds compromises the productivity of private land and hampers access to public lands. These issues were at the forefront of committee discussion during the 1999-2000 legislative interim due to the ongoing spread of tall whitetop in many riparian areas of northern Nevada and the increased prevalence of cheat grass and its contributions to the massive wildfires of summers 1999 and 2000. In addition, the influx of Africanized Honey Bees (commonly referred to as “killer bees”) and fire ants into southern Nevada has been a growing concern. Efforts to control and eradicate these noxious weeds and invasive species by many federal, state, and local government agencies have been tremendous.

An interesting component to the discussion regarding noxious weeds and invasive species occurred at the committee’s meeting in Las Vegas when the subject of “ports of entry” was addressed as a possible tool to help reduce the threat of these unwanted plants and animals. The committee learned that Arizona, California, and Utah all have ports of entry at major border crossings, preventing many damaging plant and animal species from entering these states over major highways. Testimony indicated that Nevada and the SDA could especially benefit from ports of entry by offering livestock inspections to control disease; preventing unlicensed, exotic animals from being shipped to Nevada; and ensuring that building and landscape materials from other states and countries are free of unsuitable insects and weeds. Furthermore, it is believed that ports of entry will assist the NDOT in ensuring that transport companies pay all required fees, enhancing heavy truck and tour bus safety, and discouraging theft of heavy equipment and other materials transported freely across state lines. As a result, the committee voted at its work session to send a letter to the SDA and NDOT requesting that both agencies work cooperatively to evaluate the benefits of ports of entry for Nevada. Please refer to the section titled “Discussion of Recommendations,” beginning on page 32, for more information regarding noxious weeds, invasive species, and ports of entry, or refer to Appendix E, which contains committee letters regarding the issue.

11. Public Lands Policy Update

The *Nevada Statewide Policy Plan for Public Lands* was finalized in 1985 in response to S.B. 40 of the 1983 Legislative Session (Chapter 587, *Statutes of Nevada*), which directed Nevada’s Division of State Lands to “prepare, in cooperation with the appropriate state agencies and local governments throughout the state, plans or policy statements concerning the use of lands in Nevada which are under federal management.” This plan represents a comprehensive set of policies and measures that are designed to increase the role of Nevadans in determining the management of public lands in this state.

During the 1995-1996 legislative interim, the Legislative Committee on Public Lands and other interested parties recognized the need to update this plan. A letter from the Committee on Public Lands, dated December 24, 1996, encouraged then-Governor Bob Miller and legislative leaders to support a new staff position in Nevada’s Division of State Lands to work closely

with Nevada's counties regarding public lands topics. The 1997 Legislature approved this position, thereby allowing the division to update the policy plan.

Several times during the 1997-1998 interim and during the 1999-2000 interim, representatives from Nevada's Division of State Lands reported on the progress of the plan update and discussed pertinent concerns expressed by local governments during the division's planning meetings throughout the state. The "public lands policy update" is scheduled to be completed in Summer 2001. The policy issues addressed in the plan will include: endangered species, federal land transactions, grazing regulation, mining regulation, noxious weeds and other invasive species, OHV management, public land access, recreation, wildfire planning and management, and wild horse and burro management. Lawmakers anticipate that the plan will further unify Nevada's position on public lands matters and allow for thoughtful discussion on these issues.

12. Recreational Opportunities

Recreational opportunities on public lands continue to interest Nevada lawmakers. Nevada's growing population has resulted in the tripling of recreational use of public lands over the past decade. Many forest plan revisions and the new "Roadless Area Conservation Rule" by the USFS, as well as RMPs and the newly released OHV strategy by the BLM, reflect this increased desire for more recreational opportunities. The Committee on Public Lands heard reports and discussions regarding this issue at numerous meetings during the interim and during its informational tours in Washington, D.C. Lands in Nevada allow for camping, fishing, hiking, hunting, OHV use, rock climbing, and water sports. Access by the public to these activities is important to Nevada lawmakers and the Committee on Public Lands intends to continually monitor this aspect of public land use in Nevada.

13. Water Issues (Generally)

Water quality and quantity have always been a concern for Nevada lawmakers. Nevada is considered a "high desert." Therefore, water quality and quantity issues are frequent topics of discussion for local government representatives, ranchers, farmers, recreationists, and other land users. This legislative interim, the Committee on Public Lands heard testimony regarding the water quality and quantity in and the hydrologic history of the HRB (see the section titled "Humboldt River Basin," beginning on page 26), new arsenic standards proposed by the EPA, the EPA's TMDL regulations, mine dewatering, Las Vegas Valley water supplies, and Colorado River issues.

During its meeting in Lovelock and its June 2000, informational tour of Washington, D.C., the committee afforded particular attention to then-proposed EPA regulations concerning TMDL. A TMDL is defined as the maximum amount of pollutant or pollutants (in pounds per day) that can be discharged into a water body without violating the water standards set forth in the Clean Water Act (CWA). The TMDL rule, which was ultimately finalized and released on July 13, 2000, sets forth several revisions to existing regulations that require states, territories,

and other entities to: 1) submit a comprehensive list of waters threatened and impaired by both pollutants and pollution; 2) set out schedules for establishing TMDLs (pollutants only) over a 15-year period, starting with the highest priority water bodies; 3) provide more specific and consistent listing methodologies to EPA and make them subject to public review; 4) list the water bodies until standards have been achieved; 5) include an allowance for reasonable future increases in pollutants to encourage “Smart Growth”; and 6) include an implementation plan to ensure that water quality standards are achieved in the timeframe. In Nevada, 53 percent of assessed waters meet the water quality standards of the CWA, while 43 percent partially meet water quality standards, and 7 percent do not meet CWA standards. Testimony indicated that the impacts to Nevada may include: an expansion of the impaired waters list; an increase in the complexity and cost of nonpoint pollutant source assessment; potential threats to agricultural activities; and a limitation in local involvement in water quality matters. Furthermore, the committee learned while in Washington, D.C., that the TMDL rules face broad opposition from both industry and environmental groups. As a result, the U.S. Congress attached a “rider” to a Fiscal Year (FY) 2000, military construction/supplemental appropriations measure that prohibits the EPA from implementing this rule in FY 2000 and FY 2001. The Committee on Public Lands will continue to monitor the developments and future implementation of this rule during the 2001-2002 legislative interim.

Another significant water issue that the committee discussed during the interim was a proposal by EPA to reduce allowable levels of arsenic in drinking water. The agency’s regulation proposed a reduction in the arsenic standard from 50 parts per billion (ppb) to 5 ppb. The EPA set the 50 ppb arsenic standard in 1975, based on a Public Health Service standard originally set in 1942. The NAS completed a review of updated scientific data on arsenic and recommended that the EPA lower the standard. The NAS, however, did not recommend a specific numeric reduction. While the Committee on Public Lands understands that high concentrations of arsenic have been shown to be unhealthy, it does question the choice to so quickly reduce the arsenic standard by 90 percent. During its final meeting and work session, the committee voted to address these concerns in a letter to EPA. The letter specifies that a reduction of this magnitude appears excessive and will, according to data from Nevada’s Division of Health, impact nearly 150 different well communities in Nevada. The letter further stipulates that the anticipated cost to Nevada’s small towns and well users to retrofit or replace these longstanding wells, most of which register under 20 ppb (which is more than 60 percent less than the current 50 ppb standard), will be astronomical. Finally, the letter explains that while the committee believes that reducing arsenic levels in drinking water is a good idea, it contends that this 50-year old standard should not be reduced so drastically, especially at such a great potential expense to Nevada’s smaller communities. Please refer to Appendix E, which contains a copy of the letter. On January 17, 2001, the EPA released the new arsenic standards that lowered the acceptable arsenic level to 10 ppb. This rule was printed in the *Federal Register* on January 22, 2001. The committee fully anticipates monitoring and evaluating the impacts of this new standard during the 2001-2002 legislative interim.

Finally, Nevada's Legislative Committee on Public Lands maintained a Subcommittee to Study Domestic and Municipal Water Wells as directed by Assembly Bill 408 of the 1999 Legislative Session (Chapter 636, *Statutes of Nevada*). The bill also authorized the appointment of a Technical Advisory Committee (TAC) to assist the subcommittee, with representation from urban and rural areas, well owners, suppliers of municipal water, holders of water rights, and ratepayers. The subcommittee held three meetings and the TAC held six monthly meetings in Las Vegas during the 1999-2000 legislative interim. This subcommittee used a separate budget and committee staffing structure. Further details regarding the Subcommittee to Study Domestic and Municipal Water Wells can be obtained by referring to *Legislative Counsel Bureau Bulletin No. 01-18*, titled *Domestic and Municipal Water Wells*, or by contacting the LCB Research Library.

14. Wild Horses and Burros

Nevada is home to more than 65 percent of the nation's wild horses and burros. These animals are protected under the federal Wild Free-Roaming Horses and Burros Act of 1971, which gives the BLM responsibility for the animals.

In recent years, many lawmakers, ranchers, and federal officials have expressed concern with the possible overpopulation of wild horses on Nevada's public lands. The BLM, which has over 100 HMAs encompassing 16 million acres, often conducts wild horse gathers within these areas to lower herd populations and provide for the adoption of the horses and burros gathered. Much of the discussion regarding wild horses in Nevada during the interim centered on the unprecedented growth of the horse population and the need to gather them in order to reach the recommended appropriate management level in each HMA. The BLM reported that the wild horse population in Nevada was expected to rise to over 25,600 animals in 2000, which are 11,600 more than the estimated appropriate management level of 14,000. In many HMAs, an overpopulation of horses has resulted in watershed damage, a decline in the health of wild horse herds, and the degradation of vegetation and riparian areas used by wildlife and livestock.

Some members of Committee on Public Lands, while supporting BLM's adoption program, have expressed concern that older horses, which are considered "unadoptable," are re-released onto public lands. This practice is thought to reduce the health and viability of horses left on the range and may contribute to range decline. The committee was pleased to learn that this practice will soon be phased out under a plan by the BLM to initiate a national strategy to bring all HMAs to their appropriate management level within four years. Nevada's Legislative Committee on Public Lands expressed unanimous support for this strategy and, at its meeting in Eureka, voted to send a letter to Senator Reid requesting his support of BLM's budget request to fund this strategy. The plan calls for a \$9 million annual increase for wild horses and burros over the next four years, which allows the BLM to improve its marketing of animals and events, implement techniques to enhance the adoption prospects of older animals, and provide long-term care and holding (pasturing) for the oldest, least adoptable animals. In addition, the plan will require the BLM to remove 12,855 animals from HMAs (an increase

of 6,855 animals) in the first year. By the sixth year, this removal rate will drop to 4,500 animals and remain at that level permanently. The appropriation package for the DOI that ultimately passed at the end of the 106th Congress included the \$9 million BLM request for this strategy. The committee is encouraged by BLM's commitment to seeing this plan to fruition and looks forward to hearing from the agency during the 2001-2002 interim on the progress of this strategy.

15. Wilderness and Wilderness Study Areas

In Nevada, approximately 5.1 million acres of BLM lands are designated as WSAs. The studies, which involved environmental impact statements, public participation, and mineral reports, were completed on these WSAs in 1991. Typically, a state's congressional delegation introduces a bill to designate wilderness; however, as yet, no legislation has been introduced to designate BLM wilderness in Nevada or release lands that are currently under WSA status. Meanwhile, all 5.1 million acres of Nevada's WSAs are being treated as wilderness. During its two informational tours of Washington, D.C., the Legislative Committee on Public Lands encouraged federal representatives to introduce legislation designating wilderness areas and releasing other areas from WSA status. Such legislation, however, may be difficult to pass at the federal level, as seen by Utah's latest efforts in Congress to pass legislation dealing with that state's proposed wilderness areas.

The committee is encouraged by the willingness of Nevada's Congressional Delegation to bring forth federal legislation to officially propose wilderness and remove other areas from consideration. However, the delegation has consistently advised the committee that consensus among land users, recreationists, environmental advocacy groups, industry, and local governments about wilderness designations must be achieved before such federal legislative action can take place. Therefore, at its final meeting and work session, the committee requested the drafting of a resolution that creates an interim study to examine the issue of wilderness and WSAs in Nevada. Please refer to the section titled "Wilderness and Wilderness Study Areas," beginning on page 35 for further details regarding this recommendation.

V. DISCUSSION OF RECOMMENDATIONS

At its work session in Yerington, Nevada's Legislative Committee on Public Lands considered numerous recommendations for action by the 2001 Session of the Nevada Legislature. The committee also considered, at its work session and at other meetings during the 1999-2000 legislative interim, sending policy statements through committee letters. The members voted to proceed with many of these recommendations, which resulted in seven bill draft requests (BDRs) and numerous official committee letters.

A. BILL DRAFT REQUESTS

This section provides background information for each of the approved recommendations for legislative action. The assigned BDR number is provided at the end of each recommendation summary. Copies of corresponding BDRs are found in Appendix F of this report.

1. Grant Awards to Applicants for Public Lands and Natural Resource Projects

During the 1999-2000 legislative interim, Nevada's Legislative Committee on Public Lands administered grant awards to applicants, as authorized in S.B. 560 (Chapter 544, *Statutes of Nevada*). The Subcommittee to Review Grant Requests and Proposals for Money Appropriated in S.B. 560 met on four occasions to review the 34 proposals and grant requests for studies, surveys, and other projects that were submitted. The subcommittee received and considered over \$1 million in grant requests and made recommendations to the full committee. Of the \$250,000 appropriated, a total of \$234,500 to 15 applicants was awarded. The remaining money covered associated committee expenses and a small amount is still uncommitted expenditure. The response to this grant award opportunity has been tremendous and the studies and projects conducted by the awardees have produced useful, timely, and interesting results. Legislators, grant applicants, grant recipients, and many others noted on several occasions throughout the interim that similar grant opportunities should be made available in the future.

Therefore, the Legislative Committee on Public Lands recommends that the 2001 Session of the Nevada Legislature:

Enact legislation making an appropriation in the amount of \$250,000 to Nevada's Legislative Committee on Public Lands for the purpose of awarding grants to applicants for public lands and natural resource projects. This measure shall contain similar language to that found in Section 6 of S.B. 560 of the 1999 Legislative Session. (BDR S-721)

2. Establishing Orovada Soil as the Official State Soil for Nevada

At its meeting in Carlin on May 12, 2000, Nevada's Legislative Committee on Public Lands received a presentation from several sixth through eighth grade students of the Orovada School (located in Orovada, in east-central Humboldt County) regarding the "Orovada Soil for Nevada State Soil" project. The students and their teacher, Mr. Michael Teichert, explained that Orovada Soil has been the unofficial Nevada State Soil for 25 years. They noted that fifteen states have an officially recognized state soil and, as a result, the class is pursuing the formal adoption of Orovada Soil as the official soil for Nevada. The students explained that Orovada Soil is found in most of northern and central Nevada and is located on prime agricultural land. It is a loamy soil mixed with clay, sand, and silt. In addition, it contains a mixture of volcanic ash and, therefore, retains a large amount of water, which is necessary for plant survival.

The committee was intrigued and supportive of this effort to establish Orovada Soil as the officially recognized State Soil for Nevada. Therefore, the Legislative Committee on Public Lands recommends that the 2001 Session of the Nevada Legislature:

Enact legislation amending Chapter 235 of the NRS designating “Orovada Soil” as the official State Soil for Nevada. (BDR 19-722)

3. Antiquities Act of 1906 and Nonconsensual Federal Land Designations

During the second half of the Presidential administration of William J. Clinton, the use of the Antiquities Act of 1906 to declare National Monuments throughout the western United States increased dramatically. Several of these designations received significant media attention and sparked intense debate among state and local elected officials, government representatives, environmental organizations, Native American tribes, industry representatives, and others. The State of Arizona adopted a resolution discouraging the use of the Antiquities Act of 1906 to declare National Monuments without the consent and approval of the impacted states.

The committee discussed federal land designations on numerous occasions during the 1999-2000 legislative interim and several members expressed concern about federal land designations being made without consultation and consent of the impacted states. Some members opined that the Antiquities Act of 1906 gives the President of the United States undue power to establish National Monuments without legislative approval. Therefore, the Legislative Committee on Public Lands recommends that the 2001 Session of the Nevada Legislature:

Express, by resolution, discouragement of the use of the Antiquities Act of 1906, by the President of the United States to declare National Monuments in Nevada and other states without the consent and approval of the impacted states. This resolution may be similar to one approved in the State of Arizona in June 2000, which urges Congress to prevent further designation of national monuments in Arizona without concurrence at the local, state, and Congressional level. In addition, the resolution shall highlight the potential threat to local economies that may be associated with all types of nonconsensual federal land designations. (BDR R-723)

4. Appropriation for Regional Strike Teams

Throughout the legislative interim, the committee received regular updates on fire suppression activities and reseeded efforts by the BLM following wild fires that burned over 1.6 million acres in summer 1999, and nearly 700,000 acres in summer 2000. Furthermore, the committee heard from local government representatives regarding their efforts to suppress these fires. In many cases, local fire units worked in tandem with BLM and USFS crews, as well as state crews, to fight the fires. During its meeting in Eureka, the committee was presented with a request to appropriate money to fund “regional strike teams” consisting of

local and volunteer firefighters from a particular region or county of the state. Testimony and discussion indicated that the appropriation should be provided to NDF, which would retain a list of active volunteer firefighters who would essentially be “on call” to a regional strike team for a specified period of time. The division envisions that volunteer units would be scattered throughout the counties and would be called upon either individually or brought together as larger units, depending on the size and scope of the fire.

Therefore, the Legislative Committee on Public Lands recommends that the 2001 Session of the Nevada Legislature:

Enact legislation making a \$250,000 appropriation to NDF, SDCNR, to fund “regional strike teams” to assist in fire suppression efforts in northern and central Nevada. (BDR S-724)

5. Nevada’s State Seedbank

Nevada’s State Seedbank, operated by NDF, has played an increasing role in the state over the past several years. The unprecedented fire seasons of 1999 and 2000, as well as the growing influx of noxious weeds such as tall whitetop and cheat grass, has greatly increased the need for seedbank services. Currently, the NDF staff member serving as coordinator of the seedbank holds several other positions within the Division and is unable to fully respond to the growing demands on the operation.

Therefore, the Legislative Committee on Public Lands recommends that the 2001 Session of the Nevada Legislature:

Enact legislation establishing the position of a full-time Seedbank Coordinator within the NDF to meet the increasing demands for services at Nevada’s State Seedbank. The legislation shall state that the duties of the Seedbank Coordinator include: 1) identifying suitable seed and coordinating the collection of that seed on private and public lands in Nevada; 2) overseeing the permitting process for seed collection and the ordering of seed products; and 3) coordinating with federal, state, and local agencies to facilitate reseeding efforts. (BDR 47-725)

6. Wilderness and Wilderness Study Areas

In Nevada, approximately 5.1 million acres of BLM lands are designated as WSAs. The studies, which involved environmental impact statements, public participation, and mineral reports, were completed on these WSAs in 1991. Typically, a state’s congressional delegation introduces a bill to designate wilderness; however, as yet, no legislation has been introduced to designate BLM wilderness in Nevada or release lands that are currently under WSA status. Meanwhile, all 5.1 million acres of Nevada’s WSAs are being treated as wilderness. During its two informational tours of Washington, D.C., the Legislative Committee on

Public Lands encouraged federal representatives to introduce legislation designating wilderness areas and releasing other areas from WSA status.

The committee is impressed by the willingness of Nevada's Congressional Delegation to bring forth federal legislation to officially propose wilderness and remove other areas from consideration. However, the delegation has consistently advised the committee that consensus among environmental advocacy groups, industry, land users, local governments, and recreationists about wilderness designations must be achieved before such federal legislative action can take place. The committee believes that an advantageous way to achieve this important consensus is through an interim study authorized by the Nevada Legislature.

Therefore, the Legislative Committee on Public Lands recommends that the 2001 Session of the Nevada Legislature:

Request, by resolution, the authorization of an interim study to examine the issue of wilderness and WSAs in Nevada. The study shall, in part, make formal recommendations to the Nevada Legislature, members of Nevada's Congressional Delegation, and others regarding suitable areas for formal wilderness designation by Congress. The study may also examine current policies regarding WSAs (management, qualification, selection, et cetera) and seek input from various governmental agencies, organizations, and individuals regarding wilderness topics. (BDR R-727)

7. Rights-of-way and Road Issues

Revised Statute 2477 is an 1866 law that granted rights-of-way for constructing public highways over public lands. It was enacted during a period when the Federal Government was aggressively promoting the settlement of the West and provided a direct grant from Congress for state and local governments to build public highways on public lands without additional federal approval or documentation. When R.S. 2477 was repealed under the FLPMA of 1976, highways established before 1976 were protected as valid, existing rights-of-way. The majority of R.S. 2477 roads are located on public lands administered by the BLM, which is responsible for examining claims of pre-1976 roads across these lands and either acknowledging or denying each road's validity.

The Committee on Public Lands has regularly monitored this issue for many years and has received numerous reports and presentations regarding the significant legal scrutiny surrounding claims of jurisdiction and ownership of these R.S. 2477 rights-of-way. In addition, the committee recently learned that roads on private lands have become the subject of controversy as they are considered by some to be "historically used" roads, thereby bringing forth additional jurisdictional questions. The committee believes that an advantageous way to better address and develop a clear understanding of these ongoing road issues and

establish suitable policy guidelines for R.S. 2477 rights-of-way is through an interim study authorized by the Nevada Legislature.

Therefore, the Legislative Committee on Public Lands recommends that the 2001 Session of the Nevada Legislature:

Request, by resolution, the authorization of an interim study to address historically used roads over private and public lands. The study may include an examination of the meaning and impacts of R.S. 2477 roads, state and county impacts associated with the use of historic roads, liability issues, and the construction of new roads in both urban and rural areas. (BDR R-728)

B. COMMITTEE LETTERS

This section provides background information for each of the letters sent from the committee to various elected representatives, federal, state, and local government officials, and other individuals. Copies of the corresponding letters can be found in Appendix E of this report.

1. Mining Regulation

Several times during the 1999-2000 legislative interim, the committee received updates on the BLM's proposed revisions to the Surface Management Regulations for Locatable Mineral Operations (43 CFR 3809). At its meeting in Las Vegas on January 20, 2000, the committee also received a presentation regarding the NAS' National Research Council report, "Hardrock Mining on Federal Lands" released in September, 1999. At this meeting, it was suggested that the committee write a letter to the BLM supporting the position of the WGA on the Draft Environmental Impact Statement (DEIS) for the "3809" regulation revisions.

The WGA notes in its position letter that "the current 3809 regulations are working well on the ground." It continues by explaining that the current "3809" regulations "are flexible and allow individual states working in concert with local BLM officials to tailor appropriate requirements to ensure the environment is protected from mining operations." The letter further notes that the NAS study "concluded that existing regulations are generally well coordinated and that improvements in the implementation of existing regulations present the greatest opportunity for improving environmental protection and efficiency of the regulatory process." The WGA also recommends that the BLM develop an additional alternative to the four regulatory options already found in the DEIS. This alternative would solely address the findings and recommendations of the NAS study. The "3809" regulations were ultimately released on November 21, 2000, and became effective on January 20, 2001.

Nevada's Legislative Committee on Public Lands fully supported these statements and recommendations from the WGA. Therefore, the Legislative Committee on Public Lands voted to send letters to:

The BLM, expressing support for the WGA's position concerning changes to the BLM's Surface Management Regulations for Locatable Mineral Operations (43 CFR 3809).

2. Wild Horse Management Strategy

During its meeting in Eureka, the committee was pleased to learn about a plan by the BLM to initiate a national strategy to bring all HMAs to their appropriate management level within four years. The plan calls for a \$9 million annual increase for wild horses and burros over the next four years, which allows the BLM to improve its marketing of animals and events, implement techniques to enhance the adoption prospects of older animals, and provide long-term care and holding (pasturing) for the oldest, least adoptable animals. In addition, the plan will require the BLM to remove 12,855 animals from HMAs (an increase of 6,855 animals) in the first year. By the sixth year, this removal rate will drop to 4,500 animals and remain at that level permanently. The appropriation package for the DOI, ultimately passed at the end of the 106th Congress, included the \$9 million BLM request for this strategy. The committee is encouraged by BLM's commitment to seeing this plan to fruition and looks forward to hearing from the agency during the 2001-2002 interim on the progress of this strategy.

Nevada's Legislative Committee on Public Lands expressed unanimous support for this strategy. Therefore, the Legislative Committee on Public Lands voted to send a letter to:

Senator Reid, expressing support for BLM national strategy to bring all wild horse management areas to their appropriate management levels within four years and requesting his assistance in ensuring that BLM's \$9 million budget request for FY 2001 to fund the strategy is approved by Congress.

3. Fencing of State Route 319 Near the Nevada-Utah Border

On several occasions during the 1999-2000 legislative interim, the committee was made aware of concerns from local government representatives and residents of Lincoln County about wild horses that have been gathering on State Route 319 near the Nevada-Utah border. Testimony indicated that the horses are attracted to the salt that is left on the road during inclement weather. This stretch of roadway has many blind curves and the horses that regularly congregate on the highway pose a significant threat to motorists. Further testimony noted that the stretch of road in question is approximately 20 miles long and is near the Panaca Summit. Several injuries have been reported over the past few years as a result of collisions involving vehicles and horses.

During the committee's meeting in Caliente, individuals and local government representatives requested the Committee on Public Lands take action to ensure that a fence be constructed on this portion of State Route 319 on the south side of road and that repairs be made to an existing

fence on the north side of this portion of the roadway. Therefore, the Legislative Committee on Public Lands voted to send a letter to:

Nevada's Department of Transportation, urging the department to construct a fence along a 20-mile portion of State Route 319 between Panaca and the Nevada-Utah border.

4. Elk Management and Nevada's Elk Depredation Program

Elk management issues in Nevada were discussed by the committee on several occasions during the interim. At the committee's meeting in Caliente on April 7, 2000, Laurel Etchegaray, Chairman, White Pine, CRMG, and Member, Eureka County Public Land Board, explained that while Nevada's Elk Depredation Program reimburses private land owners for damage to physical property caused by elk, it does not reimburse for losses of privately held water. She expressed concern that many ranchers and land users, especially those in central and eastern Nevada, have experienced sizeable losses to their water supplies due to elk. Ms. Etchegaray requested that the Committee on Public Lands take action to encourage policy and regulatory changes that help ranchers and other land users recoup from water losses, similar to the way losses to other property are recovered, under the Elk Depredation Program.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

Nevada's Board of Wildlife Commissioners, SDCNR, requesting that the commission revisit the regulations regarding the Elk Depredation Program. Specifically, the letter requests that the regulations be amended to require that the Elk Depredation Program reimburse for losses of privately owned water (water rights) caused by elk. The letter specifies that, if privately owned water is used by elk, compensation to the owner should be provided for that use.

5. Sage Grouse

One of the most important topics the Committee on Public Lands regularly monitors is threatened and endangered species. During the 1999-2000 interim, this issue was especially focused on the sage grouse. The committee received a presentation regarding sage grouse populations and habitat in Nevada at its meeting in Caliente and discussed sage grouse extensively at several subsequent meetings. Throughout the interim, nearly everyone that spoke before the committee regarding this important topic expressed grave concern over the potential listing of this species. In particular, land users fear the loss of cropland, grazing land, hunting and fishing access, motor vehicle access, outdoor sports activities, and water rights. The committee is pleased with recent efforts by state and local governments throughout the West, in cooperation with farmers, ranchers, recreationists, and other land users, to encourage habitat conservation plans and species recovery at the local level. These efforts, combined with an October 11, 2000, announcement by the USFWS declaring unwarranted a

petition to list the Columbian Sharp-Tailed Grouse as threatened, bode well for the future of sage grouse populations in Nevada.

Therefore, given the recent flurry of discussion and activity surrounding the sage grouse, the Legislative Committee on Public Lands voted to send letters to:

Nevada Governor Kenny C. Guinn, the members of Nevada's Congressional Delegation, and various federal and state agency officials, expressing concern regarding the potential listing of the sage grouse as an endangered or threatened species. The letter urges these officials, during dealings with state and local government representatives, land users, and others, to encourage activities and practices that will prevent the listing of the sage grouse as threatened or endangered.

6. Noxious Weeds, Invasive Species, and Ports of Entry

Two of the many important topics the Committee on Public Lands regularly monitors are noxious weeds and invasive species. During the 1999-2000 interim, these issues were at the forefront of committee discussion due to the ongoing spread of tall whitetop in many riparian areas of northern Nevada and the increased prevalence of cheat grass and its contributions to the massive wildfires of summer 1999 and 2000. In addition, the influx of Africanized Honey Bees (commonly referred to as "killer bees") and fire ants into southern Nevada has been a growing concern.

An interesting component to the discussion regarding noxious weeds and invasive species occurred at the committee's meeting in Las Vegas when the subject of "ports of entry" was addressed as a possible tool to help reduce the threat of these unwanted plants and animals. The committee learned that Arizona, California, and Utah all have ports of entry at major border crossings, preventing many damaging plant and animal species from entering these states via major highways. Testimony indicated that Nevada and the SDA could especially benefit from ports of entry by offering livestock inspections to control disease; preventing unlicensed, exotic animals from being shipped to Nevada; and ensuring that building and landscape materials from other states and countries are free of unsuitable insects and weeds. Furthermore, it is believed that ports of entry will assist the NDOT in ensuring that transport companies pay all required fees, enhancing heavy truck and tour bus safety, and discouraging theft of heavy equipment and other materials transported freely across state lines. The committee expressed interest in and support for ports of entry as a useful tool for preventing the spread of noxious weeds and invasive species, while at the same time promoting highway safety.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

The SDA and NDOT, urging both departments to study and explore the possibility of reestablishing "ports of entry" at Nevada's state lines (on major highways) to

help prevent the spread of fire ants and other invasive species and noxious weeds. The letter encourages the SDA and NDOT to cooperatively evaluate the benefits of ports of entry and examine the ports of entry requirements in other states.

The Committee on Public Lands understands that efforts to control and eradicate noxious weeds and invasive species by many federal, state, and local government agencies have been tremendous. During its meeting in Las Vegas and at several subsequent meetings, the committee received presentations and updates regarding the efforts of the BLM, the SDA, and the University of Nevada Cooperative Extension to rid Nevada of these menacing weeds and invasive species.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

The SDA, the Nevada Weed Action Committee, the BLM, and other pertinent agencies and individuals, expressing appreciation and support for their ongoing efforts to rid Nevada of noxious weeds and invasive species.

Finally, the committee recognizes that County Commissioners and Supervisors play a critical role in ensuring that important natural resources, wildlife habitat, and other ecological systems remain safe from damaging, nonnative animal and plant species. The utilization of and collaboration with the BLM, the Cooperative Extension, and the SDA by local governments can help prevent and reverse the influx of noxious weeds and invasive species.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

Nevada's counties and other local governments in Nevada, encouraging them to actively participate in noxious weed reduction programs and work to eliminate invasive species that threaten public lands, destroy agricultural areas, and increase fuel for wild fires.

7. The Great Basin Restoration Initiative

During the 1999-2000 legislative interim, the committee received numerous favorable reports highlighting the benefits of the BLM's GBRI. This initiative is designed, in part, to reverse the continued decline of the Great Basin ecology caused by wildfires and the encroachment of noxious weeds and other invasive species. The committee agrees that improving the health of Nevada's open range benefits wildlife, native plant species, and long-standing, valuable economic activities such as farming, grazing, mining, and recreation that rely on healthy public lands. The success of this initiative relies on the adequate funding of the program. Congress recently approved a general appropriation for range improvement and fire suppression activities on all BLM land for FY 2001; however, no money was specifically earmarked for the GBRI. While a portion of this money will likely go toward GBRI matters, the committee believes a direct appropriation to fully fund the GBRI will ensure the goals of the initiative are successfully met by providing much needed money for collaboration with land

users and industry, fire suppression, noxious weed reduction, public outreach, and range improvements.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

Governor Guinn, the members of Nevada's Congressional Delegation, the Chairmen of the Committee on Energy and Natural Resources of the U.S. Senate and the Committee on Resources of the U.S. House of Representatives, the Secretary of the DOI, and the Director of the BLM, expressing support for BLM's GBRI. Additionally, the letter encourages sufficient funding of the program.

The Committee on Public Lands recognizes that finding federal funding sources for land management programs like the GBRI can be challenging. During the interim, it was suggested that the committee consider supporting a concept whereby money generated from land sales under SNPLMA or the FLTFA, (S. 1892 of the 106th Congress, approved on July 25, 2000) be used to fund the GBRI. Both of these acts provide for the orderly disposal of federal land by auction or sale, and both provide specific guidelines for use of money generated by these land sales. An amendment to SNPLMA, FLTFA, or both, could provide the money to more adequately and directly fund the GBRI.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

The members of Nevada's Congressional Delegation, proposing an amendment to the SNPLMA and/or the FLTFA. The proposed amendment provides that a portion of the proceeds from land sales under either act be used for the improvement of the lands and issues addressed in the GBRI and to assist in the high costs of land exchanges. The letter also encourages both Senator Reid and Congressman Gibbons to continue their efforts to pass a measure during the 107th Congress similar to SNPLMA that is specific to the rest of Nevada and urges them to incorporate in the measure the proposed amendment referenced above.

8. Bureau of Land Management Budget for Nevada Operations

Throughout the interim, the committee receives reports and presentations from representatives of the BLM regarding the various activities, programs, and projects of the agency in the State of Nevada. These reports often reveal the tremendous need for funding of BLM's Nevada operations. During the 1999-2000 legislative interim, the Committee on Public Lands learned that the BLM's budget for operations in Nevada has been markedly lower in recent years compared to other states with far fewer amounts of BLM managed lands. A table produced by the BLM shows the principal operation costs for the management of land and resources as compared to the percentage of BLM lands and population in the West. Nevada ranks second (behind Alaska) in BLM land ownership, with nearly 48 million acres of public land under the agency's management, comprising 68 percent of the State's land base. Another table highlights the amount of revenue generated from Nevada's BLM lands compared

to other states and depicts that the total funding for Nevada's BLM operations is less than most other states; despite the fact that Nevada is the fastest growing state in the United States, ranks second in total BLM land ownership, and contributes greatly to overall BLM receipts. The committee believes that this information demonstrates a troubling inequity in the funding of BLM state operations.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

The President of the United States, the Secretary of the DOI, select Congressional representatives, and others, requesting that Nevada's BLM operations receive funding which is at least equal to or greater than other states.

9. Firefighter Investment and Response Enhancement Act

Throughout the legislative interim, the committee heard testimony from many local government representatives and other individuals citing the courageous actions of Nevada's paid and volunteer firefighters following two devastating fire seasons. At the committee's meeting in Eureka, Lander County Commissioner, Cheryl Lyngar, requested that the committee express support for S. 1941, the Firefighter Investment and Response Enhancement (FIRE) Act, which was cosponsored by then-Senator Bryan. The Act authorizes the Director of the Federal Emergency Management Agency to make grants for the protection of the health and safety of the public and firefighting personnel against fire-related hazards, and to award grants for certain fire prevention programs. The committee believes that any of these funds that can be utilized in Nevada will surely help hard-working fire crews in this state.

Therefore, the Legislative Committee on Public Lands voted to send a letter to:

Senator Bryan, expressing support for S. 1941, the FIRE Act.

10. Rights-of-way and Road Issues

One of the many topics the committee regularly monitors is rights-of-way and public access on roads situated on public lands. In particular, the committee often receives reports and comments regarding R.S. 2477 rights-of-way. Many of these rights were originally granted by the Federal Government pursuant to the authority of section 8 of the Act of July 26, 1866, 14 Stat. 253, formerly codified as Section 2477 of the *Revised Statutes*, to establish the transportation network essential to settlement of the western frontier. Generally, these rights-of-way grants were made to local governments and are held in trust by them for the public. When R.S. 2477 was repealed under the FLPMA, highways established before 1976 were protected as valid, existing rights-of-way. The majority of R.S. 2477 roads are located on public lands administered by the BLM, which is responsible for examining claims of pre-1976 roads across these lands and either acknowledging or denying each road's validity. Today, these roads continue to provide much of the public access to and across the hundreds of millions of acres of public lands in Alaska and the West.

Throughout the years, the Committee on Public Lands has received updates regarding the significant legal scrutiny surrounding claims of jurisdiction and ownership of these R.S. 2477 rights-of-way. Questions and debate have recently arisen — generally between local governments and federal land management agencies — regarding the jurisdiction and ownership of these roads in many areas of Nevada. During the committee’s meeting in Eureka, Richard Carver, Chairman, Nye County Board of Commissioners, explained that greater cooperation between local governments and federal land management agencies is needed to reach agreement on such questions of road ownership and jurisdiction. During this meeting, Mr. Carver made reference to a document titled “Fact Finding Report — Work Environment and Community Relations, Humboldt-Toiyabe National Forest.” The report, released by the USFS on February 24, 2000, stipulates that relations between the USFS and most Nevada communities and government officials are quite positive. However, Mr. Carver noted that page ten of the report explains that a “lack of resolution of RS 2477 rights-of-way determination issue precludes local managers from effectively resolving road related conflicts with Counties.” Furthermore, the report presents the following two recommendations regarding the R.S. 2477 issue:

- 1) The Washington Office [of the USFS] should begin work through the Agriculture and Interior Departments to bring the RS 2477 issue to resolution; and
- 2) The Regional Office [of the USFS] either should adopt the Humboldt-Toiyabe draft pilot project for Nye County or develop a pilot for evaluating claims to rights-of-way under RS 2477 and enter into an agreement with several counties in the Region for testing the pilot. Multiple counties should be considered for involvement. The pilot should be designed to identify areas of agreement and disagreement and provide a means to focus on agreements until RS 2477 is resolved nationally.

Mr. Carver requested that the Committee on Public Lands send letters to the Secretaries of the Departments of Agriculture and the Interior regarding these two recommendations requesting that the BLM work cooperatively with the USFS to move forward on one or both of the recommendations noted above.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

The Secretaries of the United States Departments of Agriculture and Interior, requesting the conduct of a pilot project for evaluating claims to rights-of-way under R.S. 2477.

11. Payments in Lieu of Taxes Program

Another topic the committee regularly monitors and discusses is the federal PILT program. This program, which is funded through Congressional appropriation, is especially beneficial for Nevada, as nearly 87 percent of its land base is under federal management. The land

managed by the Federal Government is not taxable; therefore, Nevada counties that have an extensive amount of federally controlled land often experience significant fiscal burdens. Despite recent increases in funding to the national PILT program, the money appropriated by Congress still remains insufficient to provide full payments under the PILT formula for those counties that cannot collect property taxes due to a high percentage of federal land ownership. Nevada's rural local governments rely heavily on this money to offset costs associated with school construction, transportation projects, and other critical infrastructure development.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

Nevada's Congressional Delegation, the Director of the BLM, and select Congressional Representatives, requesting the PILT program (to benefit counties having a high percentage of federally-owned land) receive full funding by Congress.

One of the committee's final recommendations from the 1998-1999 legislative interim period resulted in the creation and passage of Senate Joint Resolution (S.J.R.) No. 1 of the 1999 Legislative Session (File No. 130, *Statutes of Nevada*). The resolution urges Congress to appropriate, for distribution to Nevada's counties, the amount of money necessary to correct the underpayments, or to authorize the transfer of land of equivalent value from the Federal Government to the affected counties.

The Committee on Public Lands was pleased with the broad support this "land in lieu of PILT" concept received from the 1999 Nevada Legislature. During its meeting in Caliente, on April 7, 2000, the committee was asked by representatives of Lincoln County, to encourage the DOI to put this concept into practice, especially in eastern Nevada. The committee remains encouraged by and supportive of this notion of offsetting the loss of tax revenue to counties with a high percentage of federal land. With 98 percent of its land area in federal ownership, the committee believes that Lincoln County will especially benefit from this alternative approach to the PILT program.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

The Secretary of the DOI and the Director of the BLM requesting, as a follow-up to S.J.R. No. 1 of the 1999 Nevada Legislative Session regarding "land in lieu of PILT," that Lincoln County be used as a "pilot project" for any efforts to reimburse local governments in the form of land for PILT compensation that is not appropriated or made.

12. Argenta Marshes (Community Pasture)

During the 1999-2000 legislative interim, the committee monitored and received reports regarding issues involving the Argenta Marshes. This area (a 35,000 acre section of land known as Community Pasture) has been the subject of extensive discussion, particularly

regarding efforts to transfer title of a portion of the land from the U.S. Bureau of Reclamation (BOR), DOI, to Pershing County to enhance economic development and a portion to the State of Nevada in an effort to restore some historic wetlands at the site. Such title transfers involve extensive negotiations between the BOR and the beneficiaries, a review by the Office of Management and Budget, support from the Secretary of the Interior, and finally, approval of federal legislation by Congress. At its meeting in Lovelock, the Committee on Public Lands received reports from many of the involved parties — the BOR, Lander County, NDOW, and the Pershing County Water Conservation District — and felt confident that a resolution of concerns regarding the title transfer and an agreement on the amount of wetlands to be restored was imminent.

Since that time, the committee learned that several concerns remain unresolved and negotiations regarding the title transfer of the Community Pasture area have stalled. The committee views this recent turn of events as unfortunate.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

Nevada's Division of Wildlife, the Pershing County Water Conservation District, the BOR, Governor Guinn, and others involved in the Argenta Marshes/Community Pasture land purchase and exchange, urging these parties to cooperatively convene and negotiate a conclusion to the issue that will result in the introduction of federal legislation on the matter.

13. Toxics Release Inventory

The hard rock mining industry was recently added to the coverage of EPA's TRI program, which requires certain manufacturers and industries to report releases into the environment of more than 600 designated chemicals. Many of these chemicals are naturally occurring elements in the earth's crust and, as such, must now be reported as a toxic release under the amended TRI guidelines. This reporting is believed by many to be excessive, as Nevada's mines are now required to inventory and report the movement of soil, or overburden, from one location to another in order to access an ore body.

The issue of overburden has become the subject of increased discussion between the National Mining Association and the EPA in recent years. In December 1998, the Association submitted a letter to the EPA expressing concern regarding the definition of overburden in the TRI regulations. This letter now constitutes a formal petition to modify the TRI rules. In the petition, the Association requests that the definition of overburden be amended in the TRI rules to include the term "consolidated." Currently, the definition reads:

Overburden means the unconsolidated material that overlies a deposit of useful materials or ores. It does not include any portion of ore or waste rock.

Under the TRI regulations, overburden is exempt from being reported in the inventory. The National Mining Association argues that definitions of overburden in numerous other regulatory frameworks, including in other EPA programs, incorporate both consolidated and unconsolidated material. The Association's petition further asserts that the definition of overburden should be consistent throughout the regulatory structure and be broadened enough to agree with leading academic and technical authorities on mining and geology. Some believe that if this definition were expanded, a more accurate and reasonable TRI reporting from the mining industry would occur.

During its tour of Washington, D.C., last summer, the members of the Committee on Public Lands met briefly with EPA officials and learned that this two-year old petition is still pending. Therefore, the Legislative Committee on Public Lands voted to send letters to:

The Administrator of the EPA and the head of the EPA's TRI program, expressing support for a petition filed by the National Mining Association to more broadly define (in the TRI rules) the term "over burden" to include waste rock.

14. Arsenic Standards for Drinking Water

At several meetings during the legislative interim, and during its informational tour of Washington, D.C., in June 2000, the committee discussed the revision to arsenic standards for drinking water proposed by the EPA. Many individuals with whom the committee spoke expressed grave concern regarding the sweeping nature of this proposal. The proposal called for a reduction of arsenic levels in drinking water from 50 ppb to 5 ppb — a 90 percent reduction. The EPA set the 50 ppb arsenic standard in 1975, based on a Public Health Service standard originally set in 1942. The NAS completed a review of updated scientific data on arsenic and recommended that the EPA lower the standard. The NAS, however, did not recommend a specific numeric reduction.

While the Committee on Public Lands understands that high concentrations of arsenic have been shown to be unhealthy, several members questioned the choice to so quickly reduce the arsenic standard by 90 percent. Such a reduction, according to data from Nevada's Division of Health, will impact nearly 150 different well communities in Nevada. Several individuals explained to the committee that the anticipated cost to Nevada's small towns and well users to retrofit or replace these longstanding wells, most of which register under 20 ppb (which is more than 60 percent less than the current 50 ppb standard), would be exorbitant.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

The Administrator of the EPA and other EPA officials, opposing the agency's proposal to reduce arsenic levels in drinking water from 50 ppb to 5 ppb. The letter stipulates that a large number of well communities in Nevada will be impacted by this rule and associated costs to Nevada's local communities to build treatment facilities to meet these standards will be exorbitant.

On January 17, 2001, the EPA released the new arsenic standards that lowered the acceptable arsenic level to 10 ppb. This rule was printed in the *Federal Register* on January 22, 2001.

15. Black Rock Desert/High Rock Canyon NCA

Throughout the interim, the committee heard extensive testimony regarding the proposal to create an NCA in the Black Rock Desert/High Rock Canyon area in northwestern Nevada. The NCA was originally proposed in S. 2273, sponsored by Senator Bryan. While the committee never took an official position on S. 2273, it did hear from numerous individuals expressing concern regarding allowable activities in the area if an NCA were approved. In fact, during testimony on S. 2273 in the Senate Subcommittee on Forests and Public Land Management, many local government representatives, businesses owners, and residents of northern Nevada stated they feared the loss of areas for grazing, mining, motor vehicle access, and recreation. In addition, government agencies and private industry have identified the area as a significant source for clean and renewable geothermal energy. The Committee on Public Lands encouraged an open dialogue and thoughtful consideration on this topic and wanted to ensure that, before voting on the measure, Nevada's members in the House of Representatives carefully listened to and considered the concerns of the many local government officials, business owners, and residents in the area.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

United States Representatives Shelley Berkley and Jim Gibbons, regarding S. 2273, the Black Rock Desert-High Rock Canyon Emigrant Trails NCA Act of 2000. The letter requests that the Representatives carefully consider and readdress, before taking action on S. 2273, the concerns expressed by many Nevadans regarding the economic impacts to Nevada and the effects on land-based industries (grazing, mining, recreation, et cetera) if an NCA is authorized for the Black Rock Desert/High Rock Canyon area.

On December 15, 2000, the House of Representatives approved an amendment to H.R. 4577, the Consolidated Appropriations Act of 2001. This amendment created Section 125 in the Act, which incorporates by reference the text of the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000. President Clinton signed H.R. 4577 on December 21, 2000.

16. Federal Legislation – Implementation of SNPLMA and FLTFA

During the past three years, the committee has closely monitored and supported the development, passage, and implementation of SNPLMA. This act provides for the sale of public land in the Las Vegas Valley to help eliminate “checkerboard” land ownership patterns. This orderly disposal of federal land also greatly enhances the economy of southern Nevada and provides for the federal acquisition of environmentally sensitive lands from willing sellers

following consultation with local governments. This Act, codified as Public Law 105-263, resembles similar legislation approved by Congress in July 2000. The FLTFA also provides for the similar disposal of federal land in 12 western states, including land in rural Nevada. In particular, the Act will allow the BLM to dispose of, through sale or auction, nearly 1.3 million acres of land already identified in BLM Resource Management Plans as lands better suited for private or local government ownership outside the realm of federal management.

The Committee on Public Lands welcomes any opportunity for private citizens and local governments to acquire federal land through auction or sale, as Nevada's land base is nearly 87 percent federally managed. Therefore, the Legislative Committee on Public Lands voted to send letters to:

The Secretary of the DOI, the Director of the BLM, the Nevada State Director of the BLM, and other officials, expressing satisfaction with the implementation of the SNPLMA.

17. Participation by BLM and USFS in Nevada's Legislative Committee on Public Lands' Meetings and Deliberations

During the past two legislative interims, and especially throughout the 1999-2000 interim period, the committee has been continuously impressed with the interest and participation of the BLM and the USFS in the committee's deliberations. Virtually all of the meetings of the Committee on Public Lands during the interim involved participation by the BLM and nearly half involved contributions from the USFS. The committee is well aware that representatives from both agencies are often requested to discuss somewhat controversial matters, sometimes on short notice, and is thankful for their willingness to attend the committee's hearings and field excursions.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

Robert V. Abbey, State Director, Nevada BLM, and Robert Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, expressing appreciation for their willingness to appear before Nevada's Legislative Committee on Public Lands and for the regular attendance at the committee's meetings by their respective agencies.

18. Harvest of Piñon Juniper in Central and Eastern Nevada

Among the more interesting topics the committee has monitored over the years are ongoing studies examining the selective harvest of Piñon Juniper in central and eastern Nevada. As noted earlier, the committee awarded the Lincoln County Regional Development Authority a \$10,000 grant from S.B. 560 of the 1999 Legislative Session to conduct a study on this activity. The study, in part, helped involve interested stakeholders in the identification of

issues to be addressed in the development of a comprehensive harvest management plan and related environmental impact statement for the sustainable harvest of Piñon Juniper.

As a stipulation for receipt of the grant award, the committee requested the development authority to present its findings of the study to the committee, along with any further necessary recommendations. The committee was interested to learn about the significant impact of extensive overgrowth and encroachment of the Piñon Juniper species on native sagebrush communities. The committee learned that the uncontrolled spread of the juniper greatly impacts wildlife habitat, increases the threat of wildfires, and hampers fire suppression efforts. Representatives of the development authority encouraged the committee to support initiatives that further develop plans to selectively harvest Piñon Juniper.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

Senator Reid, the other members of Nevada's Congressional Delegation, the BLM, and the USFS, encouraging any efforts to obtain federal funding for facilities development, resource inventory, planning, and compliance activities for the selective harvest of Piñon Juniper in Lincoln County and eastern Nevada.

VI. CONCLUDING REMARKS

Nevada's Legislative Committee on Public Lands spent much of the interim working on numerous public lands topics and addressing many areas of concern at the federal, state, and local government levels. These issues have been in the forefront of public lands-related discussions for many years and related concerns are not quickly or easily resolved. The forum provided by the committee allows Nevada residents and government officials to comment on the many diverse aspects of living in a state that is 87 percent federally managed.

This report discusses the meetings and actions of the Legislative Committee on Public Lands during the 1999-2000 interim period. Because the issues monitored by the committee are continuing, the committee may be required to meet before the next interim period begins to review federal actions affecting public lands in Nevada. At such meetings, the committee may choose to recommend additional legislative proposals.

The members of the committee would like to take this opportunity to thank the elected officials, representatives from federal, state, and local government, private organizations, and all other individuals who participated in this interim's hearings. The committee appreciates the important assistance consistently provided by the many talented people who testified at its meetings and participated in informational exchanges.

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APPENDIX A

Nevada Revised Statutes 218.536 through 218.5371

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

NRS 218.536 Legislative findings and declarations. The legislature finds and declares that:

1. Policies and issues relating to public lands and state sovereignty as impaired by federal ownership of land are matters of continuing concern to this state.

2. This concern necessarily includes an awareness that all federal statutes, policies and regulations which affect the management of public lands are likely to have extensive effects within the state and must not be ignored or automatically dismissed as beyond the reach of the state's policymakers.

3. Experience with federal regulations relating to public lands has demonstrated that the State of Nevada and its citizens are subjected to regulations which sometimes are unreasonable, arbitrary, beyond the intent of the Congress or the scope of the authority of the agency adopting them and that as a result these regulations should be subjected to legislative review and comment, and judicially tested where appropriate, to protect the rights and interests of the state and its citizens.

4. Other western states where public lands comprise a large proportion of the total area have shown an interest in matters relating to public lands and those states, along with Nevada, have been actively participating in cooperative efforts to acquire, evaluate and share information and promote greater understanding of the issues. Since Nevada can both contribute to and benefit from such interstate activities, it is appropriate that a committee on matters relating to public lands be assigned primary responsibility for participating in them.

(Added to NRS by 1979, 5; A 1983, 208)

NRS 218.5361 "Committee" defined. As used in NRS 218.5361 to 218.5371, inclusive, "committee" means the legislative committee on public lands.

(Added to NRS by 1979, 5; A 1983, 209)

NRS 218.5363 Establishment; membership; chairman; vacancies.

1. There is hereby established a legislative committee on public lands consisting of three members of the senate, three members of the assembly and one elected officer representing the governing body of a local political subdivision, appointed by the legislative commission with appropriate regard for their experience with and knowledge of matters relating to public lands. The members who are state legislators must be appointed to provide representation from the various geographical regions of the state.

2. The members of the committee shall select a chairman from one house of the legislature and a vice chairman from the other. After the initial selection of a chairman and a vice chairman, each such officer shall hold office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the committee shall select a replacement for the remainder of the unexpired term.

3. Any member of the committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the convening of the next session of the legislature.

4. Vacancies on the committee must be filled in the same manner as original appointments.

(Added to NRS by 1979, 5; A 1983, 209; 1985, 589)

NRS 218.5365 Meetings; regulations; compensation of members.

1. The members of the committee shall meet throughout each year at the times and places specified by a call of the chairman or a majority of the committee. The research director of the legislative counsel bureau or a person he has designated shall act as the nonvoting recording secretary. The committee shall prescribe regulations for its own management and government. Four members of the committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the committee.

2. Except during a regular or special session of the legislature, the members of the committee who are state legislators are entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding session, the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207 for each day of attendance at a meeting of the committee and while engaged in the business of the committee. Per diem allowances, compensation and travel expenses of the legislative members of the committee must be paid from the legislative fund.

3. The member of the committee who represents a local political subdivision is entitled to receive the subsistence allowances and travel expenses provided by law for his position for each day of attendance at a meeting of the committee and while engaged in the business of the committee, to be paid by his local political subdivision.

(Added to NRS by 1979, 5; A 1981, 170; 1983, 209; 1985, 398, 1131; 1987, 1208; 1989, 426, 1217, 1222)

NRS 218.5367 Powers of committee.

1. The committee may:

(a) Review and comment on any administrative policy, rule or regulation of the:

(1) Secretary of the Interior which pertains to policy concerning or management of public lands under the control of the Federal Government; and

(2) Secretary of Agriculture which pertains to policy concerning or management of national forests;

(b) Conduct investigations and hold hearings in connection with its review, including but not limited to investigating the effect on the state, its citizens, political subdivisions, businesses and industries of those policies, rules, regulations and related laws;

(c) Consult with and advise the state land use planning agency on matters concerning federal land use, policies and activities in this state;

(d) Direct the legislative counsel bureau to assist in its research, investigations, review and comment;

(e) Recommend to the legislature as a result of its review any appropriate state legislation or corrective federal legislation;

(f) Advise the attorney general if it believes that any federal policy, rule or regulation which it has reviewed encroaches on the sovereignty respecting land or water or their use which has been reserved to the state pursuant to the Constitution of the United States;

(g) Enter into a contract for consulting services for land planning and any other related activities, including, but not limited to:

(1) Advising the committee and the state land use planning agency concerning the revision of the plans pursuant to NRS 321.7355;

(2) Assisting local governments in the identification of lands administered by the Federal Government in this state which are needed for residential or economic development or any other purpose; and

(3) Assisting local governments in the acquisition of federal lands in this state; and

(h) Apply for any available grants and accept any gifts, grants or donations to aid the committee in carrying out its duties.

2. Any reference in this section to federal policies, rules, regulations and related federal laws includes those which are proposed as well as those which are enacted or adopted.

(Added to NRS by 1979, 5; A 1981, 170; 1989, 1674)

NRS 218.5368 Duties of committee. The committee shall:

1. Actively support the efforts of state and local governments in the western states regarding public lands and state sovereignty as impaired by federal ownership of land.

2. Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands.

3. Support legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands.

(Added to NRS by 1983, 208)

NRS 218.5369 Oaths; depositions; subpoenas.

1. In conducting the investigations and hearings of the committee:

(a) The secretary of the committee, or in his absence any member of the committee, may administer oaths.

(b) The secretary or chairman of the committee may cause the deposition of witnesses, residing either within or without the state, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

(c) The secretary or chairman of the committee may issue subpoenas to compel the attendance of witnesses and the production of books and papers.

2. If any witness refuses to attend or testify or produce any books and papers as required by the subpoena, the secretary or chairman of the committee may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed by the committee pursuant to this section; and

(c) The witness has failed or refused to attend or produce the books and papers required by the subpoena before the committee which is named in the subpoena, or has refused to answer questions propounded to him, and asking for an order of the court compelling the witness to attend and testify or produce the books and papers before the committee.

3. Upon such petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days from the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the committee. A certified copy of the order shall be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the committee, the court shall enter an order that the witness appear before the committee at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness shall be dealt with as for contempt of court.

(Added to NRS by 1979, 6)

NRS 218.5371 Fees and mileage for witnesses. Each witness who appears before the committee by its order, except a state officer or employee, is entitled to receive for his attendance the fees and mileage provided for witnesses in civil cases in the courts of record of this state. The fees and mileage shall be audited and paid upon the presentation of proper claims sworn to by the witness and approved by the secretary and chairman of the committee.

(Added to NRS by 1979, 6)

APPENDIX B

Approved Budget and Proposed Work Plan

July 1, 1999, through December 31, 2000

NEVADA'S LEGISLATIVE COMMITTEE ON PUBLIC LANDS
(Nevada Revised Statutes 218.5363)

APPROVED BUDGET AND PROPOSED WORK PLAN
July 1, 1999, through December 31, 2000

This document outlines the approved budget and proposed work plan for Nevada's Legislative Committee on Public Lands for the 1999-2000 interim period.

APPROVED COMMITTEE BUDGET

On August 19, 1999, the Legislative Commission approved the committee's budget request, which totals \$46,600. The major categories are as follows:

Legislator Salaries	\$10,920
Travel and per diem costs:	
In-state committee meetings	9,960
Out-of-state committee meetings	22,960
Conferences (registration and travel)	1,125
Operating Costs:	
Supplies and facilities	350
Printing and copying	250
Publications	<u>1,095</u>
 TOTAL BUDGET:	 \$46,660

The budget allows the six legislators on the committee to conduct eight hearings throughout urban and rural Nevada and two two-day meetings in Washington, D.C. The salary and expenses of the seventh member of the committee (the local government representative) are paid by his political subdivision. In addition, the budget provides for the assistance of the committee's staff members at the Washington, D.C., meetings.

This request is a slight increase from last interim's budget of \$42,400. During the 1997-1998 interim, the committee held seven in-state meetings. At its final meeting and work session, the committee recommended that eight in-state meetings be conducted during the 1999-2000 interim to better address public lands concerns in rural areas. Additions to the budget include the costs associated with this additional meeting, increased rates for subscriptions to public lands publications, and slight increases in airfare and lodging expenses related to the Washington, D.C., meetings.

Nevada's Legislative Committee on Public Lands monitors dozens of natural resource and public lands matters crucial to the state's economy, lifestyles, and traditions. The increased public awareness of and interest in public lands issues has resulted in a very active committee schedule during the past several interims. Because most of Nevada's lands (almost 87 percent) are under

federal management and the Nevada Legislature has long been active in this issue, other states often look to this committee for information and assistance.

With this budget, Nevada's Legislative Committee on Public Lands will continue its numerous oversight duties and active participation in the crucial public lands debate.

PROPOSED WORK PLAN

The following sections outline the tentative work plan for Nevada's Legislative Committee on Public Lands during the 1999-2000 interim period.

In-State Meetings

Eight one-day meetings throughout Nevada are projected and budgeted. Certain meetings may last two days due to tours or other activities, but this contingency was not included in the budget. The meetings are planned to be held in Reno, Lovelock, Las Vegas, Fallon, Caliente, Carlin (or Elko), Eureka, and Yerington (or Gardnerville) between September 1999 and September 2000.

Unlike interim subcommittees, the Public Lands Committee is not required to complete its work within a specified time period. The committee is a statutory body and, as such, operates continually. Recommendations are considered and acted on at meetings throughout the interim. Traditionally, however, the members take action on most recommendations, particularly those involving bill draft requests, at the last scheduled meeting of the interim. The final report is then completed by staff prior to the start of the legislative session.

Out-of-State Meetings

The committee optimizes its effectiveness by annually visiting members of the United States Congress and executive branch in Washington, D.C. These productive meetings provide committee members with insight on federal policies and key contacts on public lands issues, opportunities to educate federal officials on the public lands perspective in Nevada, and greater rapport with the members and staff of Nevada's Congressional Delegation.

Two committee trips to Washington, D.C., are projected for six legislators and three staff members, each lasting (including travel time) four days and three nights. Consistent with the policy of the Legislative Commission, travel costs for the committee's staff are included in the budget for these out-of-state meetings.

Proposed Timetable of Meetings

Date(s)	Place	Topic(s)
Wednesday, September 8, 1999	Reno	Organizational meeting; background information and status of ongoing issues.
Wednesday and Thursday, October 27 and 28, 1999	Washington, D.C.	Meeting with congressional and other federal officials.
Wednesday, December 15, 1999	Lovelock	General meeting; update on Northern Nevada issues, mining, and water.
Thursday, January 20, 2000 (possible Nellis tour on Friday, January 21)	Las Vegas	General meeting; update on Southern Nevada issues, and Air Force activities.
Friday, February 25, 2000	Fallon	General meeting; update on Navy issues and agriculture.
Friday, March 31, 2000	Caliente	General meeting; update on recreation, grazing, and Eastern Nevada issues.
Friday, April 28, 2000 (possible mining tour)	Carlin or Elko	General meeting; update on mining and ranching issues.
Wednesday and Thursday, June 7 and 8, 2000	Washington, D.C.	Meeting with congressional and other federal officials.
Friday, August 25, 2000	Eureka	General meeting; update on mining, wildlife, and Central Nevada issues.
Friday, September 29, 2000	Yerington or Gardnerville	Work session; final recommendations and report.

Issues

As an introduction to some of the public lands issues that may come before the committee this interim, this section briefly summarizes pertinent state legislation approved this past session, highlights relevant federal activities, and indicates the committee's possible involvement in these activities.

I. *Bills Approved by the 1999 Nevada Legislature*

(measures with an “*” are those that originated as Public Lands Committee recommendations)

- A. Senate Bill 108* (Chapter 236, *Statutes of Nevada 1999*) outlines the criteria the State Engineer must consider in reviewing an application for an interbasin transfer of ground water.
- B. Senate Bill 217 (Chapter 65, *Statutes of Nevada 1999*) authorizes boards of county commissioners to establish, use, and operate wetland mitigation banks.
- C. Senate Bill 291 (Chapter 285, *Statutes of Nevada 1999*) clarifies that water from a domestic well may be used for any purposes directly related to a single-family dwelling, including watering of livestock and household pets, as long as water usage does not exceed the daily maximum specified in Nevada law.
- D. Senate Bill 310 (Chapter 372, *Statutes of Nevada 1999*) creates the Rangeland Resources Committee. The measure allows the commission to assess a fee of 10 cents per Animal Unit Month (AUM) for purposes of conducting research, disseminating information, and conducting other programs that promote the livestock industry.
- E. Senate Bill 330 (Chapter 247, *Statutes of Nevada 1999*) provides that notification of a livestock disease be kept confidential unless the disease is specifically regulated pursuant to Nevada law for mandatory control and eradication to protect public health, other livestock, or wildlife.
- F. Senate Bill 344 (Chapter 73, *Statutes of Nevada 1999*) corrects technical language relating to the option for persons who purchase school trust lands from the State of Nevada also to purchase the related mineral interests.
- G. Senate Bill 396 (Chapter 486, *Statutes of Nevada 1999*) sets certain penalties for the abuse of animals and states that any person who willfully and maliciously kills an estray, a head of livestock, or a wild horse is guilty of a category C felony.
- H. Senate Bill 508 (Chapter 491, *Statutes of Nevada 1999*) creates a revolving account for land management as a special account in the State General Fund. The measure allows the State Land Registrar to use the account for certain expenses related to the management of land held by the Division of State Lands.
- I. Senate Bill 526 (Chapter 253, *Statutes of Nevada 1999*) specifies that the provisions of the *State Water Plan* must not be construed to supersede, replace, amend or add to Nevada law and further declares that state and local governmental agencies shall consider the *State Water Plan* when developing their water resource programs.

- J. Assembly Bill 198 (Chapter 439, *Statutes of Nevada 1999*) makes a grazing preference right appurtenant to base property and makes other revisions regarding grazing rights.
- K. Assembly Bill 252 (Chapter 293, *Statutes of Nevada 1999*) revises provisions governing liens on lands entitled to receive water from irrigation districts when ownership of the water right is severed from the land.
- L. Assembly Bill 324 (Chapter 496, *Statutes of Nevada 1999*) expands certain agricultural extension programs of the University and Community College System of Nevada.
- M. Assembly Bill 347 (Chapter 468, *Statutes of Nevada 1999*) authorizes the Southern Nevada Water Authority to establish a payment program to assist property owners in paying the cost of abandoning their wells and connecting to a public water system.
- N. Assembly Bill 358 (Chapter 332, *Statutes of Nevada 1999*) specifies that the Division of State Lands must notify local governments affected by a realty action by the Federal Government within one week of receiving an application from the federal agency and provides that the local governments may comment on the action to the division with 30 days.
- O. Assembly Bill 380 (Chapter 515, *Statutes of Nevada 1999*) revises provisions regarding certain aspects of Nevada water law and sets the priority of a water right within a federal reclamation project according to the date on which the United States appropriated water to initiate the project, unless the water right vested under Nevada law prior to that date.
- P. Assembly Bill 408 (Chapter 636, *Statutes of Nevada 1999*) addresses the manner in which temporary well permits and domestic wells are handled in the Las Vegas Valley and directs the Legislative Committee on Public Lands to conduct a review during the 1999-2000 legislative interim of issues relating to residential, municipal, and quasi-municipal wells.
- Q. Assembly Bill 439 (Chapter 218, *Statutes of Nevada 1999*) makes changes regarding the use of state parks and recreational areas and revises provisions regarding the collection of fees for use of state park facilities.
- R. Assembly Bill 506 (Chapter 117, *Statutes of Nevada 1999*) revises provisions governing the reporting requirements, payment schedules, and collection procedures for the tax on net proceeds of minerals.
- S. Assembly Bill 509 (Chapter 221, *Statutes of Nevada 1999*) provides that counties may seek, at the request of the landowner, federal court action to remove wild horses that stray from public land to private property.

- T. Assembly Bill 641 (Chapter 349, *Statutes of Nevada 1999*) authorizes a county or city with an adopted master plan to represent its own interests regarding land and appurtenant resources within its boundaries that are affected by policies and activities involving the use of federal lands. The measure also authorizes the boards of county commissioners in Esmeralda, Lincoln, and Nye Counties to establish zones for the preservation of a federally declared endangered or threatened wildlife species.

II. *Resolutions Approved by the 1999 Nevada Legislature*

(measures with an "*" are those that originated as Public Lands Committee recommendations)

- A. Senate Joint Resolution No. 1* (File No. 130, *Statutes of Nevada 1999*) urges Congress to appropriate for the distribution to Nevada's counties the amount of money necessary to correct underpayments in the Federal Payments in Lieu of Taxes (PILT) program, or to authorize the transfer of land of equivalent value from the Federal Government to the affected counties.
- B. Senate Joint Resolution No. 2* (File No. 23, *Statutes of Nevada 1999*) expresses the Legislature's support for a proposed amendment to the Federal Land Policy Management Act of 1976 that would require the U.S. Secretaries of Agriculture and the Interior to contract with states to identify and map certain rights-of-way on public lands.
- C. Senate Joint Resolution No. 3* (File No. 131, *Statutes of Nevada 1999*) expresses strong disapproval of regulations proposed by the federal Environmental Protection Agency (EPA) regarding regional haze.
- D. Senate Joint Resolution No. 10* (File No. 132, *Statutes of Nevada 1999*) urges Nevada's Congressional Delegation to support legislation to enact a general "Nevada Public Land Management Act" modeled after the existing Southern Nevada Public Land Management Act of 1998.
- E. Senate Joint Resolution No. 12 (File No. 133, *Statutes of Nevada 1999*) encourages the United States Congress to support the establishment of a working partnership between federal land management agencies, local governments, and other interested parties on issues relating to the use of federal lands.
- F. Assembly Joint Resolution No. 2 (File No. 116, *Statutes of Nevada 1999*) urges Congress to amend provisions of the Wild Free-Roaming Horses and Burros Act to require that the population of wild horses be maintained at certain levels on public lands.
- G. Assembly Joint Resolution No. 19 (File No. 93, *Statutes of Nevada 1999*) urges the United States Secretary of the Interior to take certain actions regarding federal surface mining regulations and opposes the efforts of BLM to revise them.

- H. Assembly Joint Resolution No. 20 (File No. 118, *Statutes of Nevada 1999*) expresses concern regarding the expansion of the Toxics Release Inventory (TRI) to include the mining industry and urges the EPA to reconsider recent revisions to TRI.
- I. Assembly Joint Resolution No. 21 (File No. 119, *Statutes of Nevada 1999*) urges the EPA to reconsider certain proposed regulations for animal feeding operations.

III. *Ongoing Programs and Review of Specific Proposals*

A. Federal budget proposals affecting public lands

- Monitor revenue sharing or transfer programs such as grazing receipts, mineral royalties, and payments in lieu of taxes (PILT).
- Monitor proposed increases in grazing and mining fees.

B. Land transfers/exchanges

- Monitor and assist as necessary in local government and other land transfer/exchange proposals.

C. Military activities and land and airspace proposals

- Monitor and review military land and airspace withdrawal proposals affecting the state.
- Monitor congressional proposals relating to military land and airspace.

D. Mining and reclamation

- Monitor and review federal proposals to substantially alter the Mining Law of 1872 and amend the “3809” Surface Mining Regulations.
- Monitor the minerals industry and development in Nevada.
- Monitor implementation of the state’s abandoned mines program.

- E. Rangeland management
 - Monitor and review federal proposals and activities.
- F. Riparian management
 - Review federal proposals and activities relating to riparian areas in the state.
- G. Wilderness
 - Monitor United States Bureau of Land Management (BLM) wilderness review process, areas, and recommendations.
- H. Wild horses and burros
 - Monitor BLM policies and activities on wild horse and burro management.
 - Review activities of Nevada's Commission for the Preservation of Wild Horses.
- I. Wildlife
 - Monitor wildlife management issues, such as endangered species designations and the depredation program.
- I. Other topics of interest
 - Fire management and rehabilitation on federal lands.
 - Federal policies and regulations on land use and access to public lands.
 - Resource management plans and environmental impact statements for selected projects.
 - Other public lands issues as they arise.

IV. *Topics Considered by Nevada's Legislative Committee on Public Lands During the 1997-1998 legislative interim*

- Abandoned mines;
- Bureau of Land Management (BLM) activities in Nevada;
- BLM Communications Sites Plan Amendment (military issues);
- Colorado River;
- County and city public land issues;
- Elk management issues;
- Endangered Species Act;

- Exploration for minerals;
- Fallon Naval Air Station;
- Federal legislation;
- Fire suppression and prevention;
- Forest Service (U.S.) activities
- Grazing regulations and fees;
- Great Basin Heritage Center;
- Humboldt River Basin;
- Interbasin transfer of water;
- Interior Columbia River Basin Ecosystem Management Project;
- Lake Tahoe;
- Land sales;
- Las Vegas Valley Water District;
- Military airspace and land withdrawals;
- Military issues (generally);
- Mine dewatering;
- Mining issues (generally);
- Mining reform;
- National forest planning process;
- Native American issues (Treaty of Ruby Valley);
- Nellis Air Force Base;
- Net proceeds of minerals;
- *Nevada Statewide Policy Plan for Public Lands*;
- Nevada's *State Water Plan*;
- Nevada Test Site;
- Noxious weed abatement;
- Public/private land exchanges;
- Public lands litigation and court decisions;
- Rangeland reform;
- Recreational opportunities;
- Regional haze regulations;
- Resource Advisory Councils;
- Right-of-way issues and motor vehicle access on public lands (R.S. 2477);
- Road building on public lands;
- Seed banks;
- Southern Nevada Water Authority;
- *Special Nevada Report* (re: military land use);
- State Clearinghouse;
- State involvement in management of federal lands in Nevada;
- State lands;
- Threatened and endangered species in Nevada;
- Transfers of federal land to state ownership or management;
- Water issues generally (usage, supply, water rights, and litigation);
- Wild horses and burros;
- Wilderness study areas; and
- Wildlife management.

APPENDIX C

Senate Bill 560, Chapter 544, *Statutes of Nevada 1999*

Senate Bill 560 Chapter 544, *Statutes of Nevada*

Sec. 6. 1. There is hereby appropriated from the state general fund to the legislative fund the sum of \$250,000 for use by the Legislative Committee on Public Lands for the following purposes:

(a) To maximize opportunities for the transfer and acquisition of federal public lands within Nevada;

(b) To study water management practices within the Humboldt River Basin; or

(c) Any other purpose related to maximizing the utilization and enjoyment of public lands by Nevadans.

The money appropriated pursuant to this subsection may be expended directly by the Legislative Committee on Public Lands or through money granted to applicants.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2001, and reverts to the state general fund as soon as all payments of money committed have been made.

APPENDIX D

Senate Bill 560 Subcommittee Reports

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SUBCOMMITTEE REPORT

January 20, 2000

The Subcommittee to Review Grant Requests and Proposals for Money Appropriated in Senate Bill 560 of the 1999 Legislative Session met in Las Vegas on Wednesday, January 12, 2000, to discuss the grant requests and proposals shown in the table below. The subcommittee members are:

Assemblyman John W. Marvel, Chairman
Senator Mark A. James
Assemblyman P. M. "Roy" Neighbors

RECOMMENDATIONS FOR GRANT AWARDS FROM THE SUBCOMMITTEE TO REVIEW GRANT REQUESTS AND PROPOSALS FOR MONEY APPROPRIATED IN SENATE BILL 560 OF THE 1999 LEGISLATIVE SESSION

The subcommittee's recommendations for grant awards are shown in the far right column of the table below. Please note that an opinion letter (Ref No. 9912211234) from Brenda J. Erdoes, Legislative Counsel, dated January 7, 2000, stipulates that "the Legislative Committee on Public Lands does not have the authority to award a grant of money from the appropriation made by Section 6 of Senate Bill 560 of the 1999 Legislative Session to a local government in this state to purchase land from the Federal Government." As a result, the subcommittee recommends that the Committee on Public Lands refrain from awarding grants to local governments for the purposes of federal land acquisition. Grant requests that have a recommendation of "defer" may be subject to further consideration at a later date by the committee or subcommittee if deemed appropriate by the committee or subcommittee.

Study/Proposal	Description of Grant Request for Study or Proposal	Presenter/Organization	Amount Requested	Subcommittee Recommendation for Grant Award
Harvest of Piñon Juniper	A study to identify and involve interested stakeholders in the identification of issues to be addressed in the development of a comprehensive harvest management plan and related environmental impact statement for the sustainable harvest of Piñon Juniper.	John McClain, Resource Concepts (for Lincoln County, Nevada)	\$25,200	\$10,000

Study/Proposal	Description of Grant Request for Study or Proposal	Presenter/Organization	Amount Requested	Subcommittee Recommendation for Grant Award
Humboldt River Basin Assessment	A request to continue the "Humboldt River Basin Assessment" by partially funding "phase two" of the study. It is anticipated that the United States Geological Survey (USGS) will provide a matching grant to one that may be awarded by the Legislative Committee on Public Lands.	Mike Turnipseed, State Engineer Russ Plume, USGS Terry Reese, USGS	\$50,000	\$40,000 ¹
Las Vegas Springs Preserve & Las Vegas Wash/Wetlands	<p>Las Vegas Springs Preserve: A request to assist in the Las Vegas Springs Preserve Native Habitat Revegetation Effort by: (1) preserving and managing native habitats for conservation, education, and public enjoyment; (2) increasing habitats by revegetation of disturbed areas; and (3) increasing other habitats to ensure long-term survival of plants and animals.</p>	Leisa Whittum, Las Vegas Valley Water District & Southern Nevada Water Authority	\$18,500 (Las Vegas Springs Preserve)	\$18,500
	<p>Las Vegas Wash/Wetlands: A request to assist in the development of the <i>Watch Our Wetlands Grow</i> project by stabilizing erosion in the Wash, providing water quality "polishing," increasing public outreach through web site development, and providing additional wildlife habitat.</p>		\$18,500 (Las Vegas Wash/Wetlands)	\$18,500
Economic Analysis of Mine Dewatering Effects in Northeastern Nevada	A study to investigate the potential economic effects of mining sector activities and the resulting dewatering to the local economies in Northeastern Nevada.	Representatives from Eureka and Elko Counties and the University of Nevada, Reno (UNR)	\$50,000 (Phase II - Gary Small proposal regarding economic analysis)	defer
			\$50,000 (Phase III - Expansion of economic analysis to numerous counties)	defer

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¹The subcommittee recommends that any grant award authorized for the Humboldt River Basin Assessment include a written stipulation that the United States Geological Survey, the State Engineer, and other authors of the study address the concerns and issues raised in the grant request submitted by the Humboldt River Basin Water Authority (see page 9 of this subcommittee report).

Study/Proposal	Description of Grant Request for Study or Proposal	Presenter/Organization	Amount Requested	Subcommittee Recommendation for Grant Award
Acquisition of Federal Lands in Caliente, Nevada	A request for money to purchase lands from the Bureau of Land Management (BLM) to facilitate the ground breaking of an industrial park.	Bryan Elkins, Community Development Director, Caliente	\$32,262	\$0
Purchase of Federal Land in Carlin, Nevada	A request for a grant of money to pay, upon receipt, the balance of \$60,000 for the 1999 purchase of 60 acres of BLM Land. The city financed this amount over a 5-year term, with the first payment to be paid in August 2000.	Cherie Aiazzi, Carlin City Clerk	\$50,000 (Total of \$60,000 requested)	\$0
Acquisition of Federal Land in the Indian Hills General Improvement District (GID)	A request for funds to assist in the conversion of a portion of Douglas County (Parcel No. 13-010-08), currently under Federal ownership, to local ownership by the Indian Hills GID for development purposes.	Jim Bentley, General Manager, Indian Hills GID	\$28,580	\$0
Development of Alternative Grazing Fee Structures	A request for grant money to develop a proposal for one or more grazing fee formulae which can be substituted for the grazing fee formula established by the Public Rangelands Improvement Act of 1978 (PRIA) currently in effect. This would involve reviewing and documenting various state grazing fee systems, developing alternative fees from this information, and evaluating the performance of these alternative fees.	William O. Champney, Associate Professor Emeritus, Department of Applied Economics and Statistics, UNR	\$50,000	\$21,000 (Phase one/first year funding only)

Study/Proposal	Description of Grant Request for Study or Proposal	Presenter/Organization	Amount Requested	Subcommittee Recommendation for Grant Award
Creating Preferred Grazing Alternative in Forest Plan Amendments & Appeal of <i>Public Lands Council v. Babbitt</i>	Creating Preferred Grazing Alternative: Grant request to be used to hire a qualified range scientist to prepare a preferred grazing alternative for presentation to the U.S. Forest Service Humboldt-Toiyabe National Forest as an alternative grazing proposal to be included in the amendment to the Monitor/Hot Creek Mountain Range forest plan.	C. Joseph Guild III, President, Nevada Cattlemen's Association	\$30,000	\$10,000
	Appeal of <i>Public Lands Council v. Babbitt</i>: Grant request to pay Nevada's share of the money pledged to the Public Lands Council to set forth the arguments of the western states' livestock grazing industry in its appeal of <i>Public Lands Council v. Babbitt</i> .		\$25,000	\$10,000
Study of Elk and Livestock Conflicts on Public Lands	Grant request to provide funds to continue the second year of a study to determine conflicts on range resources between livestock and elk in the Duck Creek Basin in White Pine County and, by extension, the State of Nevada.	Glenn Terry, Resource Development (in conjunction with Les McKenzie, HTT Resource Advisors)	\$6,000	defer
Town of Gardnerville - Participation in the Martin Slough Water Quality Enhancement Project	Grant request to assist in the construction of phases 2 and 3 of the Martin Slough Water Quality Project. This project is expected to provide "regional water quality treatment, limited flood water storage, groundwater recharge, wetland and wildlife habitat enhancement, educational opportunities, continued irrigation uses, public parks, and bike/pedestrian corridors."	Robert Fellows, P.E., Lumos and Associates Diane Pettitt, Town Manager, Gardnerville	\$43,512	defer
Research on BLM Land Disposal and Exchanges	A grant request to investigate the "Rural Lands Initiative" by providing information regarding the history and current status of the project.	Jim Olds, President, Private Land Advocates, Inc.	\$45,994	defer

Study/Proposal	Description of Grant Request for Study or Proposal	Presenter/Organization	Amount Requested	Subcommittee Recommendation for Grant Award
Study Regarding Federalism – Impacts of Federal Rule Making in Nevada	Grant request to prepare a “white paper” that documents “the costs of federal land management to the State’s industries that use public lands, as well as federal infringement of the State’s rights to manage wildlife and water resources, and federal land disposals for urban development in Clark County and other areas of the State.”	John L. Dobra, Ph.D., Director, Natural Resource Industry Institute, and Associate Professor of Economics, UNR	\$34,542	\$17,000
Update of Statewide Policy Plan as Part of Senate Bill 40 & Study to Enhance the Facilitation of BLM Public Land Sales & Statewide Public Lands Symposium	<p>Development of Statewide Public Land Policy Plan: A grant request to provide additional funds needed for the process of public involvement for the development of the plan, including travel expenses for Division and Governor’s staff to workshops statewide. Grant money would also be used for operating funds to arrange public workshops and prepare and distribute planning documents.</p>	Pamela B. Wilcox, Administrator, Nevada’s Division of State Lands Mike Del Grosso, Senior Land Use Planner, Nevada’s Division of State Lands	\$10,500	\$10,500
	<p>The Disposal of Federal Lands in Nevada – Identifying Related Barriers and Potential Solutions: A grant request to study and identify “barriers to a more expeditious [land] disposal process, and to develop potential solutions for overcoming the barriers.”</p>		\$20,000	defer
	<p>Nevada Land Symposium, Session 3: A grant request designed to maximize attendance and encourage broad participation at the ongoing land symposiums by offsetting some of the costs of sponsoring the symposium. This would involve the reduction of registration fees to the symposium.</p>		\$9,000	\$2,000 (Per request from Assemblyman Marcia de Braga)

Study/Proposal	Description of Grant Request for Study or Proposal	Presenter/Organization	Amount Requested	Subcommittee Recommendation for Grant Award
Planned Acquisition of Federal Lands in the City of North Las Vegas Under the Recreation and Public Purposes (R&PP) Act (two sites)	Site No. 1: A grant request to assist in the acquisition of 90 acres in North Las Vegas under the R&PP Act for the development of an 80-acre community park and a 10-acre senior recreation facility. The grant money would apply to "mitigation fees that must be paid in the form of Tortoise Habitat Conservation Plan fees," which amount to \$587 per acre.	Jacquelin Risner, Economic Development Manager, City of North Las Vegas	\$50,000	\$0
	Site No. 2: A grant request to assist in the acquisition of 180 acres in North Las Vegas under the R&PP Act for the development of a regional park. The grant money would apply to "mitigation fees that must be paid in the form of Tortoise Habitat Conservation Plan fees," which amount to \$587 per acre.		\$50,000	\$0
Development of Master Plan for the Utilization and/or Acquisition of Federal Lands in Carson City	A grant request to assist in the inventory and mapping of federal lands within Carson City using a Geographic Information System (GIS) to allow planning for federal land usage by Carson City, the State of Nevada, federal agencies, and the Carson City Community Development Department.	Walter Sullivan, Community Development Director Rob Joiner, Principal Planner, Carson City	\$20,000	\$0
Development of a Sage Grouse Habitat Conservation Plan (HCP)	A grant request "designed to help conserve and improve diminishing habitat for sage grouse and other sagebrush-dependent species, and to ensure that sage grouse habitat and populations are healthy enough to preclude listing" as a threatened or endangered species by the United State Fish and Wildlife Service (USFWS). Study would include a literature review, preparation of an HCP, and the establishment of a habitat demonstration area.	Kent McAdoo, Nevada Cooperative Extension, UNR (also on behalf of the Northeast Nevada Stewardship Group)	\$50,000	\$16,000

Study/Proposal	Description of Grant Request for Study or Proposal	Presenter/Organization	Amount Requested	Subcommittee Recommendation for Grant Award
U.S. Highway 95/ Bonanza Trail Development	A grant request "to design and establish a 2.16 mile portion of a regional trail system that will connect with the parks and open spaces throughout the Las Vegas Valley. The specific portion . . . [involved] is a section of the Bonanza Trail that will extend from Ramsey Street to Las Vegas Boulevard."	Don Schmeiser, ACIP, Senior Planner, Planning & Development Department, City of Las Vegas	\$20,000 (Revised from \$50,000 per letter of 12-20-99)*	\$20,000
Study of Nevada Mining Industry's Economic Impact on Businesses in Other States	A grant request to assist in the compilation of "data about purchases made by Nevada's mines and their suppliers in other states." The study will contain a report of mining related products purchased from each state to "allow the members of the Public Lands Committee to illustrate to various Congressional members the adverse effect on their states if mining is severely restricted or stopped in Nevada."	Dana R. Bennett, Research By Design	\$20,390	\$10,000
Evaluation of Water Management Alternatives on the Humboldt River Basin	A grant request to assist the Humboldt River Basin Water Authority, its member counties, the State of Nevada, and other interested parties in "determining whether viable options exist for managing flow within the Humboldt River system to reduce annual variations in water availability; to reduce flood hazard associated with peak flows; and to minimize the loss of Humboldt Basin water to evaporation in the Humboldt and Carson sinks." The funding is requested for three phases of the study (phases II, III, and IV), in the amount of \$50,000 for each phase.	Mike L. Baughman, Ph.D., Contract Executive Director, Humboldt River Basin Water Authority	\$50,000 (Phase II)	defer
			\$50,000 (Phase III)	defer
			\$50,000 (Phase IV)	defer
Publication of Public Lands Handbook	A grant request for a "public lands handbook" consisting of between 16 and 24 pages. The handbook will contain "facts and numbers on land use and [the] potential of federally controlled resources. This includes multiple use for profit, wilderness, recreation, and wildlife." The book will contain numerous public lands statistics.	C. J. Hadley, Publisher, Range Magazine	\$21,312	\$7,000

Study/Proposal	Description of Grant Request for Study or Proposal	Presenter/Organization	Amount Requested	Subcommittee Recommendation for Grant Award
Study of the Influence of Hydrological Change on the Channel of the Humboldt River	A grant request "for the purposes of carrying out a geomorphological investigation of a portion of the Humboldt River near Battle Mountain, Nevada." The study "will evaluate both the prehistoric hydrology and historical hydrology of the river as recorded in flood plain sediments, historical maps, and aerial photographs of the river and flood plain area."	P. Kyle House, Ph.D., Research Geologist, Nevada's Bureau of Mines and Geology	\$47,983	defer
Nevada Abandoned Mine Land Database Update	A grant request to "update the Nevada Division of Minerals abandoned mine site inventory into a combined digital data set that includes the older data set generated in 1995 with new sites [between 1,500 and 2,000] that have been visited since then. The data will be georeferenced and delivered in a GIS format."	Ronald Hess, Geologic Information Systems Supervisor, Nevada Bureau of Mines and Geology	\$12,917	defer
Establishing a "Clearinghouse" for Information Dissemination by Volunteers for Outdoor Nevada	A funding request to "purchase a customized data management software, [and] develop the volunteer Clearinghouse publication and web site." The Clearinghouse will disseminate public lands information and "will be a critical means for recruiting volunteers, announcing training opportunities and projects and it will provide a means of communication between agencies, groups and volunteers working in the outdoors on public lands . . ."	Louise E. Kehmeier, Volunteers for Outdoor Nevada	\$15,000	defer
			TOTAL* \$1,055,192	Total Recommended Award: \$210,500

*NOTE: Total includes the revised budget from the City of Las Vegas (\$20,000 instead of \$50,000).

TOTAL GRANT MONEY REMAINING:	\$19,500
TOTAL TO REMAIN FOR SUBCOMMITTEE & LEGISLATOR EXPENSES:	\$20,000
TOTAL:	\$250,000

SUBCOMMITTEE REPORT

February 25, 2000

The Subcommittee to Review Grant Requests and Proposals for Money Appropriated in Senate Bill 560 of the 1999 Legislative Session met in Carson City on Thursday, February 24, 2000, to discuss a grant request for a "Nevada Land Use Summit." The subcommittee members were:

Assemblyman John W. Marvel, Chairman
Assemblyman Tom Collins (alternate for Assemblyman P.M. "Roy" Neighbors)

Summary of Proposal for the Nevada Land Use Summit (excerpt from original proposal)

The goal of this proposal is to carry out a Nevada Land Use Summit in Reno on April 17-18, 2000. The purpose of the Summit is to bring Nevada's land users and land managers together for a productive and informative discussion of issues, goals, and implementation strategies on a variety of timely subjects. While many of the topics affecting the use of Nevada's lands are sensitive and emotionally-charged, it is hoped that open, honest, and optimistic dialogue involving all interested parties will result in consensus and resolution upon which future partnerships and management strategies may be formed. The Summit will be cosponsored by the chairs of the Legislature's 1999 natural resources committees, Assemblywoman Marcia de Braga and Senator Dean Rhoads.

The Nevada Land Use Summit will use a "working group" approach to discuss a number of important topics. While opening remarks will be offered by the Summit's cosponsors, formal speakers will be limited. Rather, participants will break into a number of working groups, each charged with a specific topic. An impartial moderator and a note-taker will be assigned to each group.

The Nevada Land Use Summit will take place over two full days of intensive work. The final product provided to the Legislature's Committee on Public Lands will be a composite of the comments, suggestions, concerns, opportunities, and action strategies offered by the working groups.

Anyone with an interest in land use will be invited to participate in the Summit, including land users throughout Nevada and land managers at all levels of government. No one will be excluded and every effort will be made to notify as many interested parties as possible. Because land issues are often topics of considerable debate in Nevada, participants will be urged from the outset to work positively and cooperatively with everyone.

SUBCOMMITTEE RECOMMENDATION

The subcommittee recommends that the Legislative Committee on Public Lands award \$8,000 to fund this request for a "Nevada Land Use Summit."

SUBCOMMITTEE REPORT

October 6, 2000

The Subcommittee to Review Grant Requests and Proposals for Money Appropriated in Senate Bill 560 of the 1999 Legislative Session met in Yerington, Nevada, on Friday, October 6, 2000, at 9 a.m., to review two requests (highlighted below) pertaining to the S.B. 560 grant awards. The subcommittee members were:

Assemblyman John W. Marvel, Chairman
Senator Mark James
Assemblyman P.M. "Roy" Neighbors

1) **Request from:**

Assemblyman Marcia de Braga, Nevada Land Use Summit 2001

Summary:

On February 25, 2000, Nevada's Legislative Committee on Public Lands awarded \$8,000 to the Nevada Land Use Summit to help offset the costs of hosting a two-day forum to discuss public lands and natural resource issues in a relatively unrestricted manner and environment. The event was held on April 17, and 18, 2000, at the Boomtown Hotel & Casino in Verdi, Nevada. A total of \$5,454 from the \$8,000 grant award was returned to the committee by the Nevada Land Use Summit, as projected income from registration fees to the summit covered the costs previously assigned to the original grant award.

As a result of the success of the first forum, and because \$5,454 was returned to Legislative Committee on Public Lands, Assemblyman de Braga requests that the full committee approve a grant of \$8,000 to help offset the costs of the next Nevada Land Use Summit, tentatively scheduled for February 2001. The focus of the next Summit will be result-oriented and an attempt will be made to reach several possible solutions to existing problems. Assemblyman de Braga notes that the Summit is intended to be a grassroots effort and not strictly a government sponsored event.

SUBCOMMITTEE RECOMMENDATION

The subcommittee recommends that Nevada's Legislative Committee on Public Lands award \$8,000 to be applied to the "Nevada Land Use Summit 2001" to be held in February 2001.

2) **Request from:**

Nevada Cattlemen's' Association (represented by C. Joseph Guild III, President)

Summary:

On January 24, 2000, Nevada's Legislative Committee on Public Lands awarded \$10,000 to the Nevada Cattlemen's Association (NCA) to assist in the creation of a preferred grazing alternative for the Humboldt-Toiyabe National Forest's amendment to the Monitor and Hot Creek Mountain Range forest plan.

Mr. Guild testified at the committee's meeting in Eureka that this amendment has not yet been prepared. Instead, the U.S. Forest Service (USFS) produced environmental impact statements for the Sierra Nevada Framework project and the Northern Sierra Amendment to the Humboldt-Toiyabe Forest Plan. The NCA incurred a \$3,500 expense in responding to these statements. Therefore, the NCA requests the committee amend its original grant resolution to allow the NCA to spend \$3,500 of the \$10,000 grant for this expense. Mr. Guild reported that the NCA will still work on a preferred grazing alternative for the Monitor and Hot Creek Mountain Ranges when the forest plan amendment is revisited by the USFS. Further information regarding this request appears in ATTACHMENT A of this subcommittee report.

SUBCOMMITTEE RECOMMENDATION

The subcommittee recommends that Nevada's Legislative Committee on Public Lands amend the original resolution of the Nevada Cattlemen's Association's (NCA's) grant award regarding the creation of a preferred grazing alternative to include expenses incurred in the NCA's response to the environmental impact statements for the Sierra Nevada Framework project and the Northern Sierra Amendment to the Humboldt-Toiyabe Forest Plan.

APPENDIX E

Committee Letters Approved During Meetings and at Work Session



February 23, 2000

Robert V. Abbey, Nevada State Director
United States Bureau of Land Management
Nevada State Office
Administrative Record
1340 Financial Boulevard
Reno, Nevada 89502

Dear Mr. Abbey:

As you know, Nevada's Legislative Committee on Public Lands is actively conducting its business for the 1999-2000 legislative interim period. The committee travels the State of Nevada during the 18 months between legislative sessions listening to citizens' concerns about public lands issues and reviewing federal and state land management policies with various agency personnel, interest groups, and private organizations. The committee greatly appreciates your constant willingness to share your thoughts with us on so many critical land management issues in Nevada.

Several times during this legislative interim period and throughout the 1997-1998 interim, the committee has received updates on the Bureau of Land Management's (BLM) proposed revisions to the Surface Mining Regulations for Locatable Mineral Operations (43 *Code of Federal Regulations* 3809). At a recent meeting in Las Vegas, Nevada, the committee also received a presentation regarding the National Academy of Sciences' (NAS) [National Research Council] report, "Hardrock Mining on Federal Lands" released in September, 1999. At this meeting, it was suggested that the committee write a letter to the BLM supporting the position of the Western Governors' Association (WGA) on the Draft Environmental Impact Statement (DEIS) for the "3809" regulation revisions. Please find attached a draft copy of the WGA comment letter that highlights the association's position on the DEIS.

In this letter, the WGA notes that "the current 3809 regulations are working well on the ground." It continues by explaining that the current "3809" regulations "are flexible and allow individual states working in concert with local BLM officials to tailor appropriate requirements to ensure the environment is protected from mining operations." The letter further notes that the NAS study "concluded that existing regulations are generally well coordinated and that improvements in the implementation of existing regulations present the greatest opportunity for improving environmental protection and efficiency of the regulatory process."

The WGA also recommends that the BLM develop an additional alternative to the four regulatory options already found in the DEIS. This alternative would solely address the findings and recommendations of the NAS study. Nevada's Legislative Committee on Public Lands fully supports these statements and recommendations from the WGA and would like this correspondence to serve as an official comment from the committee on the proposed revisions to the "3809" regulations addressed in the DEIS.

Thank you for your attention to this important matter. I trust you will find the information contained in this letter helpful and, as always, do not hesitate to contact me if the Legislative Committee on Public Lands or I may be of any assistance to you.

Sincerely,

A handwritten signature in black ink that reads "Dean A. Rhoads". The signature is written in a cursive style with a large, stylized initial "D".

Senator Dean A. Rhoads
Chairman, Nevada's Legislative
Committee on Public Lands

TRANSMITTED VIA FACSIMILE: 02-23-00

DAR/ck:L104

Enc.

cc: United States Senator Richard H. Bryan
United States Senator Harry Reid
United States Representative Shelley Berkley
United States Representative Jim Gibbons
Governor Kenny C. Guinn



September 6, 2000

The Honorable Harry Reid
United States Senator
528 Hart Senate Office Building
Washington, D.C. 20510-2803

Dear Senator Reid:

On Friday, August 25, 2000, Nevada's Legislative Committee on Public Lands held its seventh in-state meeting in Eureka, Nevada. As you know, the committee travels the State of Nevada during the 18 months between legislative sessions listening to citizens' concerns about public lands issues and reviewing Federal and State land management policies with various agency personnel, interest groups, and private organizations.

During its meeting in Eureka, the committee received an update of wild horse issues in Nevada from the Bureau of Land Management (BLM) and Nevada's Commission for the Preservation of Wild Horses (NCPWH). Local government representatives from Eureka County also contributed to the presentation. As you can imagine, much of the discussion regarding wild horses in Nevada centered on the unprecedented growth of the horse population and the need to gather horses in order to reach the recommended appropriate management level (AML) in each herd management area (HMA). The BLM reported that the wild horse population in Nevada is expected to rise to over 25,600 animals this year, which is 11,600 more than the estimated AML of 14,000. In many HMAs, an overpopulation of horses has resulted in watershed damage, a decline in the health of wild horse herds, and the degradation of vegetation and riparian areas used by wildlife and livestock.

It became very evident during the course of the update that controlling the wild horse population by using a strategic and organized plan is the most effective method to achieve AML in a reasonable amount of time. The BLM and NCPWH explained that the current national budget for wild horses and burros is about \$20 million dollars. An additional \$9 million is included in the BLM's 2001 budget package to initiate a national strategy to bring all HMAs to AML in four years. The program calls for a \$9 million annual increase for wild horses and burros over the next four years (Fiscal Years [FYs] 2001 through 2004).

The strategy will:

1. Require the BLM to remove 12,855 animals from HMAs (an increase of 6,855 animals) in the first year, dropping to 4,500 animals by the sixth year and remaining at that level;
2. Allow the BLM to improve its marketing of animals and events and implement techniques to enhance the adoption prospects of older animals; and
3. Enable the agency to provide long-term care and holding (pasturing) for the oldest, least adoptable animals.

The Committee on Public Lands was pleased to hear that this strategy has received widespread support from local governments, horse advocacy groups, the NCPWH, and citizens throughout Nevada. I am also encouraged by BLM's commitment to seeing this plan to fruition. Despite attempts in the past to reach AML, it seems that the wild horse overpopulation has escalated to such a crisis level that there is no choice but to act quickly and efficiently. The committee believes that BLM's four-year strategy is the most appropriate plan to reduce the horse population and protect our valuable rangelands.

During the work session portion of the meeting in Eureka, the committee voted to send this letter urging your support for this plan and requesting your assistance in ensuring that BLM's original request for an additional \$9 million for FY 2001 is approved in H.R. 4578. This measure, the "Department of the Interior and Related Agencies Appropriations Act, 2001," will soon be addressed in conference committee.

I appreciate your consideration of this important request and urge your support for annual requests from the BLM to fund the wild horse strategy over the next four years. On behalf of the committee, I would like to thank you for continuously supporting the interests of the Legislative Committee on Public Lands and the citizens of Nevada. As always, do not hesitate to contact me if the committee or I can be of any assistance to you.

Sincerely,



Senator Dean A. Rhoads
Chairman, Nevada's Legislative
Committee on Public Lands

DAR/ck:W02756.53:L202

cc: United States Senator Slade Gorton
United States Representative Ralph Regula
Governor Kenny C. Guinn
Mr. Robert V. Abbey, Nevada State Director, BLM
Ms. Catherine Barcomb, Administrator, NCPWH
Mr. Lee Delaney, Group Manager, Wild Horse and Burro Management, BLM



January 9, 2001

Thomas E. Stephens, Director
Nevada Department of Transportation
1263 South Stewart Street, Room 201
Carson City, Nevada 89712

Dear Mr. Stephens:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1999-2000 legislative interim period. The committee travels throughout Nevada and to Washington, D.C., during the 18 months between legislative sessions to listen to citizens' concerns about public lands issues and to review federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. In addition, the committee actively monitors federal legislation impacting Nevada and strives to maintain open communication with federal agency representatives, local government officials, and public land users.

On several occasions during the 1999-2000 legislative interim, the committee was made aware of concerns from local government representatives and residents from Lincoln County about wild horses that have been gathering on State Highway 319 near the Nevada-Utah border. Testimony indicated that the horses are attracted to the salt that is left on the road during inclement weather. This stretch of roadway has many blind curves and the horses that regularly congregate on the highway pose a significant threat to motorists. Further testimony noted that the stretch of road in question is approximately 20 miles long and is near the Panaca Summit. Several injuries have been reported over the past few years as a result of collisions involving vehicles and horses. Enclosed for your reference are four photographs provided to the committee at its meeting in Caliente last April, that show wild horses gathered on the roadway at Panaca Summit.

During the meeting in Caliente, several individuals and local government representatives requested the Committee on Public Lands take action to ensure that a fence be constructed on this portion of Highway 319 on the south side of road and that repairs be made to an existing fence on the north side of the highway. Therefore, at its final meeting in Yerington in October, the committee voted to send you this letter urging the Nevada Department of Transportation (NDOT) to construct a fence on the NDOT right-of-way to prevent the wild horses from gathering on the highway. The committee understands that financing any

construction project is challenging. However, testimony indicated that construction of a barbed wire-type fence along this stretch of roadway would be minimal and certainly a small price to pay for the safety of Nevada motorists. In addition, several groups and organizations, including the Lincoln County Board of Commissioners, the National Mustang Association, and the Nevada Grazing Board No. 4, have offered to donate \$1,000 apiece toward the construction efforts. Further, it has recently been brought to my attention that the Bureau of Land Management has committed \$15,000 to the project and has begun to remove trees in the right-of-way. I am pleased with this development and hope it will add momentum to the construction of this much-anticipated safety feature.

Thank you for your attention to this important matter. I encourage you to contact Dan Frehner, Chairman of the Lincoln County Board of Commissions, at (775) 962-5390, or Shelley Wadsworth Harmon, Lincoln County Planning Coordinator, at (775) 962-5165, to coordinate this effort. In the meantime, please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in black ink that reads "Dean A. Rhoads". The signature is written in a cursive style with a large, stylized initial "D".

Senator Dean A. Rhoads
Chairman, Nevada's Legislative
Committee on Public Lands

DAR/ck:L223&W03201.53

Enc.

cc: Robert V. Abbey, Nevada State Director, Bureau of Land Management
Dan Frehner, Chairman, Lincoln County Board of Commissioners
Shelley Wadsworth Harmon, Planning Coordinator, Lincoln County Planning and Building Department
Jule Wadsworth, Chairman, Lincoln County Public Land Use Committee

NEVADA LEGISLATURE'S
COMMITTEE ON PUBLIC LANDS
LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NV 89701-4747



SENATOR DEAN A. RHOADS, Chairman
ASSEMBLYMAN JOHN W. MARVEL, Vice Chairman
SENATOR TERRY CARE
SENATOR MARK A. JAMES
ASSEMBLYMAN JERRY D. CLABORN
ASSEMBLYMAN P.M. "ROY" NEIGHBORS
HUMBOLDT COUNTY COMMISSIONER BUSTER DUFURRENA

STAFF DIRECTOR: MICHAEL J. STEWART (775) 684-6825
SR. DEPUTY LEGISLATIVE COUNSEL: J. RANDALL STEPHENSON (775) 684-6830

January 10, 2001

Boyd Spratling, Chairman
Nevada's Board of Wildlife Commissioners
1110 Valley Road
Reno, Nevada 89512

Dear Mr. Spratling:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1999-2000 legislative interim period. As you know, the committee travels throughout Nevada and to Washington, D.C., during the 18 months between legislative sessions to listen to citizens' concerns about public lands issues and to review federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. In addition, the committee actively monitors federal legislation impacting Nevada and strives to maintain open communication with federal agency representatives, local government officials, and public land users.

Elk management issues in Nevada were discussed by the committee on several occasions during the interim. At the committee's meeting in Caliente last April, Laurel Etchegaray, Chairman, White Pine Coordinated Resource Management Planning Steering Committee, and Member, Eureka County Public Land Board, explained that while Nevada's Elk Depredation Program reimburses private land owners for damage to physical property caused by elk, it does not reimburse for losses of privately held water. She expressed concern that many ranchers and land users, especially those in central and eastern Nevada, have experienced sizeable losses to their water supplies due to elk.

Ms. Etchegaray requested that the Committee on Public Lands take action to encourage policy and regulatory changes that help ranchers and other land users recoup from water losses, similar to the way losses to other property are recovered, under the Elk Depredation Program. Therefore, at its final meeting in Yerington in October, the committee voted to send you this letter requesting that Nevada's Board of Wildlife Commissioners examine the current regulatory framework of the program and consider additions and amendments that provide

some recourse for land owners for water losses caused by elk. As part of this effort, the committee encourages you to contact Ms. Etchegaray directly at (775) 237-5400 to seek her input on the matter.

Thank you for kind attention to this request. As always, please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in black ink that reads "Dean A. Rhoads". The signature is written in a cursive style with a large, prominent "D" and "R".

Senator Dean A. Rhoads
Chairman, Nevada's Legislative
Committee on Public Lands

DAR/ck:L224&W03202.53

cc: Terry Crawford, Administrator, Nevada's Division of Wildlife
Laurel Etchegaray, Chairman, White Pine Coordinated Resource Management Planning Steering Committee, and
Member, Eureka County Public Land Board



January 10, 2001

The Honorable Kenny C. Guinn
Governor of Nevada
Governor's Office
101 North Carson Street, Suite 1
Carson City, Nevada 89710-4786

Dear Governor Guinn:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1999-2000 legislative interim period. As you know, the committee travels throughout Nevada and to Washington, D.C., during the 18 months between legislative sessions to listen to citizens' concerns about public lands issues and to review federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. In addition, the committee actively monitors federal legislation impacting Nevada and strives to maintain open communication with federal agency representatives, local government officials, and public land users.

One of the most important topics the Committee on Public Lands regularly monitors is threatened and endangered species. During the 1999-2000 interim, this issue was especially focused on the sage grouse. The committee received a presentation regarding sage grouse populations and habitat in Nevada at its meeting in Caliente last spring and discussed sage grouse extensively at several subsequent meetings. In addition, the committee provided grant money, as authorized in Senate Bill 560 of the 1999 Legislative Session (Chapter 544, *Statutes of Nevada*), to the Northeastern Nevada Stewardship Group for the purposes of studying sage grouse habitat and creating a habitat conservation plan to help circumvent a listing of the bird on the national threatened or endangered species list. Throughout the interim, nearly everyone that spoke before the committee regarding this important topic expressed grave concern over the potential listing of this species. In particular, land users fear the loss of grazing land, water rights, cropland, motor vehicle access, outdoor sports activities, and hunting and fishing access.

It is safe to say that no group or organization wants the sage grouse listed as threatened or endangered. That is why the committee is pleased with recent efforts by state and local governments throughout the West, in cooperation with ranchers, farmers, recreationists, and other land users, to encourage habitat conservation plans and species recovery at the local level. These efforts, combined with an October 11, 2000, announcement by the U.S. Fish and Wildlife Service declaring unwarranted a petition to list the Columbian Sharp-Tailed Grouse as threatened, bode well for the future of sage grouse populations in Nevada.

Given the recent flurry of discussion and activity surrounding the sage grouse, the Committee on Public Lands decided, at its final meeting in Yerington in October, to send you this letter encouraging you, during your dealings with state and local government representatives, land users, and others, to encourage activities and practices that will prevent the listing of the sage grouse as threatened or endangered.

Thank you for your attention to this important matter. As always, please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean A. Rhoads". The signature is fluid and cursive, with a large, stylized initial "D".

Senator Dean A. Rhoads
Chairman, Nevada's Legislative
Committee on Public Lands

DAR/ck:L225&W03203.53

cc: Terry Crawford, Administrator, Nevada's Division of Wildlife
Paul Iverson, Director, State Department of Agriculture
R. Michael Turnipseed, Director, State Department of Conservation and Natural Resources

Note: Identical letters were sent to:

The Honorable John Ensign
United States Senate
B34 Dirksen Senate Office Building
Washington, D.C. 20510-0001

The Honorable Harry Reid
United States Senate
528 Hart Senate Office Building
Washington, D.C. 20510-2803

The Honorable Shelley Berkley
United States House of Representatives
1505 Longworth House Office Building
Washington, D.C. 20515-0001

The Honorable Jim Gibbons
United States House of Representatives
100 Cannon House Office Building
Washington, D.C. 20515-0001



January 12, 2001

Paul Iverson, Director
State Department of Agriculture
Administration Division
350 Capitol Hill Avenue
Reno, Nevada 89502-2923

Thomas E. Stephens, Director
Nevada Department of Transportation
1263 South Stewart Street, Room 201
Carson City, Nevada 89712

Dear Mr. Iverson and Mr. Stephens:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1999-2000 legislative interim period. As you know, the committee travels throughout Nevada and to Washington, D.C., during the 18 months between legislative sessions to listen to citizens' concerns about public lands issues and to review federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. In addition, the committee actively monitors federal legislation impacting Nevada and strives to maintain open communication with federal agency representatives, local government officials, and public land users.

Two of the many important topics the Committee on Public Lands regularly monitors are noxious weeds and invasive species. During the 1999-2000 interim, these issues were at the forefront of committee discussion due to the ongoing spread of tall whitetop in many riparian areas of northern Nevada and the increased prevalence of cheat grass and its contributions to the massive wildfires of summer 1999 and 2000. In addition, the influx of Africanized Honey Bees (commonly referred to as "killer bees") and fire ants into southern Nevada has been a growing concern.

During its meeting in Las Vegas last year, the committee was asked to consider the establishment of "ports of entry" on major highways at Nevada's state lines to help prevent the spread of noxious weeds and invasive species. The committee learned that Arizona,

California, and Utah all have ports of entry at major border crossings, preventing many damaging plant and animal species from entering these states over major highways. Testimony indicated that Nevada and the State Department of Agriculture (SDA) could especially benefit from ports of entry by offering livestock inspections to control disease; preventing unlicensed, exotic animals from being shipped to Nevada; and ensuring that building and landscape materials from other states and countries are free of unsuitable insects and weeds. Furthermore, it is believed that ports of entry will assist the Nevada Department of Transportation (NDOT) in ensuring that transport companies pay all required fees, enhancing heavy truck and tour bus safety, and discouraging theft of heavy equipment and other materials transported freely across state lines.

As a result of these discussions, the Committee on Public Lands voted, at its final meeting in Yerington in October, to send both of you this letter encouraging NDOT and SDA to work cooperatively to evaluate the benefits of ports of entry for Nevada. An examination of port of entry requirements in other states might also prove useful in this evaluation. The committee is aware that a similar study was conducted by NDOT in 1991 regarding this issue. However, a reevaluation is clearly necessary, as the nature of the noxious weed and invasive species problems, as well as Nevada's demographics, have changed dramatically during the past decade.

Thank you for your kind consideration of this request. I invite you to share your findings regarding ports of entry with the Committee on Public Lands or me at your convenience. In the meantime, please do not hesitate to contact me if the committee or I may be of any assistance to you.

Sincerely,



Senator Dean A. Rhoads
Chairman, Nevada's Legislative
Committee on Public Lands

DAR/ck:L226&W03204.53

cc: Assemblyman Tom Collins, Alternate Member, Nevada's Legislative Committee on Public Lands
Don Henderson, Assistant Director, State Department of Agriculture

NEVADA LEGISLATURE'S
COMMITTEE ON PUBLIC LANDS
LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NV 89701-4747



SENATOR DEAN A. RHOADS, Chairman
ASSEMBLYMAN JOHN W. MARVEL, Vice Chairman
SENATOR TERRY CARE
SENATOR MARK A. JAMES
ASSEMBLYMAN JERRY D. CLABORN
ASSEMBLYMAN P.M. "ROY" NEIGHBORS
HUMBOLDT COUNTY COMMISSIONER BUSTER DUFURRENA

STAFF DIRECTOR: MICHAEL J. STEWART (775) 684-6825
SR. DEPUTY LEGISLATIVE COUNSEL: J. RANDALL STEPHENSON (775) 684-6830

January 22, 2001

Robert V. Abbey
Nevada State Director
Bureau of Land Management
1340 Financial Boulevard
Post Office Box 12000
Reno, Nevada 89523-0006

Dear Mr. Abbey:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1999-2000 legislative interim period. As you know, the committee travels throughout Nevada and to Washington, D.C., during the 18 months between legislative sessions to listen to citizens' concerns about public lands issues and to review federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. In addition, the committee actively monitors federal legislation impacting Nevada and strives to maintain open communication with federal agency representatives, local government officials, and public land users.

Two of the many important topics the Committee on Public Lands regularly monitors are noxious weeds and invasive species. During the 1999-2000 interim, these issues were at the forefront of committee discussion due to the ongoing spread of tall whitetop in many riparian areas of northern Nevada and the increased prevalence of cheat grass and its contributions to the massive wildfires of summer 1999 and 2000. In addition, the influx of Africanized Honey Bees (commonly referred to as "killer bees") and fire ants into southern Nevada has been a growing concern. Efforts to control and eradicate these noxious weeds and invasive species by many federal, state, and local government agencies have been tremendous.

During its meeting in Las Vegas last year and at several subsequent meetings, the committee received presentations and updates regarding the efforts of the Bureau of Land Management (BLM) to rid Nevada of these menacing weeds and invasive species. The committee recognizes these outstanding efforts and commends your bureau for its active involvement in this important issue. Therefore, at its final meeting in Yerington, the committee voted to send you this letter expressing appreciation and support for the ongoing

efforts of the BLM in this area. Without your diligence and cooperative efforts, Nevada would soon become overrun with these unwanted plants and insects. Furthermore, the recent release of "Nevada's Coordinated Invasive Weed Strategy 2000," by the Nevada Weed Action Committee reveals that a coordinated plan for the control and management of noxious weeds and invasive species is well underway in this state.

Thank you again for your ongoing efforts. As always, please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in black ink that reads "Dean A. Rhoads". The signature is written in a cursive style with a large, sweeping flourish at the end.

Senator Dean A. Rhoads
Chairman, Nevada's Legislative
Committee on Public Lands

DAR/ck:L230-1&W03216-1.53

cc: Brian Amme, Environmental Protection Specialist, BLM
Robert Gronowski, Administrator, Division of Plant Industry, SDA
Dawn Rafferty, Coordinator, Nevada Weed Action Committee, Weed Specialist, SDA



January 22, 2001

Karen L. Hinton, Dean and Director
Nevada Cooperative Extension
Mail Stop 404
National Judicial College Building, Room 118
University of Nevada, Reno
Reno, Nevada 89557

Dear Ms. Hinton:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1999-2000 legislative interim period. As you know, the committee travels throughout Nevada and to Washington, D.C., during the 18 months between legislative sessions to listen to citizens' concerns about public lands issues and to review federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. In addition, the committee actively monitors federal legislation impacting Nevada and strives to maintain open communication with federal agency representatives, local government officials, and public land users.

Two of the many important topics the Committee on Public Lands regularly monitors are noxious weeds and invasive species. During the 1999-2000 interim, these issues were at the forefront of committee discussion due to the ongoing spread of tall whitetop in many riparian areas of northern Nevada and the increased prevalence of cheat grass and its contributions to the massive wildfires of summer 1999 and 2000. In addition, the influx of Africanized Honey Bees (commonly referred to as "killer bees") and fire ants into southern Nevada has been a growing concern. Efforts to control and eradicate these noxious weeds and invasive species by many federal, state, and local government agencies have been tremendous.

During its meeting in Las Vegas last year and at several subsequent meetings, the committee received presentations and updates regarding the efforts of the Cooperative Extension to rid Nevada of these menacing weeds and invasive species. The committee recognizes these outstanding efforts and commends your organization for its active involvement in this important issue. Therefore, at its final meeting in Yerington, the committee voted to send you this letter expressing appreciation and support for the ongoing efforts of the Cooperative Extension in this area. Without your diligence and cooperative efforts, Nevada would soon become overrun with these unwanted plants and insects. Furthermore, the recent

release of "Nevada's Coordinated Invasive Weed Strategy 2000," by the Nevada Weed Action Committee reveals that a coordinated plan for the control and management of noxious weeds and invasive species is well underway in this state.

Thank you again for your ongoing efforts. As always, please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in black ink that reads "Dean A. Rhoads". The signature is written in a cursive style with a large, stylized initial "D".

Senator Dean A. Rhoads
Chairman, Nevada's Legislative
Committee on Public Lands

DAR/ck:L230-2&W03216-2.53

cc: Brian Amme, Environmental Protection Specialist, BLM
Robert Gronowski, Administrator, Division of Plant Industry, SDA
Dawn Rafferty, Coordinator, Nevada Weed Action Committee, Weed Specialist, SDA



January 22, 2001

Paul Iverson, Director
State Department of Agriculture
Administration Division
350 Capitol Hill Avenue
Reno, Nevada 89502-2923

Dear Mr. Iverson:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1999-2000 legislative interim period. As you know, the committee travels throughout Nevada and to Washington, D.C., during the 18 months between legislative sessions to listen to citizens' concerns about public lands issues and to review federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. In addition, the committee actively monitors federal legislation impacting Nevada and strives to maintain open communication with federal agency representatives, local government officials, and public land users.

Two of the many important topics the Committee on Public Lands regularly monitors are noxious weeds and invasive species. During the 1999-2000 interim, these issues were at the forefront of committee discussion due to the ongoing spread of tall whitetop in many riparian areas of northern Nevada and the increased prevalence of cheat grass and its contributions to the massive wildfires of summer 1999 and 2000. In addition, the influx of Africanized Honey Bees (commonly referred to as "killer bees") and fire ants into southern Nevada has been a growing concern. Efforts to control and eradicate these noxious weeds and invasive species by many federal, state, and local government agencies have been tremendous.

During its meeting in Las Vegas last year and at several subsequent meetings, the committee received presentations and updates regarding the efforts of the State Department of Agriculture (SDA) to rid Nevada of these menacing weeds and invasive species. The committee recognizes these outstanding efforts and commends your department for its active involvement in this important issue. Therefore, at its final meeting in Yerington, the committee voted to send you this letter expressing appreciation and support for the ongoing efforts of the SDA in this area. Without your diligence and cooperative efforts, Nevada would

soon become overrun with these unwanted plants and insects. Furthermore, the recent release of "Nevada's Coordinated Invasive Weed Strategy 2000," by the Nevada Weed Action Committee reveals that a coordinated plan for the control and management of noxious weeds and invasive species is well underway in this state.

Thank you again for your ongoing efforts. As always, please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in black ink that reads "Dean A. Rhoads". The signature is written in a cursive style with a large, stylized initial "D".

Senator Dean A. Rhoads
Chairman, Nevada's Legislative
Committee on Public Lands

DAR/ck:L230&W03216.53

cc: Brian Amme, Environmental Protection Specialist, BLM
Robert Gronowski, Administrator, Division of Plant Industry, SDA
Dawn Rafferty, Coordinator, Nevada Weed Action Committee, Weed Specialist, SDA



January 22, 2001

Carson City
Board of Supervisors
201 North Carson Street, Suite 2
Carson City, Nevada 89701-4289

Dear Chairman and Board Members:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1999-2000 legislative interim period. During the 18 months between legislative sessions, the committee travels throughout Nevada and to Washington, D.C., to listen to citizens' concerns about public lands issues and to review federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. The committee actively monitors federal legislation impacting Nevada and strives to maintain open communication with federal agency representatives, local government officials, and public land users. In addition, the committee typically includes a scheduled time during its meetings for local government representatives to present their concerns and report on happenings pertaining to public lands and natural resources with their cities and counties.

Two of the many important topics the Committee on Public Lands regularly monitors are noxious weeds and invasive species. During the 1999-2000 interim, these issues were at the forefront of committee discussion due to the ongoing spread of tall whitetop in many riparian areas of northern Nevada and the increased prevalence of cheat grass and its contributions to the massive wildfires of summer 1999 and 2000. In addition, the influx of Africanized Honey Bees (commonly referred to as "killer bees") and fire ants into southern Nevada has been a growing concern. Efforts to control and eradicate these noxious weeds and invasive species by many federal, state, and local government agencies have been tremendous.

The Committee on Public Lands recognizes that you, as city supervisors, play a critical role in ensuring that important natural resources, wildlife habitat, and other ecological systems remain safe from damaging, nonnative plant and animal species. Such encroachment by noxious weeds and invasive species threatens valuable land based industry such as grazing, farming, and mining, and hampers recreational activities such as fishing, hiking, and hunting. Furthermore, the increased threat of wildfires as a result of the influx of dry grass species and weeds puts all our communities at risk.

Given your important role in local government, the Committee on Public Lands voted to send you this letter encouraging you and your city to participate in programs and activities that reduce noxious weeds and prevent the influx of other invasive species. Specifically, the committee urges you to work collaboratively with and utilize the expertise of the State Department of Agriculture and the University of Nevada Cooperative Extension. Both of these organizations have extensive scientific knowledge about the spread and eradication of these troublesome species. The committee believes that successful programs often begin at the local level and, as city supervisors, you play an important role in the economic health of your community and the ecological well-being of the rangelands that stretch across your city.

Thank you for your kind attention to this important issue. As always, please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in black ink that reads "Dean A. Rhoads". The signature is fluid and cursive, with the first name "Dean" being the most prominent.

Senator Dean A. Rhoads
Chairman, Nevada's Legislative
Committee on Public Lands

DAR/ck:L240&W03221.53

cc: Paul Iverson, Director, State Department of Agriculture (SDA)
Robert Gronowski, Administrator, Nevada's Division of Plant Industry, SDA
Karen L. Hinton, Dean & Director, Nevada Cooperative Extension



January 22, 2001

Churchill County
Board of Commissioners
115 North Taylor Street, Suite 110
Fallon, Nevada 89406-2763

Dear Chairman and Board Members:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1999-2000 legislative interim period. During the 18 months between legislative sessions, the committee travels throughout Nevada and to Washington, D.C., to listen to citizens' concerns about public lands issues and to review federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. The committee actively monitors federal legislation impacting Nevada and strives to maintain open communication with federal agency representatives, local government officials, and public land users. In addition, the committee typically includes a scheduled time during its meetings for local government representatives to present their concerns and report on happenings pertaining to public lands and natural resources with their cities and counties.

Two of the many important topics the Committee on Public Lands regularly monitors are noxious weeds and invasive species. During the 1999-2000 interim, these issues were at the forefront of committee discussion due to the ongoing spread of tall whitetop in many riparian areas of northern Nevada and the increased prevalence of cheat grass and its contributions to the massive wildfires of summer 1999 and 2000. In addition, the influx of Africanized Honey Bees (commonly referred to as "killer bees") and fire ants into southern Nevada has been a growing concern. Efforts to control and eradicate these noxious weeds and invasive species by many federal, state, and local government agencies have been tremendous.

The Committee on Public Lands recognizes that you, as county commissioners, play a critical role in ensuring that important natural resources, wildlife habitat, and other ecological systems remain safe from damaging, nonnative plant and animal species. Such encroachment by noxious weeds and invasive species threatens valuable land based industry such as grazing, farming, and mining, and hampers recreational activities such as fishing, hiking, and hunting. Furthermore, the increased threat of wildfires as a result of the influx of dry grass species and weeds puts all our communities at risk.

Given your important role in local government, the Committee on Public Lands voted to send you this letter encouraging you and your county to participate in programs and activities that reduce noxious weeds and prevent the influx of other invasive species. Specifically, the committee urges you to work collaboratively with and utilize the expertise of the State Department of Agriculture and the University of Nevada Cooperative Extension. Both of these organizations have extensive scientific knowledge about the spread and eradication of these troublesome species. The committee believes that successful programs often begin at the local level and, as county commissioners, you play an important role in the economic health of your communities and the ecological well-being of the rangelands that stretch across your county.

Thank you for your kind attention to this important issue. As always, please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in black ink that reads "Dean A. Rhoads". The signature is fluid and cursive, with the first name "Dean" being the most prominent.

Senator Dean A. Rhoads
Chairman, Nevada's Legislative
Committee on Public Lands

DAR/ck:L241&W03221-1.53

cc: Paul Iverson, Director, State Department of Agriculture (SDA)
Robert Gronowski, Administrator, Nevada's Division of Plant Industry, SDA
Karen L. Hinton, Dean & Director, Nevada Cooperative Extension

Note: Identical letters were sent to:

Clark County
Board of Commissioners
500 South Grand Central Parkway
Las Vegas, Nevada 89106-4506

Douglas County
Board of Commissioners
1594 Esmeralda, Suite 321
Post Office Box 218
Minden, Nevada 89423-4004

Elko County
Board of Commissioners
569 Court Street
Elko, Nevada 89801-3529

Esmeralda County
Board of Commissioners
Post Office Box 517
Goldfield, Nevada 89013-3406

Eureka County
Board of Commissioners
Post Office Box 677
Eureka, Nevada 89316-0677

Lander County
Board of Commissioners
315 South Humboldt Street
Battle Mountain, Nevada 89820-1958

Lincoln County
Board of Commissioners
Lincoln County Courthouse
Pioche, Nevada 89043

Lyon County
Board of Commissioners
27 South Main Street
Yerington, Nevada 89447-2571

Mineral County
Board of Commissioners
Post Office Box 1450
Hawthorne, Nevada 89415-1450

Nye County
Board of Commissioners
101 Radar Street
Post Office Box 153
Tonopah, Nevada 89049-0153

Pershing County
Board of Commissioners
County Courthouse
401 Main Street
Post Office Drawer E
Lovelock, Nevada 894198-1156

Storey County
Board of Commissioners
County Courthouse
B Street
Virginia City, Nevada 89440

Washoe County
Board of Commissioners
1001 East Ninth Street
Reno, Nevada 89512-2845

White Pine County
Board of Commissioners
Courthouse Annex
953 Campton Street
Ely, Nevada 89301-1966

NEVADA LEGISLATURE'S
COMMITTEE ON PUBLIC LANDS
LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NV 89701-4747



SENATOR DEAN A. RHOADS, Chairman
ASSEMBLYMAN JOHN W. MARVEL, Vice Chairman
SENATOR TERRY CARE
SENATOR MARK A. JAMES
ASSEMBLYMAN JERRY D. CLABORN
ASSEMBLYMAN P.M. "ROY" NEIGHBORS
HUMBOLDT COUNTY COMMISSIONER BUSTER DUFURRENA

STAFF DIRECTOR: MICHAEL J. STEWART (775) 684-6825
SR. DEPUTY LEGISLATIVE COUNSEL: J. RANDALL STEPHENSON (775) 684-6830

January 22, 2001

The Honorable Harry Reid
United States Senator
528 Hart Senate Office Building
Washington, D.C. 20510-2803

Dear Senator Reid:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1999-2000 legislative interim period. As you know, the committee travels throughout Nevada and to Washington, D.C., during the 18 months between legislative sessions to listen to citizens' concerns about public lands issues and to review federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. In addition, the committee actively monitors federal legislation impacting Nevada and strives to maintain open communication with federal agency representatives, local government officials, and public land users.

During the legislative interim, the committee received numerous favorable reports highlighting the benefits of the Bureau of Land Management's (BLM's) Great Basin Restoration Initiative (GBRI). As you know, this initiative is designed, in part, to reverse the continued decline of the Great Basin ecology caused by wildfires and the encroachment of noxious weeds and other invasive species. The committee agrees that improving the health of Nevada's open range benefits wildlife, native plant species, and long-standing, valuable economic activities such as farming, grazing, mining, and recreation that rely on healthy public lands.

Therefore, at its final meeting and work session held last fall, the committee voted to send you this letter expressing support for the GBRI and encouraging full funding of this important project. Congress recently approved a general appropriation for range improvement and fire suppression activities on all BLM land for the 2001 fiscal year; however, no money was specifically earmarked for the GBRI. While a portion of this money will likely go toward GBRI matters, a direct appropriation to fully fund the GBRI will ensure that the goals of the

initiative are successfully met by providing much needed money for range improvement, noxious weed reduction, fire suppression, public outreach, and collaboration with land users and industry. The committee urges your support for any efforts to secure this full funding.

Thank you for your attention to this important issue. As always, please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in black ink that reads "Dean A. Rhoads". The signature is written in a cursive style with a large, prominent initial "D".

Senator Dean A. Rhoads
Chairman, Nevada's Legislative
Committee on Public Lands

DAR/ck:L237&W03206.53

cc: Governor Kenny C. Guinn
Robert V. Abbey, Nevada State Director, BLM

Note: Identical letters were sent to:

The Honorable John Ensign
United States Senate
B34 Dirksen Senate Office Building
Washington, D.C. 20510-0001

The Honorable Frank Markowski
United States Senate
Chairman, Committee on Energy and Natural Resources
322 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Shelley Berkley
United States House of Representatives
1505 Longworth House Office Building
Washington, D.C. 20515-0001

The Honorable Jim Gibbons
United States House of Representatives
100 Cannon House Office Building
Washington, D.C. 20515-0001

The Honorable James V. Hansen
United States House of Representative
Chairman, House Committee on Resources
242 Cannon House Office Building
Washington, D.C. 20515

Gale Norton
Secretary of the Interior Nominee
United States Department of the Interior
1849 C Street NW, Room 7229
Washington, D.C. 20240

Sylvia Baca, Acting Director
Bureau of Land Management
5660MIB
1849 C Street NW
Washington, D.C. 20240



January 22, 2001

The Honorable Harry Reid
United States Senator
528 Hart Senate Office Building
Washington, D.C. 20510-2803

Dear Senator Reid:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1999-2000 legislative interim period. As you know, the committee travels throughout Nevada and to Washington, D.C., during the 18 months between legislative sessions to listen to citizens' concerns about public lands issues and to review federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. In addition, the committee actively monitors federal legislation impacting Nevada and strives to maintain open communication with federal agency representatives, local government officials, and public land users.

During the legislative interim, the committee received favorable reports regarding the implementation of the Southern Nevada Public Lands Management Act of 1998 (SNPLMA) as well as an update on the Federal Land Transaction Facilitation Act of 2000 (FLTFA), both of which provide for the orderly disposal of federal land by sale or auction. In addition, the committee heard numerous reports highlighting the benefits of the Bureau of Land Management's (BLM's) Great Basin Restoration Initiative (GBRI). As you know, this initiative is designed, in part, to reverse the continued decline of the Great Basin ecology caused by wildfires and the encroachment of noxious weeds and other invasive species. The committee agrees that improving the health of Nevada's open range benefits wildlife, native plant species, and long-standing, valuable economic activities such as farming, grazing, mining, and recreation that rely on healthy public lands.

Clearly, BLM's initiative needs federal funding to be successful. While a general appropriation for range improvement and fire suppression activities on all BLM land was approved by Congress for the 2001 fiscal year, no money was specifically earmarked for the GBRI. The committee is well aware of the funding needs for the initiative and believes that proceeds from the land sales authorized under SNPLMA and FLTFA are ideal sources to provide money for the GBRI.

As you know, the BLM is actively involved in the auction of land in parts of the Las Vegas Valley as authorized in SNPLMA. The Act also provides specific guidance for the use and distribution of proceeds generated from these land sales. Under the current SNPLMA formula, 5 percent of the proceeds from the land sales is distributed to the State of Nevada for educational purposes, 10 percent is distributed to the Southern Nevada Water Authority for infrastructure enhancement and development, and the remaining 85 percent is placed with the United States Department of the Interior (DOI) in a special account. Money in this “special account,” which is administered by the Secretary of the DOI, may be expended for:

1. the acquisition of environmentally sensitive land in the State of Nevada in accordance with subsection (h) [of the Act], with priority given to lands located within Clark County;
2. capital improvements at the Lake Mead National Recreation Area, the Desert National Wildlife Refuge, the Red Rock Canyon National Conservation Area, and other areas administered by the BLM in Clark County, and the Spring Mountains National Recreation Area;
3. development of a multi-species habitat conservation plan in Clark County, Nevada;
4. development of parks, trails, and natural areas in Clark County, Nevada, pursuant to a cooperative agreement with a unit of local government; and
5. reimbursement of costs incurred by the local offices of the BLM in arranging sales or exchanges under the Act.

Like SNPLMA, FLTFA provides for the establishment of a special account (the “Federal Land Disposal Account”) for proceeds generated by land sales. Funds received in this account may be expended for:

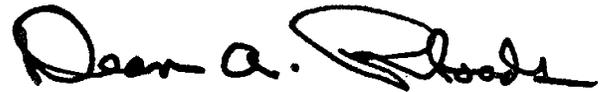
1. the purchase of lands or interest therein “that are otherwise authorized by law to be acquired, and that are inholdings and adjacent to federally designated areas and contain exceptional resources”;
2. acquisition of other inholdings as defined in FLTFA; and
3. administrative and other expenses associated with the land sales, not to exceed 20 percent.

Under FLTFA, not less than 80 percent of the money that is not used for administrative and other expenses associated with the land sales must be expended within the state in which the funds were generated.

As you can tell, both Acts provide specific guidelines and categories for the expenditure of money generated from authorized land sales. Therefore, at its final meeting and work session last fall, the committee voted to send you this letter requesting your consideration of an amendment to SNPLMA, FLTFA, or both, that would authorize the expenditure of a portion of these proceeds to specifically benefit the GBRI. This additional category for expenditure would ensure that the goals of the initiative are successfully met by providing much needed money for range improvement, noxious weed reduction, fire suppression, public outreach, and collaboration with land users and industry.

Thank you for your consideration to this important request. While the committee continues to support efforts by Congressman Gibbons and you to pass an Act similar to SNPLMA for the remainder of the state, it hopes that the amendment proposed above will generate the needed funds to immediately support the GBRI. As always, please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in black ink that reads "Dean A. Rhoads". The signature is written in a cursive style with a large, stylized initial "D".

Senator Dean A. Rhoads
Chairman, Nevada's Legislative
Committee on Public Lands

DAR/ck:L235& W03205.53

cc: Robert V. Abbey, Nevada State Director, BLM

Note: Identical letters were sent to:

The Honorable John Ensign
United States Senate
B34 Dirksen Senate Office Building
Washington, D.C. 20510-0001

The Honorable Shelley Berkley
United States House of Representatives
1505 Longworth House Office Building
Washington, D.C. 20515-0001

The Honorable Jim Gibbons
United States House of Representatives
100 Cannon House Office Building
Washington, D.C. 20515-0001



January 22, 2001

The Honorable George W. Bush
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear President Bush:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1999-2000 legislative interim period. The committee travels throughout Nevada and to Washington, D.C., during the 18 months between legislative sessions to listen to citizens' concerns about public lands issues and to review federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. In addition, the committee actively monitors federal legislation impacting Nevada and strives to maintain open communication with federal agency representatives, local government officials, and public land users.

Throughout the interim, the committee receives reports and presentations from representatives of the Bureau of Land Management (BLM) regarding the various programs, projects, and activities of the agency in the State of Nevada. These reports often reveal the tremendous need for funding of BLM's Nevada operations. During the 1999-2000 legislative interim, the Committee on Public Lands learned that the BLM's budget for operations in Nevada has been markedly lower in recent years compared to other states with far fewer amounts of BLM managed lands.

Enclosed with this letter for your review are two tables. The first table highlights the principal operation costs for the management of land and resources (MLR) as compared to the percentage of BLM lands and population in the West. Nevada ranks second (behind Alaska) in BLM land ownership, with nearly 48 million acres of public land under the agency's management, comprising 68 percent of the State's land base. The second table shows the amount of revenue generated from Nevada's BLM lands compared to other states. Both tables

depict that the total funding for Nevada's BLM operations is less than most other states; despite the fact that Nevada is the fastest growing state in the United States, ranks second in total BLM land ownership, and contributes greatly to overall BLM receipts.

Clearly, this information demonstrates a troubling inequity in the funding of BLM state operations. Therefore, at its final meeting in Yerington, Nevada, in October, the committee voted to send you this letter requesting that Nevada's BLM operations receive at least equal to or greater funding than other states. The committee hopes that top officials from the BLM will recognize the need to fund Nevada's operations based on the amount of land under agency management and seek to remedy this budgetary imbalance during the 107th Congress.

Thank you for kind consideration of this request. Please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,



Senator Dean A. Rhoads
Chairman, Nevada's Legislative
Committee on Public Lands

DAR/ck:L229&W03208.53

Enc.

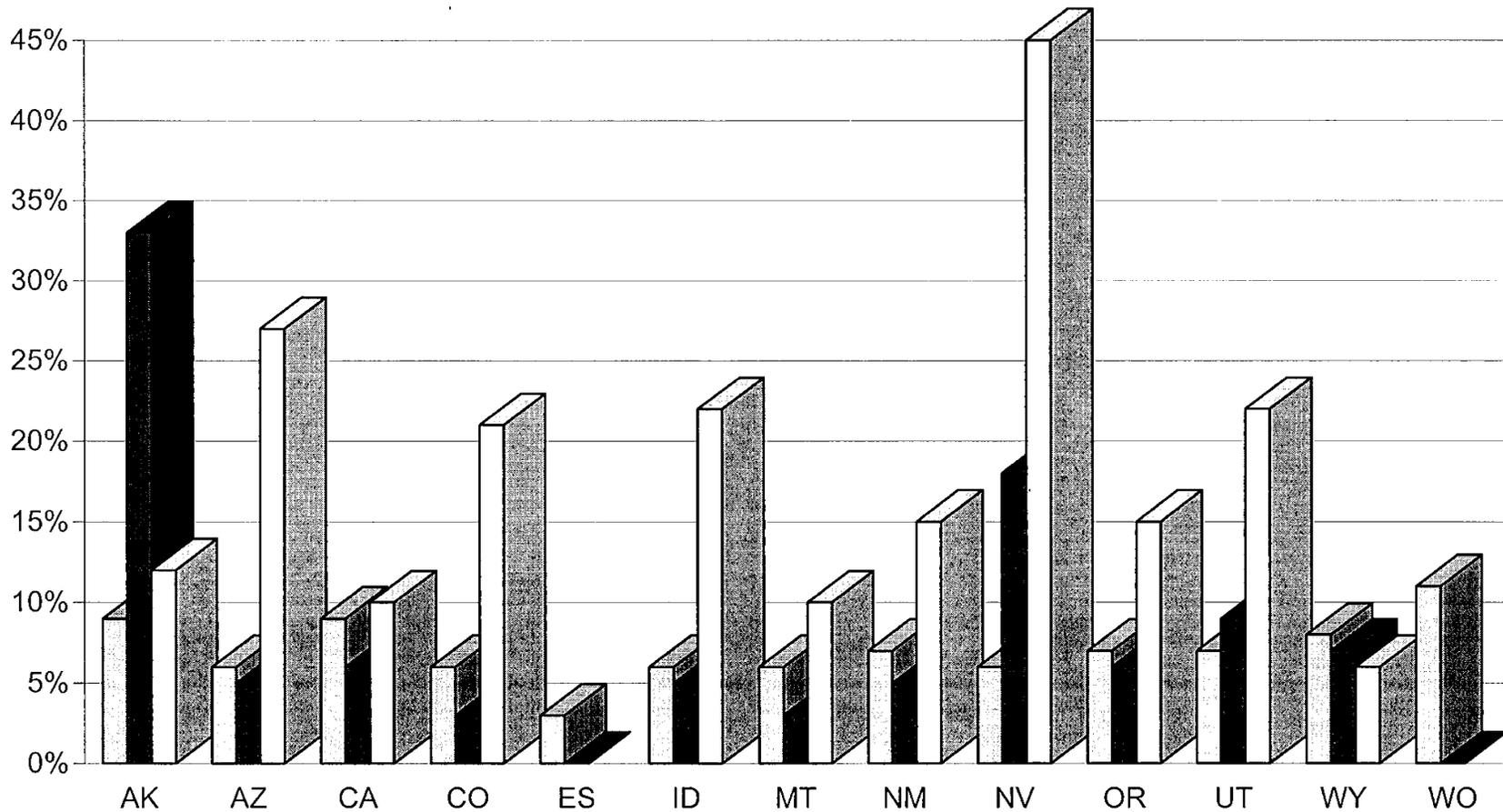
cc: United States Senator John Ensign
United States Senator Harry Reid
United States Representative Shelley Berkley
United States Representative Jim Gibbons
Robert V. Abbey, State Director, Nevada BLM

Note: An identical letter was sent to:

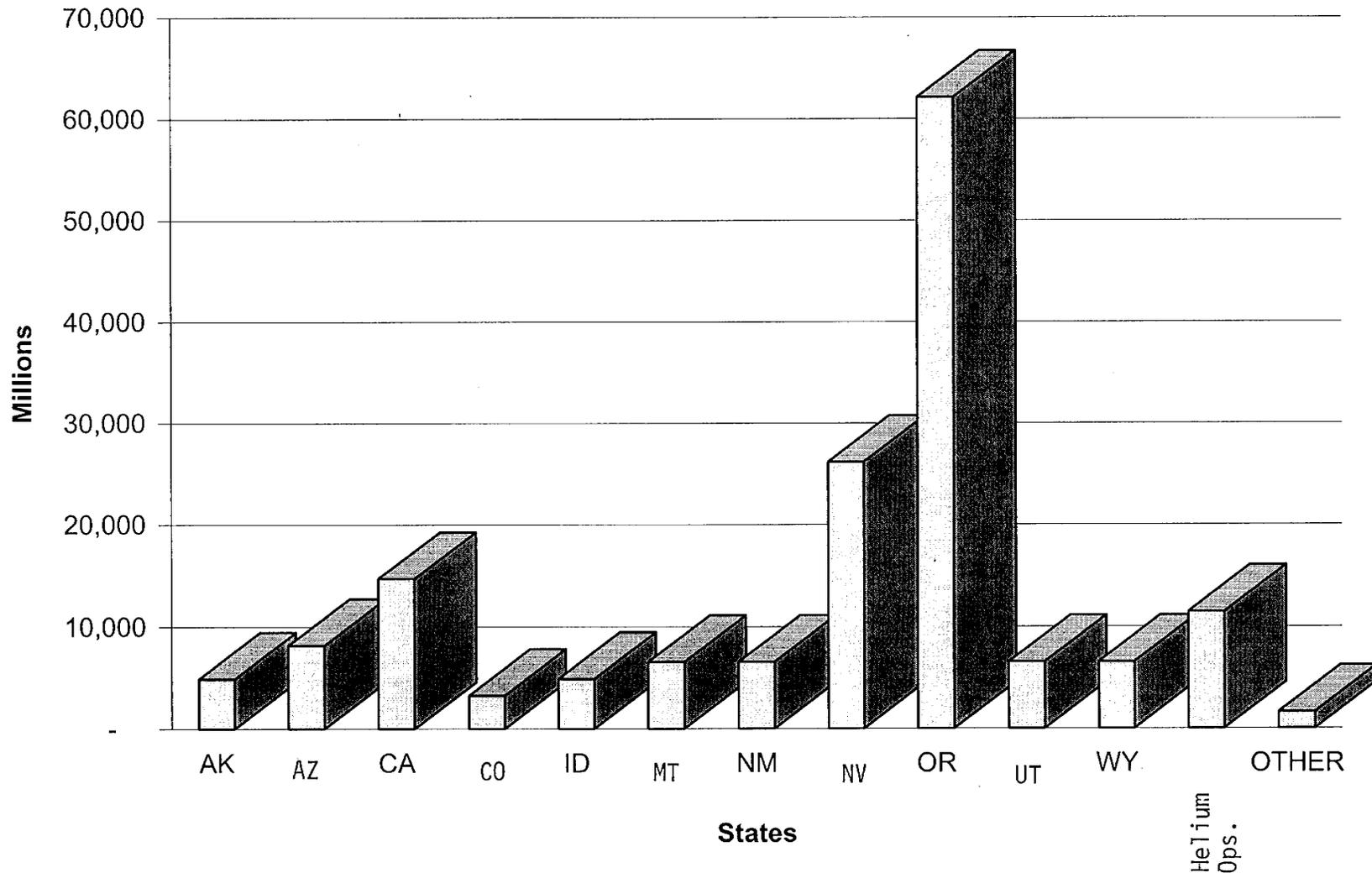
Gale Norton
Secretary of the Interior Nominee
United States Department of the Interior
1849 C Street, NW Room 7229
Washington, D.C. 20240

FY00 Percent of Base MLR, Percent of Public Lands and 1990 -1998 Growth in Population

% of MLR
 % of BLM Lands
 population change



Bureau of Land Management Fiscal Year 1998 Total Receipts by State





October 11, 2000

The Honorable Richard H. Bryan
United States Senator
269 Russell Senate Office Building
Washington, D.C. 20510-2804

Dear Senator Bryan:

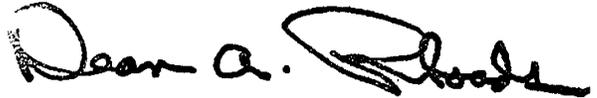
Nevada's Legislative Committee on Public Lands recently completed its work for the 1999-2000 legislative interim period. As you know, the committee travels throughout Nevada and to Washington, D.C., during the 18 months between legislative sessions to listen to citizens' concerns about public lands issues and to review federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. In addition, the committee actively monitors federal legislation impacting Nevada and strives to maintain open communication with federal agency representatives, local government officials, and public land users.

Throughout this legislative interim, the committee has heard testimony from many local government representatives and other individuals citing the courageous actions of Nevada's paid and volunteer firefighters following two devastating fire seasons. At its meeting in Eureka, Nevada, on August 25, 2000, Lander County Commissioner Cheryl Lyngar requested that the committee express support for S. 1941, the Firefighter Investment and Response Enhancement (FIRE) Act, which you have cosponsored. After further review of the measure, the committee voted, during its final meeting and work session last week, to send you this letter supporting the FIRE Act and encouraging its passage.

As you know, the Act authorizes the Director of the Federal Emergency Management Agency (FEMA) to make grants for the protection of the health and safety of the public and firefighting personnel against fire-related hazards, and to award grants for certain fire prevention programs. Clearly, any of these funds that can be utilized in Nevada will surely help our hard-working fire crews. The committee understands that the Nevada Association of Counties (NACO) recently passed a resolution supporting this measure. Although late in the 106th Congress, Nevada's Legislative Committee on Public Lands is pleased to join with NACO in its support of this important measure.

Thank you for your kind consideration of this letter and for your continued support and participation with the committee over the years. As always, do not hesitate to call me if the Legislative Committee on Public Lands or I can be of any assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean A. Rhoads". The signature is fluid and cursive, with a large, stylized initial "D".

Senator Dean A. Rhoads
Chairman, Nevada's Legislative
Committee on Public Lands

DAR/ck:L220&W03209.53
cc: Cheryl Lyngar, Lander County Commissioner



January 22, 2001

Ann Veneman
Secretary of Agriculture
United States Department Agriculture
1400 Independence Avenue, SW
Washington, D.C. 20250

Dear Ms. Veneman :

Nevada's Legislative Committee on Public Lands recently completed its work for the 1999-2000 legislative interim period. The committee travels throughout Nevada and to Washington, D.C., during the 18 months between legislative sessions to listen to citizens' concerns about public lands issues and to review federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. In addition, the committee actively monitors federal legislation impacting Nevada and strives to maintain open communication with federal agency representatives, local government officials, and public land users.

One of the many topics the committee regularly monitors is rights-of-way and public access on roads situated on public lands. In particular, the committee often receives reports and comments regarding "RS 2477" rights-of-way. As you know, many of these rights were originally granted by the Federal Government pursuant to the authority of section 8 of the Act of July 26, 1866, 14 Stat. 253, formerly codified as Section 2477 of the Revised Statutes, to establish the transportation network essential to settlement of the western frontier. Generally, these rights-of-way grants were made to local governments and are held in trust by them for the public. Today, these roads continue to provide much of the public access to and across the hundreds of millions of acres of public lands in the West and Alaska.

Throughout the years, the Committee on Public Lands has received updates regarding the significant legal scrutiny surrounding claims of jurisdiction and ownership of these RS 2477 rights-of-way. As you know, questions and debate have recently arisen — generally between local governments and federal land management agencies — regarding the jurisdiction and ownership of these roads in many areas of Nevada. During the committee's meeting in Eureka, Nevada, last August, Richard Carver, Chairman, Nye County Board of Commissioners, explained that greater cooperation between local governments and federal land management agencies is needed to reach agreement on such questions of road ownership and jurisdiction. During this meeting, Mr. Carver made reference to the enclosed document titled "Fact Finding Report — Work Environment and Community Relations, Humboldt-Toiyabe National Forest." The report, released by the U.S. Forest Service (USFS) on February 24, 2000, stipulates that relations between the USFS and most Nevada communities and government officials are quite positive. However,

Mr. Carver noted that page ten of the report explains that a “lack of resolution of RS 2477 rights-of-way determination issue precludes local managers from effectively resolving road related conflicts with Counties.” Furthermore, the report presents the following two recommendations regarding the RS 2477 issue:

- 1) The Washington Office [of the USFS] should begin work through the Agriculture and Interior Departments to bring the RS 2477 issue to resolution; and
- 2) The Regional Office [of the USFS] either should adopt the Humboldt-Toiyabe draft pilot project for Nye County or develop a pilot for evaluating claims to rights-of-way under RS 2477 and enter into an agreement with several counties in the Region for testing the pilot. Multiple counties should be considered for involvement. The pilot should be designed to identify areas of agreement and disagreement and provide a means to focus on agreements until RS 2477 is resolved nationally.

Mr. Carver requested that the Committee on Public Lands send letters to the Secretaries of the Departments of Agriculture and the Interior regarding these two recommendations. Therefore, at its final meeting and work session in October, the committee voted to send you this letter requesting that the USFS work cooperatively with the Bureau of Land Management to move forward on one or both of the recommendations noted above. The committee recognizes that the next several months involve a great deal of change and transition for both agencies, but hopes that some sort of pilot project or study on the RS 2477 issue, which includes input from the State of Nevada and its local governments, can begin soon.

Thank you for your kind attention to this important matter. I would encourage the USFS to contact Mr. Carver at 775/482-8191 or 775/377-2175 to coordinate any efforts to conduct a pilot project or study of RS 2477 roads in cooperation with the BLM. In the meantime, please do not hesitate to contact me if Nevada’s Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,



Senator Dean A. Rhoads
Chairman, Nevada’s Legislative
Committee on Public Lands

DAR/ck:L231&W03210.53

Enc.

cc: Sylvia Baca, Acting Director, Bureau of Land Management
Michael Dombeck, Chief, U.S. Forest Service
Robert V. Abbey, State Director, BLM, Nevada
Robert Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest
Richard L. Carver, Chairman, Nye County Board of Commissioners

Note: An identical letter was sent to:

Gale Norton
Secretary of the Interior Nominee
United States Department of the Interior
1849 C Street, NW Room 7229
Washington, D.C. 20240

NEVADA LEGISLATURE'S
COMMITTEE ON PUBLIC LANDS
LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NV 89701-4747



SENATOR DEAN A. RHOADS, Chairman
ASSEMBLYMAN JOHN W. MARVEL, Vice Chairman
SENATOR TERRY CARE
SENATOR MARK A. JAMES
ASSEMBLYMAN JERRY D. CLABORN
ASSEMBLYMAN P.M. "ROY" NEIGHBORS
HUMBOLDT COUNTY COMMISSIONER BUSTER DUFURRENA

STAFF DIRECTOR: MICHAEL J. STEWART (775) 684-6825
SR. DEPUTY LEGISLATIVE COUNSEL: J. RANDALL STEPHENSON (775) 684-6830

January 22, 2001

The Honorable Harry Reid
United States Senator
528 Hart Senate Office Building
Washington, D.C. 20510-2803

Dear Senator Reid:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1999-2000 legislative interim period. As you know, the committee travels throughout Nevada and to Washington, D.C., during the 18 months between legislative sessions to listen to citizens' concerns about public lands issues and to review federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. In addition, the committee actively monitors federal legislation impacting Nevada and strives to maintain open communication with federal agency representatives, local government officials, and public land users.

One of the many important topics the committee monitors is the federal Payments in Lieu of Taxes (PILT) program. The PILT program, which is funded through Congressional appropriation, is especially beneficial for Nevada, as nearly 87 percent of its land base is under federal management. As you know, land managed by the Federal Government is not taxable; therefore, Nevada counties that have an extensive amount of federally controlled land experience significant fiscal burdens. Despite recent increases in funding to the national PILT program, the money appropriated by Congress still remains insufficient to provide full payments under the PILT formula. Nevada's rural local governments rely heavily on this money to offset costs associated with school construction, transportation projects, and other critical infrastructure development. Therefore, at its final meeting and work session in October, the committee voted to send you this letter encouraging you to fully support all efforts by Congress to increase, and perhaps one day fully fund, the PILT program.

Thank you for your consideration of this important request. As always, please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in black ink that reads "Dean A. Rhoads".

Senator Dean A. Rhoads
Chairman, Nevada's Legislative
Committee on Public Lands

DAR/ck:L239&W03220.53
cc: Sylvia Baca, Acting Director, BLM

Note: Identical letters were sent to:

The Honorable John Ensign
United States Senate
B34 Dirksen Senate Office Building
Washington, D.C. 20510-0001

The Honorable Frank Murkowski
United States Senate
Chairman, Committee on Energy and Natural Resources
322 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Shelley Berkley
United States House of Representatives
1505 Longworth House Office Building
Washington, D.C. 20515-0001

The Honorable Jim Gibbons
United States House of Representatives
100 Cannon House Office Building
Washington, D.C. 20515-0001

The Honorable James V. Hansen
United States House of Representative
Chairman, House Committee on Resources
242 Cannon House Office Building
Washington, D.C. 20515



January 24, 2001

Ms. Sylvia Baca, Acting Director
Bureau of Land Management
5660MIB
1849 C Street, NW
Washington, D.C. 20240

Dear Ms. Baca:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1999-2000 legislative interim period. During the 18 months between legislative sessions, the committee travels throughout Nevada and to Washington, D.C., to listen to citizens' concerns about public lands issues and to review federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. In addition, the committee actively monitors federal legislation impacting Nevada and strives to maintain open communication with federal agency representatives, local government officials, and public land users.

One of the committee's final recommendations from the 1998-1999 legislative interim period resulted in the creation and passage of Senate Joint Resolution No. 1 of the 1999 Legislative Session (File No. 130, *Statutes of Nevada*). This resolution explains that land managed by the Federal Government in Nevada is not taxable; and therefore, Nevada counties that have an extensive amount of federally controlled land experience significant fiscal burdens. The resolution further points out that Congress has provided for Payments in Lieu of Taxes (PILT) to compensate the local governments for revenue lost in this manner. Despite recent increases in funding to the national PILT program, the money appropriated by Congress still remains insufficient to provide full payments under the PILT formula. Thus, S.J.R. 1 urges Congress to appropriate for distribution to Nevada's counties the amount of money necessary to correct the underpayments, or to authorize the transfer of land of equivalent value from the Federal Government to the affected counties.

The Committee on Public Lands was pleased with the broad support this "land in lieu of PILT" concept received from the 1999 Nevada Legislature. During its meeting in Caliente last year, the committee was asked by representatives of Lincoln County, Nevada, to encourage the

U.S. Department of Interior (DOI) to put this concept into practice, especially in eastern Nevada. Therefore, at its final meeting and work session last fall, the committee voted to send you this letter reaffirming its support for the "land in lieu of PILT" concept and requesting that Lincoln County, be used as a pilot project for any efforts to reimburse local governments in the form of land for PILT money that is not appropriated or made. The committee remains encouraged by this most interesting notion of offsetting the loss of tax revenue to counties with a high percentage of federal land. With 98 percent of its land area in federal ownership, Lincoln County will especially benefit from this alternative approach to the PILT program.

Thank you for your kind consideration of this request. As always, please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,



Senator Dean A. Rhoads
Chairman, Nevada's Legislative
Committee on Public Lands

DAR/ck:L232&W03211-1.53

cc: Robert V. Abbey, State Director, Bureau of Land Management, Nevada
Robert Vaught, Forest Supervisor, Humboldt-Toiyable National Forest
Daniel Frehner, Chairman, Lincoln County Board of Commissioners
Shelley Wadsworth Harmon, Planning Coordinator, Lincoln County Planning and Building Department

Note: An identical letter was sent to:

Sylvia Baca, Acting Director
Bureau of Land Management
5660MIB
1849 C Street, NW
Washington, D.C. 20240



January 22, 2001

The Honorable Kenny C. Guinn
Governor of Nevada
Governor's Office
101 North Carson Street, Suite 1
Carson City, Nevada 89710-4786

Dear Governor Guinn:

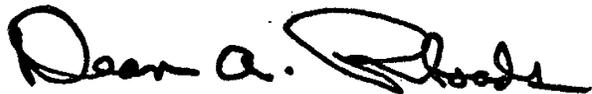
Nevada's Legislative Committee on Public Lands recently completed its work for the 1999-2000 legislative interim period. As you know, the committee travels throughout Nevada and to Washington, D.C., during the 18 months between legislative sessions to listen to citizens' concerns about public lands issues and to review federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. In addition, the committee actively monitors federal legislation impacting Nevada and strives to maintain open communication with federal agency representatives, local government officials, and public land users.

One of the many topics the committee monitored during the interim involved issues surrounding the Argenta Marshes. This area (a 35,000 acre section of land known as Community Pasture) has been the subject of extensive discussion, particularly regarding efforts to transfer title of a portion of the land from the U.S. Bureau of Reclamation (BOR) to Pershing County, Nevada, to enhance economic development and a portion to the State of Nevada in an effort to restore some historic wetlands at the site. As you know, such title transfers involve extensive negotiations between the BOR and the beneficiaries, a review by the Office of Management and Budget, support from the Secretary of the Interior, and finally, approval of federal legislation by Congress. At its meeting in Lovelock during this past legislative interim, the Committee on Public Lands received reports from many of the involved parties — the BOR, Lander County, Nevada, Nevada's Division of Wildlife, and the Pershing County Water Conservation District — and felt confident that a resolution of concerns regarding the title transfer and an agreement on the amount of wetlands to be restored was imminent.

Since that time, the committee has learned that several concerns remain unresolved and negotiations regarding the title transfer of the Community Pasture area have stalled. The committee views this recent turn of events as unfortunate, and voted, at its final meeting and work session in October, to send you this letter encouraging all parties to “come back to the table” to negotiate a conclusion to the issue that will result in the introduction of favorable and agreeable federal legislation regarding the Argenta Marshes.

Thank you for your consideration of this important request. As always, please do not hesitate to contact me if Nevada’s Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in black ink that reads "Dean A. Rhoads". The signature is fluid and cursive, with the first name "Dean" and the last name "Rhoads" being the most prominent parts.

Senator Dean A. Rhoads
Chairman, Nevada’s Legislative
Committee on Public Lands

DAR/ck:L233&W03212.53

cc: R. Michael Turnipseed, Director, State Department of Conservation and Natural Resources

Note: Identical letters were sent to:

Locke Hahne, P.E.
Manager of Operations and Maintenance Division
Lahontan Basin Area Office
Bureau of Reclamation
Post Office Box 640
Carson City, Nevada 89702

Terry Crawforth, Administrator
Nevada's Division of Wildlife
1100 Valley Road
Reno, Nevada 89512-2817

Mike Gottschalk, Chairman
Pershing County Water Conservation District
Post Office Box 218
Lovelock, Nevada 89419

Bennie Hodges, Secretary/Manager
Pershing County Water Conservation District
Post Office Box 218
Lovelock, Nevada 89419

Mickey Yarbro
Lander County Commissioner
315 South Humboldt Street
Battle Mountain, Nevada 89820-1958



January 22, 2001

Christine Todd Whitman, Administrator
United States Environmental Protection Agency
Office of the Administrator, Room 3000
Ariel Rios Federal Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Ms. Todd Whitman:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1999-2000 legislative interim period. During the 18 months between legislative sessions, the committee travels throughout Nevada and to Washington, D.C., to listen to citizens' concerns about public lands issues and to review federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. In addition, the committee actively monitors federal legislation impacting Nevada and strives to maintain open communication with federal agency representatives, local government officials, and public land users.

One of the many important topics the committee monitors is mining. The State of Nevada is the number one producer of gold in the United States and it produces approximately 30 percent this country's silver. In addition, Nevada's mining industry is the lifeblood of many rural communities and serves as a conscientious user and steward of the land. As you may know, the hard rock mining industry was recently added to the coverage of the Environmental Protection Agency's (EPA's) Toxics Release Inventory (TRI) program, which requires certain manufacturers and industries to report releases into the environment of more than 600 designated chemicals. Many of these chemicals are naturally occurring elements in the earth's crust and, as such, must now be reported as a toxic release under the amended TRI guidelines. This essentially means that soil, also known as overburden, which must be moved from one location to another to access an ore body, is now considered to contain dangerous toxins.

The issue of overburden has become the subject of increased discussion between the National Mining Association (NMA) and the EPA in recent years. In December 1998, the NMA submitted a letter to the EPA expressing concern regarding the definition of overburden in the TRI regulations. This letter now constitutes a formal petition to modify the TRI rules.

In the petition, NMA requests that the definition of overburden be amended in the TRI rules to include the term "consolidated." Currently, the definition reads:

Overburden means the unconsolidated material that overlies a deposit of useful materials or ores. It does not include any portion of ore or waste rock.

Under the TRI regulations, overburden is exempt from being reported in the inventory. The NMA accurately argues that definitions of overburden in numerous other regulatory frameworks, including in other EPA programs, incorporate both consolidated and unconsolidated material. The NMA petition further asserts that the definition of overburden should be consistent throughout the regulatory structure and be broadened enough to agree with leading academic and technical authorities on mining and geology. It is believed that if this definition were expanded, a more accurate and reasonable TRI reporting from the mining industry would occur.

During its tour of Washington, D.C., last summer, the members of the Committee on Public Lands met briefly with EPA officials and learned that this two-year old petition is still pending. Therefore, at its final meeting and work session last fall, the committee voted to send you this letter, encouraging the EPA to favorably support the NMA petition of December 22, 1998, and act quickly to ensure the petition receives a prompt response.

Thank you for your kind attention to this important request. Please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,



Senator Dean A. Rhoads
Chairman, Nevada's Legislative
Committee on Public Lands

DAR/ck:L238& W03213.53

cc: Thomas H. Altmeyer, Senior Vice President, Government Affairs, NMA
Alan R. Coyner, Administrator, Nevada's Division of Minerals
Maria J. Doa, Ph.D., Chief, Toxics Release Inventory Branch, EPA
Rod Dwyer, Deputy General Counsel, Legal and Regulatory Affairs, NMA
Russell A. Fields, President, Nevada Mining Association

Note: An identical letter was sent to:

Elaine G. Stanley, Director
Office of Information Analysis and Access
United State Environmental Protection Agency
401 M Street, S.W. (2841)
Washington, D.C. 20460

NEVADA LEGISLATURE'S
COMMITTEE ON PUBLIC LANDS
LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NV 89701-4747



SENATOR DEAN A. RHOADS, Chairman
ASSEMBLYMAN JOHN W. MARVEL, Vice Chairman
SENATOR TERRY CARE
SENATOR MARK A. JAMES
ASSEMBLYMAN JERRY D. CLABORN
ASSEMBLYMAN P.M. "ROY" NEIGHBORS
HUMBOLDT COUNTY COMMISSIONER BUSTER DUFURRENA

STAFF DIRECTOR: MICHAEL J. STEWART (775) 684-6825
SR. DEPUTY LEGISLATIVE COUNSEL: J. RANDALL STEPHENSON (775) 684-6830

January 12, 2001

Carol Browner, Administrator
United States Environmental Protection Agency
Office of the Administrator
Ariel Ries Federal Building, Room 3000
1200 Pennsylvania Avenue, N.W.
Washington, D.C., 20004

Dear Ms. Browner:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1999-2000 legislative interim period. The committee travels throughout Nevada and to Washington, D.C., during the 18 months between legislative sessions to listen to citizens' concerns about public lands issues and to review federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. In addition, the committee actively monitors federal legislation impacting Nevada and strives to maintain open communication with federal agency representatives, local government officials, and public land users.

At several meetings during the legislative interim, and during its informational tour of Washington, D.C., in June 2000, the committee discussed the revision to arsenic standards for drinking water proposed by the U.S. Environmental Protection Agency (EPA). Many individuals with whom the committee spoke expressed grave concern regarding the sweeping nature of this proposal. As you know, the proposal calls to reduce arsenic levels in drinking water from 50 parts per billion (ppb) to 5 ppb — a 90 percent reduction. Certainly, efforts to reduce arsenic levels are commendable; however, a reduction of this magnitude is truly extreme and will, according to data from Nevada's Division of Health, impact nearly 150 different well communities in Nevada. The anticipated cost to Nevada's small towns and well users to retrofit or replace these longstanding wells, most of which register under 20 ppb (which is more than 60 percent less than the current 50 ppb standard), will be astronomical.

Given these concerns and the rather excessive nature of arsenic reduction proposal, the committee voted, at its final meeting in Yerington, Nevada, in October, to send you this letter expressing disapproval of this proposed rule. While the committee believes that reducing arsenic levels in drinking water is a good idea, it also contends that this 50-year old standard should not be modified so drastically, especially at such a great potential expense to Nevada's smaller communities.

Thank you for kind attention to this matter. As always, please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in black ink that reads "Dean A. Rhoads". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Senator Dean A. Rhoads
Chairman, Nevada's Legislative
Committee on Public Lands

DAR/ck:L228&W03214.53

cc: United States Senator John Ensign
United States Senator Harry Reid
United States Representative Shelley Berkley
United States Representative Jim Gibbons
Governor Kenny C. Guinn
Cynthia C. Dougherty, Director, Office of Ground Water and Drinking Water, EPA
Allen Biaggi, Administrator, Nevada's Division of Environmental Protection
Yvonne Sylva, Administrator, Nevada's Health Division



October 11, 2000

The Honorable Jim Gibbons
United States House of Representatives
100 Cannon House Office Building
Washington, D.C. 20515-0001

Dear Congressman Gibbons:

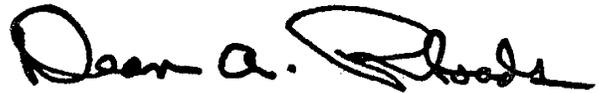
Nevada's Legislative Committee on Public Lands recently completed its work for the 1999-2000 legislative interim period. As you know, the committee travels throughout Nevada and to Washington, D.C., during the 18 months between legislative sessions to listen to citizens' concerns about public lands issues and to review federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. In addition, the committee actively monitors federal legislation impacting Nevada and strives to maintain open communication with federal agency representatives, local government officials, and public land users.

Throughout this legislative interim, the committee has heard extensive testimony regarding the proposal to create a National Conservation Area (NCA) in the Black Rock Desert/High Rock Canyon area in northwestern Nevada. As you know, the NCA is proposed in S. 2273, sponsored by U.S. Senator Richard H. Bryan, which was approved by the United States Senate last week and referred to the House Committee on Resources last Friday. Nevada's Legislative Committee on Public Lands has not taken an official position on S. 2273. However, at its final meeting and work session last week, the committee voted to send you this letter requesting that you and Congresswoman Shelley Berkley carefully consider the concerns expressed by Nevadans living in northwestern Nevada prior to voting on this measure.

In testimony on S. 2273 in the Senate Subcommittee on Forests and Public Land Management, many local government representatives, businesses owners, and residents of northern Nevada stated they feared the loss of areas for grazing, mineral lands, motor vehicle access, and recreation. In addition, government agencies and private industry have identified the area as a significant source for clean and renewable geothermal energy.

The Committee on Public Lands has encouraged an open dialogue and thoughtful consideration on this very sensitive subject during the past year and hopes that our colleagues in the House of Representatives will do the same. Thank you for your attention to this important matter and your continued involvement with the committee over the years. As always, do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I can be of any assistance to you.

Sincerely,

A handwritten signature in black ink that reads "Dean A. Rhoads". The signature is written in a cursive style with a large, looped initial "D" and a distinct "Rhoads" at the end.

Senator Dean A. Rhoads
Chairman, Nevada's Legislative
Committee on Public Lands

DAR/ck:L221&W03215-1.53



October 11, 2000

The Honorable Shelley Berkley
U.S. House of Representatives
1505 Longworth House Office Building
Washington, D.C. 20515-0001

Dear Congresswoman Berkley:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1999-2000 legislative interim period. As you know, the committee travels throughout Nevada and to Washington, D.C., during the 18 months between legislative sessions to listen to citizens' concerns about public lands issues and to review federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. In addition, the committee actively monitors federal legislation impacting Nevada and strives to maintain open communication with federal agency representatives, local government officials, and public land users.

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In testimony on S. 2273 in the Senate Subcommittee on Forests and Public Land Management, many local government representatives, businesses owners, and residents of northern Nevada stated they feared the loss of areas for grazing, mineral lands, motor vehicle access, and recreation. In addition, government agencies and private industry have identified the area as a significant source for clean and renewable geothermal energy.

The Committee on Public Lands has encouraged an open dialogue and thoughtful consideration on this very sensitive subject during the past year and hopes that our colleagues in the House of Representatives will do the same. Thank you for your attention to this important matter and your continued involvement with the committee over the years. As always, do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I can be of any assistance to you.

Sincerely,

A handwritten signature in black ink that reads "Dean A. Rhoads". The signature is written in a cursive style with a large, prominent initial "D".

Senator Dean A. Rhoads
Chairman, Nevada's Legislative
Committee on Public Lands

DAR/ck:L222;W03215-2.53



January 24, 2001

Gale Norton
Secretary of the Interior Nominee
United States Department of the Interior
1849 C Street, NW, Room 7229
Washington, D.C. 20240

Dear Secretary Nominee Norton:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1999-2000 legislative interim period. During the 18 months between legislative sessions, the committee travels throughout Nevada and to Washington, D.C., to listen to citizens' concerns about public lands issues and to review federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. In addition, the committee actively monitors federal legislation impacting Nevada and strives to maintain open communication with federal agency representatives, local government officials, and public land users.

During the past three years, the committee has closely monitored and supported the development, passage, and implementation of the Southern Nevada Public Lands Management Act of 1998 (SNPLMA). As you know, this act provides for the sale of public land in the Las Vegas Valley to help eliminate "checkerboard" land ownership patterns. This orderly disposal of federal land also greatly enhances the economy of southern Nevada and provides for the federal acquisition of environmentally sensitive lands from willing sellers following consultation with local governments. This Act, codified as Public Law 105-263, resembles similar legislation approved by Congress in July 2000. The Federal Land Transaction Facilitation Act of 2000 (FLTFA) also provides for the similar disposal of federal land in 12 western states, including land in rural Nevada. In particular, the Act will allow the Bureau of Land Management (BLM) to dispose of, through sale or auction, nearly 1.3 million acres of land already identified in BLM Resource Management Plans as lands better suited for private or local government ownership outside the realm of federal management.

The Committee on Public Lands welcomes any opportunity for private citizens and local governments to acquire federal land through sale or auction, as Nevada's land base is

nearly 87 percent federally managed. Therefore, at its final meeting and work session held last fall, the committee voted to send you this letter expressing its support for the successful continued implementation of SNPLMA. The committee notes that SNPLMA appears to be working well and anticipates that FLTFA will also benefit Nevada's businesses, its citizens, and local rural economies.

Thank you for your kind attention to this matter. Please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in black ink that reads "Dean A. Rhoads". The signature is written in a cursive style with a large, stylized initial "D".

Senator Dean A. Rhoads
Chairman, Nevada's Legislative
Committee on Public Lands

DAR/ck:L234&W03217.53

cc: Michael F. Dwyer, Project Manager for SNPLMA, BLM

Note: Identical letters were sent to:

Robert V. Abbey
Nevada State Director
Bureau of Land Management
1340 Financial Boulevard
Post Office Box 12000
Reno, Nevada 89523-0006

Sylvia Baca, Acting Director
Bureau of Land Management
5660MIB
1849 C Street, NW
Washington, D.C. 20240



January 12, 2001

Robert V. Abbey
State Director, Nevada State Office
Bureau of Land Management
Department of the Interior
1340 Financial Boulevard
Reno, Nevada 89502-7147

Dear Mr. Abbey:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1999-2000 legislative interim period. As you know, the committee travels throughout Nevada and to Washington, D.C., during the 18 months between legislative sessions to listen to citizens' concerns about public lands issues and to review federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. In addition, the committee actively monitors federal legislation impacting Nevada and strives to maintain open communication with federal agency representatives, local government officials, and public land users.

During the past two legislative interims, and especially throughout the 1999-2000 interim period, the committee has been continuously impressed with the interest and participation of the Bureau of Land Management (BLM) in the committee's deliberations. In fact, virtually all of the meetings of the Committee on Public Lands involved participation by the BLM.

At its final meeting and work session in October, the committee made particular note of BLM's commendable participation in the committee's activities and voted to send you this letter expressing appreciation to you, your field managers, and the BLM Nevada staff for their involvement and interest. The committee is well aware that you are often requested to discuss somewhat controversial matters, and we are thankful for your willingness to attend our hearings and field excursions, sometimes on short notice.

Thank you again for your continued interest. As always, please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in black ink that reads "Dean A. Rhoads".

Senator Dean A. Rhoads
Chairman, Nevada's Legislative
Committee on Public Lands



January 12, 2001

Bob Vaught, Forest Supervisor
Humboldt/Toiyabe National Forest
Forest Service, United States Department of Agriculture
1200 Franklin Way
Sparks, Nevada 89431

Dear Mr. Vaught:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1999-2000 legislative interim period. As you know, the committee travels throughout Nevada and to Washington, D.C., during the 18 months between legislative sessions to listen to citizens' concerns about public lands issues and to review federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. In addition, the committee actively monitors federal legislation impacting Nevada and strives to maintain open communication with federal agency representatives, local government officials, and public land users.

Throughout the 1999-2000 interim period, the committee has been continuously impressed with the Forest Services' interest and participation in the committee's deliberations. In particular, your attendance at committee meetings and willingness to speak, even when not agendized, is demonstrative of the Forest Services' cooperative attitude.

At its final meeting and work session in October, the committee made particular note of your commendable participation in the committee's activities and voted to send you this letter expressing appreciation to you and your staff for their involvement and interest. The committee is well aware that you are often requested to discuss somewhat controversial matters, and we are thankful for your willingness to attend our hearings and field excursions, sometimes on short notice.

Thank you again for your continued interest. As always, please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in black ink that reads "Dean A. Rhoads".

Senator Dean A. Rhoads
Chairman, Nevada's Legislative
Committee on Public Lands



January 22, 2001

The Honorable Harry Reid
United States Senator
528 Hart Senate Office Building
Washington, D.C. 20510-2803

Dear Senator Reid:

Nevada's Legislative Committee on Public Lands recently completed its work for the 1999-2000 legislative interim period. As you know, the committee travels throughout Nevada and to Washington, D.C., during the 18 months between legislative sessions to listen to citizens' concerns about public lands issues and to review federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. In addition, the committee actively monitors federal legislation impacting Nevada and strives to maintain open communication with federal agency representatives, local government officials, and public land users.

Among the more interesting topics the committee has monitored over the years are ongoing studies examining the selective harvest of Piñon Juniper in central and eastern Nevada. In fact, the committee awarded the Lincoln County Regional Development Authority a \$10,000 grant from Senate Bill 560 of the 1999 Legislative Session (Chapter 544, *Statutes of Nevada*) to conduct a study on this activity. This study, in part, helped involve interested stakeholders in the identification of issues to be addressed in the development of a comprehensive harvest management plan and related environmental impact statement for the sustainable harvest of Piñon Juniper.

As a stipulation for receipt of this grant award, the committee requested the development authority to present its findings of the study to the committee, along with any further necessary recommendations. The committee was interested to learn about the significant impact of extensive overgrowth and encroachment of the Piñon Juniper species on native sagebrush communities. Certainly this uncontrolled spread of the juniper greatly impacts wildlife habitat, increases the threat of wildfires, and hampers fire suppression efforts.

Representatives of the development authority encouraged the committee to support initiatives that further develop plans to selectively harvest Piñon Juniper. Therefore, at its final meeting and work session, the committee voted to send you this letter encouraging your support for this concept and supporting any efforts on your part to secure federal funding for facilities

development, resource inventory, planning, and compliance activities for the selective harvest of Piñon Juniper in Lincoln County and other areas of central and eastern Nevada.

Thank you for your kind attention to this important issue. The committee views this as an opportunity to benefit the economically strapped communities in central and eastern Nevada, as well as strike a better ecological balance between Piñon Juniper and other native plant and animal species. As always, please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,



Senator Dean A. Rhoads
Chairman, Nevada's Legislative
Committee on Public Lands

DAR/ck:L236&W03219.53

cc: Robert V. Abbey, Nevada State Director, BLM
Robert Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest
Mike L. Baughman, Ph.D., President, Intertech Services Corporation
Dan Frehner, Chairman, Lincoln County Board of Commissioners
John McLain, President, Resource Concepts, Inc.
Shelley Wadsworth Harmon, Planning Coordinator, Lincoln County Planning and Building Department

Note: Identical letters were sent to:

The Honorable John Ensign
United States Senate
B34 Dirksen Senate Office Building
Washington, D.C. 20510-0001

The Honorable Shelley Berkley
United States House of Representatives
1505 Longworth House Office Building
Washington, D.C. 20515-0001

The Honorable Jim Gibbons
United States House of Representatives
100 Cannon House Office Building
Washington, D.C. 20515-0001

Sylvia Baca, Acting Director
Bureau of Land Management
5660MIB
1849 C Street, NW
Washington, D.C. 20240

Michael P. Dombeck, Chief
United States Forest Service
United States Department of Agriculture
14 the Street and Independence Avenue, SW
4th Floor, AUD
Washington, D.C. 20250

APPENDIX F

Bill Draft Requests

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BDR R-727	Directs Legislative Commission to conduct interim study concerning wilderness areas and wilderness study areas in this state.	183
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SUMMARY—Makes appropriation to legislative fund for use by Legislative Committee on Public Lands in awarding grants for certain projects relating to public lands.
(BDR S-721)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: Contains Appropriation not included in Executive Budget.

AN ACT making an appropriation to the legislative fund for use by the Legislative Committee on Public Lands in awarding grants or expending money for certain projects relating to public lands; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the state general fund to the legislative fund, created by NRS 218.085, the sum of \$250,000 for use by the Legislative Committee on Public Lands for the following purposes:

1. To maximize opportunities for the transfer and acquisition of federal public lands within the State of Nevada;
2. To study water management practices within the Humboldt River Basin; or

3. Any other purpose related to maximizing the utilization and enjoyment of public lands by residents of this state.

FLUSH The money appropriated pursuant to this section may be expended directly by the Legislative Committee on Public Lands or through money granted to applicants.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 3. This act becomes effective upon passage and approval.

SUMMARY—Designates Orovada series soil as official state soil. (BDR 19-722)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: No.

AN ACT relating to state emblems; designating the soil known as Orovada series soil as the official soil of this state; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 235 of NRS is hereby amended by adding thereto a new section to read as follows:

The soil series known as Orovada series, classified as coarse-loamy, mixed, superactive, mesic Durinodic Xeric Haplocambids, is hereby designated as the official state soil of the State of Nevada.

SUMMARY—Expresses opposition to designation of national monument by President of United States without obtaining approval of each state and local government in which national monument is located. (BDR R-723)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: No.

_____ JOINT RESOLUTION—Expressing opposition to the designation of a national monument by the President of the United States without obtaining the approval of each state and local government in which the national monument is located.

WHEREAS, The provisions of 16 U.S.C. §§ 431, 432 and 433, commonly referred to as the Antiquities Act of 1906, authorize the President of the United States to designate national monuments without the approval of Congress or any state or local government in which the national monument is located; and

WHEREAS, As part of designating a national monument pursuant to those provisions, the President of the United States may reserve parcels of public land to ensure the appropriate care and management of the national monument, and the reservation of that public land must be confined to the smallest area compatible with that care and management; and

WHEREAS, The designation of a national monument is often a subject of controversy because the public lands that are included within the designation are withdrawn from the public domain,

thereby restricting activities such as mining, ranching and recreation which provide an economic benefit to state and local governments in which the national monument is located; and

WHEREAS, Decisions concerning the use and management of public lands within a state should be decided by the residents of that state acting through their state and local representatives; and

WHEREAS, The unilateral designation of a national monument by the President of the United States does not create beneficial partnerships between states and the Federal Government concerning the management of public lands within those states, instead, such a designation serves to create enmity and to limit the ability of state and local governments to develop plans for conservation or otherwise participate in managing those public lands; now, therefore, be it

RESOLVED BY THE _____ AND _____ OF THE STATE OF NEVADA, JOINTLY, That the Legislature of the State of Nevada hereby opposes the designation of a national monument by the President of the United States without obtaining the approval of each state and local government in which the national monument is located; and be it further

RESOLVED, That the President of the United States is hereby urged to refrain from designating a national monument or from withdrawing public lands from the public domain to create a national monument without obtaining such approval; and be it further

RESOLVED, That the _____ of the _____ prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

SUMMARY—Makes appropriation to Division of Forestry of State Department of Conservation and Natural Resources for creation of regional strike teams to assist in suppression of fires. (BDR S-724)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: Contains Appropriation not included in Executive Budget.

AN ACT making an appropriation to the Division of Forestry of the State Department of Conservation and Natural Resources for the creation of regional strike teams to assist in the suppression of fires; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the state general fund to the Division of Forestry of the State Department of Conservation and Natural Resources the sum of \$250,000 for use by the division in creating regional strike teams to assist in suppressing fires in northern and central Nevada.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2003, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 3. This act becomes effective upon passage and approval.

SUMMARY—Creates position of seed bank coordinator within division of forestry of state department of conservation and natural resources. (BDR 47-725)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: Contains Appropriation not included in Executive Budget.

AN ACT relating to forestry; creating the position of seed bank coordinator within the division of forestry of the state department of conservation and natural resources; making an appropriation to the division for that purpose; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 528 of NRS is hereby amended by adding thereto a new section to read as follows:

- 1. The position of seed bank coordinator is hereby created within the division.*
- 2. The state forester firewarden shall appoint the seed bank coordinator. The person so appointed is in the unclassified service of the state.*
- 3. The seed bank coordinator shall:*

(a) Identify seeds that are suitable for planting in any area of this state that has been damaged by fire;

(b) Coordinate the collection or acquisition of seeds identified pursuant to paragraph (a);

(c) Coordinate with any federal, state or local governmental agency to facilitate the reseeded of any area of this state that has been damaged by fire;

(d) Oversee the obtaining of any permits that are required to collect or acquire seeds identified pursuant to paragraph (a); and

(e) Perform any other duty assigned to him by the state forester firewarden.

Sec. 2. 1. There is hereby appropriated from the state general fund to the division of forestry of the state department of conservation and natural resources for the salary and operating expenses of the seed bank coordinator appointed pursuant to section 1 of this act:

For the fiscal year 2001-2002 \$76,482

For the fiscal year 2002-2003 \$55,848

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 3. This act becomes effective on July 1, 2001.

SUMMARY—Directs Legislative Commission to conduct interim study concerning wilderness areas and wilderness study areas in this state. (BDR R-727)

_____ CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study concerning wilderness areas and wilderness study areas in this state.

WHEREAS, The provisions of 16 U.S.C. §§ 1131 et seq., commonly referred to as the Wilderness Act, establish the National Wilderness Preservation System, which consists of areas of federal public land that are designated by Congress as wilderness areas; and

WHEREAS, In accordance with those provisions, Congress has designated numerous areas in this state as wilderness areas, including the Alta Toquima Wilderness, Arc Dome Wilderness, Carrant Mountain Wilderness, East Humboldt Wilderness, Grant Range Wilderness, Jarbidge Wilderness, Mt. Charleston Wilderness, Mt. Moriah Wilderness, Mt. Rose Wilderness, Quinn Canyon Wilderness, Ruby Mountains Wilderness and Table Mountain Wilderness; and

WHEREAS, If an area of federal public land is designated as a wilderness area, it must be managed in a manner that preserves the wilderness character of the area and ensures that the area remains unimpaired for future use and enjoyment as a wilderness area; and

WHEREAS, In conjunction with the provisions of the Wilderness Act, the Secretary of the Interior may identify certain portions of federal public lands as wilderness study areas

to determine the suitability of those areas for designation by Congress as wilderness areas; and

WHEREAS, Until a wilderness study area is designated by Congress as a wilderness area, the wilderness study area must be managed in a manner that does not impair its suitability for preservation as a wilderness area; and

WHEREAS, Because the designation or identification of an area of federal public lands as a wilderness area or wilderness study area imposes significant restrictions concerning the management and use of land located in those areas, including land used for mining, ranching and recreation, and because certain areas in this state have been designated or identified as wilderness areas or wilderness study areas, an examination must be made concerning the selection, management and use of those areas and the laws, regulations and policies of the Federal Government concerning that selection, management and use; now, therefore, be it

RESOLVED BY THE _____ OF THE STATE OF NEVADA, THE _____ CONCURRING, That the Legislative Commission is hereby directed to appoint a subcommittee, consisting of three members of the Senate and three members of the Assembly who are representative of various geographical areas of this state, to conduct an interim study of wilderness areas and wilderness study areas in this state; and be it further

RESOLVED, That the study must include, without limitation:

1. An examination of the manner in which wilderness areas and wilderness study areas are selected, managed and used and the laws, regulations and policies of the Federal Government relating to that selection, management and use;

2. Consideration of whether any area of this state is suitable for possible designation by Congress as a wilderness area; and

3. A review of any other issues or subjects concerning the establishment, management and use of a wilderness area or wilderness study area in this state; and be it further

RESOLVED, That any recommended legislation proposed by the subcommittee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the subcommittee; and be it further

RESOLVED, That the Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 72nd session of the Nevada Legislature.

SUMMARY—Directs Legislative Commission to conduct interim study relating to establishment, use and maintenance of certain roads in this state.
(BDR R-728)

_____ CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study relating to the establishment, use and maintenance of certain roads in this state.

WHEREAS, The geography of the State of Nevada is unique in that the distances between towns, cities, counties, mines, ranches and other places of human activity are often vast and cover difficult terrain; and

WHEREAS, Because of those distances, the residents of this state from the earliest days of settlement were required to create and use many highways, roads, trails, paths and other ways to travel those distances; and

WHEREAS, A large number of highways and roads in this state are recognized, created and governed by statute, including the State Highway System and standard, main, general and minor county roads and streets of cities and towns; and

WHEREAS, Numerous other roads in this state are governed by the laws and regulations of the Federal Government or are subject to easements or other rights-of-way created by prescriptive use or judicial decisions involving private parties; and

WHEREAS, The provisions of federal Revised Statute 2477, formerly codified at 43 U.S.C. § 932, state that “[t]he right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted”; and

WHEREAS, By enacting the provisions of Revised Statute 2477, Congress specifically recognized the existence of many roads that had been created over the unappropriated public lands of the United States and expressly dedicated those roads for use by members of the public; and

WHEREAS, Although the provisions of Revised Statute 2477 were repealed by Congress on October 21, 1976, valid rights-of-way established before that date continue to exist, thereby creating controversies relating to the ownership, scope of use and liability for control and maintenance of those rights-of-way; and

WHEREAS, Similarly, the status of other roads in this state that are not specifically recognized in statute or claimed or maintained by a governmental entity or person is often in doubt, thereby creating controversies and issues concerning liability for injury to persons who use those roads; now, therefore, be it

RESOLVED BY THE _____ OF THE STATE OF NEVADA, THE _____ CONCURRING, That the Legislative Commission is hereby directed to appoint a subcommittee, consisting of three members of the Senate and three members of the Assembly who are representative of various geographical areas of this state, to conduct an interim study concerning the establishment and maintenance of roads by various governmental entities and persons in this state and the use of those roads by members of the public; and be it further

RESOLVED, That the study must include, without limitation:

1. An examination of the meaning and effect of the provisions of Revised Statute 2477 or any other provision of state or federal law or regulation that recognizes or creates a right-of-way over public or private land in this state;

2. A review of the effects, if any, associated with the establishment, use and maintenance of roads in this state that are not claimed or maintained by a governmental entity or person in this state, including issues of liability of this state and political subdivisions of this state concerning the establishment, use and maintenance of those roads and the construction of new roads in urban and rural areas of this state; and

3. Consideration of any other issues relating to roads and the establishment, use and maintenance of roads in this state other than issues concerning the costs and practices of maintaining a road that are considered by the subcommittee appointed by the Legislative Committee to Study the Distribution Among Local Governments of Revenue From State and Local Taxes pursuant to the provisions of NRS 218.53884; and be it further

RESOLVED, That any recommended legislation proposed by the subcommittee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the subcommittee; and be it further

RESOLVED, That the Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 72nd session of the Nevada Legislature.