

Legislative Committee on Public Lands



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LEGISLATIVE COMMITTEE ON PUBLIC LANDS

BULLETIN NO. 07-15

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ACRONYMS USED IN BULLETIN NO. 07-15

A.B. Assembly Bill
ALEC American Legislative Exchange Council
AML(s) Appropriate Management Level(s)
AUM(s) Animal Unit Months
BDR Bill Draft Request
BLM Bureau of Land Management, United States Department of the Interior
BOR Bureau of Reclamation
CRC Colorado River Commission
CWMAs Cooperative Weed Management Areas
CWSD Carson Water Subconservancy District
DOE United States Department of Energy
DOI United States Department of the Interior
EIS Environmental Impact Statement
ENLC Eastern Nevada Landscape Coalition
EPA United States Environmental Protection Agency
ESA Endangered Species Act of 1973
FLPMA Federal Land Policy Management Act of 1976
FLTFA Federal Land Transaction Facilitation Act of 2000
FSIA Farm Security and Investment Act
FY Fiscal Year
GIS Geographic Information Systems
GST Governmental Services Tax
HMA(s) Herd Management Areas
IDPR Idaho Department of Parks and Recreation
LCB Legislative Counsel Bureau
LCCRDA Lincoln County Conservation, Recreation, and Development Act of 2004
LCLA Lincoln County Land Act of 2000
LIP Landowner Incentive Program

NACO	National Association of Counties
NCSL	National Conference of State Legislatures
NDEP	Nevada’s Division of Environmental Protection
NDF	Nevada’s Division of Forestry
NDOW	Nevada’s Department of Wildlife
NEPA	National Environmental Policy Act
NFS	National Forest System, United States Department of Agriculture
NFSC	Nevada Fire Safe Council
NMA	National Mining Association
NNHP	Nevada Natural Heritage Program
NNSG	Northeastern Nevada Stewardship Group
NPDA	Nevada Powersport Dealers Association
NRA	National Recreation Area
NRCS	Natural Resources Conservation Service, United States Department of Agriculture
NRS	<i>Nevada Revised Statutes</i>
OHV(s)	Off-Highway Vehicle(s)
PCWCD	Pershing County Water Conservation District
PEIS	Programmatic Environmental Impact Statement
PILT	Payments in Lieu of Taxes
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 Land Management Act of 1998
SNWA	Southern Nevada Water Authority
TCID	Truckee-Carson Irrigation District
UNR	University of Nevada, Reno
USDA	United States Department of Agriculture
USFS	United States Forest Service, United States Department of Agriculture

USFWS United States Fish and Wildlife Service, United States Department of the Interior
USGS United States Geological Survey, United States Department of the Interior
VVWD Virgin Valley Water District
WGA Western Governors' Association
WPCCRDA White Pine County Conservation, Recreation, and Development Act of 2006
WRID Walker River Irrigation District
WSA(s) Wilderness Study Area(s)
WSD Work Session Document

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

(*Nevada Revised Statutes 218.5363*)

This summary presents the recommendations approved by Nevada's Legislative Committee on Public Lands during the 2005-2006 legislative interim and at its work session meeting held on August 24, 2006, in Ely, Nevada. The corresponding bill draft request (BDR) number follows each recommendation for legislation.

RECOMMENDATIONS FOR LEGISLATIVE MEASURES

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

1. Encourage, by resolution, the implementation of several recommendations regarding biomass and biomass initiatives as provided by Dr. Elwood Miller, Biomass Representative, Nevada Renewable Energy Conservation Task Force. These recommendations include: (a) the establishment of "production tax credits" for biomass energy, which is currently provided for wind and geothermal energy; (b) the creation of financial incentives for the development of on-site generation systems operated by biomass; (c) private investment in biomass; and (d) the implementation of several pilot/demonstration projects illustrating the potential uses of biomass in Nevada. **(BDR R-402)**
2. Enact legislation creating the position of a Natural Resource Geographic Information Systems (GIS) Coordinator, to be housed in one of the natural resource departments/agencies, for the purpose of aligning the twelve public land and natural resource agencies and coordinating interaction with the State GIS Coordinator, federal land management partners, and State government major area partners such as public health, homeland security, and transportation. The measure would also create the Natural Resource/Public Lands GIS Technical Training Revolving Fund to be managed by the Natural Resource GIS Coordinator for the purpose of providing cost-effective GIS training for natural resources agencies.

In addition to creating and funding the position and revolving training fund, the measure should include a legislative declaration or preamble: (a) expressing support for the *Nevada Initiative for Coordinated Geographic Information Management*; (b) recognizing the importance of GIS to policy making, particularly in public land and natural resource management; (c) directing the establishment of standards within State government for the collection of data; and (d) directing state agencies to enter into trading partner agreements for the sharing of data. **(BDR 18-403)**

3. Express, by resolution, the Nevada State Legislature’s disapproval of various ongoing legal challenges brought against local ranchers and the Bureau of Land Management (BLM) concerning grazing permits and regulations. Include in the resolution statements concerning the detrimental economic impacts these challenges have on Nevada’s rural communities and the threats such challenges pose to agriculture. **(BDR R-396)**
4. Enact legislation creating the position of a land use planner within the Division of State Lands, State Department of Conservation and Natural Resources (SDCNR). The position would assist those rural counties that do not have established land use planning teams and would be instrumental in assisting the local government in working with federal land management agencies on many matters. **(BDR 26-397)**
5. Enact legislation making an appropriation of \$450,000 to provide grant funds to Nevada’s 30 Cooperative Weed Management Areas (CWMAs) for weed control purposes (\$450,000 based on an average annual grant request of \$15,000 per year for each of Nevada’s 30 CWMAs). Also include in the measure provisions establishing grant funding and an operating budget of \$300,000 within the State Department of Agriculture (SDA) for noxious weeds-related programs. Of this \$300,000, \$50,000 would be allocated for seasonal employees to assist in SDA-level functions relating to abatements; \$50,000 would be allocated to biological control programs; \$100,000 would be used for the “Abatement Fund” (application on the ground); and \$100,000 would be allocated for weed education and outreach purposes.

The grant funding would support the control efforts of CWMAs as the United States Forest Service (USFS) funding continues to dwindle. The operating budget would also provide matching funds for federal grants the State of Nevada is currently ineligible for due to its lack of matched money. **(BDR S-398)**

6. Enact legislation authorizing the use of a portion of proceeds of Governmental Services Tax (GST) for the control of noxious weeds in Nevada and authoring a slight increase in GST collections to cover the cost of this activity. The amount the increase would depend upon the value of the vehicle upon which the GST is imposed. Include in the measure the creation of a fund for a comprehensive long-term program for managing noxious weeds in Nevada. The fund would be managed by a Board of Trustees appointed by the Governor. The comprehensive program would include five or more weed management specialists, a weed project manager, and an administrative support position. The comprehensive program would also involve the creation of at least six weed control districts in Nevada similar to the tri-county weed district in Nye, Lincoln, and White Pine Counties. **(BDR 32-399)**
7. Enact legislation amending certain existing provisions and setting forth new provisions concerning off-highway vehicles (OHVs) in Nevada. The measure would provide for

the continued issuance of certificates of operations for OHVs, set forth an OHV registration program, and provide for other related OHV regulation. **(BDR 43–400)**

8. Enact legislation establishing a state park at Monte Cristo’s Castle located in northeastern Esmeralda County. **(BDR 35–401)**
9. Urge, by resolution, the U.S. Congress to provide greater funding for wildfire suppression efforts and rangeland rehabilitation for those areas already impacted by fire. Include in the resolution discussion of the inherent danger of fire in the Lake Tahoe Basin and emphasize that fire suppression activities have a direct impact on local economies and explain how recent fires in northern Nevada have decimated large tracts of critical wildlife habitat. **(BDR R–468)**

RECOMMENDATIONS FOR COMMITTEE ACTION:
COMMITTEE STATEMENTS AND LETTERS

The members of Nevada’s Legislative Committee on Public Lands voted to send the following letters concerning general natural resource matters to:

10. The Director of the University of Nevada, Reno (UNR), Cooperative Extension expressing appreciation to the Cooperative Extension for its assistance in rehabilitating land impacted by the July 2004 “Waterfall Fire” west of Carson City. According to testimony, the Extension office in Carson City was instrumental in providing technical assistance to city personnel as well as impacted homeowners. Moreover, the UNR Cooperative Extension aggressively managed community education and volunteer efforts and made great strides in comforting the residents of Carson City immediately following this most disturbing wildfire event.
11. The Director of the United States Fish and Wildlife Service (USFWS), the USFWS Field Supervisor in Nevada, and to the Refuge Manager of the Ruby Lake National Wildlife Refuge expressing the Committee’s support for the forward-thinking programs at the refuge and commending the Refuge Manager and her staff for their efforts to improve the refuge.
12. Dan Dallas, District Ranger, Mountain City Ranger District, USFS, United States Department of Agriculture (USDA), congratulating him on receiving the 2005 “Ranger of the Year” award from the USFS. Send a copy of the letter to Ed Monnig, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, USDA.
13. The Secretary of the USDA and the Chief of the USFS requesting an evaluation of park fees and/or other revenue sources to ensure that sufficient monies are available to manage and maintain recreation facilities in Nevada and the West. Encourage the USFS to continue its efforts to seek more funding from the U.S. Congress to provide

enough money to adequately maintain USFS facilities which are, according to testimony, in desperate need of enhancements and upkeep.

14. The Nevada Cattleman's Association, Nevada Farm Bureau, each of the BLM Field Managers in the State of Nevada, and other potential interested parties supporting the programs and activities of the "Range Management School" as addressed by Agee Smith, Shoesole Collaborative Management Team, Nevada National Heritage Program (NNSG).
15. The Director of the BLM and the Chief of the USFS encouraging those agencies to use and continue to use grazing (and even consider a temporary increase in animal unit months during high-yield years) when conducting fuels reduction and fuels management. According to testimony, this practice could improve range conditions, while at the same time serve as an alternative to prescribed burns. Include in the letter a statement encouraging the BLM to amend its grazing regulations to set forth an expedited or streamlined process for approving grazing applications for temporary, nonrenewable permits. This would help facilitate grazing on cheatgrass infested areas at the earliest part of the grazing season when the cheatgrass is considered prime forage for livestock.
16. The Commander of the Nevada National Guard commending the Guard for its support of firefighting efforts in the State of Nevada and praising their interagency cooperation through the use of helicopters and other aircraft in battling wildfires. Include in the letter language supporting the Guard's continued assistance, particularly on the Sierra Front, and encouraging the Guard to expeditiously prepare and equip helicopters and other aircraft for firefighting duty as quickly as possible after their return from military service in the Middle East and Afghanistan.
17. The United States Department of the Interior (DOI), the BLM, and members of Nevada's Congressional Delegation encouraging the DOI and the BLM, with the support of the U.S. Congress, to consider revising current BLM policies to allow more ranchers and farmers in Nevada and the West to hold or care for gathered wild horses that would, under most circumstances, be shipped to wild horse sanctuaries in the Midwest. This practice would allow gathered horses to remain in Nevada in a controlled environment and eliminate the need to transport the horses cross-country.
18. The appropriate members of the U.S. Congress (chairing the appropriation committees), the DOI, the BLM, USDA, and the USFS, stipulating the need for increased funding for recreation planning and law enforcement within the USFS and the BLM. Dan Holler, Douglas County Manager, testified before the Committee that a lack of funds in these areas is greatly impacting recreational programs within the two agencies. He noted during testimony that there are not enough law enforcement personnel to handle Nevada's vast expanses of federally managed land.

19. The Nye County Board of Commissioners, the Pahrump Town Board, BLM, USFS, and other federal agencies involved in flood control matters in Pahrump expressing support for flood control activities in Pahrump. The letter should encourage these federal agencies to issue the appropriate permits and grant authority to Nye County and the Town of Pahrump to proceed with flood mitigation efforts in the mountains surrounding Pahrump.
20. David K. Morrow, Administrator, Division of State Parks, SDCNR, encouraging him to explore strategies to enhance recreational access at the Lower Pitt-Taylor Reservoir, which is adjacent to Rye Patch Reservoir in northern Pershing County.
21. The Statewide Biomass Coordinating Group, key elected officials, including Nevada's Governor, Nevada's Congressional Delegation, Nevada's Energy Office, and the Nevada Renewable Energy and Energy Conservation Task Force, and include a statement in the final report supporting the efforts of the Statewide Biomass Coordinating Group and encouraging continued and increased funding for the "Fuels for Schools" program administered by Nevada's Division of Forestry (NDF).
22. The USFWS concerning the endangered Gray Wolf. Include in the letter a request to the USFWS to delist the Gray Wolf in the State of Nevada (as was previously requested by Nevada's Department of Wildlife (NDOW), as this species has not been sighted in Nevada for the past 75 years. Include a statement in the letter expressing the Committee's concern that the listing of the Gray Wolf could have a detrimental impact on ranching and farming operations (particularly in northeastern Nevada), and express the Committee's concern over any efforts to "reintroduce" the Gray Wolf in the State of Nevada.
23. The Chairmen of the Senate Committee on Finance and the Assembly Committee on Ways and Means expressing support for NDOW's budget request for the funding of state wildlife conservation plans. This would help support the Department's proactive approach in this area. According to testimony received at the Committee's meeting in Battle Mountain, during the "planning stage" of the state wildlife conservation plan program, there is a 75 percent/25 percent federal-state match (25 percent from the State) and, during the implementation phase, there is a 50 percent state match portion. In the past, the total State funds provided through General Fund appropriation were \$600,000. This, in turn, allows for a total federal contribution of over \$1 million. According to testimony, such state wildlife conservation plans will help prevent endangered species listings in Nevada.
24. The Office of the Governor and the Director of NDOW expressing support for NDOW's Landowner Incentive Program and encouraging the use of State funds (along with committed federal dollars) to ensure the continued existence and operation of the program.

25. The U.S. Environmental Protection Agency (EPA) explaining the importance and quality of Nevada's mining regulations and assuring the EPA that the regulations have been carefully crafted and proven to work well for the entire mining industry in Nevada.
26. The Director of the BLM, expressing the Committee's concerns about the BLM's 2005 filing with the State Engineer for water rights for the stated purpose of accommodating wildlife watering and wildlife habitat. Request in the letter that the BLM explain its policies with regard to water rights filings, particularly as they relate to the filings made by the Battle Mountain Field Office of the BLM for wildlife purposes.
27. Nevada's Congressional Delegation, the Office of the Governor, and the Director of the BLM, expressing the Committee's concern regarding the renewal of grazing permits. Some testimony during the legislative interim suggested that a National Environmental Policy Act (NEPA) review must be conducted by the BLM on all grazing permit renewal applications. Other concerns were raised about the increased backlog of grazing permit renewals due to such NEPA reviews, despite the fact that a "permit renewal rider" (Public Law 108-108) allows the BLM to automatically process grazing permit applications without a NEPA review if such requests do not result in a significant impact on the ground or represent any major changes to the existing grazing permit. The letter shall request that the BLM provide a written overview to the Committee of its NEPA review policies relating to grazing permit renewals. Furthermore, the letter shall encourage Nevada's Congressional Delegation to examine the permit renewal rider and take action to "renew" the rider beyond its scheduled 2008 expiration.
28. The Secretary of the USDA and the Chief of the USFS expressing the Committee's appreciation of the USFS' efforts and support of the Committee during the 2005-2006 legislative interim. Include in the letter a statement concerning the USFS' consistent willingness to appear before the Committee and provide useful and helpful information to assist the Committee in its duties.
29. Dirk Kempthorne, Secretary, DOI, and the Director of the BLM expressing the Committee's appreciation of the BLM's efforts and support of the Committee during the 2005-2006 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.
30. The Office of the Governor and the Chairmen of the Senate Committee on Finance and Assembly Committee on Ways and Means expressing support for the creation of a Natural Resource GIS Coordinator with clearly defined authority for State government coordination of geospatial information technologies and data production, as well as creation of a State GIS Advisory Council.

31. The Secretary of the DOI and the Director of the BLM encouraging the BLM to restructure its district boundaries in Nevada in a manner that makes more jurisdictional sense for Nevada's counties. Include in the letter language highlighting the fact that Nye County encompasses multiple BLM field districts and such jurisdictional patterns make it very difficult for many counties in Nevada to establish and maintain consistent relationships with the BLM.

The members of Nevada's Legislative Committee on Public Lands voted to send the following letters concerning SNPLMA and other county lands bills to:

32. Nevada's Congressional Delegation urging them to retain in the introduced version of the White Pine County Conservation, Recreation, and Development Act (WPCCRDA) of 2006 provisions concerning land auctions and sales for the purposes of affordable housing. Include in the letter requests to amend the measure (and to set forth an amendment to the Southern Nevada Public Land Management Act of 1998 [SNPLMA]) to provide for the use and eligibility of money for: (a) rangeland restoration throughout Nevada; (b) fuels reduction; (c) state facilities (particularly parks and natural resource-related facilities); and (d) services provided by the state land use planning agency (Division of State Lands) to those counties (as required by law) that do not have natural resource planning staff and have acquired land under one of the several county land bills. Stipulate in the letter that the State of Nevada has a growing interest in becoming eligible for the same type of funding through the SNPLMA and other lands bills as local governments and federal agencies are for the State's infrastructure improvements on park lands and on wildlife refuges.
33. Nevada's Congressional Delegation, the DOI, and the BLM encouraging the use of SNPLMA and other county land bill funds to hire additional BLM staff to process conservation easement requests and land purchases made pursuant to those lands-related bills.
34. The DOI 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. Include in the letter a recommendation calling for the allocation of funds generated through land sales under the SNPLMA and other county lands bills to cover the costs of these environmental studies and assessments. 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.

The members of Nevada's Legislative Committee on Public Lands voted to send the following letters concerning noxious weeds and invasive species to:

35. The partners in the "tri-county" weed group in eastern Nevada, the Director of the UNR Cooperative Extension, the Office of the Governor, and Bob Wilson,

Extension Educator, Ely Cooperative Extension Office, praising the “tri-county” model for its noxious weed abatement and control efforts and encouraging the expansion of the “tri-county” weed group model to other areas of the State of Nevada.

36. The Chairman and members of the Interim Finance Committee expressing support for a proposal considered during the September 12, 2006, meeting of the IFC to establish a GIS Specialist within the Nevada Natural Heritage Program (NNHP). This Specialist, in addition to providing mapping services to NNHP, would also provide mapping services (likely through an interagency agreement) to the SDA for weed mapping projects.
37. All the CWMAs, county weed districts, and other weed control groups encouraging the use of conservation crews and other volunteer groups for weed control. Conservation crews and other groups such as Boy and Girl Scout troops and volunteer fire departments offer a consistent and inexpensive source of labor for weed eradication activities. Stipulate in the letter that adequate training should be provided to all volunteers to ensure proper and safe weed abatement techniques (including correct chemical application procedures).
38. The Chairmen of each state grazing board created pursuant to Chapter 568, “Grazing and Ranging,” of the *Nevada Revised Statutes* (NRS) encouraging those boards to use, within each respective grazing district, available funds (i.e., remaining dollars within the current budget of the board or through each board’s respective range improvement fund) for efforts to control and eradicate noxious weeds. In addition, encourage the Chairmen of each state grazing board to ensure that any such efforts to eradicate noxious weeds within the grazing district are conducted in a manner that is beneficial to the stock raising and ranching industries for purposes of NRS 568.120.

RECOMMENDATIONS FOR COMMITTEE ACTION:
COMMITTEE RESOLUTIONS

The members of Nevada’s Legislative Committee on Public Lands voted to draft the following Committee resolutions:

39. Draft a Committee resolution urging the U.S. Congress to amend the Endangered Species Act of 1973 (ESA) to: (a) reduce the impact of species listings on private property owners and require collaboration and facilitation with state and local governments and private property owners prior to the final listing of a species; (b) establish incentives for voluntary conservation and species recovery efforts; (c) provide reimbursement to livestock owners for any loss of livestock resulting from the reintroduction of endangered or threatened species into the wild; (d) strengthen the species listing process by requiring the use of sound and verifiable science when determining the listing of any animal or plant species; and (e) reduce or eliminate the impacts of incidental takings that often occur following a species listing.

40. Draft a Committee resolution expressing the Committee's desire for all parties directly involved in Walker Lake and Walker River issues to work together to find solutions to address the declining water levels at Walker Lake. Encourage these organizations and individuals to be creative in this endeavor and seek support from Congressional leaders, federal, state and local governments, sportsmen's groups, and landowners in the Walker River Basin. Include a statement in the resolution emphasizing the recreational and historic value of Walker Lake.

**REPORT TO THE 74th SESSION OF THE NEVADA STATE 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 State Legislature whose authorization and duties are set forth in Chapter 218 of 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 NRS 218.5368 the Legislative Committee on Public Lands must also review the programs and activities of the Colorado River Commission (CRC) 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. During the 2005 Legislative Session, the Nevada Legislature approved Senate Concurrent Resolution No. 26 (File No. 100, *Statutes of Nevada*), which authorized an interim study for the 2005-2006 legislative interim focused exclusively on water issues. Additional details regarding these water reviews are included in Section V of this report.

As usual, attendance at the Committee hearings was high with 30 to 60 people typically attending. 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 2007 Nevada Legislature. The subjects of these BDRs concern: (1) the utilization of biomass for energy in Nevada; (2) the creation of a GIS coordinator for Nevada's natural resource agencies; (3) ongoing legal challenges concerning grazing permits and regulations; (4) rural land use planning; (5) control of noxious weeds and funding for CWMA's and other weed-related programs; (6) the use of proceeds from the GST for weed control efforts in Nevada; (7) the registration, titling, and administration of off-highway vehicles; (8) the establishment of a State park at Monte Cristo's Castle; and (9) increased funding to the State of Nevada for wildfire suppression efforts and range rehabilitation for those areas already impacted by fire.

Additionally, the Committee voted to send over two dozen 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.

This document is a report of the Committee's activities during the 2005-2006 legislative interim period. It reviews public lands legislation passed during the 2005 Legislative Session and summarizes the topics considered and acted upon by the Committee during the 2005-2006 legislative interim. Also included in the report is a summary of the reviews required under NRS 218.5368 that were not considered by the S.C.R. 26 Water Resources Committee. All places named in this report are located in the State of Nevada unless otherwise noted.

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 Terry Care
Senator Mike McGinness
Assemblyman Jerry D. Claborn
Assemblywoman Genie Ohrenschall
Tom Fransway, Humboldt County Commissioner¹

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

Senator Mark E. Amodei
Senator John J. Lee
Senator Randolph Townsend
Assemblyman John C. Carpenter
Assemblyman Pete Goicoechea
Assemblywoman Marilyn Kirkpatrick
Assemblyman John Ocegüera
Tom Collins, Clark County Commissioner

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

¹ Pursuant to NRS 218.5363, the Legislative Commission must appoint "one elected officer representing the governing body of a local political subdivision to the Legislative Committee on Public Lands."

J. Randall Stephenson, Principal Deputy Legislative Counsel, Legal Division
Gayle Nadeau, Principal Research Secretary, Research Division

B. HEARINGS AND RECOMMENDATIONS

The Legislative Committee on Public Lands held a total of eight regular meetings throughout the State and attended two in-state informational tours. The Committee visited the facilities at Naval Air Station Fallon and also participated in a tour in eastern Nevada highlighting the partnership and landowner assistance programs of the USFWS and NDOW. In addition, the Committee 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 27, 28, and 29 of 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/73rd/Interim/StatCom/Lands/>.

II. PUBLIC LANDS LEGISLATION OF THE 73rd SESSION OF THE NEVADA STATE LEGISLATURE

Numerous bills regarding public lands topics were considered during the 2005 Session of the Nevada Legislature. This section of the report summarizes some of the public lands bills and resolutions that were considered in 2005.

A. LEGISLATIVE COMMITTEE ON PUBLIC LANDS RECOMMENDATIONS

Following the 2003-2004 legislative interim, Nevada's Legislative Committee on Public Lands made nine recommendations to the 2005 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*]). Issues addressed in these legislative proposals included: (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 State Department of Agriculture; (9) wilderness and wilderness study areas (WSAs); and (10) an interim study regarding groundwater management. Detailed discussions of these recommendations may be found in the Committee's final report to the 2005 Nevada Legislature, published as

Legislative Counsel Bureau Bulletin No. 05-16, “Legislative Committee on Public Lands,” on file in the LCB’s Research Library.

Seven of the Committee’s nine recommendations for legislation made to the 2005 Nevada Legislature, in addition to the recommendation submitted by the Subcommittee to Study Wilderness Areas and Wilderness Study Areas, were ultimately approved. Following are summaries of these approved measures:

- Senate Bill 35 (Chapter 146, *Statutes of Nevada 2005*) redesignates the tax on certain inter-county or inter-state transfers of water as a fee. The bill also increases the fee from \$6 to \$10 per acre-foot imposed on the transfer of water to another county in Nevada or to another state where the water is put to beneficial use. Nevada law provides that the State Engineer must approve the fee and determine the amount of water transferred and whether it is put to beneficial use. The fee may be applied only to water that is beneficially used in the county or state of destination; the fee may not be applied to water that is first put to beneficial use in the county of origin. The revenue generated is deposited in a trust fund for the county and used for the purposes of economic development, health care, and education.

Proponents of the measure explained that the increase from \$6 to \$10 per acre-foot is roughly tied to the Consumer Price Index and provides rural counties with some negotiating capability. According to testimony, the redesignation of the tax as a fee better reflects its purpose and application and also avoids the potential argument by a county that it is exempt from the payment of any taxes.

- Senate Bill 70 (Chapter 305, *Statutes of Nevada 2005*) authorizes the Legislative Committee on Public Lands to review and comment on any matter relating to the preservation, conservation, use, management, or disposal of public lands that the Committee’s chairperson or a majority of its members deem appropriate.
- Senate Bill 81 (Chapter 174, *Statutes of Nevada 2005*) authorizes the Office of Historic Preservation to enter into an agreement with State agencies or political subdivisions regarding land those agencies plan to acquire from the federal government. This agreement must:
 1. Ensure protection for any prehistoric or historic sites at a level equivalent to the protection that would have been provided if the land had remained under federal ownership;
 2. Require the managing agency to consult with the Historic Preservation Office if proposing a land use change or a new project on the land; and
 3. Require the managing agency to pay any expenses associated with implementing the agreement.

The measure further requires the agency or political subdivision to submit information related to the agreement to the Office. The bill also makes it a crime for a person knowingly and willfully to engage in such conduct with respect to a historic or prehistoric site on State land. It also makes it a crime to receive, traffic in, or sell cultural property appropriated from State land. A person who engages in such conduct is guilty of a misdemeanor for a first offense, punishable by a fine or \$500, and is guilty of a gross misdemeanor for a second or subsequent offense, punishable by imprisonment for up to a year, or a fine of not more than \$3,000, or both a fine and imprisonment. The person is also liable for the payment of civil damages to the State agency or political subdivision that has jurisdiction over the State land. A person or entity who is following an agreement made with the Office of Historic Preservation or who is acting in accordance with a permit is not subject to the criminal penalties.

- Senate Bill 293 (Chapter 260, *Statutes of Nevada 2005*) provides that a portion of the money collected by the State Department of Agriculture for the registration of certain brands of pesticides may be used for the eradication and control of noxious weeds. Additionally, this measure expands the number of members that may serve on the board of directors of a weed district from three members to three or five members.
- Senate Bill 400 (Chapter 441, *Statutes of Nevada 2005*) requires Nevada's Department of Taxation to adopt regulations governing the authorization of an OHV dealer to issue a Certificate of Operation for an OHV in the form of a sticker to be placed upon the vehicle. An authorized dealer must issue the sticker upon the sale of a vehicle, or upon the request of the owner of a vehicle that was purchased prior to this bill taking effect. A dealer must also issue a sticker for a vehicle purchased outside this State after January 1, 2006, if the owner proves he has paid Nevada sales tax on the vehicle, or if he pays the tax when requesting a Certificate of Operation. A dealer is not entitled to any compensation for providing this service, nor may a dealer charge a fee for a Certificate of Operation.

The measure provides that no OHV may be operated on a highway in Nevada unless the vehicle carries a Certificate of Operation sticker and is equipped with certain safety equipment.

A county or city may designate certain portions of a highway within the county or city as permissible for the operation of OHVs for the purpose of allowing OHVs to reach a private or public area that is open for use by OHVs. With the approval of Nevada's Department of Transportation, a county or city also may designate portions of a State highway for OHV use in order to provide access to land open to these vehicles. A person may not operate an OHV in a city whose population is 100,000 or more unless the highway is specifically designated by the city for such use. No governmental entity may designate any portion of an interstate highway for OHV use. A local government that designates a portion of highway for OHV use may adopt an ordinance requiring that any person under the age of 16 who operates such a vehicle on a highway

must be under the direct visual supervision of a person who is at least 18 years of age. The driver of an OHV may operate such a vehicle on a highway for up to two miles or, in order to cross the highway, to load or unload the vehicle for transport, and during an emergency if directed to do so by a peace officer.

Finally, the measure exempts from these provisions an OHV that is owned by a federal, state, or local government entity; is engaged in work for or at the direction of a public utility; is part of an OHV dealer's inventory; is registered in another state; or is used solely in relation to husbandry.

- Senate Concurrent Resolution No. 15 (File No. 48, *Statutes of Nevada 2005*) expresses the Legislature's gratitude and recognition of the many groups, organizations, policymakers, and stakeholders involved in preventing the sage grouse from being listed as a threatened or endangered species by the USFWS. The resolution also commends and encourages the continuation of efforts to restore sage grouse populations and habitat.

According to testimony, listing the Greater Sage Grouse as a threatened or endangered species under the ESA would have had a significant impact on the State, affecting land development and use, water use, and recreational activities. Due to a collaborative effort among federal, state, local, and private groups, earlier this year the USFWS announced that the sage grouse would not be placed on the endangered species list.

- Senate Joint Resolution No. 1 (File No. 58, *Statutes of Nevada 2005*) urges Congress to work with all interested Nevadans, land managers, affected parties, local governments, special interest groups, and members of the public in addressing issues concerning the designation of wilderness areas in Nevada. Specifically, the resolution requests that Congress continue the policy of releasing or disposing of federal lands that are no longer suitable for wilderness designation and doing so in a timely manner, as well as considering military operations in determining whether to designate land as a wilderness area.

The National Wilderness Preservation System consists of areas of federal public lands that are designated by Congress as wilderness areas. Lands under consideration as potential wilderness areas are referred to as WSAs and must be managed as wilderness areas until they are officially designated or released from further consideration by Congress.

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 2005 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 289 (Chapter 401, *Statutes of Nevada 2005*) requires the Administrator of the Office of Historic Preservation to establish a stewardship program to protect cultural resources on public land in Nevada.
- Senate Bill 294 (Chapter 60, *Statutes of Nevada 2005*) expands the duties of the State Conservation Commission to include the authority to apply for available grants and revises the Commission's ability to provide grants to qualified conservation districts throughout Nevada.

2. Agriculture and Ranching

- Assembly Bill 181 (Chapter 140, *Statutes of Nevada 2005*) removes the requirement that a cash buyer or the agent of a cash buyer of farm products or livestock obtain a license from the SDA.
- Assembly Bill 407 (Chapter 339, *Statutes of Nevada 2005*) provides that if a governmental agency seizes any animals subject to a brand inspection, the SDA shall not issue a brand inspection clearance certificate to transfer, sell, or transport the animals unless the governmental agency obtains approval for the seizure from a court of competent jurisdiction before the animals are seized. This measure further provides certain exemptions for animals that must be seized to protect public health and safety or to prevent cruelty to animals.

3. Air Quality

- Senate Bill 26 (Chapter 240, *Statutes of Nevada 2005*) revises provisions governing the distribution of money in the Pollution Control Account.

4. Environmental Matters Generally

- Assembly Bill 220 (Chapter 144, *Statutes of Nevada 2005*) clarifies that alternative fuels must comply only with any applicable regulations adopted by the EPA pursuant to the standards established in the federal Clean Air Act Amendments of 1990. The measure also expands the types of finished diesel fuels that qualify as alternative fuels.
- Senate Bill 16 (Chapter 105, *Statutes of Nevada 2005*) allows Nevada's Division of Environmental Protection (NDEP), SDCNR, to spend up to \$250,000 per year from the Fund for Cleaning Up Discharges of Petroleum to pay costs incurred by the Division

for cleaning up discharges of petroleum from storage tanks and mobile tanks used to transport petroleum on roads and highways.

- Senate Bill 73 (Chapter 25, *Statutes of Nevada 2005*) establishes a maximum reporting fee of \$15,000 per year for any person who is required by federal law to submit a toxic chemical release form. The bill also requires the State Emergency Response Commission to establish a method for limiting the total amount of fees a person can be required to pay if they are subject to both the annual fee for storing an extremely hazardous material and the fee for toxic chemical release reporting.
- Senate Bill 263 (Chapter 363, *Statutes of Nevada 2005*) adopts the Uniform Environmental Covenants Act in Nevada with regard to contaminated property. It provides for a perpetual real estate interest, known as an environmental covenant, to regulate the use of contaminated land when ownership is transferred.
- Senate Bill 396 (Chapter 387, *Statutes of Nevada 2005*) revises provisions for sanitation and recycling programs and grants, as administered through the SDCNR and NDEP.

5. Water

- Assembly Bill 20 (Chapter 71, *Statutes of Nevada 2005*) increases, from \$90 million to \$125 million, the dollar cap on the amount of general obligation bonds that may be issued by the State Board of Finance for the Fund for Grants for Water Conservation and Capital Improvements to Certain Water Systems.
- Assembly Bill 49 (Chapter 55, *Statutes of Nevada 2005*) authorizes the Director of the Department of Administration to issue revenue or general obligation bonds to finance capital costs of improving and modernizing the Marlette Lake Water System.
- Assembly Bill 80 (Chapter 130, *Statutes of Nevada 2005*) requires the State Engineer to adopt regulations for the abandonment of wells that allows for a waiver of the regulation that otherwise requires the well to be plugged. The measure also requires the State Engineer to adopt regulations for continuing education requirements for well drillers.
- Assembly Bill 323 (Chapter 185, *Statutes of Nevada 2005*) requires the Bureau of Consumer Protection in the Office of the Attorney General to conduct an audit and investigation of the rate-setting practices of the Truckee Meadows Water Authority.
- Senate Bill 18 (Chapter 273, *Statutes of Nevada 2005*) revises provisions concerning grants administered by the State of Nevada for capital improvements to certain water projects and water systems. The measure expands the list of projects eligible for grant awards to include the connection of a well to a municipal water system, if the well water quality fails to comply with the standards of the federal Safe Drinking Water Act.

- Senate Bill 62 (Chapter 493, *Statutes of Nevada 2005*) concerns the appropriation of water rights when water rights are conveyed and a conflict in the chain of title exists. The bill clarifies that confirmation of a report of conveyance is not a determination of ownership and only a court of competent jurisdiction may adjudicate conflicting claims to water rights. The bill also requires the State Engineer to approve or reject, within six months after the final date for filing a protest, an application to change a point of diversion to a location on the same parcel or to a contiguous parcel owned by the applicant.

Senate Bill 62 also creates a fund in the State Treasury designated as the Water Rights Technical Support Fund to be administered by the Board for Financing Water Projects. The Fund may be used to make grants to local governments for the purposes of obtaining expert and technical assistance or funding projects to enhance or protect existing water rights. Finally, S.B. 62 creates the Water Planning Section within the Division of Water Resources, SDCNR.

- Senate Bill 136 (Chapter 107, *Statutes of Nevada 2005*) revises the Interstate Compact for Jurisdiction on the Colorado River to provide law enforcement officers concurrent jurisdiction within five air miles of the Colorado River or any lake formed by the Colorado River. The measure also provides that any claim brought against a present or former officer or employee based on any alleged act or omission under the authority of the Compact is subject to the conditions and limitations on civil actions established by the party state of that officer or employee.
- Senate Bill 395 (Chapter 171, *Statutes of Nevada 2005*) transfers full responsibility for the Safe Drinking Water Program from the Health Division within the Department of Health and Human Services, to NDEP within the SDCNR.

6. Wildlife

- Assembly Bill 15 (Chapter 183, *Statutes of Nevada 2005*) authorizes NDOW to annually expend 75 percent of the money deposited in the Wildlife Heritage Trust Account during the previous year and the total interest earned on the Account during the previous year. Additionally, this measure expands the types of programs that may be funded from the Account to include programs for the management and control of predatory wildlife.
- Assembly Bill 159 (Chapter 131, *Statutes of Nevada 2005*) expands the number of members that may be appointed to the county advisory board to manage wildlife in large counties. In a county with a population over 400,000 (Clark County), the Board of County Commissioners may appoint five or seven members to the county advisory board to manage wildlife.

- Assembly Bill 379 (Chapter 189 *Statutes of Nevada 2005*) authorizes a person to act on behalf of another to obtain a license, tag, or permit from NDOW if acting pursuant to a power of attorney that: (1) is written for the specific purpose of obtaining a license, tag, or permit; (2) is written for a specific season; and (3) includes a jurat or other certification.
- Senate Bill 192 (Chapter 74 *Statutes of Nevada 2005*) prohibits the importation to Nevada of Rocky Mountain elk, mule deer, white-tailed deer, and other animals susceptible to chronic wasting disease.
- Senate Bill 397 (Chapter 349 *Statutes of Nevada 2005*) authorizes NDOW to take any wildlife from any place, including private property with consent of the owner, for conservation purposes or to collect biological samples. The bill also allows for seizure of certain property if information obtained from aerial sources is used to unlawfully kill big game mammals. Finally, the measure also revises the provisions governing the licensure of master guides and sub guides. Specifically, the bill exempts certain sub guides from certain licensing requirements and requires the use of a special use permit to operate as a master guide in certain areas.

III. SUMMARY OF 2005-2006 LEGISLATIVE INTERIM ACTIVITIES

Nevada's Legislative Committee on Public Lands maintained an active schedule during the 2005-2006 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/73rd/Interim/StatCom/Lands/>.

A. MEETINGS AND FIELD EXCURSIONS

The Legislative Committee on Public Lands met eight times throughout Nevada and participated in two field excursions, which included a tour of the facilities at Naval Air Station Fallon and tour in eastern Nevada highlighting the partnership programs and landowner assistance programs of the USFWS and NDOW. In addition to meetings in the populous areas of southern and northwestern Nevada, the Committee also held meetings in many rural areas where public lands issues are in the forefront. In fact, during the 2005-2006 interim period, seven of the eight meetings held in Nevada were held in rural communities. 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.

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

1. Elko Meeting (October 5, 2005)

The Committee's first meeting was held in Elko on October 5, 2006. 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 2005 Legislative Session, as well as pending federal legislation. The Committee then heard a comprehensive overview of public lands and natural resource issues in Elko County and northeast Nevada, which included updates from the BLM, the USFS, and Elko County representatives. Topics addressed during this segment of the meeting included: (1) Elko County's positive relationship with the BLM; (2) Jarbidge River issues; (3) mining and minerals exploration; (4) fire suppression activities and rangeland rehabilitation in northeast Nevada; (5) the management and eradication of noxious weeds; (6) recreation issues; and (7) wildlife management.

The Committee also engaged in the first of many discussions throughout the interim regarding OHV usage on public lands and the possibility of requiring OHV registration in Nevada. This initial discussion involved the summary of S.B. 400 of the 2005 Legislative Session and its implementation, a review of the travel management policies and plans of the BLM and USFS, and the impact current regulations and laws have on OHV dealers throughout Nevada.

An overview and slide presentation of the Ruby Lake National Wildlife Refuge was also provided to the Committee. The refuge, which was established in 1938 by a Presidential Executive Order serves as a breeding ground for migratory birds and other wildlife. Refuge Manager Marti Collins focused on the refuge's management program, and noted that the refuge allows public uses such as fishing, water fowl hunting, wildlife observation, and wildlife photography

Presentations from NDOW and the USFWS provided the Committee with insight on recent developments concerning endangered species. During past several years, the United States Congress has considered proposals to amend the ESA in an effort to reform the Act and modernize certain practices. Both NDOW and USFWS representatives offered their perspectives on possible ESA reform, supplied updates on specific petitions for species listings, and gave status reports on other species already listed as threatened or endangered.

The Committee also heard an update on the activities and programs of the Northeastern Nevada Stewardship Group, which is in its sixth year working as a collaborative group on public land and natural resource issues in Elko County and northeastern Nevada. The “Recreation Pod” of the NNSG is interested in recreational opportunities for all user groups and has focused on trail systems in northeastern Nevada by developing a framework that would encourage public involvement for planning trail systems and responsibly enhancing outdoor recreational experiences.

Finally, the Committee received a report on the Shoesole Collaborative Management Team, a subgroup of the NNSG interested in land management, which consists of: Nevada ranches; the BLM; NDOW; USFS; USFWS; the UNR Cooperative Extension; the Natural Resources Conservation Service (NRCS); NNSG; and local citizens representing the general public and the environmental community.

2. Carson City Meeting (November 15, 2005)

The Committee’s second meeting was held in Carson City and began with the introduction of the new Nevada State Director of the BLM, Ron Wenker. Mr. Wenker provided a brief introduction about his career with the BLM followed by an overview of the BLM’s activities in Nevada and the agency’s national priorities. On the national agenda, he addressed the following: (1) the domestic energy supply; (2) improving dispersed recreational opportunities; (3) managing rangelands and forests to achieve healthy and productive watersheds; and (4) protecting and preserving heritage resources. The Nevada-specific priorities he addressed dealt with rights-of-way to transport water across public lands in Nevada. Other issues Mr. Wenker discussed included: (1) appropriate management levels (AMLs) for and adoption of wild horses; (2) sage grouse conservation; (3) fire suppression; (4) disposal of public lands; and (5) fee increases at the Sand Mountain Recreation Area.

During the update on public lands and natural resource issues in western Nevada, Carson City representatives addressed the status of the City’s comprehensive master plan update. City staff reported on its work with U.S. Senator John Ensign to develop a federal lands bill where Carson City would manage some of the BLM and USFS lands surrounding and interspersed within Carson City and maintain the existing public purposes for most of this land for such uses as transportation, parks and recreation, trails, and open space. The Committee also received an update on restoration efforts following the July 2004 Waterfall Fire in Carson City. City representatives acknowledged the efforts of the UNR Cooperative Extension for its efforts to assist with the rehabilitation of the land impacted by the fire, and the Committee voted to send a letter to the Cooperative Extension thanking them for their efforts. A discussion of this Committee letter appears in Section VI of this report.

Also during this segment of the meeting, representatives from Washoe County identified three key land-related issues: (1) partnerships with other government entities and the general public; (2) options to leverage county funds; and (3) economic and quality-of-life benefits to the community through the proper management of current and future lands that are obtained

for public or private ownership. Like Carson City, Washoe County is working to develop a proposal for a federal land disposal bill.

The Committee also heard from representatives of Douglas County, 67 percent of which is managed by the Bureau of Indian Affairs, BLM, and USFS. Issues discussed included: (1) access to public lands; (2) trail access efforts; (3) recreational programming and law enforcement; (4) the Southern Nevada Public Land Management Act; (5) fire protection; (6) fuels management; (7) the North County BLM land sale; (8) the status of their land bill; (9) wild and scenic designation of the Carson River; (10) the Pine Nut Resource Management Plan amendment; and (11) OHV use. It was reported that Douglas County has a strong cooperative working relationship with the BLM and USFS relating to natural resources issues. County representatives, however, did express some frustration regarding the lengthy process to complete BLM land sales for land acquisitions and conservation easements.

At this meeting, the BLM provided an update on its planning efforts and activities in western Nevada, including: (1) the Sand Mountain Recreation Management Area; (2) the North Douglas II land sale; (3) fire and emergency operations; (4) wild horse gathers; (5) the Pine Nut Resource Management Plan amendment; (6) the North Valleys Rights-of-Way Projects Environmental Impact Statement (EIS) (dealing with water supply and transmission rights-of-way applications); (7) the Carson City Field Office Energy Plan amendment and EIS; (8) the Denton-Rawhide Mine Plan amendment and sale; and (9) the Yerington Mine.

The USFS also reported on the following activities for the Carson and Bridgeport Ranger Districts: (1) high priority issues for the Districts; (2) management actions and accomplishments during 2005; (3) the Districts' plans for 2006; (4) domestic sheep grazing in the Sierra Nevada Bighorn Sheep habitat; (5) the Rosachi Ranch restoration; (6) mining operations; (7) vegetation management; (8) private land access; and (9) the Great Basin South Grazing EIS.

During the meeting in Carson City, the Committee continued its deliberations regarding OHV usage on public lands and possible OHV legislation for consideration by the 2007 Legislative Session. The Committee heard an overview of this issue from the "user group" perspective. Specifically, Gary Clinard, President, Dunes and Trails ATV Club, Las Vegas, provided extensive testimony on the OHV issue and acknowledged that S.B. 400 of the 2005 Legislative Session is an important first step in regulating Nevada's OHV activity. He noted, however, that new legislation proposed by user groups drastically modifies this measure to include requiring the registration of OHVs and establishing an OHV Commission that would consist of qualified volunteer OHV users to oversee appropriate management of the sport, the development of trailheads, the designation of routes, and education about proper and environmentally-responsible usage.

Also discussed was the continued implementation of S.B. 400 by Nevada's Department of Taxation. The measure requires the Department to oversee the issuance of certificate of operation stickers to authorized dealers statewide for the purpose of verifying whether or not Nevada sales tax was paid on all OHV purchases. Representatives from Nevada's Department

of Motor Vehicles also testified at the meeting in Carson City and clarified their decision to cease issuing titles for OHVs, noting that Article 9, Section 5, of the *Nevada Constitution* and Chapter 408, “Highways, Roads and Transportation Facilities,” of the NRS specifically requires that all funds from the State Highway Fund be used exclusively for the construction, maintenance, and administration of Nevada’s highways. They testified that OHVs are dedicated for off-highway use and therefore should not be under the umbrella of the Department.

The Committee heard an interagency report from the BLM, USFS, and Nevada’s Division of Forestry, SDCNR, concerning the 2005 fire season. They emphasized the strong interagency support and cooperation that exists between various firefighting agencies and provided the following statistics on the 2005 fire season:

2005 Fire Season Statistics	Number of Fires	Number of Human-Caused	Number of Lighting-Caused	Total Acres Burned
BLM Jurisdiction Lands	513	141 (16,811 acres)	373 (866,461 acres)	883,272
USFS Jurisdiction Lands	115	33 (9,363 acres)	82 (8,707 acres)	18,070
NDF Jurisdiction Lands	77	36 (13,897 acres)	40 (78,263 acres)	92,160
TOTAL:	705	210 (40,071 acres)	495 (953,431 acres)	993,502

Representatives from the Nevada Fire Safe Council (NFSC) also gave an update on the mission of the Council, its use of grant funds recently authorized by the Nevada Legislature, and the expansion of fire safe “chapters” into at-risk communities. Chairman Rhoads also received a lifetime membership in the NFSC on behalf of the Council’s Board of Directors and members for his efforts in assisting the NFSC secure funds through Senate Bill 1 (Chapter 7, *Statutes of Nevada 2005, 22nd Special Session*).

The Carson City meeting also included an update regarding the use of “Question 1” bond program revenues as well as an overview of the programs and activities of the Division of State Lands, SDCNR. Finally, the Committee heard a brief overview of “R.S. 2477,” a recent road-related rights-of-way federal ruling in the Tenth Circuit Court of Appeals.

3. Pahrump Meeting (December 14, 2005)

The third meeting of Nevada’s Legislative Committee on Public Lands was held at the Pahrump Community Library on December 14, 2005. The meeting began with an introduction to Pahrump and a review of public lands issues in the Pahrump area by Dave Richards, Town Manager. Gary Hollis, Nye County Commissioner, also provided an overview of key natural resource issues and challenges addressed at the county level. Some of these challenges included: (1) flood control; (2) rights-of-way issues with the BLM and working through various projects with this agency in a timely manner; (3) landfills; (4) endangered species concerns and the impact of the ESA; (5) acquiring public lands for multiple uses; and (6) an unfunded mandate to reduce dust in the County. Mr. Hollis requested support from the Legislative Committee on Public Lands toward Nye County’s efforts of having the County

(and possibly to include Esmeralda County) in one BLM district. Finally, the BLM and the USFS also discussed their activities and planning efforts in Nye County and other portions of southern Nevada. Topics included: (1) working with proponents on the development of a Nye County “lands bill;” (2) land sales near Beatty; (3) construction of a cellular phone tower on public lands in southern Nye County; (4) work on community assistance grants for fuels reduction; (5) streamlining rights-of-way for flood control near Pahrump; (6) evaluating the use of and allocating funds from SNPLMA; (7) noxious weeds; (8) minerals exploration; and (9) travel management.

Next, the Committee received an update from the U.S. Department of Energy (DOE) representatives on the Nevada Rail Alignment EIS (Caliente Railroad Corridor) issued by the DOE. Nevada’s Agency for Nuclear Projects also commented on the EIS. The Committee has monitored and commented on this proposed rail alignment since it was first proposed in 2004. This was followed by a discussion on the utilization of grant funds for biomass projects in Nevada, a review of biomass programs and opportunities on public lands in the State, and an update on Nevada’s Fuels for Schools program. The Fuels for Schools program utilizes biomass (primarily piñon-juniper chips) to provide energy to certain rural schools in Nevada.

The Committee also heard an overview from Committee staff regarding S.B. 400 of the 2005 Legislative Session and discussed previous legislative efforts to regulate OHVs in Nevada. Finally, the Committee discussed possible reformation of the ESA and voted to draft a resolution for the Chairman’s signature expressing support for H.R. 3824 (regarding ESA reform) and to refer the resolution to several entities and organizations for possible reciprocation and support. Further discussion of this Committee resolution appears in Section VI of this report.

4. Fallon Meeting (January 27, 2006)

The fourth meeting of Nevada’s Legislative Committee on Public Lands was held at the Churchill County Commission Chambers in Fallon on Friday, January 27, 2006. The Committee heard numerous reports and engaged in discussions regarding a host of natural resource and public land-related topics.

First, the Committee heard from Churchill County Manager Brad Goetsch, who provided an update on the County’s involvement in public lands, development, and water issues. The Committee then heard an extensive, multi-agency presentation concerning noxious weeds and weed abatement efforts in Nevada. Specifically, the Committee received the following updates:

- From Dawn Rafferty, Noxious Weed Program Coordinator and Tina Mudd, Weed-Free Forage Program Coordinator, SDA, an overview and status report of Nevada’s noxious weed program;
- A review of BLM Programs and Activities Pertaining to Noxious Weeds from Ted Angle, Weed Program Lead, BLM;

- From Brett Glover, Program Manager, Noxious Weed Program, USFS, and Marnie Bonesteel, Resource Staff Officer, Santa Rosa Ranger District, USFS, a report on the USFS' role in and support of noxious weed abatement and control in the Humboldt-Toiyabe National Forest; and
- An overview of noxious weed control efforts and outreach by the UNR Cooperative Extension from Robert Wilson, Extension Educator.

In addition, the Committee received an update and review of the programs and activities of the Division of State Parks by David K. Morrow, Administrator of the Division. Mr. Morrow's presentation included: (1) a brief history of Nevada state parks; (2) statistical information about Nevada's four park regions and the parks within those regions; (3) an overview of the amount of land the Division manages; (4) the status of the Floyd Lamb State Park transfer agreement to the City of Las Vegas; (5) a review of the economic benefits of State parks; and (6) a discussion of the 2002 Conservation Bond (Q1) allocations.

This was followed by a discussion led by Michael Hackett, Alrus Consulting, and Andrea Bradick, Owner Jim Butler Motel (Tonopah), regarding the possible establishment of a State park at Monte Cristo's Castle in Esmeralda County. At its final meeting and work session in August 2006, the Committee voted to draft legislation for consideration by the 2007 Nevada Legislature establishing a State park at Monte Cristo's Castle. Further discussion on this BDR appears in Section VI of this report.

The Committee next heard two presentations concerning water in west-central Nevada. First, the members heard from Ernest C. Schank and Lyman McConnell who gave a review of the activities and programs of the Truckee-Carson Irrigation District (TCID). This was followed by a presentation concerning the Carson Water Subconservancy District (CWSD) from the District's General Manager Ed James. Additional information regarding these presentations is included in Section V of this report.

Finally, the Committee reviewed a draft Committee resolution regarding possible amendments to the ESA, which was originally requested at the Committee's meeting in Pahrump on December 14, 2005. The Committee voted to adopt Committee Resolution No. 06-01 for the Chairman's signature. The resolution was finalized and distributed on February 10, 2006. Further discussion of this Committee resolution appears in Section VI of this report.

5. Naval Air Station Fallon Field Excursion (January 27, 2006)

A field excursion to the Naval Air Station Fallon was held on January 27, 2006, immediately following the Committee's meeting held at the Churchill County Commission Chambers.

6. Hawthorne Meeting (March 24, 2006)

The fifth meeting of Nevada's Legislative Committee on Public Lands was held at the El Capitan Hotel and Casino in Hawthorne on Friday, March 24, 2006.

The meeting began with an update of public land issues in Mineral and Esmeralda Counties. Richard Bryant, Chairman, Board of County Commissioners, Mineral County, testified regarding Mineral County's economic constraints because more than 95 percent of its land is under federal management. Additional issues addressed by Mr. Bryant included: (1) insufficient Payment in Lieu of Taxes (PILT) funding to offset the cost of services that must be rendered; (2) the State of Nevada's possessory use tax; (3) the cumbersome process involved to obtain ownership of some of the County's federally managed lands; (4) the impact from the United States Department of Defense base realignment and closure process; and (5) the status of land sales by Mineral County. In addition, Nancy Boland, Member, Board of County Commissioners, Esmeralda County, Goldfield, Nevada, provided testimony on a Congressional townsite trespass bill for the historic towns of Goldpoint and Ione; economic justice for the County; and various natural resource issues.

The Committee then heard an update on the activities at the Hawthorne Army Depot. A slide presentation to the Committee highlighted the following issues: (1) the mission of the Depot; (2) the Depot's operating contractor; (3) the personnel profile of employees at the Depot; (4) the economic impact it has on Mineral County; (5) the total acreage of the Depot; (6) tenant activities; (7) ammunition operations; (8) demilitarization; (9) renovation and environmental issues; (10) military training; and (11) the uniqueness of the facility.

The Committee then discussed the issue of domestic sheep grazing and the presence of Sierra Nevada Bighorn Sheep in west central Nevada. Fred Fulstone of F.I.M. Corporation in Smith, Nevada, testified regarding the Corporation's efforts to avoid losing its sheep grazing allotments to habitat specifically designated for the Sierra Nevada Bighorn Sheep. A representative from the USFS' Bridgeport Ranger District provided an update to the Committee on the District's work with the livestock grazing permittees and the USFWS management agencies to continue allowing domestic sheep grazing in the vicinity of the Sierra Nevada Bighorn Sheep and Lahontan Cutthroat Trout habitats. A representative of the USFWS in Reno also discussed the history of the agency's involvement with the Sierra Nevada Bighorn Sheep on the Humboldt-Toiyabe National Forest.

During its meeting in Hawthorne, the Committee heard from the BLM regarding its involvement and strategies concerning energy development on public lands in Nevada. Testimony from BLM officials focused on oil and gas, geothermal, and wind energy and their potential economic benefits to Nevada. The Director of the Nevada State Energy Office provided an overview of the following subjects: (1) a brief history of the Nevada State Office of Energy as well as the responsibilities of the office; (2) its projects and activities; (3) renewable energy development in Nevada; (4) geothermal, solar, and wind energy; (5) biomass; (6) fossil fuels; and (7) energy transmission.

Over the years, the Committee on Public Lands has taken great interest in the development of biomass initiatives in Nevada. John McLain, Principal Resource Specialist, Resource Concepts, Inc., Carson City, provided an overview of the Statewide Biomass Coordinating Group and its activities in the State. He noted that the Group is a solution-oriented

organization and seeks various means of taking enormous amounts of biomass and converting it into a resource for economic uses. By thinning the forests of the biomass accumulation over the past 30 to 40 years, the forests are opened up and become less of a fire risk, as well as provide better habitat for wildlife. Dr. Elwood Miller, Biomass Representative, Nevada Renewable Energy and Energy Conservation Task Force discussed: (1) the Task Force's educational programs; (2) renewable energy portfolio standards; (3) Nevada's Fuels for Schools program; (4) the reduction of wildfires in high-risk communities by reducing the amount of accumulated biomass; (5) the economic uses for biomass material, including electrical power generation; and (6) the Task Force's Web site.

The Committee has also followed the USFS "roadless designation" process for several years. Recent changes to this Forest Service policy have allowed states to provide input on these potential designations. A representative from the Governor's office discussed: (1) the George W. Bush Administration's rule on the roadless designation process asking the states' governors to participate in the designation process; (2) the progress in working with the USFS on the roadless designation process; and (3) a disagreement with the USFS on wilderness area evaluations, with the State being of the opinion that wilderness decisions fall under the purview of Nevada's Congressional Delegation.

In a related presentation, the Committee heard from the USFS about the forest plan revision process, travel management, and their relation to roadless area management. According to the USFS, forest plans provide important guidance on the uses of the national forests. Community workshops concerning the roadless management included the public, and state, local, and tribal governments in the planning process. A USFS representative explained that roadless areas are defined as areas within the national forest that are adjacent to existing wilderness areas, do not contain USFS roads, and are generally undeveloped.

Finally, the Committee heard a brief overview of the programs and activities of Nevada's Division of Forestry and considered a proposal to fund noxious weed control efforts and weed personnel in Nevada. Public testimony concluded the meeting with discussions regarding grazing on USFS allotments and noxious weed eradication.

7. Battle Mountain Meeting (April 28, 2006)

The sixth meeting of Nevada's Legislative Committee on Public Lands was held at the Battle Mountain Civic Center on Friday, April 28, 2006.

First, the Committee heard from Mickey Yarbrow, Lander County Commissioner; Gene Etcheverry, Executive Director, Lander County; and Dan Cassinelli, Humboldt County Commissioner. Mr. Yarbrow and Mr. Etcheverry discussed Lander County's decision not to pursue a federal lands bill, various water issues, mining, recreation, agriculture, and the County's strong relationship with the various federal land management agencies. Mr. Cassinelli updated the Committee on Humboldt County's cooperative working relationship with federal land management agencies, noxious weeds concerns, grazing; OHV usage on

BLM lands, and the proposed revisions to the ESA. Like Lander County, Humboldt County is choosing not to proceed with a federal lands bill at this time.

The Committee also heard reports from representatives of the Battle Mountain and Winnemucca field districts as well as the USFS' Santa Rosa Ranger District. Key items of discussion from these reports included: (1) rangeland management, (2) fire and fuels management; (3) noxious weed control efforts; (4) travel management planning; (5) various water issues; (6) recreation; (7) wildlife; (8) energy development on public lands; and (9) wild horses and burros.

As in the past, the Committee heard an update regarding the activities and programs of the Pershing County Water Conservation District. Details regarding this update appear in Section V of this report. In its efforts to stay abreast of the latest developments concerning endangered species and impacts of the ESA, the Committee requested an update on endangered species and related matters in Nevada. Laurie R. Sada of Nevada's USFWS office, reported on threatened and endangered species in Nevada and the evaluation of all endangered species, which is conducted every five years to determine potential delistings. Terry Crawford, Director, NDOW, noted that the State has not had any new listings of endangered species since 1999, and he complimented the successful efforts of volunteers in keeping the sage grouse from being listed. He stated that NDOW had recently completed its wildlife conservation plan and requested support from the Committee in acquiring a 50-percent State match of federal dollars to implement the plan. Mr. Crawford testified that wolves have been sighted in neighboring states, and he expressed concern that this endangered species may expand its territory into northern Nevada, which has not had a wolf sighting for approximately 75 years. Based on this historical information and substantial biological data, he shared that NDOW petitioned the USFWS to delist the wolf in the State of Nevada, but the request was denied.

Mr. Crawford's appearance before the Committee in Battle Mountain was his last prior to his upcoming retirement from NDOW in June 2006. The Committee expressed its sincere appreciation to Mr. Crawford for his many years of dedicated service to the State of Nevada.

Also on the agenda was a discussion of various partnership programs and cooperative assistance opportunities for landowners, ranchers, and other land users. A representative from the USFWS highlighted the Nevada Fish and Wildlife Office's Conservation Partnerships Program that works with landowners to restore wetlands, streams, river corridors, prairies, grasslands, and other important fish and wildlife habitats in the State. The purpose of the Program is to provide financial and technical assistance to individuals and groups to implement voluntary conservation efforts on private property for the benefit of imperiled species. A review of NDOW's Landowner Incentive Program (LIP) was also provided. The LIP is patterned after a successful program in the State of Texas and provides funding and technical assistance for habitat restoration and species preservation on private property. It is a competitive grant program between the states, has no statutory authority, and exists solely through appropriations through the U.S. Congress. The funding levels for the program vary from year to year. Finally, the Committee heard from a representative of the NRCS, USDA,

about the agency's work with farmers and ranchers to improve conservation on their private lands.

As in previous meetings, the Committee spent considerable time discussing the use of OHVs and possible legislation requiring some form of OHV registration or licensing. The Committee heard from Susan Fisher, Executive Director of the newly-formed Nevada Powersport Dealers Association (NPDA). Ms. Fisher highlighted the functions and goals of the NPDA and indicated their support for an overall OHV registration program.

Meanwhile, Terry Crawford discussed a preliminary OHV legislative proposal modeled after NDOW's boat registration program. He said the proposal NDOW is offering for consideration by the 2007 Nevada Legislature takes into consideration current statutes related to OHVs, as well as OHV-related data from the Specialty Vehicle Institute of America, the Motorcycle Industry Council, and OHV legislation from the states of Arizona and Utah. He noted the key components of NDOW's proposed legislation would include fees for registration and titling of OHVs, an educational and enforcement program, and the establishment of trails and riding areas.

The Committee was also very pleased to hear from David Claycomb, OHV Program Manager, Idaho Department of Parks and Recreation (IDPR), who provided a comprehensive overview of Idaho's OHV program. He noted IDPR's program began about 20 years ago with a focus on trails maintenance. Mr. Claycomb shared that IDPR initiated an OHV education program during 2005 to address proper, safe, and courteous behavior on the trails. The program was developed as a cooperative effort with the Specialty Vehicle Institute of America's Safety Institute. While it is currently a voluntary program, Mr. Claycomb opined it will probably become a mandatory program modeled after hunter safety education programs. He noted that a major reason for the success of IDPR's OHV program is its communication with the OHV community and the public at large, which includes a survey that is conducted about every five years. Additionally, IDPR involves the OHV community in creating and running the program, including assisting in developing proposed OHV legislation and bringing it to the attention of their legislative representatives. Additionally, Mr. Claycomb reported that IDPR has two major funding sources for its OHV program: (1) fees from the registration of OHVs; and (2) a portion of Idaho's gasoline tax. He noted that trail clearing and maintenance are funded with about one-half of the registration fees. The other half goes to competitive grants that federal, state, and local government agencies, and to a limited extent the private sector, may apply for to fund OHV-type projects such as rebuilding trails.

Every legislative interim, the Committee dedicates time to discuss and hear reports concerning mining and mineral exploration in Nevada. Jonathan Brown, Director of Regulatory and Environmental Affairs, Nevada Mining Association, Reno, provided an overview of the status of Nevada's mining industry. Mr. Brown discussed the ten-year price of gold and its effect on the mining industry and included discussion regarding the environment, safety issues, and the industry's workforce. He stressed the mining industry is optimistic about the future, yet

realizes that unpredictable world events can have an impact on metals prices, production, and overall operations.

Alan R. Coyner, Administrator, Division of Minerals, Nevada's Commission on Mineral Resources, provided an update on mining production and exploration activity in Nevada. He opined that Nevada is a "great" place to explore for and mine gold, silver, copper, and other mineral commodities. Other matters addressed by Mr. Coyner during his presentation included: (1) geothermal energy; (2) oil and gas production; (3) the reclamation bond pool; (4) abandoned mine lands and public safety awareness; and (5) the Division's 2005 summer intern program.

A representative from the BLM shared there are 161,245 recorded mining claims in the State of Nevada and over 300 active plans of operations on public lands. The agency holds nearly \$787 million in financial guarantees in the form of surety bonds, letters of credit, certificates of deposit, and cash. Meanwhile, testimony from the USFS focused on energy, minerals production, exploration, Superfund sites, and abandoned mines. Finally, the Committee heard from Dave Gaskin, Chief, Bureau of Mining Regulation and Reclamation, NDEP, SDCNR, regarding: (1) the development of a standardized bonding process known as the Nevada Standardized Reclamation Cost Estimator; (2) the development of standardized groundwater criteria; (3) input from the Great Basin Mine Watch organization and NDEP's implementation of NRS 233B.127 under the Nevada Administrative Procedure Act, which clarifies that a party must have a financial interest to have standing in an appeal; (4) the Division's working relationship with the EPA; and (5) optimistic projections for increased mining and exploration activity in Nevada.

As in the past, the Committee received an extensive report on grazing issues. Several private ranchers as well as agency personnel were on hand in Battle Mountain to discuss the following issues: (1) the Western Watersheds Project's motion for injunctive relief on certain grazing allotments in northwest Nevada and southern Idaho; (2) grazing on USFS lands and the evaluation of grazing capacity on USFS allotments; (3) statistical data on allotments, permittees, leases, animal unit months, fees, receipts, and range improvement funds; (4) grazing permit renewals; (5) rangeland health assessments; (6) the collection of monitoring data to support the renewals and assessments; (7) the programs and activities of the "N-6" Grazing Board; and (8) the ESA and its impacts on public lands grazing and effort to reform the Act. The Committee also learned of a cooperative effort with the UNR Cooperative Extension, the SDA, and the USFS to educate grazing permittees to collect their own monitoring data and submit their findings to the BLM and USFS for completing the rangeland health assessments and permit renewals.

Jon Hutchings, Natural Resource Manager for Eureka County, provided a ranching industry perspective on the issue of grazing permit renewals. He provided background information on a 1990 challenge to NEPA and the ESA that resulted in the BLM establishing a policy calling for greater rigor in the environmental analysis associated with the grazing permit renewal process. He further shared that Congress passed Public Law 108-108, which includes a "rider" in

response to the 1990 challenge. The rider expires at the end of 2008 and is of major concern to the industry. This grazing permit rider essentially allows the BLM to automatically process grazing permit applications without a NEPA review if such requests do not result in a significant impact on the ground or represent any major changes to the existing grazing permit. John Falen, Chairman, Public Lands Committee, Nevada Cattlemen's Association, and Member, Public Lands Council, testified regarding the expiration of the ten-year grazing permits at the end of 2008. He said the ranching community is concerned that if the permits are not renewed prior to 2009, environmental groups may challenge the NEPA renewal process. Mr. Falen shared, however, that the BLM is operating under a self-imposed policy regarding the renewal process and it is not required to adhere to the NEPA requirements because of Public Law 108-108, unless there have been major changes or federal action since the last permit renewal.

Lastly, the Committee heard from Gary McCuin, Rangeland Specialist, SDA, who testified that NEPA is a complex law that has resulted in numerous lawsuits and court decisions since it was enacted in 1969. He questioned whether NEPA requirements must be followed for grazing permit renewals that do not involve major changes or major federal action. Mr. McCuin rhetorically questioned how a "major change" or "major federal action" is defined. He opined that these and other issues surrounding NEPA need to be clarified and communicated from the federal level to the state level.

Under Public Comment, the Committee heard from various individuals regarding the following issues: Western Watersheds; public lands bills; the Martin Basin Rangeland Project environmental impact statement; and public lands listed for disposal.

8. Mesquite Meeting (May 26, 2006)

The seventh meeting of Nevada's Legislative Committee on Public Lands was held at the Mesquite City Council Chambers on May 26, 2006. The meeting began with opening remarks and introductions by the Chairman followed by welcoming remarks from Bill Nicholes, Mayor of Mesquite, who also offered a presentation on the history and growth of Mesquite and the various public lands challenges faced by the City. The Committee also heard from representatives of Clark County and Lincoln County concerning general public lands and natural resource matters. The representative from the Clark County Department of Air Quality and Environmental Management discussed the County's positive relationship with the many federal land management agencies, strategies to eradicate noxious weeds and invasive species, and various air quality issues. Lincoln County representatives discussed the impacts of the ESA on development, the implementation of the recently-approved federal lands bills, growth issues, and energy development on public lands.

The reports from the BLM and the USFS focused on agency planning efforts, upcoming land sales and auctions, various land management projects, fire and fuels management, water development, air quality concerns, affordable housing, federal land sales in southern Nevada, noxious weeds and invasive species, recreation, and travel management strategies for public

lands. The BLM, Mayor Nicholes, Clark and Lincoln County officials, and Pamela Wilcox, Administrator, Division of State Lands, SDCNR, also addressed the impacts and implementation of the Lincoln County Conservation, Recreation, and Development Act of 2004 (LCCRDA) and the Lincoln County Land Act of 2000 (LCLA). The BLM, USFS, and Ms. Wilcox also updated the Committee on the SNPLMA.

The Committee took great interest in a presentation from Kay Scherer, Deputy Director, SDCNR. Ms. Scherer discussed a notable lack of state-level and natural resource agency GIS capabilities. She explained that GIS consists of spatial and attribute databases; computerized mapping; and analysis, modeling, and problem-solving functions. Additionally, her presentation focused on the following issues: (1) GIS layers; (2) the importance of GIS; (3) expectations of GIS; (4) an overview of GIS in Nevada—weaknesses, threats, opportunities, and strengths; (5) GIS in relation to other western states; (6) an overview of GIS on the national level; (7) evaluating how to move forward with GIS capabilities in Nevada; and (8) projecting future GIS uses. Ms. Scherer averred that Nevada Governor Kenny C. Guinn’s administration recognized the need for GIS technology in the State. Pamela B. Wilcox also spoke with the Committee regarding the funding, staffing, and technological limitations of Nevada’s Division of State Lands to implement GIS technology and programs. During its final meeting and work session, the Committee voted to draft legislation creating a Natural Resource GIS Coordinator to be housed in one of the natural resource agencies. Summary information regarding this recommendation appears in Section VI of this report.

Once again, the Committee addressed the issue of OHV use on public lands. Specifically, the Committee heard a report from Jack Tribble of the Ely BLM Field Office who provided an update on the implementation and development of the Silver State Off-Highway Vehicle Trail as authorized by the LCCRDA. He noted that the Lincoln County Trails Coalition has been proactive in helping to build trailheads and marking trails for the trail system, even utilizing some of its members’ personal equipment toward the project. Mr. Tribble stated that Lincoln County has been supportive in designating public access areas to dirt roads as addressed in S.B. 400. Sallie Clinard, Lands and Legislation Specialist, Dunes and Trails ATV Club, Las Vegas, testified regarding an OHV owner’s perspective on possible OHV legislation that may be considered by the 2007 Nevada Legislature, as well as on the proposed OHV legislation compiled by NDOW. She cited numerous items that OHV owners consider most important for inclusion in any future OHV legislation.

Finally, the Committee heard an update regarding the activities and programs of the Virgin Valley Water District (VVWD). Details regarding this update appear in Section V of this report.

9. United States Fish and Wildlife Service and Nevada’s Department of Wildlife Partnership Field Excursion (August 23, 2006)

A field excursion to various locations near Ely, which highlighted the USFWS and NDOW’s landowner incentive programs and partnership efforts, was held on August 23, 2006. These

programs help private landowners restore wetlands, streams, river corridors, prairies, grasslands, and other important fish and wildlife habitats for imperiled species in Nevada.

10. Ely Meeting and Work Session (August 24, 2006)

The eighth and final meeting of Nevada's Legislative Committee on Public Lands was held at the Bristlecone Convention Center in Ely on Friday, August 24, 2006. The meeting began with Committee and staff introductions and opening remarks by Chairman Rhoads. This was followed by welcoming remarks and an overview of public lands and natural resource issues from White Pine County Commissioner Brent Eldridge. The Committee then heard from representatives of Eureka County on natural resources issues impacting that county and received overviews from the BLM and the USFS on agency activities and programs taking place in eastern Nevada.

A representative from the Eastern Nevada Landscape Coalition (ENLC) provided a summary of ENLC programs. The Committee then engaged in a discussion and heard testimony concerning weed control and abatement efforts in Nevada and various weed-related legislative proposals for possible consideration by the 2007 Nevada State Legislature. A presentation regarding the programs and activities of the SDA was also received.

At the request of the Committee, a representative of the Colorado River Commission discussed the political and legal implications of the CRC's recent sale of land near Laughlin, Nevada. Jim Salo, Manager, Regulatory and Government Affairs, CRC, provided the Committee with an overview of the statutory provisions addressing land sales by the Commission and discussed possible legislative changes to these provisions. Additional information regarding Mr. Salo's presentation appears in Section V of this report.

Finally, the Committee heard testimony and engaged in discussion concerning the White Pine County Conservation, Recreation, and Development Act of 2006. Specifically, the Committee received an overview of the recently-introduced measure from Kevin Kirkeby, Rural Coordinator, Office of U.S. Senator John Ensign, and received comments on the bill from Pamela B. Wilcox, Administrator, Division of State Lands, SDCNR. The Act was ultimately amended into a federal tax measure during the final week of the 109th Congress and signed by President George W. Bush on December 20, 2006 (Public Law 109-432).

The Legislative Committee on Public Lands took action on numerous items at this final meeting in Ely. Additional information concerning these and other recommendations of the Committee appears in Section VI of this report.

B. WASHINGTON, D.C., INFORMATIONAL TOURS

Over the past 25 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. October 25 and 26, 2005

The Committee's first informational tour in Washington, D.C., was held on October 25 and 26, 2005. Members of the Committee visited with officials from the BLM, National Mining Association (NMA), U.S. Forest Service, various associations and organizations, and Nevada's Congressional Delegation. Topics addressed included the state of the mining industry, services available to rural communities, fire suppression initiatives, reform of the ESA, possible reform of NEPA, general land management strategies, livestock grazing, 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:

- Ruben S. Barrales, Deputy Assistant to the President and Director of Intergovernmental Affairs, The White House Office of Intergovernmental Affairs;
- Paul V. Beddoe, Ph.D., Associate Legislative Director, National Association of Counties (NACO);
- Congresswoman Shelley Berkley (D-Nevada);
- Shanna K. Brown, Deputy Director, Western Governors' Association (WGA);
- Mitch Butler, Special Counsel, White House Council on Environmental Quality;
- Ashley Carrigan, Director, State of Nevada's Washington, D.C., Office;
- Khary Cauthen, Special Assistant to the Chairman, White House Council on Environmental Quality;
- Kathleen Clarke, Director, BLM, DOI;
- Claiborn H. Crain, Legislative and Public Affairs Advisor, Rural Utilities Service, USDA;
- Jonathan P. Claffey, Deputy Assistant Administrator, Telecommunications Program, Rural Utilities Service, USDA;
- Mary Beth Donnelly, Vice President of Government Affairs, Newmont Mining Corporation;
- Patty Doerr, Senior Legislative Associate, National Governors' Association;
- Senator John Ensign (R-Nevada);
- Congressman Jim Gibbons (R-Nevada);
- Pamela G. Kondé, Senior Policy Analyst, Center for Policy and Federal Relations, National League of Cities;
- The Honorable Paul Laxalt;
- Gloria Manning, Associate Deputy Chief, National Forest System (NFS), USFS, USDA;

- Ryan McGinness, Policy Advisor, State of Nevada’s Washington, D.C., Office;
- Kevin Moran, Director, WGA;
- Kraig R. Naasz, President, NMA;
- Frederick Norbury, Associate Deputy Chief, NFS, USFS, USDA;
- G. F. “Ric” Fenton, Vice President, Congressional Affairs, NMA;
- Congressman Jon C. Porter, Sr. (R-Nevada);
- Senator Harry Reid (D-Nevada);
- Nicholas Sinatra, Deputy Associate Director, The White House Office of Intergovernmental Affairs;
- Jack G. Troyer, Regional Forester, Region 4, USFS, USDA;
- Joanna Liberman Turner, Senior Legislative Counsel, Center for Policy and Federal Relations, National League of Cities;
- Michael Wallace, Senior Legislative Counsel, Policy and Federal Relations, National League of Cities; and
- MacArthur J. Zimmerman, Legislative Director, Congressman Thomas Tancredo (R-Colorado).

2. June 13, 14, and 15, 2006, Second Tour

On June 13, 14, and 15, 2006, the Committee held its second informational tour in Washington, D.C. As in the past, members of the Committee visited with officials from the BLM and the USFS. In addition, the Committee discussed public lands issues with Nevada’s Congressional Delegation and their staffs, the White House Office of Intergovernmental Affairs, the National Conference of State Legislatures (NCSL), and the National League of Cities. The Committee was also pleased to meet with several organizations for the first time. These groups included the American Wind Energy Association, National Association of Resource Conservation and Development Councils, the Nature Conservancy, and the American Legislative Exchange Council (ALEC). Topics addressed included the state of the mining industry, wild horses and burros, grazing on public lands, fire suppression initiatives, endangered species issues, renewable energy, water, and pending federal legislation.

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

- Kai Anderson, Senior Vice President, Cassidy & Associates, Washington, D.C.;
- Congresswoman Shelley Berkley (D-Nevada);
- Michael J. Brown, Vice President, U.S. Public Affairs, Barrick Gold Corporation;
- Jon R. Chase, Deputy Director, Legislative Affairs, American Wind Energy Association;
- Kathleen Clarke, Director, BLM, DOI;
- Jeff Eisenberg, Executive Director, Public Lands Council, Director, National Cattlemen’s Beef Association Federal Lands;
- Senator John Ensign (R-Nevada);
- Congressman Jim Gibbons (R-Nevada);

- Rudy Fernandez, Special Assistant to the President for Intergovernmental Affairs, The White House Office of Intergovernmental Affairs;
- Andrew Gordon, Esq., Director of Programs, National Association of Resource Conservation and Development Councils;
- Roberta Jeanquart, Executive Director, National Association of Resource Conservation and Development Councils;
- Laurie Jodziewicz, Communications and Policy Specialist, American Wind Energy Association;
- Marshall P. Jones, Jr., Deputy Director, USFWS, DOI;
- Shawn E. A. Jones, Legislative Assistant, Office of Congressman Jon C. Porter, Sr. (R-Nevada);
- Renne Lohofener, Assistant Director, USFWS;
- Ryan McGinness, Policy Advisor, State of Nevada's Washington, D.C., Office;
- Gloria Manning, Associate Deputy Chief, NFS, USFS, USDA;
- Amanda Naughton, Policy Associate, NCSL;
- Frederick Norbury, Associate Deputy Chief, NFS, USFS, USDA;
- Mike Pieper, Managing Director, R&R Partners, Washington, D.C., Office;
- Congressman Richard W. Pombo (R-California);
- Congressman Jon C. Porter, Sr. (R-Nevada);
- Jimmie Powell, Director, Government Relations, The Nature Conservancy;
- Senator Harry Reid;
- Ken Rosenfeld, Manager, Policy Analysis and Development, Center for Policy and Federal Relations, National League of Cities;
- Gary Schildwachter, Associate Director for Agriculture, Lands, and Wildlife, Council on Environmental Quality;
- Daniel Simmons, Director, Natural Resources Task Force, ALEC;
- Tamra Spielvogel, Senior Policy Specialist, NCSL; and
- Gary Taylor, Legislative Director, Association of Fish and Wildlife Agencies.

IV. ISSUES CONSIDERED DURING THE 2005-2006 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 2005-2006 interim was no exception, with over 50 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 2005-2006 interim period:

- BLM activities and policies in Nevada;
- BLM law enforcement regulations;
- “Checkerboard” land issues;
- Colorado River Commission;
- County and city public land issues;
- Drought relief;
- Eastern Nevada Landscape Coalition;
- Elk management;
- Endangered Species Act of 1973 and proposed reform of the Act;
- Federal and state land use permitting processes;
- Federal and state legislation (various pending measures);
- Fire suppression and prevention;
- Grazing issues;
- Humboldt Project Title Transfer;
- Interbasin transfer of water;
- Land sales, disposals, and exchanges;
- Lincoln County Land Act of 2000 and the Lincoln County Conservation, Recreation, and Development Act of 2004;
- Local government involvement in management of federal lands in Nevada;
- Military operations and land use on military installations;
- Mine reclamation and bonding issues;
- Mining generally (including mineral exploration, millsite issues, permitting, abandoned mine lands, and federal and state regulation);
- Mining regulations;
- Mormon cricket and grasshopper infestations;
- National Environmental Policy Act and possible reforms to the Act;
- Nevada Fire Safe Council;
- Northeastern Nevada Stewardship Group;
- Noxious weed and invasive species abatement;
- Off-highway vehicle use, federal travel management policies, and possible regulation of OHVs;
- Payment in Lieu of Taxes;
- Piñon-juniper harvest and thinning;
- “Question 1 Program” bond money;
- Range rehabilitation issues;
- Renewable energy development on public lands, including biomass, wind, geothermal and solar energy;
- Southern Nevada Public Lands Management Act of 1998;
- Southern Nevada Water Authority (SNWA);
- State agency activities review;
- State involvement in management of federal lands in Nevada;
- Threatened and endangered species in Nevada (possible listings);
- U.S. Department of Energy activities on public lands (Caliente Railroad Corridor);

- U.S. Forest Service activities and policies in Nevada;
- Water issues generally;
- White Pine County Conservation, Recreation, and Development Act of 2006;
- Wild horses and burros;
- Wilderness and wilderness study areas; and
- Wildlife management.

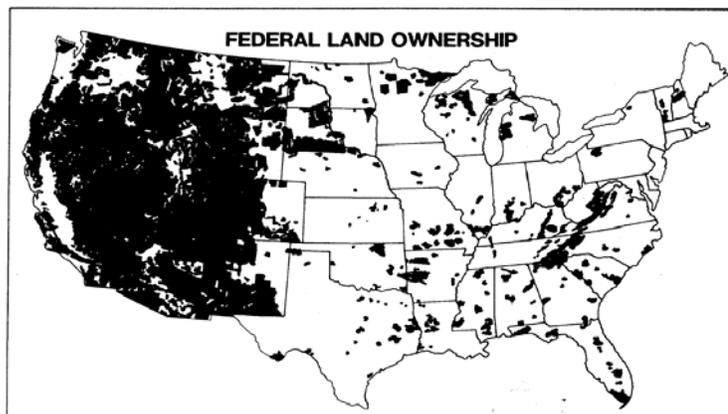
B. SUMMARY OF SELECT ISSUES DISCUSSED

This section of the report provides brief summaries of some of the many topics addressed by the Committee during the 2005-2006 legislative interim. Several topics captured the Committee's interest on more than one occasion, such as activities of the BLM and the USFS, energy development on Nevada's public lands, federal lands-related laws and legislation, fire suppression and range rehabilitation, local public lands issues, mining activities, noxious weeds, OHV usage, PILT, and threatened and endangered species and possible reform of the ESA,. Please note that some summary information contained in this section was obtained from federal and state agency Internet Web sites, pertinent Committee minutes and exhibits, and documents produced by various interest groups and organizations.

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 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 (the SNPLMA, Federal Lands Transaction Facilitation Act of 2000 [FLTFA], the LCCRDA, and the WPCRDA), 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 2005-2006 legislative interim, the Committee 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 on Public Lands would like to express its sincere gratitude to Robert V. Abbey, Nevada State Director, BLM (retired); Kathleen Clarke, BLM Director; Ron Wenker, Nevada State Director, BLM; and the Nevada BLM staff across the State for their 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; federal, state, and local relationships in handling public lands issues; economic development; endangered species; fire management; land disposal, sales, and auctions; 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.

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.

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 larger PILT payments. Additional information concerning PILT appears on page 43 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 USFS 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 biomass usage, energy development, grazing matters, OHV usage and travel management on USFS lands, recreation, and wilderness issues. In addition, USFS representatives from Nevada and Washington, D.C, discussed the ongoing 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, OHV usage and its relation to the “roadless” rules recently issued by the agency, and rural assistance programs.

In addition, through coordinated efforts with the BLM and 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 former Forest Supervisor, Robert Vaught, and current Forest Supervisor, Edward Monnig, 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. However, only a fraction of this money has been spent to acquire 3,000 acres of “environmentally-sensitive” land 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 discussed during the legislative interim the Federal Land Policy Management Act of 1976 (FLPMA), the

FLTFA, the Lincoln County Conservation, Recreation, and Development Act of 2004, and the development of the recently-approved WPCCRDA (approved in December 2006). 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 wildlife 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 three letters addressing the various federal land measures to Nevada's Congressional Delegation and the U.S. Department of Interior. These letters are discussed in greater detail in Section VI 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 (NRA), the Desert National Wildlife Refuge, the Spring Mountains NRA, 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.

The recently-approved WPCCRDA amends the SNPLMA in many ways. Specifically, WPCCRDA sets forth new conservation-oriented expenditure categories from the SNPLMA special account. For special account expenditure categories, the bill provides new authority for: (1) the expansion of the Southern Nevada Water Authority's water saving "Cash for Grass" program to public entities for permanent turf removal; (2) the implementation of the Clark County Multi-Species Habitat Conservation Plan, as was intended by the authors of SNPLMA; (3) the Clean Water Coalition's Lake Mead and Las Vegas Wash water quality pipeline project; (4) two comprehensive, ten-year hazardous fuels and fire prevention plans for the Spring Mountains and the Lake Tahoe Basin (including adjacent areas in Nevada along the Carson Range); (5) Nevada State Parks in Clark County to access parks and trails funding from the special account; (6) the BLM to clear and protect public lands in the Las Vegas Valley and alleviate problems with dumping; and (7) Washoe County to access parks and trails funds from the special account to purchase available Ballardini Ranch lands for use as a passive park and natural area. The WPCCRDA further amends the SNPLMA to allow the BLM to sell federal land in Nevada below market price if the land is used for affordable housing for people earning up to 120 percent of the median income, which will benefit more working families in Nevada. The bill also requires local governments to create rules which ensure that, for future BLM land auctions in southern Nevada exceeding 200 acres, at least five percent of the units constructed on the acreage will be set aside for affordable housing. The bill replaces the current reimbursement system with a requirement that local governments be paid up front for parks and trails projects.

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 of 2000. 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 sets forth 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. The WPCCRDA also amends the LCCRDA to include “education planning” in Lincoln County as a potential use of funds deposited in the special account (authorized in the Act).

e. White Pine County Conservation, Recreation, and Development Act of 2006

The White Pine County Conservation, Recreation, and Development Act authorizes and coordinates the sale of up to 45,000 acres of federal land in White Pine County, which is currently over 90 percent federally managed. The WPCCRDA, which was signed into law on December 20, 2006 (Public Law 109-432), sets up a special account similar to other federal lands acts. Five percent of land sales proceeds are earmarked for the State education fund; ten percent goes to White Pine County for law enforcement, fire protection, transportation, and natural resource planning; and 85 percent goes to the U.S. Department of the Interior to fund the protection of wilderness areas in White Pine County, support a three-year study for a potential extension of the Silver State OHV trail, promote resource protection, and carry out a county-wide recreation study.

The Act designates approximately 538,000 acres of wilderness in 12 new wilderness areas and expands the Mount Moriah and Currant Mountain Wilderness Areas. Eight of those areas are managed by the BLM Nevada Ely Field Office. The bill also simplifies the land management structure around the Great Basin National Park by transferring jurisdiction of land from the USFS to the BLM. It also transfers jurisdiction of land from the BLM to the USFWS for

inclusion in the Ruby Lake National Wildlife Refuge and simplifies management of the Bald Mountain Wilderness by transferring jurisdiction of land from the BLM to the Forest Service.

The WPCCRDA conveys land for two existing State parks and one State wildlife management area to expand and improve the management of these areas. The Ward Charcoal Ovens Historic State Park receives about 658 acres of land currently managed by the BLM; Cave Lake State Park receives a conveyance of land totaling 2,960 acres; and the Steptoe Valley Wildlife Management Area, which is administered by NDOW, receives approximately 6,281 acres for expansion. The bill also conveys two small parcels of land for the expansion of the airport and industrial park to support future economic development in White Pine County. In addition, the Act transfers four parcels of land totaling 3,526 acres to the Ely Shoshone Tribe for traditional, ceremonial, commercial, and residential purposes.

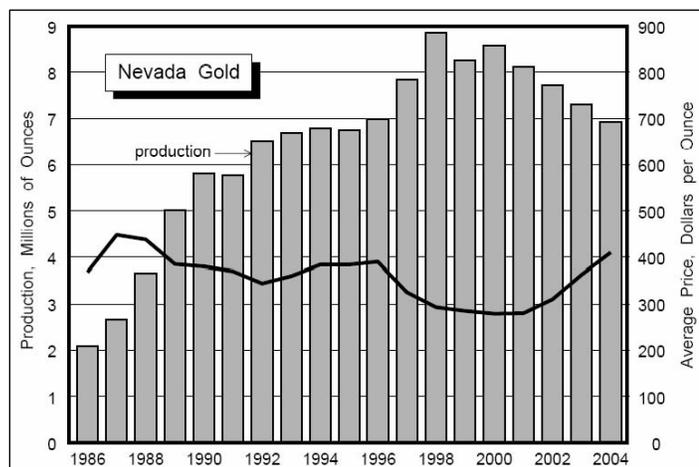
The Act directs the Secretary of the Interior to complete a study of routes for the Silver State Off-Highway Vehicle Trail. Following the study, the Secretary shall designate the trail if it is consistent with certain principles set out in the legislation, including that it is a continuation of the Silver State trail previously designated under the LCCRDA and that it will not have significant negative impacts on the natural and cultural resources.

Finally, the WPCCRDA provides for the implementation and enhancement of the Eastern Nevada Landscape Restoration Project. The mission of the ENLC is to restore the dynamic and diverse landscapes of the Great Basin for present and future generations through collaborative efforts. These restored landscapes will be a result of restoration achieved and maintained with naturally occurring disturbances such as fire, in combination with other management prescriptions, including traditional uses.

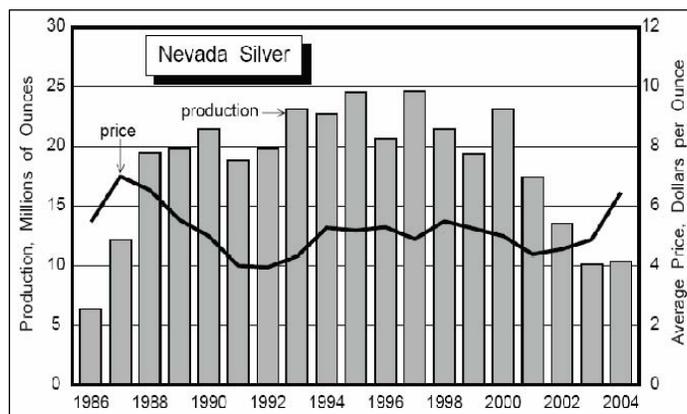
5. Mining Issues

Throughout the 2005-2006 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, exploration, federal legislation and regulations impacting mining, mercury issues, millsite issues, reclamation and bonding, and mine safety.

In recent years, the mining industry has enjoyed the highest mineral prices in decades, overall 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 had climbed to over \$625 per ounce by the end of 2006. 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 85 percent of United States gold and over 40 percent of U.S. silver. The State is also the nation's leading producer of barite, lithium, carbonate, and mined magnesite. In 2005, approximately \$3.7 billion in mined commodities were produced in Nevada (the highest ever recorded). Additionally, in 2004, there

are 15 geothermal electric generating plants in ten locations that produced 1.67 million megawatt hours of electricity (enough power to supply nearly 80,000 homes). Finally, in 2004, approximately 463,000 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 2004, there were, on average, 11,690 Nevadans directly employed in the mineral industry at an average salary of \$63,388. It is estimated that another 51,000 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.

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 bond with NDEP or the appropriate federal land management agency. 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.

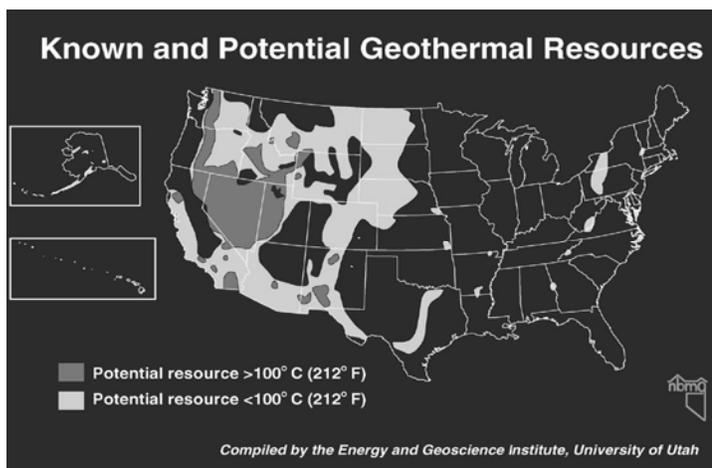
The General Mining Law of 1872 is one of the major federal statutes that direct the federal government's land management policy. The law grants free access to individuals and corporations to prospect for minerals on public domain lands, and allows them, upon making a discovery, to stake (or "locate") 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.

6. Energy Development on Public Lands

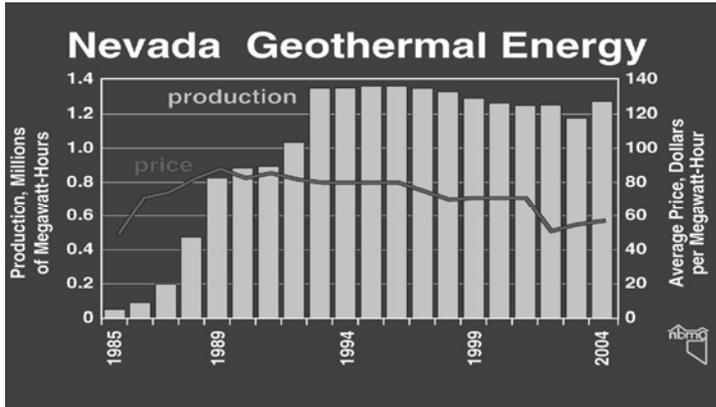
For the first time since the Committee's inception, energy development on public lands was widely and regularly discussed by the Legislative Committee on Public Lands. As the price for traditional sources of energy (oil, natural gas, electricity, et cetera.) continue to rise, greater attention has been placed on: (1) finding new sources of traditional energy sources, such as oil and gas in Nevada to help ease demand; and (2) exploring the possibility of geothermal, wind, solar, and other renewable energy development on public lands in Nevada.

a. *Geothermal Energy in Nevada*

At several Committee meetings, members heard about the tremendous potential for geothermal development in Nevada. Geothermal energy is a clean, renewable resource that provides energy generated from underground heat. It is considered a renewable resource because the heat emanating from the interior of the earth is essentially limitless. The heat continuously flowing from the earth's interior is expected to remain extremely high for billions of years to come, ensuring an inexhaustible flow of heat. To develop electricity from geothermal resources, wells are drilled into natural hot water or steam, known as a geothermal reservoir. The reservoir collects far below the groundwater table and these wells bring the geothermal liquid to the surface, where it is converted at a power plant into electricity.



Nevada’s geothermal electrical generation plants are located predominately in the northern part of the State. Currently, Nevada has 244 megawatts of generating capacity from 15 geothermal power plants, at ten different physical locations. On a yearly basis, Nevada’s geothermal plants, if running at 100 percent efficiency, have the ability to generate 1.6 million megawatt hours of power. This generating capacity is second only to California. A megawatt is 1,000 kilowatts, which is enough electrical power to serve over 300 typical households.



Geothermal power producers enter into contracts with utility companies to sell electricity at a specific amount per kilowatt-hour. Many of Nevada’s 15 operating geothermal power plants have entered into multiple-year contracts that provide compensation on a per kilowatt-hour basis higher than “avoided cost” contracts. These contracts are designed to allow the operators of the clean environmentally

friendly geothermal plants to recover capital costs associated with plant and well field development that are higher than conventional power generation plants. These multiple-year contracts are expiring and plants are entering into “avoided cost” contracts at considerably lower rates. This market condition has held the expansion of Nevada’s geothermal industry flat. With deregulation of the utility industry on the horizon, geothermal should benefit given its ability to generate “green electrons.” Finally, Nevada law now provides incentives for utility companies to increase their “green” renewable-based electricity sales.

b. Biomass

For the past decade, the Committee has increasingly focused on the use of biomass as a potential source of energy. Biomass is essentially plant matter such as trees, grasses, agricultural crops, or other biological material. In Nevada, a common source of biomass is piñon-juniper, which is spreading quickly into native sagebrush habitat. Biomass can be used as a solid fuel or converted into liquid or gas forms for the production of electric power, heat, or fuels. At its meetings in Pahrump and Hawthorne, the Committee engaged in discussion concerning the potential uses and benefits of biomass.

Nevada’s Statewide Biomass Coordinating Group consists of private sector individuals and also collaborates with the BLM and the Nevada State Energy Office. The Group is a solution-based organization and seeks various means of taking enormous amounts of biomass and converting it into a resource for economic uses. By thinning the forests of the biomass accumulation over the past 30 to 40 years, the forests are opened up and become less of a fire risk, as well as provide better habitat for wildlife. The Nevada Renewable Energy and Energy Conservation Task Force now has a “biomass representative” on the panel, which has brought increased attention to the potential benefits and uses of biomass,

The Committee also heard a detailed report concerning Nevada's Fuels for Schools program. The David E. Norman Elementary School in Ely utilizes a biomass-fueled heating plant, which provides heat for the school and supplies all of its domestic hot water. The plant has been in operation since March of 2005, providing an estimated annual savings to the White Pine County School District of \$18,000. The school's old heating system remains in place to serve as a backup to the biomass heating plant. In addition, the Northern Nevada Correctional Center's renewable energy center is scheduled to be operational in January 2007. It will produce heat and power for the institution. In addition to biomass as a renewable energy source, the Center will utilize a small photovoltaic solar component. The 20- to 30-year savings over the life of the Center is estimated to be approximately \$3 million.

While the potential economic benefits to biomass use are tremendous, the cost to export biomass materials for processing is more than its current economic value. Additional barriers to biomass development include: (1) a lack of available markets in which to use biomass energy; and (2) the low value of biomass materials. Nonetheless, the Committee remains encouraged by the potential economic and environmental benefits of biomass development.

At its final meeting and work session, the Committee voted to draft a legislative resolution encouraging private investment in biomass-related initiatives and the creation of financial incentives for the development of on-site generation systems operated by biomass. Additional details concerning this recommendation appear in Section VI of this report.

c. Wind Energy

The use of wind power as a form of renewable energy is increasing dramatically. As portions of the earth are heated by the sun, air rushes to fill the low pressure areas, creating wind power. The power of wind may be five times greater at the height of a 40-story building (the height of the blade tip on a large, modern wind turbine) than the breeze at ground level. Wind can also be accelerated by major land forms, so some areas of the landscape may be very windy while other areas are relatively calm. When wind power is converted to electricity, it can be sent long distances to serve the needs of the cities and towns located in less wind-prone areas.

The Committee heard throughout the legislative interim about the tremendous potential Nevada has for wind energy development. In fact, in December 2005, the BLM released a "record of decision" titled "Implementation of a Wind Energy Development Program and Associated Land Use Plan Amendments." This document essentially establishes guidelines for the BLM concerning wind energy development on public lands and provides an assessment of the positive and negative environmental, social, and economic impacts of wind energy development; discusses relevant mitigation measures to address these impacts; and identifies appropriate policies and best management practices to be included in the BLM's proposed Wind Energy Development Program.

During its second informational tour to Washington, D.C., in June 2006, the Committee discussed wind energy with the American Wind Energy Association. This discussion focused on the benefits of wind energy and the challenges associated with siting wind farms on public lands and near military training areas (in or near military airspace). The Committee plans to continue monitoring wind energy, its development on public lands, and its potential economic and environmental benefits.

d. “Energy Corridors” Designation in the Western United States

In August 2005, the Energy Policy Act of 2005 was signed into law (Public Law 109-58). The Act directs the Secretaries of the Departments of Agriculture, Commerce, Defense, Energy, and the Interior to designate under their respective authorities corridors on federal land in 11 western states (Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming) for oil, gas and hydrogen pipelines and electricity transmission and distribution facilities (energy corridors). Section 368 of the Act (“Energy Right-of-Way Corridors on Federal Land”) requires these federal agencies to designate energy corridors, taking into account the “need for upgraded and new electricity transmission and distribution facilities” in order to “improve reliability,” “relieve congestion,” and “enhance the capability of the national grid to deliver electricity.” It was determined that designating corridors as required by this section constitutes a major federal action which may have a significant impact upon the environment within the meaning of NEPA. For this reason, federal agencies are preparing a programmatic environmental impact statement (PEIS) titled, “Designation of Energy Corridors on Federal Land in the 11 Western States” (DOE/EIS-0386) to address the environmental impacts from the proposed action and the range of reasonable alternatives. For purposes of preparing the PEIS, an energy corridor is defined as “a parcel of land that has been identified through the land use planning process as being a preferred location for existing and future utility rights-of-way, and that is suitable to accommodate one or more rights-of-way which are similar, identical or compatible.”

The Committee on Public Lands will continue to monitor the development of the draft PEIS, which is scheduled to be released in spring 2007. Additional public hearings throughout the West are anticipated after the draft PEIS is published.

7. 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 2005-2006 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 once again received the most attention during the 2005-2006 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 issue in the coming years.

At its final meeting and work session, the Committee voted to draft two legislative measures addressing the funding of noxious weed abatement, control, and eradication efforts in Nevada. Further details on these recommendations can be found in Section VI of this report.

8. 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 almost 200 percent.

The BLM has established three designations for OHV use in Nevada: (1) open; (2) limited; or (3) closed. Approximately 77 percent of Nevada's BLM land (about 38 million acres) is designated as "open," meaning OHVs can be operated in any area without restriction. Meanwhile, almost 19 percent of BLM land is designated as "limited" OHV use, whereby OHVs must be operated on designated roads and trails. Four percent of BLM land in Nevada is closed to OHV use. In 2003, the Washington, D.C., office of the BLM issued an instructional memorandum ("Clarification of OHV Designations and Travel Management in the BLM Land Use Planning Process"), which essentially stipulates that travel management planning for the BLM must take place as part of the standard Resource Management Plan (RMP) update process. As RMPs become due for update, staff from each individual BLM field office will review existing road networks and determine, through a public process, whether a particular road or system of roads should be designated as open, limited, or closed to OHV use. Testimony from BLM representatives throughout the interim indicated that this process is designed to be flexible and allows for amendments or revisions as needed.

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 USFS released its final "Travel Management" rule in November 2005. This rule provides a national framework for local units to use in designating a sustainable system of roads, trails, and areas for motor vehicle use. According to the Forest Service, the goal of the rule is to secure a wide range of recreational opportunities while ensuring the best possible care of the land. It requires each national forest or ranger district to designate those roads, trails, and areas open to motor vehicles and must include the "class" of vehicle and, if appropriate, the time of year for motor vehicle use. A given route, for example, could be designated for use by motorcycles, OHVs, or street-legal vehicles. Once designation is complete, the rule will prohibit motor vehicle use off the designated system or inconsistent with the designations. Road-related decisions will be made locally with public input and in coordination with state, local, and tribal governments.

State agency involvement in OHV management has also increased in the last few years. Indeed, with the passage of Senate Bill 400 of the 2005 Legislative Session (see pages 5 and 6 for a detailed summary of this measure), the State of Nevada now plays an official role in issuing “certificates of operation” and local governments now have specific statutory authority to designate a portion of certain roadways as acceptable for OHV use. Much of the testimony received during the 2005-2006 legislative interim was in response to S.B. 400. Many opined that the final version of S.B. 400 did not “go far enough” in specifically requiring OHV registration and providing general statewide oversight of OHV matters. At its final meeting and work session, the Committee voted to recommend the drafting of a legislative measure that retains the issuance of certificates of operation for OHVs and sets forth an OHV registration program and other OHV provisions similar to those found in the introduced version of S.B. 400. For more information regarding the Committee’s recommendation, please see Section VI of this report.

9. 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 \$3.8 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. Total PILT payments nationwide in Fiscal Year (FY) 2006 were over \$232 million. The states whose local governments received the most in PILT payments in 2006 are (listed in order of the amount received): New Mexico, California, Utah, Arizona, Colorado, and Montana. For 2006, 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 2006, Nevada’s 17 counties received \$14.1 million under the PILT Act. This is an increase of more than \$400,000 over the previous year because of a higher Congressional appropriation for the program in 2006 combined with an overall increase in Nevada’s population. 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 has consistently encouraged Congress to fully fund the federal PILT program and explore the possibility of amending the PILT formula to more accurately compensate local government based on the actual amount of lands under federal management.

10. Threatened and Endangered Species and Possible Reform of the Endangered Species Act of 1973

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 2005-2006 legislative interim, this ongoing discussion continued with several presentations to the Committee by NDOW and USFWS officials. The Committee also closely monitored efforts at the Congressional level to amend the ESA. During its informational tours to Washington, D.C., members heard from land user groups and organizations, NACO, and various elected officials about the need to streamline and update the ESA. The Committee has been tracking and monitoring the ESA for decades and has always been interested in seeing the Act amended to consider impacts on communities and private landowners. Efforts at the Congressional level to amend the ESA once again piqued the Committee's interest and the members felt it was important to craft a Committee-sponsored resolution urging Congress to make improvements to the Act to require better collaboration and facilitation with state and local governments and private property owners prior to the listing of a species. In the resolution, the Committee encouraged the enhancement of landowner incentives for voluntary conservation and species recovery efforts and requiring the use of sound and verifiable science when determining the listing of any animal or plant species.

The Committee also made two additional recommendations concerning the possible "delisting" of the endangered Gray Wolf and the funding of state wildlife conservation plans administered by NDOW. For more information concerning these recommendations, please see Section VI of this report. Finally, the Committee would like to express its sincere appreciation to the USFWS and NDOW for hosting an informational "Partnership Tour" in eastern Nevada, which highlighted various landowner incentive programs to restore wetlands, streams, river corridors, prairies, grasslands, and other important fish and wildlife habitats for imperiled species in Nevada.

11. 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 2005-2006 legislative interim was no exception. Hundreds of wildfires occur during each fire season in Nevada, burning 1 million acres annually. 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. 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 encourages 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 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 ongoing rehabilitation efforts from numerous agencies in the "Waterfall Fire" burn zone near Carson City. Officials from Carson City were especially grateful for the assistance of the UNR Cooperative Extension in the Waterfall Fire rehabilitation area and the Committee sent a letter to the Extension echoing these sentiments.

The Committee expressed gratitude during Committee hearings 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. Several recommendations relating to wildfire suppression and rangeland rehabilitation were approved at the Committee's work session and are discussed in greater detail in Section VI of this report.

V. SUMMARY OF WATER-RELATED ISSUES AND HIGHLIGHTS OF REPORTS AND PRESENTATIONS RECEIVED DURING THE 2005-2006 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. Beginning with the 2003-2004 legislative interim, the Committee was required under NRS 218.5368 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. As noted earlier, during the 2005 Legislative Session, the Nevada Legislature approved Senate Concurrent Resolution No. 26, which authorized an interim study for the 2005-2006 legislative interim focused exclusively on water issues. The Legislative Commission's Committee to Study the Use, Management, and Allocation of Water Resources was charged with analyzing and reviewing existing laws, regulations, policies, reports, and studies concerning water. Moreover, the S.C.R. 26 Committee was required to evaluate the need for additional water-related information, develop appropriate recommendations, evaluate relevant water issues, consider the feasibility of creating a permanent Legislative Committee on Water Resources (S.C.R. 26), and generally examine water management strategies and allocation issues. The measure also authorizes the appointment of a subcommittee to study the feasibility and advisability of consolidating water-related services in Washoe County.

In reviewing and comparing the scope of the two committees authorized under S.C.R. 26 and the requirements set forth in NRS 218.5368 for the Committee on Public Lands, it became clear that duplication in reports and presentations between the committees would likely occur during the legislative interim. Therefore, to ensure compliance with statutory requirements while avoiding unnecessary duplication, the chairman of the Committee on Public Lands issued a memorandum in December 2005 notifying interested parties of the overlapping jurisdiction and setting forth a plan to limit unnecessary, duplicative presentations by the many water authorities, purveyors, and water-related organizations slated to appear before one or both committees. A copy of this memorandum appears in Appendix D of this report. For additional information regarding the Legislative Commission's Committee to Study the Use, Management, and Allocation of Water Resources, please refer to *Legislative Counsel Bureau Bulletin No. 07-11*.

This section of the report serves to summarize the water presentations required under NRS 218.5368 that were not considered by the S.C.R. 26 Water Resources Committee.

During the course of the legislative interim, the Committee heard from the following entities and organizations (listed in order of appearance before the Committee):

- Truckee-Carson Irrigation District;
- Carson Water Subconservancy District;

- Several groups and individuals addressing Walker Lake, Walker River, and Walker River Basin issues, including:
 - State Department of Conservation and Natural Resources;
 - United States Geological Survey (USGS);
 - The Office of U.S. Senator Harry Reid;
 - Walker River Paiute Tribe;
 - Walker River Irrigation District (WRID); and
 - Walker Lake Working Group,
- Pershing County Water Conservation District;
- Virgin Valley Water District; and
- Colorado River Commission.

A. TRUCKEE-CARSON IRRIGATION DISTRICT

The Committee heard from the TCID at its fourth meeting in Fallon. Ernest C. Schank, President, Board of Directors, and Lyman McConnell, Project Manager, 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 U.S. Bureau of Reclamation (BOR), DOI, 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. Schank and Mr. McConnell 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 for the BOR on the progress of implementing a 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 FY 2005-2006, the District spent \$137,324 on 141 water conservation projects.

In addition, Mr. Schank and Mr. McConnell discussed with the Committee the following issues: (1) the Orr Ditch and Alpine decrees governing the Newlands Project, which is fed by the Carson and Truckee Rivers; (2) the four dams in the Newlands Project; (3) the three hydroelectric plants that generate power during the irrigation season; (4) the TCID water measurement program; (5) conservation efforts; (6) the Mobile Museum, which brings educational information about the project to school children and the public; (7) the status of efforts to transfer TCID's office and maintenance facility from federal ownership to TCID ownership; and (8) the effects of the December 2005 and January 2006 floods at Derby Dam on the Truckee River.

B. CARSON WATER SUBCONSERVANCY DISTRICT

Also at the Committee's meeting in Fallon, 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. He also reviewed for the Committee: (1) the Carson River watershed; (2) the CWSD's water situation and programs; (3) the floodplain management plan; (4) regional water system issues; (5) Carson Valley groundwater use; and (6) the Churchill Valley groundwater basin in the Silver Springs area.

The CWSD was formed in 1959 to contract with local ranchers and farmers to guarantee compensation 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, "Water Conservancy Districts," 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 the management and development of 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 District's authorizing 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, "Cooperative Agreements: State, Counties, Cities, Districts and Other Public Agencies," of the NRS). The CWSD Board of Directors was subsequently expanded to 13 members representing all regions of the watershed in Nevada and California.

Several challenges are 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. Future and current projects and plans for the District include responding to regional water demands and addressing wastewater issues. In addition, river restoration, studies on water quality, noxious weed abatement, floodplain management and protection, and wildlife habitat enhancement are included in the overall programs and activities of the CWSD.

C. WALKER RIVER, WALKER LAKE, AND THE WALKER RIVER BASIN AREA

The Legislative Committee on Public Lands has monitored Walker River and Walker Lake issues for many years. The Committee's fifth meeting in Hawthorne, located just south of Walker Lake, was an ideal venue to once again discuss these critical issues. The Legislative Commission's Subcommittee to Study the Protection of Natural Treasures (S.C.R. 35, File No. 101, *Statutes of Nevada 2005*) also examined Walker River and Walker Lake during the 2005-2006 legislative interim. Similar reports were provided to both the Committee on Public Lands and the S.C.R. 35 Subcommittee.

Walker Lake is a freshwater lake located in west central Nevada fed by snowmelt from nearby mountain ranges. The Lake draws a considerable number of tourists and functions as an economic mainstay for Mineral County. The Lake and the Walker River also have tremendous cultural, historical, and spiritual importance to the Walker River Paiute Tribe. Functioning as the terminus of the Walker River System, Walker Lake is one of the world's few saline lakes that are capable of supporting a freshwater trout fishery; although in recent years with diminishing lake levels, the viability of the hatchery has become questionable. The volume of Walker Lake has diminished by 75 percent since the late 1800s, and this continuing decrease is creating high concentrations of dissolved solids which are extremely detrimental and ultimately toxic to fish.

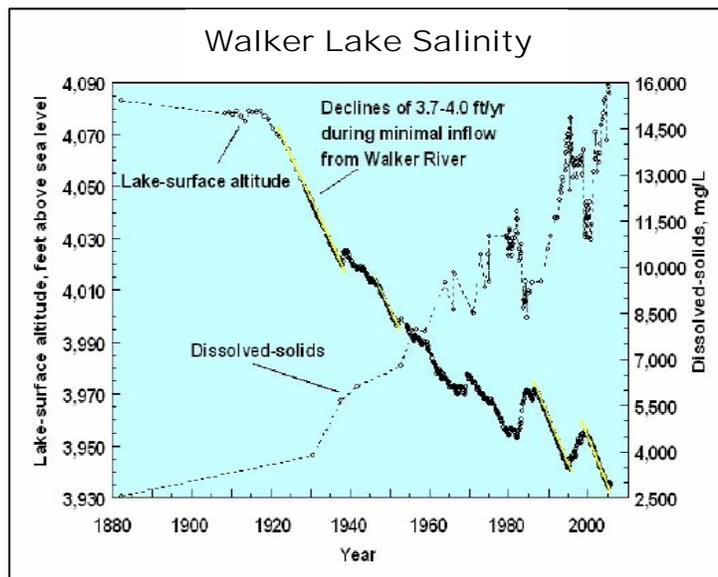
There are two major forks to the Walker River. The East Fork begins in the Sierra Nevada above Bridgeport, California, and travels on the east side of the Sweetwater Mountains, through Mason Valley, where it joins the West Fork near Yerington. Similarly, the west fork starts in California and continues down through Antelope Valley. Topaz Lake serves as an “off-channel reservoir” and the West Fork continues through Smith Valley until it connects with the East Fork. The Walker River then continues in a northerly direction toward the northwest portion of the Walker River Indian Reservation, where it makes a very strong turn through the Reservation and through Weber Reservoir ending in Walker Lake. The Walker River system is part of a very diverse ecosystem and serves as the primary water source for major agricultural interests in Lyon County.

1. State of Nevada—State Department of Conservation and Natural Resources

Allen Biaggi, Director, SDCNR, Carson City, provided a brief overview of Walker Lake and the Walker River System. Mr. Biaggi focused his testimony on the following particulars: (1) the Walker River system and water resources; (2) the water quality of Walker Lake; and (3) ongoing litigation and mediation. He was unable to answer specific questions concerning the litigation due to confidentiality. Mr. Biaggi said if the mediation group ceases to exist, the lawsuit will go forward and it will be up to the federal district court to decide the outcome of the specific water issues. He noted that water litigation is typically a very lengthy process and pointed out that the litigation and decree regarding water allocation of the Carson River took over 60 years to resolve.

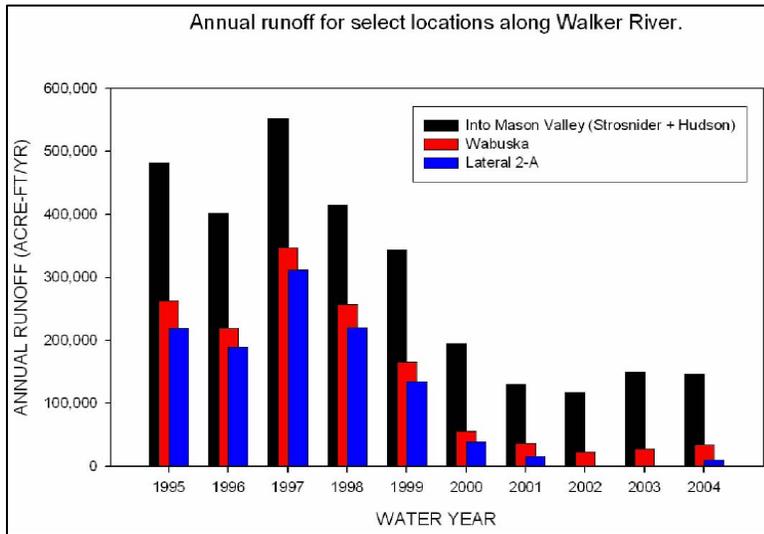
2. United States Geological Survey—Hydrology of the Walker River Basin

The Committee also heard from Tom Lopes, Walker River Basin Project, USGS, who highlighted a current study on the hydrology of the Walker River Basin. The study began in 2004 and is being conducted in cooperation with the BOR. He explained that there are several unknowns in some portions of the hydrologic system, including ungauged tributaries, evapotranspiration losses from riparian vegetation, the water budget for Walker Lake, and interactions between surface water (streams and rivers, canals, drains) and groundwater. The study is designed to



further evaluate these unknowns so that the consequences of water management alternatives to Walker Lake can be better predicted. Specific objectives for the study include:

- Quantify the volume of stream flow and determine the percentage of that stream flow for valleys in the watershed;
- Determine evapotranspiration losses from natural and agricultural vegetation and the Lake’s surface;
- Develop an improved water budget for Walker Lake; and
- Develop the capability to predict how changes in irrigation practices in and below Mason Valley will affect flows in the lower Walker River.



According to the study timeline, various phases of the study have been completed, while others are just beginning. The anticipated completion is the end of 2008. Mr. Lopes shared with the Committee maps, imagery products, charts, and tables highlighting the flows of the Walker River, the depth of Walker Lake, and “evapotranspiration” of water in the basin. Moreover, he discussed the various nonnative

plant species along the Walker River and how these plants are consuming tremendous amounts of water, leaving less flowing into Walker Lake.

3. Congressional Involvement in Walker River Basin Issues

Mary Conelly, State Director, Office of U.S. Senator Harry Reid, testified that Senator Reid has been actively involved for over 13 years in efforts to save Walker Lake, noting that in May 2002 he was successful in acquiring a \$200 million appropriation through the Farm Security and Investment Act (FSIA) of 2002 (“the Farm Bill” – Public Law 107-171) and the Omnibus Appropriations Act of 2003. Ms. Conelly declared that the original language in the bill stated the appropriated funds were for the benefit of desert terminus lakes and could not be used to purchase or lease water rights. She listed various projects and the amounts appropriated through the FSIA for those projects.

In her presentation to the S.C.R. 35 Subcommittee, Ms. Conelly discussed some particulars regarding the current mediation impacting Walker Lake. She noted that the mediation parties comprise a voluntary group that has an agreement with the court to meet until a specified deadline. Specifically, she noted that the current mediation group has met for over two years at great cost and with no progress. She also explained that an EIS will be completed prior to spending any of the farm bill money to assure there is no detrimental impact to agriculture at

the chosen sites where water is leased or purchased. She explained that Great Basin Land and Water is a private, nonprofit group experienced in water acquisitions and assists Washoe County with water issues. She further advised that the Walker River Irrigation District will be a participant among a group of stakeholders and will address water rights, operations and maintenance, and farming issues. Ms. Conelly opined that if the mediation group ceases discussions she anticipates that the scientific research will be available to the university system and the science and technology team, which will be involved in the stakeholders group that oversees the purchase and lease of water for Walker Lake.

4. Walker River Paiute Tribe

The Committee was pleased to hear from several representatives of the Walker River Paiute Tribe who noted that Walker Lake is at the heart of the Reservation and is known to the Paiute People as Agai Pah, which means “Trout Lake.” The Reservation, which was created in 1874, has a population of approximately 1,000 people and consists of 323,407 acres and includes 2,100 acres of farmland. Both Walker River and Walker Lake hold tremendous historical and cultural significance to the Paiute People and the Tribe is especially concerned about future river flows and lake levels. Tribal elders believe the Lake has healing powers. The Tribe has been active in mechanically removing thick stands of tamarisk (also known as salt cedar) in the river bed between Weber Dam and Walker Lake and has also sponsored the grazing of tamarisk by goats. Federal agencies have also released the Salt Cedar Leaf Beetle into large stands of tamarisk as a biological control. Salt cedar is a very resilient species that is known to consume up to 300 gallons of water per day. It outcompetes other native plants for water and increases the salinity of the soil.

In addition to tamarisk and noxious weed control, the Walker River Paiute Tribe is actively promoting recreational opportunities at Walker Lake and is seeking various ways to attract economically beneficial activities to the area. The Tribe is in the process of modifying and improving Weber Dam, which is listed as the top “high hazard dam” according to the Bureau of Indian Affairs. The Tribe continues to actively participate in water settlement negotiations between upstream users and groups seeking to preserve Walker Lake. Finally, the development of a fishery and hatchery operation, similar to the Pyramid Lake fish hatchery, is being explored by the Tribe.

5. Walker River Irrigation District

The Walker River Irrigation District was formed in April 1919 pursuant to Nevada’s Irrigation Act (enacted that year). There are approximately 246,000 acres of land within the District’s boundaries, all of which are in Lyon County. The District serves as the primary agricultural hub in Lyon County and is the most productive agricultural area in the State on a per acre basis. Agricultural products in Lyon County exceed \$50,000,000 annually. The District produces more white onions than any other area in the United States and an estimated 8,500 tons of potatoes. The District also produces about half of all seed garlic used by California’s garlic growers.

The WRID also owns, operates, and holds water rights for two reservoirs—Bridgeport Reservoir in California and Topaz Reservoir in both California and Nevada. Because the river system is partially in California and the reservoirs are also in both states, water law disagreements were once common between the states. In the early 1900s, the U.S. Supreme Court held that the U.S. District Court for Nevada had jurisdiction to declare the respective rights of the water in both states.

At the Committee's meeting in Hawthorne, representatives from the WRID encouraged the mediating parties to continue to meet and attempt to reach a comprehensive solution to ongoing water issues in the Walker River Basin. The District, which is a participant in the mediation, expressed optimism with the current mediation efforts and stated:

The District has and will continue to work cooperatively with interested parties on long-standing solutions to the issues in the Walker River Basin. Cooperative efforts present the best opportunities for solutions which meet the goals of the interested parties. Such efforts allow for consideration and implementation of solutions which are not available through litigation. Cooperative efforts allow for the development of the broad based support needed to implement solutions from parties directly affected, and from public officials at a local, state, and federal level.

6. Walker Lake Working Group

Also at its meeting in Hawthorne, the Committee heard a presentation from Lou Thompson, Chairman, Walker Lake Working Group. The Group was formed in 1992 in an effort to develop and implement a plan to restore Walker Lake in an economically and environmentally sound manner. The Group actively promotes the Lake through public outreach and education and, in recent years, has been a participant in Walker Lake mediation matters. In its outreach efforts, the Walker Lake Working Group distributes an informational brochure, presents slide shows highlighting Walker Lake, and maintains an Internet Web site (www.walkerlake.org). Finally, in April of each year, the Group hosts the annual Walker Lake Loon Festival.

D. PERSHING COUNTY WATER CONSERVATION DISTRICT

At the Committee's meeting in Battle Mountain, 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 Battle Mountain was the Humboldt Project title transfer, which has been an ongoing effort since the mid-1990s. The Committee on Public Lands has monitored, commented on, and sponsored legislation supporting this issue for many years.

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 BOR to the PCWCD in 1941. The District has operated and maintained the Project facilities (in conjunction with the nonfederal 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, the United States Senate approved H.R. 5200 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. President George W. Bush 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. The District is close to completing the transfer. However, during the 2003-2004 legislative interim, Mr. Hodges reported to the Committee at its meeting in Lovelock on May 6, 2004, about a major “roadblock” to the transfer as it related to cultural and historic resources that may exist on the proposed transferred lands. At this meeting, 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 needed a law to do this. This type of law would alleviate the need for Nevada to have to pay 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 such time development on that land would occur. In response to this request, the Committee on Public Lands voted to draft Senate Bill 81 (Chapter 174, *Statutes of Nevada 2005*), which was ultimately signed into law on May 31, 2005. See Section II of this report for additional information regarding S.B. 81.

At the Committee’s April 28, 2006, meeting in Battle Mountain, Mr. Hodges reported that the draft EIS of the Humboldt Project Conveyance title transfer was completed in early 2006 at a cost of \$305,000. In March of 2006, the BOR issued a “Record of Decision” to proceed with the title transfer. However, the cultural resources portion of the EIS is awaiting completion and is expected to cost \$900,000 to \$1.2 million and take four to seven years to complete. The Committee on Public Lands will continue to monitor the Humboldt Project title transfer.

E. VIRGIN VALLEY WATER DISTRICT

At the Committee's meeting in Mesquite, Michael Winters, General Manager, VVWD, presented an overview of the District's water resources. Mr. Winters also provided background information to the Committee during the 2003-2004 legislative interim at its meeting in Caliente. The VVWD was created through a special act of the Nevada Legislature in 1993 (Senate Bill 50, Chapter 100, *Statutes of Nevada*). When creating the Virgin Valley Water District Act, the Nevada Legislature declared that:

- Adequate and efficient water service is vital to the economy and well-being of the residents of the Virgin Valley area;
- Virgin Valley is remote from the county seat of Clark County, thus dictating that indispensable activities such as water service be administered by a governmental entity created for the residents of Virgin Valley; and
- Those portions of Virgin Valley described in this act could best be served water through a single governmental entity succeeding the current purveyors, the Bunkerville Water User's Association, and the Mesquite Farmstead Water Association.

Included in the presentations from Mr. Winters 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. The District has a current service area of 312 square miles and includes two sections of land (approximately 1,280 acres) located in Mohave County, Arizona, located directly across the State border from Mesquite. Mr. Winters illustrated the rapid growth of Mesquite (where the VVWD is located) 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. 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.

F. COLORADO RIVER COMMISSION

At its final meeting in Ely, 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 SDCNR. 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 Southern Nevada Water Authority 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.

Over the years, the CRC has acquired land near Laughlin from the federal government. By 1989, the CRC had 15,000 acres of land in the Fort Mohave Valley. Under federal and State law, the Commission is empowered to develop or sell certain land in the Fort Mohave Valley near Laughlin, Nevada. In 2004, the CRC sold 110 acres in Laughlin to Riverside Development for \$13 million (based on appraisals). The authority of the CRC to sell land was the primary subject of a presentation given to the Committee on August 24, 2006, by Jim Salo, Manager of Regulatory and Government Affairs for the CRC.

Mr. Salo explained that the Fort Mohave Valley Development law in Chapter 321, "Administration, Control and Transfer of State Lands," of the NRS, authorizes the CRC to develop or sell this land to benefit Laughlin or for "any other expenditures authorized by law." These provisions set forth the uses of the Fort Mohave Development Account, into which proceeds from land sales are deposited. Specifically, NRS 321.536 establishes priorities for use of the money in the development account which includes, among other things, the administration of the provisions of the Fort Mohave Valley Development Law "and any other expenditures authorized by law." Money in the account can also be used to fund State and local capital improvements within the Laughlin area as approved by the CRC with the concurrence of the Clark County Board of County Commissioners.

The CRC has a responsibility to serve the electrical needs of some companies in Henderson using hydropower. Whatever hydropower that is not available to meet the needs of Henderson is purchased by the CRC to meet the City's full-load requirements. These power purchases have been made for many years as the power companies have grown out of their entitlements (since hydropower is limited by the production of the dam). In 2001, one of those companies, Pioneer Americas, filed for Chapter 11 bankruptcy and went through a bankruptcy proceeding. When Pioneer Americas filed for bankruptcy, the company had contracts with the CRC for supplemental power that the Commission had procured on the company's behalf during the electricity crisis in the West when power prices were very high. Pioneer Americas eventually sued the CRC in an attempt to dispense with the responsibility of paying those contracts, leaving the State with that burden. The CRC subsequently made a settlement in February 2003 with Pioneer Americas whereby CRC took responsibility of those contracts and, in return, received cash to buy those contracts out. A number of those contracts were not fully defined in terms of how much they were valued because they were "future contracts" that were highly dependent on the market conditions. It was estimated at the time (in 2003) that the value of these supplemental power contracts was \$120 million. In 2005, CRC was left with a liability of about \$5 million (out of the \$120 million) for contracts that needed to be paid. According to testimony before the Committee on Public Lands and the S.C.R. 26 Subcommittee, these contracts were legally binding on the State and needed to be paid.

Mr. Salo reviewed the options available in order to cover this \$5 million liability. Instead of defaulting, the CRC reviewed the statutes concerning the Fort Mohave Fund Development Account (which included the \$13 million dollars from the 2004 land sale) and determined that using a portion of those funds (\$5 million out of the \$13 million) to pay off the CRC's liability fit under the allowance that the funds can be used for "and any other expenditures authorized by law." Mr. Salo indicated that the town of Laughlin and Clark County expressed concern about this since, under different circumstances, the \$5 million would have likely been used for Laughlin. Mr. Salo explained that the CRC and Clark County negotiated a settlement whereby the Commission could use the \$5 million and support an effort during the 2007 Legislative Session to confine the use of funds in the Account to administering the Fort Mohave Development Act. An appropriation of \$5 million to "refill" the Account has also been contemplated for the 2007 Legislative Session.

VI. DISCUSSION OF RECOMMENDATIONS

At its work session in Ely, Nevada's Legislative Committee on Public Lands considered numerous recommendations for action by the 2007 Session of the Nevada Legislature. The Committee also considered, at its work session and at other meetings during the 2005-2006 legislative interim, sending numerous policy statements through Committee letters and two Committee resolutions. The members voted to proceed with many of these recommendations, which resulted in nine 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 among the issues identified under Section IV of this report. Further details and related documents may also be obtained by reviewing the Committee's meeting minutes and exhibits, which are available on the Committee's Internet Web site (<http://www.leg.state.nv.us/73rd/Interim/StatCom/Lands/>). 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. Biomass Development and Usage in Nevada

For the past decade, the Committee has increasingly focused on the use of biomass as a potential source of energy. Biomass is essentially plant matter such as trees, grasses, agricultural crops, or other biological material. In Nevada, a common source of biomass is piñon-juniper, which is spreading quickly into native sagebrush habitat. Biomass can be used as a solid fuel or converted into liquid or gas forms for the production of electric power, heat, or fuels. At its meetings in Pahrump and Hawthorne, the Committee engaged in discussion concerning the potential uses and benefits of biomass.

Nevada's Statewide Biomass Coordinating Group consists of private sector individuals and also collaborates with the BLM and the Nevada State Energy Office. The Group is a solution-based organization and seeks various means of taking enormous amounts of biomass and converting it into a resource for economic uses. By thinning the forests of biomass accumulation over the past 30 to 40 years, the forests are opened up and become less of a fire risk, as well as provide better habitat for wildlife. The Nevada Renewable Energy and Energy Conservation Task Force now has a "biomass representative," Dr. Elwood Miller, on the panel. Dr. Miller has brought increased attention to the potential benefits and uses of biomass.

The Committee remains encouraged by the potential economic and environmental benefits of biomass development and was intrigued by presentations from Dr. Miller and John McLain, Principal Resource Specialist, Resource Concepts, Inc. (Carson City). Dr. Miller encouraged the Committee to support a resolution encouraging private investment in biomass-related initiatives and the creation of financial incentives for the development of on-site generation systems utilizing biomass.

Therefore, the Legislative Committee on Public Lands recommends that the 2007 Session of the Nevada Legislature:

Encourage, by resolution, the implementation of several recommendations regarding biomass and biomass initiatives as provided by Dr. Elwood Miller, Biomass Representative, Nevada Renewable Energy Conservation Task Force. These recommendations include:

(a) the establishment of “production tax credits” for biomass energy, which is currently provided for wind and geothermal energy; (b) the creation of financial incentives for the development of on-site generation systems operated by biomass; (c) private investment in biomass; and (d) the implementation of several pilot/demonstration projects illustrating the potential uses of biomass in Nevada. (BDR R-402)

2. Geographic Information Systems

At its meeting in Mesquite, the Committee heard a presentation from representatives of the State Department of Conservation and Natural Resources concerning the overall lack of geographic information systems usage among many of the SDCNR’s Divisions. While some GIS applications are occurring in the Division of Forestry, much of the use of GIS among State agencies and departments occurs in the Departments of Transportation and, to some extent, Agriculture. A Natural Resources GIS Coordinator, however, does not exist. Some believe that without a coordinator to oversee GIS activities across a wide range of natural resource-related applications, opportunities to share GIS “data sets,” partner with other local governments and State agencies, and provide GIS training will be lost. Testimony indicated that, for example, Nevada’s Division of State Lands is unable to produce a map showing current State land holdings because the Division lacks the appropriate GIS software and machinery and has no GIS-trained personnel on staff. Other Divisions within the SDCNR face similar issues.

Therefore, the Legislative Committee on Public Lands recommends that the 2007 Session of the Nevada Legislature:

Enact legislation creating the position of a Natural Resource GIS Coordinator, to be housed in one of the natural resource departments/agencies, for the purpose of aligning the twelve public land and natural resource agencies and coordinating interaction with the State GIS Coordinator, federal land management partners, and State government major area partners such as public health, homeland security, and transportation. The measure would also create the Natural Resource/Public Lands GIS Technical Training Revolving Fund to be managed by the Natural Resource GIS Coordinator for the purpose of providing cost-effective GIS training for natural resources agencies.

In addition to creating and funding the position and revolving training fund, the measure should include a legislative declaration or preamble: (a) expressing support for the *Nevada Initiative for Coordinated Geographic Information Management*; (b) recognizing the importance of GIS to policy making, particularly in public land and natural resource management; (c) directing the establishment of standards

within State government for the collection of data; and (d) directing State agencies to enter into trading partner agreements for the sharing of data. (BDR 18-403)

3. Legal Challenges to Grazing Decisions of Federal Land Management Agencies

Throughout the legislative interim, the Committee continuously heard about legal challenges made by certain groups and organizations to decisions rendered by various federal land management agencies (and especially the BLM) concerning grazing. Many agency decisions extending the use of grazing allotments and reducing or expanding animal unit months (AUMs) on allotments have been immediately challenged in court. Several individuals who testified before the Committee suggested that these challenges represent efforts by certain groups to freeze and eventually eliminate public lands grazing. They reported on the potential economic detriment such actions have on rural economies and implored the Committee to request legislation addressing this important development.

Therefore, the Legislative Committee on Public Lands recommends that the 2007 Session of the Nevada Legislature:

Express, by resolution, the Nevada State Legislature's disapproval of various ongoing legal challenges brought against local ranchers and the BLM concerning grazing permits and regulations. Include in the resolution statements concerning the detrimental economic impacts these challenges have on Nevada's rural communities and the threats such challenges pose to agriculture. (BDR R-396)

4. Natural Resource Planner Position for the Division of State Lands

At the Committee's meeting in Hawthorne, local government representatives expressed appreciation to the Division of State Lands, SDCNR, for its natural resource planning assistance, which is offered and provided to those counties (primarily rural counties) that do not have established planning departments and functional master plans. With the passage of major federal lands legislation in 1998, 2000, 2004, and 2006, which directly impacts Nevada and the disposal and acquisition of federally managed land, additional staff in the Division is being requested to coordinate the State's role in these land actions.

The Division of State Lands actively works with local governing bodies to help identify federal lands suitable for auction, select lands that may be appropriate for acquisition as environmentally sensitive, establish appropriate usage on State and federally owned land, and assist in realty actions. The responsibilities of the Division also include: (1) handling Nevada's federal land grants; (2) holding title to the beds and banks of its navigable bodies of water; (3) serving as Nevada's general land agency by holding title to almost all of Nevada's land—buying land when it is needed by the State, and selling land when it exceeds the State's needs; (4) facilitating acquisitions as needed; and (5) processing leases and easements.

The Division is also involved in administering the “Q-1” bond money and works to ensure that funds generated from the sale of federal land under the various land acts are spent for the maximum benefit to the State of Nevada. Given all these important functions, the Committee believes that providing an additional staff member in the Division will be beneficial to the State and those local governments needing assistance from the Division.

Therefore, the Legislative Committee on Public Lands recommends that the 2007 Session of the Nevada Legislature:

Enact legislation creating the position of a land use planner within the Division of State Lands, SDCNR. The position would assist those rural counties that do not have established land use planning teams and would be instrumental in assisting the local government in working with federal land management agencies on many matters. (BDR 26–397)

5. Noxious Weeds—Appropriations and Funding Sources

As noted in Section IV of this report, 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 2005-2006 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. 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. 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.

The Committee heard several presentations during the interim regarding the need for increased monetary support for numerous noxious weed matters. Testimony indicated that adequate funding for noxious weed-related activities, the State’s Noxious Weed Program, the various

Cooperative Weed Management Areas, and weed abatement and control initiatives are vital to successfully combating the spread of invasive weeds. Several funding-related proposals were discussed during the interim and were identified as the primary objective for legislative action on weeds during the 2007 Legislative Session.

Therefore, the Legislative Committee on Public Lands recommends that the 2007 Session of the Nevada Legislature:

Enact legislation making an appropriation of \$450,000 to provide grant funds to Nevada's 30 CWMA's for weed control purposes (\$450,000 based on an average annual grant request of \$15,000 per year for each of Nevada's 30 CWMA's). Also include in the measure provisions establishing grant funding and an operating budget of \$300,000 within the State Department of Agriculture for noxious weeds-related programs. Of this \$300,000, \$50,000 would be allocated for seasonal employees to assist in SDA-level functions relating to abatements; \$50,000 would be allocated to biological control programs; \$100,000 would be used for the "Abatement Fund" (application on the ground); and \$100,000 would be allocated for weed education and outreach purposes.

The grant funding would support the control efforts of CWMA's as USFS funding continues to dwindle. The operating budget would also provide matching funds for federal grants the State of Nevada is currently ineligible for due to its lack of matched money. (BDR S-398)

AND

Enact legislation authorizing the use of a portion of proceeds of Governmental Services Tax for the control of noxious weeds in Nevada and authoring a slight increase in GST collections to cover the cost of this activity. The amount the increase would depend upon the value of the vehicle upon which the GST is imposed. Include in the measure the creation of a fund for a comprehensive long-term program for managing noxious weeds in Nevada. The fund would be managed by a Board of Trustees appointed by the Governor. The comprehensive program would include five or more weed management specialists, a weed project manager, and an administrative support position. The comprehensive program would also involve the creation of at least six weed control districts in Nevada similar to the tri-county weed district in Nye, Lincoln, and White Pine Counties. (BDR 32-399)

6. Off-Highway Vehicles

The Legislative Committee on Public Lands has monitored off-highway vehicle use on public lands for many years. 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 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 almost 200 percent.

The BLM has established three designations for OHV use in Nevada: (1) open; (2) limited; or (3) closed. Approximately 77 percent of Nevada's BLM land (about 38 million acres) is designated as "open," meaning OHVs can be operated in any area without restriction. Meanwhile, almost 19 percent of BLM land is designated as "limited" OHV use, whereby OHVs must be operated on designated roads and trails. Four percent of BLM land in Nevada is closed to OHV use. Testimony from BLM representatives throughout the interim indicated their travel management planning process is designed to be localized and flexible, allowing for amendments or revisions as needed.

Off-highway vehicle use on Forest Service land is also increasing. The USFS released its final "Travel Management" rule in November 2005. This rule provides a national framework for local units to use in designating a sustainable system of roads, trails, and areas for motor vehicle use. According to the Forest Service, the goal of the rule is to secure a wide range of recreational opportunities while ensuring the best possible care of the land. It requires each national forest or ranger district to designate those roads, trails, and areas open to motor vehicles and must include the "class" of vehicle and, if appropriate, the time of year for motor vehicle use. A given route, for example, could be designated for use by motorcycles, OHVs, or street-legal vehicles. Road-related decisions will be made locally with public input and in coordination with state, local, and tribal governments.

State agency involvement in OHV management has also increased in the last few years. Indeed, the Committee on Public Lands requested the drafting of Senate Bill 400 of the 2005 Legislative Session. The measure was significantly amended during the session. The bill requires the State of Nevada to play an official role in issuing "certificates of operation" and local governments now have specific statutory authority to designate a portion of certain roadways as acceptable for OHV use. Much of the testimony received during the 2005-2006 legislative interim was in response to S.B. 400. Many opined that the final version of S.B. 400 did not "go far enough" in specifically requiring OHV registration and providing general statewide oversight of OHV matters.

Therefore, the Legislative Committee on Public Lands recommends that the 2007 Session of the Nevada Legislature:

Enact legislation amending certain existing provisions and setting forth new provisions concerning off-highway vehicles in Nevada.

The measure would provide for the continued issuance of certificates of operations for OHVs, set forth an OHV registration program, and provide for other related OHV regulation. (BDR 43–400)

7. Monte Cristo’s Castle—Proposal for a New State Park

During its meeting in Fallon, the Committee heard a presentation from Michael Hackett, Manager, Legislative and Regulatory Services, Alrus Consulting, and Andrea Bradick, Owner, Jim Butler Motel, Tonopah. They advocated the creation of a new State park at Monte Cristo’s Castle, which is located in northeastern Esmeralda County, and discussed their four-year effort toward establishing the State park. The proposal calls for a park designation of 6,400 acres (about 10 square miles) on land currently under management of the BLM. If approved, this land would need to be transferred from the BLM to the State of Nevada. The land is characterized by unique geographical and geological features such as rock spires, steep cliffs, and giant boulders.

Proponents of the park indicated they have received enthusiastic support for the proposal from the public as well as various public and private entities and officials. Moreover, they highlighted the economic benefits of the park to the State of Nevada and to Esmeralda, Mineral, and Nye Counties. Mr. Hackett analyzed the potential economic impacts on Esmeralda, Mineral, and Nye Counties and concluded that the park would infuse \$900,000 in retail sales and \$58,000 in tax receipts to these local economies. He also stated that the economic benefits could include 83 new industry-related jobs, 105 new households, and five new retail establishments. According to the Division of State Parks, the proposal would require an initial expenditure of \$2.6 million for park development, a first year operating budget of \$300,000, and a second year (and ongoing) operating budget of \$200,000. Overall, the Committee was intrigued by the proposal and was generally supportive of the park’s creation.

Therefore, the Legislative Committee on Public Lands recommends that the 2007 Session of the Nevada Legislature:

Enact legislation establishing a State park at Monte Cristo’s Castle located in northeastern Esmeralda County. (BDR 35–401)

8. Wildfire Suppression and Rangeland Rehabilitation

Throughout the interim, the Committee heard reports from State and local government representatives concerning fire suppression efforts and rangeland rehabilitation following wildfires. Several agencies share responsibility for fire prevention and suppression in Nevada. At the State level, Nevada’s Division of Forestry 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.

Moreover, the issue of rangeland rehabilitation was another matter of discussion at several Committee meetings. Fire, drought, and noxious weeds have damaging effects on natural ecosystems, impacting the agricultural industry and wildlife habitat. Securing sufficient funding for fire suppression and rangeland rehabilitation is one of the primary objectives of the BLM, USFS, and NDF. The Committee consistently hears reports regarding the lack of needed funds for these efforts. Budgets for fire suppression and subsequent land rehabilitation are often exhausted early in any given fire season, reducing the ability of the various agencies to respond to wildfires and leaving many thousands of acres without adequate post fire treatment.

Therefore, the Legislative Committee on Public Lands recommends that the 2007 Session of the Nevada Legislature:

Urge, by resolution, the U.S. Congress to provide greater funding for wildfire suppression efforts and rangeland rehabilitation for those areas already impacted by fire. Include in the resolution discussion of the inherent danger of fire in the Lake Tahoe Basin and emphasize that fire suppression activities have a direct impact on local economies and explain how recent fires in northern Nevada have decimated large tracts of critical wildlife habitat. (BDR R-468)

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 organizations. Detailed background information on some of these subjects is included among the issues identified in Section IV of this report. Copies of the corresponding letters will be posted on the Committee's Internet Web site upon completion (<http://www.leg.state.nv.us/73rd/Interim/StatCom/Lands/>).

1. University of Nevada, Reno, Cooperative Extension—Assistance with Fire Rehabilitation

At its meeting in Carson City, the Committee received an update on restoration efforts following the July 2004 Waterfall Fire in Carson City. City representatives acknowledged the efforts of the UNR Cooperative Extension for its assistance with the rehabilitation of land impacted by the fire. According to testimony, the Extension office in Carson City was instrumental in providing technical assistance to city personnel as well as impacted homeowners. Moreover, the UNR Cooperative Extension aggressively managed community

education and volunteer efforts and made great strides in comforting the residents of Carson City immediately following this most disturbing wildfire event.

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

The Director of the UNR Cooperative Extension expressing appreciation to the Cooperative Extension for its assistance in rehabilitating land impacted by the July 2004 “Waterfall Fire” west of Carson City.

2. Ruby Lake National Wildlife Refuge

At its meeting in Elko, the Committee heard an overview of the Ruby Lake National Wildlife Refuge, which is administered by the USFWS. Marti Collins, Refuge Manager, provided an overview and slide presentation of the Refuge, which was established in 1938 by a Presidential Executive Order as a refuge and breeding ground for migratory birds and other wildlife. Ms. Collins’ discussion focused on the Refuge’s management program, and she noted that the Refuge allows public uses such as fishing, water fowl hunting, wildlife observation, and wildlife photography. Several Committee members stated how impressed they were with the programs and activities occurring at the Refuge.

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

The Director of the USFWS, the USFWS Field Supervisor in Nevada, and to the Refuge Manager of the Ruby Lake National Wildlife Refuge expressing the Committee’s support for the forward-thinking programs at the Refuge and commending the Refuge Manager and her staff for their efforts to improve the Refuge.

3. 2005 “Ranger of the Year” Award Recipient, Dan Dallas

Also at its meeting in Elko, the Committee learned that Dan Dallas, District Ranger for the Mountain City Ranger District, USFS, was awarded the 2005 “Ranger of the Year” from the Forest Service. This honor is awarded to individuals who show personal dedication to recreation management and exhibit a sense of partnership in working with various recreation service providers.

Therefore, in recognition of his notable accomplishments, the Legislative Committee on Public Lands voted to send a letter to:

Dan Dallas, District Ranger, Mountain City Ranger District, USFS, congratulating him on receiving the 2005 “Ranger of the Year” award from the USFS.

4. Evaluation of Park Fees and Other Revenue Sources

The Committee engaged in a discussion at its meeting in Elko regarding the declining condition of USFS facilities, campgrounds, and recreation areas. Questions were raised about whether adequate funding was being provided to maintain and repair Forest Service facilities. It was determined that, since the USFS has implemented a recreational fee program in some areas, an evaluation of these fees as well as other revenue sources should be conducted to ensure sufficient funds are available for critical recreational needs.

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

The Secretary of the USDA and the Chief of the USFS requesting an evaluation of park fees and/or other revenue sources to ensure that sufficient monies are available to manage and maintain recreation facilities in Nevada and the West. Encourage the USFS to continue its efforts to seek more funding from the U.S. Congress to provide enough money to adequately maintain USFS facilities which are, according to testimony, in desperate need of enhancements and upkeep.

5. Range Management School

The Committee heard a presentation at its Elko meeting from the Northeastern Nevada Stewardship Group, which is a collaborative group based in Elko County focused on enhancing public land and natural resource issues and raising awareness about grazing, recreational opportunities, endangered species, and other natural resource matters. The Group discussed its involvement in the UNR Cooperative Extension's "Range Management School." The school is a workshop for land users and ranchers focusing on plant growth, animal nutritional needs, and the importance of using creative grazing techniques to enhance rangeland health and livestock production. The Committee was impressed with the interdisciplinary approach of the school and its focus on sustainable range management for livestock grazing, wildlife, and recreation.

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

The Nevada Cattlemen's Association, Nevada Farm Bureau, each of the BLM Field Managers in the State of Nevada, and other potential interested parties supporting the programs and activities of the "Range Management School."

6. Grazing for Fuels Reduction and Fuels Management

For many years, some Committee members and numerous individuals appearing before the Committee have discussed the importance of fire fuels reduction and management. The concept of using livestock grazing as a method of fuels reduction (especially during the spring when grasses and brush are green and hold greater nutritional value) has been an

ongoing discussion among ranchers and the firefighting community. According to testimony, this practice could improve range conditions, limit fire frequency, enhance livestock health, and serve as an alternative to prescribed burns. The Committee was very interested in this idea and encourages its practice.

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

The Director of the BLM and the Chief of the USFS encouraging those agencies to use and continue to use grazing (and even consider a temporary increase in AUMs during high-yield years) when conducting fuels reduction and fuels management. Include in the letter a statement encouraging the BLM to amend its grazing regulations to set forth an expedited or streamlined process for approving grazing applications for temporary, nonrenewable permits. This would help facilitate grazing on cheatgrass-infested areas at the earliest part of the grazing season when the cheatgrass is considered prime forage for livestock.

7. Nevada National Guard's Support of Firefighting Efforts in Nevada

During its lengthy discussions concerning wildfire suppression and rangeland rehabilitation, the Committee was pleased to learn about the excellent relationship the Nevada National Guard has built with Nevada's Division of Forestry. In the spirit of interagency cooperation, the National Guard employs its helicopters and other aircraft in battling wildfires throughout the region. Committee members were impressed with this relationship and praised the Guard and the NDF for their ability to effectively utilize valuable equipment for many different purposes.

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

The Commander of the Nevada National Guard commending the Guard for its support of firefighting efforts in the State of Nevada and praising its interagency cooperation through the use of helicopters and other aircraft in battling wildfires. Include in the letter language supporting the Guard's continued assistance, particularly on the Sierra Front, and encouraging the Guard to expeditiously prepare and equip helicopters and other aircraft for firefighting duty as quickly as possible after their return from military service in the Middle East and Afghanistan.

8. Wild Horses—Keeping Gathered Wild Horses in Nevada

Because forage on Nevada rangelands is limited and must be shared among wildlife, livestock, and wild horses, public land managers are required to set appropriate management levels for wild horses on each of Nevada's 103 herd management areas (HMAs). Current AML in Nevada is 14,500. 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. In recent years, the BLM has been successful in maintaining AML in most of the HMAs. 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 the BLM's National 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 reduced or facilities must be relieved by transporting unadoptable animals to wild horse "sanctuaries" in the Midwest. Testimony from the BLM suggests that transporting horses from Nevada to the sanctuaries is very costly and often detrimental to a horse's health. Moreover, the costs to maintain the wild horses at the sanctuaries are high.

The Committee seemed interested in an idea contemplated at several meetings and during the informational tours to Washington, D.C., whereby gathered wild horses would not be transported to Midwest sanctuaries, but rather remain in Nevada under the care of ranchers and farmers. The ranchers and farmers would receive remuneration from the BLM for the care of the horses and, with the appropriate grazing rule changes, utilize existing grazing permits for the wild horses. This practice would allow gathered horses to remain in Nevada in a controlled environment and eliminate the need to transport the horses cross-country.

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

The DOI, the BLM, and members of Nevada's Congressional Delegation encouraging the DOI and the BLM, with the support of the U.S. Congress, to consider revising current BLM policies to allow more ranchers and farmers in Nevada and the West to hold or care for gathered wild horses that would, under most circumstances, be shipped to wild horse sanctuaries in the Midwest.

9. Recreation Planning and Law Enforcement—Funding for the BLM and USFS

At its meeting in Carson City, the Committee heard testimony from Daniel C. Holler, Douglas County Manager. Mr. Holler noted that a lack of federal funds for recreation planning and law enforcement within the BLM and the USFS is greatly impacting agency services in Nevada. He opined, because of insufficient federal money, that recreational opportunities on public lands are not being adequately explored or publicized and there are not enough law enforcement personnel to oversee Nevada's vast expanses of federally managed land.

The Committee was intrigued with Mr. Holler's observations and, therefore, voted to send a letter to:

The appropriate members of the U.S. Congress (chairing the appropriation committees), the DOI, BLM, USDA, and USFS, stipulating the need for increased funding for recreation planning and law enforcement within the BLM and the USFS.

10. Flood Control Activities in Pahrump

At its meeting on December 14, 2005, the Committee on Public Lands heard testimony from elected officials representing Pahrump. At that time, the Committee offered its assistance in public lands matters that may be of concern to the town. Testimony at the meeting revealed that runoff in the springtime from the surrounding mountains has resulted in flooding in Pahrump. According to testimony, plans to help control the runoff from the mountains to the east of Pahrump have been stalled for several years. Gary Hollis, Nye County Commissioner, explained that a statement from the Committee encouraging the various parties involved to move forward with flood mitigation efforts would be very helpful.

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

The Nye County Board of Commissioners, the Pahrump Town Board, BLM, USFS, and other federal agencies involved in flood control matters in Pahrump expressing support for flood control activities in Pahrump. The letter should encourage these federal agencies to issue the appropriate permits and grant authority to Nye County and the Town of Pahrump to proceed with flood mitigation efforts in the mountains surrounding Pahrump.

11. Lower Pitt-Taylor Reservoir

During its meeting in Battle Mountain, the Committee engaged in a discussion regarding the Humboldt River system and Rye Patch Reservoir. Humboldt County Commissioner and Committee member, Tom Fransway, noted that Lower Pitt-Taylor Reservoir (located adjacent to Rye Patch Reservoir) is in desperate need of parking and improved vehicle access to encourage and enhance recreational use.

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

David K. Morrow, Administrator, Division of State Parks, SDCNR, encouraging him to explore strategies to enhance recreational access at the Lower Pitt-Taylor Reservoir, which is adjacent to Rye Patch Reservoir in northern Pershing County.

12. Statewide Biomass Coordinating Group

Over the years, the Committee has heard numerous reports and presentations concerning the use and development of biomass. Biomass is essentially plant matter such as trees, grasses, agricultural crops, or other biological material. In Nevada, a common source of biomass is piñon-juniper, which is spreading quickly into native sagebrush habitat. Biomass can be used as a solid fuel or converted into liquid or gas forms for the production of electric power, heat, or fuels.

At its meeting in Hawthorne, the Committee heard testimony from John McLain of Resource Concepts, Inc., regarding the activities and programs of the Statewide Biomass Coordinating Group. The Group consists of private sector individuals and also collaborates with the BLM and the Nevada State Energy Office concerning biomass initiatives. The Group is a solution-based organization and seeks various means of taking enormous amounts of biomass and converting it into a resource for economic uses. The Committee also heard a detailed report regarding Nevada's Fuels for Schools program. The David E. Norman Elementary School in Ely utilizes a biomass-fueled heating plant, which provides heat for the school and supplies all of its domestic hot water. The plant has been in operation since March of 2005 providing an estimated annual savings to the White Pine County School District of \$18,000.

The Committee fully supports the efforts of the Statewide Biomass Coordinating Group and is especially pleased with the progress of Nevada's Fuels for Schools program. Therefore, the Legislative Committee on Public Lands voted to send a letter to:

The Statewide Biomass Coordinating Group, key elected officials, including Nevada's Governor, Nevada's Congressional Delegation, Nevada's Energy Office, and the Nevada Renewable Energy and Energy Conservation Task Force, and include a statement in the final report supporting the efforts of the Statewide Biomass Coordinating Group and encouraging continued and increased funding for the "Fuels for Schools" program administered by Nevada's Division of Forestry.

13. Rescission of the Endangered Species Listing of the Gray Wolf

The Committee was interested in a presentation from Terry Crawforth, Administrator, NDOW, regarding endangered species issues. During his testimony Mr. Crawforth noted that wolves have been sighted in neighboring states and expressed concern that the endangered Gray Wolf may expand its territory into northern Nevada. There have been no sightings of a Gray Wolf in Nevada for approximately 75 years. He added that, based on this historical information and substantial biological data, NDOW had petitioned the USFWS to "delist" the Gray Wolf in the State of Nevada. The USFWS denied this request.

Some Committee members expressed an interest in requesting that the USFWS again consider “delisting” the Gray Wolf in Nevada. Therefore, the Legislative Committee on Public Lands voted to send letters to:

The USFWS requesting the “delisting” of the Gray Wolf in the State of Nevada (as was previously requested by NDOW). Include a statement in the letter expressing the Committee's concern that the listing of the Gray Wolf could have a detrimental impact on ranching and farming operations (particularly in northeastern Nevada), and express the Committee's concern over any efforts to “reintroduce” the Gray Wolf in the State of Nevada.

14. Funding for State Wildlife Conservation Plans

Mr. Crawford also briefly discussed NDOW's proposed budget at the Committee's meeting in Battle Mountain. He specifically requested support from the Committee regarding the Department's request for funding State wildlife conservation plans. These plans provide a management framework for various species and set forth strategies for species protection, hunting and fishing activities, and habitat conservation. Mr. Crawford explained that during the “planning stage” of the State wildlife conservation plan program, there is a 75 percent/25 percent federal-state match (25 percent from the State) and, during the “implementation phase,” there is a 50 percent state match portion. In the past, the total State funds provided through General Fund appropriation were \$600,000. This, in turn, allows for a total federal contribution of over \$1 million. According to testimony, such State wildlife conservation plans will help prevent endangered species listings in Nevada.

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

The Chairmen of the Senate Committee on Finance and the Assembly Committee on Ways and Means expressing support for NDOW's budget request for the funding of State wildlife conservation plans.

15. Nevada Department of Wildlife's Landowner Incentive Program

The Committee heard a presentation concerning NDOW's Landowner Incentive Program at its meeting in Battle Mountain. In addition, the Committee participated in an informational tour hosted by NDOW and the USFWS, which highlighted various landowner assistance activities occurring in eastern Nevada. According to an NDOW informational brochure on the LIP, the program is designed “to forge positive working relationships with Nevada landowners to maintain or increase healthy wildlife habitats on private property that support native species of conservation priority.” The program relies heavily on federal funding, operating under a 75 percent federally funded and a 25 percent nonfederal match scenario. This nonfederal

match can be fulfilled through a variety of mechanisms, including state funding, “in-kind” contributions, and private assistance.

The Committee was very impressed with the LIP and encourages its continued existence in Nevada. Therefore, the Legislative Committee on Public Lands voted to send a letter to:

The Office of the Governor and the Director of NDOW expressing support for NDOW’s Landowner Incentive Program and encouraging the use of State funds (along with committed federal dollars) to ensure the continued existence and operation of the program.

16. Nevada’s Mining Regulations

Every interim, the Committee discusses Nevada’s mining activities and mineral regulations. Nevada’s mining industry is subject to many regulations from both the federal and State governments. Many observers believe the State’s regulatory structure works well for the mining industry and, at the same time, successfully protects the environment. An important feature of Nevada’s mining program is that it is capable of adapting as new issues arise. The adoption of Nevada’s mercury air emissions program is a recent example of the flexibility in the system. Testimony during the legislative interim suggested that the EPA may not perceive Nevada’s mining provisions as providing sufficient oversight and regulation.

The Committee believes that Nevada’s mining statutes and regulations are among the strongest in the Nation and, therefore, voted to send a letter to:

The EPA explaining the importance and quality of Nevada’s mining regulations and assuring the EPA that the regulations have been carefully crafted and proven to work well for the entire mining industry in Nevada.

17. Water Rights Filings and the Bureau of Land Management

In 2005, the Battle Mountain Field Office of the BLM filed with the State Engineer ten applications for water rights for the purpose of accommodating wildlife watering and wildlife habitat. The BLM has maintained that these filings are a legitimate action because of its responsibility to maintain riparian areas for wildlife purposes. Conversely, opponents have argued that maintaining riparian habitat is a shared responsibility in which the private water rights holder is a party. They opined that, in most cases, wildlife is served by the existing private water rights holder on federal land. The Committee listened to these discussions intently and was unclear about BLM’s policies and motivation concerning water rights filings in these instances.

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

The Director of the BLM, expressing the Committee's concerns about the BLM's 2005 filing with the State Engineer for water rights for the stated purpose of accommodating wildlife watering and wildlife habitat. Request in the letter that the BLM explain its policies with regard to water rights filings, particularly as they relate to the filings made by the Battle Mountain Field Office of the BLM for wildlife purposes.

18. Renewal of Grazing Permits by the Bureau of Land Management

On several occasions throughout the interim, the Committee discussed the issue of grazing permit renewals and the urgency to process a backlog of grazing permit renewals by 2009. Some testimony during the legislative interim suggested that a National Environmental Policy Act review must be conducted by the BLM on all grazing permit renewal applications. Other concerns were raised about the increased backlog of grazing permit renewals due to such NEPA reviews, despite the fact that a "permit renewal rider" (Public Law 108-108) allows the BLM to automatically process grazing permit applications without a NEPA review if such requests do not result in a significant impact on the ground or represent any major changes to the existing grazing permit.

At the Committee's meeting in Battle Mountain, Jon Hutchings, Natural Resource Manager, Eureka County, provided the following detailed summary of the current issue and highlighted numerous concerns shared by the BLM, the grazing industry, and local government:

During the late-1990s, in response to successful legal challenges related to environmental analysis under the National Environmental Policy Act and the Endangered Species Act, the BLM established policies calling for greater rigor in the permit renewal process. Permit renewals were thereafter strongly linked to formal evaluations of rangeland health standards.

Congress recognized immediately that more rigorous environmental requirements would exacerbate the mounting backlog of expiring permits. In order to ensure that the administrative backlog would not unnecessarily disrupt livestock grazing operations and to allow BLM adequate time to conduct the NEPA analysis and ESA consultation necessary for full compliance, Congress passed and renewed annual legislation that allowed expiring permits to be renewed on the basis of existing terms and conditions [NOTE: This is commonly referred to as the grazing permit "rider" provision.] In the FY 2004 Omnibus Appropriations Bill (now PL 108-108) Congress extended the annual legislation by providing that permits expiring in FY 2004 through FY 2008 could be renewed in the same fashion. More recently, BLM set a FY 2009 goal for processing all permits with full NEPA and ESA compliance.

The year 2009 is rapidly approaching and BLM Nevada is faced with processing 635 expired or expiring permits. Battle Mountain Field Office alone must

process 35 ten-year grazing permits on 35 allotments (20 issued under the rider and 35 that will expire between now and the end of FY 2008). The task is not likely to be accomplished if permit renewal remains tied to the comprehensive, time-sensitive and often contentious Allotment Evaluation/Final Multiple-Use Decision process. The unfavorable outcome is that BLM will not be able to timely renew permits and graziers will be prevented from turning out.

There seem to be two actions that can prevent this outcome. First, BLM, industry and other interests must work to reduce the burden of processing permit renewals. This effort is underway. Discussions between the BLM State Director and industry groups have identified a grazing agreement program that could streamline permit renewal, comply fully with NEPA and honor ten-year evaluation requirements. Details are still being worked out, but the prognosis is good. Benefits to graziers are likely to include no immediate AUM reductions and assurance that progress toward rangeland health standards is documented before their ten-year Allotment Evaluation/Final Multiple-Use Decision comes due. The second action that must be considered is lobbying congress to extend the PL108-108 provisions. If BLM and industry show due diligence in processing permits, then Congress will be more likely to consider an extension of the rider. That said, political changes between now and then may make renewal legislation difficult to obtain in 2009; therefore, we should work to secure an extension as soon as possible.

The Committee is very concerned about the future of grazing permit renewals and the impacts that a comprehensive NEPA review may have on the cattle industry. Therefore, the Legislative Committee on Public Lands voted to send a letter to:

Nevada's Congressional Delegation, the Office of the Governor, and the Director of the BLM, expressing the Committee's concern regarding the renewal of grazing permits. The letter shall request that the BLM provide a written overview to the Committee of its NEPA review policies relating to grazing permit renewals. Furthermore, the letter shall encourage Nevada's Congressional Delegation to examine the permit renewal rider and take action to "renew" the rider beyond its scheduled 2008 expiration.

19. Recognition of USFS Efforts During the 2005-2006 Legislative Interim

During the past several legislative interims, and especially throughout the 2005-2006 interim period, the Committee has 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 Edward C. Monnig, Forest Supervisor, Humboldt-Toiyabe National Forest, and his conscientious staff should be recognized for their generous contributions to the Committee's

deliberations. In addition, the Committee held two very informative and useful workshops with the USFS and the National Forest System during its informational tours to Washington, D.C. The Committee is well aware that the Forest Service is often called upon to discuss somewhat controversial matters, and the members are thankful for the agency's willingness to attend the various hearings and field excursions, sometimes on short notice.

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

The Secretary of the USDA and the Chief of the USFS expressing the Committee's appreciation of the USFS' efforts and support of the Committee during the 2005-2006 legislative interim. Include in the letter a statement concerning the USFS' consistent willingness to appear before the Committee and provide useful and helpful information to assist the Committee in its duties.

20. Recognition of BLM Efforts During the 2005-2006 Legislative Interim

During the past several legislative interims, and certainly throughout the 2005-2006 interim period, the Committee has been impressed with the interest and participation of the 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. Ron Wenker, Nevada State Director, and his conscientious staff at the State office and at the various field offices should be recognized for their generous contributions to the Committee's deliberations. In addition, the Committee held two very informative and useful sessions with BLM officials during its informational tours to Washington, D.C. 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 the various hearings and field excursions, sometimes on short notice.

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

The Secretary of the DOI and the Director of the BLM expressing the Committee's appreciation of the BLM's efforts and support of the Committee during the 2005-2006 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.

21. Geographic Information Systems

The Committee heard a presentation from representatives of the SDCNR concerning the overall lack of GIS usage among many of the SDCNR's Divisions. At its work session, the Committee voted to draft legislation creating the position of a Natural Resource GIS Coordinator, to be housed within the SDCNR, for the purpose of aligning the twelve public land and natural resource agencies and coordinating interaction with the State GIS Coordinator,

federal land management partners, and major area partners in State government such as public health, homeland security, and transportation.

As part of this recommendation for legislation, the Committee also agreed to express their support for the legislative proposal in a letter to the Governor and the appropriate legislative committees. Therefore, the Legislative Committee on Public Lands voted to send a letter to:

The Office of the Governor and the Chairmen of the Senate Committee on Finance and Assembly Committee on Ways and Means expressing support for the creation of a Natural Resource GIS Coordinator with clearly defined authority for State government coordination of geospatial information technologies and data production, as well as creation of a State GIS Advisory Council.

22. Bureau of Land Management Field District Boundaries in Nevada

At its meeting in Pahrump, Nye County Commissioner, Gary Hollis expressed the County's concern with having to work within the framework of four BLM field districts for various natural resource and public lands matters. He requested the Committee's support of Nye County's efforts to encourage the BLM to restructure its boundaries to include Esmeralda and Nye Counties in one BLM field district.

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

The DOI and the Director of the BLM, encouraging the BLM to restructure its district boundaries in Nevada in a manner that makes more jurisdictional sense for Nevada's counties. Include in the letter language highlighting the fact that Nye County encompasses multiple BLM field districts and such jurisdictional patterns make it very difficult for many counties in Nevada to establish and maintain consistent relationships with the BLM.

23. Amendments to the SNPLMA, LCCRDA, WPCCRDA, and Other Land Disposal Acts

For nearly a decade, the Committee has received very favorable updates regarding the continued implementation of the Southern Nevada Public Lands Management Act of 1998 and other recently approved 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 wildlife 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 control. 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. Like SNPLMA, the Federal Lands Transaction Facilitation Act of 2000, the Lincoln County Conservation, Recreation, and Development Act of 2004, the White Pine County Conservation, Recreation, and Development Act of 2006, and other public land measures also provide specific guidelines and categories for the expenditure of money generated from authorized public land sales. Most of these Acts set forth a formula that allows 5 percent of the proceeds from authorized land sales to be distributed to the State of Nevada for educational purposes, while 10 percent goes to the county of origin for numerous natural resource-related projects or another earmark such as law enforcement, fire protection, or infrastructure at the local level. The Acts typically call for the remaining 85 percent of the generated funds to be placed with the U.S. Department of the Interior in a special account.

The Committee believes that amending these land disposal acts to specifically redesignate a portion of the proceeds placed with the DOI toward activities and programs that benefit the people and resources in the State of Nevada is important, timely, and worthwhile.

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

Nevada's Congressional Delegation urging them to retain in the introduced version of the WPCCRDA provisions concerning land auctions and sales for the purposes of affordable housing. Include in the letter requests to amend the measure (and to set forth an amendment to the SNPLMA) to provide for the use and eligibility of money for: (a) rangeland restoration throughout Nevada; (b) fuels reduction; (c) State facilities (particularly parks and natural resource-related facilities); and (d) services provided by the State land use planning agency (Division of State Lands) to those counties (as required by law) that do not have natural resource planning staff and have acquired land under one of the several county land bills. Stipulate in the letter that the State of Nevada has a growing interest in becoming eligible for the same type of funding through the SNPLMA and other lands bills as local governments and federal agencies are for the State's infrastructure improvements on park lands and on wildlife refuges.

[NOTE: Since the WPCCRDA was signed into law on December 20, 2006, the letter was drafted to express appreciation for retaining the affordable housing provisions in the Act and to encourage future amendments of the various federal lands bills in accordance with the Committee's recommendation.]

AND

Nevada’s Congressional Delegation, the DOI, and the BLM encouraging the use of SNPLMA and other county land bill funds to hire additional BLM staff to process conservation easement requests and land purchases made pursuant to those lands-related bills.

AND

The DOI 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. Include in the letter a recommendation calling for the allocation of funds generated through land sales under the SNPLMA and other county lands bills to cover the costs of these environmental studies and assessments. 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.

24. Noxious Weeds—Abatement, Control, Eradication, and Mapping Activities

As noted in Section IV of this report, 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 2005-2006 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. Some species are so detrimental to the State’s economy and environment that they are designated as “noxious weeds” through formal legislative action.

Several requests were made of the Committee for support of weed-related activities, initiatives, and proposals. Therefore, the Legislative Committee on Public Lands voted to send the following four letters to:

The partners in the “tri-county” weed group in eastern Nevada, the Director of the UNR Cooperative Extension, the Office of the Governor, and Bob Wilson, Extension Educator, Ely Cooperative Extension Office, praising the “tri-county” model for its noxious weed abatement and control efforts and encouraging the expansion of the “tri-county” weed group model to other areas of the State of Nevada.

AND

The Chairman and members of the Interim Finance Committee expressing support for a proposal considered during the September 12, 2006, meeting of the Interim Finance Committee to establish a GIS Specialist within the Nevada Natural Heritage Program. This Specialist, in addition to providing mapping services to NNHP, would also provide mapping services (likely through an interagency agreement) to the SDA for weed mapping projects.

[NOTE: The proposal was adopted at the September 12, 2006, Interim Finance Committee meeting.]

AND

All the CWMAs, county weed districts, and other weed control groups encouraging the use of conservation crews and other volunteer groups for weed control. Conservation crews and other groups such as Boy and Girl Scout troops and volunteer fire departments offer a consistent and inexpensive source of labor for weed eradication activities. Stipulate in the letter that adequate training should be provided to all volunteers to ensure proper and safe weed abatement techniques (including correct chemical application procedures).

AND

The Chairmen of each State grazing board created pursuant to Chapter 568, "Grazing and Ranging," of the NRS encouraging those boards to use, within each respective grazing district, available funds (i.e., remaining dollars within the current budget of the board or through each board's respective range improvement fund) for efforts to control and eradicate noxious weeds. In addition, encourage the Chairmen of each State grazing board to ensure that any such efforts to eradicate noxious weeds within the grazing district are conducted in a manner that is beneficial to the stock raising and ranching industries for purposes of NRS 568.120.

C. COMMITTEE RESOLUTIONS

This section provides brief summaries of the two Committee resolutions approved by the Legislative Committee on Public Lands. It should be noted that Committee resolutions are specific statements in resolution form and are not associated with any legislative resolution, which would require the assignment of a BDR number and consideration by the full Legislature.

25. Proposed Amendments to the Endangered Species Act of 1973

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. The Committee also closely monitors efforts at the Congressional level to amend the ESA. During its informational tours to Washington, D.C., members hear from land user groups and organizations, NACO, and various elected officials about the need to streamline and update the ESA.

The Committee has been tracking and monitoring the ESA for decades and has always been interested in seeing the Act amended to consider impacts on communities and private landowners. Efforts at the Congressional level to amend the ESA once again sparked the Committee's interest and the members felt it was important to craft a Committee-sponsored resolution urging Congress to make improvements to the Act.

Therefore, the Legislative Committee on Public Lands voted to draft a Committee resolution (Resolution No. 06-01):

Urging the U.S. Congress to amend the ESA to: (a) reduce the impact of species listings on private property owners and require collaboration and facilitation with State and local governments and private property owners prior to the final listing of a species; (b) establish incentives for voluntary conservation and species recovery efforts; (c) provide reimbursement to livestock owners for any loss of livestock resulting from the reintroduction of endangered or threatened species into the wild; (d) strengthen the species listing process by requiring the use of sound and verifiable science when determining the listing of any animal or plant species; and (e) reduce or eliminate the impacts of incidental takings that often occur following a species listing.

26. Walker Lake and Walker River

As noted in Section V of this report, the Legislative Committee on Public Lands has monitored Walker River and Walker Lake issues for many years. At its meeting in Hawthorne, the Committee heard numerous reports from the State of Nevada, the Walker River Paiute Tribe, the Walker Lake Working Group, the USGS, and the Walker River Irrigation District concerning the Walker River basin. While each presentation offered a distinct perspective, it was evident that each group is concerned about the continual decline in water levels at the Lake. Vital agricultural interests upstream in Lyon County, the cultural importance of Walker River and Walker Lake to the Tribe, and the economic and resource-related interests of the residents of Mineral County all present unique challenges in efforts to preserve the Lake while maintaining suitable use of the river system.

Therefore, the Legislative Committee on Public Lands voted to draft a Committee resolution (Resolution No. 06-02):

Expressing the Committee's desire for all parties directly involved in Walker Lake and Walker River issues to work together to find solutions to address the declining water levels at Walker Lake. Encourage these organizations and individuals to be creative in this endeavor and seek support from Congressional leaders, federal, state and local governments, sportsmen's groups, and landowners in the Walker River Basin. Include a statement in the resolution emphasizing the recreational and historic value of Walker Lake.

VII. CONCLUDING REMARKS

Nevada's Legislative Committee on Public Lands examined numerous public lands topics during the 2005-2006 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.

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APPENDIX A

Nevada Revised Statutes 218.536 through 218.5371

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

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

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

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

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

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

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

NRS 218.5361 "Committee" defined. As used in NRS 218.5361 to 218.5371, inclusive, "Committee" means the Legislative Committee on Public Lands.

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

NRS 218.5363 Establishment; membership; Chairman; vacancies.

1. There is hereby established a Legislative Committee on Public Lands consisting of three members of the Senate, three members of the Assembly and one elected officer representing the governing body of a local political subdivision, appointed by the Legislative Commission with appropriate regard for their experience with and knowledge of matters relating to public lands. The members who are State Legislators must be appointed to provide representation from the various geographical regions of the State.

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

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

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

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

NRS 218.5365 Meetings; regulations; compensation of members.

1. The members of the Committee shall meet throughout each year at the times and places specified by a call of the Chairman or a majority of the Committee. The Research Director of the Legislative Counsel Bureau or a person he has designated shall act as the nonvoting recording Secretary. The Committee shall prescribe regulations for its own management and government. Four members of the Committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Committee.

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

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

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

NRS 218.5367 Powers of Committee.

1. The Committee may:

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

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

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

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

(c) Consult with and advise the State Land Use Planning Agency on matters concerning federal land use, policies and activities in this State;

(d) Direct the Legislative Counsel Bureau to assist in its research, investigations, review and comment;

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

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

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

(1) Advising the Committee and the State Land Use Planning Agency concerning the revision of the plans pursuant to NRS 321.7355;

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

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

(h) Apply for any available grants and accept any gifts, grants or donations to assist the Committee in carrying out its duties; and

(i) Review and comment on any other matter relating to the preservation, conservation, use, management or disposal of public lands deemed appropriate by the Chairman of the Committee or by a majority of the members of the Committee.

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; 2005, 1041)

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, 2005, through December 31, 2006

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

APPROVED BUDGET AND PROPOSED WORK PLAN
July 1, 2005, through December 31, 2006

This document outlines the approved budget and proposed work plan for Nevada's Legislative Committee on Public Lands for the 2005-2006 legislative interim period.

APPROVED COMMITTEE BUDGET

On September 7, 2005, the Legislative Commission approved the Committee's budget request, which totals \$55,375. The major categories are as follows:

Legislator Salaries	\$12,480
Travel and per diem costs:	
In-state committee meetings and tours (10)	\$15,470
Out-of-state informational tours to Washington, D.C.	\$22,575
Operational Costs:	
Supplies	\$350
Printing and copying	\$750
Publications	\$2,750
Postage	\$400
Dues/Meeting Registrations/Room Fees	\$600
<u>Total Full Committee Budget</u>	<u>\$55,375</u>

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 increase from last interim's budget of \$49,660. Additions to the budget include the costs associated with increased rates for subscriptions to public lands publications and an increase in the costs associated with out-of-state travel.

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 Terry Care	Assemblyman John W. Marvel
Senator Mike McGinness	Assemblywoman Genie Ohrenschall
Tom Fransway, Humboldt County Commissioner	

As always, the Legislative Commission selects a number of alternates to assist the Committee in the event that other members are unable to attend meetings. These alternates are:

Senator Mark E. Amodei	Assemblyman John C. Carpenter
Senator John Lee	Assemblyman Pete Goicoechea
Senator Randolph J. Townsend	Assemblywoman Marilyn Kirkpatrick
Assemblyman John Ocegüera	
Tom Collins, Clark County Commissioner	

The following Legislative Counsel Bureau (LCB) staff members will provide staff support for the Committee during the 2005-2006 legislative interim:

Michael J. Stewart, Principal Research Analyst, Research 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 2005-2006 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 Elko, Carson City, Pahrump, Fallon, Las Vegas, Hawthorne, Battle Mountain, Mesquite, and Ely between October 2005 and August 2006.

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

Proposed Meeting Dates	Locations
Wednesday, October 5, 2005	Elko
Tuesday and Wednesday, October 25 and 26, 2005 (Travel Days: Monday, Oct. 24, and Thursday, Oct. 27, 2005)	Informational Tour of Washington, D.C.
Tuesday, November 15, 2005	Carson City
Wednesday, December 14, 2005	Pahrump
Friday, January 27, 2006	Fallon
Friday, February 24, 2006	Las Vegas
Friday, March 24, 2006	Hawthorne
Friday, April 28, 2006	Battle Mountain
Friday, May 26, 2006	Mesquite
Wednesday and Thursday, June 14 and 15, 2005 (Travel Days: Tuesday, June 13, and Friday, June 16, 2005)	Informational Tour of Washington, D.C.
Friday, August 18, 2006	Ely (work session)

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 assist the Committee in carrying out its duties; and
10. Review and comment on any other matter relating to the preservation, conservation, use, management or disposal of public lands deemed appropriate by the Chairman of the Committee or by a majority of the members of the Committee.

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

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

Senate Concurrent Resolution No. 26 of the 2005 Legislative Session

It should be noted that during the 2005 Legislative Session, the Legislature approved Senate Concurrent Resolution No. 26 (File No. 100, *Statutes of Nevada*), which directs the Legislative Commission to appoint an interim committee to study the use, management, and allocation of water resources in Nevada. This resolution originated from a request by the Legislative Committee on Public Lands approved during the 2003-2004 legislative interim. The resolution provides for a committee of eight legislators that will undertake an analysis of existing laws, regulations, policies, reports, and studies concerning water. The committee is further required to evaluate the need for additional information, develop appropriate recommendations, evaluate relevant issues, and consider the feasibility of creating a permanent Legislative Committee on Water Resources.

The measure also authorizes the appointment of a subcommittee to study the advisability of consolidating water-related services in Washoe County, and sets forth the appointment of members and duties of the subcommittee.

With the passage of S.C.R. 26, it has become clear that the statutory requirement for the Committee on Public Lands to examine water issues may be duplicative with the provisions set forth in S.C.R. 26. Therefore, given the specific charge of the S.C.R. 26 subcommittee, the Committee on Public Lands may wish to ensure (either through a letter of intent and/or acceptance of the S.C.R. 26 subcommittee's final recommendations) that such duplication is avoided, while still meeting the intent of Senate Bill 216 of the 2003 Legislative Session.

Issues Monitored and Discussed

As an introduction to some of the public lands issues that may be addressed during the 2005-2006 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, including off-highway vehicle usage (OHV), 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 2003-2004 Legislative Interim*

The following is a summary 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;
- LM law enforcement regulations;
- “Checkerboard” land issues;
- Colorado River Commission;
- County and city public land issues;
- Drought relief;
- DOE activities on public lands (Caliente Railroad Corridor);
- Eastern Nevada Landscape Coalition;
- Elk management;
- Endangered Species Act of 1973;
- 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 Lincoln County Conservation, Recreation, and Development Act of 2004;
- ❑ Mine reclamation and bonding issues;
- ❑ Mining regulations;
- ❑ Mormon cricket and grasshopper infestations;
- ❑ Nevada Fire Safe Council;
- ❑ Northeastern Nevada Stewardship Group;
- ❑ Noxious weed and invasive species abatement;
- ❑ OHV use and possible regulation of OHVs;
- ❑ PILT;
- ❑ Piñon-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;
- ❑ Southern Nevada Public Land Management Act of 1998;
- ❑ 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 Wilderness Study Areas;
- ❑ Wildfire Support Group; and
- ❑ Wildlife management.

APPENDIX C

“Work Session Document”

August 24, 2006



WORK SESSION DOCUMENT

Legislative Committee on Public Lands

Nevada Revised Statutes (NRS) 218.5363

August 24, 2006

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 2007 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. For purposes of this Work Session Document, the recommendations have been grouped, in part, by topic and also by possible Committee action. They 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 legislative resolution; (3) draft a Committee letter; (4) draft a Committee resolution; or (5) 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 (LCB) 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 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, LCB, at 775/684-6825. All place names referred to in this document are in Nevada unless otherwise noted.

RECOMMENDATIONS FOR LEGISLATIVE MEASURES

General Natural Resource Topics

1. **Request the drafting of a resolution** setting forth and encouraging the implementation of the following recommendations regarding biomass and biomass initiatives as provided by Dr. Elwood Miller, Biomass Representative, Nevada Renewable Energy Conservation Task Force:
 - (a) As with wind and geothermal energy, biomass should be eligible for “production tax credits” at the same level and in the same manner as set forth in Sec. 45 of the *Code of Federal Regulations* governing the Internal Revenue Service;
 - (b) Provide for a rebate program for biomass that is similar to the “solar demonstration program” that has been successfully implemented in the State of Nevada;
 - (c) Encourage the investment of private dollars into the utilization of biomass; and
 - (d) Establish throughout the State of Nevada four to six pilot/demonstration projects showing the public what can be done with biomass that exists, including a pilot project in the Mt. Charleston area. These projects would require public-private partnerships.

The resolution should be delivered to the Office of the Governor, Nevada’s Congressional Delegation, the United States Department of the Interior (DOI), the Bureau of Land Management (BLM), the United States Department of Agriculture (USDA), the U.S. Forest Service (USFS), and other individuals and groups as set forth by the Legislative Committee on Public Lands.

2. **Request the drafting of a bill** making an appropriation for the purpose of creating a Natural Resource Geographic Information Systems (GIS) Coordinator, to be housed in one of the natural resource departments/agencies, for the purpose of aligning the twelve public land and natural resource agencies and coordinating interaction with the State GIS Coordinator, federal land management partners, and state government major area partners such as public health, homeland security, and transportation. The measure would also create the Natural Resource/Public Lands GIS Technical Training Revolving Fund to

be managed by the Natural Resource GIS Coordinator for the purpose of providing cost-effective geospatial information training for natural resources agencies.

In addition to creating and funding the position and revolving training fund, the measure should include a legislative declaration or preamble: (1) expressing support for the *Nevada Initiative for Coordinated Geographic Information Management*; (2) recognizing the importance of geographic information systems to policy making, particularly in public land and natural resource management; (3) directing the establishment of standards within state government for the collection of data; and (4) directing state agencies to enter into trading partner agreements for the sharing of data.

(Discussed by Kay Scherer, Deputy Director, State Department of Conservation and Natural Resources (SDCNR), and included herein for discussion purposes at the request of Senator McGinness and Chairman Rhoads)

AND

Send a Committee letter to the Office of the Governor and the Chairmen of the Senate Committee on Finance and Assembly Committee on Ways and Means expressing support for the creation of a State GIS Coordinator with clearly defined authority for state government coordination of geospatial information technologies and data production, as well as creation of a State GIS Advisory Council.

(Discussed by Kay Scherer, Deputy Director, SDCNR, and included herein for discussion purposes at the request of Senator McGinness and Chairman Rhoads)

- 3. Request the drafting of a resolution** expressing the Nevada Legislature's strong disapproval of ongoing and continuous legal challenges against livestock grazing proposals. Include in the resolution statements concerning the detrimental economic impacts these challenges pose for Nevada's rural communities and the threats such challenges pose to agriculture. The resolution should be sent to Nevada's Congressional Delegation, the Office of the Governor, the BLM, USFS, the Nevada and National Cattlemen's Associations, the Public Lands Council, and any other parties or organizations identified by the Committee.

(Recommended by Chairman Rhoads, Assemblyman Carpenter, and several other Committee members)

- 4. Request the drafting of a bill** to create the position of land use planner within the Nevada's Division of State Lands to work exclusively on rural county planning efforts. The position would assist those rural counties that do not have established land use planning teams and would be instrumental in assisting the

local governments in working with the BLM and USFS on many matters, including the development of countywide federal lands bills. The position would also act as a liaison between federal land agencies, the State of Nevada, and local government agencies.

(Recommended by Chairman Rhoads for discussion purposes and discussed by Richard Bryant, Mineral County Commissioner)

5. **Request the drafting of a resolution or send a Committee letter** encouraging the DOI and the BLM to restructure its BLM district boundaries in Nevada in a manner that makes more jurisdictional sense for Nevada's counties. Include in the resolution language highlighting the fact that Nye County encompasses five BLM field districts and such jurisdictional patterns make it very difficult for many counties in Nevada to establish and maintain consistent relationships with the BLM.

(Recommended by Gary Hollis, Nye County Commissioner)

Noxious Weeds and Invasive Species

6. **Request the drafting of a bill** making an appropriation of \$450,000 to provide grant funds to Nevada's 30 Cooperative Weed Management Areas (CWMAs) for weed control purposes (\$450,000 based on an average annual grant request of \$15,000 per year for each of Nevada's 30 CWMAs). Also include in the measure provisions establishing grant funding and an operating budget of \$300,000 within the State Department of Agriculture (SDA) for noxious weeds-related programs. Of this \$300,000, \$50,000 would be allocated for seasonal employees to assist in SDA-level functions relating to abatements; \$50,000 would be allocated to biological control programs; \$100,000 would be used for the "Abatement Fund" (application on the ground); and \$100,000 would be allocated for weed education and outreach purposes.

As noted above, the grant funding would support the control efforts of CWMAs as USFS funding continues to dwindle. The operating budget would also provide matching funds for federal grants the State of Nevada is currently ineligible for due to its lack of matched money. (NOTE: Further details will be provided and additional testimony concerning this recommendation will be heard at the Committee's meeting in Ely on August 24, 2006.)

(Requested for discussion purposes by Chairman Rhoads following presentation from representatives of Nevada's Noxious Weed Program)

7. **Request the drafting a bill** amending Chapter 371 of the NRS to authorize the use of a portion of the proceeds of the Governmental Services Tax for the abatement of noxious weeds in Nevada. The amount of the proceeds available for use would depend upon the value of the vehicle upon which the Governmental Services Tax is imposed. Include in the measure the creation of a

fund for a comprehensive long-term program for managing noxious weeds in Nevada. The fund would be managed by a Board of Trustees appointed by the Governor. The comprehensive program would include five or more weed management specialists, a weed project manager, and an administrative support position. The comprehensive program would also involve the establishment of at least six weed control districts in Nevada similar to the tri-county weed district in Nye, Lincoln, and White Pine Counties. (NOTE: Further details will be provided and additional testimony concerning this recommendation will be heard at the Committee's meeting in Ely on August 24, 2006.)

(Recommended by Ken Thompson, Advisor to the Tonopah Conservation District and included in this Work Session Document for further discussion and clarification)

8. **Request the drafting of a resolution or send a Committee letter** praising the “tri-county” model for noxious weed abatement and control and encouraging the expansion of the “tri-county” weed group model to other areas of the State of Nevada. (NOTE: Further details will be provided and additional testimony concerning this recommendation will be heard at the Committee’s meeting in Ely on August 24, 2006.)

(Recommended by Bob Wilson, Extension Educator, Ely Cooperative Extension Office)

Off-Highway Vehicles (OHVs)

9. **Request the drafting of a bill** amending certain existing provisions and setting forth new provisions concerning OHVs in Nevada, providing for the continued issuance of certificates of operations for OHVs, setting forth an OHV registration program, and providing for other related OHV regulation. The proposal, which the Committee will initially consider, includes many of the provisions set forth in the introduced version of Senate Bill 400 of the 2005 Legislative Session (Chapter 441, *Statutes of Nevada*). (NOTE: Further details will be provided and additional testimony concerning this recommendation will be heard at the Committee’s meeting in Ely on August 24, 2006.)

(Proposed by many meeting participants throughout the 2005-2006 legislative interim period and by several Committee members)

State Parks and Facilities

10. **Request the drafting of a bill** to establish a state park at Monte Cristo’s Castle located in northeastern Esmeralda County.

(Recommended by Michael Hackett, Alrus Consulting, and Andrea Robb-Bradick, Owner, Jim Butler Motel, Tonopah)

POSSIBLE COMMITTEE LETTERS, RESOLUTIONS, AND STATEMENTS

General Natural Resource Topics

- 11. Send a Committee letter** to the Director of the United States Fish and Wildlife Service (USFWS), the USFWS Field Supervisor in Nevada, and to the Refuge Manager of the Ruby Lake National Wildlife Refuge expressing the Committee's support for the forward-thinking programs at the refuge and commending the Refuge Manager and her staff for their efforts to improve the refuge.

(Discussed by several Committee members and recommended by Chairman Rhoads for discussion purposes)
- 12. Send a Committee letter to** Dan Dallas, District Ranger, Mountain City Ranger District, USFS, USDA, congratulating him on receiving the 2005 "Ranger of the Year" award from the USFS. Send a carbon copy of the letter to Ed Monnig, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, USDA.

(Discussed at Committee's meeting in Elko on October 5, 2005)
- 13. Send a Committee letter to** the Secretary of the USDA and the Chief of the USFS requesting an evaluation of park fees and/or other revenue sources to ensure that sufficient monies are available to manage and maintain recreation facilities in Nevada and the West. Encourage the USFS to continue its efforts to seek more funding from the U.S. Congress to provide enough money to adequately maintain USFS facilities which are, according to testimony, in desperate need of enhancements and upkeep.

(Discussed by Chairman Rhoads and Senator Care at the Committee's meeting in Elko on October 5, 2005, as part of the USFS presentation to the Committee)
- 14. Send a Committee letter** of support for the programs and activities of the "Range Management School" as addressed by Agee Smith, Shoesole Collaborative Management Team, Northeastern Nevada Stewardship Group. Send a copy of the letter to the Nevada Cattleman's Association, Nevada Farm Bureau, each of the BLM Field Managers in the State of Nevada, and other potential interested parties.

(Agee Smith, Northeastern Nevada Stewardship Group)
- 15. Send a Committee letter to** the Director of the Bureau of Land Management (BLM) and the Chief of the USFS encouraging those agencies to use and continue to use grazing (and even consider a temporary increase in animal unit months during high-yield years) when conducting fuels reduction and fuels

management. According to testimony, this practice could improve range conditions, while at the same time, serve as an alternative to prescribed burns. Include in the letter a statement encouraging the BLM to amend its grazing regulations to set forth an expedited or streamlined process for approving grazing applications for temporary, nonrenewable permits. This would help facilitate grazing on cheatgrass infested areas at the earliest part of the grazing season when the cheatgrass is considered prime forage for livestock.

(Addressed at several Committee meetings by Chairman Rhoads, Commissioner Fransway, Assemblyman Claborn, and discussed by Helen Hankins, Field Manager, Elko Field District, BLM, DOI)

16. **Send a Committee letter to** the Commander of the Nevada National Guard commending the Guard for its support of firefighting efforts in the State of Nevada and praising their interagency cooperation through the use of helicopters and other aircraft in battling wildfires. Include in the letter language supporting the Guard's continued assistance, particularly on the Sierra Front, and encouraging the Guard to expeditiously prepare and equip helicopters and other aircraft for firefighting duty as quickly as possible after their return from military service in the Middle East and Afghanistan.

(Recommended by Chairman Rhoads and discussed by Pete Anderson, Administrator, Nevada Division of Forestry)

17. **Send a Committee letter to** the DOI, the BLM, and members of Nevada's Congressional Delegation encouraging the DOI and the BLM, with the support of the U.S. Congress, to consider revising current BLM policies to allow more ranchers and farmers in Nevada and the West to hold or care for gathered wild horses that would, under most circumstances, be shipped to wild horse sanctuaries in the Midwest. This practice would allow gathered horses to remain in Nevada in a controlled environment and eliminate the need to transport the horses cross-country.

(Proposed by Chairman Rhoads for discussion purposes)

18. **Send a Committee letter to** the appropriate members of the U.S. Congress (chairing the appropriation committees), the DOI, the BLM, USDA, and the USFS, stipulating the need for increased funding for recreation planning and law enforcement within the USFS and the BLM. Dan Holler, Douglas County Manager, testified that a lack of funds in these areas is greatly impacting recreational programs within the two agencies. He noted during testimony that there are not enough law enforcement personnel to handle Nevada's vast expanses of federally managed land.

(Discussed by Dan Holler, Douglas County Manager)

- 19. Send a Committee letter** to members of Nevada’s Congressional Delegation and the Chairmen of the House and Senate appropriations committees encouraging greater funding for wildfire suppression efforts and range rehabilitation funds for those areas impacted by fire. The letter should also draw attention to the inherent danger of wildland fire in the Lake Tahoe Basin.
(Recommended by Assemblywoman Bonnie Parnell)
- 20. Send a Committee letter** expressing support for flood control activities in Pahrump. The letter should encourage the BLM, the USFS, and other federal agencies involved to issue the appropriate permits and grant authority to Nye County and the Town of Pahrump to proceed with flood mitigation efforts in the mountains surrounding Pahrump.
(Recommended by Gary Hollis, Nye County Commissioner)
- 21. Send a Committee letter** to David K. Morrow, Administrator, Division of State Parks, SDCNR, encouraging him to explore strategies to enhance access at the Lower Pitt-Taylor Reservoir, which is adjacent to Rye Patch Reservoir in northern Pershing County.
(Recommended by Tom Fransway, Humboldt County Commissioner)
- 22. Send a Committee letter and include a statement in the final report** supporting the efforts of the Statewide Biomass Coordinating Group and encouraging continued and increased funding for the “Fuels for Schools” Program administered by Nevada’s Division of Forestry. In addition to the Group itself, the letter should be sent to key elected officials, including Nevada’s Governor, Nevada’s Congressional Delegation, Nevada’s Energy Office, and the Nevada Renewable Energy and Energy Conservation Task Force.
(Recommended for discussion purposes by Chairman Rhoads)
- 23. Send a Committee letter** to the USFWS concerning the endangered Gray Wolf. Include in the letter a request to the USFWS to delist the Gray Wolf in the State of Nevada (as was previously requested by the Nevada Department of Wildlife [NDOW]), as this species has been sighted in Nevada for the past 75 years. Include a statement in the letter expressing the Committee's concern that the listing of the Gray Wolf could have an impact on ranching and farming operations (particularly in northeastern Nevada), and express the Committee’s concern over any efforts to “reintroduce” the Gray Wolf in the State of Nevada.
(Discussed by Terry Crawforth, Director (ret.), NDOW)
- 24. Send a Committee letter** to the Chairmen of the Senate Committee on Finance and the Assembly Committee on Ways and Means expressing support for NDOW’s budget request for the funding of state wildlife conservation plans. This would help support the Department’s proactive approach in this area.

According to testimony received at the Committee's meeting in Battle Mountain, during the "planning stage" of the state wildlife conservation plan program, there is a 75 percent/25 percent federal-state match (25 percent from the State) and, during the implementation phase, there is a 50 percent state match portion. In the past, the total State funds provided through General Fund appropriation were \$600,000. This, in turn, allows for a total federal contribution of over \$1 million. According to testimony, such state wildlife conservation plans will help prevent endangered species listings in Nevada.

(Recommended by Terry Crawford, Director (ret.), NDOW)

- 25. Send a Committee letter** to the Office of the Governor and the Director of NDOW expressing support for NDOW's Landowner Incentive Program and encouraging the use of State funds (along with committed federal dollars) to ensure the continued existence and operation of the program.

(Recommended by Chairman Rhoads for discussion purposes)

- 26. Send a Committee letter** to the U.S. Environmental Protection Agency (EPA) explaining the importance and quality of Nevada's mining regulations and assuring the EPA that the regulations have been carefully crafted and proven to work well for the entire mining industry in Nevada.

(Discussed by Dave Gaskin, Chief, Bureau of Mining Regulation and Reclamation, Nevada's Division of Environmental Protection)

- 27. Draft a Committee resolution** expressing the Committee's desire for all parties directly involved in Walker Lake and Walker River issues to work together to find solutions to address the declining water levels at Walker Lake. Encourage these organizations and individuals to be creative in this endeavor and seek support from Congressional leaders, federal, state and local governments, sportsmen's groups, and landowners in the Walker River Basin. Include a statement in the resolution emphasizing the recreational and historic value of Walker Lake.

(Recommended by Senator Care)

- 28. Send a Committee letter** to Kathleen Clarke, Director, BLM, expressing the Committee's concerns about the BLM's 2005 filing with the State Engineer for water rights for the stated purpose of accommodating wildlife watering and wildlife habitat. Request in the letter that the BLM explain its policies with regard to water rights filings, particularly as they relate to the filings made by the Battle Mountain Field Office of the BLM for wildlife purposes.

(Discussed at several meetings and recommended by members of the Eureka County Natural Resources Advisory Commission)

- 29. Send a Committee letter to** members of Nevada’s Congressional Delegation, the Office of the Governor, and Kathleen Clarke, Director, BLM, expressing the Committee’s concern regarding the renewal of grazing permits. Some testimony during the legislative interim suggested that a National Environmental Policy Act (NEPA) review must be conducted by the BLM on all grazing permit renewal applications. Other concerns were raised about the increased backlog of grazing permit renewals due to such NEPA reviews, despite the fact that a “permit renewal rider” (Public Law 108-108) allows the BLM to automatically process grazing permit applications without a NEPA review if such requests do not result in a significant impact on the ground or represent any major changes to the existing grazing permit. The letter shall request that the BLM provide a written overview to the Committee of its NEPA review policies relating to grazing permit renewals. Furthermore, the letter shall encourage Nevada’s Congressional Delegation to examine the permit renewal rider and take action to “renew” the rider beyond its scheduled 2008 expiration.

(Discussed at several Committee meetings and recommended by several Committee members)

- 30. Send a Committee letter to** Mike Johanns, Secretary of the USDA, and Dale Bosworth, Chief, USFS, expressing the Committee’s appreciation of the USFS’ efforts and support of the Committee during the 2005-2006 legislative interim. Include in the letter a statement concerning the 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)

- 31. Send a Committee letter to** Dirk Kempthorne, Secretary of the Department of Interior, and Kathleen Clarke, Director of the BLM, expressing the Committee’s appreciation of the BLM’s efforts and support of the Committee during the 2005-2006 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)

Southern Nevada Public Land Management Act (SNPLMA) and Other County Land Bills

- 32. Send a Committee letter to** Nevada’s Congressional Delegation urging them to retain in the introduced version of the White Pine County Conservation, Recreation, and Development Act of 2006 provisions concerning land auctions and sales for the purposes of affordable housing. Include in the letter requests to amend the measure (and to set forth an amendment to the SNPLMA) to provide for the use and eligibility of money for: (1) rangeland restoration throughout Nevada; (2) fuels reduction; (3) state facilities (particularly parks

and natural resource-related facilities); and (4) services provided by the state land use planning agency (Nevada's Division of State Lands) for services provided to those counties (as required by law) that do not have natural resource planning staff and have acquired land under one of the several county land bills. Stipulate in the letter that the State of Nevada has a growing interest in becoming eligible for the same type of funding through the SNPLMA and other lands bills as local governments and federal agencies are for the State's infrastructure improvements on park lands and on wildlife refuges.

(Recommended by Pamela B. Wilcox, Administrator, Division of State Lands)

- 33. Send a Committee letter** to Nevada's Congressional Delegation, the DOI, and the BLM encouraging the use of SNPLMA and other county land bill funds to hire additional BLM staff to process conservation easement requests and land purchases made pursuant to those lands-related bills.

(Discussed by Dan Holler, Douglas County Manager)

- 34. Send a Committee letter** to the DOI 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. Include in the letter a recommendation calling for the allocation of funds generated through land sales under the SNPLMA and other county lands bills to cover the costs and expense of these environmental studies and assessments. 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 Chairman Rhoads)

Noxious Weeds and Invasive Species

- 35. Send a Committee letter** to the Chairman and members of the Interim Finance Committee (IFC) expressing support for the upcoming September 12, 2006, proposal before the IFC to establish a GIS Specialist within the Nevada Natural Heritage Program (NNHP). This Specialist, in addition to providing mapping services to NNHP, would also provide mapping services (likely through an interagency agreement) to the SDA for weed mapping projects.

(Discussed by Dawn Rafferty, Noxious Weed Program Coordinator, SDA)

- 36. Send a Committee letter** to all the CWMAs, county weed districts, and other weed abatement groups encouraging the use of conservation crews and other volunteer groups for weed abatement. Conservation crews and other groups such as Boy and Girl Scout troops and volunteer fire departments offer a consistent and inexpensive source of labor for weed abatement activities. Stipulate in the letter that adequate training should be provided to all volunteers

to ensure proper and safe weed abatement techniques (including correct chemical application procedures).

(Recommended by Assemblyman Marvel)

- 37. Send a committee letter** to the Chairmen of each state grazing board created pursuant to Chapter 568 of the NRS encouraging each of those boards to use, within each respective grazing district, available funds (i.e., remaining dollars within the current budget of the board or through each board's respective range improvement fund) for efforts to abate noxious weeds. In addition, encourage the Chairmen of each state grazing board to ensure that any such efforts to abate noxious weeds within the grazing district are conducted in a manner that is beneficial to the stock raising and ranching industries for purposes of NRS 568.120.

(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 Ely on August 24, 2006. 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.**

APPENDIX D

December 20, 2005, Memorandum titled
“Discussion of Water-Related Topics by the Legislative Committee on Public Lands and the
Committee to Study the Use, Management, and Allocation of Water Resources”

DEAN A. RHOADS
SENATOR
Northern Nevada Senatorial District

MAJORITY WHIP



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Nevada Senate

SEVENTY-THIRD SESSION

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MEMORANDUM

DATE: December 20, 2005

TO: Members, Nevada's Legislative Committee on Public Lands (*Nevada Revised Statutes* [NRS] 218.5363) and Legislative Commission's Subcommittee to Study the Use, Management, and Allocation of Water Resources (Senate Concurrent Resolution No. 26, File No. 100, *Statutes of Nevada 2005*)

FROM: Senator Dean A. Rhoads, Chairman 

SUBJECT: **Discussion of Water-Related Topics By the Legislative Committee on Public Lands and the Committee to Study the Use, Management, and Allocation of Water Resources**

As Chairman of the Legislative Committee on Public Lands and the Legislative Commission's Committee to Study the Use, Management, and Allocation of Water Resources (Senate Concurrent Resolution No. 26, File No. 100, *Statutes of Nevada*), this memorandum serves to clarify my approach to dealing with the overlapping jurisdiction of the two committees in relation to water. There may also be an overlap of jurisdiction with the S.C.R. 26 subcommittee regarding Washoe County water service consolidation.

As you may know, subsection 4 of NRS 218.5368 requires the Committee on Public Lands to review for the 2003-2004 and 2005-2006 legislative interim periods, 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. The Committee on Public Lands also typically monitors and discusses a host of other issues, including fire prevention and rangeland rehabilitation, livestock grazing, mining, natural resource management, public access, permitting, recreation, wilderness, and wild horses. Furthermore, the Committee scrutinizes endangered species, environmental quality and regulations, and noxious weeds, as well as military activities, including military land and airspace proposals.

Meanwhile, the scope of the S.C.R. 26 Water Resources Committee is limited to the 2005-2006 legislative interim and focuses exclusively on water. The Water Resources Committee is charged with analyzing and reviewing existing laws, regulations, policies, reports, and studies concerning water. Moreover, the Water Resources Committee is required to evaluate the need for additional water-related information, develop appropriate recommendations, evaluate relevant water issues, consider the feasibility of creating a permanent Legislative Committee on Water Resources, and generally examine water management strategies and allocation issues. The measure also authorizes the appointment of a subcommittee to study the feasibility and advisability of consolidating water-related services in Washoe County.

In reviewing and comparing the scope of the two committees authorized under S.C.R. 26 and the requirements set forth in NRS 218.5368 for the Committee on Public Lands, it is clear that duplication in reports and presentations to all three committees are likely to occur. Therefore, to ensure compliance with statutory requirements while avoiding unnecessary duplication, I intend to review the recommendations of the two S.C.R. 26 committees at the Committee on Public Lands' work session in August 2006. In discussing this issue of overlapping committee jurisdictions with legal and research staff, I understand this approach will satisfy the intent of NRS 218.5368. At the same time, this plan should limit unnecessary, duplicative presentations by many water authorities, purveyors, and water-related organizations.

It should be noted that the scope of S.C.R. 26 does not include all water-related issues and so the S.C.R. 26 committees will not hear from all the organizations who reported to the Committee on Public Lands during the 2003-2004 legislative interim. Therefore, I expect the Committee on Public Lands will hear from several water districts, authorities, and groups who are not scheduled to appear before the S.C.R. 26 committees. In some instances, however, it may be necessary to ask certain water entities to make a presentation to more than one committee. In such cases, I will work to minimize the burden of duplicative testimony.

I trust this memorandum clarifies my intentions concerning the roles of the Committee on Public Lands and the two S.C.R. 26 committees and the review of water-related topics during the 2005-2006 legislative interim. As always, please feel free to contact me if you have any questions or if I may be of any assistance to you.

DAR/gn:M020;W60065

cc: Senator Mark Amodei, Chairman, Subcommittee to Study the Feasibility and Advisability of
Consolidating Water-Related Services in Washoe County
Linda J. Eissmann, Senior Research Analyst, Research Division, LCB
Kimberly Marsh Guinasso, Senior Principal Deputy Legislative Counsel, Legal Division, LCB
Susan E. Scholley, Chief Principal Research Analyst, Research Division, LCB
J. Randall Stephenson, Principal Deputy Legislative Counsel, Legal Division, LCB
Michael J. Stewart, Principal Research Analyst, Research Division, LCB

APPENDIX E

Committee Letters and Resolutions Approved During Meetings and at the Final Work Session

Letters and non-legislative resolutions approved by the Legislative Committee on Public Lands throughout the 2005-2006 legislative interim will be posted on the Committee's Internet Web site (<http://www.leg.state.nv.us/73rd/Interim/StatCom/Lands/>) upon completion.

APPENDIX F

Suggested Legislation

The following Bill Draft Requests will be available during the 2007 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 R-396 _JR: Expresses Disapproval of Various Legal Challenges Brought Against Local Ranchers and the Bureau of Land Management Concerning Grazing Permits and Regulations.
- BDR 26-397 Creates Position of Land Use Planner Within Division of State Lands of State Department of Conservation and Natural Resources.
- BDR S-398 Makes Appropriation for Awarding Grants to Cooperative Weed Management Areas for Control of Weeds.
- BDR 32-399 Authorizes Use of Portion of Proceeds of Governmental Services Tax for Abatement of Noxious Weeds in Nevada.
- BDR 43-400 Makes Various Changes to Provisions Governing Off-Highway Vehicles.
- BDR 35-401 Establishes State Park at Monte Cristo’s Castle in Esmeralda County.
- BDR R-402 _JR: Encourages Implementation of Various Activities Concerning Use of Biomass in Nevada.
- BDR 18-403 Creates Position of Natural Resource Geographic Systems Coordinator.
- BDR R-468 _JR: Encourages Congress to Provide Additional Appropriations for Suppression of Wildfires.