

Legislative Committee on Public Lands



April 2005



*Legislative Counsel
Bureau*

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LEGISLATIVE COMMITTEE ON PUBLIC LANDS

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ACRONYMS USED IN BULLETIN NO. 05-16

A.B. Assembly Bill
AML(s) Appropriate Management Level(s)
ATV All-Terrain Vehicle
BDR Bill Draft Request
BLM Bureau of Land Management, United States Department of the Interior
BOR Bureau of Reclamation
CEI Competitive Enterprise Institute
CFR *Code of Federal Regulations*
CRC Colorado River Commission
CWMAAs Cooperative Weed Management Areas
CWSD Carson Water Subconservancy District
DOE United State Department of Energy
DOI United States Department of the Interior
DOJ United States Department of Justice
ENLC Eastern Nevada Landscape Coalition
EPA United States Environmental Protection Agency
ESA Endangered Species Act of 1973
ECWPC Elko County Water Planning Commission
FEMA Federal Emergency Management Agency
FLPMA Federal Land Policy Management Act of 1976
FLTFA Federal Land Transaction Facilitation Act of 2000
HMA(s) Herd Management Areas
HRBWA Humboldt River Basin Water Authority
LCB Legislative Counsel Bureau
LCCRDA Lincoln County Conservation, Recreation, and Development Act of 2004
LCTC Lincoln County Trails Coalition
LCWD Lincoln County Water District
MAFY Million Acre-Foot Per Year

MVWD	Moapa Valley Water District
NACO	National Association of Counties
NCA	National Conservation Area
NCPWH	Nevada’s Commission for the Preservation of Wild Horses
NDEP	Nevada’s Division of Environmental Protection
NDF	Nevada Division of Forestry
NDOW	Nevada Department of Wildlife
NEPA	National Environmental Policy Act
NFS	National Forest System, United State Department of Agriculture
NGA	National Governors’ Association
NLRC	Nevada Land and Resource Company
NMA	National Mining Association
NNSG	Northeastern Nevada Stewardship Group
NRA	National Recreation Area
NRS	<i>Nevada Revised Statutes</i>
OHV(s)	Off-Highway Vehicle(s)
PCWCD	Pershing County Water Conservation District
PILT	Payments in Lieu of Taxes
PMU(s)	Population Management Unit(s)
RMP	Resource Management Plan
S.B.	Senate Bill
S.C.R.	Senate Concurrent Resolution
SDA	State Department of Agriculture
SDCNR	State Department of Conservation and Natural Resources
SNPLMA	Southern Nevada Public Lands Management Act of 1998
SNWA	Southern Nevada Water Authority
SPF	State and Private Forestry, United States Department of Agriculture
TCID	Truckee-Carson Irrigation District
TMDL	Total Maximum Daily Load
TMWA	Truckee Meadows Water Authority

TRI Toxics Release Inventory
USDA United States Department of Agriculture
USFS United States Forest Service, United States Department of Agriculture
USGS United States Geological Survey
USFWS United States Fish and Wildlife Service, United States Department of the Interior
VVWD Virgin Valley Water District
WCRWPC Washoe County Regional Water Planning Commission
WGA Western Governors' Association
WSA(s) Wilderness Study Area(s)
WSD Work Session Document

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

(Nevada Revised Statutes [NRS] 218.5363)

This summary presents the recommendations approved by Nevada's Legislative Committee on Public Lands during the 2003-2004 legislative interim and at its work session meeting held on August 27, 2004, in Carson City, Nevada. The corresponding bill draft request (BDR) number follows each recommendation for legislation. All places named in this report are located in the State of Nevada unless otherwise noted.

RECOMMENDATIONS FOR LEGISLATIVE MEASURES

The members of Nevada's Legislative Committee on Public Lands adopted the following recommendations for legislative measures:

1. Enact legislation amending provisions in Chapters 502 and 504 of the NRS to permit the issuance of special incentive elk tags to a private landowner as part of the payment to that landowner for the mitigation of damage caused by elk. **(BDR 45-424)**
2. Enact legislation changing the language in NRS 533.438 and 533.4385 to replace the word "tax" with the word "fee" throughout both statutes and increase the amount of that fee (in NRS 533.438, subsection 1) from \$6 to \$10. **(BDR 48-425)**
3. Enact legislation to provide for the registration of Off-Highway Vehicles (OHVs). **(BDR 43-426)**
4. Enact legislation amending NRS 218.5367 to clarify the authority of the Legislative Committee on Public Lands to review and comment on any matter relating to the use and management of public lands that is specified by the Chairman of the Committee or by a majority of the members of the Committee. **(BDR 17-427)**
5. Enact legislation governing the protection of cultural and historic resources belonging to the State of Nevada. **(BDR 33-428)**
6. Request, by resolution, the authorization of an interim study concerning noxious weeds in Nevada. **(BDR R-429)**
7. Express, by resolution, the concerns of the Nevada Legislature regarding the possible listing of the sage grouse on the national endangered species list. **(BDR R-430)**
8. Enact legislation designating a portion of the annual pesticide registration fee for use to fund a new position within the State Department of Agriculture (SDA) to coordinate weed control volunteers and programs. **(BDR 51-431)**

9. Urge, by resolution, the U.S. Congress to take certain actions regarding the designation of wilderness areas and the release of public lands not designated as wilderness areas. **(BDR R-432)**
10. Request, by resolution, the authorization of an interim study regarding groundwater management issues, most notably in Nevada's rural areas. **(BDR R-433)**

RECOMMENDATIONS FOR COMMITTEE ACTION – COMMITTEE STATEMENTS AND LETTERS

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

11. The Bureau of Land Management (BLM) expressing support for the acquisition under the Southern Nevada Public Lands Management Act of 1998 (SNPLMA) of land in the Clearwater Canyon area of Humboldt and Pershing Counties.
12. The BLM expressing opposition to changes proposed in the agency's law enforcement regulations for Nevada and requesting a 90-day extension to the comment period set for the proposal.
13. The Board of County Commissioners in White Pine and Lincoln Counties, the U.S. Forest Service (USFS), the BLM, and the Nevada Division of Forestry, expressing support for the "fuels for schools initiative," which uses pinion juniper biomass to provide energy and heat for certain schools in the White Pine County School District. The letter shall include a statement encouraging the program's expansion into Lincoln County and other areas of Nevada where pinion juniper are abundant.
14. Nevada's Congressional Delegation, the BLM, and the White House Office of Intergovernmental Relations expressing support for the development of renewable energy on public lands and encouraging Congress and the administration of United States President George W. Bush to extend tax credits for solar and geothermal energy development.
15. The State offices of the BLM and the USFS; the Boards of Commissioners in Elko, Lincoln, Nye, and White Pine Counties; and the Lincoln County Trails Coalition supporting the concept and development of the "Southeastern Nevada Trail System and Related Infrastructure" for OHVs as presented at the Committee's meeting in Caliente, on January 22, 2004. The letter shall include language supporting the efforts of these groups in securing "Question 1" bond money for the development of the trails system.
16. The Eastern Nevada Landscape Coalition (ENLC) expressing support for the Coalition and complimenting its efforts in land management analysis, environmental protection, resource development, and public education. A copy of this letter shall be sent to

Nevada's Congressional Delegation, the State offices of the BLM and the USFS, and the Boards of Commissioners in White Pine and Lincoln Counties.

17. The Nevada Department of Wildlife (NDOW) encouraging the Department to send letters, brochures, handouts and other informational items to ranchers and farmers throughout Nevada describing the wildlife mitigation and compensation programs offered by NDOW for landowners who experience property loss or damage due to wildlife.
18. Nevada's Congressional Delegation, the Chairmen of the Senate Committee on Energy and Natural Resources and the House Committee on Resources, the Department of Interior (DOI), and the BLM requesting support for legislation and policies that provide for a "no net loss" of private land in federal land exchanges and purchases. The letter shall include commentary concerning recent efforts by Senator Craig Thomas (R-Wyoming) to address this matter in S. 1038 of the 108th Congress.
19. Each of Nevada's Boards of County Commissioners, the Nevada Association of Counties, and the Nevada League of Cities encouraging the various local governments to continue working closely with the BLM and Nevada's Division of State Lands in identifying lands that might be suitable for disposal (sale into the private sector or for purchase by local government). The letter shall stress the importance of this action on facilitating land sales that will ultimately increase the tax base of rural counties and enhance rural economies.
20. Nevada's Congressional Delegation, the Chairmen of the Senate Committee on Energy and Natural Resources and the House Committee on Resources, the DOI, and the BLM explaining the delicate and rather tenuous wild horse situation in Nevada and requesting that federal funding for wild horses and burros to the states be proportional to the actual number of wild horses and burros in each of those states.
21. Nevada's Congressional Delegation, the Chairmen of the Senate Committee on Energy and Natural Resources and the House Committee on Resources, and the Chairmen of the appropriations committees in the U.S. Senate and House of Representatives encouraging the full funding of the federal Payments in Lieu of Taxes (PILT) program.
22. Nevada's Congressional Delegation and the DOI expressing support for the Lincoln County Conservation, Recreation, and Development Act of 2004 (LCCRDA). The letter shall include a statement expressing the Committee's desire that provisions in the proposed Act remain sensitive to environmental concerns raised during the legislative interim.
23. The Federal Emergency Management Agency (FEMA) expressing support for Lincoln County's grant request to FEMA to help fund emergency fuel reductions and underbrush clearing around the Mt. Wilson area.

24. The Federal Emergency Management Agency expressing support for Lincoln County's request for a \$2 million grant to provide for "Pre-hazard Mitigation Flood Mapping" and map modernization in Lincoln County.
25. Congressman Jim Gibbons expressing the Committee's support for the "Lincoln County, Nevada, Pilot Project for the Purpose of Emergency Fuel Reduction, Public Safety and Environment Health," which (according to representatives from Lincoln County) involves a number of public/private partnerships to reduce an overabundance of pinion juniper and other volatile fuels in eastern Nevada.
26. Nevada's County Commissions and City Councils that have not yet partnered with the Nevada Fire Safe Council expressing support for the Council and encouraging their participation in the organization. The letter shall include language recommending the formation of Fire Safe Council "Chapters" in communities where wildfire risk is especially high.
27. The DOI and the U.S. Fish and Wildlife Service (USFWS) encouraging the Department and the USFWS to "delist" or rescind the endangered species listing of the Sierra Nevada Bighorn Sheep. The letter shall request further study of the economic impacts of this listing and specifically reference the concerns noted by Floyd Rathbun, Certified Range Management Consultant, as set forth in his prepared statement to the Legislative Committee on Public Lands on March 26, 2004.
28. Nevada's Congressional Delegation expressing support for any existing or future "checkerboard land" consolidation bill.
29. The Board of County Commissioners in Churchill, Elko, Eureka, Humboldt, Lander, Lyon, Pershing, and Washoe Counties (those counties containing some "checkerboard land" patterns) expressing support of the Nevada Land and Resource Company's (NLRC's) efforts to survey, obtain legal descriptions of, and ensure legal access to county roads that cross checkerboard lands. The letter shall include language encouraging the counties to assist the NLRC in these efforts.
30. The Wildfire Support Group, the BLM, and the USFS expressing support for the programs and activities of the Wildfire Support Group.
31. The USFS and the USFS' State and Private Forestry (SPF) Program in Washington, D.C., encouraging the continued funding for noxious weeds and requesting that the SPF Program explore ways to increase the funding that goes to the states for noxious weed control programs.

32. The Northeastern Nevada Stewardship Group (NNSG) commending the Group's accomplishments in the areas of land use analysis, public education, and the study of wildlife and wildfire, and recognizing the broad interest of the NNSG in land management matters.
33. The DOI and the BLM requesting consideration of actively changing, upon the request of a grazing permit holder, the terms of the permit to allow for the grazing of horses. The letter shall also include a statement of support for the concept of allowing ranchers to contract with the BLM to run gathered wild horses using existing grazing permits.
34. The State Director of the BLM and to the Chairman of the Lander County Commission requesting an expeditious resolution of efforts to transfer the title of the Austin Airport from the BLM to Lander County.
35. The State Director of the BLM requesting that the BLM Battle Mountain Field Office expeditiously revise its resource/land management plans to reevaluate "Desert Land Entry" lands in the region to determine if those lands might fit into requirements set forth under the Federal Land Transaction Facilitation Act of 2000 (FLTFA—commonly referred to as the "Baca bill") for purposes of disposal.
36. Nevada's Congressional Delegation urging them to consider an amendment to the SNPLMA or any other similar bill affecting Nevada currently or in the future, which would allow the BLM to use money from land sales under the Act for the purposes of funding statewide sage grouse protection efforts, wild horse gathers, general range enhancements, reducing the costs of environmental assessments and studies associated with the purchase and sale of federal land, and for noxious weed abatement and control throughout Nevada.
37. Gale Norton, Secretary of the DOI, and Kathleen Clark, Director of the BLM, expressing the Committee's appreciation of the BLM's efforts and support of the Committee during the 2003-2004 legislative interim. The letter shall include a statement concerning BLM's consistent willingness to appear before the Committee and provide useful and helpful information to assist the Committee in its duties.
38. Ann Veneman, Secretary of the United States Department of Agriculture (USDA) and Dale Bosworth, Chief, USFS, expressing the Committee's appreciation of the USFS' efforts and support of the Committee during the 2003-2004 legislative interim. The letter shall include a statement concerning USFS' consistent willingness to appear before the Committee and provide useful and helpful information to assist the Committee in its duties.
39. Gale Norton, Secretary of the DOI, Kathleen Clark, Director of the BLM, and Nevada's Congressional Delegation and include a statement in the final report expressing the Committee's concerns regarding the increased number of last-minute

legal challenges to land sales under the various federal land management acts impacting Nevada. The letter and statement shall make reference to testimony indicating there are many instances where legal challenges are mounted to halt land actions after years of preparation, sometimes resulting in the land sale process reverting back to the initial stages of development.

40. The United States Department of Energy (DOE) concerning the Caliente Railroad Corridor for Yucca Mountain. The letter shall include a statement urging the DOE to ensure, if the construction of the railroad is approved, that current land uses remain unchanged. The letter shall also relay the concerns of some ranchers in the corridor who believe they were not properly notified of the DOE's action and who fear the loss of economic livelihood due to the potential alteration of grazing patterns.
41. Robert Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS; Al Stenenger, Range and Ranch Management Consultant, Western Range Service; Mike Lattin, Lattin Livestock, LLC; and Quinton J. Barr, Range and Ranch Management Consultant, Western Range Service, encouraging their continued cooperation in seeking a resolution to the concerns raised by Mr. Stenenger at the Committee's meetings in Reno on March 26, 2004, and in Wells on June 25, 2004, and thanking the parties for their willingness to work toward a solution regarding the grazing allotment monitoring practices of the USFS in Elko County.
42. Don Henderson, Director, SDA, if the measure crafted under BDR 51-431 is passed by the Nevada Legislature (see Recommendation No. 8), requesting his assistance in amending subsection 1 of the *Nevada Administration Code* 586.011 to increase the annual pesticide registration fee from \$60 to \$80.

**REPORT TO THE 73rd 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 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 offers a forum for the discussion of public lands matters with federal, state, and local officials; representatives of special interest organizations; and other interested individuals.

The Committee on Public Lands also monitors and discusses issues relating to livestock grazing, mining, recreation, wilderness, and wild horses. Furthermore, the Committee monitors endangered species issues, wildlife matters, and military activities, including military land and airspace proposals. The Legislative Committee on Public Lands is charged by NRS 218.5368 to actively participate in local, regional, and national efforts to increase State and local roles in the management of public lands; consequently, the Committee can always expect a very busy legislative interim.

Pursuant to Senate Bill 216 of the 2003 Legislative Session (Chapter 408, *Statutes of Nevada*), the Legislative Committee on Public Lands must also review the programs and activities of the Colorado River Commission of Nevada (CRC); all public water authorities, districts, and systems in the State; and all other public and private entities with which any county has an agreement regarding the planning, development, or distribution of water resources.

This document is a report of the Committee's activities during the 2003-2004 legislative interim period. It reviews public lands legislation passed during the 2003 Nevada Legislative Session and summarizes the topics considered and acted upon by the Committee during the 2003-2004 legislative interim. Also included in the report is a summary of the reviews required under S.B. 216 of the 2003 Legislative Session. All places named in this report are located in the State of Nevada unless otherwise noted.

The Legislative Committee on Public Lands held a total of nine regular meetings throughout Nevada and attended a mine tour near Lovelock. The Committee also participated in 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 typically considers and discusses more than 50 public lands-related issues during its meetings and tours throughout the interim. A listing showing these topics appears on pages 25 and 26 of this report.

Attendance at the Committee hearings was high, with 30 to 60 people typically in attendance. During the course of its meetings, the Committee was presented with numerous recommendations and requests. At its final meeting and work session, the members voted to request the drafting of nine bills and resolutions for consideration by the 2005 Nevada Legislature. The Committee also adopted a recommendation for a legislative resolution as recommended by the Legislative Committee on Public Lands' Subcommittee to Study Wilderness Areas and Wilderness Study Areas (Senate Concurrent Resolution No. 7; File No. 63, *Statutes of Nevada 2003*).¹ The subjects of these BDRs concern: (1) the issuance of special incentive elk tags to private landowners; (2) proposed changes to terminology and fees referenced in NRS 533.438 and 533.4385 (the interbasin transfer of water); (3) the registration of OHVs; (4) the authority of the Legislative Committee on Public Lands; (5) the protection of cultural and historic resources belonging to the State of Nevada; (6) an interim study regarding noxious weeds; (7) the possible listing of the sage grouse on the national endangered species list; (8) the usage of the annual pesticide registration fee administered by the SDA; (9) wilderness and wilderness study areas (WSAs); and (10) an interim study regarding groundwater management.

Additionally, the Committee voted to send dozens of letters and 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 six legislators and one local government representative to the Committee:

Senator Dean A. Rhoads, Chairman
Assemblyman John W. Marvel, Vice Chairman
Senator Mark E. Amodei
Senator Terry Care
Assemblyman Jerry D. Claborn
Assemblyman Tom Collins
Tim Perkins, Lincoln County Commissioner²

The Legislative Commission also appointed the following alternate members to the Committee:

Senator Bob Coffin
Senator Warren B. Hardy II

¹ For additional information concerning this recommendation (BDR R-432), please refer to *Legislative Counsel Bulletin No. 05-09*, titled "Legislative Committee on Public Lands' Subcommittee to Study Wilderness and Wilderness Study Areas," January 2005. Copies of this report are available on the Nevada State Legislature's Internet Web site at: www.leg.state.nv.us.

² Pursuant to NRS 218.5363, the Legislative Commission must appoint "one elected officer representing the governing body of a local political subdivision."

Senator Mike McGinness
Assemblyman John C. Carpenter
Assemblyman Jason D. Geddes
Assemblywoman Peggy Pierce

The Committee called upon several alternate members throughout the legislative interim to attend meetings and informational tours when other members could not attend.

Staff support for the Committee was provided by the following Legislative Counsel Bureau (LCB) staff members:

Michael J. Stewart, Principal Research Analyst, Research Division
J. Randall Stephenson, Principal Deputy Legislative Counsel, Legal Division
Gayle Nadeau, Senior Research Secretary, Research Division

B. HEARINGS AND RECOMMENDATIONS

The Legislative Committee on Public Lands held nine meetings and one field excursion 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 2003-2004 legislative interim period, reviews public lands legislation passed during the 2003 Nevada Legislative Session, and summarizes the topics considered and acted upon by the Committee throughout the interim. Finally, this report reviews the recommendations adopted by the members of the Committee, which includes 10 bill drafts for consideration by the 2005 Nevada Legislature.

The Committee received extensive testimony and material pertaining to the public lands-related topics found in this report. All minutes of meetings and the corresponding exhibits are on file in the LCB's Research Library (775/684-6827). Additionally, minutes and exhibits are available online at: <http://www.leg.state.nv.us/72nd/Interim/StatCom/Lands/>.

II. PUBLIC LANDS LEGISLATION OF THE 72nd SESSION OF THE NEVADA LEGISLATURE

Numerous bills regarding public lands topics were considered during the 2003 Session of the Nevada Legislature. This section of the report summarizes some of the public lands bills and resolutions that were considered in 2003.

A. LEGISLATIVE COMMITTEE ON PUBLIC LANDS RECOMMENDATIONS

Following the 2001-2002 legislative interim, Nevada's Legislative Committee on Public Lands made six recommendations to the 2003 Legislature. Issues addressed included: (1) restrictions on the issuance of stockwater permits and certificates of appropriation for water on public lands; (2) revisions to the *Code of Federal Regulations* (CFR), Title 43, Chapter II, Section 4120.3-9, concerning the acquisition, perfection, maintenance, and administration of water rights on federal public lands; (3) grants for the local treatment and control of noxious weeds and invasive species; (4) an appropriation for the purpose of awarding grants, administered and distributed by the Legislative Committee on Public Lands, to applicants for public lands and natural resource projects; (5) the deadline for the federal contribution of \$6 million for the California National Historic Trail Interpretive Center in Elko County; and (6) possible amendments to the SNPLMA and the FLTFA. Detailed discussions of these recommendations may be found in the Committee's final report to the 2003 Nevada Legislature, published as *Legislative Counsel Bureau Bulletin No. 03-13*, "Legislative Committee on Public Lands," on file in the LCB's Research Library.

Four of the Committee's six recommendations for legislation made to the 2003 Nevada Legislature were ultimately approved. Following are summaries of the six measures:

- Senate Bill 5 would have made 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. The measure was referred to the Senate Committee on Finance and ultimately received no action.
- Senate Bill 51 (Chapter 436, *Statutes of Nevada 2003*) extends from June 30, 2003, to June 30, 2007, the date by which certain prerequisites must be satisfied for the State Board of Finance to issue general obligation bonds to assist in the construction of the California Immigrant Trail Interpretive Center in Elko County. The bill also authorizes the matching money required from Elko County to be made up of in-kind contributions.
- Senate Bill 75 would have provided for the administration of a program to supply grants for the local treatment and control of invasive weeds and noxious weeds and would have made appropriations to carry out the program. The measure received a hearing in the Senate Committee on Finance, but was not ultimately approved by the Legislature.
- Senate Bill 76 (Chapter 505, *Statutes of Nevada 2003*) revises the statutes governing stockwater rights in the State of Nevada. The measure provides that the State Engineer may issue a permit to water livestock only to the rancher who owns, leases, or manages the livestock. Thus, the owner of the land upon which the livestock is grazed/watered (if it is a public entity or a person other than the rancher who owns, leases, or manages the livestock) cannot receive a permit solely in the owners name or jointly with the rancher. Such a water right is also declared to be appurtenant to: (1) the land where

the livestock is watered if it is owned by the rancher; or (2) other land in Nevada that is benefited by the livestock being watered and is capable of being used in conjunction with the livestock operation.

- Senate Joint Resolution No. 1 (File No. 50, *Statutes of Nevada*) urges the Secretary of the Interior to amend the CFR adopted through “Rangeland Reform ’94” as they relate to stockwater rights. The resolution requests the Secretary to delete the provision in the regulations that effectively eliminates the option under Nevada law through which a range user can hold rights to water livestock solely in his own name.
- Senate Joint Resolution No. 2 (File No. 51, *Statutes of Nevada*) urges the United States Congress and the Secretaries of Agriculture and the Interior to authorize and expend revenue from federal land disposal programs for specific types of land and water improvements on public lands in Nevada. The resolution highlights the need for restoration of burned areas, the value of water developments for wildlife and livestock, and the importance of maintaining healthy ecosystems on the public lands.

B. OTHER PUBLIC LANDS LEGISLATION

With nearly 87 percent of Nevada’s land managed by agencies of the Federal Government, the subjects of public lands and associated natural resource management play a significant role in every Legislative Session. The 2003 Legislative Session was no exception. In addition to the measures introduced by the Committee on Public Lands (previously described), other topics addressed included:

1. Natural Resources and Public Lands Generally

- Assembly Bill 130 (Chapter 281, *Statutes of Nevada 2003*) makes various changes relating to the SDA. This bill authorizes the Director of the Department to collect fees to cover costs incurred for certain services, products or publications, and for processing and administering brands and marks. In addition, A.B. 130 requires that fees collected from applicants seeking licensure to use restricted pesticides must be deposited in the Agriculture Registration and Enforcement Account within the State General Fund.
- Assembly Bill 215 (Chapter 306, *Statutes of Nevada 2003*) revises provisions governing conservation districts. The bill revises Nevada’s laws regarding conservation districts by authorizing conservation districts to acquire, maintain, sell, and receive income from real or personal property. The measure also specifies that real property acquired by a conservation district on or after July 1, 2003, is exempt from taxation. However, the bill establishes procedures through which a form of “payments in lieu of taxes” may be required if this property had been subject to property taxes before it was acquired by the District.

- Assembly Bill 287 (Chapter 308, *Statutes of Nevada 2003*) revises provisions relating to the transfer, establishment, and maintenance of State parks. This bill places conditions upon the transfer of State park land to a local government. Additionally, A.B. 287 addresses land within a State park that is leased from another entity, such as the BLM. The terms of any existing leases must be honored in any transfer of title, and any leased property should remain with the park if possible. Finally, the bill allows the Administrator of the Division of State Parks to enter into a cooperative agreement with a local government for the purpose of establishing and maintaining a park that is under the Division's jurisdiction but is used primarily by the local residents.
- Assembly Bill 301 (Chapter 85, *Statutes of Nevada 2003*) revises provisions for compensation from the Board of Wildlife Commissioners for damage to property or land caused by certain animals. Assembly Bill 301 clarifies the types of projects for which money may be expended from a separate, existing account administered by NDOW to prevent or mitigate damage caused by elk or game mammals not native to this State. The measure provides for the payment of money or materials to prevent or mitigate damage to fences on private and public lands. It also specifies that money may be expended to construct fences around areas with water sources if elk or other nonnative game animals have damaged them, and if water is otherwise provided to livestock and wildlife outside the fence.
- Senate Bill 144 (Chapter 490, *Statutes of Nevada 2003*) authorizes the Administrator of the Division of State Parks to charge and collect from each grant recipient a fee for administering federal grants under the Land and Water Conservation Fund. These grants are provided to the State and its political subdivisions for the planning, acquisition, or development of outdoor recreation facilities. The fee may be charged once annually, and the total of all fees collected in a given year must not exceed an amount equal to the salary of one half-time grants administrator. The bill also requires legislative approval of any name changes of an existing State park, monument, or recreational area. Additionally, the Division must offer a statewide annual pass to the State Park System, and may offer park-specific annual passes, the fees for which must be set by regulation.
- Senate Bill 358 (Chapter 105, *Statutes of Nevada 2003*) provides for certain protections of lands adjacent to the Red Rock Canyon National Conservation Area (NCA). This bill resolves that the Red Rock Canyon NCA has scenic beauty and geologic significance and is a tourist destination that is worthy of continued and ongoing protection. The measure specifies that the powers set forth in various Chapters of the NRS regarding planning and zoning are subordinate to the limitations on development that are defined in the Red Rock Canyon Conservation Area and Adjacent Lands Act.
- Senate Bill 401 (Chapter 224, *Statutes of Nevada 2003*) revises provisions for the disposition of revenue generated from the rent or lease of concessions located within the boundaries of State parks or real property controlled or administered by the

Division. Under this measure, rental and lease payments must no longer be deposited in the State General Fund. Rather, this revenue must be deposited in the Account for Maintenance of State Parks, which is administered by the Division.

- Senate Bill 444 (Chapter 391, *Statutes of Nevada 2003*) concerns the transfer of certain State property. This measure authorizes the transfer of Floyd Lamb State Park to the City of Las Vegas. The measure provides that the Administrator of the Division of State Lands may enter into an agreement to transfer to the City of Las Vegas all interest of the State of Nevada in the park. The bill notes that any agreement for the transfer of the park must stipulate that the State of Nevada is not liable for any expense incurred to operate or maintain the park or its facilities. Further, the City of Las Vegas may not change the name of the park without legislative approval in the form of a bill.
- Senate Concurrent Resolution No. 16 (File No. 21, *Statutes of Nevada 2003*) commends the Eastern Nevada Landscape Coalition for its endeavors toward the restoration of the ecosystems of the Great Basin. This resolution endorses the mission and activities of the ENLC in its efforts to restore the health and productivity of almost 1.7 million acres of rangeland and forest in eastern Nevada that were devastated by lightning-caused fires in August 1999.

2. Agriculture and Ranching

- Assembly Bill 75 (Chapter 43, *Statutes of Nevada 2003*) revises provisions governing the certification of organic agricultural products. The bill modifies the State's program for certification of organic agricultural products to bring it into conformity with the corresponding federal law and regulations.
- Assembly Bill 91 (Chapter 111, *Statutes of Nevada 2003*) revises provisions governing the regulation of pesticides by providing for the registration of brand names, rather than registering pesticides by their chemical formulas. The measure also expands the uses of money in the special account for the disposal of pesticides to include monitoring pesticides and protecting groundwater and surface water from contamination by pesticides.
- Assembly Bill 193 (Chapter 48, *Statutes of Nevada 2003*) defines restricted-use commercial fertilizers and agricultural minerals, and gives the Director of the SDA jurisdiction for their distribution, sale, and transportation. The measure also makes it unlawful to sell, distribute, deliver or transfer a restricted-use commercial fertilizer or agricultural mineral without appropriate registration.
- Senate Bill 172 (Chapter 94, *Statutes of Nevada 2003*) clarifies various statutes relating to the SDA's authority to control pests and plant diseases, and it modifies several provisions relating to the licensing of pest control businesses and people who sell nursery stock. The measure also deletes the authority of the State Quarantine Officer to

impose administrative penalties, but authorizes civil penalties for violation of interstate quarantines.

- Senate Bill 484 (Chapter 101, *Statutes of Nevada 2003*) modifies the statute relating to membership in the Garlic and Onion Growers' Advisory Board to delete reference to a defunct organization. The measure also removes the provision through which a grower could receive a refund of the special assessment levied to support research and promote marketing programs.
- Senate Bill 486 (Chapter 381, *Statutes of Nevada 2003*) abolishes the State Board of Sheep Commissioners, transfers its powers to the State Board of Agriculture, and establishes a minimum for the special tax on sheep. The bill also abolishes the Nevada Beef Council and the associated tax to promote beef. Further, the measure broadens the term "livestock" to "animal" in the animal disease statutes and clarifies the definitions of "estrays," "feral livestock," and "livestock." The measure also authorizes a fee for brand inspections and makes various changes relating to quarantines of livestock. Finally, S.B. 486 increases from 10 to 11 the number of members of the State Board of Agriculture.

3. Water

- Assembly Bill 82 (Chapter 66, *Statutes of Nevada 2003*) extends the date by which money appropriated to the Newlands Project Water Rights Fund must be expended before reversion to the State General Fund. Originally created in 1999 with an appropriation of \$3.3 million, this bill extends from June 30, 2004, to June 30, 2006, the deadline for expenditure and the date by which water rights must be acquired.
- Assembly Bill 90 (Chapter 21, *Statutes of Nevada 2003*) increases the limit on assessment for certain water distribution expenses incurred by the State Engineer. Assembly Bill 90 increases from 25 cents to 30 cents per acre-foot the maximum assessment the State Engineer may levy to cover water distribution expenses associated with stream systems that irrigate more than 200,000 acres of land.
- Assembly Bill 213 (Chapter 113, *Statutes of Nevada 2003*) removes the July 1, 2005, "sunset" date for statutory conditions that must be met before the State Engineer may revoke a temporary permit and require connection to a municipal water system or require the owner of a domestic well to connect to a municipal water system. Also, provisions associated with paying the required connection fees and the related costs for abandoning and plugging wells are moved from the statutes concerning the State Engineer to the special act relating to the Southern Nevada Water Authority (SNWA).

- Assembly Bill 403 (Chapter 122, *Statutes of Nevada 2003*) adds prolonged drought to the list of required considerations used by the State Engineer in determining whether to grant a request for an extension of the time to work a forfeiture of water rights.
- Assembly Bill 488 (Chapter 192, *Statutes of Nevada 2003*) requires the State Engineer to investigate complaints in counties with under 100,000 residents that involve the willful or malicious removal, damage, or destruction of a ditch. Under A.B. 488, the State Engineer must prepare a report concerning the condition of the ditch, which may be used and considered by the appropriate law enforcement agency.
- Senate Bill 336 (Chapter 474, *Statutes of Nevada 2003*) makes various changes relating to water rights and creates the Lincoln County Water District. This measure directs the State Engineer to quantify more clearly several older water rights in the Las Vegas Valley Groundwater Basin and notify the holders of these rights and the county recorder. In addition, the measure authorizes the State Engineer to postpone action on applications to appropriate water for municipal use. It preserves the status of applications upon which the State Engineer has not acted within the one-year time frame provided by statute, thus ensuring that these applications are not deemed approved or denied because of a lack of action. Finally, the bill creates the Lincoln County Water District and outlines its powers, which are modeled after those of other water districts in southern Nevada.

4. Wildlife

- Assembly Bill 41 (Chapter 292, *Statutes of Nevada 2003*) removes the Division of Wildlife from the State Department of Conservation and Natural Resources, and converts it into the Department of Wildlife. The measure also changes the title of the Administrator of the Division to the Director of the Department, with appointment made by the Governor.
- Assembly Bill 71 (Chapter 126, *Statutes of Nevada 2003*) authorizes NDOW to charge advertising fees on its Internet Web site and in printed materials. Under A.B. 71, the advertising revenue will be credited to the Wildlife Account in the State General Fund and used to pay for such expenses as the development, production, and distribution of publications and educational materials.
- Senate Bill 416 (Chapter 343, *Statutes of Nevada 2003*) provides for the issuance of general obligation bonds, or a combination of bonds and other securities, in an aggregate amount not to exceed \$14 million for the purposes of funding Phase II of the Fish Hatchery Refurbishment Project. The project is administered by NDOW.
- Senate Bill 420 (Chapter 419, *Statutes of Nevada 2003*) increases certain licensing fees for fishing, hunting, and trapping. The bill also increases fees for practicing taxidermy, developing certain artificial bodies of water, conducting certain vacuuming

or dredging operations in a river, stream, or lake in Nevada, serving as a guide, obtaining a boat certificate of ownership, or registering a boat. The bill also makes various changes to the duties of the Board of Wildlife Commissioners and NDOW.

III. SUMMARY OF 2003-2004 LEGISLATIVE INTERIM ACTIVITIES

Nevada's Legislative Committee on Public Lands maintained an active schedule during the 2003-2004 legislative interim. This section of the report briefly summarizes the activities of the Committee and the topics discussed at meetings, field excursions, and informational tours. Additional details of testimony received and exhibits provided are available in the Committee's minutes. All minutes of meetings and their corresponding exhibits are on file in the LCB Research Library (775/684-6827) and are also available online at the following address: <http://www.leg.state.nv.us/72nd/Interim/StatCom/Lands/>.

A. MEETINGS AND FIELD EXCURSIONS

The Legislative Committee on Public Lands met nine times throughout Nevada and participated in one field excursion to the Coeur Rochester Mine near Lovelock. In addition to meetings in the populous areas of southern and northwestern Nevada, the Committee also holds meetings in many rural areas where public lands issues are in the forefront. In fact, during the 2003-2004 interim period, six of the nine meetings held in Nevada were held in rural counties. All meetings included a scheduled period 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 30 to 60 people. In addition, coverage of the Committee's activities often appeared in several Nevada newspapers throughout the interim.

Following are summaries of the Committee's deliberations and activities at each of the nine meetings held in Nevada.

1. Ely Meeting (October 20, 2003)

The Committee's first meeting was held in Ely on October 20, 2003. 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 legislative interim, and discussed future meetings, including 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. Therefore, Committee staff provided an overview of public lands legislation approved during the 2003 Legislative Session, as well as pending federal legislation. The Committee then heard a comprehensive overview of public lands and

natural resource issues in White Pine County, followed by an update of BLM planning efforts in eastern Nevada. Topics addressed during this segment of the meeting included: (1) the Ely Airport and industrial park expansions; (2) water issues; (3) “Question 1” bond funds for a possible wildlife refuge; (4) the expansion of area lakes and reservoirs; (5) economic development possibilities through potential renewable energy resources; (6) landscape restoration by the BLM; (7) land management planning efforts; and (8) the impact of land sales on BLM’s Ely Field District.

The USFS then presented an overview of: (1) a study concerning the impacts of OHVs in the Schell Creek and Duck Creek basin; (2) a plan to gather stray cattle, which are causing resource damage and problems with existing permittees; (3) the September 16, 2003, South Sage fire in the Schell Creek range; and (4) participation and membership in the ENLC and an Aspen restoration project. The USFS presentation was followed by an update of ENLC’s activities over the past two years.

An overview from NDOW highlighted Nevada’s elk management plan as well as local elk plans. Additional discussion indicated that the State’s current elk population is approximately 8,000 and that the State’s elk plan is due for review. The Department presented maps and graphs relating to elk issues as well as three pamphlets concerning chronic wasting disease; the elk damage compensation program; and incentive elk tags. Ranchers from White Pine County concluded this agenda item by expressing concerns about the general elk population and possible damage to agricultural infrastructure caused by elk.

During its Ely meeting, the Committee also heard from the U.S. Fish and Wildlife Service concerning its role in the State of Nevada and the petition process regarding endangered species. Additional discussion concerning the possible listing of the sage grouse on the endangered species list and the efforts of the Governors Sage Grouse Conservation Team was the focus of the Committee’s deliberations.

The meeting ended with an overview of the 2003 fire season and fire fighting activities in Nevada (including a discussion of interagency cooperation) as well as an update on the activities of Nevada’s Rangeland Resources Commission. Public comment was extensive and included discussion of the following issues: (1) Duck Creek basin and roads; (2) enforcement and jurisdiction of roads in Lincoln County; (3) wild horses; (4) sage grouse; (5) fire issues relating to degraded habitats for rangeland wildlife; (6) a proposed bill in Congress that would provide for a pipeline right-of-way to transport water from Lincoln and White Pine Counties to Las Vegas; (7) elk planning; and (8) desert land entries.

2. Winnemucca Meeting (December 17, 2003)

The second meeting of the Legislative Committee on Public Lands began with an update of public lands issues in Humboldt County and north central Nevada from representatives of the Humboldt County Commission, the BLM, and the U.S. Forest Service. Topics highlighted under this segment of the agenda included the: (1) Humboldt County Land Bill; (2) planning

process related to the Black Rock Desert-High Rock Canyon Emigrant Trails NCA and Associated Wilderness; (3) H.R. 3324 “Voluntary Grazing Permit Buyout Act,” under consideration in the United States House of Representatives; (4) Clearwater Canyon acquisition under SNPLMA; (5) need to expedite the sale of public lands to the private sector; (6) positive progress on BLM planning, recreation, mining, energy, and lands in the Winnemucca Field District; (7) mining operations and a proposed limestone and cement plant near Rye Patch reservoir; (8) Burning Man event; (9) All-Terrain Vehicle (ATV) and OHV trails; (10) wind energy; (11) a proposed coal-fired plant near Gerlach; (12) geothermal plants; (13) funding for land sale proposals; (14) Lahonton Cutthroat Trout recovery efforts and sage grouse conservation planning; (15) wild horse gathers; (16) noxious weeds; and (17) fire planning, suppression, and related issues.

The Committee then heard and discussed a proposal for the acquisition of private land in Clear Water Canyon (located on the Humboldt County/Pershing County border south of Winnemucca) under SNPLMA. A status report on the Black Rock Desert-High Rock Canyon Emigrant Trails NCA and Associated Wilderness was also provided by the BLM.

In its efforts to adhere to the reporting requirements set forth in Senate Bill 216 of the 2003 Legislative Session, the Committee heard several reports regarding water, water resources, and water planning. Specifically, the Committee heard from Nevada’s State Engineer, Hugh Ricci, as well as representatives from the Humboldt River Basin Water Authority and the United States Geological Survey regarding Humboldt River basin matters. In addition, the Committee received an update on the “stockwater” issue, which was discussed at length by the Committee during the 2001-2002 legislative interim.

These reports were followed by presentations from federal, state, and private mining experts who highlighted the economic state of Nevada’s mining industry, minerals exploration, permitting, bonding, reclamation, federal legislation, abandoned mine lands, millsite issues, water usage, and other mining topics. Finally, during the last report to the Committee, members learned that available federal funding for the gathering of wild horses to their appropriate management levels (AMLs) is quickly depleting. Additional funding is needed, according to BLM’s Nevada State Director, to ensure that wild horse gathers continue until AML is achieved.

Several audience members participated under the “public comment” segment of the meeting and discussed issues such as Mormon cricket and grasshopper infestations, the acquisition of land near Clear Water Canyon, general land management issues, and the “Marys River Complex Allotment Evaluation.”

In addition to approving the minutes from the October 20, 2003, meeting held in Ely, the Committee conducted a short work session at the end of the meeting voting to send a letter supporting the effort to acquire private land in the Clear Water Canyon under the SNPLMA. A discussion of this committee letter is in Section VI of this report and a copy of the letter appears under “Appendix D.”

3. Caliente Meeting (January 22, 2004)

The third meeting of Nevada's Legislative Committee on Public Lands was held at the Caliente Youth Center in Caliente on January 22, 2004. The meeting began with opening remarks and introductions by the Chairman and a staff review of the Committee's informational tour of Washington, D.C., scheduled for February 25 and 26, 2004. This was followed by an update of public lands issues in Lincoln County and southeast Nevada from representatives of Lincoln County, the BLM, and the U.S. Forest Service. Included in this update were discussions regarding: (1) the proposed Lincoln County Land Act (later approved as the LCCRDA); (2) the Coyote Springs Development; (3) the Toquop Energy Project; (4) economic development on federally-managed lands in Lincoln County; (5) ongoing drought conditions; (6) the development of a habitat conservation plan; (7) wilderness issues; (8) wild horses and burros and the achievement of AML; (9) wildfire risk and fuel reduction plan; (10) noxious weeds; (11) U.S. Forest Service participation in Lincoln County recreation planning; and (11) Lincoln County's efforts in seeking federal grants for fuels reductions and flood map updates.

This was followed by a brief overview of activities at the Great Basin National Park and a review of issues supported by the Lincoln County Trails Coalition (including the development of an OHV trails network in east-central Nevada). The Committee then heard a preliminary discussion regarding Nevada's noxious and invasive weed program as well as an update of cooperative weed management groups formed in the State. Presenters stressed the serious environmental impact that invasive weeds have on native plants, native animals and their dependence on native plants for food supplies, and the clarity of clean water.

The Committee also heard a brief overview and discussion of BLM's recently-proposed amendments to federal regulations concerning livestock grazing on public lands. In its efforts to adhere to the reporting requirements set forth in Senate Bill 216, several reports regarding water, water resources, and water planning were also presented. Specifically, reports were received from State Engineer, Hugh Ricci, as well as representatives from the Virgin Valley Water District, the Moapa Valley Water District, and the newly-formed Lincoln County Water District. Furthermore, the Committee heard from representatives of Vidler Water Company regarding their proposals for water development in Lincoln County.

The meeting continued with an in-depth discussion of the potential uses of and studies relating to harvested pinion juniper. Discussion included the potential fire hazard posed by pinion juniper overgrowth, the potential resource value of pinion juniper, and impacts on biomass and wildlife following pinion juniper harvest. Finally, the Committee heard a brief update of BLM's Marys River Complex Allotment Evaluation based in Elko County.

Public testimony covered OHV use, water issues, fire suppression activities, the Marys River Complex Allotment Evaluation, elk and wild horse herd management, the harvest of and uses for pinion juniper, and public land sales.

4. Reno Meeting (March 26, 2004)

The fourth meeting of Nevada's Legislative Committee on Public Lands was held at the Western Heritage Interpretive Center, Bartley Ranch Regional Park, in Reno on Friday, March 26, 2004. The meeting began with an overview from representatives of Washoe County regarding public lands and natural issues that are being addressed and considered by the Washoe County Commission and county planning staff. Washoe County officials highlighted three important strategies relevant to the County's management of its natural resources and public lands: (1) economic benefits; (2) leverage funding; and (3) establishing strong partnerships. The County is particularly interested in balancing access to public lands while protecting significant resources. In addition, the representatives noted the County is seeking to acquire select parcels of land for preservation and recreational access through the use of funding from State and local bonds as well as SNPLMA.

Additional reports on public lands issues in western Nevada were received by the BLM and the USFS. Topics addressed during this segment of the meeting included: (1) Churchill County's resource management plan amendment; (2) proposed interbasin water transfers; (3) Sand Mountain recreation area; (4) the Denton Rawhide mine closure and its possible transformation into a municipal landfill; (5) the Yerington abandoned copper mine; (6) wild horse gathers; (7) management of national forest land in the eastern Sierra Nevada mountain range and western Nevada; (8) efforts to reduce hazardous fuels on national forest lands as required by the Healthy Forests Restoration Act of 2003; (9) invasive species; (10) loss of open space; and (11) unmanaged recreation.

This was followed by a review of the programs and activities of the Truckee Meadows Water Authority (TMWA). Lori Williams, General Manager, TMWA, testified about the formation of TMWA and its Board, and addressed the various acquisitions of the Authority such as: (1) distribution systems; (2) groundwater rights; (3) hydroelectric plants; (4) storage rights; and (5) treatment plants. John Erwin, Director of Resource Planning and Development, TMWA, addressed technical data relative to TMWA's operations, which include: (1) monitoring conservation compliance; (2) drought planning; (3) analysis of water resources; (4) evaluating water flow through the Truckee River system; (5) assessing water quality; (6) maintaining distribution systems; and (7) evaluating water use statistics.

Representatives of Nevada's Fire Safe Council then discussed the creation of the Council, membership issues, and educational outreach programs sponsored and administered by the Council. Pam Wilcox, Administrator, Nevada's Division of State Lands, State Department of Conservation and Natural Resources (SDCNR), then discussed the activities and programs of her office and addressed her division's involvement in the many federal land-related programs being implemented in the State.

This was followed by a presentation from Bob Abbey, State Director, BLM, Nevada, regarding the implementation of and activities surrounding the SNPLMA. As part of this discussion, Mr. Abbey highlighted other land-related legislation that specifically authorizes the

sale or disposal of federal land at auction and addressed the increasing problem whereby land sales were halted or delayed by litigation and legal challenges. He used a recent land sale under the Lincoln County Land Act of 2000 as an example of a “last minute” legal challenge. Pam Wilcox also discussed her agency’s participation in the SNPLMA. The Committee then heard a report from experts on the potential harvesting of pinion juniper in rural Nevada and the encroachment of this juniper species into historical sagebrush habitat. The scientific affects of this encroachment were discussed at length.

The Committee discussed with Bob Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, the Forest Service’s policies and procedures regarding the monitoring and use of grazing allotments. Also present to discuss this matter from a land users’ perspective were Mike Lattin, Rancher; Al Steninger, a range management consultant; and Quinton Barr, a private range specialist. The meeting concluded with further discussions regarding Washoe County water issues. Specifically, the Committee heard from representatives of the Washoe County Department of Water Resources and the Washoe County Regional Water Planning Commission regarding their activities and programs. Mike Turnipseed, Director, SDCNR, then highlighted the activities of the State Engineer relating to water in northwestern Nevada.

Public comment included testimony from Floyd W. Rathbun, Certified Range Management Consultant, Fallon who expressed concern regarding potential impacts to local economies if domestic sheep grazing is eliminated on BLM and USFS lands. He requested that the Committee support the removal of the Sierra Nevada Bighorn Sheep from the endangered species list. Additional public comment related to general public lands management and ownership as well as stockwater rights.

5. Couer Rochester Mine Field Excursion (May 5, 2004)

A field excursion of the Couer Rochester Mine (gold and silver) near Lovelock was held on May 5, 2004.

6. Lovelock Meeting (May 6, 2004)

The fifth meeting of Nevada’s Legislative Committee on Public Lands was held at Sturgeon’s Ramada Inn, Lovelock on Thursday, May 6, 2004. The meeting began with an update of public land issues in Pershing County from Dave Ayoob, Pershing County Commissioner, and Don Pattalock, Nevada Land and Resource Company. Included as part of this discussion was testimony regarding the management challenges for “checkerboard” lands in northern Nevada. Mr. Ayoob also discussed the financial impact for services provided by the county for the Burning Man event; funding for wildfire suppression; the Mormon cricket infestation; and public lands access. The Committee also heard from representatives of the BLM concerning their activities and planning efforts in the Pershing County area.

This discussion was followed by an overview from Bennie Hodges, Secretary-Manager, Pershing County Water Conservation District, regarding the programs and activities of the District as well as a status report on the title transfer of the Humboldt Project. Also during this segment of the meeting, the Committee heard from Laura A. Schroeder, Legal Counsel for the District, who testified about the cultural resource component of the Humboldt Project title transfer. She explained that the Humboldt Project Conveyance Act provides that the cost associated with any review required under the National Environmental Policy Act shall be paid in equal shares by the Secretary of the Interior and the entity receiving title to the land or facility. Therefore, the State of Nevada would be required to pay 55 percent of the cost associated for the title transfer since it would receive 55 percent of the land. Ms. Schroeder explained that the title transfer could be jeopardized if the State is unable to fund its share of the cultural resource component and suggested that a possible solution to this problem would be for the Nevada Legislature to enact legislation which would create enforceable restrictions and conditions on State lands so that long-term preservation of historic properties would be ensured. Ms. Schroeder asked for the Committee's support toward this effort.

The Committee heard again from the NLRC about the challenges faced following the fencing of private lands which contain roads that were once generally treated as public rights-of-way. A report and overview of activities and programs of Nevada's Wildfire Support Group was also received by the Committee.

A detailed presentation and overview of matters concerning noxious weeds in Nevada was also heard by the Committee. Included in this discussion was an overview of Nevada's Noxious Weed Program, which is administered by the SDA; a review of numerous BLM and USFS programs and activities pertaining to noxious weeds; and an overview of the role of Nevada's Cooperative Extension Service in weed prevention. The Committee also heard a proposal to fund noxious weed control efforts and weed personnel through a \$1 motor vehicle registration fee and received a report on noxious weed prevention programs and activities in other states and through the Agricultural Research Service.

This discussion was followed by an update on national efforts to "reprogram" funds to benefit BLM's Wild Horse and Burro Program to ensure adequate horse gathers in Nevada would be conducted expeditiously. The Committee also received an overview from Don Henderson, Director, SDA, concerning the activities and programs of his department. Finally, Chairman Rhoads reviewed the activities of the Legislative Committee on Public Lands' Subcommittee to Study Wilderness and Wilderness Study Areas (S.C.R. 7 of the 2003 Legislative Session, File No. 63, *Statutes of Nevada*).

Public testimony concluded the meeting with discussions of pending federal legislation and weed management.

7. Las Vegas Meeting (May 28, 2004)

The sixth meeting of Nevada's Legislative Committee on Public Lands was held in the Grant Sawyer State Office in Las Vegas on Friday, May 28, 2004. At this meeting, the Committee heard from John Koswan of the Clark County Department of Air Quality and Environmental Management regarding the County's efforts to maintain and improve federally-mandated air quality standards. This was followed by a presentation from the BLM concerning a number of issues handled by the Las Vegas field office, including OHV use, the SNPLMA, recreational activities, and permitting for various land uses. A representative from the USFS' Spring Mountains National Recreation Area (NRA) also provided an update regarding the NRA's characteristics and recreational opportunities available to the public.

This was followed by a detailed presentation from the Southern Nevada Water Authority. Included in this presentation was a review of current and future water supplies, drought mitigation measures, and interbasin transfer issues. Representatives from the CRC then provided a review of their programs and activities and discussed the allocation of Colorado River water to Nevada and other states. The discussion of water issues in southern Nevada concluded with a brief overview from Hugh Ricci, State Engineer, regarding general water issues and the status of pending water applications.

The Committee then heard a presentation from the DOE concerning the selection and development of a rail line (the Caliente railroad corridor) for the transportation of nuclear waste to Yucca Mountain. Robin Sweeney, DOE, discussed the physical location of the proposed rail line, the scoping meeting process, a construction timeline, and the potential impact the proposed railroad might have on land users, wildlife, and the landscape. A representative from the BLM also commented on the development of this route.

The meeting concluded with a presentation from Thomas Smigel, Regional Manager, Las Vegas Office, SDA. Mr. Smigel reviewed the functions, duties, and activities of his office and discussed efforts in southern Nevada to eradicate invasive, nonnative insects, which impact agricultural and horticultural activities in Clark County.

One audience member spoke under public comment concerning DOE's proposed Caliente Railroad Corridor.

8. Wells Meeting (June 25, 2004)

The seventh meeting of Nevada's Legislative Committee on Public Lands was held at the El Rancho Building in Wells on Friday, June 25, 2004. The meeting began with opening remarks and introductions by the Chairman. This was followed by welcoming remarks from Gene Kaplan, Wells Chamber of Commerce and Owner, El Rancho Building, who presented an interesting historical overview of the City of Wells and the El Rancho Building.

The Committee then heard an update of activities concerning sage grouse and the various petitions to designate sage grouse as an endangered species. Robert D. Williams, Field Supervisor, USFWS, addressed: (1) the USFWS' 90-day finding and status review of the Greater Sage Grouse; (2) petitions to list the Greater Sage Grouse as an endangered species and the petition process; (3) the timetable for determining the listing of endangered species; and (4) the critical habitat proposed for the Jarbidge River population of bull trout. Terry Crawforth, Director, NDOW, reported on the Department's involvement with sage grouse matters in the western United States. He addressed the following areas: (1) the *Greater Sage-Grouse Conservation Plan for Nevada and Eastern California*; (2) the Governor's Sage Grouse Conservation Team; (3) population management units (PMU); (4) local area planning groups; (5) grass root efforts (6) implementation phase of the sage grouse plan; (7) PMU estimates of sage grouse within Nevada and eastern California; and (8) range-wide issues. Finally, Steve Robinson, Advisor on Wildlife, Conservation and Rural Nevada Issues, Office of Nevada Governor Kenny C. Guinn, provided a policy perspective on the sage grouse issue from the State to the federal level. He noted that the Western Governors' Association (WGA) considers the potential listing of the sage grouse as an endangered species an important issue to the western states.

Leta Collord, President, Northeastern Nevada Stewardship Group, then testified about the mission and accomplishments of the NNSG since its formation in 1998. She highlighted the Group's involvement in the study of sage grouse habitat and efforts by the NNSG to prevent the endangered species listing of the species. Ms. Collord noted that the future goals for the Group are to bring more youth into the educational process and to expand the partners, membership, and capabilities of the Group.

This was followed by a general overview of public lands issues in Elko County and northeast Nevada from the BLM, the USFS, and local government representatives. Of particular concern to the presenters were noxious weed abatement needs, fire suppression activities, wild horses, and general federal management of the public lands. Representatives from Elko County focused on: (1) the recent bull trout endangered species designation; (2) wilderness area designations; (3) subdivisions and cattle interface fencing; (4) Mormon crickets; (5) sage grouse; (6) grazing allotments; (7) the Jarbidge South Canyon Road RS 2477 settlement agreement; (8) funding for wild horse gathers; (9) WSAs and the need for an Elko County lands bill; (10) noxious weeds; and (11) the wildfire urban interface statewide study.

The Committee then heard from several individuals concerning proposed changes to BLM law enforcement regulations. An update on recent efforts to reprogram funds to benefit the BLM wild horse and burro program was also received.

The Committee resumed its discussion (previously addressed at its meeting in Reno on March 26, 2004) concerning USFS policies and procedures on the monitoring and use of grazing allotments on USFS land. The parties involved appeared to have come to agreement on several issues that seemed contentious at previous meetings. This was followed by a

presentation from Steve Robinson concerning the proposed BLM law enforcement regulations, the possible endangered species designation of sage grouse, the wild horse and burro program, and OHV use. Finally, the Committee received a brief overview of programs and activities of the Elko County Water Planning Commission.

Several audience members and interested persons from the general public participated during the public comment period to address grazing allotment management practices and the proposed BLM law enforcement regulations.

The meeting concluded with the Committee voting to draft a letter to the BLM expressing its opposition to the agency's proposed changes to its law enforcement regulations for Nevada and to extend the comment period an additional 90 days beyond the July 2, 2004, deadline to allow for ample opportunity for other interested persons and groups to review and comment on this rule change. A discussion of this committee letter is in Section VI of this report and a copy of the letter appears under "Appendix D."

9. Eureka Meeting (July 20, 2004)

The eighth meeting of Nevada's Legislative Committee on Public Lands was held in the Eureka Opera House, on Tuesday, July 20, 2004. The meeting began with an update of public lands and natural resource issues in Eureka and Lander Counties and central Nevada. Presenters specifically addressed: (1) the infestation of Mormon crickets in northern Nevada; (2) wild horses; (3) water supply; (4) energy and the viability of rural cooperatives; (5) the potential listing of the sage grouse as an endangered species; (6) OHV usage on public lands; (7) the Austin Airport; (8) the Lander County land use plan; (9) the wildland fire plan; and (10) the proposed changes to BLM law enforcement regulations.

The Committee then heard a report from the USFS concerning the "Recreation and Tourism Framework Plan for the Austin and Tonopah Ranger Districts," which addresses the following elements: (1) site exploration; (2) purpose of the plan; (3) the approach; (4) significant, natural, heritage, and recreation resources; (5) tourism markets and services; (6) economic development; (7) implementation strategies; and (8) short- and long-term actions.

The Committee also discussed at length the issue of OHV usage in Nevada. Participating in this discussion was the USFS, BLM, several State agencies, and Gary Clinard, President, Dunes and Trails ATV Club, Las Vegas. Issues discussed during this segment included: (1) proposed USFS regulations dealing with OHV use on National Forest Service system lands; (2) OHV management challenges on public lands; (3) the licensing, taxation, administration, and economic development impacts that go along with OHV usage and registration; and (4) past efforts by the State of Nevada to regulate OHVs.

This was followed by a review of the activities and programs of Nevada's Commission on Mineral Resources. The Committee then discussed ongoing efforts by the SDA to control the Mormon cricket and grasshopper infestations in northern Nevada. As part of this discussion,

Jon Hutchings, Natural Resource Manager, Eureka County, reported on the successes and failures of Eureka County in dealing with its seasonal infestations of Mormon crickets.

These presentations were followed by the continued discussion of a proposal to fund noxious weed control efforts and weed personnel in Nevada. As part of this discussion, Ken Thompson, Advisor to the Tonopah Conservation District, proposed adding a \$1.50 fee to each regular motor vehicle registration to help fund a comprehensive statewide noxious weed control program. Finally, Committee staff invited interested persons to submit recommendations to the Committee for possible inclusion on the final work session document for consideration at the Committee's final in-state meeting on Friday, August 27, 2004.

Several audience members participated during the public comment period. Topics addressed during the public comment period included the proposed BLM law enforcement rules, the South Canyon Road along the Jarbidge River in Elko County, Mormon crickets, public lands grazing, and noxious weeds.

10. Carson City Meeting and Work Session (August 27, 2004)

The ninth and final in-state meeting of Nevada's Legislative Committee on Public Lands was held in the Legislative Building, Room 2135, Carson City on Friday, August 27, 2004. The meeting began with opening remarks and introductions from the Chairman. This was followed by a brief review of the activities of and the subcommittee report from the Legislative Committee on Public Lands' Subcommittee to Study Wilderness and Wilderness Study Areas (S.C.R. 7 of the 2003 Legislative Session, File No. 63, *Statutes of Nevada*; see *Legislative Counsel Bureau Bulletin No. 05-9*). The Committee then reviewed the activities of the Legislative Committee on Public Lands' Subcommittee to Study Changing the State Boundary Line with Utah (S.C.R. 20 of the 2003 Legislative Session, File No. 82, *Statutes of Nevada*; see *Legislative Counsel Bureau Bulletin No. 11*).

The Committee heard an overview of public lands and natural resources issues from representatives of Carson City, Lyon County, and Douglas County. A public lands update was then received from BLM's Carson City Field Office as well as the Carson Ranger District of the U.S. Forest Service. During this meeting, the Committee was especially focused on the recent 2004 wildland fire events, which had received—just three weeks prior—national attention following the outbreak of the “Waterfall Fire” in Carson City. Representatives from several State and federal agencies provided an interagency presentation on the 2004 fire season as a whole. These agency representatives (the BLM, USFS, and Nevada's Division of Forestry) along with Carson City and the Natural Resources Conservation Service provided an overview of the rehabilitation efforts conducted following the devastating Waterfall Fire. Emergency and community response, erosion control measures, financial administration, and ecosystem restoration highlighted this discussion. The Committee was impressed with the high level of interagency cooperation exhibited during the 2004 fire season.

This was followed by presentations from representatives of two water districts—the Truckee-Carson Irrigation District (TCID) and the Carson Water Subconservancy District (CWSD)—who gave overviews concerning water supply, current projects, customer relations, and future development plans. Hugh Ricci, State Engineer, then provided the Committee with a summary of general water issues as a “wrap-up” of the Committee’s interim activity. Finally, the Committee received overviews of the programs and activities of the Nevada Natural Heritage Program and the Division of State Parks.

The Legislative Committee on Public Lands took action on numerous items at this final in-state meeting. Specifically, the Committee voted to approve the “Summary Minutes and Action Report” of the meetings held on June 25, 2004, in Wells, and on July 20, 2004, in Eureka. The Committee also voted to accept the subcommittee reports from both the Legislative Committee on Public Lands’ Subcommittee to Study Wilderness Areas and Wilderness Study Areas and the Legislative Committee on Public Lands’ Subcommittee to Study the Feasibility and Desirability of a Change in the Boundary Line Between Nevada and Utah.

During the work session portion of the meeting, the Committee voted to forward the following recommendations contained in the “Work Session Document” (WSD) to the 2005 Session of the Nevada Legislature for possible legislative measures: Recommendations 3, 5, 6, 7, 8, 9, 11, 12, and 13. The Committee also voted to send letters or statements regarding the following recommendations contained in the WSD and shown in the consent calendar for the work session: Recommendations 14, 15, 16, 17, 18, 20, 21, 22, 23, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, and 43. The Committee also voted to send a letter regarding Recommendation 41 in the WSD and include a formal statement in the final report concerning this recommendation. After removal from the consent calendar and further discussion, the Committee voted to send letters regarding the following recommendations contained in the WSD: Recommendations 24, 29, and 42. Finally, the Committee voted to combine Recommendations 19 with 38 into one Committee letter. A copy of the WSD appears in “Appendix C” of this report.

B. WASHINGTON, D.C., INFORMATIONAL TOURS

Over the past several years, Nevada’s Legislative Committee on Public Lands has developed important and positive 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 discussions with federal decision-makers in the nation’s Capitol are a productive 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. February 25 and 26, 2004

The Committee's first informational tour in Washington, D.C., was held on February 25 and 26, 2004. Members of the Committee visited with officials from the BLM, National Mining Association (NMA), U.S. Forest Service, key staff members from House and Senate natural resource committees, and Nevada's Congressional Delegation. Topics addressed included the state of the mining industry, wild horses and burros, fire suppression initiatives, sage grouse and other endangered species issues, the "Healthy Forest Initiative," and pending federal legislation.

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

- BeBe Adams, Director, Community Relations, Barrick Gold Corporation;
- Kai Anderson, Legislative Director for Senator Harry Reid;
- Allison "Rosie" Barry, Legislative Aide for Senator John Ensign;
- Congresswoman Shelley Berkley;
- Kathleen Clark, Director, BLM, DOI;
- Mary Beth Donnelly, Vice President of Government Affairs, Newmont Mining Corporation;
- Senator John Ensign;
- G.R. "Ric" Fenton, Vice President, Congressional Affairs, NMA;
- Jack Gerard, President, NMA;
- Congressman Jim Gibbons;
- Ralph E. Giffen, Natural Resources Specialist, Range Management, USFS, USDA;
- Margaret M. Grant, Special Assistant to the President, White House Office of Intergovernmental Affairs;
- Bryan J. Hannegan, Ph.D., Associate Director for Energy and Transportation, White House Office of Intergovernmental Affairs;
- Robert G. Howarth, Staff Director, Subcommittee on National Parks, Recreation and Public Lands, U.S. House of Representatives Committee on Resources;
- James M. Hughes, Deputy Director, Policy and Programs, BLM, DOI;
- Kit Caples Kimball, Director, Office of External and Intergovernmental Affairs, DOI;
- John P. Lopez, Deputy Chief of Staff for Senator John Ensign;
- Douglas MacCleery, Senior Policy Analyst, Forest and Rangeland Management Division, USFS, USDA;
- Steve Marshall, Assistant Director, Cooperative Forestry, USFS, USDA;
- Stephen Martinko, Legislative Aide for Congressman Jon Porter;
- Judy Pensabene, Chief Counsel, Majority Staff, Senate Committee on Energy and Natural Resources;
- Mike Pieper, Director, State of Nevada, Washington, D.C., Office;
- Hal Quinn, General Counsel, NMA;
- Senator Harry Reid;

- Greg Schildwachter, Staff Director, Subcommittee on Fish, Wildlife and Water, Senate Committee on Environment and Public Works;
- John Shelk, Senior Vice President, Government Affairs, NMA;
- Gary Taylor, International Association of Fish and Wildlife Agencies;
- Bill Timko, Deputy Director, Forest and Rangeland Management Division, USFS, USDA; and
- Frank A. Vitello, Legislative Staff, Subcommittee on National Parks, Recreation and Public Lands, U.S. House of Representatives Committee on Resources.

2. October 19 and 20, 2004

On October 19 and 20, 2004, the Committee held its second informational tour in Washington, D.C. Members of the Committee visited with officials from the BLM, Environmental Protection Agency (EPA), and the USFS. In addition, the Committee discussed public lands issues with Nevada's Congressional Delegation and their staffs, the NMA, the National Governors' Association (NGA), the WGA, the Competitive Enterprise Institute (CEI), and the National Association of Counties (NACO). Topics addressed included the state of the mining industry, wild horses and burros, fire suppression initiatives, sage grouse and other endangered species issues, air quality, the designation of "Superfund sites," renewable energy, and pending federal legislation.

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

- Alexis Bayer, Legislative Aide for Senator John Ensign;
- Paul V. Beddoe, Ph.D., Associate Legislative Director, NACO;
- Robert D. Brenner, Principal Deputy Assistant Administrator, Air and Radiation, EPA;
- Shanna K. Brown, Deputy Director, WGA;
- Frank Burch, Forest Ecosystems and Planning, National Forest System (NFS), USDA;
- Chad Calvert, Deputy Assistant Secretary, Land and Minerals Management, DOI;
- Ashley Carrigan, Policy Advisor, State of Nevada's Washington, D.C., Office;
- Glenn P. Casamassa, Legislative Resource Specialist, USFS, USDA;
- Kathleen Clark, Director, BLM, DOI;
- Michael Cook, Director, Office of Superfund Remediation and Technology Innovation, EPA;
- Harry Croft, Deputy Coordinator, National Fire Plan, USFS, USDA;
- Patty Doerr, Legislative Associate, Natural Resource Division, NGA;
- Joseph W. Dunn, Associate Legislative Director, NACO;
- G.R. "Ric" Fenton, Vice President, Congressional Affairs;
- Mark Flory, State and Local Government Liaison, Office of Congressional and Intergovernmental Relations, EPA;
- Tom Harbour, Deputy Director, Fire and Aviation Management, SPF, USDA;
- Matthew Hogan, Deputy Director, U.S. Fish and Wildlife Service, DOI;

- David G. Holland, Director, Recreation, Heritage & Wilderness Resources, USFS, USDA;
- James M. Hughes, Deputy Director, Policy and Programs, BLM, DOI;
- Eli Ilano, Legislative Fellow for Senator Harry Reid;
- Mona Janopaul, Lands Staff, NFS, USDA;
- Janette Kaiser, Director, Rangeland Management, NFS, USDA;
- Sandra Keil, Legislative Assistant for Congressman Jim Gibbons;
- Kit Caples Kimball, Director, Office of External and Intergovernmental Affairs, DOI;
- Marlo Lewis, Ph.D., Senior Fellow in Environmental Policy, CEI;
- Angela Logomasini, Director of Risk and Environmental Policy, CEI;
- Kimberly T. Nelson, Assistant Administrator, Office of Environmental Information, EPA;
- Frederick Norbury, Director, Ecosystem Management Coordination, NFS, USDA;
- Mike Pieper, Director, State of Nevada, Washington, D.C., Office;
- Safiya Samman, Ph.D., Forest Health Specialist, SPF, USDA;
- Diane Shea, Director, Natural Resource Division, NGA;
- John Shelk, Senior Vice President, Government Affairs, NMA;
- Fred L. Smith Jr., President, CEI;
- R.J. Smith, Adjunct Scholar in Environmental Policy, CEI;
- Tamra Spielvogel, Policy Associate, State-Federal Relations, National Conference of State Legislatures;
- Katie Sweeney, Associate General Counsel, NMA;
- Pamela Thiessen, Legislative Director for Senator John Ensign;
- Tom L. Thompson, Deputy Chief, NFS, USDA;
- Heather Urban, Legislative Director for Congresswoman Shelley Berkley;
- Peter Winokur, Energy and Transportation Advisor for Senator Harry Reid;
- Susan Yonts-Shepard, Associate Deputy Chief, Programs, Legislation and Communication, NFS, USDA; and
- Amy Zimpfer, Deputy Director, Air Division, EPA Region 9 (via conference call).

IV. ISSUES CONSIDERED DURING THE 2003-2004 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 2003-2004 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 2003-2004 interim period:

- Abandoned mine lands;
- Air quality issues;
- Black Rock Desert-High Rock Canyon;
- BLM activities and policies in Nevada;
- BLM law enforcement regulations;
- “Checkerboard” land issues;
- Colorado River Commission;
- County and city public lands issues;
- Drought relief;
- DOE activities on public lands (Caliente Railroad Corridor);
- ENLC;
- Elk management;
- Endangered Species Act of 1973 (ESA);
- Environmental issues relating to mining;
- Federal and State land use permitting processes;
- Federal and State legislation (various pending measures);
- Fire suppression and prevention;
- Grazing issues;
- Great Basin Restoration Initiative and range rehabilitation issues;
- Humboldt Project Title Transfer;
- Interbasin transfer of water;
- Land sales and disposals;
- Lincoln County Land Act of 2000 and the LCCRDA;
- Mine reclamation and bonding issues;
- Mining regulations;
- Mormon cricket and grasshopper infestations;
- Nevada Fire Safe Council;
- NNSG;
- Noxious weed and invasive species abatement;
- OHV use and possible regulation of OHVs;
- PILT;
- Pinion juniper harvest and thinning;
- Range rehabilitation issues;
- Rangeland Resources Committee;
- Renewable energy development on public lands;
- Sage grouse and the possible listing of sage grouse as an endangered species;
- SNPLMA;
- Southern Nevada Water Authority;

- State agency activities review;
- State involvement in management of federal lands in Nevada;
- Stockwater permits;
- Threatened and endangered species in Nevada (possible listings);
- USFS activities and policies in Nevada;
- Vidler Water Company activities in eastern Nevada;
- Water issues generally (usage, supply, water rights, litigation, mine dewatering, and activities of various water authorities and providers);
- Wild horses and burros;
- Wilderness and WSAs;
- Wildfire Support Group; and
- Wildlife management.

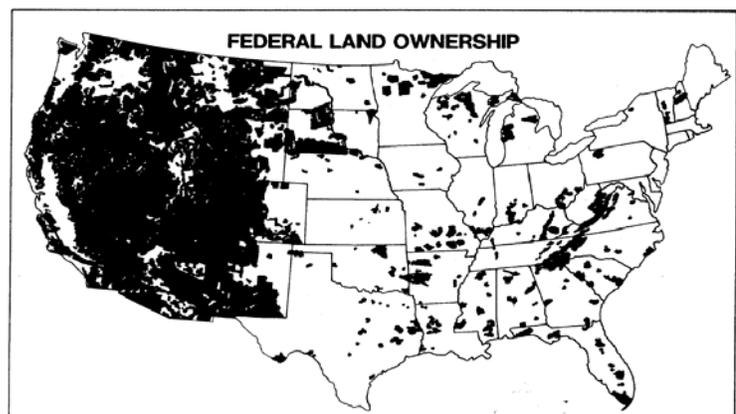
B. SUMMARY OF SELECT ISSUES DISCUSSED

This section of the report provides brief summaries of some of the many topics addressed by the Committee during the 2003-2004 legislative interim. Several topics captured the Committee's interest on more than one occasion, such as activities of the BLM and the USFS, fire suppression and range rehabilitation, land sales, local public lands issues, mining activities, noxious weeds, off-highway vehicle usage, PILT, sage grouse, and wild horse and burro management.

1. Bureau of Land Management Activities in Nevada

The Bureau of Land Management 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 the issuance and management of grazing allotments, wild horse gathering plans and adoptions, the regulation of some mining activity, fire suppression, range rehabilitation and the Great Basin Restoration Initiative, implementation of several land disposal programs (SNPLMA, FLTFA, and the LCCRDA), noxious weed abatement efforts, renewable energy projects on public lands, management of WSAs and wilderness areas, and wildlife management.

The BLM has actively participated in the legislative process in Nevada, both during legislative sessions and in the interim between sessions. During the 2003-2004 legislative interim, the Committee on Public Lands received presentations and heard testimony from the BLM at each of its meetings. The Committee members are consistently



impressed by the BLM’s active participation in Nevada’s legislative process. Many of the concerns about critical public lands issues are best addressed in an open and public forum that encourages honest and useful discussion. The BLM recognizes this, and uses the opportunity to appear before the Committee to ensure that important land management decisions are made openly and fairly. The Committee wishes to thank the BLM for its willingness to participate at every meeting.

2. County and City Public Lands Issues

As noted earlier, the Committee on Public Lands meets throughout Nevada in an effort to learn about local public lands issues and to obtain local perspectives on critical natural resource matters. During this interim, local government representatives briefed the Committee regarding agricultural and mining regulations, economic development, endangered species,

County	Total Area (acres)	% Federal
Carson City	97,920	45.0
Churchill	3,144,320	75.9
Clark	5,173,760	89.4
Douglas	480,640	53.3
Elko	10,995,840	72.0
Esmeralda	2,284,800	98.4
Eureka	2,676,480	80.7
Humboldt	6,210,560	79.9
Lander	3,597,440	92.7
Lincoln	6,816,000	98.2
Lyon	1,295,360	66.9
Mineral	2,455,680	85.0
Nye	11,560,960	92.4
Pershing	3,859,840	75.9
Storey	167,780	7.6
Washoe	4,229,120	68.7
White Pine	5,699,200	92.9

Note: Percent of federal land is the best recent estimate based on a variety of sources. Tribal lands administered by the Bureau of Indian Affairs are not included as federal land.

fire management, land disposal, right-of-way issues, water issues, wildlife management, and wild horses and burros. The economic importance of mining and agriculture to rural Nevada and the impacts of federal regulations on these industries is a regular topic of concern by many local governments. Finally, many counties and cities in Nevada are working to manage the “checkerboard” land ownership pattern (i.e., blocks of federal land surrounded by privately or municipally owned land) that exists in some developed areas.

Local governments often identified as areas of concern the fiscal impact of nontaxable public land in many counties, the lack of adequate compensation through the PILT program, and the need to find ways of diversifying local economies. Representatives from these local governments have consistently 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. Further, because PILT depends on the annual appropriations process, funding can vary from year to year. The Committee has a long record of supporting improved PILT payments. Among the recommendations adopted by the Committee at its work session were letters of support for full and permanent PILT funding. Additional information concerning PILT appears on pages 35, 36, and 74 of this report.

Perhaps the most common theme expressed by representatives of local governments throughout Nevada is the need for local government participation in public land management programs and

activities. The Committee echoed this desire in conversations with federal agencies in Nevada, and during its two informational tours to Washington, D.C.

3. United States Forest Service Activities in Nevada

The United States Forest Service manages more than 5.1 million acres of land (7.28 percent of the total land area) in Nevada. The agency is directly involved in the management of the Humboldt-Toiyabe National Forest, the largest national forest outside of Alaska. Reports on the status of various planning efforts throughout Nevada and other USFS activities were provided to the Committee throughout the interim. The Forest Service also reported to the Committee regarding grazing matters, recreation, and wilderness issues. In addition, USFS representatives from Nevada and Washington, D.C, discussed the implementation of the “Healthy Forest Initiative” (Healthy Forests Restoration Act of 2003), the funding provided to Nevada through the USFS’ State and Private Forestry Program, and the use of OHVs on Forest Service land.

In addition, through coordinated efforts with the BLM and the Nevada Division of Forestry (NDF), USFS staff regularly responded to Committee requests for briefings on fire suppression efforts and statewide fire damage statistics. Interagency efforts were described, and the Committee regularly expressed its gratitude for the cooperative work of everyone involved in fire management efforts.

The Committee has continuously expressed great appreciation to USFS officials throughout the State and to the Forest Supervisor, Robert Vaught, for their active involvement in the Committee’s activities and deliberations. The Committee is well aware that USFS representatives are often requested to discuss somewhat controversial matters and is thankful for their willingness to attend Committee hearings, sometimes on short notice. Many local officials have also reported positive working relationships with USFS staff in Nevada.

4. Federal Land Disposal and Acquisition Legislation

Federal legislation authorizing and promoting the sale and disposal of federal public land and federal bills setting forth the general guidelines for range management have been an ongoing topic of discussion for the Legislative Committee on Public Lands. The disposal of land under SNPLMA and the use of the funds generated by those land sales was a regular topic of discussion during the interim. The Committee frequently questioned the purchase of private land in northern and rural counties (where vast quantities of public land already exist) using revenue from the sale of public land in Clark County. In response, the BLM consistently assured Committee members that land acquisitions in northern Nevada and rural counties only take place with the consent and support of local governments, and often at the behest of the counties. Nearly \$1.4 billion in land has been auctioned since the implementation of SNPLMA, while only 3,000 acres of “environmentally-sensitive” land has been acquired under the Act.

The SNPLMA is not the only federal land acquisition, disposal, and management Act addressed by the Committee. In addition to SNPLMA, the Committee frequently discusses the Federal Land Policy Management Act of 1976 (FLPMA), the FLTFA, and the recently-approved Lincoln County Conservation, Recreation, and Development Act of 2004. The Committee has regularly encouraged Nevada's Congressional Delegation to amend the SNPLMA, FLTFA, LCCRDA and other land sale acts to expand the uses of the revenue generated under the Acts to benefit and support sage grouse habitat protection, wild horse gathers, general range enhancements, the costs for environmental assessments and analysis by the BLM for land sales and exchanges, noxious weed and invasive species abatement, fire suppression, and other important public lands projects and improvements. The Committee voted to send a letter addressing this issue to the Delegation and the Department of Interior. A copy of this letter appears in "Appendix D" of this report.

a. *Federal Land Policy Management Act of 1976*

In 1964, Congress created the Public Land Law Review Commission to review all current federal land management laws and enacted the Classification and Multiple Use Act. The Commission was created to study the federal lands, their management, history, and current laws and to make recommendations for reforms and modernization. These recommendations eventually led to the enactment of Federal Land Policy Management Act.

In FLPMA, Congress expressly stated a policy of retaining the remaining federal lands in federal ownership; repealed many executive withdrawal authorities and imposed controls on future executive withdrawals; provided for review of existing withdrawals; required land use planning; and directed the practice of the "multiple use" concept whereby the uses to be allowed on public lands would be determined directly through the land use planning process.

b. *Southern Nevada Public Lands Management Act of 1998*

The Southern Nevada Public Lands Management Act allows the BLM to sell public land within a specific boundary around Las Vegas. The revenue derived from land sales is shared between the State's General Education Fund (5 percent), the SNWA (10 percent), and a special account available to the Secretary of the Interior for:

- Acquiring environmentally-sensitive land in the State of Nevada;
- Capital improvements at the Lake Mead National Recreation Area, the Desert National Wildlife Refuge, the Spring Mountains National Recreation Area, the Red Rock Canyon National Conservation Area, and other areas administered by the BLM in Clark County;
- Developing a multispecies habitat conservation plan in Clark County;

- Funding the development of parks, trails, and natural areas in Clark County, pursuant to a cooperative agreement with a unit of local government; and
- Conservation initiatives on federal land in Clark County, administered by the DOI and USFS.

Other provisions in the SNPLMA set forth certain land sale and acquisition procedures, direct the BLM to convey title to land in the McCarran Airport noise zone to Clark County, and provide for the sale of land for affordable housing.

c. Federal Land Transaction Facilitation Act of 2000

The Federal Land Transaction Facilitation Act provides for the use of revenues from the sale or exchange of public lands identified for disposal under land use plans in effect at the time the Act was passed. The revenue derived from land sales is shared between the State of Nevada (4 percent) for educational purposes or for the construction of public roads, and a special account available to the Secretary of the Interior and Secretary of Agriculture for:

- Acquiring inholdings within certain federally designated areas, or lands adjacent to those areas and containing exceptional resources. Of the funds used for acquisitions, 80 percent must be expended in the same state in which the funds were generated and 20 percent may be expended for acquisitions in any other state.
- Administrative and other expenses necessary to carry out the land disposal program under the FLTFA. Up to 20 percent of revenues from disposals may be used for this purpose.

In Nevada, the FLTFA does not apply to lands eligible for sale under the SNPLMA, Burton-Santini Act, Mesquite Lands Act, or Lincoln County Land Act. The FLTFA also would not apply to lands identified for disposal after July 25, 2000, such as through a land use plan amendment approved after that date.

d. Lincoln County Conservation, Recreation, and Development Act of 2004

The Lincoln County Conservation, Recreation, and Development Act authorizes the sale of federal land in Lincoln County. The bill further designates 770,000 acres of federal land in Nevada as wilderness. The Act also designates a specified corridor for utilities in Lincoln and Clark Counties and grants rights-of-way to the SNWA and Lincoln County Water District for roads, wells, well fields, pipes, pipelines, pump stations, storage facilities, and other facilities and systems necessary for the construction and operation of a water conveyance system.

Other provisions in the LCCRDA: (1) designate a system of trails in Lincoln County as the “Silver State Off-Highway Vehicle Trail”; (2) authorize the Secretary of Interior to convey specified land to Lincoln County and the State of Nevada to be used for natural resources

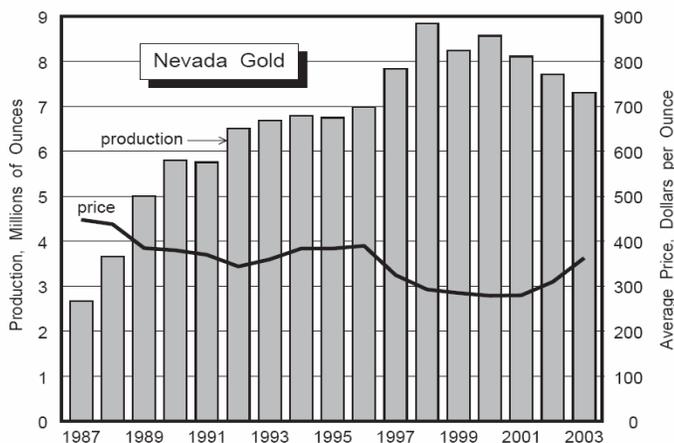
conservation or public parks; and (3) transfer administrative jurisdiction of specified lands between the USFWS and BLM.

5. Mining Issues

Throughout the 2003-2004 legislative interim, the Committee received numerous reports regarding Nevada's mining activity, most of which takes place on public lands. Mining topics discussed during the interim included abandoned mine lands, environmental issues relating to mining, mine reclamation and bonding, mining regulations, and mine dewatering.

In recent years, the mining industry has enjoyed higher mineral prices, increased productivity, and, to some extent, a more favorable regulatory environment. Moreover, since the drastic fall of gold prices in 1997 to well under \$300 per ounce, the price of gold has climbed to over \$425 per ounce in early 2005. This has infused expansion and development within the mining industry.

Nevada is rich with mineral resources. In fact, Nevada is the nation's leading producer of precious metals, producing approximately 70 percent of U.S. gold and 43 percent of U.S. silver. The State was also the nation's leading producer of barite, lithium, carbonate, and mined magnesite. In 2003, approximately \$3 billion in mineral commodities (excluding oil and geothermal resources) were produced in Nevada. Additionally, there are



14 geothermal electric generating plants in ten locations that produced 1.64 million megawatt hours of electricity in 2003 (enough power to supply nearly 80,000 homes). Finally, in 2003, approximately 493,000 barrels of oil were produced from oil fields in Eureka and Nye Counties.

The economic significance of mining is especially great in rural areas where mining activities are centered. In 2003, there were, on average, 8,776 Nevadans directly employed in the mineral industry at an average salary of \$63,059. It is estimated that another 43,000 jobs are involved in supplying goods and services to the industry. Given these statistics, it is apparent why the Committee on Public Lands regularly monitors mining activity in Nevada.

The Nevada Division of Minerals administers programs and activities to further the responsible development and production of Nevada's mineral resources; minerals produced from mines; geothermal energy; and oil and gas. The Division regulates drilling operations of oil, gas, and geothermal wells; administers a program to identify, rank, and secure dangerous conditions at abandoned mines; and manages the State Reclamation Bond Pool.

The General Mining Law of 1872 is one of the major federal statutes that direct the Federal Government's land management policy. The law grants free access to individuals and corporations to prospect for minerals on public domain lands, and allows them, upon making a discovery, to stake (or "locate") a claim on that deposit. A claim gives the holder the right to develop the minerals and the claim may be "patented" to convey full title to the claimant. The Committee on Public Lands regularly discusses federal proposals to amend the 1872 mining law and often contemplates whether this law should be reformed and, if so, how to balance mineral development with competing land uses.

a. *Mine Reclamation*

Mine reclamation is an important environmental issue, especially in rural Nevada. In 1991, the State Reclamation Bond Pool was created to ensure that sufficient resources exist in the event a mining company goes bankrupt and cannot pay to reclaim the land. In Nevada, mine operators are required to obtain a reclamation permit and to file a surety with Nevada's Division of Environmental Protection (NDEP) or federal land manager. The Bond Pool is administered by the Division of Minerals; however, the NDEP is responsible for reviewing the mine operator's estimate of the cost for reclamation to determine if the estimate is reasonably sufficient to conduct all required reclamation.

Recent concern has been expressed for one of the types of surety that may be filed by a mine operator: corporate guarantee. The issue is that if a company claims bankruptcy, it may not have the corporate funds necessary to pay for reclamation. In that case, some have argued that taxpayers may be held responsible for reclamation costs. During its informational tours to Washington, D.C., the Public Lands Committee also discussed with the National Mining Association the challenges and expense associated with bonding and the difficulty even well-established mining companies experience in securing proper bonding.

b. *Toxics Release Inventory*

For several years, the Legislative Committee on Public Lands has monitored the Toxics Release Inventory (TRI). The TRI is part of the Federal Emergency Planning and Community Right-to-Know Act of 1986. The Act is intended to inform communities and residents of potential chemical hazards in their area by requiring certain businesses to report the locations and quantities of designated chemicals stored on-site.

In the late 1990s, the EPA expanded the TRI reporting requirements to include the mining industry. The TRI now requires mining companies to report releases of large quantities of naturally occurring substances within the ground. These releases are often the result of simply moving and handling the rock as part of the regular mining process. After the process is complete, these reportable substances remain on-site. Nevertheless, because they are moved and handled, they must be reported as having been "released" into the environment. As a result, for four years immediately following the new TRI reporting requirements, Nevada and its mining industry led the nation in the release of toxic substances. Over the years,

the Legislative Committee on Public Lands has urged the EPA and lawmakers to remove the mining industry from the required TRI reporting.

This year, Alaska became the leader for toxic releases and Nevada ranked second. A federal court last year ruled that trace amounts of potentially harmful substances need not be reported if they are less than 1 percent of the weight of the pile of rock material. As a result, Nevada's reportable numbers declined. However, the ongoing appearance of Nevada's mining industry as a significant contributor to the release of toxic materials is a concern to many. The NMA reported to the Committee that it still continues to differ with the EPA in the interpretation of the TRI and whether the reporting requirements should include the mining industry.

6. Noxious Weeds and Invasive Species

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 the 2003-2004 legislative interim, officials from the BLM, SDA, and local governments expressed continued concern that the spread of noxious weeds compromises the agricultural productivity of public and private land. Invasive species damage native vegetation, displacing native plants. Furthermore, nonnative plants across the State's rangelands are often flammable and increase fire intensity and frequency. They typically outcompete native plant species, thereby decreasing natural biodiversity and wildlife habitat. Thorny, spiny plants make areas inaccessible for recreation and the spread of invasive plants coupled with the need to control these weeds in crops drives up the price of food. Some species are so detrimental to the State's economy and environment that they are designated as "noxious weeds" through formal legislative action.

According to the USDA, noxious weeds are defined as "species of plants that cause disease or are injurious to crops, livestock or land, and thus are detrimental to agriculture, commerce or public health." In an agricultural setting, invasive weeds interfere with crop production or other uses of the land. In natural or wildland areas, these species cause a drastic change in the composition and function of ecosystems. Encroachment of noxious weeds reduces the resource values of agricultural land, rangeland, forests, critical watersheds, wetlands, and wildlife habitats, while increasing the economic burden of protection, control, and restoration.

While a number of noxious weeds are of concern in Nevada, cheatgrass received the most attention during the 2003-2004 interim. Originating in Europe, cheatgrass is an annual grass that is fine-stemmed, so it carries fire easily and is fire adaptive. This allows it to reestablish rapidly after a fire as a monoculture (or solid stand of a single plant species) on the burned land. Competitive monocultures of cheatgrass now exist on approximately 9 million acres in Nevada. Before the invasion of cheatgrass, fire burned once every 60 to 110 years in the Great Basin, and shrubs had a chance to become well established. Today, regular fires that occur every three to five years ensure that cheatgrass remains the dominant species. As a result, wildlife that depends upon a diverse plant community no longer inhabits cheatgrass infested lands. The economic impact of noxious weeds such as cheatgrass is significant in

Nevada. Not only do these species impair agricultural productivity and wildlife habitat, they make fire suppression and fire fighting even more costly.

Nevada's Noxious Weed Program, undertaken by the SDA, is an action plan to: (1) address weed management; (2) prevent new infestations; (3) educate and create awareness; (4) foster coordination, cooperation, and partnerships; and (5) promote research. The Nevada Weed Action Committee (a committee of the SDA) and others have identified funding as the primary need in the fight against noxious weeds in Nevada and the Committee heard several presentations during the interim regarding the need for increased monetary support.

In addition to noxious weeds, the influx of Africanized honey bees (commonly referred to as "killer bees") and fire ants into southern Nevada has been a growing concern. Both species are aggressive and will repeatedly sting anything that disturbs them, sometimes resulting in death to people and animals. According to the SDA, the potential cost of eradicating these pests is in the millions of dollars should they become further established in Nevada. These pests often enter the State through plant material imported from other areas. The subject of "ports of entry," where plants are inspected before they are allowed into Nevada, was the subject of considerable Committee discussion during previous interims. The Committee on Public Lands will continue to monitor this problem in the coming years.

7. Off-Highway Vehicle Use on Public Lands

In recent years, the number of OHVs operated on public lands in Nevada has increased dramatically. It is estimated that Nevadans own over 425,000 OHVs (including dirt bikes and snowmobiles). The increased popularity of OHVs as a form of recreation poses significant land management challenges. Since 1998, the number of OHVs used in Nevada has increased 184 percent. The BLM has established three designations for OHV use in Nevada: (1) open; (2) limited; or (3) closed. Approximately 80 percent of Nevada's BLM land (about 40 million acres) is designated as "open," meaning OHVs can be operated in any area without restriction. Meanwhile, almost 18 percent of BLM land is designated as "limited" OHV use, whereby OHVs must be operated on designated roads and trails. Two percent of BLM land in Nevada is closed to OHV use.

Off-highway vehicle use on Forest Service land is also increasing. On July 15, 2004, the Forest Service published proposed regulations on travel management to govern OHVs and other motor vehicle use on national forests and grasslands. During a 60-day comment period, the agency received 81,563 responses representing all 50 states, the District of Columbia, Puerto Rico, and seven foreign countries. The proposed rule would require each national forest to designate those roads, trails, and areas open to motor vehicles. Once designation is complete, the rule would prohibit motor vehicle use off the designated system. Designation decisions would be made locally, with public input and in coordination with State, local, and tribal governments. The Forest Service expects to publish a final travel management regulation in the first half of 2005.

State agency involvement in OHV management has also increased in the last few years. Some State agencies have noted that, if federal land management agencies move forward with additional regulation concerning OHVs, the State of Nevada may take on a greater enforcement and oversight role with regard to OHV usage and safety. Indeed, NDOW attempted to address the use of OHVs by hunters through the administrative regulation process but decided to forego these efforts until greater consensus is reached on how to address this delicate and complicated issue. Nevada's Division of State Parks and the Governor's Office have also been actively involved in OHV management discussions.

Much of the testimony during the interim involved the possible regulation and registration of OHVs in the State of Nevada. Efforts to require OHV registration have failed in previous legislative sessions. Nonetheless, the Committee voted to introduce a bill to require the registration of OHVs. According to testimony heard by the Committee on Public Lands, the registration of OHVs would serve to provide proof of OHV ownership, fund OHV infrastructure and facilities, enhance tourism and access to rural communities, increase the use of public lands, provide for the enactment of traffic laws specific to OHV use, and provide for the collection of sales tax revenue on OHV purchases. The Committee recognizes that the topic of OHV usage is often emotional and complicated and understands that, if a form of OHV registration is approved during the 2005 legislative session, its implementation and oversight will involve a host of government agencies, including the Departments of Motor Vehicles, Taxation, and Wildlife, as well as the Governor's office and the Division of State Parks.

8. Payments in Lieu of Taxes

The federal Payments in Lieu of Taxes program requires the Federal Government to make annual payments to local governments as compensation for the loss of revenue they experience due to the presence of federally-owned land within their jurisdictions. The PILT payments began in 1977 and have distributed nearly \$3 billion to local governments nationwide.

The formula used to determine the payments is based on population and the amount of federal land within an affected county area. The states whose local governments received the most in PILT payments in 2004 are (listed in order of the amount received): New Mexico, Utah, California, Arizona, Colorado, and Montana. For 2004, Nevada ranked tenth of all states in the amount of PILT funding, although more federally-owned land exists within its borders than any other of the 48 contiguous states. The irony of the PILT formula is that counties with the most federal land typically have the smallest populations. Because the formula is, in part, population-dependent, the counties with the highest percentage of federal land do not receive the greatest payments.

In 2004, Nevada's 17 counties received \$13.5 million under the PILT Act. This is an increase of more than \$362,000 over the previous year because of a higher Congressional appropriation for the program in 2004. Although there have been increases in funding to the PILT program in recent years, the money appropriated by Congress still remains insufficient to provide full

payments under the PILT formula. In response to these funding realities, the Committee agreed to send a letter to the members of Nevada's Congressional Delegation, the Chairmen of the Senate Committee on Energy and Natural Resources and the House Committee on Resources, and the Chairmen of the appropriations committees in the U.S. Senate and House of Representatives encouraging the full funding of the federal PILT program. A copy of this letter appears in "Appendix D" of this report.

9. Sage Grouse

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, recreation, public access, and general land use. During the 2003-2004 legislative interim, the Committee continued its ongoing discussion of the potential listing of the sage grouse as either threatened or endangered in the Great Basin. Several presentations were made outlining the work of Nevada Governor Kenny C. Guinn's Sage Grouse Conservation Team, the purpose of which is to work proactively to avoid listing under the Endangered Species Act of 1973.

Reports to the Committee highlighted the growing concern throughout the western United States, including Nevada, that sage grouse populations and habitat quality/quantity have been declining. Between 1999 and 2004, eight petitions have been filed with the U.S. Fish and Wildlife Service to list the sage grouse as a threatened or endangered species. From the information provided in the petitions, the USFWS determined that listing the Greater Sage Grouse may be warranted, and a species status review was initiated.

The listing of the Greater Sage Grouse as a threatened or endangered species would have a significant impact on Nevada. Land development, land uses, water use, and recreational activities would be affected. As a result, Governor Guinn appointed the sage grouse task force in August 2000, which represented industry, Native American tribal governments, conservation organizations, federal and State land management agencies, legislators, and biological professionals. This group was charged with creating a strategy that would lay the framework for local area conservation planning groups to follow when creating sage grouse conservation plans for their respective areas. The intent of the effort was to proactively address concern for sage grouse to avoid a listing under the ESA. While sage grouse still thrive over much of their range in Nevada, with relatively large populations of birds in Elko, Eureka, northern Humboldt, northern Washoe, and White Pine Counties, a conservation plan would define proactive actions to address localized problems before the species truly reaches a threshold of vulnerability from which recovery might be difficult. After four years of work, the *Greater Sage-Grouse Conservation Plan for Nevada and Eastern California* was released in June 2004 and presented to the Committee on Public Lands at its meeting in Wells in June.

In December 2004, the Committee was pleased to hear that senior USFWS biologists recommended that the greater sage grouse not be listed as a threatened or endangered species

across its range. On January 7, 2005, the Director of the USFWS in Washington, D.C., announced that sage grouse does not warrant protection under the ESA at this time. Instead, it appears the agency will find that the best solution for conserving the Greater Sage Grouse is for federal agencies and western states to continue to support cooperative efforts to conserve and restore sage grouse habitat.

10. Wildfire Suppression and Range Rehabilitation

The impact of wildland fires on Nevada has been an ongoing matter of serious concern to the Committee on Public Lands. The 2003-2004 legislative interim was no exception. On average, more than 900 wildfires occur during any given fire season in Nevada, burning nearly 600,000 acres of land statewide. Years of unusually dry conditions and the spread of invasive plants like cheatgrass have recently left the State vulnerable to extremely dangerous fire seasons. Fire fighting agencies at all levels often do not have enough money and resources to suppress fires, and their reliance on tanker aircraft was curtailed in 2004 (the aircraft was grounded by the Federal Aviation Administration for safety concerns following crashes in previous fire seasons). During drought years, the acreage burned by wildfires increases significantly and dry fuels contribute to more erratic burning conditions and increased fire intensity.

Several agencies share responsibility for fire prevention and suppression in Nevada. At the State level, NDF manages all forestry, nursery, endangered plant species, and watershed resource activities on certain public and private lands. The Division also provides fire protection for structural and natural resources through fire suppression and prevention programs and other emergency services. At the federal level, the BLM and USFS participate extensively in fire-related efforts throughout Nevada. Local fire protection districts and volunteer fire departments are also located across the State. The cooperation of these entities at all levels is significant and contributes greatly to successful fire prevention and suppression efforts.

The Wildfire Support Group includes a network of trained and certified fire teams, which helps to reduce fire risk by controlling fuel loads; rehabilitating and restoring burned areas; and working across federal, state, and local government lines to implement a successful fire suppression strategy. Finally, the Nevada Fire Safe Council serves as a bridge between fire services, public agencies, and communities threatened by wildfire and strives to build a network of local community support. The Council works to provide assistance to threatened communities by improving residents' understanding of fire threats and accepting personal responsibility for some level of community protection. Moreover, the Council helps individuals and communities identify fire risks and hazards, develop and prioritize fire mitigation projects, and procure funding assistance to implement mitigation measures.

Presentations and briefings by the BLM, USFS, and NDF fire management personnel took place at several Committee meetings throughout the interim. The Committee was also pleased to hear directly from the Wildfire Support Group and the Nevada Fire Safe Council.

Representatives identified drought and the availability of fine fuels as two significant contributors to Nevada's wildfire seasons. These agencies and organizations also acknowledged the valuable contributions by local, volunteer, and tribal fire entities throughout the State.

The issue of range rehabilitation was another matter of interest and discussion at several Committee meetings. Fire, drought, and noxious weeds have damaging effects on natural ecosystems, affecting the agricultural industry and wildlife habitat. Range rehabilitation is one of the primary objectives of BLM's Great Basin Restoration Initiative, which promotes restoration and maintenance of biological and ecological conditions of the Great Basin. Working with a broad coalition of participants, several agencies and organizations are undertaking a series of restoration projects. Of particular interest to the Committee during the interim were the aggressive rehabilitation efforts from numerous agencies in the "Waterfall Fire" burn zone near Carson City.

The Committee expressed gratitude, both verbally during Committee hearings and with letters of appreciation, to many of the agencies involved for their cooperative, interagency approaches to wildfire suppression and rehabilitation efforts. These are topics that will certainly continue to be monitored by the Committee in future interims.

11. Wild Horses and Burros

The federal Wild and Free-Roaming Horse and Burro Act of 1971 requires the BLM and USFS to protect, manage, and control wild free-roaming horses and burros on public lands at population levels that assure a "thriving natural ecological balance" under the multiple-use concept. Ecological balance is defined as the balance between populations of wild horses, burros and wildlife, livestock, and rangeland vegetation on a long-term yield basis. Management focuses on monitoring, removal of excess wild horses and burros, preparing them for adoption, the adoption process, and post-adoption compliance for one year after title is given.

Wild horses and burros are found throughout the western states, but nowhere do their populations come close to those in Nevada. The first aerial count, conducted in 1974, found approximately 20,000 animals. In 2000, the BLM estimated a total of 48,624 wild horses and burros roamed BLM land in the ten western states, of which 25,096 (52 percent) inhabited Nevada. Today, the BLM estimates that, through its efforts to gather wild horses to achieve appropriate management levels, the total wild horse population in Nevada is approximately 18,000. The total AML for Nevada is currently set at 14,500 wild horses. Meanwhile, the USFS estimates there are approximately 746 wild horses in the Humboldt-Toiyabe National Forest. The large number of animals has brought national and even international attention from wild horse enthusiasts. Meanwhile, vegetation and water resources in areas overpopulated by wild horses have been seriously impacted.

In Nevada, the BLM has identified 103 Herd Management Areas (HMAs). The HMAs managed for wild horses are located primarily in the Great Basin ecoregion. In the Mojave

region, the habitat is better suited to burros. The HMAs vary in size from as small as 5,000 acres to almost 700,000 acres, with most exceeding 100,000 acres. Land designated as HMAs also contains livestock grazing allotments and populations of wildlife species.

Because forage on Nevada rangelands is limited and must be shared among wildlife, livestock, and wild horses, public land managers are required to set AMLs for wild horses and burros on each HMA. This is the number of wild horses that can inhabit the HMA while maintaining a thriving natural ecological balance and avoiding deterioration of the rangeland and riparian resources. The AML may be influenced by many factors, most notably fire and drought. Achieving and maintaining the ideal AML requires periodic removal of horses.

The BLM's adoption program is the only available option to care for animals removed from the range. The success of the program is dependent on the availability of adopters, the adoptability of the animals, and the publicity associated with BLM's Wild Horse and Burro program. The adoption market also affects range management because if adoption targets are not met, the BLM preparation and holding facilities quickly reach capacity. When the facilities are full, gathers must be slowed or ceased.

State laws pertaining to the preservation of wild horses are found in Chapter 504 of NRS. Nevada's Commission for the Preservation of Wild Horses (NCPWH) serves to sustain viable herds of wild horses on public lands throughout Nevada. The Commission acts as an advocate for wild horses through participation with federal agencies to ensure that sufficient habitat is available for wild horse populations. In addition, the Commission participates in programs designed to encourage and promote the protection of wild horses by serving as a clearinghouse for information to the general public and the news media on all aspects of wild horses. The Committee on Public Lands hears updates from the NCPWH every interim concerning its activities and programs.

As noted earlier, concern over the management of wild horses and burros and the perceived inadequate funding of BLM Nevada operations for wild horses were also regularly discussed at Committee meetings. Early in the 2003-2004 legislative interim, it appeared that ongoing critical wild horse gathers would be halted due to lack of funding. In fact, at one point during the interim, the Committee voted to send a letter to the Department of the Interior essentially supporting legal action if the wild horses were not gathered within a certain period of time. Further reflection on this notion and a public announcement from Governor Kenny Guinn indicating his desire to settle the wild horse gather issue without legal action, prompted the Committee to not pursue this statement. Then, by late spring 2004, the BLM was able to successfully "reprogram" enough agency funds to continue with wild horse gathers.

Another significant development concerning wild horses that occurred late in the 2003-2004 interim was the passage of the final federal omnibus spending bill approved by the U.S. Congress, which included language giving the BLM sale authority for captured, unadoptable wild horses over the age of 10. The concept of BLM sale authority for the wild horses has been discussed by the Committee for over two decades. These new provisions

are a departure from previous requirements stipulating that those buying horses for adoption must care for them for at least one year before assuming full ownership.

V. SUMMARY OF WATER-RELATED ISSUES AND HIGHLIGHTS OF REPORTS AND PRESENTATIONS RECEIVED DURING THE 2003-2004 LEGISLATIVE INTERIM REGARDING WATER

Every legislative interim, Nevada's Legislative Committee on Public Lands discusses water issues ranging from water quality and quantity to mine dewatering and interbasin transfer. During the 2003-2004 legislative interim, the Committee was required under Senate Bill 216 of the 2003 Legislative Session (Chapter 408, *Statutes of Nevada*) to review the programs and activities of the Colorado River Commission of Nevada; all public water authorities, districts, and systems in the State; and all other public and private entities with which any county has an agreement regarding the planning, development, or distribution of water resources.

While this mandate was challenging, the Committee was able to allocate time during seven of nine in-state meetings to hear from 15 water authorities, water companies, and water districts regarding their activities and functions. This section of the report serves to summarize general water resources issues impacting Nevada and highlight the water presentations heard by the Committee during the past 18 months. During the course of the legislative interim, the Committee received regular updates from the State Engineer, Hugh Ricci, who highlighted the key water issues relevant to the county or region where the Committee meeting was held. In addition, the Committee heard from the following the entities and organizations (listed in order of appearance before the Committee):

- Humboldt River Basin Water Authority;
- United States Geological Survey;
- Virgin Valley Water District;
- Moapa Valley Water District;
- Lincoln County Water District;
- Vidler Water Company, Inc.;
- Truckee Meadows Water Authority;
- Washoe County Department of Water Resources;
- Washoe County Regional Water Planning Commission;
- Pershing County Water Conservation District;
- Southern Nevada Water Authority;
- Colorado River Commission;
- Elko County Water Planning Commission;
- Truckee-Carson Irrigation District; and
- Carson Water Subconservancy District.

A. GENERAL WATER RESOURCES ISSUES IN NEVADA

For the most arid state in the nation, the management of water resources will always be a significant issue. The continued population explosion in Nevada, especially in southern Nevada, coupled with ongoing drought conditions are straining Nevada's precious water supplies. Under current conditions, water may eventually be a limiting factor for future growth and urban water purveyors are exploring the possibility of importing water from rural areas.

1. Overview of Nevada Water Law

Each of the 17 western states has adopted the prior appropriation doctrine, which was developed to address specific water problems in the arid West. The most significant principles of the prior appropriation doctrine are beneficial use and the rule of priority. Beneficial use generally means that the water is used productively for public benefit (such as domestic, industrial, or municipal uses; irrigation; mining; or hydroelectric power). A certificated water right is obtained by putting water to beneficial use; however, the right can be lost if beneficial use is discontinued. The rule of priority, otherwise known as "first in time, first in right," means that the person using the water first has a senior right to it than those who come later. Priority is only important when the quantity of available water is insufficient to meet the needs of all those having a right to use the water, such as during drought periods.

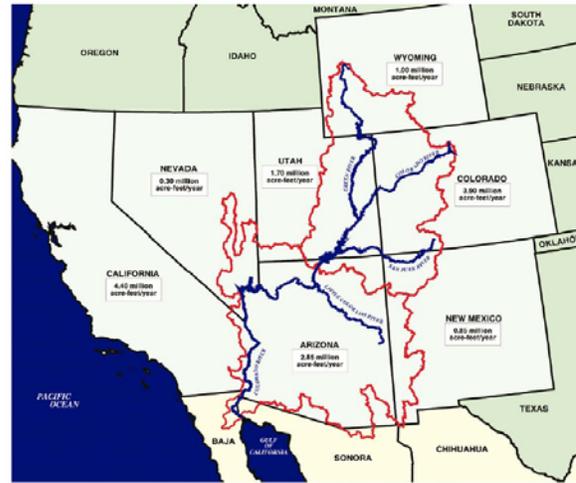
All waters within the boundaries of Nevada, whether above or beneath the ground surface, belong to the public and are managed by the State through its office of the State Engineer, Division of Water Resources, SDCNR. The State Engineer is responsible for the administration of Nevada's water law, which ensures these waters are managed so that sufficient quantities are available to preserve quality of life and to protect existing water rights. There are two ways to acquire a water right in Nevada. One is by the adjudication of a right beneficially used prior to the enactment of water law (known as "vested" rights). The other is by filing an application to appropriate the public water in accordance with statutory procedures (known as "certificated" or "perfected" rights).

Nevada's water law is set forth in Chapters 533 and 534 of the NRS. In addition, there are numerous court decisions which have further defined Nevada law. It is the State Engineer who determines the limit and extent of the rights of claimants to water, the use to which water may be put, the quantity of water that is reasonably required for beneficial use, and where water may be used. In addition, the State Engineer is responsible for quantifying existing water rights; monitoring water use; distributing water in accordance with court decrees; reviewing water availability for new subdivisions and condominiums; reviewing the construction and operation of dams; appropriating geothermal water; licensing and regulating well drillers and water rights surveyors; reviewing flood control projects; monitoring water resource data and records; and providing technical assistance to the public and governmental agencies.

2. Interstate Water Resource Management

a. Colorado River

In addition to Nevada, the states of Arizona, California, Colorado, New Mexico, Utah, and Wyoming, as well as the Republic of Mexico, all use water from the Colorado River. In 1922, these seven states entered into an interstate compact that includes a provision for the equitable division and apportionment of the waters of the Colorado River system. A 1964 U.S. Supreme Court Decree in *Arizona v. California* established several additional dimensions to the apportionment of Colorado River water, including apportionments to the lower basin states of Arizona, California, and Nevada. It was ruled that of the first 7.5 million acre-feet of mainstream water consumed in the lower basin, California was entitled to a consumptive use of 4.4 million acre-feet per year; Arizona to 2.8 million acre-feet per year; and Nevada to 0.3 million acre-feet per year.



Colorado River States

b. Truckee-Carson-Pyramid Lake Water Rights Settlement Act of 1990

Long-standing disputes over water and water rights on the Truckee and Carson Rivers lead to the enactment by Congress of the Truckee-Carson-Pyramid Lake Water Rights Settlement Act of 1990, also known as the “Negotiated Settlement.” The main authorizations and directives included in the legislation are as follows:

- An interstate allocation between California and Nevada is made of the waters of the Truckee and Carson Rivers, and Lake Tahoe;
- A new operating agreement must be negotiated for the Truckee River (subsequently known as the Truckee River Operating Agreement);
- The Newlands Project is reauthorized to serve additional purposes, including recreation, fish and wildlife, and as a municipal water supply for the Fallon area;
- A recovery program is to be developed for the endangered Pyramid Lake cui-ui fish and threatened Lahontan cutthroat trout through an authorized water right acquisition program; and
- A water rights purchase program is authorized for the Lahontan Valley wetlands.

3. Reallocation of Water Supplies

Perhaps the most dominant and controversial trend in recent years is the reallocation of water from rural, agricultural uses to rapidly growing urban, municipal uses. One of the easiest ways for an expanding urban center to obtain additional water resources is to purchase or otherwise acquire agricultural water rights. Indeed, both major urban areas in Nevada (Las Vegas and Reno) have initiated and seriously examined proposals to transfer water from the rural areas of the State. Reno's project to transfer water from the Honey Lake area of eastern California was effectively stopped by action of the Federal Government.

Clark County and Las Vegas' efforts to identify other potential water sources are ongoing. Southern Nevada gets about 88 percent of its water from the Colorado River; the other 12 percent comes from groundwater that is pumped out through wells. These water sources are limited, however, and the SNWA has looked for many years to diversify its water portfolio, including through the reallocation of water from rural areas of eastern and central Nevada. Additional discussion regarding the SNWA appears on pages 53 through 55 of this report.

B. GENERAL WATER QUALITY ISSUES IN NEVADA

Growing public awareness and concern for controlling water pollution led to enactment of the Federal Water Pollution Control Act Amendments of 1972. As amended in 1977, this law became known as the Clean Water Act. It establishes the basic structure for regulating discharges of pollutants into the waters of the United States and gives the EPA authority to implement pollution control programs such as setting wastewater standards for industry. The Clean Water Act also continues requirements to set water quality standards for all contaminants in surface waters. Under this Act, it is unlawful for any person to discharge any pollutant from a point source into navigable waters, unless a permit is obtained.

The Nevada Water Pollution Control Law is set forth in NRS 445A.300 through 445A.730. (This law establishes Nevada's compliance with the federal Clean Water Act.) The State Environmental Commission has the authority to adopt regulations to carry out the provisions of the Nevada Water Pollution Control Law, including standards of water quality and amounts of waste that may be discharged into the waters of the State. Administration and implementation of these regulations are the responsibility of the NDEP.

An important aspect of the Clean Water Act is the Total Maximum Daily Load (TMDL). A TMDL is an assessment of the amount of pollutant a water body can receive and not violate water quality standards. In other words, a TMDL determines how much pollutant load a lake or stream can assimilate. It is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. A "point source" is a discharge from discernible points, including pipes, ditches, channels, and tunnels, while a "nonpoint source" is a discharge over a wide area of land not from a specific location (such as runoff).

The Clean Water Act requires each state to:

- Identify waters not meeting water quality standards;
- Set priorities for TMDL development of “impaired” water bodies; and
- Develop a TMDL for each pollutant for each listed body of water.

The Act also requires the EPA to approve or disapprove submissions by the states.

Water quality in Nevada is generally affected by agriculture, municipal, and industrial sources. Impacts on water quality from municipal and industrial sources have been greatly reduced over the years with most point source pollution eliminated or strictly controlled from direct discharges. According to the EPA, agriculture has the greatest impacts on the waters of Nevada due mainly to nonpoint source pollution from irrigation, grazing, and flow regulation practices, along with naturally occurring causes. Over the years, the Legislative Committee on Public Lands has monitored the impacts of federal TMDL regulations on agriculture and grazing.

Overall, water quality has generally been improving in Nevada due to the removal of many point sources and more stringent standards being implemented on other point sources. Most exceedances are seasonal and are of a natural condition. As for nonpoint sources, improvements are anticipated as a result of promoting public awareness, improved grazing and irrigation practices, erosion control measures, and implementation of Best Management Practices.

In Clark County, perchlorate has become a serious water quality concern as it is contaminating groundwater entering Lake Mead and the Colorado River system—the source of drinking water for some 22 million people in Arizona, California, and southern Nevada. Perchlorate is an unusually stable explosive used for rocket fuel and other industrial applications, and was produced from World War II through the 1990s at two sites in Henderson. The NDEP is undertaking efforts to remove perchlorate contamination from the groundwater, and believes it has cut nearly 70 percent of the chemical from entering the Las Vegas Wash on its way to Lake Mead. Previously, about 1,000 pounds per day of the chemical was entering the wash, but that number is down to about 200 pounds per day. The NDEP hopes to soon cut that number to 100 pounds. The SNWA is also monitoring water quality standards and concurs that the perchlorate level is lowering.

In Washoe County, a water quality issue in recent years has been the level of nitrates in the groundwater of some outlying valleys where septic tanks have leaked, threatening the drinking water in individual water wells. Where standards are exceeded, the NDEP may require development of a community sewage system and elimination of the use of individual septic tanks, such as in the case of Spanish Springs north of Reno.

1. Clean Water Act vs. Safe Drinking Water Act

It is important to note that the Clean Water Act and the Safe Drinking Water Act are two different pieces of federal legislation. The Clean Water Act pertains to water quality as an environmental issue, while the Safe Drinking Water Act addresses drinking water quality and public water systems as a health issue. (A “public water system” is a system that provides the public with piped water for human consumption, if the system has 15 or more service connections or regularly serves 25 or more persons at least 60 days a year.)

In Nevada, primary enforcement responsibility for the Safe Drinking Water Act rests with Nevada’s Health Division, Department of Human Resources, which is responsible for licensing and monitoring public water systems consistent with national drinking water standards. The NDEP, however, administers Nevada’s Drinking Water State Revolving Fund to provide free technical assistance and low-interest loans to private and public water systems in Nevada to ensure compliance with regulations of the Safe Drinking Water Act. State financial assistance for drinking water systems was created by the Nevada Legislature in 1991 to provide grants to water purveyors to pay for costs of capital improvements to publicly-owned water systems as required by the State Board of Health or the Safe Drinking Water Act. The grant program seeks to enable communities to comply with health regulations, and to ensure that the costs of improvements do not overwhelm or cripple the system.

In recent years, changes to federal drinking water standards have been significant in certain Nevada communities that must improve their water treatment facilities to meet higher standards. One example is the national standard for arsenic that was recently changed by the EPA to 10 parts per billion (effective in 2006). However, naturally-occurring arsenic in the Fallon area has consistently been at 100 parts per billion, or 10 times the new national standard. A \$17.5 million water treatment plant was recently constructed that will bring the arsenic in Fallon’s drinking water down to 50 parts per billion, and eventually to 10 parts per billion by 2006. Funding for the plant came from a variety of federal, state, and local sources, although residents will have to pay higher water fees to fund the continued operation of the plant.

C. HIGHLIGHTS OF REPORTS AND PRESENTATIONS TO THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS REGARDING WATER ISSUES

The following pages briefly highlight the water issues addressed by the State Engineer and each of the water authorities, districts, and groups that appeared before the Committee. Summary minutes of these reports and presentations, as well as hard copies of all exhibits supplied are on file in the LCB’s Research Library (775/684-6827). Additionally, minutes and exhibits are available online at: <http://www.leg.state.nv.us/72nd/Interim/StatCom/Lands/>.

1. Presentations and Reports from Hugh Ricci, State Engineer

The State Engineer appeared before the Committee on Public Lands at five of its nine in-state meetings. Reports and presentations typically addressed water matters specific to the geographic region in which the Committee was meeting; however, the State Engineer occasionally provided overall statewide updates.

a. Winnemucca Meeting

During his first presentation to the Committee in Winnemucca, Mr. Ricci reported that the outlook for northern Nevada's current drought is not optimistic. In addition to discussing the roles and functions of the State Engineer's office, he provided an overview of Nevada's current and anticipated water supply and discussed the amount and uses of water utilized in mine dewatering by Nevada's major mining operations. Mr. Ricci also provided historical background on interbasin transfer of water and presented details regarding current and proposed trans-county water transfers. In addition, he briefly summarized water law in Nevada and set forth the criteria for approving an application for water rights. Finally, he highlighted the hydrographic regions of Nevada and addressed a number of other groundwater and surface water issues.

b. Caliente Meeting

The second presentation from Hugh Ricci was received at the Committee's meeting in Caliente. Mr. Ricci again focused on the role of the State Engineer's office in addressing and managing water matters critical to southern and southeastern Nevada. As part of his review, Mr. Ricci highlighted the apportionment of water from the Colorado River and noted that, of 16.5 million acre-feet per year (MAFY) of water apportioned to eight states along the Colorado River, Nevada receives just 0.3 MAFY. He further discussed Colorado River diversions to the Las Vegas area and provided details regarding water banking in Arizona and water recharge projects in the Las Vegas Valley. Additional summaries of the water situation at Yucca Mountain and applications for groundwater from the Las Vegas Valley Water District were also presented. Finally, Mr. Ricci provided information regarding interbasin and trans-county transfers of water and summarized the hydrology of the deep carbonate aquifer located in the eastern Great Basin.

c. Reno Meeting

Mike Turnipseed, P.E., Director, SDCNR, provided the State Engineer's report at the Committee's meeting in Reno. Mr. Turnipseed, who served as the State Engineer from 1990 to 2000, briefly reported on general water issues in western Nevada relating to domestic wells, the proposed Gerlach coal-fired power plant, previous and current efforts to transfer water from Honey Lake Valley north of Reno, stockwater, Walker River negotiations and Walker Lake issues, and various workshops to address complaints regarding the lowering of the water table.

d. Las Vegas Meeting

The fourth presentation from the State Engineer's Office was at the Committee's meeting in Las Vegas. Hugh Ricci reported on several critical water issues in southern Nevada, including water consumption from the Colorado River and other sources and discussed the process of groundwater recharge. He also provided various water right statistics and data regarding groundwater pumping and artificial recharge in southern Nevada. During the presentation, Mr. Ricci highlighted the action required on an application for water rights and discussed the process used by the State Engineer's Office to review and document requests for interbasin water transfers. Finally, Mr. Ricci reviewed the groundwater resources available in purveyors in the Las Vegas Valley.

e. Carson City Meeting and Work Session

Hugh Ricci made his final presentation of the 2003-2004 legislative interim at the Committee's meeting in Carson City. During the presentation, Mr. Ricci provided an overview and "wrap-up" of the activities relating to water for the 2003-2004 legislative interim. He stressed the significance of the current drought situation and discussed the low precipitation levels recorded at several sites throughout the State. Also included in Mr. Ricci's presentation was an historical analysis of Lake Tahoe and Lake Mead water elevations. Finally, he reviewed the consumptive use of the Colorado River from 2001, 2002, and 2003.

The Legislative Committee on Public Lands is very grateful for Mr. Ricci's participation during the 2003-2004 legislative interim. The Committee would like to recognize his willingness to participate at so many meetings and appreciates his expert testimony and valuable contributions during the interim.

2. Humboldt River Basin Water Authority

Mike L. Baughman, Contract Executive Director for the Humboldt River Basin Water Authority (HRBWA), discussed numerous topics regarding the HRBWA at the Committee's meeting in Winnemucca. Mr. Baughman explained that the HRBWA was formed in April 1993 through an interlocal agreement (authorized under Chapter 277 of the NRS) between Elko, Eureka, Lander, Humboldt, and Pershing Counties. The Authority is overseen by a 15-member board of directors who are appointed by the member counties (three from each county). The Humboldt River basin is unique in that it spans 7 percent of Nevada's land area and includes the largest gold mines in North America whose dewatering activities greatly impact the water flows. The basin includes a drainage area of over 7,400 square miles and approximately 80,000 people reside in the basin.

The responsibilities of the HRBWA include recognizing and protecting all existing decreed and certificated water rights, monitoring water supply and demand throughout the basin, encouraging existing water right holder participation in water supply and management issues of

concern to member counties, and recommending appropriate federal and State legislation concerning water in the basin.

During his presentation, Mr. Baughman also addressed key issues relating to the HRBWA, which include: (1) the federal acquisition of stockwater; (2) time demands imposed upon the Division of Water Resources staff who oversee water distribution to subdivided lands with surface water rights; (3) county tax assessed on the exportation of groundwater; (4) the location of industry with significant demand for water in areas with available water; (5) water supply to encourage rural economic development; (6) the management of groundwater from mine dewatering; and (7) and the acquisition of water rights to support the Argenta Marsh development by Nevada's Department of Wildlife.

3. United States Geological Survey and the Humboldt River Basin Assessment

The Legislative Committee on Public Lands has monitored the progress of the Humboldt River Basin Assessment study, conducted by the United States Geological Survey (USGS) since the 1997-1998 legislative interim. The assessment, which focused primarily on the middle Humboldt River Basin, examined the long-term impacts of water uses on the timing and magnitude of flow in the Humboldt River. Specific objectives targeted the appraisal of ground and surface water resources of each basin within the entire basin, the determination of the contribution of each basin to the flow on the river, and the assessment of the impacts from different water uses in the basin. Phase one of this study began in October 1995 and was completed in September 1998. Phase two began in October 1998 and is scheduled for completion some time in 2005.

In 2000, the Legislative Committee on Public Lands, as part of the second phase of this project, provided a \$40,000 grant to the project (as authorized in Senate Bill 560 of the 1999 Legislative Session [Chapter 544 *Statutes of Nevada*]). This money was committed for expenditure on the Humboldt River Basin Assessment in the spring of 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. The Legislative Committee on Public Lands looks forward to hearing from the USGS in the future concerning this ongoing study.

4. Virgin Valley Water District

At the Committee's meeting in Caliente, Michael Winters, General Manager, Virgin Valley Water District (VVWD), and Michael Johnson, Chief Hydrologist, VVWD, presented an overview of the District's water resources. The VVWD was created through a special act of the Nevada Legislature in 1993 (Senate Bill 50, Chapter 100, *Statutes of Nevada*).

Included in the presentation from Mr. Winters and Mr. Johnson were highlights of: (1) the upper and lower basins of the Virgin River; (2) ground and surface water resources;

(3) residential population in the Virgin River area; and (4) current and future demands on the water supply. During his presentation Mr. Winters illustrated the rapid growth of Mesquite (which is by the VVWD) and reported that throughout the 1990s, it was the fastest growing small community in the United States. With recent land acquisitions from the BLM, Mr. Winters suggested Mesquite may, once again, experience unprecedented growth. Mr. Johnson noted that the water in the Virgin River has historically been used for agriculture because of its high salinity. However, the growing population of northeastern Clark County has forced the VVWD to reexamine this historical agricultural use and focus instead on delivering high quality water to an ever-growing influx of residents.

5. Moapa Valley Water District

Much like the VVWD, the Moapa Valley Water District (MVWD), located in Overton, is serving a growing number of users. At its meeting in Caliente, the Committee heard from Craig Gubler, Line Operations Manager for the MVWD. Mr. Gubler explained that the MVWD has served the domestic water needs of Moapa Valley since 1960. The District is located between Las Vegas and Mesquite on Interstate 15 and includes the towns of Glendale, Logandale, Moapa Valley, and Overton. With a service area of 75 square miles and over 165 miles of pipeline, the MVWD provides water to approximately 8,000 residents. Water resources for the MVWD include two springs and two wells in the Muddy River Springs groundwater basin, which have a combined pumping capacity of 5,250 gallons per minute. Total storage capacity within the District is 8.3 million gallons and the MVWD has over 2,600 water meters on the system. Mr. Gubler explained to the Committee that the MVWD will likely “run out of water” sometime around 2007 or 2008 and opined that the District’s biggest challenges are finding additional water supplies and mitigating arsenic levels to acceptable federal standards. The MVWD is working with the SNWA on acquiring additional water resources from the Coyote Springs area.

6. Lincoln County Water District

Also at its meeting in Caliente, the Committee received a brief update of the activities and programs of the Lincoln County Water District (LCWD). The LCWD was created by the 2003 Nevada Legislature in Senate Bill 336. The measure outlines the District’s powers, which are modeled after those of other water districts in southern Nevada, sets forth the membership and functions of the LCWD Board, and provides parameters under which the Board may levy and collect general ad valorem taxes.

Tim Perkins, Member, Lincoln County Board of Commissioners and Chairman, LCWD, explained that the county and the LCWD are working closely with Vidler Water Company and Resource Concepts, Inc., to develop water delivery strategies and evaluate infrastructure costs and improvements to best adhere to the provisions of the Lincoln County Land Act and the Toquop Energy Project. The District is also exploring the opportunities and benefits that might be secured through water development in the Coyote Springs area. In addition, Commissioner Perkins reported that the LCWD is updating its water master plan by working

with existing entities to improve water delivery, enhance water quality, and increase quantity to better serve the residents of Lincoln County.

Commissioner Perkins requested the Committee consider and support an amendment to the language in NRS 533.438 and 533.4385 to replace the word “tax” with the word “fee” throughout both statutes and increase the amount of that fee (in NRS 533.438, subsection 1) from \$6 to \$10. At its final meeting and work session, the Committee voted to approve this request. Additional discussion of this recommendation appears on page 60 of this report.

7. Vidler Water Company

Steve Hartman, Corporate Counsel and Vice President for Development, Vidler Water Company, Inc., Carson City, highlighted the company’s activities and development plans at the Committee’s meeting in Caliente. Vidler Water Company is a private-sector water resource company focused on the development of permanent and reliable water supplies for end users in the arid southwestern United States. The company is based in Carson City and is active in water development projects and strategies throughout Nevada. The primary strategy of the company is to locate, aggregate, develop, and convert water rights from highly-fragmented agricultural markets to emerging municipal and industrial uses. The demographics, geography, and potential for economic and population growth in southeastern Nevada appear to fit well in Vidler Water Company’s strategic outlook.

Mr. Hartman testified that Vidler Water Company, Inc., is developing water resources for Lincoln County’s projects that are in the county’s master plan. With respect to the Lincoln County Land Act, the Company supports a conservation-oriented approach in terms of intensity, density, and water consumption per acre of land. Finally, Mr. Hartman reported on the Coyote Springs project and discussed water usage in Nye and White Pine Counties.

8. Truckee Meadows Water Authority

The Committee on Public Lands received a presentation from the Truckee Meadows Water Authority at its meeting in Reno on March 26, 2004. As part of this presentation, the Committee heard from Lori Williams, General Manager; John Erwin, Director of Resource Planning and Development; and Steve Walker, Contract Lobbyist.

The TMWA was formed in June 2001 as a result of collaboration between the Cities of Reno and Sparks and Washoe County. Acquisitions and assets of TMWA include over 90,000 acre-feet of surface water rights, 22,000 acre-feet of groundwater rights (including 31 wells), and 22,250 acre-feet of stored water at Donner Lake and Independence Lake in California. The Authority also has storage agreements for up to 14,000 acre-feet of water at Boca and Stampede reservoirs near Truckee, California. Additional acquired assets include three water treatment facilities (Chalk Bluff, Glendale, and Highland Ditch), an array of distribution systems (pump stations, tanks, and wells), and four hydroelectric power generation

plants (generating 2.5 megawatts each). According to Ms. Williams, over \$452 million in bonds were issued to finance the acquisitions.

Mr. Erwin addressed technical data relative to TMWA's operations, which include: (1) monitoring conservation compliance; (2) drought planning; (3) analysis of water resources; (4) evaluating water flow through the Truckee River system; (5) assessing water quality; (6) maintaining distribution systems; and (7) evaluating water use statistics. The Truckee River system is known for its tremendous fluctuation in water flows. A generally predictable pattern, however, involves the drop of water flow in the late summer months as the Sierra Nevada snow pack completes its melt and water runoff ceases. According to Mr. Erwin, this poses challenges in evaluating water supply and predicting what is needed for use in TMWA's service area. Both Mr. Erwin and Ms. Williams highlighted the successes of the "twice per week" watering plan and TMWA's "water meter retrofit" plan. Additional discussion at the Committee's March meeting addressed the overall high quality of Washoe County's water and TMWA's compliance with recently-adjusted federal standards regarding arsenic.

9. Washoe County Department of Water Resources

Also at its Reno meeting, the Committee heard from Steve Bradhurst, Director, Washoe County Department of Water Resources. The Department was created in 1997 by combining the Water and Sewer Utility Division of the Washoe County Public Works Department with the Water Resources Planning Division of the Community Development Department. This consolidation ensures the integration of water services for the county. Indeed, the Washoe County Department of Water Resources has many duties and responsibilities, including: (1) drinking water supply and distribution; (2) wastewater collection and treatment; (3) reclamation and reuse of wastewater; (4) comprehensive regional water management planning; (5) regional water supply management; (6) oversight of the Truckee River flood management program; (7) assistance with the Central Truckee Meadows groundwater remediation district; (8) regional flood control; (9) maintaining a flood early warning system; (10) stormwater management; (11) operating a groundwater resource data center; (12) groundwater basin management; (13) groundwater remediation; and (14) surface water management.

According to Mr. Bradhurst, the Department is comprised of four divisions. The Engineering Division is focused on the planning, design, construction and inspection of the County's water, wastewater, and effluent reuse infrastructure. The Division is also responsible for water rights associated with the operation of the County's water, wastewater, and reclaimed water systems. Meanwhile, the Finance/Customer Services Division is responsible for the Department's financial well-being and utility customer services. The Utility Operation and Maintenance Division oversees the day-to-day operation of the County's water systems, wastewater treatment and conveyance facilities, and reclaimed water facilities. Finally, the Water Resources Planning Division has a number of responsibilities which are critical to the region's quality of life including: (1) the assessment and management of the region's

unique water resources to ensure adequate and high-quality future water supplies; (2) flood management, (3) development of the Truckee River Operating Agreement; (5) implementation of the Truckee River Water Quality Settlement Agreement; and (6) providing administrative and technical support to the Washoe County Regional Water Planning Commission (WCRWPC).

The customer service arm of the Department has experienced tremendous growth since 1997. From 1997 to 2003 the Division's water utility customer accounts increased from 8,711 to 16,242—an 86 percent increase. In addition, the Division's sewer utility customer accounts increased from 4,424 to 13,174—a 197 percent increase from 1997 to 2003.

10. Washoe County Regional Water Planning Commission

The Committee received a brief report from the Washoe County Regional Water Planning Commission at its March 26, 2004, meeting in Reno. According to Susan Lynn, Chairwoman, of the WCRWPC, the Commission was created by the Nevada Legislature in 1995 to conduct long-range water planning in southern Washoe County. The WCRWPC is advisory to the Washoe County Board of Commissioners and consists of nine voting members, each having an alternate. The Commission also has eight nonvoting members and alternates. The WCRWPC oversees water planning for a geographic area covering about 1,200 square miles, extending north from Washoe Valley to Warm Springs Valley and east to the Pyramid Lake Paiute Tribe Reservation. By State law, the region excludes tribal lands and the Lake Tahoe Basin.

The WCRWPC is responsible for developing and updating the Washoe County Comprehensive Regional Water Management Plan. Ms. Lynn provided the Committee with a report on the water plan update and discussed the steps remaining in the update process. The Plan provides for the region's current and future water supply, water quality, wastewater, stormwater drainage, and flood control needs. The latest plan version was adopted in January 2005.

11. Pershing County Water Conservation District

At the Committee's meeting in Lovelock, Bennie Hodges, Secretary-Manager of the Pershing County Water Conservation District (PCWCD) provided a brief background of the District and its activities. The PCWCD was created in the early 1930s to, among other things, facilitate the construction of water storage projects in the lower Humboldt River basin. The primary topic of consideration for the PCWCD update in Lovelock was the Humboldt Project title transfer, which has been an ongoing effort since the mid-1990s.

The Humboldt Project is a federal reclamation project to collect and store Humboldt River water in Rye Patch Reservoir for the irrigation of farm land in and around Lovelock. The responsibility for the operation and maintenance of the Project was transferred from the U.S. Bureau of Reclamation (BOR), DOI, to the PCWCD in 1941. The District has operated and maintained the Project facilities, in conjunction with the non-federal portions of the irrigation system, since that time and has long understood that title to the project would

someday be transferred to the District. There are approximately 40,000 acres of irrigable project land served by PCWCD, of which, approximately 32,000 acres of land are irrigated each year.

After years of coordination and efforts by federal, state, and local government agencies, water users, and others, United States Senate approved H.R. 5200 the on October 17, 2002. The bill transfers title of the Humboldt Project from the United States to the PCWCD, the State of Nevada, Lander County, and Pershing County. The President signed the bill (Public Law 107-282) into law on November 6, 2002. Title VIII of that law is titled “The Humboldt Project Conveyance Act,” and requires the transfer of title.

Since the passage of H.R. 5200, the District has been working diligently to bring the title transfer to fruition. Mr. Hodges noted, however, that while the District is close to completing the transfer, a major “roadblock” has surfaced as it relates to cultural and historic resources that may exist on the proposed transferred lands. Laura A. Schroeder, Legal Counsel, PCWCD, explained to the Committee that under the National Historic Preservation Act, there is an associated federal regulation that provides for an automatic “adverse affect” on cultural resources whenever a land transfer is conducted (out of federal ownership). However, this regulation provides an exception to this “adverse affect” when the State itself protects the cultural resources on the lands within the transfer. Ms. Schroeder opined that the State needs a law to do this. The costs to excavate and analyze the cultural resources in question within the Humboldt Project (for the State lands transfer portion only) are estimated to be at least \$1 million. A similar amount may be required of the PCWCD for its portion of the transferred lands.

This type of law would alleviate the need for Nevada to have to pay the amount for cultural resource excavation in areas where development is not occurring. Ms. Schroeder explained that other states have these laws in place. This type of law would stipulate that any land belonging to the State is automatically protected (in terms of cultural resources) until which time development on that land would occur. In most cases, the costs of that excavation would be passed on to the developer (or via the contract for development), if development is ever pursued on the transferred lands in question. Finally, Ms. Schroeder requested that this law also be made applicable to local governments and “quasi-municipal” entities such as the PCWCD.

At its final meeting and work session the Committee on Public Lands approved a recommendation to draft this cultural resource protection legislation for consideration by the 2005 Nevada Legislature. Additional discussion on this recommendation appears on page 62 of this report.

12. Southern Nevada Water Authority

The Committee received an in-depth report and presentation from the Southern Nevada Water Authority at its Las Vegas meeting. The SNWA was formed in 1991 by several local

agencies to address southern Nevada's unique water needs on a regional basis. The Authority is committed to managing the region's water resources and developing solutions that will ensure adequate future water supplies for the Las Vegas Valley. The SNWA is governed by a seven-member agency comprised of representatives from each of its member organizations. These member agencies are: (1) Boulder City; (2) Henderson; (3) Las Vegas; (4) North Las Vegas; (5) Big Bend Water District; (6) Clark County Water Reclamation District; and (7) the Las Vegas Valley Water District. The SNWA's mission is to manage the region's water resources and develop solutions that will ensure adequate future water supplies for the Las Vegas Valley.

The SNWA is charged with the following responsibilities:

- Managing all water supplies available to southern Nevada through an approved water budget;
- Addressing regional water resource management and conservation programs;
- Ensuring regional water quality as determined by EPA standards;
- Allocating and distributing among water purveyors the remaining Colorado River water and any other water that becomes available;
- Presenting a unified position on water issues facing southern Nevada; and
- Operating regional facilities to provide a reliable drinking water delivery system to member agencies.

Kay Brothers, Deputy General Manager for Engineering and Operations, SNWA, provided a detailed presentation concerning numerous topics, including: (1) water resources; (2) the drought and conservation efforts; (2) SNWA's 2004 water resource plan; (3) in-state resources; (4) past legislation relative to the status of the quarter cent sales tax and groundwater management; and (5) the integrated water planning process. Ms. Brothers noted that southern Nevada has become increasingly reliant on Colorado River water; this at a time when river flows are the lowest in years. Throughout her presentation, she stressed SNWA's desire to expand its water use options to reduce the Authority's dependence on single sources. Ms. Brothers also noted that the SNWA issued its first water resources plan in 1996. This plan, which provides a comprehensive overview of water resources and demands in southern Nevada, was recently updated for the fifth time in eight years.

As noted earlier, efforts to identify other potential water sources are ongoing. Southern Nevada gets about 88 percent of its water from the Colorado River; the other 12 percent comes from groundwater that is pumped out through wells. These water sources are limited, however, and the SNWA has looked for many years to diversify its water portfolio, including the reallocation of water from rural areas of eastern and central Nevada. In 1989,

the Las Vegas Valley Water District (one of the member entities within the SNWA) filed 147 groundwater applications with the State Engineer to appropriate unallocated water in 27 basins. Because of potential environmental concerns and existing appropriations, some applications were eventually withdrawn, limiting diversions to 19 groundwater basins in four Nevada counties: Clark, Lincoln, Nye, and White Pine. This includes between 125,000 and 200,000 acre-feet per year of groundwater applications in Lincoln, Nye, and White Pine Counties.

In 2003, the SNWA entered into an agreement with Lincoln County to resolve concerns about the water applications in that county. The agreement establishes a cooperative relationship between Lincoln County and SNWA that will include sharing of resources and data during the development of groundwater in eastern and central Nevada. The passage of the LCCRDA also enhances the relationship between Lincoln County and SNWA and paves the way for the development of water resources in southern and southeastern Nevada. Discussions are also ongoing with White Pine County to explore groundwater resource development. In addition to in-state groundwater rights and applications outside the Las Vegas Valley, the SNWA is developing in-state surface water rights for the Muddy and Virgin Rivers.

During her presentation, Ms. Brothers also discussed SNWA's involvement in water banking. Banked groundwater is one means SNWA has pursued to meet growing water demands and supplement current water supplies from the Colorado River. In December 2004, the Central Arizona Project agreed to store up to 1.25 million acre-feet of storage credits for SNWA, making it the first agreement to guarantee the delivery of stored water from one state to another. For SNWA to recover a portion of its storage credits, Arizona must have utilized its banked water, forego the credited amount of Colorado River Water to Nevada, and the SNWA will divert the water from Lake Mead.

Included in Ms. Brothers' presentation was an impressive discussion of SNWA's public outreach and information efforts to water users throughout the Las Vegas Valley. In particular, the SNWA has numerous initiatives to encourage wise water use and conservation including: (1) seasonal watering schedule restrictions; (2) restrictions on temporary landscape development; (3) budgeting water use for golf course irrigation; and (4) conservation plans for schools, parks, and government facilities. One of the more popular and successful water conservation measures has been the Authority's "Water Smart Landscapes" rebate program, which helps property owners convert grass to xeriscape. Under this program, the SNWA will rebate to customers \$1 per square foot of grass that is removed and replaced with xeriscape. Ms. Brothers noted that since January 2003, the "Water Smart Landscapes" program (also referred to as "grass for cash") has resulted in the conversion of grass to xeriscape equal to 348 football fields of turf. This is enough to lay one roll of sod from San Francisco to New York City and equates to an annual water savings of 1 billion gallons.

13. Colorado River Commission

Also at its Las Vegas meeting, the Committee heard from the Colorado River Commission of Nevada. The Colorado River Compact, signed by the affected states in 1922, apportioned the river's water among the seven Colorado River Basin states of Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming. In 1923, the Nevada Legislature created the Colorado River Development Commission which was empowered, among other things, to represent the State of Nevada in negotiations with other states concerning the Colorado River and its tributaries. The Nevada Legislature enacted legislation in 1935 creating the CRC and expanded its powers significantly. In addition to its other duties, the Commission was empowered to receive and protect for the State all water and water rights related to the river and to its generating power. Over 30 years later in 1967, the Legislature enacted legislation providing for the acquisition or construction of the Southern Nevada Water System to provide Colorado River water to the municipal areas of southern Nevada. The CRC was authorized to act on behalf of the State in all matters concerning the project.

The membership of the CRC has been modified several times over the years. The original membership consisting of the Governor and four gubernatorial appointees was changed in 1963 by replacing the Governor with the Director of the State Department of Conservation and Natural Resources. It was later revised to include five members appointed by the Governor with certain specifications. In 1993, the Commission was expanded to seven members—four appointed by the Governor and three appointed by the Board of Directors of the SNWA from its membership. In 1995, the Legislature transferred the Southern Nevada Water System from the CRC to the SNWA, which assumed all liabilities of the State of Nevada and the Commission relating to the system.

The CRC does not request or receive any State tax allocations or federal funds to support its administrative and operating functions. These functions are funded solely from revenue received from water and power contractors and from the sale of land. Interest income earned from investments by the State Treasurer contributes to revenues.

The mission of the CRC is to acquire, manage, and protect all of Nevada's water and hydropower resources from the Colorado River for southern Nevada. The Commission will seek new resources in a manner that will provide for future generations and continued quality growth while remaining a prudent steward of natural resources. Under federal and State law, the Commission is also empowered to develop certain land in the Fort Mohave Valley near Laughlin.

At the Committee's hearing, James H. Davenport, Chief of CRC's Water Division testified on several matters associated with the activities and programs of the CRC. He highlighted the Colorado River resources and past developments in Colorado River Administration, including Arizona water banking and interim surplus issues. Mr. Davenport also addressed ongoing and developing issues regarding the management of Colorado River water, including return flow credits, unauthorized diversions, and the CRC's 2005 Annual Operating Plan. Finally, the

Committee heard from James D. Salo, Special Assistant to the Executive Director for the CRC, who explained pending power-related litigation involving the CRC and Nevada Power Company.

14. Elko County Water Planning Commission

The Committee received a report from the Elko County Water Planning Commission (ECWPC) at its meeting in Wells. John Ellison of the ECWPC reported on the status of the aquifer study in Elko County, which will be sent to the Division of Water Resources in Carson City when completed. Mr. Ellison requested funding assistance from the Nevada Legislature during the 2005 Session to complete the water study because the current water situation in Elko County is limiting economic growth.

Randy Brown, Director of Planning and Zoning for Elko County, provided a brief overview of the water plan and the programs and activities of the Elko County Water Planning Commission. Mr. Brown noted that the water plan commenced in 1997 at the suggestion of the Division of Water Resources. As part of this study, hydrological analysis was conducted in the Spring Creek area, as well as near Lamoille and South Fork. This study is needed, Mr. Brown opined, to address growth concerns and the potential increase in water use over the next several years.

15. Truckee-Carson Irrigation District

The Committee heard from the Truckee-Carson Irrigation District at its final meeting and work session in Carson City. Ray Peterson, Secretary, Board of Directors of the TCID, discussed with the Committee the history of the District and highlighted its functions and roles. The TCID is a political subdivision of the State of Nevada, organized and chartered in 1918 for the purpose of representing the water right holders within the boundaries of the Newlands Project in connection with the operation of the Project. The District was formed and is paid for by landowners within the boundaries of the Newlands Project who own water rights appurtenant to their land.

The TCID, under contract with the United States, took over the operation and maintenance of the Newlands Reclamation Project in January 1927. Since then, the District has been responsible for the operation and maintenance of the entire federal project which includes the dam at Lake Tahoe, Derby Dam, the Truckee Canal, Lahontan Dam, and approximately 380 miles of canals and 345 miles of drains. The District boundaries in both Churchill and Lyon Counties include approximately 120,000 acres, of which approximately 73,000 acres are water-righted. In 1996, the District and the BOR entered into a new operation and maintenance agreement which continues the District's responsibility for the Newlands Reclamation Project. Under the new contract, the Federal Government assumes responsibility for issuing permits, leases, and licenses for the federal lands that were originally withdrawn from the BLM for uses associated with the original development of the Newlands Reclamation Project.

During the Committee's meeting, Mr. Peterson highlighted the structure and activities of the TCID. The District, which is overseen by a Board of Directors, employs about 55 individuals and has an annual operating budget of about \$3.5 million. The TCID recently completed a report to the BOR on the progress of implementing the Water Conservation Plan. Under the requirements of an operation and maintenance contract, the District reserves 10 percent of water user payments to fund a water conservation program. The District is required to install measuring devices by 2012 to measure 75 percent of the water delivered to water users. During the 2003-2004 fiscal year, the District spent \$310,763.34 on 134 water conservation projects. This included six new ramp flumes, which averaged \$15,476 to install.

16. Carson Water Subconservancy District

Edwin James, General Manager of the Carson Water Subconservancy District, provided an in-depth presentation addressing the history, functions, and operations of the District. Mr. James described the Carson River watershed and noted that it encompasses nearly 4,000 square miles. The river itself is 184 miles long and the watershed area is home to 125,000 residents, with a predicted population of 457,000 by 2050.

The CWSD was formed in 1959 to contract with local ranchers and farmers to guarantee pay back to the BOR for the construction of Watasheamu Dam and Reservoir. However, in the early 1980s, the DOI withdrew all support for the continuation of the dam project. In 1985, The Nevada Legislature appointed a special subcommittee to review the need for flood control storage and water supply in the upper Carson River above Lahontan Reservoir. The subcommittee asked the CWSD to complete a comprehensive water resource plan including the potential for a dam at a new site. The 1989 Legislature passed legislation that recreated the CWSD pursuant to Chapter 541 of the NRS and established a nine-member Board of Directors. The Board consists of five members from Douglas County, of which two members must represent the agricultural interests of the region, two members from Carson City, and two members from Lyon County. The Nevada Legislature also gave the CWSD responsibility for management and development of the water resources in the Carson River above Lahontan Dam to alleviate reductions or loss of water supply, fragmented responsibilities for conservation and supply of water, and protection against threats to the health, safety, and welfare of the people of the Carson River Basin.

The Legislature again became involved in 1999 when it amended the CWSD operating legislation to allow Churchill County to become a member of the District, expanding the Board from nine to eleven members, and including the watershed below Lahontan Reservoir as part of the CWSD's jurisdiction. Finally, in 2001, a "joint powers agreement" between CWSD and Alpine County, California, was made and entered into pursuant to the Joint Exercise of Powers Act (California Government Code § 6500 et seq.) and the Interlocal Cooperation Act (Chapter 277 of the NRS). The CWSD Board of Directors was subsequently expanded to 13 members representing all regions of the watershed in Nevada and California.

Mr. James highlighted several challenges faced by the CWSD, including: (1) the full appropriation of the Carson River; (2) the over appropriation of groundwater basins in the CWSD; (3) balancing the water needs between agriculture and domestic use; (4) the lack of upstream storage; and (5) water quality issues. Finally, he discussed future projects and plans for the District, which includes addressing regional water demands and addressing wastewater issues. In addition, river restoration, studies on water quality, floodplain protection, and wildlife habitat enhancement are all “on the drawing board” for the CWSD.

VI. DISCUSSION OF RECOMMENDATIONS

At its work session in Carson City, Nevada’s Legislative Committee on Public Lands considered numerous recommendations for action by the 2005 Session of the Nevada Legislature. The Committee also considered, at its work session and at other meetings during the 2003-2004 legislative interim, sending policy statements through Committee letters. The members voted to proceed with many of these recommendations, which resulted in ten bill draft requests and over two dozen official Committee letters.

A. BILL DRAFT REQUESTS

This section provides background information for each of the approved recommendations for legislative action. Additional background information on some of the recommendations was previously described in the issues identified under Section IV of this report. The assigned BDR number is provided at the end of each recommendation summary. Copies of corresponding bills are available on the Nevada Legislature’s Internet Web page at www.leg.state.nv.us.

1. Issuance of Special Incentive Elk Tags

Nevada’s Department of Wildlife is mandated by Nevada law to take appropriate action to prevent land or property from being damaged or destroyed by wildlife. The Department operates a program known as the “Elk Damage Compensation Program,” which is designed to provide monetary relief to landowners whose property, crops, or pastures are damaged by elk. Under this program, reimbursement not to exceed \$10,000 may be requested unless the claimant petitions the Wildlife Commission and it is determined that a larger amount, if funds are available, shall be paid.

The NDOW also issues special incentive elk tags to landowners as an incentive to address the increase in elk numbers above the target level established by the land management agency. Current Nevada law (NRS 502.142) prohibits the issuance of a special incentive elk tag to anyone who has received reimbursement for elk damage under the Elk Damage Compensation Program in the same calendar year. Meanwhile, pursuant to NRS 504.165, those receiving funds under the compensation program may not be issued a special incentive elk tag in the same calendar year. At the Committee’s meeting in Ely, members were intrigued by a

suggestion from Assemblyman Carpenter (who was serving as an alternate member at the meeting) that the issuance of a special incentive elk tag should be part of the compensation offered under the Elk Damage Compensation Program.

Therefore, the Legislative Committee on Public Lands recommends that the 2005 Session of the Nevada Legislature:

Enact legislation amending provisions in Chapters 502 and 504 of the NRS to permit the issuance of special incentive elk tags to a private landowner as part of the payment to that landowner for the mitigation of damage caused by elk. (BDR 45—424)

2. Taxes Assessed on the Interbasin Transfer of Water

Provisions in NRS 533.438 and 533.4385 provide that an annual “tax” may be assessed by a county of origin of \$6 per acre-foot of water to the recipient of the transferred water. While the imposition of this tax is rarely (if ever) used, representatives of Lincoln County and the Humboldt River Basin Water Authority expressed an interest in clarifying these provisions. Specifically, Lincoln County and the HRBWA asked the Committee to consider modifying this language by changing the word “tax” to “fee” and increasing this annual amount from \$6 to \$10 per acre-foot. Testimony indicated that since many entities involved in accepting and negotiating for transferred water are indeed local governments or quasi-governmental entities, the concept of assessing a tax on such governments may be subject to challenge and disagreement. Furthermore, representatives from Lincoln County and the HRBWA noted that increasing the assessment from \$6 to \$10 would essentially bring the amount per acre-foot more “in-line” with the Consumer Price Index (i.e., what \$6 was worth in 1993 at the inception of the tax is now valued at about \$10 in 2005). Finally, raising this figure will provide at least some degree of “bargaining power” to counties of origin should they choose to exercise the proposed fee.

Therefore, the Legislative Committee on Public Lands recommends that the 2005 Session of the Nevada Legislature:

Enact legislation changing the language in NRS 533.438 and 533.4385 to replace the word “tax” with the word “fee” throughout both statutes and increase the amount of that fee (in NRS 533.438, subsection 1) from \$6 to \$10. (BDR 48—425)

3. Registration of Off-Highway Vehicles

As noted in Section IV of this report, the number of OHVs operated on public lands in Nevada has increased dramatically in recent years. It is estimated that Nevadans own over 425,000 OHVs (including dirt bikes and snowmobiles). The Committee heard reports

throughout the legislative interim about how the increased popularity of OHVs as a form of recreation poses significant land management challenges.

State agency involvement in OHV management has also increased in the last few years. Some State agencies have noted that, if federal land management agencies move forward with additional regulation concerning OHVs, the State of Nevada may take on a greater enforcement and oversight role with regard to OHV usage and safety. As a result, NDOW, Nevada's Division of State Parks, and the Governor's Office have been actively involved in OHV management discussions.

Much of the testimony during the interim involved the possible regulation and registration of OHVs in the State of Nevada. According to testimony heard by the Committee on Public Lands, the registration of OHVs would serve to provide proof of OHV ownership, fund OHV infrastructure and facilities, enhance tourism and access to rural communities, increase the use of public lands, provide for the enactment of traffic laws specific to OHV use, and provide for the collection of sales tax revenue on OHV purchases. The Committee recognizes that the topic of OHV usage is often emotional and complicated and understands that, if a form of OHV registration is legislatively approved, its implementation and oversight will involve a host of government agencies, including the Departments of Motor Vehicles, Taxation, and Wildlife, as well as the Office of the Governor and the Division of State Parks. While efforts to require OHV registration have failed in previous legislative sessions, the Committee observed that many OHV users, dealers, and some in the environmental community, have agreed to work together in finding a solution to the challenges of OHV management and use.

Therefore, the Legislative Committee on Public Lands recommends that the 2005 Session of the Nevada Legislature:

Enact legislation to provide for the registration of OHVs. (BDR 43-426)

4. Authority and Duties of the Legislative Committee on Public Lands

Natural resource matters have always been incredibly broad and complex and the Committee strives to address a host of different issues. Indeed, the Committee is monitoring and addressing more topics than ever before. In fact, every legislative interim, the Committee addresses well over 50 different public lands and natural resource topics.

Given the great number of issues the Committee addresses on a regular basis, the Committee was advised by legal counsel that a "housekeeping" amendment to NRS 218.5367 would further sanction the ongoing activities of the Committee. This proposal would add a new section to the list of powers of the Committee found in Chapter 218 of the NRS.

Therefore, the Legislative Committee on Public Lands recommends that the 2005 Session of the Nevada Legislature:

Enact legislation amending NRS 218.5367 to clarify the authority of the Legislative Committee on Public Lands to review and comment on any matter relating to the use and management of public lands that is specified by the Chairman of the Committee or by a majority of the members of the Committee. (BDR 17—427)

5. Protection of Cultural and Historic Resources

Critical concerns regarding the protection of cultural and historic resources were brought to the Legislative Committee on Public Lands by the Pershing County Water Conservation District in an effort to complete the “Humboldt Project” title transfer. Efforts seeking title to the Humboldt Project have been monitored by the Committee for many years. The Humboldt Project is a federal reclamation project to collect and store Humboldt River water in Rye Patch Reservoir and other areas in the basin for the irrigation of farm land in and around Lovelock. Since the 1940s, the PCWCD has operated and maintained much of the Project facilities and has long understood that title to the project would someday be transferred to the District.

After years of coordination and efforts by federal, state, and local government agencies, water users, and others, including the support of the Public Lands Committee, the United States Senate approved H.R. 5200 on October 17, 2002. This federal legislation transfers title of the Humboldt Project from the United States to the PCWCD, the State of Nevada, Lander County, and Pershing County. Since the passage of H.R. 5200, the District has been working diligently to bring the title transfer to fruition. While the District is close to completing the transfer, a major “roadblock” has surfaced as it relates to the cultural and historic resources that may exist on the proposed transferred lands.

Under the National Historic Preservation Act, there is an associated federal regulation that provides for an automatic “adverse affect” on cultural resources whenever a land transfer out of federal ownership is conducted. The regulation, however, provides an exception to this “adverse affect” when the state itself protects the cultural resources on the lands within the transfer. Representatives from PCWCD noted that Nevada currently does not have a law that automatically protects cultural and historic resources on lands that are transferred from federal to State or local control. This type of law would alleviate the need for Nevada to have to pay the high costs for cultural resource excavation in areas where development is not occurring. Such a law would also provide that any transferred land belonging to the State is automatically protected (in terms of cultural resources) until such time development on that land occurs.

Indeed, the costs to excavate and analyze the cultural resources within the Humboldt Project (for the portion transferred to the State) are estimated at to be at least \$1 million. A similar amount may be required of the PCWCD for its portion of the transferred lands. Proponents opined that without this legislation, the entire Humboldt Project title transfer is in jeopardy.

Therefore, the Legislative Committee on Public Lands recommends that the 2005 Session of the Nevada Legislature:

Enact legislation governing the protection of cultural and historic resources belonging to the State of Nevada. (BDR 33—428)

6. Interim Study Concerning Noxious Weeds

As noted earlier, 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 the 2003-2004 legislative interim, officials from the BLM, SDA, and local governments expressed continued concern that the spread of noxious weeds compromises the agricultural productivity of public and private land. Invasive species damage native vegetation, displacing native plants. Furthermore, nonnative plants across the State's rangelands are often flammable and increase fire intensity and frequency. Encroachment of noxious weeds reduces the resource values of agricultural land, rangeland, forests, critical watersheds, wetlands, and wildlife habitats, while increasing the economic burden of protection, control, and restoration.

Nevada's Noxious Weed Program, undertaken by the State Department of Agriculture, is an action plan to: (1) address weed management; (2) prevent new infestations; (3) educate and create awareness; (4) foster coordination, cooperation, and partnerships; and (5) promote research. The Nevada Weed Action Committee (a committee of the SDA) and others have identified funding as the primary need in the fight against noxious weeds in Nevada and the Committee heard several presentations during the interim regarding the need for increased monetary support. Representatives from the SDA, the University of Nevada, Reno, Cooperation Extension, and other interested parties also noted that there is a tremendous need for an interim study to review and analyze the State and county weed programs and identify key funding sources for weed control efforts.

Therefore, the Legislative Committee on Public Lands recommends that the 2005 Session of the Nevada Legislature:

Create, by resolution, an interim study for the 2005-2006 legislative interim to examine the issue of noxious weeds in Nevada. The study would, in part, examine long-term programmatic changes and goals for Nevada's weed program, examine and analyze the current structure and practices of State and county weed programs, and help identify sustainable funding sources for noxious weed control and abatement efforts. The interim study would report its findings and recommendations to the 2007 Session of the Nevada Legislature. (BDR R—429)

7. Sage Grouse

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, recreation, public access, and general land use. During the 2003-2004 legislative interim, the Committee continued its ongoing discussion of the potential listing of the sage grouse as either threatened or endangered in the Great Basin. As noted earlier, several presentations were made outlining the work of Nevada Governor Kenny C. Guinn's Sage Grouse Conservation Team, the purpose of which is to work proactively to avoid listing under the Endangered Species Act of 1973.

Reports to the Committee highlighted the growing concern throughout the western United States, including Nevada, that sage grouse populations and habitat quality/quantity have been declining. Between 1999 and 2004, eight petitions have been filed with the U.S. Fish and Wildlife Service to list the sage grouse as a threatened or endangered species. From the information provided in the petitions, the USFWS determined that listing the Greater Sage Grouse may be warranted, and a species status review was initiated. The listing of the Greater Sage Grouse as a threatened or endangered species would have a significant impact on Nevada. Land development, land uses, water use, and recreational activities would be affected.

Therefore, the Legislative Committee on Public Lands recommends that the 2005 Session of the Nevada Legislature:

Express, by resolution, concern regarding the possible listing of the sage grouse on the national endangered species list; recognizing the efforts of the various federal, state, and local agencies and other organizations in comprehensively and aggressively studying the sage grouse issue; and encouraging the U.S. Fish and Wildlife Service and the Department of Interior not to accept recent petitions calling for the designation of the sage grouse as an endangered species. (BDR R—430)

In December 2004, the Committee was pleased to hear that senior USFWS biologists recommended that the Greater Sage Grouse not be listed as a threatened or endangered species across its range. On January 7, 2005, the Director of the USFWS in Washington, D.C., announced that sage grouse does not warrant protection under the ESA at this time. Instead, it appears the agency will find that the best solution for conserving the Greater Sage Grouse is for federal agencies and western states to continue supporting cooperative efforts to conserve and restore sage grouse habitat.

As a result of this decision, the resolution proposed to originally express concerns regarding the listing of the sage grouse on the endangered species list will be recrafted to express the Legislature's gratitude and recognition to the many groups, organizations, policymakers, and stakeholders in preventing the sage grouse listing.

8. Pesticide Registration Fee to Fund Weed-Related Position

During the 2003-2004 legislative interim, testimony on several occasions revealed the need for additional staff involvement within the State Department of Agriculture to address noxious weeds. At the Committee's meeting in Lovelock, members learned that the many Cooperative Weed Management Areas (CWMAs) throughout Nevada are in desperate need of guidance and coordination. Testimony indicated that since CWMAs are primarily volunteer groups, the level of interest in these groups typically wanes after a short period of time and the reliability of a quality team of volunteers often suffers over time. Many have opined that an overall, statewide coordinator of weed control volunteers is needed to improve the functionality and effectiveness of the State's CWMAs.

Therefore, the Legislative Committee on Public Lands recommends that the 2005 Session of the Nevada Legislature:

Amend NRS 586.270 requiring the Director of the State Department of Agriculture to deposit \$20 of the annual pesticide registration fee into a separate account for the purpose of funding a position within the Department to serve as an overall coordinator of weed control volunteers at the county level and provide needed assistance to the various Cooperative Weed Management Areas throughout the State. (BDR 49—431)

If this recommendation is approved by the 2005 Nevada Legislature, the Legislative Committee on Public Lands agreed to send a letter to Don Henderson, Director, SDA, requesting his assistance in amending subsection 1 of the *Nevada Administration Code* 586.011 to increase the annual pesticide registration fee from \$60 to \$80.

9. Wilderness and Wilderness Study Areas

Since its inception in 1983, the Legislative Committee on Public Lands has addressed the issue of wilderness and wilderness study areas. During the past two legislative interims, a formal subcommittee has been created to address this critical issue. During the 2003-2004 legislative interim, the Legislative Committee on Public Lands' Subcommittee to Study Wilderness Areas and Wilderness Study Areas (Senate Concurrent Resolution No. 7 [File No. 63, *Statutes of Nevada 2003*]) addressed this issue specifically and recommended one BDR for introduction. Any BDR requested by the Subcommittee is subtracted from the total allocated to the Legislative Committee on Public Lands. Therefore, when the Public Lands Committee adopted the Subcommittee's report at its final meeting and work session, it recommended (on behalf of the Subcommittee) that the 2005 Session of the Nevada Legislature consider a resolution:

Urging Congress to:

- a. Encourage the Nevada Congressional Delegation to work with all interested Nevadans, and in particular, Native Americans, land managers, affected stakeholders, local governments, special interest organizations, and the larger American public to work collaboratively together in a spirit of cooperation and mutual respect in pursuit of wilderness area designation for Nevada's public lands.**
- b. Continue the policy of releasing federal lands for conversion to State or private lands as wilderness areas are designated or released to general use, in accordance with stakeholder agreements.**
- c. Carefully consider the requirements of existing and future military operations on wilderness land and in the airspace over wilderness land and make appropriate provisions therefore.**
- d. Support adoption of a schedule for timely consideration of a plan to release lands not designated as wilderness areas. (BDR R—432 and changed later to BDR R—703)**

For additional information concerning this recommendation and the activities of the Subcommittee, please refer to *Legislative Counsel Bureau Bulletin No. 05-9*, titled "Legislative Committee on Public Lands' Subcommittee to Study Wilderness and Wilderness Study Areas," January 2005. Copies of this report are available on the Nevada State Legislature's Internet Web site at: www.leg.state.nv.us.

10. Interim Study Concerning Groundwater

As noted earlier, water is one of the primary topics the Committee regularly discusses. During its hearings in several rural communities, the Committee received testimony concerning the need to study and inventory Nevada's groundwater resources. Proponents of an in-depth groundwater study indicated that while some analysis has been conducted on Nevada's water supply, there remain some water basins that need additional analysis and review. Finding out what resources are available in unstudied areas will assist local governments in assessing groundwater supplies for their growing communities. According to proponents of the study, local communities need to know how the use, transfer, or pumping of underground water will affect the water table in and around these communities. The Committee was intrigued by these arguments and agreed that a groundwater study may be worthwhile.

Therefore, the Legislative Committee on Public Lands recommends that the 2005 Session of the Nevada Legislature:

Create, by resolution, an interim study for the 2005-2006 legislative interim concerning groundwater management, issues regarding the interbasin transfer of water, and other general water issues, especially those concerning Nevada's rural counties. The interim study will, among other things, examine and identify funding sources for rural counties for needed water studies and evaluate the interactions between water experts and scientists and local governments. The resolution will also provide for a technical advisory committee consisting of the State Engineer, various water experts representing water purveyors and water authorities throughout the State, local government representatives, and others as determined by the interim study subcommittee. (BDR R—433)

B. COMMITTEE LETTERS AND STATEMENTS

This section provides a brief summary of each of the letters sent from the Committee to various elected representatives; federal, state, and local government officials; and others. More detailed background information on many of the subjects was previously described in the issues identified in Section IV of this report. Copies of the corresponding letters can be found in “Appendix D” of this report.

1. Federal Acquisition of Clear Water Canyon Area

During its meeting in Winnemucca, the Committee heard a proposal for the acquisition of approximately 5,000 acres of private land in Clearwater Canyon (located in southern Humboldt County and northeastern Pershing County) under the Southern Nevada Public Lands Management Act of 1998. The Committee was pleased to learn that this land holds tremendous recreational and wildlife value, and the proposed acquisition has received widespread support from land use groups as well as the county commissions in Humboldt and Pershing Counties. According to testimony regarding this proposal, if the acquisition is successful, the minimal loss of revenue from property taxes is anticipated to be considerably offset by increased tourist visits to the Winnemucca and Lovelock areas as recreationists take advantage of outdoor opportunities at Clearwater Canyon.

The Committee expressed support for this land acquisition proposal under SNPLMA and encouraged Nevada's BLM office, once the nomination packet is received, to favorably recommend the acquisition to the Secretary of the Interior. As part of this acquisition procedure, the Committee supported the relinquishment or disposal of an amount of land into private ownership that is equal to the appraised value of the land being proposed for acquisition in Clearwater Canyon. This action would take full advantage of the acquisition opportunity offered under the SNPLMA, yet result in a “no net loss” of land value for Humboldt and Pershing Counties.

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

The BLM expressing support for the acquisition under the Southern Nevada Public Lands Management Act of 1998 of land in the Clearwater Canyon area of Humboldt and Pershing Counties.

2. Proposed Amendments to BLM's Law Enforcement Regulations

At its meeting in Wells, the Committee heard an overview of the proposed supplementary rules concerning the Bureau of Land Management's law enforcement powers as published in the Federal Register on May 3, 2004. These proposed supplementary rules would, if adopted: (1) prohibit a person from operating a motor vehicle while under the influence of alcohol or drugs; (2) prohibit a person from carrying or storing an open bottle or can containing an alcoholic beverage while in a motor vehicle on public lands; (3) prohibit a person who is under 21 years of age from consuming or possessing an alcoholic beverage on public lands; and (4) prohibit a person from possessing any drug paraphernalia on public lands. The activities that the BLM proposes to prohibit most often occur on BLM lands where larger groups congregate, such as the Red Rock Canyon National Recreation Area, the Black Rock Desert (for the Burning Man Event), and the Sand Mountain Recreation Area.

During testimony on this matter, the Committee learned that these proposed regulations were originally crafted in response to a request from Churchill County for added BLM presence at the Sand Mountain Recreation Area during especially busy times of the year, such as Memorial Day weekend, the Fourth of July, and other holidays. According to testimony, the County Commissioners in Churchill County expressed surprise that their request for added BLM presence at these times resulted in the proposed rule change. The Committee believes the proposed supplementary rules essentially exceed the request and intent of the Board of County Commissioners of Churchill County. In addition, this proposal confers a role upon the BLM that is traditionally reserved for local law enforcement personnel.

The Committee observed that the proposed law enforcement rules leave many unanswered questions concerning jurisdictional matters and fail to address the fact that there are competing penalties for identical violations for some federal and state offenses. This may create confusion as federal and state law enforcement personnel grapple with two completely separate law enforcement codes and court systems. Moreover, many local law enforcement agencies have reported that the very limited number of criminal violations on public lands do not warrant a change in BLM law enforcement policy. According to testimony on this matter, local jurisdictions are quite capable of enforcing criminal violations using their own resources and the laws of the State of Nevada.

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

The Bureau of Land Management expressing opposition to changes proposed in the agency's law enforcement regulations for Nevada and

requesting a 90-day extension to the comment period set for the proposal.

3. Fuels for Schools Initiative

At its meetings in Caliente and Ely during the legislative interim, the Committee on Public Lands was very intrigued to hear about the new “Fuels for Schools Initiative.” This program promotes and encourages the use of wood biomass as a renewable natural resource to provide a clean and readily-available energy source for heating systems in public buildings. The program also facilitates the removal of hazardous fuels, including pinion juniper biomass, which helps reduce the fire risk to rural communities in the West. The Committee understands that at least one school in Ely is being heated using this technology and several other school sites are being considered in eastern Nevada.

The Committee is very impressed with the potential uses of pinion juniper biomass and is pleased that dangerous fuels on public lands can be used for such a worthwhile cause.

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

The Board of County Commissioners in White Pine and Lincoln Counties, the U.S. Forest Service, the BLM, and the Nevada Division of Forestry, expressing support for the “fuels for schools initiative,” which uses pinion juniper biomass to provide energy and heat for certain schools in the White Pine County School District. The letter shall include a statement encouraging the program’s expansion into Lincoln County and other areas of Nevada where pinion juniper are abundant.

4. Tax Credits for Geothermal and Solar Energy

During the legislative interim, the Committee on Public Lands heard testimony concerning federal tax credits provided for the development of wind energy. Nevada ranks at or near the top of all states for wind energy development potential and the Committee was pleased to hear about the tax benefits afforded to this industry. On the other hand, the Committee was disappointed to learn that similar tax credits had not, at the time, been extended to solar and geothermal development.

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

Nevada’s Congressional Delegation, the BLM, and the White House Office of Intergovernmental Relations expressing support for the development of renewable energy on public lands and encouraging Congress and the administration of United States President

George W. Bush to extend tax credits for solar and geothermal energy development.

After its final meeting and work session, the Committee learned in mid-October (during its second informational tour to Washington, D.C.) that these tax credits had indeed been included in Senator Harry Reid's (D-Nevada) bill, the Renewable Energy Incentives Act (S. 464). While this Act was unfortunately not approved during the 108th Congress, the tax incentives were granted for a period of approximately one year (until January 1, 2006) in Section 710 of another bill, H.R. 4520, which was signed by President George W. Bush on October 22, 2004 (Public Law 108-357).

The Committee is pleased that these tax credits have been extended to solar and geothermal energy, as they are sure to further promote renewable energy development on public and private lands in Nevada. However, Committee members are concerned about the expiration of these credits on January 1, 2006, and encourage Nevada's Congressional Delegation, the BLM, and the Bush Administration to continue efforts to actively support and perhaps sponsor energy legislation that will make such tax incentives permanent.

5. Southeastern Nevada Off-Highway Vehicle Trail System

At its meeting in Caliente, the Committee on Public Lands heard testimony concerning OHV trails development in eastern Nevada. In particular, the Committee heard from the Lincoln County Trails Coalition (LCTC) concerning its diligent work in developing the "Southeastern Nevada Trail System and Related Infrastructure." This trails system would provide a multi-county (and perhaps multi-state) system of OHV trails throughout eastern Nevada. The Committee was very intrigued and impressed with this concept and the potential economic benefits such a trails system would provide for rural communities. Testimony indicated that such a trails system could be modeled, at least in part, after the Paiute Trail system in Utah, which includes a 236-mile OHV trail that winds through four central Utah counties and passes through several rural Utah communities. According to testimony, the proposed trail system would use existing roads and trails and would require the posting of signs to ensure that trail routes are properly designated.

The Committee understands that more work needs to be done between local government, the BLM, and the USFS to make such a system of OHV trails a reality. Nonetheless, it generally supports this concept and the efforts by the LCTC to secure "Question 1" bond money for the development of a trails system in Elko, Lincoln, Nye, and White Pine Counties. Furthermore, the Committee hopes that the establishment of the "Silver State Off-Highway Vehicle Trail" as set forth in the recently-approved Lincoln County Conservation, Recreation, and Development Act of 2004 will connect with the wider system of OHV trails being promoted by the LCTC and other wise-use trails groups.

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

The State offices of the BLM and the USFS; the Boards of Commissioners in Elko, Lincoln, Nye, and White Pine Counties; and the Lincoln County Trails Coalition supporting the concept and development of the “Southeastern Nevada Trail System and Related Infrastructure” for OHVs as presented at the Committee’s meeting in Caliente on January 22, 2004. The letter shall include language supporting the efforts of these groups in securing “Question 1” bond money for the development of the trails system.

6. Eastern Nevada Landscape Coalition

During the interim period, the Committee was fortunate to hear from the Eastern Nevada Landscape Coalition and discuss the Coalition’s successful work on many different public lands issues, including rangeland health, noxious weed and invasive species abatement, elk management, the sensible use of pinion juniper biomass, fire suppression, wildlife management, endangered species, agriculture and ranching, and other critical natural resource matters. The Coalition has attracted supporters from federal and State agencies, universities, the business community, agricultural interests, and from a broad base of citizens.

Therefore, in recognition of the Coalition’s hard work and success, the Committee voted to send a letter to:

The Eastern Nevada Landscape Coalition expressing support for the Coalition and complimenting its efforts in land management analysis, environmental protection, resource development, and public education. A copy of this letter shall be sent to Nevada’s Congressional Delegation, the State offices of the BLM and the USFS, and the Boards of Commissioners in White Pine and Lincoln Counties.

7. Information Concerning Wildlife Mitigation and Compensation Programs

The Committee was pleased to hear from Nevada’s Department of Wildlife on several occasions concerning elk management, hunting and fishing activities, off-highway vehicle use, and endangered species. The Committee is very appreciative of NDOW’s consistent willingness to appear before the Committee to discuss so many issues, some of which are quite controversial. At its meeting in Ely, Committee members heard an extensive report concerning elk management and made note of a request from a rancher asking the Committee to urge NDOW to actively distribute to farmers and ranchers letters, brochures, or handouts which highlight the various mitigation programs for crop and property damage caused by wildlife.

While the Committee is not aware of the availability of such information in brochure or handout form, it nonetheless voted to send a letter to:

The Nevada Department of Wildlife encouraging the Department to send letters, brochures, handouts and other informational items to ranchers and farmers throughout Nevada describing the wildlife mitigation and compensation programs offered by NDOW for landowners who experience property loss or damage due to wildlife.

8. “No Net Loss” of Private Land

Among the many topics the Committee regularly discusses are land sale and exchange policies of federal land management agencies. Indeed, since the passage of the SNPLMA and other similar acts providing for the sale of public land and the subsequent purchase of “environmentally-sensitive” land, the Committee has grown increasingly interested in the “no net loss” of private land concept. While the sale of private lands in southern Nevada has been quite popular and has fostered impressive economic development, there still remains some fear that money generated from these land sales will result in the purchase of large amounts of land elsewhere in Nevada, thereby actually increasing the total acreage of land in federal ownership.

Recent legislation by Senator Craig Thomas (R-Wyoming) addressed the increasingly popular “no net loss” concept. The published summary of Senator Craig’s S. 1038—the “No Net Loss of Private Land Act”—clearly spells out the measure’s intent:

Allows the United States to acquire an interest in 100 or more acres of land within a state in which 25 percent or more of the land within that state is owned by the United States only if the United States disposes of the surface estate to land in that state approximately equal in value to the land being acquired. Specifies exceptions and authorizes a waiver in times of war or a national emergency.

While Senator Craig’s bill did not pass during the 108th Congressional Session, the Public Lands Committee recognizes the importance of this sort of legislation in a state like Nevada, which is nearly 87 percent federally-managed.

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

Nevada’s Congressional Delegation, the Chairmen of the Senate Committee on Energy and Natural Resources and the House Committee on Resources, the Department of Interior, and the BLM requesting support for legislation and policies that provide for a “no net loss” of private land in federal land exchanges and purchases. The letter shall

include commentary concerning recent efforts by Senator Craig Thomas (R-Wyoming) to address this matter in S. 1038 of the 108th Congress.

9. Disposal of Public Lands

The Committee regularly follows issues surrounding the sale and disposal of public land to private individuals and local government. In recent years, the BLM has begun to favor land sales and auction over land exchanges as the primary method of land disposal. This is especially evident since the passage of the SNPLMA, the Federal Land Transaction Facilitation Act of 2000, and more recently, the Lincoln County Conservation, Recreation, and Development Act of 2004.

An integral part of this land sale process is the identification of lands that are suitable for disposal by the BLM. The sale of these lands, particularly those located in or near cities and towns, would greatly enhance the local tax base and stimulate local economies.

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

Each of Nevada's Boards of County Commissioners, the Nevada Association of Counties, and the Nevada League of Cities encouraging the various local governments to continue working closely with the BLM and Nevada's Division of State Lands in identifying lands that might be suitable for disposal (sale into the private sector or for purchase by local government). The letter shall stress the importance of this action on facilitating land sales that will ultimately increase the tax base of rural counties and enhance rural economies.

10. Federal Funding for Wild Horses and Burros

The Committee has taken an ongoing interest over the years in the management of wild horses and burros. Nevada is home to more than half of the nation's wild horses and burros within 102 herd management areas on nearly 16 million acres of public land. These animals are protected under the Federal Wild Free-Roaming Horses and Burros Act of 1971, which also gives the BLM the responsibility for the wild horses and burros. The Committee has recognized and consistently supported the BLM's national strategy to achieve appropriate management levels and commends its efforts in reducing the number of wild horses and burros on Nevada's sensitive public lands to a more manageable level.

During the 2003-2004 legislative interim, the Committee learned that the amount of money appropriated to Nevada's wild horse and burro program is not proportional to the number of animals in the State. In fact, while Nevada is home to over 50 percent of these animals, it only receives about 15 percent of the total wild horse and burro budget. The Committee recognizes that the costs associated with the National Wild Horse and Burro Center at Palomino Valley Corral north of Reno as well as other holding facilities are supported by BLM funds at the

national level. However, the disproportion of funds to the actual number of horses in Nevada is still obvious.

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

Nevada's Congressional Delegation, the Chairmen of the Senate Committee on Energy and Natural Resources and the House Committee on Resources, the United States Department of the Interior, and the BLM explaining the delicate and rather tenuous wild horse situation in Nevada and requesting that federal funding for wild horses and burros to the states be proportional to the actual number of wild horses and burros in each of those states.

11. Funding for the Federal Payments in Lieu of Taxes Program

One of the many important topics the Committee regularly monitors 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. 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, the Legislative Committee on Public Lands voted to send a letter to:

Nevada's Congressional Delegation, the Chairmen of the Senate Committee on Energy and Natural Resources and the House Committee on Resources, and the Chairmen of the appropriations committees in the U.S. Senate and House of Representatives encouraging the full funding of the federal PILT program.

12. Lincoln County Conservation, Recreation, and Development Act of 2004

Throughout the 2003-2004 legislative interim, the Committee consistently monitored the progress and development of the LCCRDA. The Committee continuously supported the LCCRDA and its mandate for land sales, the protection of the environment and key wilderness areas, the establishment of the Silver State Off-Highway Vehicle Trail, and the enhanced opportunities for economic development.

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

Nevada’s Congressional Delegation and the DOI expressing support for the Lincoln County Conservation, Recreation, and Development Act of 2004. The letter shall include a statement expressing the Committee’s desire that provisions in the proposed Act remain sensitive to environmental concerns raised during the legislative interim.

The LCCRDA (H.R. 4593) was approved shortly after the Committee’s second informational tour to Washington, D.C., and before its letter of support could be crafted. Therefore, the Committee sent letters expressing its sincere thanks to Nevada’s Congressional Delegation and the DOI for actively supporting this important legislation. All Nevadans—and especially the citizens of Lincoln County—will benefit from the Act’s implementation. The measure also represents a good model from which future legislation applicable to other Nevada counties may be replicated.

13. Federal Emergency Management Agency Grant Requests from Lincoln County

At its meeting in Caliente, the Committee heard an update of public lands and natural resources issues in Lincoln County and eastern Nevada. As part of this presentation, Lincoln County Commissioner Tim Perkins and Planning Coordinator Shelley Hartmann discussed two pending grant applications made by the county to the Federal Emergency Management Agency. The first grant application requested \$2.3 million in “pre-hazard mitigation funds” and “map modernization funds” for the update and modernization of flood insurance rate maps in Lincoln County and a subsequent hydrologic study. The second grant application requests \$535,000 from the FEMA in pre-hazard mitigation funds for critical fuels reduction and underbrush clearing in and around the Mt. Wilson area (near Pioche). Testimony from Lincoln County officials indicated that dangerous amounts of fuels buildup threatens the safety of residents in the Mt. Wilson area and any occurrence of wildfire in the area will result in catastrophic damage and possible loss of life. Lincoln County is 98.2 percent federally-managed and is unable to afford such massive projects without outside economic assistance. The Committee understands that these two grant requests are still pending and has expressed support for their approval.

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

The Federal Emergency Management Agency expressing support for Lincoln County’s grant request to FEMA to help fund emergency fuel reductions and underbrush clearing around the Mt. Wilson area.

AND

The FEMA expressing support for Lincoln County’s request for a \$2 million grant to provide for “Pre-hazard Mitigation Flood Mapping” and map modernization in Lincoln County.

14. Lincoln County Pilot Project for Emergency Fuels Reduction

Also at its meeting in Caliente, as part of their update of public lands and natural resources issues in Lincoln County and eastern Nevada, Lincoln County Commissioner Tim Perkins and Planning Coordinator Shelley Hartmann discussed the County's proposed "Pilot Project for the Purpose of Emergency Fuel Reduction, Public Safety, and Environmental Health." If established, this pilot project would create numerous public/private partnerships to reduce an overabundance of piñon juniper and other volatile fuels in eastern Nevada. Commissioner Perkins and Ms. Hartmann indicated that a copy of this proposal was sent to Congressman Jim Gibbons (R-Nevada) in hopes the pilot project might receive Congressional attention. They also requested the support of the Committee on Public Lands in this important endeavor.

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

Congressman Jim Gibbons expressing the Committee's support for the "Lincoln County, Nevada, Pilot Project for the Purpose of Emergency Fuel Reduction, Public Safety, and Environment Health," which involves a number of public/private partnerships to reduce an overabundance of piñon juniper and other volatile fuels in eastern Nevada.

15. Nevada Fire Safe Council

During the legislative interim, the Committee heard a most informative update and report from the Nevada Fire Safe Council. The Council is an independent membership organization focused on reducing fire risk and increasing the survivability of wildfire within at-risk communities. The mission of the Council is to create an organization that serves as a bridge between fire services, public agencies, and communities threatened by wildfire, as well as to build a network of local community support. The Council also strives to provide assistance to threatened communities by improving residents' understanding of fire threats and accepting personal responsibility for some level of community protection. Moreover, the Council helps individuals and communities identify fire risks and hazards, develop and prioritize fire mitigation projects, and procure funding assistance to implement mitigation measures.

Currently, the Nevada Fire Safe Council has two dozen community "Chapters" throughout Nevada and is working to increase the number of chapters throughout the State. The Legislative Committee on Public Lands strongly supports the goals, mission, and ideals of the Fire Safe Council and encourages the participation of local communities and neighborhoods in the Council.

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

Nevada's County Commissions and City Councils that have not yet partnered with the Nevada Fire Safe Council expressing support for the Council and encouraging their participation in the organization. The letter shall include language recommending the formation of Fire Safe Council "Chapters" in communities where wildfire risk is especially high.

16. Rescission of the Endangered Species Listing of the Sierra Nevada Bighorn Sheep

At its meeting in Reno, the Committee heard from Floyd W. Rathbun, Certified Range Management Consultant, who acted on behalf of Fred Fulstone and his daughter, Marianne Leinassar, in requesting the Committee's action and attention concerning the possible "delisting" of the Sierra Nevada Bighorn Sheep. The U.S. Fish and Wildlife Service placed the Sierra Nevada Bighorn Sheep on the endangered species list in 2000. Mr. Rathbun expressed concern that, as part of this listing, the USFWS may not have examined the full economic impact of the listing on Lyon County, Nevada, and Mono County, California. During his testimony, he noted that Mr. Fulstone and Ms. Leinassar were guaranteed the continuation of domesticated sheep grazing on BLM and USFS administered allotments; however, when the Draft Recovery Plan was created, Mr. Fulstone and Ms. Leinassar were reportedly not invited to participate to express their desire for continued sheep grazing.

After hearing Mr. Rathbun's concerns, the Committee on Public Lands voted to send a letter to:

The DOI and the USFWS encouraging the Department and the USFWS to "delist" or rescind the endangered species listing of the Sierra Nevada Bighorn Sheep. The letter shall request further study of the economic impacts of this listing and specifically reference the concerns noted by Floyd Rathbun, as set forth in his prepared statement to the Legislative Committee on Public Lands on March 26, 2004.

17. Checkerboard Lands

Over the years, the Committee has discussed the land management challenges associated with Nevada's "checkerboard" land pattern. This checkerboard pattern of land ownership along the Interstate 80 corridor in northern Nevada is the result of land that was given to the Central Pacific Railroad as an incentive to build the transcontinental railroad in the 1860s. Essentially, the Federal Government offered every other section of land for 20 miles on each side of the railroad corridor to any company that would complete the construction.

The Committee recognizes this unusual pattern of land ownership negatively impacts the management of public land and the economic development of private land in the region.

The Committee members support any current or future legislation resulting in the consolidation of these checkerboard lands. Any plan to “block up” these checkerboard lands into a more manageable land use pattern will enhance the protection of natural resources in the region, improve public access, and increase the development of private lands, which in turn, will encourage economic and community development in rural northern Nevada.

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

Nevada’s Congressional Delegation expressing support for any existing or future “checkerboard land” consolidation bill.

18. Surveying of Roads That Cross Checkerboard Lands

As noted earlier, there are many land management challenges associated with Nevada’s “checkerboard” land pattern. Today, many of the private parcels in the checkerboard land area are owned and managed by the Nevada Land and Resource Company. For many years, the NLRC has been active in selling and disposing these private holdings to interested buyers and has been instrumental in seeking creative ways to survey, obtain legal descriptions of, and ensure legal access to county roads that cross checkerboard lands. At the Committee’s meeting in Lovelock, the NLRC noted increasing challenges associated with landowners in the checkerboard area fencing off roads that were once generally treated as public rights-of-way. While these roads (primarily dirt roads) are thought of and treated as public rights-of-way, they indeed have not been formally surveyed and dedicated as such by local government.

The increasing discord over these fenced roads highlights the difficult issue of managing rights-of-way that are used by the public to access recreational areas, residential areas, water sources, and federal public lands. The NLRC proposed that one way to better manage these complex right-of-way issues is to survey the roads utilizing Global Positioning System (GPS) technology. These surveying efforts would establish a rough centerline along certain rights-of-way traversing the checkerboard land areas. Using this GPS data, these rights-of-way could then be formally designated by the county, as agreed to by consenting private landowners. The Committee hopes that this cost-effective survey method will help alleviate the concerns regarding public access and give private landowners guidance when fencing certain roadways. The Committee encourages all county officials to work closely with NLRC in these efforts.

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

The Boards of County Commissioners in Churchill, Elko, Eureka, Humboldt, Lander, Lyon, Pershing, and Washoe Counties (those counties containing some “checkerboard land” patterns) expressing support of the NLRC’s efforts to survey, obtain legal descriptions of, and ensure legal access to county roads that cross checkerboard lands.

The letter shall include language encouraging the counties to assist the NLRC in these efforts.

19. Wildfire Support Group

At its meeting in Lovelock, the Committee received a most informative update and summary of the Wildfire Support Group and its activities. The Committee is very impressed with the Group's efforts in forming a network of trained and certified fire teams, reducing fire risk by controlling fuel loads, rehabilitating and restoring burned areas, and working across federal, state, and local government lines to implement a successful fire suppression strategy. The Group should be commended on its forward-thinking approach to fire management and public education.

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

The Wildfire Support Group, the BLM, and the USFS expressing support for the programs and activities of the Wildfire Support Group.

20. U.S. Forest Service's State and Private Forestry Program

Throughout the legislative interim period, the Committee on Public Lands heard from numerous individuals, organizations, and local government representatives who reported on the generous grants made to Nevada organizations and projects under the State and Private Forestry grant program. Of particular interest were grants that provided much-needed funds for fire rehabilitation, urban forestry, "fuels for schools," forest land enhancements, and conservation education. The Committee also heard about the tremendous support provided for noxious weed management, abatement, and control. In fact, the SPF provided the State Department of Agriculture more than \$163,000 annually during the past two years to help fund a Coordinator for Nevada's 26 Cooperative Weed Management Areas and create several weed task forces and working groups. The Committee is ever grateful for these much-needed SPF funds and recognizes the importance of such federal dollars in protecting our sensitive ecosystems for current land users and for future generations. The Committee urges the SPF Program to continue assisting noxious weed control efforts in Nevada and is highly supportive of any action to increase the funding, as the spread of noxious weeds in Nevada compromises the State's agricultural productivity, impairs wildlife habitat, increases the threat and spread of wildland fires, and threatens public health and safety.

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

The USFS and the USFS' State and Private Forestry Program in Washington, D.C., encouraging the continued funding for noxious weeds and requesting that the SPF Program explore ways to increase the funding that goes to the states for noxious weed control programs.

21. Northeastern Nevada Stewardship Group

The Committee was fortunate to hear from the NNSG during the legislative interim and discuss NNSG's successful work on many different public lands issues, including rangeland health, noxious weed and invasive species abatement, wildlife management, sage grouse habitat protection initiatives, agriculture and ranching, and other critical natural resource matters. The NNSG has attracted supporters from federal, state, and local agencies, universities, the business community, land users, and from a broad base of citizens. The Committee recognizes and supports the mission of the Group and compliments its efforts in addressing critical public lands issues. Furthermore, NNSG should be commended on its accomplishments in the areas of land use analysis, public education, wildfire suppression and burned area restoration, and general land management matters.

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

The Northeastern Nevada Stewardship Group commending the Group's accomplishments in the areas of land use analysis, public education, and the study of wildlife and wildfire, and recognizing the broad interest of the NNSG in land management matters.

22. Possible Permitted Grazing of Wild Horses

During each legislative interim, the Committee deliberates at length concerning the issue of wild horses and the impacts the horses have on Nevada's public lands. The Committee was very intrigued to learn of a new idea presented during the interim concerning the use of grazing permits for wild horses. This concept essentially would permit ranchers to use allocated cattle grazing permits for the purpose of running wild horses on the range under an arrangement with the BLM. The Committee understands that some wild horse holding facilities in Nevada and the Midwest are at or beyond capacity; this proposal would certainly relieve these overcrowded conditions. Obviously, under this unique scenario, the terms of the grazing permits would need to be altered and the laws and regulations concerning permitted grazing would need to be amended. Nonetheless, the Committee found this idea interesting and encourages the DOI and BLM to explore this possible new use for grazing permits. The Committee believes this proposal might be a "win-win" for the BLM, Nevada ranchers, and most importantly, the thousands of wild horses in Nevada that might benefit from this arrangement.

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

The DOI and the BLM requesting consideration of actively changing, upon the request of a grazing permit holder, the terms of the permit to allow for the grazing of horses. The letter shall also include a statement of support for the concept of allowing ranchers to contract with the BLM to run gathered wild horses using existing grazing permits.

23. Austin Airport Title Transfer

At its meeting in Eureka, the Committee heard a report from Ray Salisbury, Chairman, Lander County Public Lands Advisory Commission. Mr. Salisbury reported, among other things, on the efforts to transfer title of the Austin Airport from the BLM to Lander County. The conveyance process, Mr. Salisbury explained, has taken quite some time—due in part to a number of protests filed by nearby ranchers—and the Committee was asked to urge all parties to expedite the title transfer.

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

The State Director of the BLM and to the Chairman of the Lander County Commission requesting an expeditious resolution of efforts to transfer the title of the Austin Airport from the BLM to Lander County.

Since Mr. Salisbury's presentation and the Committee's final meeting and work session, the Committee learned that the Austin Airport conveyance recently entered its final stages. While the title transfer process has been "in-process" for seven years, the Committee is pleased to learn the Federal Aviation Administration and the U.S. Department of Transportation have determined that the airport is suitable for conveyance. Pursuant to the Airport and Airway Improvement Act of 1982, the U.S. Department of Justice (DOJ) must approve the final title transfer. The DOJ received the conveyance request in January 2005 and it appears the final transfer may take place soon. Nonetheless, the Committee still wanted to compose a letter encouraging all parties involved to act expeditiously in completing this important transfer. The Committee is confident that once the transfer is made, the town of Austin will begin to experience added economic growth and development.

24. Land Sales in BLM's Battle Mountain Field District

Also during its meeting in Eureka, the Committee heard concerns about the need to amend the resource management plan (RMP) for the Battle Mountain Field District to expedite land sales for certain landowners who wish to acquire small parcels for agricultural use. Specifically, Assemblyman Pete Goicoechea reported that several ranchers in central Nevada were hoping to purchase 40- to 80-acre parcels of public land to help complete irrigation pivots (to 360 degrees). Unfortunately, most of this land has not been identified for disposal in the existing RMP and therefore, the BLM is ineligible for reimbursement of land sale costs under the Federal Land Transaction Facilitation Act of 2000 (the "Baca" bill). While the Committee recognizes that the benefits of the Baca bill cannot be realized in such a land sale, it encourages the BLM in Nevada to work closely with Assemblyman Goicoechea and interested landowners in facilitating the needed land sales by amending the RMP for the Battle Mountain Field District.

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

The State Director of the Bureau of Land Management requesting that the BLM Battle Mountain Field Office expeditiously revise its resource/land management plans to reevaluate “Desert Land Entry” lands in the region to determine if those lands might fit into requirements set forth under the Federal Land Transaction Facilitation Act of 2000 (the “Baca bill”) for purposes of disposal.

Subsequent to the final meeting and work session, the Committee learned that this RMP is scheduled for revision next year. Clearly, under the current land sale options, the rules of the Federal Land Policy Management Act of 1976 and the National Environmental Policy Act (NEPA) would apply. Therefore, the Committee urges an expeditious start to this RMP update and prompt handling of the lengthy land sale process required by FLPMA and NEPA.

25. Amendments to the SNPLMA and Other Land Disposal Acts

Since 1999, the Committee has received very favorable updates regarding the continued implementation of the Southern Nevada Public Lands Management Act of 1998 and other federal legislation authorizing the sale or auction of public land in Nevada. In addition, the Committee regularly hears numerous reports addressing a host of different topics, including the protection of sage grouse habitat, wild horse gathers, general range enhancements, the rising costs of environmental assessments and analysis by the BLM for land sales and exchanges, fire suppression efforts, and noxious weed and invasive species abatement. A common theme throughout these reports is the need for greater funding to offset the increasing costs of these many programs and initiatives.

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 Department of the Interior 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 Spring Mountains National Recreation Area, the Red Rock Canyon National Conservation Area, and other areas administered by the BLM in Clark County;

3. Development of a multi-species habitat conservation plan in Clark County;
4. Development of parks, trails, and natural areas in Clark County, 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, the Federal Lands Transaction and Facilitation Act of 2000, the Lincoln County Conservation, Recreation, and Development Act of 2004, and other public land measures also provide specific guidelines and categories for the expenditure of money generated from authorized public land sales. The Committee believes that amending these land disposal acts to specifically earmark proceeds from Nevada land sales to benefit the people and resources in the State is important, timely, and worthwhile.

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

Nevada's Congressional Delegation urging them to consider an amendment to the SNPLMA or any other similar bill affecting Nevada currently or in the future, which would allow the BLM to use money from land sales under the Act for the purposes of funding statewide sage grouse protection efforts, wild horse gathers, general range enhancements, reducing the costs of environmental assessments and studies associated with the purchase and sale of federal land, and for noxious weed abatement and control throughout Nevada.

The Committee hopes that amendments to these acts as outlined above will generate the necessary funds to immediately support the growing needs on public lands in Nevada.

26. Recognition of BLM Efforts During the 2003-2004 Legislative Interim

During the past several legislative interims, and especially throughout the 2003-2004 interim period, the Committee has been continuously impressed with the interest and participation of the Bureau of Land Management in the Committee's deliberations. In fact, all of the meetings of the Committee during the past interim involved participation by the BLM, and Robert V. Abbey, Nevada State Director, and his conscientious and competent staff should be recognized for their generous contributions to the Committee's deliberations. In addition, the Committee held two very informative and useful meetings with the BLM during its informational tours to Washington, D.C., last year. The Committee is well aware that the BLM is often requested to discuss somewhat controversial matters, and the members are thankful for the agency's willingness to attend hearings and field excursions, sometimes on short notice.

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

Gale Norton, Secretary of the DOI, and Kathleen Clark, Director of the BLM, expressing the Committee's appreciation of the BLM's efforts and support of the Committee during the 2003-2004 legislative interim. The letter shall include a statement concerning BLM's consistent willingness to appear before the Committee and provide useful and helpful information to assist the Committee in its duties.

27. Recognition of USFS Efforts During the 2003-2004 Legislative Interim

The Committee has also been continuously impressed with the interest and participation of the USFS in the Committee's deliberations. In fact, nearly all of the meetings of the Committee during the past interim involved participation by the USFS, and Mr. Robert L. Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, and his conscientious and knowledgeable staff should be recognized for their generous contributions to the Committee's deliberations. Moreover, the Committee held two very informative and useful meetings with the U.S. Forest Service and the National Forest System during its informational tours to Washington, D.C., last year. The Committee is keenly aware that the Forest Service is often requested to discuss somewhat controversial matters, and is thankful for the agency's willingness to attend hearings and field excursions, sometimes on short notice.

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

Ann Veneman, Secretary of the United States Department of Agriculture, and Dale Bosworth, Chief, USFS, expressing the Committee's appreciation of the USFS' efforts and support of the Committee during the 2003-2004 legislative interim. The letter shall include a statement concerning USFS' consistent willingness to appear before the Committee and provide useful and helpful information to assist the Committee in its duties.

28. Legal Challenges to Land Sales Under Federal Land Disposal Acts

Since the passage of the Southern Nevada Public Lands Management Act of 1998, the Clark County Conservation of Public Land and Natural Resources Act of 2002, and more recently, the Lincoln County Conservation, Recreation, and Development Act of 2004, the Committee has heard reports about ongoing land transfers, disposals, and auctions authorized under these and other federal legislative acts. While on many occasions, land sales and transfers occur with little or no difficulty, the Committee has learned of an increased number of frivolous court challenges and legal disruptions in this process. On several occasions during the legislative interim, testimony indicated there are many instances where legal challenges are mounted to halt land auctions after years of land sale preparation, environmental analysis, and study, sometimes resulting in the sales process reverting back to the very initial stages of

development. The Committee heard of one particular instance involving a much-anticipated and critical land sale in southern Lincoln County that was effectively halted by an “11th-hour” challenge.” Years of costly environmental study, analysis, and preparation were effectively quashed because of this type of legal maneuvering.

The Legislative Committee on Public Lands is not exactly sure how to remedy this alarming situation; however, it hopes a legislative solution—perhaps by setting forth a set time frame during which legal challenges may be filed—might encourage rather than discourage these important land disposals and auctions. While the Committee does not wish to stem the rights of those who initiate legitimate legal objections, it would like to see a procedure that prevents costly, last-minute stoppages to the land disposal process.

Therefore, the Legislative Committee on Public Lands voted to include the above statement and description in the final report and send a letter to:

Gale Norton, Secretary of the DOI, and Kathleen Clark, Director of the BLM, and Nevada’s Congressional Delegation and include a statement in the final report expressing the Committee’s concerns regarding the increased number of last-minute legal challenges to land sales under the various federal land management acts impacting Nevada. The letter and statement shall make reference to testimony indicating there are many instances where legal challenges are mounted to halt land auctions after years of preparation, sometimes resulting in the land sale process reverting back to the initial stages of development.

29. Caliente Railroad Corridor for Yucca Mountain

During the interim, the Committee learned of a proposal to establish a 319-mile long railroad for the purpose of shipping low- and high-level nuclear waste. The rail line would run from the Panaca area in eastern Lincoln County to Yucca Mountain, located in southern Nye County. This route would traverse primarily across BLM land and would circumvent the Nevada Test Site and Nellis Air Force Base Bombing and Gunnery Range. During the Committee’s meeting in Las Vegas, Robin Sweeney of the U.S. Department of Energy’s Office of Civilian Radioactive Waste Management discussed the details of the proposed route, the public scoping process, and timeline for construction.

The Committee received letters and phone calls from several ranchers and residents living near the proposed corridor who expressed concern about the rail line construction. The Committee urges the Department to ensure, if construction of the railway is approved, that current land uses remain unchanged. Furthermore, the Committee shared some of the concerns of several ranchers and land users living in



the proposed corridor area who believed they were not adequately notified of the proposal. These ranchers and land users legitimately fear the loss of their economic livelihood should the proposed railroad alter critical grazing patterns and permits.

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

The DOE concerning the Caliente Railroad Corridor for Yucca Mountain. The letter shall include a statement urging the DOE to ensure, if the construction of the railroad is approved, that current land uses remain unchanged. The letter shall also relay the concerns of some ranchers in the corridor who believe they were not properly notified of the DOE's action and who fear the loss of economic livelihood due to the potential alteration of grazing patterns.

30. Grazing on U.S. Forest Service Land in Elko County

During the legislative interim the Committee heard from Mike Lattin, Lattin Livestock, Al Steninger, President, Western Range Service, and Quinton J. Barr, Range and Ranch Management Consultant, Western Range Service, regarding the rangeland monitoring practices of the U.S. Forest Service in Elko County. Responding to Mr. Lattin's and Mr. Steninger's concerns was Mr. Robert L. Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest. Specifically, concerns were raised about the level of range monitoring for grazing allotments and whether that monitoring depicted an accurate representation of rangewide conditions. Mr. Lattin and Mr. Steninger alleged that the USFS was engaging in "postage stamp" range monitoring, whereby the conditions of the range at one location were being used to evaluate the grazing suitability of land across the entire range.

Mr. Vaught assured the Committee that this is not the USFS' standard practice and agreed to review the activities of the Forest Service in Elko County to ensure that appropriate monitoring practices were being used. The Committee was very happy to facilitate discussion between all parties at two meetings during the interim and was encouraged to hear, during its meeting in Wells, that progress had been made in working out a resolution to the concerns.

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

Robert Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS; Al Steninger, Range and Ranch Management Consultant, Western Range Service; Mike Lattin, Lattin Livestock, LLC; and Quinton J. Barr, Range and Ranch Management Consultant, Western Range Service, encouraging their continued cooperation in seeking a resolution to the concerns raised by Mr. Steninger at the Committee's meetings in Reno on March 26, 2004, and in Wells on June 25, 2004,

and thanking the parties for their willingness to work toward a solution regarding the grazing allotment monitoring practices of the USFS in Elko County.

VII. CONCLUDING REMARKS

Nevada's Legislative Committee on Public Lands worked on numerous public lands topics during the 2003-2004 legislative interim, and addressed many areas of concern at the federal, state, and local levels of government. 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 and discuss the many diverse aspects of living in a state that is 87 percent federally-managed.

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; citizens; and all other participants in this interim's hearings. The Committee appreciates the important assistance consistently provided by the many talented and knowledgeable people who testified at its meetings and participated in informational exchanges.

VIII. APPENDICES

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APPENDIX A

Nevada Revised Statutes 218.536 through 218.5371

NEVADA REVISED STATUTES

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. [Effective through June 30, 2007.] 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.

4. Review the programs and activities of:

(a) The Colorado River Commission of Nevada;

(b) All public water authorities, districts and systems in the State of Nevada, including, without limitation, the Southern Nevada Water Authority, the Truckee Meadows Water Authority, the Virgin Valley Water District, the Carson Water Subconservancy District, the Humboldt River Basin Water Authority and the Truckee-Carson Irrigation District; and

(c) All other public or private entities with which any county in the State has an agreement regarding the planning, development or distribution of water resources, or any combination thereof.

5. On or before January 15 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the review conducted pursuant to subsection 4.

(Added to NRS by 1983, 208; A 2003, 2506)

NRS 218.5368 Duties of Committee. [Effective July 1, 2007.] 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; A 2003, 2506, effective July 1, 2007)

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, 2003, through December 31, 2004

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

APPROVED BUDGET AND PROPOSED WORK PLAN
July 1, 2003, through December 31, 2004

This document outlines the approved budget and proposed work plan for Nevada's Legislative Committee on Public Lands for the 2003-2004 interim period.

APPROVED COMMITTEE BUDGET

On September 24, 2003, the Legislative Commission approved the Committee's budget request, which totals \$49,660. The major categories are as follows:

Legislator Salaries.....	\$12,480
Travel and per diem costs:	
In-state committee meetings and tours (10).....	\$13,690
Out-of-state informational tours to Washington, D.C. (2)	\$20,080
Operational Costs:	
Supplies	\$350
Printing and copying.....	\$750
Postage.....	\$400
Publications	\$1,310
Dues/Meeting Registrations/Room Fees	<u>\$600</u>
TOTAL BUDGET	\$49,660

The budget allows the six legislators on the Committee to conduct ten hearings throughout urban and rural Nevada and two, two-day informational tours in Washington, D.C. Pursuant to NRS 218.5365, 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 during the Washington, D.C., visits.

This request represents a slight decrease from last interim's budget of \$50,935. Additions to the budget include the costs associated with increased rates for subscriptions to public lands publications and an increased number of in-state meetings. Decreases in the budget from the previous interim include reductions in out-of-state informational tour expenses; slightly lower printing and copying costs; and a reduced amount for dues, meeting registrations, and room fees.

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 (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.

COMMITTEE MEMBERS AND STAFF

The Legislative Commission appointed the following members to the Committee:

Senator Dean A. Rhoads	Assemblyman Jerry D. Claborn
Senator Mark E. Amodei	Assemblyman Tom Collins
Senator Terry Care	Assemblyman John W. Marvel
Tim Perkins, Lincoln County Commissioner	

The Commission also appointed the following alternate members to the Committee:

Senator Bob Coffin	Assemblyman John C. Carpenter
Senator Warren B. Hardy II	Assemblyman Jason D. Geddes
Senator Mike McGinness	Assemblywoman Peggy Pierce

The following Legislative Counsel Bureau (LCB) staff members will provide staff support for the Committee during the 2003-2004 legislative interim:

Michael J. Stewart, Senior Research Analyst, Research Division
J. Randall Stephenson, Senior Deputy Legislative Counsel, Legal Division
Gayle Nadeau, Senior Research Secretary, Research Division

PROPOSED WORK PLAN

The following sections outline the tentative work plan for Nevada's Legislative Committee on Public Lands during the 2003-2004 legislative interim.

In-State Meetings

Nine one-day meetings throughout Nevada are projected. However, the budget includes money for an additional (tenth) meeting should further committee deliberations and discussions be needed. 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 Ely, Winnemucca, Caliente, Reno, Lovelock, Las Vegas, Wells, Eureka, and Carson City between October 2003 and August 2004.

Out-of-State Informational Tours

The Committee optimizes its effectiveness by annually visiting members of the United States Congress, executive branch officials, and private organizations in Washington, D.C. These productive sessions provide committee members with insight on federal policies and key contacts on public lands issues, afford opportunities to educate federal officials on the public lands perspective in Nevada, and foster 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 informational tours.

Proposed Timetable of Meetings

Date(s)	Location	Possible Topic(s)
Monday, October 20, 2003	Ely	Organizational meeting; background information and status of ongoing issues; eastern Nevada land management issues; elk management; and endangered species.
Wednesday, December 17, 2003	Winnemucca	General meeting; update on mining issues; stockwater and other water matters; and northern Nevada issues.
Friday, January 16, 2004	Caliente	General meeting; update on eastern Nevada issues; water issues; grazing; and recreation.
Wednesday and Thursday, February 25 and 26, 2004	Washington, D.C.	Informational tour of the Nation's Capitol to visit with congressional and other federal officials.
Friday, March 26, 2004	Reno	General meeting; Washington, D.C., wrap-up; update on western Nevada issues; Washoe County water matters.
Friday, April 30, 2004	Lovelock	General meeting; Humboldt River basin matters; agriculture; and invasive species.
Friday, May 28, 2004	Las Vegas	General meeting; update on southern Nevada issues; southern Nevada water matters; and overview of military activities.

Date(s)	Location	Possible Topic(s)
Friday, June 25, 2004	Wells	General meeting; overview of northeast Nevada issues; update on mining; and general federal land management update.
Friday, July 30, 2004	Eureka	General meeting; update on central Nevada issues; wild horses; and public lands access.
Friday, August 27, 2004	Carson City	General meeting; final public lands updates; water issues; 2004 fire season (a.m.); work session and final recommendations (p.m.).
September or October, 2004 (date not yet set)	Washington, D.C.	Informational tour of the Nation's Capitol to visit with congressional and other federal officials.

NOTE: The dates proposed above were, on occasion, adjusted during the 2003-2004 interim period.

Recommendations and Bill Draft Requests

Pursuant to NRS 218.2429, statutory legislative bodies, including the Legislative Committee on Public Lands, may request the drafting of not more than ten proposed legislative measures that relate to matters within the scope of the Committee. These requests must be submitted to the Legal Division of the LCB on or before September 1 preceding the commencement of a regular legislative session. Recommendations may be considered and acted upon at meetings throughout the interim. Traditionally, however, the members take action on most recommendations, particularly those involving bill draft requests, at the last scheduled in-state meeting of the interim. The final report is then completed by staff prior to the start of the legislative session.

OVERVIEW OF COMMITTEE DUTIES AND ISSUES MONITORED

Powers and Duties of the Committee on Public Lands

Pursuant to NRS 218.5367, Nevada's Legislative Committee on Public Lands has many broad responsibilities and powers. Specifically, the Committee may:

1. Review and comment on any administrative policy, rule, or regulation of the Secretary of the Department of the Interior, which pertains to policy concerning or management of public lands under the control of the Federal Government;
2. Review and comment on any administrative policy, rule, or regulation of the Secretary of the Department of Agriculture, which pertains to policy concerning or management of national forests;

3. Conduct investigations and hold hearings in connection with this 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;
4. Consult with and advise the State land use planning agency on matters concerning federal land use, policies, and activities in this State;
5. Direct the Legislative Counsel Bureau to assist in its research, investigations, review and comment;
6. Recommend to the Nevada Legislature, as a result of its review, any appropriate state legislation or corrective federal legislation;
7. Advise the Attorney General of the State of Nevada if the Committee 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 of America*;
8. Enter into a contract for consulting services for land planning and any other related activities, including, but not limited to:
 - a. Advising the Committee and the State land use planning agency concerning the revision of the plans pursuant to NRS 321.7355;
 - b. 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
 - c. Assisting local governments in the acquisition of federal lands in this State.
9. Apply for any available grants and accept any gifts, grants, or donations to aid the Committee in carrying out its duties.

Furthermore, NRS 218.5368 stipulates that Nevada's Legislative Committee on Public Lands shall:

- ❑ 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;
- ❑ Advance knowledge and understanding in local, regional, and national forums of Nevada's unique situation with respect to public lands; and
- ❑ Support legislation that will enhance state and local roles in the management of public lands and increase the disposal of public lands.

Senate Bill 216 of the 2003 Legislative Session (Chapter 408, Statutes of Nevada)

Senate Bill 216 of the 2003 Legislative Session provides for additional duties for the Legislative Committee on Public Lands. The measure specifically states that the Committee shall review the programs and activities of:

- The Colorado River Commission of Nevada;
- All public water authorities, districts, and systems in the State of Nevada including, without limitation, the Southern Nevada Water Authority, the Truckee Meadows Water Authority, the Virgin Valley Water District, the Carson Water Subconservancy District, the Humboldt River Basin Water Authority, and the Truckee-Carson Irrigation District; and
- All other public or private entities with which any county in the State has an agreement regarding the planning, development, or distribution of water resources, or any combination thereof.

Furthermore, S.B. 216 requires the Committee, on before January 15 of each odd-numbered year, to submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning this review of the Colorado River Commission and the various water authorities, districts, and water systems in the State.

Issues Monitored and Discussed

As an introduction to some of the public lands issues that may be addressed during the 2003-2004 legislative interim, this section briefly highlights the topics typically reviewed and discussed by the Committee:

I. 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); and
 - 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; and
 - ❑ 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;
 - ❑ Review the minerals industry and development in Nevada; and
 - ❑ Monitor the implementation of the State’s abandoned mines program.
- e. Rangeland management:
 - ❑ Monitor, review, and comment on state and federal proposals and activities affecting Nevada’s rangelands, including fire suppression issues, grazing, and livestock matters.
- 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) and United States Forest Service (USFS) wilderness review process, areas, and recommendations.
- h. Wild horses and burros:
 - ❑ Monitor BLM policies and activities on wild horse and burro management; and
 - ❑ Review the activities of Nevada’s Commission for the Preservation of Wild Horses.
- i. Wildlife:
 - ❑ Monitor wildlife management issues, such as endangered species designations, elk management, hunting and fishing activities, and wildlife depredation programs.
- j. Other topics of interest:
 - ❑ Federal policies and regulations on land use and access to public lands;

- ❑ Fire management and fire rehabilitation on state and federal lands;
- ❑ Recreation issues, including services provided by state and federal park agencies;
- ❑ Resource management plans and environmental impact statements for selected projects;
- ❑ Roads and transportation on public lands and “R.S. 2477” issues;
- ❑ Water issues and groundwater quality; and
- ❑ Other public lands issues as they arise.

II. Partial List of Topics Considered by Nevada’s Legislative Committee on Public Lands During the 2001-2002 Legislative Interim

The following is a summary list of some of the many issues discussed by the Committee during the 2001-2002 interim period:

- ❑ Air quality issues;
- ❑ BLM activities and policies in Nevada;
- ❑ County and city public land issues;
- ❑ Drought relief;
- ❑ Endangered Species Act of 1973;
- ❑ Federal Land Transaction Facilitation Act of 2000;
- ❑ Federal legislation (various pending measures);
- ❑ Federal and state permitting processes;
- ❑ Fire suppression and prevention;
- ❑ Governor’s Sage Grouse Conservation Team;
- ❑ Great Basin Restoration Initiative and range rehabilitation issues;
- ❑ Grazing issues;
- ❑ Humboldt Project Title Transfer;
- ❑ Interbasin transfer of water;
- ❑ Land sales and disposals;
- ❑ Lincoln County Land Act of 2000;
- ❑ Mine reclamation bonding;
- ❑ Mining regulations;
- ❑ Noxious weed and invasive species abatement;
- ❑ Payment in Lieu of Taxes;
- ❑ Phoenix Project in Lander County;
- ❑ Public Land Policy Update;
- ❑ Rangeland Reform ‘94 regulations;
- ❑ Renewable energy development on public lands;
- ❑ Southern Nevada Public Lands Management Act of 1998;

- ❑ Southern Nevada Water Authority;
- ❑ State involvement in management of federal lands in Nevada;
- ❑ Stockwater permits;
- ❑ Threatened and endangered species in Nevada (possible listings);
- ❑ U.S. Forest Service activities and policies in Nevada;
- ❑ Vidler Water Company activities in eastern Nevada;
- ❑ Water issues generally (usage, supply, water rights, litigation);
- ❑ Wild horses and burros;
- ❑ Wilderness Study Areas; and
- ❑ Wildlife management.

APPENDIX C

Work Session Document

August 27, 2004



WORK SESSION DOCUMENT

Legislative Committee on Public Lands

Nevada Revised Statutes (NRS) 218.5363

August 27, 2004

The following “Work Session Document” has been prepared by the Chairman and staff of Nevada’s Legislative Committee on Public Lands. It is designed to assist the Committee members in developing statements and determining recommendations to be forwarded to the 2005 Session of the Nevada Legislature. Each item in this document may be the subject of further discussion, refinement, or action.

The recommendations contained herein do not necessarily have the support or opposition of the Committee. Rather, these possible actions are compiled and organized so the members may review them to decide if they should be adopted, changed, rejected, or further considered. The members of the Committee may vote to send as many Committee statements or letters as they choose; however, pursuant to NRS 218.2429, the Committee is limited to ten bill draft requests (BDRs), including requests for the drafting of legislative resolutions.¹ For purposes of this Work Session Document, the recommendations have been grouped by possible Committee action and are not preferentially ordered. Additionally, although possible actions may be identified within each recommendation, the Committee may choose to recommend any of the following actions: (1) draft legislation; (2) draft a resolution; (3) draft a letter; or (4) include a statement in the final report.

The source of each recommendation is noted in parentheses. Please note that specific sponsors of the recommendations may not be provided if the proposals were raised and discussed by numerous individuals and entities during the course of the Committee’s meetings. It should also be noted that some of the recommendations may contain an unknown fiscal impact. Committee members should be advised that Legislative Counsel Bureau staff will coordinate with the interested parties to obtain detailed fiscal estimates, where appropriate, for inclusion in the final report.

As in the past, the Committee members will use a consent calendar to quickly approve those recommendations, as determined by the Chairman, that need no further consideration or clarification beyond what is set forth in the recommendation summary. Items on the consent calendar primarily include Committee letters and statements of a

¹ On June 11, 2004, the Legislative Committee on Public Lands’ Subcommittee to Study Wilderness Areas and Wilderness Study Areas (S.C.R. 7, File No. 63, *Statutes of Nevada 2003*) voted to allocate one BDR for the purposes of crafting a legislative resolution concerning wilderness and wilderness study areas. Any BDR requested by the Subcommittee is subtracted from the ten BDRs allocated to Legislative Committee on Public Lands. Therefore, if the Subcommittee’s report is adopted by the full Committee on August 27, 2004, the Legislative Committee on Public Lands will be entitled to nine additional requests for legislation.

more general nature. Any Committee member may request that items on the consent calendar be removed for further discussion and consideration.

Finally, please note that specific details of approved requests for legislation or Committee statements may need to be clarified by Committee staff prior to drafting. Supporting documents for some recommendations may be obtained by contacting Michael J. Stewart, Principal Research Analyst, Research Division, Legislative Counsel Bureau, at 775/684-6825. All place names referred to in this document are in Nevada unless otherwise noted.

RECOMMENDATIONS FOR LEGISLATIVE MEASURES

Bills and Resolutions

1. **Request the drafting of a bill** to amend provisions in NRS 504.165 concerning the fund for the prevention and mitigation of damage caused by elk or game animals not native to this State (i.e. “Elk Damage Compensation Program”) by giving more latitude to the Nevada Department of Wildlife (NDOW) to spend money in the fund for elk management matters. Testimony indicated that money in the fund is increasing at a greater rate than it is being spent and the additional funds could be used, if authorized in the NRS, to enhance elk management practices in Nevada.

(Discussed by Terry Crawford, Director, NDOW, and Committee members)

2. **Request the drafting of a bill** to add language in Chapter 501, 503, and/or Chapter 504 of the NRS to prohibit the private ranching or raising of deer and elk in Nevada (commonly referred to as “game farms”). This may involve changing the definition of “alternative livestock” in NRS 501.003. Testimony indicated a concern that the raising of deer and elk may increase incidences of disease among those animals.

(Recommended by Terry Crawford, Director, NDOW)

3. **Request the drafting of a bill** amending provisions in NRS 502.142 and 504.165 to permit the issuance of special incentive elk tags to a private landowner as part of the payment to that landowner for the mitigation of damage caused by elk.

(Recommended by Assemblyman John Carpenter and discussed by several Committee members)

4. **Request the drafting of a bill** amending the appropriate provisions in NRS 504.155 through 504.185 (and other statutes as deemed necessary by the Committee and staff) to transfer the land assessment responsibilities set forth

under the “Elk Damage Compensation Program” from NDOW to the State Department of Agriculture.

(Recommended by Brent Eldridge, Rancher, White Pine County)

5. **Request the drafting of a bill** changing the language in NRS 533.438 and 533.4385 to replace the word “tax” with the word “fee” throughout both statutes and increase the amount of that fee (in NRS 533.438, subsection 1) from \$6 to \$10.

(Recommended by the Lincoln County Water District and the Humboldt River Basin Water Authority)

6. **Request the drafting of a bill** providing for the registration of off-highway vehicles (OHVs) in Nevada. According to testimony, the registration of OHVs would: (1) serve to provide proof of OHV ownership; (2) fund OHV facilities and infrastructure in Nevada; (3) enhance tourism and access to rural communities; (4) increase the use of public lands; (5) provide for the enactment of certain traffic laws specific to OHV use; and (6) provide for the collection of sales tax revenue on certain OHV purchases. Additional details concerning this proposal will be addressed by proponents during the Committee’s discussion of this recommendation.

7. **Request the drafting of a bill** to amend NRS 218.5367 by adding a new paragraph to subsection 1 clarifying the authority of the Legislative Committee on Public Lands to review and comment on any matter relating to the use and management of public lands that is specified by the Chairman of the Committee or by a majority of the members of the Committee. The Chairman noted that the scope and number of issues relating to public lands that the Committee considers has expanded significantly in the years since the Committee was established. Express language clarifying the authority of the Committee to consider these issues could assist the Committee in future meetings.

(Recommended by Chairman Rhoads)

8. **Request the drafting of a bill** which would provide for the automatic protection of cultural and historic resources on lands owned by the State of Nevada. According to testimony on this proposal, land transferred, leased, or sold out of federal ownership is considered (under Title 36 *Code of Federal Regulations* Section 800.5) to have an “adverse effect” on any historic properties involved in the transfer unless “adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property’s historic significance” are in place. Proponents recommended using the State of California’s law as a model when developing such language for lands transferred or conveyed to the state from the Federal Government.

(Recommended by the Bennie Hodges and Laura Schroeder, Pershing County Water Conservation District)

9. **Request the drafting of a legislative resolution** creating an interim study for the 2005-2006 legislative interim to examine the issue of noxious weeds in Nevada. The study would, in part, examine long-term programmatic changes and goals for Nevada's weed program, examine and analyze the current structure and practices of state and county weed programs, and help identify sustainable funding sources for noxious weed control and abatement efforts. The interim study would report its findings and recommendations to the 2007 Session of the Nevada Legislature.
(Recommended by Dr. Wayne S. Johnson, Extension Coordinator, University of Nevada, Reno, Cooperative Extension Service and discussed by Chairman Rhoads and the State Department of Agriculture)
10. **Request the drafting of a bill** creating a fund in the NRS (chapter and section to be determined) to be administered by a five-member committee appointed from members of the Nevada Weed Action Committee. This five-member committee would have the authority to manage the fund, approve all grants and expenditures from the fund, and ensure that state and regional weed issues are effectively coordinated and addressed at the local level. Money in the fund would support five positions within the State Department of Agriculture (four weed management specialists and one project manager), each addressing noxious weed concerns in five different geographic areas in the State.
NOTE: The Legislative Committee on Public Lands will discuss possible sources of funding and other details relating to this recommendation at its meeting on August 27, 2004.
(Recommended by Ken Thompson, Advisor to the Tonopah Conservation District)
11. **Request the drafting of a legislative resolution** expressing concern regarding the possible listing of the Sage Grouse on the national endangered species list; recognizing the efforts of the various federal, state, and local agencies and other organizations in comprehensively and aggressively studying the Sage Grouse issue; and encouraging the U.S. Fish and Wildlife Service and the Department of Interior not to accept recent petitions calling for the designation of the Sage Grouse as an endangered species.
12. **Request the drafting of a legislative resolution** creating an interim study for the 2005-2006 legislative interim concerning groundwater management, issues regarding the interbasin transfer of water, and other general water issues, especially those concerning Nevada's rural counties. The interim study will, among other things, examine and identify funding sources for rural counties for needed water studies and evaluate the interactions between water experts and scientists and local governments. The resolution will also provide for a technical advisory committee consisting of the State Engineer, various water experts representing water purveyors and water authorities throughout the state,

local government representatives, and others as determined by the interim study subcommittee.

(Recommended for discussion purposes by Chairman Rhoads)

13. **Request the drafting of a bill** to amend NRS 586.270 requiring the Director of the State Department of Agriculture (SDA) to deposit \$20 of the annual pesticide registration fee into a separate account for the purpose of funding a position within the Department to serve as an overall coordinator of weed control volunteers at the county level and provide needed assistance to the various County Weed Management Associations throughout the state.

AND

Send a committee letter to Don Henderson, Director, SDA, requesting his assistance in amending subsection 1 of the *Nevada Administration Code* 586.011 to increase the annual pesticide registration fee from \$60 to \$80. Testimony indicated this increase would raise approximately \$80,000 for the Department.

(Recommended for discussion purposes by Chairman Rhoads)

POSSIBLE SUBCOMMITTEE LETTERS OR STATEMENTS

Action Items for Committee Discussion

14. **Send a committee letter** to the Board of County Commissioners in White Pine and Lincoln Counties, the U.S. Forest Service (USFS), the Bureau of Land Management (BLM), and the Nevada Division of Forestry (NDF), expressing support for the “fuels for schools initiative,” which uses pinion-juniper biomass to provide energy and heat for certain schools in the White Pine County School District. Include in the letter a statement encouraging the program’s expansion into Lincoln County and other areas of Nevada where pinion-juniper are abundant.

(Recommended by Paul Johnson, White Pine County Commissioner)

15. **Send a committee letter** to Nevada’s Congressional Delegation, the BLM, and the White House Office of Intergovernmental Relations expressing support for the development of renewable energy on public lands and encouraging Congress and the Bush administration to extend tax credits for solar and geothermal energy development.

(Recommended by Paul Johnson, White Pine County Commissioner)

16. **Send a committee letter** to the state offices of the BLM and the USFS, the Boards of Commissioners in Lincoln, Nye, and White Pine Counties, and the Lincoln County Trails Coalition supporting the concept and development of the “Southeastern Nevada Trail System and Related Infrastructure” for OHVs as presented at the Committee’s meeting in Caliente, Nevada, on January 22, 2004. Include in the letter language supporting the efforts of these groups in securing “Question 1” bond money for the development of the trails system.
(Recommended by Paul Johnson, White Pine County Commissioner, the Lincoln County Trails Coalition, and Gary Clinard, Dunes and Trails ATV Club, Las Vegas)
17. **Send a committee letter** to the Eastern Nevada Landscape Coalition expressing support for the Coalition and complimenting their efforts in land management analysis, environmental protection, resource development, and public education. Send a copy of this letter to Nevada’s Congressional Delegation, the state offices of the BLM and the USFS, and the Boards of Commissioners in White Pine and Lincoln Counties.
(Requested by Chairman Rhoads)
18. **Send a committee letter** to NDOW encouraging the Department to send information, letters, brochures, handouts and other informational items to ranchers and farmers throughout Nevada describing the wildlife mitigation and compensation programs offered by NDOW for landowners who experience property loss or damage due to wildlife.
(Proposed by Brent Eldridge and Kathleen Irlbeck/Bertrand, Ranchers, White Pine County)
19. **Send a committee letter** to the Department of the Interior and the BLM encouraging the Department and the agency to seek creative ways to reduce the costs of environmental assessments and studies associated with the purchase and sale of federal land. Testimony throughout the legislative interim indicated that the costs to purchase smaller parcels of federal land are prohibitive and often the cost of the required environmental analysis is greater than the value of the land.
(Recommended by Assemblyman Carpenter)
20. **Send a committee letter** to Nevada’s Congressional Delegation, the Chairmen of the Senate Committee on Energy and Natural Resources and the House Committee on Resources, the Department of the Interior, and the BLM requesting support for legislation and policies that provide for a “no net loss” of private land in federal land exchanges and purchases. Include in the letter commentary concerning recent efforts by Senator Craig Thomas (R-Wyoming) to address this matter in S. 1038 of the 108th Congress.
(Recommended by Chairman Rhoads)

- 21. Send a committee letter** to each of Nevada’s Boards of County Commissioners, the Nevada Association of Counties, and the Nevada League of Cities encouraging the various local governments to continue working closely with the BLM and Nevada’s Division of State Lands in identifying lands that might be suitable for disposal (sale into the private sector or for purchase by local government). Stress the importance of this action on facilitating land sales that will ultimately increase the tax base of rural counties and enhance rural economies.

(Recommended by Chairman Rhoads)
- 22. Send a committee letter** to Nevada’s Congressional Delegation, the Chairmen of the Senate Committee on Energy and Natural Resources and the House Committee on Resources, the Department of the Interior, and the BLM explaining the delicate and rather tenuous wild horse situation in Nevada and requesting that federal funding for wild horses and burros to the states be proportional to the actual number of wild horses and burros in each of those states.
- 23. Send a committee letter** to Nevada’s Congressional Delegation, the Chairmen of the Senate Committee on Energy and Natural Resources and the House Committee on Resources, and the Chairmen of the appropriations committees in the U.S. Senate and House, encouraging the full funding of the Federal Payments in Lieu of Taxes program.

(Recommended by Tom Fransway, Humboldt County Commissioner)
- 24. Send a committee letter** to Nevada’s Congressional Delegation and the Department of the Interior expressing support for the Lincoln County Conservation, Recreation, and Development Act of 2004.

(Requested by Tim Perkins, Lincoln County Commissioner, and Shelley Wadsworth, Planning Coordinator, Lincoln County)
- 25. Send a committee letter** to the Federal Emergency Management Agency (FEMA) expressing support for Lincoln County’s grant request to FEMA to help fund emergency fuel reductions and underbrush clearing around the Mt. Wilson area.

(Recommended by Shelley Hartmann, Planning Coordinator, Lincoln County)
- 26. Send a committee letter** to FEMA expressing support for Lincoln County’s request for a \$2 million grant to provide for “Pre-hazard Mitigation Flood Mapping” and map modernization in Lincoln County.

(Recommended by Shelley Hartmann, Planning Coordinator, Lincoln County)
- 27. Send a committee letter** to Congressman Jim Gibbons expressing the Committee’s support for the “Lincoln County, Nevada, Pilot Project for

the Purpose of Emergency Fuel Reduction, Public Safety and Environment Health” which, according to Shelley Hartman, Planning Coordinator, Lincoln County, involves a number of public/private partnerships to reduce an overabundance of pinion-juniper and other volatile fuels in eastern Nevada.

(Recommended by Shelley Hartmann, Planning Coordinator, Lincoln County)

28. **Send a committee letter** to Nevada’s County Commissions and City Councils in Nevada who have not yet partnered with the Nevada Fire Safe Council expressing support for the Council and encouraging their participation in the organization. Include in the letter language recommending the formation of Fire Safe Council “Chapters” in the communities where wildfire risk is especially high.
29. **Send a committee letter** to the Department of the Interior and the U.S. Fish and Wildlife Service encouraging the Department and the agency to “delist” or rescind the endangered species listing of the Sierra Nevada Bighorn Sheep. Include in the letter a request for further study of the economic impacts of this listing and specifically reference the concerns noted by Floyd Rathbun, Certified Range Management Consultant, as set forth in his prepared statement to the Legislative Committee on Public Lands on March 26, 2004.
(Recommended by Floyd Rathbun, Certified Range Management Consultant)
30. **Send a committee letter** to Nevada’s Congressional Delegation expressing support for any existing or future “checkerboard land” consolidation bill.
(Recommended by Don Pattalock, Nevada Land and Resource Company)
31. **Send a committee letter** to the Board of County Commissioners in Churchill, Elko, Eureka, Humboldt, Lander, Lyon, Pershing, and Washoe Counties (those counties containing some “checkerboard land” patterns) expressing support of the Nevada Land and Resource Company’s efforts to survey, obtain legal descriptions of, and ensure legal access to county roads that cross checkerboard lands. Include in the letter language encouraging the counties to assist the Nevada Land and Resource Company in these efforts.
(Recommended by Don Pattalock, Nevada Land and Resource Company)
32. **Send a committee letter** to the Wildfire Support Group, the BLM, and the USFS expressing support for the programs and activities of the Wildfire Support Group.
(Recommended by John McLain, Resource Concepts, Carson City)
33. **Send a committee letter** to the USFS and the USFS’ State and Private Forestry Program in Washington, D.C., encouraging the continued funding for noxious weeds and requesting that the State and Private Forestry Program explore ways

to increase the funding that goes to the states for noxious weed control programs.

(Recommended by Chairman Rhoads for discussion purposes)

- 34. Send a committee letter** to the Northeastern Nevada Stewardship Group commending the Group's accomplishments in the areas of land use analysis, public education, and the study of wildlife and wildfire, and recognizing the broad interest of the Group in land management matters.

(Recommended by Chairman Rhoads)

- 35. Send a committee letter** to the Department of the Interior and the BLM requesting consideration of actively changing, upon the request of a grazing permit holder, the terms of the permit to allow for the grazing of horses. Also include in the letter a statement of support for the concept of allowing ranchers to contract with the BLM to run wild horses that have been gathered using existing grazing permits.

- 36. Send a committee letter** to the State Director of the BLM and to the Chairman of the Lander County Commission requesting an expeditious resolution of efforts to transfer the title of the Austin airport from the BLM to Lander County.

*(Recommended by Ray Salisbury, Chairman,
Lander County Board of Commissioners)*

- 37. Send a committee letter** to the State Director of the BLM requesting that the BLM Battle Mountain Field Office expeditiously revise its resource/land management plans to reevaluate "Desert Land Entry" lands in the region to determine if those lands might fit into requirements set forth under the Federal Land Transaction Facilitation Act of 2000 (commonly referred to as the "Baca bill") for purposes of disposal.

(Recommended by Assemblyman Goicoechea)

- 38. Send a committee letter** to Nevada's Congressional Delegation urging them to consider an amendment to the SNPLMA or any other similar bill affecting Nevada currently or in the future, which would allow the BLM to use money from land sales under the Act for the purposes of funding statewide Sage Grouse protection efforts, wild horse gathers, general range enhancements, and for noxious weed abatement and control throughout Nevada. Currently, only weed control efforts in Clark County can benefit from funds received under SNPLMA land sales.

- 39. Send a committee letter** to Gale Norton, Secretary of the Department of Interior, and Kathleen Clark, Director of the BLM, expressing the Committee's appreciation of the BLM's efforts and support of the Committee during the

2003-2004 legislative interim. Include in the letter a statement concerning BLM's consistent willingness to appear before the Committee and provide useful and helpful information to assist the Committee in its duties.

(Recommended by Chairman Rhoads)

- 40. Send a committee letter** Ann Veneman, Secretary of the United States Department of Agriculture and Dale Bosworth, Chief, United States Forest Service, expressing the Committee's appreciation of the USFS' efforts and support of the Committee during the 2003-2004 legislative interim. Include in the letter a statement concerning USFS' consistent willingness to appear before the Committee and provide useful and helpful information to assist the Committee in its duties.

(Recommended by Chairman Rhoads)

- 41. Include a statement in the final report** expressing the Committee's concerns regarding the increased number of last-minute legal challenges to land sales under the various federal land management acts impacting Nevada. Testimony indicated there are many instances where legal challenges are mounted to halt land actions after years of preparation, sometimes resulting in the land sale process reverting back to the initial stages of development.

- 42. Send a committee letter** to the Department of Energy (DOE) concerning the Caliente Railroad Corridor for Yucca Mountain. Include in the letter a statement urging the DOE to ensure, if the construction of the railroad is approved, that current land uses remain unchanged. Relay the concerns of some ranchers in the corridor who believe they were not properly notified of the DOE's action and who fear the loss of economic livelihood due to the potential alteration of grazing patterns.

(Recommended for discussion purposes by Chairman Rhoads)

- 43. Send a committee letter** to Robert Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS; Al Stenenger, Range and Ranch Management Consultant, Western Range Service; Mike Lattin, Lattin Livestock, LLC; and Quinton J. Barr, Range and Ranch Management Consultant, Western Range Service, encouraging their continued cooperation in seeking a resolution to the concerns raised by Mr. Stenenger at the Committee's meetings in Reno on March 26, 2004, and in Wells on June 25, 2004, and thanking the parties for their willingness to work toward a solution regarding the grazing allotment monitoring practices of the USFS in Elko County.

(Recommended for discussion purposes by Chairman Rhoads)

NOTE:

- **The Legislative Committee on Public Lands may make additional recommendations based on discussions held and presentations made at its meeting in Carson City on August 27, 2004. Please see meeting agenda for discussion topics.**
- **The Chairman of the Committee may choose to raise other issues for discussion or Committee action during the work session.**
- **Committee staff may need to seek additional details or clarification on approved recommendations from Committee members and others prior to drafting BDRs or Committee letters/statements.**

MJS/gn:Work Session 04

APPENDIX D

Committee Letters Approved During Meetings and at Work Sessions



December 19, 2003

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

Dear Mr. Abbey:

As you know, Nevada's Legislative Committee on Public Lands met this week in Winnemucca, Nevada, to discuss a wide array of public lands and natural resource topics. 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.

During its meeting earlier this week, the Committee on Public Lands heard a proposal for the acquisition of approximately 5,000 acres of private land in Clearwater Canyon (located in southern Humboldt County and northeastern Pershing County) under the Southern Nevada Public Lands Management Act of 1998 (SNPLMA). The Committee was pleased to learn that this land holds tremendous recreational and wildlife value and the proposed acquisition has received widespread support from land use groups as well as the county commissions in Humboldt and Pershing Counties. According to testimony regarding this proposal, if the acquisition is successful, the minimal loss of revenue from property taxes is anticipated to be considerably offset by increased tourist visits to the Winnemucca and Lovelock areas as recreationists take advantage of outdoor opportunities at Clearwater Canyon.

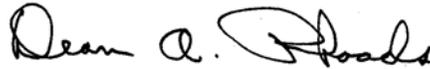
The Committee voted during its work session to send you this letter expressing its support for this land acquisition proposal under SNPLMA and to encourage Nevada's Bureau of Land Management (BLM) office, once the nomination packet is received, to favorably recommend the acquisition to the Secretary of the Interior. The Committee also urges BLM to consider, as part of this acquisition procedure, relinquishing or disposing an amount of land into private ownership that is equal to the appraised value

Robert V. Abbey
December 19, 2003
Page 2

of the land being proposed for acquisition in Clearwater Canyon. This action would take full advantage of the acquisition opportunity offered under the SNPLMA, yet result in a "no net loss" of land value for Humboldt and Pershing Counties.

Thank you for your kind consideration of this request and your consistent willingness to assist Nevada's Legislative Committee on Public Lands in its required duties and obligations. As always, please do not hesitate to contact me if I may be of any assistance to you.

Sincerely,



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

DAR/gn:L03&W40410

cc: Dr. Robert Parlasca, Owner, Black Elk Ranch
Mike L. Baughman, Ph.D., President, Intertech Services Corporation
Terry Reed, Field Manager, Winnemucca Field District, BLM



June 29, 2004

Erika Schumacher
Bureau of Land Management
Nevada State Office
1340 Financial Boulevard
Reno, Nevada 89502

Dear Ms. Schumacher:

Nevada's Legislative Committee on Public Lands met last week in Wells, Nevada, to discuss a wide array of public lands and natural resource topics. 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.

At its meeting last week, the Committee heard an overview of the proposed supplementary rules published in the Federal Register by the Bureau of Land Management (BLM) on May 3, 2004. As you know, the proposed supplementary rules would, if adopted: (1) prohibit a person from operating a motor vehicle while under the influence of alcohol or drugs; (2) prohibit a person from carrying or storing an open bottle or can containing an alcoholic beverage while in a motor vehicle on public lands; (3) prohibit a person who is under 21 years of age from consuming or possessing an alcoholic beverage on public lands; and (4) prohibit a person from possessing any drug paraphernalia on public lands. The activities that the BLM proposes to prohibit most often occur on BLM lands where larger groups congregate, such as the Red Rock Canyon National Recreation Area, the Black Rock Desert (for the Burning Man Event), and the Sand Mountain Recreation Area.

During testimony on this matter, the Committee learned that these proposed regulations were originally crafted in response to a request from Churchill County for added BLM presence at the Sand Mountain Recreation Area during especially busy times of the year, such as Memorial Day weekend, the Fourth of July, and other holidays. According to testimony in Wells, the County Commissioners in Churchill County

Erika Schumacher

June 29, 2004

Page 2

expressed surprise that their request for added BLM presence at these times resulted in the proposed rule change. It appears the proposed supplementary rules essentially exceed the request and intent of the Board of County Commissioners of Churchill County. In addition, this proposal confers a role upon the BLM that is traditionally reserved for local law enforcement personnel.

The proposed rules leave many unanswered questions concerning jurisdictional matters and fail to address the fact that there are competing penalties for identical violations for some federal and state offenses. This will undoubtedly create confusion as federal and state law enforcement personnel grapple with two completely separate law enforcement codes and court systems. Moreover, many local law enforcement agencies have reported that the very limited number of criminal violations on public lands do not warrant a change in BLM law enforcement policy. According to testimony on this matter, local jurisdictions are quite capable of enforcing criminal violations using their own resources and the laws of the State of Nevada.

After contemplating these factors and reviewing the concerns of those who testified on this matter, the Legislative Committee on Public Lands voted to craft this letter expressing its opposition to the BLM's proposed changes to its law enforcement regulations for Nevada. Furthermore, the Committee felt strongly that other interested persons and groups should have ample opportunity to review and comment on this rule change. Therefore, the Committee encourages the BLM to extend the comment period for this proposal an additional 90 days beyond the July 2, 2004, comment period deadline.

Thank you for your kind consideration of these comments. As always, please do not hesitate to contact me if I may be of further assistance to you.

Sincerely,



Dean A. Rhoads

Nevada State Senator

Chairman, Nevada's Legislative Committee
on Public Lands

DAR/gn:L026

cc: Robert V. Abbey, State Director, BLM, Nevada
Gwen Washburn, Chairman, Churchill County Commission
Neil Harris, Elko County Sheriff
Helen Hankins, Field Manager, Elko Field Office, BLM
John Ellison, Elko County Commissioner



February 6, 2005

John Chachas, Chairman
White Pine County Board of Commissioners
801 Clark Street, No. 4
Ely, Nevada 89301

Dear Chairman Chachas:

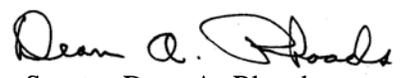
Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 legislative interim period. As you know, the Committee travels throughout Nevada and to Washington, D.C., during the 18 months between legislative sessions to listen to citizens' concerns about public lands issues 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.

At its meetings in Caliente and Ely during the legislative interim, the Committee on Public Lands was very intrigued to hear about the new "Fuels for Schools Initiative." As you know, this program promotes and encourages the use of wood biomass as a renewable natural resource to provide a clean and readily-available energy source for heating systems in public buildings. The program also facilitates the removal of hazardous fuels, including pinion juniper biomass, which helps reduce the fire risk to rural communities in the West. The Committee understands that at least one school in Ely is being heated using this technology and several other school sites are being considered in eastern Nevada.

The Committee is very impressed with the potential uses of pinion juniper biomass and is pleased that dangerous fuels on public lands can be used for such a worthwhile cause. Therefore, at its final meeting and work session, the Committee voted to send you this letter expressing support for the Fuels for Schools Initiative, thanking you for your involvement in the Initiative, and encouraging the program's expansion to other areas of eastern Nevada where pinion juniper are abundant.

Thank you for your kind consideration of this letter and your support of the Fuels for Schools Initiative. 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,


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

An identical letter regarding the “Fuels for Schools Initiative” was sent to the following individuals:

Robert V. Abbey

State Director
Bureau of Land Management, Nevada
Post Office Box 12000
Reno, Nevada 89520-0006

Pete Anderson

State Forester
Nevada Division of Forestry
2525 South Carson Street
Carson City, Nevada 89701

George T. “Tommy” Rowe

Chairman
Lincoln County Board of Commissioners
Post Office Box 685
Pioche, Nevada 89043

Robert L. Vaught

Forest Supervisor
Humboldt-Toiyable National Forest
1200 Franklin Way
Sparks, Nevada 89431



February 6, 2005

The Honorable Harry Reid
United States Senator and Minority Leader
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 2003-2004 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 on Public Lands heard testimony concerning federal tax credits provided for the development of wind energy. As you know, Nevada ranks at or near the top of all states for wind energy development potential and the Committee was pleased to hear about the tax benefits afforded to this industry. On the other hand, the Committee was disappointed to learn that similar tax credits had not, at the time, been extended to solar and geothermal development. The Committee later learned, during its second informational tour to Washington, D.C., in mid-October, that these tax credits had indeed been included in your bill, the Renewable Energy Incentives Act (S. 464). While this Act was unfortunately not approved during the 108th Congress, the tax incentives were granted for a period of approximately one year (until January 1, 2006) in Section 710 of H.R. 4520, which was signed by President George W. Bush on October 22, 2004 (Public Law 108-357).

The Committee is pleased that these tax credits have been extended to solar and geothermal energy, as they are sure to further promote renewable energy development on public and private lands in Nevada. However, we are concerned about expiration of these credits on January 1, 2006, and encourage your continued efforts to actively

The Honorable Harry Reid

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February 6, 2005

support and perhaps sponsor energy legislation that will make such tax incentives permanent.

Thank you for your kind consideration of this letter and your continued support of renewable energy development in Nevada. 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 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/gn:L169;W43431

An identical letter regarding federal tax credits for geothermal, solar, and wind energy was sent to the following individuals:

The Honorable John Ensign

United States Senator
364 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Shelley Berkley

United States Representative
439 Cannon House Office Building
Washington, D.C. 20515

The Honorable Jim Gibbons

United States Representative
100 Cannon House Office Building
Washington, D.C. 20515

The Honorable Jon C. Porter, Sr.

United States Representative
218 Cannon House Office Building
Washington, D.C. 20515

Maggie Grant

Deputy Director
White House Office of Intergovernmental Affairs
The Office of Intergovernmental Affairs
The White House
Washington, D.C. 20502

Gale Norton

Secretary of the Interior
United States Department of the Interior
1849 C Street, N.W., Room 7229
Washington, D.C. 20240

Kathleen Clarke

Director
Bureau of Land Management
1849 C Street, N.W., Room 5655
Washington, D.C. 20240



February 9, 2005

George T. "Tommy" Rowe
Chairman
Lincoln County Board of Commissioners
Post Office Box 685
Pioche, Nevada 89043

Dear Chairman Rowe:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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.

At its meeting in Caliente during the legislative interim, the Committee on Public Lands heard testimony concerning off-highway vehicle (OHV) trails development in eastern Nevada. In particular, the Committee heard from the Lincoln County Trails Coalition (LCTC) concerning its diligent work in developing the "Southeastern Nevada Trail System and Related Infrastructure." As you may know, this trails system would provide a multi-county (and perhaps multi-state) system of OHV trails throughout eastern Nevada. The Committee was very intrigued and impressed with this concept and the potential economic benefits such a trails system would provide for rural communities. Testimony indicated that such a trails system could be modeled, at least in part, after the Paiute Trail system in Utah, which includes a 236-mile OHV trail that winds through four central Utah counties and passes through several rural Utah communities. According to testimony, the proposed trail system would use existing roads and trails and would require the posting of signs to ensure that trail routes are properly designated.

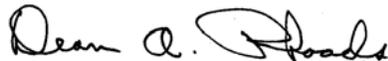
The Committee understands that more work needs to be done between local government, the Bureau of Land Management, and the U.S. Forest Service to make

Chairman Rowe
Page 2
February 9, 2005

such a system of OHV trails a reality. Nonetheless, it generally supports this concept and the efforts by the LCTC to secure "Question No. 1" bond money for the development of a trails system in Elko, Lincoln, Nye, and White Pine Counties. Furthermore, the Committee hopes that the establishment of the "Silver State Off-Highway Vehicle Trail" as set forth in the recently-approved Lincoln County Conservation, Recreation, and Development Act of 2004 will connect with the wider system of OHV trails being promoted by the LCTC and other wise-use trails groups. Therefore, at its final meeting and work session, the Committee voted to send you this letter expressing support for the LCTC and its efforts and encouraging all eastern Nevada counties, the Bureau of Land Management, and the U.S. Forest Service to harmoniously work together in developing a network of designated and safe OHV trails.

Thank you for your kind consideration of this letter. 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,



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

DAR/gn:L179;W43432-3

cc: Jim Potts, Chairman, Lincoln County Trails Coalition
Gary Clinard, Dunes and Trails ATV Club

An identical letter regarding OHV trails development was sent to the following individuals:

Robert V. Abbey

State Director
Bureau of Land Management, Nevada
Post Office Box 12000
Reno, Nevada 89520

Robert L. Vaught

Forest Supervisor
Humboldt-Toiyabe National Forest
United States Forest Service
1200 Franklin Way
Sparks, Nevada 89431

Charlie Myers

Chairman
Elko County Board of Commissioners
569 Court Street
Elko, Nevada 89801

Candice Trummell

Chairman
Nye County Board of Commissioners
250 North Highway 160, Suite 3
Pahrump, Nevada 89060

John Chachas

Chairman
White Pine County Board of Commissioners
801 Clark Street, No. 4
Ely, Nevada 89301



January 27, 2005

Betsy MacFarlan
Executive Director
Eastern Nevada Landscape Coalition
Post Office Box 150266
Ely, Nevada 89315-0266

Dear Ms. MacFarlan:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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 interim period, the Committee was fortunate to hear from the Eastern Nevada Landscape Coalition and discuss the Coalition's successful work on many different public lands issues, including rangeland health, noxious weed and invasive species abatement, elk management, the sensible use of pinion-juniper biomass, fire suppression, wildlife management, endangered species, agriculture and ranching, and other critical natural resource matters. The Coalition has attracted supporters from federal and state agencies, universities, the business community, agricultural interests, and from a broad base of citizens.

In recognition of the Coalition's hard work and success, the Committee voted, at its final meeting and work session, to send you this letter expressing support for the Coalition and complimenting its efforts in addressing public lands issues and providing land management analysis, environmental protection services, resource development assistance, and public education. Furthermore, the Coalition should be commended for bringing government and private sources together to arrive at solutions on difficult federal land issues.

Betsy MacFarlan
Page 2
January 27, 2005

Thank you again for your 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 to you.

Sincerely,



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

DAR/gn:L083;W43433

cc: The Honorable Harry Reid, United States Senator
The Honorable John Ensign, United States Senator
The Honorable Jim Gibbons, Congressman
The Honorable Shelley Berkley, Congresswoman
The Honorable Jon C. Porter, Sr., Congressman
Robert V. Abbey, Nevada State Director, BLM
Robert L. Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest
John Chachas, Chairman, White Pine County Board of Commissioners
George T. "Tommy" Rowe, Chairman, Lincoln County Board of Commissioners



February 9, 2005

Terry Crawford, Director
Nevada Department of Wildlife
1100 Valley Road
Reno, Nevada 89512-2817

Dear Mr. Crawford:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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 was pleased to hear from you and your staff on several occasions concerning elk management, hunting and fishing activities, off-highway vehicle use, and endangered species. We appreciate your consistent willingness to appear before the Committee to discuss so many issues, some of which are indeed controversial. At its meeting in Ely last interim, the Committee heard an extensive report concerning elk management and made note of a request from a rancher asking the Committee to urge the Nevada Department of Wildlife (NDOW) to actively distribute to farmers and ranchers letters, brochures, or handouts which highlight the various mitigation programs for crop and property damage caused by wildlife. While the Committee is not aware of the availability of such information in brochure or handout form, it nonetheless voted to send you this letter encouraging your Department, to the extent possible, to pass along this valuable information.

Thank you for your kind consideration of this letter and your continuous participation in the Committee's activities. 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 cursive script that reads "Dean A. Rhoads".

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



February 10, 2005

The Honorable John Ensign
United States Senator
364 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Ensign:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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 many topics the Committee regularly discusses are land sale and exchange policies of federal land management agencies. Indeed, since the passage of the Southern Nevada Public Lands Management Act of 1998 and other similar acts providing for the sale of public land and the subsequent purchase of "environmentally sensitive" land, the Committee has grown increasingly interested in the "no net loss" of private land concept. While the sale of private lands in southern Nevada has been quite popular and has fostered impressive economic development, there still remains some fear that money generated from these land sales will result in the purchase of large amounts of land elsewhere in Nevada, thereby actually increasing the total acreage of land in federal ownership.

Recent legislation by Senator Craig Thomas (R-Wyoming) addressed the increasingly popular "no net less" concept. The published summary of Senator Craig's S. 1038—the "No Net Loss of Private Land Act"—clearly spells out the measure's intent:

Allows the United States to acquire an interest in 100 or more acres of land within a State in which 25 percent or more of the land within that

The Honorable John Ensign

Page 2

February 10, 2005

State is owned by the United States only if the United States disposes of the surface estate to land in that State approximately equal in value to the land being acquired. Specifies exceptions and authorizes a waiver in times of war or a national emergency.

While Senator Craig's bill did not pass, the Committee recognizes the importance of this sort of legislation in a state like Nevada, which is nearly 87 percent federally managed. Therefore, at its final meeting and work session, the Committee voted to send you this letter urging your support of policies and legislation that provide for a "no net loss" of private land in federal land exchanges and purchases.

Thank you for your kind consideration of this letter. 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,



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

DAR/gn:L184;W4343-1

An identical letter regarding no net loss of private land in federal land exchanges and purchases was sent to the following individuals:

The Honorable Harry Reid

United States Senator and Minority Leader
528 Hart Senate Office Building
Washington, D.C. 20510-2803

The Honorable Shelley Berkley

United States Representative
439 Cannon House Office Building
Washington, D.C. 20515

The Honorable Jim Gibbons

United States Representative
100 Cannon House Office Building
Washington, D.C. 20515

The Honorable Jon C. Porter, Sr.

United States Representative
218 Cannon House Office Building
Washington, D.C. 20515

The Honorable Pete V. Domenici

United States Senator
Chairman, Senate Committee on Energy and Natural Resources
328 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Richard W. Pombo

United States Representative
Chairman, House Committee on Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Gale Norton

Secretary of the Interior
United States Department of the Interior
1849 C Street, N.W., Room 7229
Washington, D.C. 20240

Kathleen Clarke

Director, Bureau of Land Management
1849 C Street, N.W., Room 5655
Washington, D.C. 20240



January 31, 2005

Marv Teixeira, Mayor
Carson City Board of Supervisors
201 North Carson Street, Suite 1
Carson City, Nevada 89701

Dear Mayor Teixeira:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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.

Among the many topics the Committee regularly follows is the sale and disposal of public land to private individuals and local government. As you know, in recent years, the United States Bureau of Land Management (BLM) has begun to favor land sales and auction over land exchanges as the primary method of land disposal. This is especially evident since the passage of the Southern Nevada Public Lands Management Act of 1998, the Federal Land Transaction Facilitation Act of 2000, and more recently, the Lincoln County Conservation, Recreation, and Development Act of 2004.

An integral part of this land sale process is the identification of lands that are suitable for disposal by the BLM. The sale of these lands, particularly those located in or near cities and towns, would greatly enhance the local tax base and stimulate local economies. At its final meeting and work session, Nevada's Legislative Committee on Public Lands voted to send you, as Mayor of Carson City, this letter encouraging the Board of Supervisors and you to continue working closely with the BLM and Nevada's Division of State Lands in identifying lands that might be suitable for sale and disposal. The Committee believes that facilitating such land sales and auctions will ultimately increase the much-needed tax base in Nevada's rural counties and stimulate economic growth and development in all areas.

Thank you for your kind consideration of this letter. 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 dark ink that reads "Dean A. Rhoads".

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

A similar letter regarding the sale and disposal of public lands was sent to the following individuals:

<p>Gwen Washburn Chairman Churchill County Board of Commissioners 155 N Taylor St., Ste. 110 Fallon, Nevada 89406</p>	<p>Rory Reid Chairman Clark County Board of Commissioners Post Office Box 551601 Las Vegas, Nevada 89155</p>	<p>Kelly Kite Chairman Douglas County Board of Commissioners Post Office Box 218 Minden, Nevada 89423</p>
<p>Charlie Myers Chairman Elko County Board of Commissioners 569 Court Street Elko, Nevada 89801</p>	<p>R.J. Gillum Chairman Esmeralda County Board of Commissioners Post Office Box 517 Goldfield, Nevada 89013</p>	<p>Donna Bailey Chairman Eureka County Board of Commissioners Post Office Box 677 Eureka, Nevada 89316</p>
<p>John H. Milton III Chairman, Humboldt County Board of Commissioners Courthouse, Room 205 50 West 5th Street Winnemucca, Nevada 89445</p>	<p>Mickey Yarbro Chairman Lander County Board of Commissioners 315 South Humboldt Street Battle Mountain, NV 89820</p>	<p>George T. “Tommy” Rowe Chairman Lincoln County Board of Commissioners Post Office Box 685 Pioche, Nevada 89043</p>
<p>Bob Milz Chairman Lyon County Board of Commissioners 27 South Main Street Yerington, Nevada 89447</p>	<p>Richard Bryant Chairman Mineral County Board of Commissioners P.O. Box 1450 Hawthorne, Nevada 89415</p>	<p>Candice Trummell Chairman Nye County Board of Commissioners 250 N Highway 160, Suite 3 Pahrump, Nevada 89060</p>
<p>Roger Mancebo Chairman Pershing County Board of Commissioners Post Office Drawer E Lovelock, Nevada 89419</p>	<p>Robert Kershaw Chairman Storey County Board of Commissioners 16 Ave de la Clair Sparks, Nevada 89434</p>	<p>Bonnie Weber Chairman Washoe County Board of Commissioners Post Office Box 11130 Reno, Nevada 89520</p>
<p>John Chachas Chairman White Pine County Board of Commissioners 801 Clark Street, No. 4 Ely, Nevada 89301</p>	<p>Andrew Alan List Executive Director Nevada Association of Counties 201 S Roop Street, Suite 101 Carson City, Nevada 88701</p>	<p>J. David Frasier Executive Director Nevada League of Cities and Municipalities 310 South Curry Street Carson City, Nevada 89703</p>



January 27, 2005

The Honorable Jim Gibbons
United States Representative
100 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Gibbons:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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 issues in which the Committee has taken an ongoing interest over the years is the management of wild horses and burros. Nevada is home to more than half of the nation's wild horses and burros within 102 herd management areas on nearly 16 million acres of public land. These animals are protected under the Federal Wild Free-Roaming Horses and Burros Act of 1971, which also gives the United States Bureau of Land Management (BLM) the responsibility for the wild horses and burros. The Committee has recognized and consistently supported BLM's national strategy to achieve appropriate management levels and commends its efforts in reducing the number of wild horses and burros on Nevada's sensitive public lands to a more manageable level.

During the 2003-2004 legislative interim, the Committee learned that the amount of money appropriated to Nevada's wild horse and burro program is not proportional to the number of animals in the State. In fact, while Nevada is home to over 50 percent of these animals, it only receives about 15 percent of the total wild horse and burro budget. The Committee recognizes that the costs associated with the National Wild Horse and Burro Center at Palomino Valley Corral north of Reno as well as other

Congressman Jim Gibbons

Page 2

January 27, 2005

holding facilities are supported by BLM funds at the national level. However, the disproportion of funds to the actual number of horses in Nevada is still obvious. Therefore, at its final meeting and work session, the Committee voted to send you this letter expressing concern regarding this imbalance and encouraging you to support efforts to increase funding for Nevada's wild horse and burro program to levels at least proportional to the number of animals in the State.

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 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".

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

DAR/gn:L070;W43437

A similar letter regarding wild horse funding was sent to the following individuals:

The Honorable John Ensign

United States Senator
364 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Harry Reid

United States Senator and Senate Minority Leader
528 Hart Senate Office Building
Washington, D.C. 20510-2803

The Honorable Shelley Berkley

United States Representative
439 Cannon House Office Building
Washington, D.C. 20515

The Honorable Jon C. Porter, Sr.

United States Representative
218 Cannon House Office Building
Washington, D.C. 20515

Gale Norton

Secretary of the Interior
United States Department of the Interior
1849 C Street, N.W., Room 7229
Washington, D.C. 20240



January 27, 2005

The Honorable Richard W. Pombo
United States Representative
Chairman, House Committee on Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Pombo:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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.

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Congressman Richard Pombo

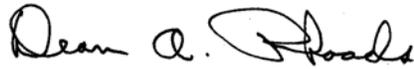
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January 27, 2005

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Thank you for your 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 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/gn:L076;W43437-6



January 27, 2005

The Honorable Pete V. Domenici
United States Senator
Chairman, Senate Committee on Energy and Natural Resources
328 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Domenici:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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.

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During the 2003-2004 legislative interim, the Committee learned that the amount of money appropriated to Nevada's wild horse and burro program is not proportional to the number of animals in the State. In fact, while Nevada is home to over 50 percent of these animals, it only receives about 15 percent of the total wild horse and burro budget. The Committee recognizes that the costs associated with the National Wild Horse and Burro Center at Palomino Valley Corral north of Reno as well as other

Senator Pete Domenici

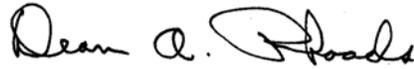
Page 2

January 27, 2005

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Thank you for your 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 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".

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

DAR/gn:L077;W43437-7



January 21, 2005

The Honorable Harry Reid
United States Senator and Senate Minority Leader
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 2003-2004 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 regularly monitors is the federal Payments in Lieu of Taxes (PILT) program. As you know, 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. 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, 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.

The Honorable Harry Reid

Page 2

January 21, 2005

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 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".

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

DAR/gn:L059;W43438

A similar letter regarding the Payment in Lieu of Taxes program was sent to the following individuals:

The Honorable John Ensign

United States Senator
364 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Shelley Berkley

United States Representative
439 Cannon House Office Building
Washington, D.C. 20515

The Honorable Jim Gibbons

United States Representative
100 Cannon House Office Building
Washington, D.C. 20515

The Honorable Jon C. Porter, Sr.

United States Representative
218 Cannon House Office Building
Washington, D.C. 20515



January 21, 2005

The Honorable Ted Stevens
United States Senator
Chairman, Senate Committee on Appropriations
522 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Stevens:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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.

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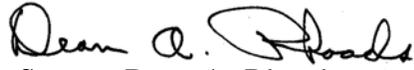
The Honorable Ted Stevens

Page 2

January 21, 2005

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 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/gn:L064;W43438-5



January 21, 2005

The Honorable Jerry Lewis
United States Representative
Chairman, House Committee on Appropriations
2112 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Lewis:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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.

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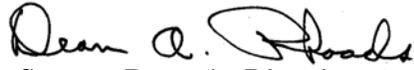
The Honorable Jerry Lewis

Page 2

January 21, 2005

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 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".

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

DAR/gn:L065;W43438-6



February 4, 2005

The Honorable Pete V. Domenici
United States Senator
Chairman, Senate Committee on Energy and Natural Resources
328 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Domenici:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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.

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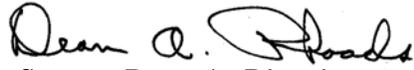
The Honorable Pete V. Domenici

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January 21, 2005

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 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/gn:L162;W43438-7



February 4, 2005

The Honorable Richard W. Pombo
United States Representative
Chairman, House Committee on Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Pombo:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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 important topics the Committee regularly monitors is the federal Payments in Lieu of Taxes (PILT) program. As you know, 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. 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, the Committee voted to send you, as Chairman of the House Committee on Appropriations, this letter encouraging you to fully support all efforts by Congress to increase, and perhaps one day fully fund, the PILT program.

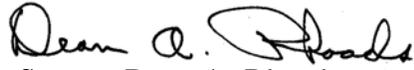
The Honorable Richard W. Pombo

Page 2

January 21, 2005

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 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/gn:L163;W43438-8



February 11, 2005

The Honorable Jim Gibbons
United States Representative
100 Cannon House Office Building
Washington, D.C. 20515

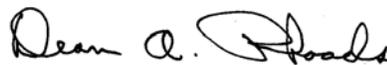
Dear Congressman Gibbons:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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 2003-2004 legislative interim, the Committee consistently monitored the progress and development of the Lincoln County Conservation, Recreation, and Development Act of 2004 (LCCRDA). From its conceptual stages and its introduction in both the U.S. Senate and House, to the final approval of the Act, the Committee continuously supported the LCCRDA and its mandate for land sales, the protection of the environment and key wilderness areas, the establishment of the Silver State Off-Highway Vehicle Trail, and the enhanced opportunities for economic development. At its final meeting and work session, the Committee voted to send a letter to you expressing support for the Act and urging its passage. However, the LCCRDA (H.R. 4593) was approved shortly after the Committee's second informational tour and before our letter of support could be crafted. Therefore, the Committee would like to express its sincere thanks to you and your staff for actively supporting this important legislation. All Nevadans—and especially the citizens of Lincoln County—will benefit from the Act's implementation. The measure also represents a good model from which future legislation from other Nevada counties may be replicated.

Thank you again for your efforts on the LCCRDA. 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,


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

An identical letter regarding the Lincoln County Conservation, Recreation, and Development Act of 2004 was sent to the following individuals:

The Honorable John Ensign

United States Senator
364 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Harry Reid

United States Senator and Minority Leader
528 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Shelley Berkley

United States Representative
439 Cannon House Office Building
Washington, D.C. 20515

The Honorable Jon C. Porter, Sr.

United States Representative
218 Cannon House Office Building
Washington, D.C. 20515

Gale Norton

Secretary of the Interior
United States Department of the Interior
1849 C Street, N.W., Room 7229
Washington, D.C. 20240

Kathleen Clarke

Director, Bureau of Land Management
1849 C Street, N.W., Room 5655
Washington, D.C. 20240



February 11, 2005

Karen E. Armes
Acting Regional Director
Federal Emergency Management Agency
Region IX
1111 Broadway, Suite 1200
Oakland, California 94607

Leslie Sakumoto, P.E.
Federal Emergency Management Agency
Region IX
1111 Broadway, Suite 1200
Oakland, California 94607

Dear Ms. Armes and Ms. Sakumoto:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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 its meeting in Caliente, Nevada, during 2003-2004 legislative interim, the Committee heard an update of public lands and natural resources issues in Lincoln County and eastern Nevada. As part of this presentation, Lincoln County Commissioner Tim Perkins and Planning Coordinator Shelley Wadsworth discussed two pending grant applications made by the county to the Federal Emergency Management Agency (FEMA). The first grant application requested \$2.3 million in "pre-hazard mitigation funds" and "map modernization funds" for the update and modernization of flood insurance rate maps in Lincoln County and a subsequent hydrologic study. The second grant application requests \$535,000 from FEMA in

Karen E. Armes and Leslie Sakumoto

Page 2

February 11, 2005

pre-hazard mitigation funds for critical fuels reduction and underbrush clearing in and around the Mt. Wilson area (near Pioche, Nevada). Testimony from Lincoln County officials indicated that dangerous amounts of fuels build-up threatens the safety of residents in the Mt. Wilson area and any occurrence of wildfire in the area will result in catastrophic damage and possible loss of life.

The Committee understands that these two grant requests are still pending. Therefore, at its final meeting and work session, the Committee voted to send you this letter expressing support for the grant requests and urging your approval of the applications. As you may know, Lincoln County, Nevada, is 98.2 percent federally managed and is unable to afford such massive projects without outside economic assistance. Your support is greatly appreciated.

Thank you for your kind consideration of this letter. Please do not hesitate to contact Michael J. Stewart, Committee Staff Director, or me if Nevada's Legislative Committee on Public Lands may be of any assistance to you.

Sincerely,



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

DAR/gn:L197;W43440 & W43441

cc: George T. "Tommy" Rowe, Lincoln County Commissioner



February 11, 2005

The Honorable Jim Gibbons
United States Representative
100 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Gibbons:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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.

At its meeting in Caliente, Nevada, during 2003-2004 legislative interim, the Committee heard an update of public lands and natural resources issues in Lincoln County and eastern Nevada. As part of this presentation, Lincoln County Commissioner Tim Perkins and Planning Coordinator Shelley Wadsworth discussed the County's proposed "Pilot Project for the Purpose of Emergency Fuel Reduction, Public Safety, and Environmental Health." If established, this pilot project would create numerous public/private partnerships to reduce an overabundance of pinion juniper and other volatile fuels in eastern Nevada. Mr. Perkins and Ms. Wadsworth indicated that you had received a copy of the proposal and hoped that the pilot project might receive Congressional attention. They also asked the support of the Committee on Public Lands in this important endeavor. Therefore, at its final meeting and work session, the Committee voted to send you this letter expressing its support for Lincoln County's proposed pilot project for fuels reduction, urging your support, and encouraging any efforts you might put forth to help initiate this important proposal.

Thank you for your kind consideration of this letter. 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 that reads "Dean A. Rhoads".

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



January 31, 2005

Gwen Washburn
Chairman
Churchill County Board of Commissioners
155 North Taylor Street, Suite 110
Fallon, Nevada 89406-2763

Dear Chairman Washburn:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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.

During the legislative interim the Committee heard a most informative update and report from the Nevada Fire Safe Council. As you may know, the Nevada Fire Safe Council is an independent membership organization focused on reducing fire risk and increasing the survivability of wildfire within at-risk communities. The mission of the Council is to create an organization that serves as a bridge between fire services, public agencies, and communities threatened by wildfire, as well as to build a network of local community support. The Council also strives to provide assistance to threatened communities by improving residents' understanding of fire threats and accepting personal responsibility for some level of community protection. Moreover, the Council helps individuals and communities identify fire risks and hazards, develop and prioritize fire mitigation projects, and procure funding assistance to implement mitigation measures.

Currently, the Nevada Fire Safe Council has two dozen community "chapters" throughout Nevada and is working to increase the number of chapters throughout the State. The Legislative Committee on Public Lands strongly supports the goals, mission, and ideals of the Fire Safe Council and voted to send you this letter urging

Chairman Washburn

Page 2

January 31, 2005

you, as a leader in your community, to encourage the participation of local communities and neighborhoods in the Council. While some communities in your area may have already partnered with the Fire Safe Council, the Committee hopes that all areas at risk for wildland fire will participate in this worthwhile organization. You may contact the Council at 775/322-2413 or visit the Council on the Internet at www.nvfsc.org for further information regarding the Nevada Fire Safe Council and how to establish a community chapter.

Thank you for your kind consideration of this letter. 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,



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

DAR/gn:L093;W43443-1

cc: Dr. Elwood Miller, Executive Coordinator, Nevada Fire Safe Council

An identical letter regarding the Fire Safe Council was sent to the following individuals:

<p>Marv Teixeira Mayor Carson City Board of Supervisors 201 North Carson Street, Suite 1 Carson City, Nevada 89701</p>	<p>Rory Reid Chairman Clark County Board of Commissioners Post Office Box 551601 Las Vegas, Nevada 89155</p>	<p>Kelly Kite Chairman Douglas County Board of Commissioners Post Office Box 218 Minden, Nevada 89423</p>
<p>Charlie Myers Chairman Elko County Board of Commissioners 569 Court Street Elko, Nevada 89801</p>	<p>R.J. Gillum Chairman Esmeralda County Board of Commissioners Post Office Box 517 Goldfield, Nevada 89013</p>	<p>Donna Bailey Chairman Eureka County Board of Commissioners Post Office Box 677 Eureka, Nevada 89316</p>
<p>John H. Milton III Chairman, Humboldt County Board of Commissioners Courthouse, Room 205 50 West 5th Street Winnemucca, Nevada 89445</p>	<p>Mickey Yarbrow Chairman Lander County Board of Commissioners 315 South Humboldt Street Battle Mountain, NV 89820</p>	<p>George T. "Tommy" Rowe Chairman Lincoln County Board of Commissioners Post Office Box 685 Pioche, Nevada 89043</p>
<p>Bob Milz Chairman Lyon County Board of Commissioners 27 South Main Street Yerington, Nevada 89447</p>	<p>Richard Bryant Chairman Mineral County Board of Commissioners P.O. Box 1450 Hawthorne, Nevada 89415</p>	<p>Candice Trummell Chairman Nye County Board of Commissioners 250 N Highway 160, Suite 3 Pahrump, Nevada 89060</p>
<p>Roger Mancebo Chairman Pershing County Board of Commissioners Post Office Drawer E Lovelock, Nevada 89419</p>	<p>Robert Kershaw Chairman Storey County Board of Commissioners 16 Ave de la Clair Sparks, Nevada 89434</p>	<p>Bonnie Weber Chairman Washoe County Board of Commissioners Post Office Box 11130 Reno, Nevada 89520</p>
<p>John Chachas Chairman White Pine County Board of Commissioners 801 Clark Street, No. 4 Ely, Nevada 89301</p>	<p>Robert Ferraro Mayor Boulder City 401 California Avenue Boulder City, Nevada 89005</p>	<p>Kevin J. Phillips Mayor City of Caliente P.O. Box 1006 Caliente, Nevada 89008</p>
<p>Linda Bingaman Mayor City of Carlin P.O. Box 787 Carlin, Nevada 89822</p>	<p>Mike Franzoia Mayor City of Elko 1751 College Avenue Elko, Nevada 89801</p>	<p>Robert B. Miller Mayor City of Ely 501 Mill Street Ely, Nevada 89301</p>

An identical letter regarding the Fire Safe Council was sent to the following individuals:

<p>Ken Tedford Jr. Mayor City of Fallon 55 West Williams Avenue Fallon, Nevada 89406</p> <p>Beverly Page Board Chairman Gardnerville Ranchos GID 1407 U.S. Highway 395 N Gardnerville, Nevada 89410</p> <p>Laura Lau Chairman, Board of Trustees Indian Hills GID 3394 James Lee Park Road, Suite A Carson City, Nevada 89705</p> <p>Bill Nicholes Mayor City of Mesquite 10 East Mesquite Boulevard Mesquite, Nevada 89027</p> <p>Robert Cashell Mayor City of Reno P.O. Box 1900 Reno, Nevada 89505</p> <p>Rusty A. Tybo Mayor City of Wells P.O. Box 366 Wells, Nevada 89835</p> <p>Douglas Homestead Mayor City of Yerington 102 South Main Street Yerington, Nevada 89447</p>	<p>David Stix, Jr. Mayor City of Fernley 595 Silver Lace Boulevard Fernley, Nevada 89408</p> <p>James B. Gibson Mayor City of Henderson 240 Water Street Henderson, Nevada 89015</p> <p>Oscar B. Goodman Mayor City of Las Vegas 400 Stewart Avenue Las Vegas, Nevada 89101</p> <p>Michael L. Montandon Mayor City of North Las Vegas P.O. Box 4086 North Las Vegas, NV 89036</p> <p>Geno Martini Mayor Pro Temp City of Sparks P.O. Box 857 Sparks, Nevada 89432</p> <p>Josephine E. Thaut Mayor City of West Wendover P.O. Box 2825 West Wendover, NV 89883</p>	<p>Tom Cook Board Chairman Town of Gardnerville 1407 U.S. Highway 395 N Gardnerville, Nevada 89410</p> <p>Bea Epstein Chairman, Board of Trustees Incline Village GID 893 Southwood Boulevard Incline Village, NV 89451</p> <p>Lena C. Johnson Mayor City of Lovelock P.O. Box 238 Lovelock, Nevada 89419</p> <p>Richard Billman Board Chairman Town of Pahrump 400 N Highway 160 Pahrump, Nevada 89060</p> <p>Bill Cunningham Chairman, Board of Directors Spring Creek Association 451 Spring Creek Parkway Spring Creek, Nevada 89815</p> <p>Paul Vesco Mayor City of Winnemucca 90 West Fourth Street Winnemucca, Nevada 89445</p>
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February 14, 2005

Steven A. Williams, Director
U.S. Fish and Wildlife Service
Main Interior Building, Room 3258
1849 C Street, N.W.
Washington, D.C. 20240

Elizabeth H. Stevens
Assistant Director (Acting)
Endangered Species
Main Interior Building, Room 3242
1849 C Street, N.W.
Washington, D.C. 20240

Dear Mr. Williams and Ms. Stevens:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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.

During its meeting in Reno, Nevada, last interim, the Committee heard from Floyd W. Rathbun, Certified Range Management Consultant, who acted on behalf of Fred Fulstone and his daughter, Marianne Leinassar, in requesting the Committee's action and attention concerning the possible "delisting" of the Sierra Nevada Bighorn Sheep. As you know, the U.S. Fish and Wildlife Service (USFWS) listed the Sierra Nevada Bighorn Sheep on the endangered species list in 2000. Mr. Rathbun expressed concern that, as part of this listing, the USFWS may not have examined the full economic impact of the listing on Lyon County, Nevada, and Mono County, California. He noted that Mr. Fulstone and Ms. Leinassar were guaranteed the

Steven Williams and Elizabeth Stevens

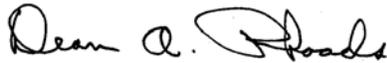
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February 14, 2005

continuation of domesticated sheep grazing on Bureau of Land Management and U.S. Forest Service administered allotments; however, when the Draft Recovery Plan was created, Mr. Fulstone and Ms. Leinassar were reportedly not invited to participate. After hearing Mr. Rathbun's concerns, the Committee on Public Lands voted at its final meeting and work session to send you this letter encouraging you to review his committee testimony (copy enclosed) and consider a remedy—to include the “delisting” of the Sierra Nevada Bighorn Sheep—that is suitable for all parties involved.

Thank you for your kind consideration of this letter. Please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance to you. You may also wish to contact Mr. Rathbun directly at (775) 423-4267.

Sincerely,



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

DAR/gn:L199;W43444

cc: Floyd Rathbun, Certified Range Management Consultant
Robert D. Williams, Field Supervisor, Nevada Fish and Wildlife Office, USFWS
Fred Fulstone and Marianne Leinassar

Enc.



January 28, 2005

The Honorable Shelley Berkley
United States Representative
439 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Berkley:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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 many topics the Committee discussed during the interim period was the land management challenges associated with Nevada's "checkerboard" land pattern. This checkerboard pattern of land ownership along the Interstate 80 corridor in northern Nevada is the result of land that was given to the Central Pacific Railroad as an incentive to build the transcontinental railroad in the 1860s. Essentially, the Federal Government offered every other section of land for 20 miles on each side of the railroad corridor to any company that would complete the construction.

The Committee recognizes this unusual pattern of land ownership negatively impacts the management of public land and the economic development of private land in the region. Therefore, at its final meeting and work session, the Committee voted to send you this letter encouraging your support for any current or future legislation resulting in the consolidation of these checkerboard lands. Any plan to "block up" these checkerboard lands into a more manageable land use pattern will enhance the protection of natural resources in the region, improve public access, and increase the development

Congresswoman Shelley Berkley

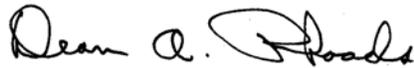
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January 28, 2005

of private lands, which in turn, will encourage economic and community development in rural northern Nevada.

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 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

DAR/gn:L086;W43445-1

cc: Steve Hartman, General Counsel, Nevada Land and Resource Company
Don Pattalock, Chief Geologist, Nevada Land and Resource Company

A similar letter regarding Nevada's "checkerboard" land pattern was sent to the following individuals:

The Honorable John Ensign

United States Senator
364 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Harry Reid

United States Senator and Senate Minority Leader
528 Hart Senate Office Building
Washington, D.C. 20510-2803

The Honorable Jim Gibbons

United States Representative
100 Cannon House Office Building
Washington, D.C. 20515

The Honorable Jon C. Porter, Sr.

United States Representative
218 Cannon House Office Building
Washington, D.C. 20515



January 31, 2005

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

Dear Chairman Myers:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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 many topics the Committee discussed during the interim period was Nevada's "checkerboard" land pattern. This checkerboard pattern of land ownership along the Interstate 80 corridor in northern Nevada is the result of land that was given to the Central Pacific Railroad as an incentive to build the transcontinental railroad in the 1860s. Essentially, the Federal Government offered every other section of land for 20 miles on each side of the railroad corridor to any company that would complete the construction.

Today, many of the private parcels in the checkerboard land area are owned and managed by Nevada Land and Resource Company (NLRC). For many years, the NLRC has been active in selling and disposing these private holdings to interested buyers and has been instrumental in seeking creative ways to survey, obtain legal descriptions of, and ensure legal access to county roads that cross checkerboard lands. At a meeting of Nevada's Legislative Committee on Public Lands during the interim, the NLRC noted increasing challenges associated with landowners in the checkerboard

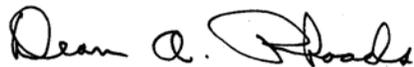
Chairman Myers
Page 2
January 31, 2005

area fencing off roads that were once generally treated as public rights-of-way. While these roads (primarily dirt roads) are thought of and treated as public rights-of-way, they indeed have not been formally surveyed and dedicated as such by local government.

The increasing discord over these fenced roads highlights the difficult issue of managing rights-of-way that are used by the public to access recreational areas, residential areas, water sources, and federal public lands. Therefore, at its final meeting and work session, the Committee voted to send you this letter, as Chairman of the Board of County Commissioners, expressing support for NLRC's proposal to survey these roads utilizing Global Positioning System (GPS) technology. These surveying efforts would establish a rough centerline along certain rights-of-way traversing the checkerboard land areas in your county. Using this GPS data, these rights-of-way could then be formally designated by the county, as agreed to by consenting private landowners. The Committee hopes that this cost-effective survey method will help alleviate the concerns regarding public access and give private landowners guidance when fencing certain roadways. We encourage all county officials to work closely with NLRC in these efforts. The NLRC can be reached via telephone at 775/885-5000 or on the Internet at www.nlrc.com.

Thank you for your kind consideration of this letter. 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,



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

DAR/gn:L153;W43446-1

cc: Steve Hartman, General Counsel, Nevada Land and Resource Company
Don Pattalock, Chief Geologist, Nevada Land and Resource Company

An identical letter regarding the Nevada Land and Resource Company's proposal to survey roads along the I-80 corridor in northern Nevada was sent to the following individuals:

Gwen Washburn

Chairman
Churchill County Board of Commissioners
155 North Taylor Street, Suite 110
Fallon, Nevada 89406

Donna Bailey

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

John H. Milton III

Chairman
Humboldt County Board of Commissioners
Courthouse, Room 205
50 West 5th Street
Winnemucca, Nevada 89445

Mickey Yarbro

Chairman
Lander County Board of Commissioners
315 South Humboldt Street
Battle Mountain, NV 89820

Bob Milz

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

Roger Mancebo

Chairman
Pershing County Board of Commissioners
Post Office Drawer E
Lovelock, Nevada 89419

Bonnie Weber

Chairman
Washoe County Board of Commissioners
Post Office Box 11130
Reno, Nevada 89520



January 28, 2005

John McLain
Principal Resource Specialist
Resource Concepts, Inc.
340 North Minnesota Street
Carson City, Nevada 89703-4152

John Moody
Fire Rehabilitation Natural Resource Specialist
Bureau of Land Management
Winnemucca Field Office
5100 East Winnemucca Boulevard
Winnemucca, Nevada 89445

Jan Schade, Coordinator
Wildfire Support Group
Post Office Box 206
Orovada, Nevada 89425-0206

Dear Messrs. McLain, Moody, and Schade:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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.

As you recall during the last legislative interim, you provided a most informative update and summary of the Wildfire Support Group and its activities. The Committee is very impressed with the Group's efforts in forming a network of trained and certified

John McLain, John Moody, Jan Schade

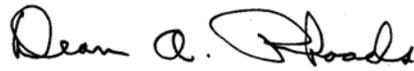
Page 2

January 28, 2005

fire teams, reducing fire risk by controlling fuel loads, rehabilitating and restoring burned areas, and working across federal, state, and local government lines to implement a successful fire suppression strategy. In recognition of the Wildfire Support Group's success, the Committee voted, at its final meeting and work session, to send you this letter of support. The Group should be commended on its forward-thinking approach to fire management and public education.

Thank you again for your 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 to you.

Sincerely,



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

DAR/gn:L090;W43447

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

Robert L. Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS



February 14, 2005

Dale N. Bosworth, Chief
U.S. Forest Service
Sidney R. Yates Building
201 – 14th Street S.W., Room 4th fl NW
Washington, D.C. 20250

Joel D. Holtrop
Deputy Chief
State and Private Forestry
Sidney R. Yates Building, Room 2 NW
201 – 14th Street S.W.
Washington, D.C. 20250

Dear Chief Bosworth and Deputy Chief Holtrop:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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 legislative interim period, the Legislative Committee on Public Lands heard from numerous individuals, organizations, and local government representatives who reported on the generous grants made to Nevada organizations and projects under the State and Private Forestry (S&PF) grant program. Of particular interest were grants that provided much-needed funds for fire rehabilitation, urban forestry, "fuels for schools," forest land enhancements, and conservation education. The Committee also heard about the tremendous support provided for noxious weed management, abatement, and control. In fact, the S&PF provided to the Nevada Department of Agriculture (NDA) more than \$163,000 annually during the past

Dale Bosworth and Joel Holtrop

Page 2

February 14, 2005

two years to help fund a Coordinator for Nevada's 26 Coordinated Weed Management Areas and create several weed task forces and working groups. The Committee is ever grateful for these much-needed S&PF funds and recognizes the importance of such federal dollars in protecting our sensitive ecosystems for current land users and for future generations. Therefore, at its final meeting and work session, the Committee voted to send you this letter expressing its gratitude for the S&PF's grants to Nevada—especially those offered for noxious weed-related issues. We urge you to continue assisting noxious weed control efforts. The Committee is also highly supportive of any action you might take to increase this funding, as the spread of noxious weeds in Nevada compromises the state's agricultural productivity, impairs wildlife habitat, increases the threat and spread of wildland fires, and threatens public health and safety.

Thank you for your kind consideration of this letter. 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,



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

DAR/gn:L200;W43448

cc: Tom Baker, Capital City/Rural Liaison, S&PF, Humboldt-Toiyabe National Forest
Don Henderson, Director, NDA
Dawn Rafferty, Noxious Weed Program Specialist, NDA



January 27, 2005

Leta Collord, President
Northeastern Nevada Stewardship Group
1239 Parkview Drive
Elko, Nevada 89801-2531

Dear Ms. Collord:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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.

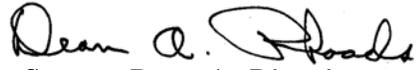
During the interim period, the Committee was fortunate to hear from the Northeastern Nevada Stewardship Group (NNSG) and discuss NNSG's successful work on many different public lands issues, including rangeland health, noxious weed and invasive species abatement, wildlife management, Sage Grouse habitat protection initiatives, agriculture and ranching, and other critical natural resource matters. The NNSG has attracted supporters from federal, state, and local agencies, universities, the business community, land users, and from a broad base of citizens.

In recognition of NNSG's hard work and success, the Committee voted, at its final meeting and work session, to send you this letter expressing support for the Group and complimenting its efforts in addressing critical public lands issues. Furthermore, NNSG should be commended on its accomplishments in the areas of land use analysis, public education, wildfire suppression and burned area restoration, and general land management matters.

Leta Collord
Page 2
January 27, 2005

Thank you again for your 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 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".

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

DAR/gn:L084;W43449

cc: Helen Hankins, Field Manager, Elko Field Office, BLM
Charlie Meyers, Chairman, Elko County Board of Commissioners



February 14, 2005

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

Kathleen Clarke, Director
Bureau of Land Management
United States Department of Interior
1849 C Street, NW, Room 5655
Washington, D.C. 20240

Dear Secretary Norton and Ms. Clarke:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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 each legislative interim, the Committee deliberates at length concerning the issue of wild horses and the impacts the horses have on Nevada's public lands. The Committee was very intrigued to learn of a new idea presented during the interim concerning the use of grazing permits for wild horses. This concept essentially would permit ranchers to use allocated cattle grazing permits for the purpose of running wild horses on the range under an arrangement with the Bureau of Land Management (BLM). The Committee understands that some wild horse holding facilities in Nevada and the Midwest are at or beyond capacity; this proposal would certainly relieve these overcrowded conditions. Obviously, under this unique scenario, the terms of the grazing permits would need to be altered and the laws and regulations concerning

Gale Norton and Kathleen Clarke

Page 2

February 14, 2005

permitted grazing would need to be amended. Nonetheless, the Committee found this idea intriguing enough to send you this letter expressing support for the concept and encouraging you and your agency to explore this possible new use for grazing permits. The Committee believes this proposal might be a “win-win” for the BLM, Nevada ranchers, and most importantly, the thousands of wild horses in Nevada that might benefit from this arrangement.

Thank you, as always, for your kind consideration of this letter. 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 initial "D" and "R".

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

DAR/gn:L201;W43450

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



February 14, 2005

Mickey Yarbro, Chairman
Lander County Board of Commissioners
315 South Humboldt Street
Battle Mountain, Nevada 89820

Gerald M. Smith
Field Manager
Battle Mountain Field Office
50 Bastian Road
Battle Mountain, Nevada 89820

Dear Mr. Yarbro and Mr. Smith:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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.

At its meeting in Eureka during the last interim, the Committee heard a report from Ray Salisbury, Chairman, Lander County Public Lands Advisory Commission. Mr. Salisbury reported, among other things, on the efforts to transfer title of the Austin Airport from the Bureau of Land Management (BLM) to Lander County. The conveyance process, Mr. Salisbury explained, has taken quite some—due in part to a number of protests filed by nearby ranchers—and the Committee was asked to urge all parties to expedite the title transfer. Since Mr. Salisbury's presentation, the Committee on Public Lands has learned that the Austin Airport conveyance recently entered its final stages. While the title transfer process has been "in-process" for seven years, the Committee is pleased to learn the Federal Aviation Administration and the U.S. Department of Transportation have determined that the airport is suitable for

Mickey Yarbrow and Gerald M. Smith

Page 2

February 14, 2005

conveyance. Pursuant to the Airport and Airway Improvement Act of 1982, the U.S. Department of Justice (DOJ) must approve the final title transfer. The DOJ received the conveyance request last month and it appears the final transfer may take place soon. Nonetheless, the Committee still wanted to compose this letter encouraging all parties involved to act expeditiously in completing this important transfer. The Committee is confident that once the transfer is made, the town of Austin will begin to experience added economic growth and development.

Thank you for your consideration of this important request. Please also feel free to forward this letter to any officials in Washington, D.C., who may be working on the conveyance request. As always, do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance to you.

Sincerely,



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

DAR/gn:L202;W43451

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

Ray Salisbury, Chairman, Lander County Public Lands Advisory Commission



January 31, 2005

Robert V. Abbey
State Director
Bureau of Land Management, Nevada
Post Office Box 12000
Reno, Nevada 89520-0006

Gerald M. Smith
Field Manager
Battle Mountain Field Office
Bureau of Land Management
50 Bastian Road
Battle Mountain, Nevada 89820

Dear Messrs. Abbey and Smith:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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.

The Committee greatly appreciates your consistent willingness during the interim to appear before us to discuss land management policies and strategies. As you know, at its meeting in Eureka last July, the Committee heard concerns about the need to amend the resource management plan (RMP) for the Battle Mountain Field District to expedite land sales for certain landowners who wish to acquire small parcels for agricultural use. Specifically, Assemblyman Pete Goicoechea (R-Eureka) reported that several ranchers in central Nevada were hoping to purchase 40- to 80-acre parcels of public land to help complete irrigation pivots (to 360 degrees). Unfortunately, most of this land has not been identified for disposal in the existing RMP, and therefore, BLM is ineligible for

Robert V. Abbey and Gerald M. Smith

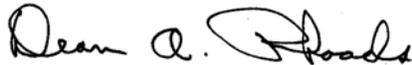
Page 2

January 31, 2005

reimbursement of land sale costs under the Federal Land Transaction Facilitation Act of 2000 (the "Baca" bill). While the Committee recognizes that the benefits of the Baca bill cannot be realized in such a land sale, it voted to send you this letter encouraging you to work closely with Assemblyman Goicoechea and interested landowners in facilitating the needed land sales by amending the RMP for the Battle Mountain Field District. Subsequent to the final meeting and work session, the Committee learned that this RMP is scheduled for revision next year. Clearly, under the current land sale options, the rules of the Federal Land Policy Management Act of 1976 (FLPMA) and the National Environmental Policy Act (NEPA) would apply. Therefore, the Committee urges an expeditious start to this RMP update and prompt handling of the lengthy land sale process required by FLPMA and NEPA.

Thank you again for your kind consideration of this letter and your participation in the Committee's deliberations during the interim. 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,



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

DAR/gn:L161;W43452

cc: Assemblyman Pete Goicoechea



January 27, 2005

The Honorable John Ensign
United States Senator
364 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Ensign:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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 very favorable updates regarding the continued implementation of the Southern Nevada Public Lands Management Act of 1998 (SNPLMA) and other federal legislation authorizing the sale or auction of public land in Nevada. In addition, the Committee heard numerous reports concerning a host of different topics, including the protection of Sage Grouse habitat, wild horse gathers, general range enhancements, the rising costs of environmental assessments and analysis by the United States Bureau of Land Management (BLM) for land sales and exchanges, fire suppression efforts, and noxious weed and invasive species abatement. A common theme throughout these reports was the need for greater funding to offset the increasing costs of these many programs and initiatives.

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:

Senator John Ensign

Page 2

January 27, 2005

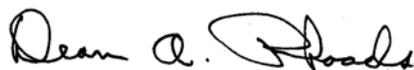
1. The acquisition of environmentally sensitive land in the State of Nevada in accordance with subsection (h) [of the Act], with priority given to lands located within Clark County;
2. Capital improvements at the Lake Mead National Recreation Area, the Desert National Wildlife Refuge, the Spring Mountains National Recreation Area, the Red Rock Canyon National Conservation Area, and other areas administered by the BLM in Clark County;
3. Development of a multi-species habitat conservation plan in Clark County;
4. Development of parks, trails, and natural areas in Clark County, 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, the Federal Lands Transaction and Facilitation Act of 2000 (FLTFA), the Lincoln County Conservation, Recreation, and Development Act of 2004 (LCCRDA), and other public land measures also provide specific guidelines and categories for the expenditure of money generated from authorized public land sales.

At its final meeting and work session last fall, the Committee voted to send you this letter requesting your consideration of amendments to SNPLMA, FLTFA, or LCCRDA that would authorize the expenditure of a portion of these land sale proceeds to specifically benefit and support Sage Grouse habitat protection, wild horse gathers, general range enhancements, the costs for environmental assessments and analysis by the BLM for land sales and exchanges, noxious weed and invasive species abatement, fire suppression, and other important public lands projects and improvements.

Thank you for your consideration of this important request. The Committee hopes that amendments to these acts as outlined above will generate the needed funds to immediately support the growing needs on public lands in Nevada. 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,



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

DAR/gn:L080;W43453-2

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

A similar letter regarding the Southern Nevada Public Lands Management Act was sent to the following individuals:

The Honorable Harry Reid

United States Senator and Senate Minority Leader
528 Hart Senate Office Building
Washington, D.C. 20510-2803

The Honorable Shelley Berkley

United States Representative
439 Cannon House Office Building
Washington, D.C. 20515

The Honorable Jim Gibbons

United States Representative
100 Cannon House Office Building
Washington, D.C. 20515

The Honorable Jon C. Porter, Sr.

United States Representative
218 Cannon House Office Building
Washington, D.C. 20515



January 21, 2005

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

Dear Secretary Norton:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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.

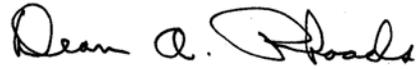
During the past several legislative interims, and especially throughout the 2003-2004 interim period, the Committee has been continuously impressed with the interest and participation of the Bureau of Land Management (BLM) in the Committee's deliberations. In fact, all of the meetings of the Committee during the past interim involved participation by the BLM, and Mr. Robert V. Abbey, Nevada State Director, and his conscientious and competent staff should be recognized for their generous contributions to the Committee's deliberations. In addition, the Committee held two very informative and useful meetings with the BLM during its informational tours to Washington, D.C., last year.

At its final meeting and work session, 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 and the BLM Nevada staff for their involvement and interest. The Committee is well aware that the BLM is often requested to discuss somewhat controversial matters, and we are thankful for your agency's willingness to attend our hearings and field excursions, sometimes on short notice.

Gale Norton
Page 2
January 21, 2005

Thank you again to you and your Nevada staff for the continued interest in our Committee. 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 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/gn:L066;W43454
cc: Robert V. Abbey, Nevada State Director, BLM



January 21, 2005

Kathleen Clarke
Director, Bureau of Land Management
1849 C Street, N.W., Room 5655
Washington, D.C. 20240

Dear Ms. Clarke:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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.

During the past several legislative interims, and especially throughout the 2003-2004 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, all of the meetings of the Committee during the past interim involved participation by the BLM, and Mr. Robert V. Abbey, Nevada State Director, and his conscientious and competent staff should be recognized for their generous contributions to the Committee's deliberations. In addition, the Committee held two very informative and useful meetings with the BLM during its informational tours to Washington, D.C., last year.

At its final meeting and work session, 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 and the BLM Nevada staff for their involvement and interest. The Committee is well aware that the BLM is often requested to discuss somewhat controversial matters, and we are thankful for your agency's willingness to attend our hearings and field excursions, sometimes on short notice.

Kathleen Clarke
Page 2
January 21, 2005

Thank you again to you and your Nevada staff for the continued interest in our Committee. 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 that reads "Dean A. Rhoads". The signature is written in a cursive style with a large, looped initial "D".

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

DAR/gn:L067;W43454-1
cc: Robert V. Abbey, Nevada State Director, BLM



January 21, 2005

Ann Veneman
Secretary of Agriculture
U.S. Department of Agriculture
1400 Independence Avenue SW, Room 200-A
Washington, D.C. 20250

Dear Secretary Veneman:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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.

During the past several legislative interims, and especially throughout the 2003-2004 interim period, the Committee has been continuously impressed with the interest and participation of the U.S. Forest Service (USFS) in the Committee's deliberations. In fact, nearly all of the meetings of the Committee during the past interim involved participation by the USFS, and Mr. Robert L. Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, and his conscientious and competent staff should be recognized for their generous contributions to the Committee's deliberations. In addition, the Committee held two very informative and useful meetings with the U.S. Forest Service and the National Forest System during its informational tours to Washington, D.C., last year.

At its final meeting and work session, the Committee made particular note of the Forest Service's commendable participation in the Committee's activities and voted to send you this letter expressing appreciation to you and the USFS Nevada staff for their involvement and interest. The Committee is well aware that the Forest Service is often requested to discuss somewhat controversial matters, and we are thankful for your

Ann Veneman
Page 2
January 21, 2005

agency's willingness to attend our hearings and field excursions, sometimes on short notice.

Thank you again to you and your Nevada staff for the continued interest in our Committee. 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 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/gn:L068;W43455
cc: Robert L. Vaught, Forest Supervisor, USFS



January 21, 2005

Dale Bosworth, Chief
U.S. Forest Service
Sidney R. Yates Building
201 – 14th Street S.W., Room 4th fl NW
Washington, D.C. 20250

Dear Mr. Bosworth:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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.

During the past several legislative interims, and especially throughout the 2003-2004 interim period, the Committee has been continuously impressed with the interest and participation of the U.S. Forest Service (USFS) in the Committee's deliberations. In fact, nearly all of the meetings of the Committee during the past interim involved participation by the USFS, and Mr. Robert L. Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, and his conscientious and competent staff should be recognized for their generous contributions to the Committee's deliberations. In addition, the Committee held two very informative and useful meetings with the U.S. Forest Service and the National Forest System during its informational tours to Washington, D.C., last year.

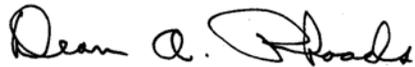
At its final meeting and work session, the Committee made particular note of Forest Service's commendable participation in the Committee's activities and voted to send you this letter expressing appreciation to you and the USFS Nevada staff for their involvement and interest. The committee is well aware that the Forest Service is often requested to discuss somewhat controversial matters, and we are thankful for your

Dale Bosworth
Page 2
January 21, 2005

agency's willingness to attend our hearings and field excursions, sometimes on short notice.

Thank you again to you and your Nevada staff for the continued interest in our Committee. 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 that reads "Dean A. Rhoads". The signature is written in a cursive style with a large, looped initial "D".

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

DAR/gn:L069;W43455-1
cc: Robert L. Vaught, Forest Supervisor, USFS



February 14, 2005

The Honorable Jon C. Porter, Sr.
United States Representative
218 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Porter:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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.

Since the passage of the Southern Nevada Public Lands Management Act of 1998, the Clark County Conservation of Public Land and Natural Resources Act of 2002, and more recently, the Lincoln County Conservation, Recreation, and Development Act of 2004, the Committee has heard reports about ongoing land transfers, disposals, and auctions authorized under these and other federal legislative acts. While on many occasions, land sales and transfers occur with little or no difficulty, the Committee has learned of an increased number of frivolous court challenges and legal disruptions in this process. On several occasions during the legislative interim, testimony indicated there are many instances where legal challenges are mounted to halt land auctions after years of land sale preparation, environmental analysis, and study, sometimes resulting in the sales process reverting back to the very initial stages of development. The Committee heard of one particular instance involving a much-anticipated and critical land sale in southern Lincoln County that was effectively halted by an "11th-hour" challenge. Years of costly environmental study, analysis, and preparation were effectively quashed because of this type of legal maneuvering.

Congressman Jon C. Porter, Sr.

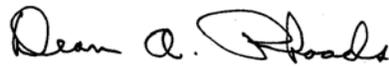
Page 2

February 14, 2005

The Committee on Public Lands is not exactly sure how to remedy this alarming situation; however, it hopes a legislative solution—perhaps by setting forth a set timeframe during which legal challenges may be filed—might encourage rather than discourage these important land disposals and auctions. While the Committee does not wish to stem the rights of those who initiate legitimate legal objections, it would like to see a procedure that prevents costly, last-minute stoppages to the land disposal process.

Thank you, as always, for your kind consideration of this letter. 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 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/gn:L208;W43456-5

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

An identical letter regarding court challenges to land sales was sent to the following individuals:

The Honorable John Ensign

United States Senator
364 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Harry Reid

United States Senator and Minority Leader
528 Hart Senate Office Building
Washington, D.C. 20510-2803

The Honorable Shelley Berkley

United States Representative
439 Cannon House Office Building
Washington, D.C. 20515

The Honorable Jim Gibbons

United States Representative
100 Cannon House Office Building
Washington, D.C. 20515

Gale Norton

Secretary of the Interior
United States Department of the Interior
1849 C Street, N.W., Room 7229
Washington, D.C. 20240

Kathleen Clarke

Director
Bureau of Land Management
United States Department of Interior
1849 C Street, NW, Room 5655
Washington, D.C. 20240



January 31, 2005

Robin Sweeney
EIS Document Manager
Office of National Transportation,
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
1551 Hillshire Drive, M/S 011
Las Vegas, Nevada 89134

Dear Ms. Sweeney:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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.

The Committee greatly appreciates your willingness during the interim to appear before us to discuss the Department of Energy's proposed Caliente Railroad Corridor for Yucca Mountain. Your presentation to the Committee was thoughtful and informative. Although the comment period deadline for this proposal had long-since passed, the Committee voted at its final meeting and work session to send this letter urging the Department to ensure, if construction of the railway is approved, that current land uses remain unchanged. Furthermore, the Committee agreed to pass along the concerns of several ranchers and land users living in the proposed corridor area who believed they were not adequately notified of the proposal. As you can imagine, these ranchers and land users fear the loss of their economic livelihood should the proposed railroad alter critical grazing patterns and permits.

Thank you again for your kind consideration of this letter and your participation in the Committee's deliberations during the interim. 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 that reads "Dean A. Rhoads".

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



January 28, 2005

Mike Lattin
Lattin Livestock LLC
3250 Sundance Drive
Elko, Nevada 89801

Al Steninger, President
Western Range Service
990 Fifth Street
Elko, Nevada 89801

Robert L. Vaught
Forest Supervisor
Humboldt-Toiyable National Forest
1200 Franklin Way
Sparks, Nevada 89431

Dear Messrs. Lattin, Steninger, and Vaught:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2003-2004 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 heard from you on two separate occasions regarding the rangeland monitoring practices of the U.S. Forest Service in Elko, County. Specifically, concerns were raised about the level of range monitoring for grazing allotments and whether that monitoring depicted an accurate representation of rangewide conditions. The Committee was very happy to facilitate discussion between all parties and was encouraged to hear, during our meeting in Wells, that progress had been made in working out a resolution to the concerns. Therefore, at its

Mike Lattin, Al Steninger, and Robert L. Vaught

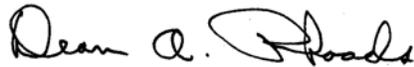
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final meeting and work session, the Committee voted to send you this letter urging your continued cooperation in addressing grazing allotment monitoring practices in Elko County and thanking you for your willingness to work toward a solution to this matter.

Thank you again for your 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 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".

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

DAR/gn:L091;W43458

cc: Quinton J. Barr, Range and Ranch Management Consultant, Western Range Service

APPENDIX E

Suggested Legislation

The following Bill Draft Requests will be available during the 2005 Legislative Session, or can be accessed after “Introduction” at the following Web site: <http://www.leg.state.nv.us/73rd/BDRList/page.cfm?showAll=1>.

- BDR 45-424 Revises provisions governing issuance of special incentive elk tags and the payment of landowners for the mitigation of damage caused by elk.
- BDR 48-425 Changes the tax imposed on the transfer of water to a fee and increases the amount per acre-foot.
- BDR 43-426 Requires registration of off-highway vehicles.
- BDR 17-427 Clarifies the authority of the Legislative Committee on Public Lands.
- BDR 33-428 Revises the provisions governing the protection of the cultural and historic resources of the State of Nevada.
- BDR R-429 Creates an interim study on noxious weeds.
- BDR R-430 Expresses the concerns of the Nevada Legislature regarding the possible listing of the sage grouse on the national endangered species list.
- BDR 51-431 Designates a portion of the annual pesticide registration fees for use to fund a new position to coordinate weed control volunteers and programs.
- BDR R-432 Urges Congress to take certain actions regarding the designation of wilderness areas and the release of public lands not designated as wilderness areas.
- BDR R-433 Creates interim study of groundwater management issues involving rural areas.