



# Legislative Committee on Public Lands

*Legislative Counsel Bureau*

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**LEGISLATIVE COMMITTEE ON PUBLIC LANDS**

**BULLETIN NO. 09-13**

**JANUARY 2009**



## TABLE OF CONTENTS

|   | <u>Page</u> |
|---|-------------|
| Acronyms Used in Bulletin No. 09-13 .....   | v           |
| Summary of Recommendations .....  | vii         |
| Report to the 75th Session of the Nevada State Legislature by<br>Nevada’s Legislative Committee on Public Lands .....                                     | 1           |
| I. Introduction .....   | 1           |
| A. Committee Members and Staff .....  | 2           |
| B. Committee Meetings .....   | 3           |
| C. Washington, D.C., Informational Tours.....   | 3           |
| 1. February 12, 13, and 14, 2008 (First Informational Tour).....  | 3           |
| 2. September 16, 17, and 18, 2008 (Second Informational Tour) .....   | 5           |
| II. Public Lands and Natural Resources Legislation Considered During<br>the 2007 Session of the Nevada Legislature.....                                   | 6           |
| A. Legislative Committee on Public Lands Recommendations<br>Made to the 2007 Session of the Nevada Legislature.....                                       | 7           |
| B. Other Public Lands and Natural Resources Legislation<br>Considered During the 2007 Legislative Session.....  | 7           |
| III. Issues Considered and Discussed During the 2007-2008 Legislative Interim .....   | 8           |
| A. List of Issues Discussed.....  | 8           |
| B. Summary of Ongoing Issues .....  | 9           |
| IV. Summary of Water-Related Issues and Highlights of Reports and Presentations<br>Received During the 2007-2008 Legislative Interim Regarding Water..... | 11          |
| A. Carson Water Subconservancy District .....   | 12          |

|  | <u>Page</u> |
|--|-------------|
| B. Truckee-Carson Irrigation District.....   | 13          |
| C. State Department of Conservation and Natural Resources.....   | 14          |
| D. Southern Nevada Water Authority .....   | 15          |
| E. Colorado River Commission of Nevada .....   | 17          |
| F. Central Nevada Regional Water Authority .....   | 17          |
| G. Lincoln County Water District .....   | 19          |
| H. Bureau of Land Management .....   | 19          |
| I. United States Geological Survey .....   | 20          |
| J. Virgin Valley Water District.....   | 21          |
| K. Humboldt River Basin Water Authority .....  | 21          |
| L. Pershing County Water Conservation District .....   | 22          |
| M. United States Bureau of Reclamation.....  | 23          |
| N. Big Bend Water District .....   | 24          |
| O. Moapa Valley Water District .....   | 24          |
| P. Elko County Water Planning Commission .....   | 25          |
| Q. Legislative Committee to Oversee the Western Regional<br>Water Commission .....                               | 25          |
| R. United States Forest Service .....  | 26          |
| V. Discussion of Major Issues Resulting in Bill Draft Requests,<br>Committee Letters, or Policy Statements ..... | 28          |
| A. Federal Public Lands and Natural Resources Legislation.....   | 28          |
| B. Livestock Grazing, Grazing Permits, and<br>Nevada’s State Grazing Boards.....                                 | 32          |

|   | <u>Page</u> |
|---|-------------|
| C. Mining and Mine Claim Markers .....  | 35          |
| D. Nevada Natural Heritage Program and the Public Lands Institute .....   | 36          |
| E. Noxious Weeds.....   | 38          |
| F. Off-Highway Vehicles .....   | 39          |
| G. Payments in Lieu of Taxes .....  | 40          |
| H. Recognition of Bureau of Land Management and U.S. Forest Service<br>Efforts During the 2007-2008 Legislative Interim ..... | 41          |
| I. Transportation of High-Level Radioactive Waste in<br>Central and East-Central Nevada .....                                 | 42          |
| J. Water.....   | 43          |
| 1. Board for Financing Water Projects—<br>Assembly Bill 198 Grant Program.....  | 43          |
| 2. State Engineer and the Division of Water Resources.....  | 44          |
| 3. Virgin River .....   | 46          |
| 4. Humboldt River Basin .....   | 46          |
| K. Wildfire Suppression, Rangeland Rehabilitation, and<br>Ecosystem Health .....  | 47          |
| VI. Concluding Remarks .....  | 50          |
| VII. Appendices .....   | 51          |
| Appendix A  |             |
| <i>Nevada Revised Statutes</i> 218.536 through 218.5371 .....   | 53          |
| Appendix B  |             |
| “Approved Budget and Proposed Work Plan, July 1, 2007, through<br>December 31, 2008” .....                                    | 59          |

Appendix C  
Memorandum Dated June, 16, 2008, Titled “Discussion of Water-Related  
Topics Specific to Washoe County By Nevada’s Legislative  
Committee on Public Lands” ..... 71

Appendix D  
“Draft Consensus Points of the OHV Working Group  
as of August 12, 2008” ..... 75

Appendix E  
Committee Letters and Resolutions Approved During Meetings  
and at the Final Work Session ..... 81

Appendix F  
Suggested Legislation ..... 83

**ACRONYMS USED IN BULLETIN NO. 09-13**

AMA ..... American Motorcyclist Association  
ARRA ..... Americans for Responsible Recreation Access  
AWEA ..... American Wind Energy Association  
BARCAS.....Basin and Range Carbonate-Rock Aquifer System  
BBWD ..... Big Bend Water District  
BDR ..... Bill Draft Request  
BLM..... Bureau of Land Management, United States Department of the Interior  
BOR ..... Bureau of Reclamation, United States Department of the Interior  
CCVCA..... Carson City Vital Community Act of 2008  
CNRWA ..... Central Nevada Regional Water Authority  
CRC ..... Colorado River Commission  
CWSD..... Carson Water Subconservancy District  
DOE ..... United States Department of Energy  
DOI..... United States Department of the Interior  
ECWPC..... Elko County Water Planning Commission  
EIS.....Environmental Impact Statement  
EPA..... United States Environmental Protection Agency  
ESA.....Endangered Species Act of 1973  
FY .....Fiscal Year  
HRBWA ..... Humboldt River Basin Water Authority  
LCB ..... Legislative Counsel Bureau  
LCCRDA..... Lincoln County Conservation, Recreation, and Development Act of 2004  
LCWD ..... Lincoln County Water District  
LVVWD .....Las Vegas Valley Water District  
MIC..... Motorcycle Industry Council  
MVWD ..... Moapa Valley Water District  
NACO..... National Association of Counties  
NCBA ..... National Cattlemen’s Beef Association

NCSL..... National Conference of State Legislatures  
 NDEP ..... Nevada’s Division of Environmental Protection  
 NEPA .....National Environmental Policy Act  
 NESARC ..... National Endangered Species Act Reform Coalition  
 NGA..... National Governors Association  
 NLC ..... National League of Cities  
 NMA ..... National Mining Association  
 NNHP..... Nevada Natural Heritage Program  
 NRAC ..... Eureka County Natural Resources Advisory Committee  
 NRS ..... *Nevada Revised Statutes*  
 NWRA ..... National Water Resources Association  
 OHV(s)..... Off-Highway Vehicle(s)  
 PCWCD .....Pershing County Water Conservation District  
 PILT ..... Payments in Lieu of Taxes  
 PLC..... Public Lands Council  
 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  
 UNCE .....University of Nevada Cooperative Extension  
 UNLV .....University of Nevada, Las Vegas  
 USDA ..... United States Department of Agriculture  
 USFS ..... United States Forest Service, United States Department of Agriculture  
 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  
 WSG..... Wildfire Support Group

## 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 2007-2008 Legislative Interim and at its work session meeting held on August 22, 2008, in Lovelock, Nevada. The corresponding bill draft request (BDR) number follows each recommendation for legislation.

#### RECOMMENDATIONS FOR LEGISLATIVE MEASURES

1. Enact legislation amending *Nevada Revised Statutes* (NRS) 568.040 to provide that Nevada's State Grazing Boards operate autonomously and outside the jurisdiction of the State Department of Agriculture (SDA). The proposed amendment would return the language in this statute to its pre-1999 form, prior to the creation of the SDA. **(BDR 50-495)**
2. Express, by resolution, 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. Also include language urging Nevada's Office of the Attorney General to proactively address these legal challenges on the grounds that they damage the overall economic stability of Nevada's agricultural activities. **(BDR R-496)**
3. Enact legislation amending NRS 113.065 and any related statutes to ensure that the purchaser of a home or lot retains a copy of the required disclosure notifying the purchaser that the home or lot is adjacent to the open range. The disclosure should also note, if applicable, that "R.S. 2477" rights-of-way and other rights of access should be preserved. Finally, include in the measure a requirement that the disclosure be filed or recorded with the proper county office along with the property deed. **(BDR 10-497)**
4. Enact legislation amending NRS 517.030 concerning mining claim markers. Specifically, amend the language in this statute to provide that only solid mine claim markers will be considered legal, valid claim markers. The proposal would state that after a period of one year following the adoption of the amendment, any hollow pipe used to mark the boundaries of the claim will not be considered a valid claim monument. **(BDR 46-498)**
5. Enact legislation to remove the requirement in NRS 555.215 that an assessment must be levied by the board of county commissioners upon real property in order to establish

a weed control district. The proposed amendment would replace the word “shall” with “may” in subsection 1 of NRS 555.215. **(BDR 49–499)**

6. Enact legislation amending Chapter 555 of NRS to provide an intermediate step in the noxious weed abatement process currently used by the SDA. Current provisions in NRS require the SDA to notify a landowner to cut, eradicate, or destroy noxious weeds that have been identified on the landowner’s property. If the landowner fails to cut, eradicate, or destroy the noxious weeds, he is guilty of a misdemeanor and an abatement must be commenced by the Department. The amendment would allow the SDA to adopt regulations specifying a schedule of administrative fines for such a violation, much like those currently authorized under the Department’s nursery and pesticide programs. **(BDR 49–500)**
7. Enact legislation requiring the registration and titling of off-highway vehicles (OHVs) by Nevada’s Department of Motor Vehicles; creating an OHV fund for the collection and distribution of grant funds; requiring biennial reports to the Nevada State Legislature; establishing an OHV Commission; setting forth certain enforcement procedures; and providing for other related OHV regulation. **(BDR 43–501)**
8. Enact legislation amending NRS 349.983 (“A.B. 198 Water Grants Program”) to provide that the required matching grant must be an amount less than 15 percent or more than 75 percent of the total eligible project cost (rather than the grant amount, as set forth in the current NRS language). Testimony indicated that this would provide greater flexibility to the Board for Financing Water Projects, Nevada’s Division of Environmental Protection (NDEP), State Department of Conservation and Natural Resources (SDCNR), to increase the range of the total grants made to eligible projects. **(BDR 30–502)**
9. Enact legislation providing an appropriation in the amount of \$780,000 to the Office of the State Engineer, Division of Water Resources, SDCNR, for the purpose of developing a hydrologic database for water basins in the State of Nevada. The database should include, among other things, information regarding precipitation, groundwater levels, and evapotranspiration. **(BDR S–503)**

**RECOMMENDATIONS FOR COMMITTEE ACTION:**  
**COMMITTEE 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 United States Department of Energy (DOE) Office of Civilian Radioactive Waste Management concerning railroad corridors proposed by the DOE for the potential transportation of high-level radioactive waste through several central and eastern Nevada counties to the Yucca Mountain repository site. The letter would urge the DOE to:

- (a) ensure that every effort is made to minimize the disturbance area of the proposed railroad corridor and maintain access to public lands for all users; (b) obtain required information concerning resource impacts (soils, plant materials, wildlife, et cetera) and develop detailed restoration plans to address these impacts; (c) provide for “no net loss” of public lands grazing (animal unit months) on any allotment impacted by the proposed Caliente Rail project; (d) invite the N-4 and N-6 State Grazing Boards to participate as cooperating agencies in the preparation of the Nevada Rail Alignment Final Environmental Impact Statement (EIS) and allow increased input from individual grazing permittees in the identification of impacts and needed mitigation; (e) following the issuance of the Record of Decision by the DOE, initiate and implement the planning (to include seeking funding for such planning) for any necessary mitigation of impacts to resources and public lands uses; and (f) include these recommendations in the Nevada Rail Alignment Final EIS.
11. The Nevada State Director of the Bureau of Land Management (BLM) and the Ely BLM District Manager concerning railroad corridors proposed by the DOE for the potential transportation of high-level radioactive waste through several central and eastern Nevada counties to the Yucca Mountain repository site. The letter would encourage the BLM, when working on and responding to the DOE’s railroad corridor proposal to: (a) provide a supplemental National Environmental Policy Act (NEPA) analysis to support the BLM’s decision to grant the DOE request for a right-of-way to construct and operate the Caliente railroad; (b) ensure early and sustained inclusion of impacted public land users and local governments in identifying impacts and required mitigation plans; (c) maintain the current level of public land access for all users; and (d) provide for “no net loss” of public land grazing (animal unit months) on any allotment impacted by the Caliente Rail project.
  12. Nevada’s Attorney General Catherine Cortez Masto setting forth the concerns that are set forth in the legislative resolution concerning legal challenges against livestock grazing allotment renewal proposals (see Recommendation No. 2) and urging her office to respond to these challenges. Cite specific instances in the letter, including the recent legal challenge concerning the Hubbard Vineyard Allotment (Boies Ranches, Inc.), where such challenges have had a detrimental effect on ranching and agricultural activities.
  13. Ed Schafer, Secretary of the U.S. Department of Agriculture (USDA), and Abigail Kimbell, Chief, U.S. Forest Service (USFS), expressing the Committee’s appreciation of the USFS’ efforts and support of the Committee during the 2007-2008 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.
  14. Dirk Kempthorne, Secretary of the U.S. Department of the Interior (DOI), and Jim Caswell, Director of the BLM, expressing the Committee’s appreciation of the BLM’s efforts and support of the Committee during the 2007-2008 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.

The members of Nevada's Legislative Committee on Public Lands voted to send the following letters concerning wildland fire, fire suppression, and rangeland rehabilitation to:

15. The various federal and State land management agencies in Nevada concerning post-fire rehabilitation coordination efforts among the agencies. The letter should commend the various agencies for their work in fire suppression and encourage the same coordination and collaboration in land rehabilitation following fires.
16. The Nevada State Director of the BLM, the District Manager of the Winnemucca Field District of the BLM, and the Wildfire Support Group urging the implementation of 11 fuels management plans on public and private lands that have been developed but not yet implemented on the ground in Humboldt and Pershing Counties. The fuels management plans are designed to help grazing permit holders manage and protect their resources and rangeland areas from wildland fire. The letter should also encourage the expansion of the fuels management plans.
17. The Chairmen of the Senate and Assembly Committees on Judiciary requesting the Committees' review during the 2009 Legislative Session of penalties associated with arson and the negligent and careless starting of fires. In particular, emphasize the need to examine the careless and negligent starting of fires that devastate Nevada's open space and public lands. Request that the Committees, if necessary, enact legislation enhancing the penalties for such actions.

The members of Nevada's Legislative Committee on Public Lands voted to send the following letters concerning federal public lands and natural resource legislation and county lands bills to:

18. The members of Nevada's Congressional Delegation and Governor Jim Gibbons expressing support for the recently introduced "Carson City Vital Community Act of 2008" (the Carson City lands bill) and encouraging its passage.
19. The members of Nevada's Congressional Delegation expressing concern regarding H.R. 2262 ("Hardrock Mining and Reclamation Act of 2007") and similar federal legislation that establishes a royalty plan that could negatively impact Nevada's mining industry, creates uncertainty in the mine permitting process, and hampers mineral investment. The letter or statement should express support for mining reforms that promote responsible development of mineral resources, keep public lands open for mining, and offer a reasonable net-proceeds style royalty that is responsive to fluctuating minerals prices.

20. The members of Nevada’s Congressional Delegation thanking the Delegation for continuing to use 5 percent of the funds generated from the various federal lands bills for Nevada’s Permanent School Fund and urging the Delegation to consider expanding the use of funds generated from the Southern Nevada Public Land Management Act of 1998, the White Pine County Conservation, Recreation, and Development Act of 2006; and other federal lands bills for use in Nevada state parks and for improvements to State lands and facilities.
21. The members of Nevada’s Congressional Delegation, the Chairmen of the U.S. Senate Committee on Energy and Natural Resources and the U.S. House Committee on Natural Resources, and the Chairmen of the appropriations committees in the U.S. Senate and House of Representatives, encouraging the full funding of the Federal Payments in Lieu of Taxes program. Make reference to H.R. 308 “R.S. 2477 Rights-of-Way Recognition Act” of the 110th Congress, which was considered in late 2007.
22. The members of Nevada’s Congressional Delegation and Governor Jim Gibbons expressing opposition to H.R. 2421 and S. 1870 (both known as the “Clean Water Restoration Act of 2007”). Testimony at several Committee meetings indicated that the language in the measure could diminish the authority of state water engineers and water resources departments to properly manage water resources.

The members of Nevada’s Legislative Committee on Public Lands voted to send the following letters concerning water and water resources to:

23. Governor Jim Gibbons and the Division of Water Resources, SDCNR, requesting the Division to continue work on a comprehensive inventory of water in key water basins in Nevada (using the latest technology for determining water amounts). Request in the letter that the State Engineer, Division of Water Resources, SDCNR, report back to the Legislative Committee on Public Lands during the 2009-2010 Legislative Interim with a report on the progress of its water inventory activities.
24. The State Engineer, Division of Water Resources, SDCNR, requesting him to respond in writing to a proposal set forth in a letter presented by the N-4 Grazing Board to the Legislative Committee on Public Lands at its meeting on March 7, 2008, in Caliente, Nevada, concerning the interbasin transfer of water. The letter should also encourage the State Engineer to appear before the Senate Committee on Natural Resources and Assembly Committee on Natural Resources, Agriculture, and Mining during the 2009 Legislative Session to discuss the concerns and recommendations set forth by the N-4 Grazing Board. The letter from the N-4 Grazing Board, in part, requests the following actions by the State Engineer:

- a. Prior to any interbasin transfer of water decision by the State Engineer, a basin of origin comprehensive water inventory, and analysis of future growth and development potential, and initiation of a long-term monitoring program should be required; and
  - b. When water is appropriated or purchased in one basin and then the owner requests a basin transfer and a change in the manner of use, the transferred water rights will be given a position subordinate to the historic water rights that remain in the basin.
25. The State Engineer, Division of Water Resources, SDCNR, asking him to analyze and comment on the issue of water evaporation as it relates to the possibility of requiring a water right for pit lake evaporation and whether it is feasible to apply Nevada's interbasin transfer of water provisions to water evaporation in certain instances from one basin to another.
26. The State Engineer, Division of Water Resources, SDCNR, and the Administrator of the Division of State Lands, SDCNR, acknowledging their work in water resource and land use planning for rural communities that have little or no resources to prepare such plans and encouraging their continued active support of water and land use planning to rural communities.
27. The State Engineer encouraging the Division of Water Resources, SDCNR, to monitor the impacts of water purveyor production wells. This letter is aimed at improving the public's confidence that possible impacts caused by water purveyor production wells (i.e., impacts on the level of groundwater, vegetative cover, springs, and domestic wells, et cetera) can be recognized and addressed by the State Engineer while such impacts are emerging and before they cause harm to the environment or the economy.
28. The members of Nevada's Congressional Delegation encouraging the Delegation to consider sponsoring legislation addressing the demand for water on the Virgin River. Testimony at the Committee's meeting in Caliente indicated that the states of Arizona and Utah are competing with Nevada for water resources in the river system. Indicate in the letter that the recently approved "7-States Agreement" for the Colorado River system could serve as a potential model for a similar agreement on the Virgin River.

**RECOMMENDATIONS FOR COMMITTEE ACTION:**  
**COMMITTEE RESOLUTIONS**

The members of Nevada’s Legislative Committee on Public Lands voted to draft the following committee resolutions regarding grazing permits and rangeland and ecosystem health:

29. Draft a Committee resolution and provide copies of that resolution to the members of Nevada’s Congressional Delegation, the Secretaries of the DOI and the USDA, the Director of the BLM, and the Chief of the USFS concurring with the policy positions of the National Cattlemen’s Beef Association, the National Association of Counties, and the Nevada Association of Counties concerning the use of the NEPA review of grazing permits or leases. Currently, the BLM and the USFS are utilizing the authority granted in Public Law 108-108, which allows for the automatic renewal of a grazing permit or lease if such renewal of the permit or lease does not propose any changes to the existing permit. The resolution should also urge the Congressional Delegation to pass legislation permanently extending the provisions of PL 108-108 “rider” regarding the renewal of grazing permits and encourage, in the meantime, the BLM and the USFS to administratively adhere to the conditions of the rider beyond the September 2008 expiration of the rider.
30. Draft a Committee resolution encouraging the active and scientifically based management of Nevada’s watersheds and ecosystems to collaboratively improve their health, without regard to jurisdictional boundaries, using a host of different methods (to include livestock grazing, mechanical treatment, prescribed fire, and herbicides). Such actions will help Nevada’s forests, grasslands, and rangelands become more resistant to wildland fires.

**RECOMMENDATIONS FOR COMMITTEE ACTION:**  
**COMMITTEE STATEMENTS IN THE FINAL REPORT**

The members of Nevada’s Legislative Committee on Public Lands voted to include the following statements in the final report concerning general natural resource matters:

31. Include a statement in the final report commending the efforts of the Nevada Natural Heritage Program and expressing appreciation for the Program’s conservation efforts and its work on identifying and mapping noxious weeds in Nevada.
32. Include a statement in the final report expressing support for the programs and activities of the Public Lands Institute (based at the University of Nevada, Las Vegas) and encouraging its expansion and influence to other areas of Nevada.
33. Include a statement in the final report expressing support for cooperative permittee monitoring, which is currently being used on a limited basis in the Battle Mountain District of the BLM. This process allows grazing permittees to cooperatively monitor

their own allotments. Testimony indicated that this practice will benefit grazing permittees and federal land management agencies and will ultimately enhance rangeland health.

34. Include a statement in the final report expressing the Committee's ongoing concern with the illegal dumping of trash and other waste on Nevada's public and private lands. Encourage the aggressive enforcement of Nevada's laws regarding dumping and littering.
35. Include a statement in the final report urging the U.S. Congress to consider federal legislation to permanently establish areas of public land for multiple use as identified by the various county governing boards.

The members of Nevada's Legislative Committee on Public Lands voted to include the following statements in the final report concerning the Great Basin Wildfire Forum:

36. Include a statement in the final report expressing support for the recommendations made by the Great Basin Wildfire Forum. The Forum's recommendations include targeted livestock grazing, weed control, fuel break establishment, fire management plan development, soils monitoring, and geographic information systems data collection and mapping.

The members of Nevada's Legislative Committee on Public Lands voted to include the following statement in the final report concerning water and water resources:

37. Include a statement in the final report expressing support for S. 2509 ("Small System Drinking Water Act of 2007"), which would prohibit the U.S. Environmental Protection Agency from enforcing small water system compliance with a federal drinking water standard unless the small system has received enough federal funds to pay for the federal share of the water system upgrade.
38. Include a statement in the final report urging the Division of Water Resources, SDCNR, to further evaluate the protests filed by the federal government against applications for water diversions in the Amargosa Valley. Testimony at the Committee's meeting in Beatty, Nevada, suggested that proposals by water users in the Amargosa Valley to simply divert water from one agricultural field to another are being protested and subsequently denied. The statement should urge the Division and local government leaders in Nye County to collaborate on this important water issue and openly discuss the impacts such denials may have on the agricultural operations near Pahrump.
39. Include a statement in the final report supporting the development and implementation of increased water storage within the Humboldt River Basin.

40. Include a statement in the final report encouraging the State Engineer to continue enhancing online data sources available to the Division of Water Resources, SDCNR, which may assist in any backlog of water right applications.
41. Include a statement in the final report encouraging NDEP to creatively seek grants, if available, and other outside funding to enhance water quality data collection and monitoring in the Humboldt River Basin.



**REPORT TO THE 75th 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 the *Nevada Revised Statutes* (NRS) (see NRS 218.536 through 218.5371, "Appendix A" of this report). Created in 1983, this body is responsible for reviewing and commenting on proposed and existing laws and regulations that affect the 61 million acres of federally managed lands in Nevada. The Committee 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 subsection 2 of NRS 218.5368, the Legislative Committee on Public Lands is also required to review the programs and activities of public water authorities, districts, and systems in the State of Nevada. Additional information regarding these requirements, a summary of water-related issues discussed, and highlights of presentations received concerning water during the 2007-2008 Legislative Interim appear in Section IV of this report (beginning on page 10).

Attendance at the Committee hearings was high, albeit slightly less than the 2005-2006 Legislative Interim, with approximately 40 people typically present at each meeting. 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 2009 Nevada Legislature. The subjects of these bill draft requests (BDRs) concern: (1) grazing and state grazing boards; (2) real estate disclosure for properties adjacent to open range areas; (3) mine claim markers; (4) noxious weeds and weed control districts; (5) off-highway vehicles (OHVs); and (6) water issues.

Additionally, the Committee voted to send nearly two dozen letters, policy statements, and Committee resolutions 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 2007-2008 Legislative Interim period. It reviews select public lands legislation passed during the 2007 Legislative Session

and summarizes the topics considered and acted upon by the Committee during the 2007-2008 Legislative Interim. Also included in this report is a summary of the reviews required under NRS 218.5368 concerning water. 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 Mark E. Amodei  
Senator Terry Care  
Assemblyman Jerry D. Claborn  
Assemblywoman Debbie Smith  
Tom Fransway, Humboldt County Commissioner<sup>1</sup>

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

Senator Warren B. Hardy  
Senator Mike McGinness  
Senator Michael A. Schneider  
Assemblyman David P. Bobzien  
Assemblyman John C. Carpenter  
Assemblyman Pete Goicoechea  
Assemblywoman Marilyn Kirkpatrick  
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, Supervising Principal Research Analyst, Research Division  
J. Randall Stephenson, Principal Deputy Legislative Counsel, Legal Division  
Matthew S. Nichols, Senior Deputy Legislative Counsel, Legal Division  
Susan M. Gottschalk, Senior Administrative Assistant, Research Division

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<sup>1</sup> 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.”

## **B. COMMITTEE MEETINGS**

The Legislative Committee on Public Lands held a total of nine regular meetings throughout the State and attended two in-state informational tours. The Committee visited the facilities at U.S. Ecology Corporation's Hazardous Waste Treatment and Disposal Facility (located about 11 miles south of Beatty on U.S. Highway 95) and also participated in a tour of the Barrick Goldstrike surface and underground mining operations in northern Eureka County. The Committee typically considers and discusses more than 50 public lands-related issues during its meetings and tours throughout the interim. A listing of these topics appears on pages 8 and 9 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 as well as brief summaries of each of the Committee's nine in-state meetings are available online at: <http://www.leg.state.nv.us/74th/Interim/StatCom/Lands/index.cfm?CommitteeName=Legislative%20Committee%20on%20Public%20Lands>.

## **C. WASHINGTON, D.C., INFORMATIONAL TOURS**

Over the past 27 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, congressional staff, agency personnel, and representatives of special interest organizations the public land issues of importance to Nevada.

### **1. February 12, 13, and 14, 2008 (First Informational Tour)**

The Committee's first informational tour to Washington, D.C., was held on February 12, 13, and 14, 2008. Members of the Committee visited with officials from the Bureau of Land Management (BLM), United States Department of the Interior (DOI), the National Mining Association (NMA), the U.S. Forest Service (USFS), United States Department of Agriculture (USDA), National Cattlemen's Beef Association (NCBA), various other associations and organizations, and Nevada's Congressional Delegation. Topics addressed included the state of the mining industry, fire suppression activities, the impact of federal budget challenges on Nevada's natural resources, general land management strategies, off-highway vehicle (OHV) use and regulation, livestock grazing, various water issues, and pending federal legislation.

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

- Ann A. Adler, Deputy Chief of Staff, Congressman Nick J. Rahall (D-West Virginia);
- C. Stephen Allred, Assistant Secretary, Lands and Minerals Management, DOI;
- Sheila K. Andrews, Legislative Assistant, American Motorcyclist Association (AMA);
- Karen Bennett, Vice President of Environmental Affairs, NMA;
- Congresswoman Shelley Berkley (D-Nevada);
- Carolyn S. Berndt, Senior Legislative Counsel, National League of Cities (NLC);
- Stewart “Mac” Bybee, Press Secretary, Congressman Dean Heller (R-Nevada);
- Brian Chatwin, Legislative Correspondent, Senator John Ensign (R-Nevada);
- Andrew D. Ciafardini, Special Assistant to the President for Intergovernmental Affairs, White House Office of Intergovernmental Affairs;
- Vicky Dickson, Special Assistant, Office of External and Governmental Affairs, DOI;
- Mary Beth Donnelly, Vice President of Government Relations, Newmont Mining Corporation;
- Jeff Eisenberg, Executive Director, Public Lands Council (PLC), and Director, NCBA;
- Senator John Ensign (R-Nevada);
- Jay Farrell, Executive Director, National Association of State Foresters;
- Becky Fulkerson, Policy Analyst, Bureau of Reclamation, DOI;
- Bryan D. George, Legislative Director, Congresswoman Shelley Berkley (D-Nevada);
- Kerry Harwin, Legislative Correspondent, Senator Ron Wyden (D-Oregon);
- Congressman Dean Heller (R-Nevada);
- Maggie Hlobik, Congressional Affairs Specialist, NMA;
- Julie Lapeyre Jacobson, Deputy Assistant Secretary, Land and Minerals Management, DOI;
- Luke D. Johnson, Deputy Director, Programs and Policy, BLM;
- Neil Kornze, Director of Nevada Operations, Senator Harry Reid (D-Nevada);
- John P. Lopez, Chief of Staff, Senator John Ensign (R-Nevada);
- Kevin M. Moran, Director, Washington, D.C., Office, Western Governors’ Association (WGA);
- Edward W. Moreland, Vice President, Government Relations, AMA;
- Jim Mosher, Deputy Assistant Secretary, Assistant Secretary for Fish and Wildlife and Parks, DOI;
- Rich Nolan, Senior Vice President, Government Affairs, NMA;
- Congressman Jon C. Porter (R-Nevada);
- Senator Harry Reid (D-Nevada);
- Edwin L. Roberson, Assistant Director, Renewable Resources and Planning, BLM;
- Ken Rosenfield, Manager, Policy Analysis and Development NLC;
- Gary Schiff, Legislative Specialist, USFS, USDA;
- Melissa M. Simpson, Deputy Under Secretary, Natural Resources and Environment, USDA;
- Kari Smith, Special Assistant, Natural Resources and Environment, USDA;
- Tamra Spielvogel, Committee Director, State-Federal Relations, Agriculture, Environment and Energy, National Conference of State Legislatures (NCSL);
- Katie Sweeney, Deputy General Counsel, NMA;

- Duane Taylor, Government Relations Specialist, Motorcycle Industry Council, Inc. (MIC);
- Kathy R. VanKleeck, Senior Vice President, Government Relations, MIC, and Senior Vice President, Government Relations, Specialty Vehicle Institute of America; and
- Ryan R. Yates, Associate Legislative Director, National Association of Counties (NACO).

## **2. September 16, 17, and 18, 2008 (Second Informational Tour)**

The Committee's second informational tour to Washington, D.C., was held on September 16, 17, and 18, 2008. As in the past, members of the Committee visited with officials from the BLM, USFS, NMA, and the NCBA. In addition, the Committee discussed public lands issues with Nevada's Congressional Delegation and their staffs and representatives from NCSL, NACO, the American Wind Energy Association (AWEA), the National Governors Association (NGA), and the WGA. The Committee was also pleased to visit with several organizations for the first time, including the National Water Resources Association (NWRA), Americans for Responsible Recreational Access (ARRA), and the National Endangered Species Act Reform Coalition (NESARC). Topics addressed included the state of the mining industry, fire suppression activities, the impact of federal budget challenges on Nevada's natural resources, the 2008 presidential election and anticipated changes to natural resources and public lands policies under a new presidential administration, general land management strategies, endangered species act reform, livestock grazing, energy development on public lands, various water issues, and pending federal legislation.

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

- Mac Abrams, Chief of Staff, Congressman Dean Heller (R-Nevada);
- Ann A. Adler, Deputy Chief of Staff, Congressman Nick J. Rahall (D-West Virginia);
- Patrick J. Baker, Legislative Coordinator, Federal Relations, NGA;
- Congresswoman Shelley Berkley (D-Nevada);
- Congressman Rob Bishop (R-Utah);
- Shanna K. Brown, Deputy Director, WGA;
- Stewart "Mac" Bybee, Press Secretary, Congressman Dean Heller (R-Nevada);
- Ashley Carrigan, Associate Director, Office of External and Intergovernmental Affairs, DOI;
- James L. Caswell, Director, BLM;
- Brian Chatwin, Legislative Correspondent, Senator John Ensign (R-Nevada);
- Adrian Coffey, Director of Federal Affairs, NWRA;
- Jill Davidsaver, Manager, Legislative Affairs, NCBA;
- Mary Beth Donnelly, Vice President of Government Relations, Newmont Mining Corporation;
- Jeff Eisenberg, Executive Director, PLC, and Director, NCBA;
- Senator John Ensign (R-Nevada);
- Bryan D. George, Legislative Director, Congresswoman Shelley Berkley (D-Nevada);
- Daniel R. Gerkin, Senior Vice President, Political Affairs, NMA;
- Rowan W. Gould, Ph.D., Deputy Director, U.S. Fish and Wildlife Service, DOI;
- Julia Gustafson, Director of Congressional Affairs, NMA;

- Justin Hall, Special Assistant, Office of the Director, BLM;
- Congressman Dean Heller (R-Nevada);
- Craig Hulse, Policy Advisor, State of Nevada's Washington, D.C., Office;
- Glenn Kelly, Vice President of Government Affairs, NMA;
- Neil Kornze, Senior Policy Advisor for Public Lands, Senator Harry Reid (D-Nevada);
- Lyle Laverty, Assistant Secretary for Fish and Wildlife and Parks, DOI;
- Michelle D. Laxalt, President, The Laxalt Corporation;
- The Honorable Paul Laxalt;
- Emy Lesofski, Senior Policy Advisor, Congressman Dean Heller (R-Nevada);
- Ryan McGinness, Director, State of Nevada's Washington, D.C., Office;
- Mel Meir, Assistant Deputy State Director, Minerals, Nevada State Office, BLM;
- Kevin M. Moran, Director, Washington, D.C., Office, WGA;
- Jim Mosher, Deputy Assistant Secretary, Assistant Secretary for Fish and Wildlife and Parks, DOI;
- Victoria Napier, Government and Public Affairs Deputy Director, R & R Partners;
- Michelle C. Nellenbach, Director, Natural Resources Committee, NGA;
- Joseph B. Nelson, Counsel, NESARC;
- Rich Nolan, Senior Vice President, Government Affairs, NMA;
- Congressman Jon C. Porter (R-Nevada);
- Harold P. Quinn, Jr., President and Chief Executive Officer, NMA;
- Gary Schiff, Legislative Specialist, USFS, USDA;
- Melissa M. Simpson, Deputy Under Secretary, Natural Resources and Environment, USDA;
- Felipe Sixto, Associate Director, Office of Intergovernmental Affairs
- Jordan A. Smith, Communications Director, NESARC;
- Larry Smith, Executive Director, ARRA;
- Tamra Spielvogel, Committee Director, State-Federal Relations, Environment and Energy, NCSL;
- Jaime Steve, Legislative Affairs Director, AWEA;
- Hewitt Strange, Director of Congressional Affairs, NMA;
- Beth Strobridge, Legislative Associate, Natural Resources Committee, NGA;
- Katie Sweeney, Deputy General Counsel, NMA;
- Dustin Van Liew, Coordinator, PLC, Policy and Administrative, NCBA;
- Tom Vinson, Environment Legislative Manager, AWEA; and
- Ryan R. Yates, Associate Legislative Director, NACO.

## **II. PUBLIC LANDS AND NATURAL RESOURCES LEGISLATION CONSIDERED DURING THE 2007 SESSION OF THE NEVADA LEGISLATURE**

Numerous bills regarding public lands and natural resources topics were considered during the 2007 Session of the Nevada Legislature. This section of the report briefly highlights some of the public lands bills and resolutions that were considered in 2007.

**A. LEGISLATIVE COMMITTEE ON PUBLIC LANDS RECOMMENDATIONS  
MADE TO THE 2007 SESSION OF THE NEVADA LEGISLATURE**

Following the 2005-2006 Legislative Interim, Nevada's Legislative Committee on Public Lands made nine recommendations to the 2007 Legislature. Issues addressed in these legislative proposals included: (1) the use of biomass in Nevada; (2) the creation of a Geographic Information Systems Coordinator position within the State Department of Conservation and Natural Resources (SDCNR); (3) the creation of a land use planner position within the Division of State Lands, SDCNR; (4) funding for weed control and wildfire suppression and rangeland rehabilitation; (5) the disapproval of frivolous legal challenges relating to grazing permits and regulations; (6) the registration and titling of OHVs in Nevada; and (7) the establishment of a state park at Monte Cristo's Castle in Esmeralda County. Detailed discussions of these recommendations may be found in the Committee's final report to the 2007 Nevada Legislature, published as [Legislative Counsel Bureau Bulletin No. 07-15, Legislative Committee on Public Lands \(http://www.leg.state.nv.us/lcb/research/2007intstudy.cfm\)](http://www.leg.state.nv.us/lcb/research/2007intstudy.cfm), on file in the LCB's Research Library.

Only three of these nine recommendations were ultimately approved. Following are brief summaries of these approved measures:

- Senate Joint Resolution No. 11 (File No. 95, *Statutes of Nevada 2007*) encourages Congress to make biomass eligible for production tax credits. The measure also encourages production of biomass energy in Nevada and investments in biomass energy projects. Finally, the resolution promotes partnerships between the public and private sector to develop biomass energy projects.
- Senate Joint Resolution No. 12 (File No. 96, *Statutes of Nevada 2007*) expresses disapproval of civil actions filed against ranchers and the BLM over the management of public rangelands and the issuance of grazing permits. The resolution notes the importance of livestock production to Nevada and the negative impacts of litigation that delays implementation of good stewardship and management of public lands.
- Senate Joint Resolution No. 13 (File No. 97, *Statutes of Nevada 2007*) urges Congress to provide additional funding and other assistance to prevent and suppress wildfires in Nevada, and to rehabilitate public rangelands damaged by wildfires.

**B. OTHER PUBLIC LANDS AND NATURAL RESOURCES LEGISLATION  
CONSIDERED DURING THE 2007 LEGISLATIVE SESSION**

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 2007 Legislative Session was no exception. In addition to the measures introduced by the Committee on Public Lands (previously described), other topics addressed included: (1) agriculture; (2) air quality; (3) environmental matters; (4) parks

and recreation; (5) ranching; (6) water; (7) wildlife; and (8) other general natural resource matters. A review and summary of select public lands and natural resources legislation considered and approved by the 2007 Nevada Legislature appears on the Committee's [Internet website and "home page"](http://www.leg.state.nv.us/74th/Interim/StatCom/Lands/index.cfm?CommitteeName=Legislative%20Committee%20on%20Public%20Lands) (<http://www.leg.state.nv.us/74th/Interim/StatCom/Lands/index.cfm?CommitteeName=Legislative%20Committee%20on%20Public%20Lands>).

### **III. ISSUES CONSIDERED AND DISCUSSED DURING THE 2007-2008 LEGISLATIVE INTERIM**

The Committee considered and discussed numerous public lands topics of interest to Nevada 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 2007-2008 Legislative Interim was no exception, with over 50 different topics discussed.

#### **A. LIST OF ISSUES DISCUSSED**

The following is a list of some of the many issues considered and discussed by the Legislative Committee on Public Lands during the 2007-2008 Legislative Interim:

- Central Nevada Regional Water Authority (CNRWA);
- Colorado River Commission (CRC);
- Drought relief;
- Eastern Nevada Landscape Coalition;
- Endangered Species Act of 1973 (ESA) and proposed reform of the Act;
- Energy development on public lands;
- Federal and state land use permitting processes;
- Federal and state legislation (various pending measures);
- Grazing issues (including the renewal of grazing permits);
- Humboldt Project Title Transfer;
- Humboldt River Basin Water Authority (HRBWA);
- Interbasin transfer of water;
- Land sales, disposals, acquisitions, and exchanges;
- 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;
- National Environmental Policy Act (NEPA) and possible reforms to the Act;
- Nevada Farm Bureau;
- Nevada Fire Safe Council;
- Nevada Natural Heritage Program;
- Nevada’s Commission on Economic Development;
- Nevada’s Wildfire Support Group (WSG);
- Northeastern Nevada Stewardship Group;
- Public Lands Institute, University of Nevada, Las Vegas (UNLV);
- “Question 1 Program” bond money;
- Renewable energy development on public lands, including biomass, wind, geothermal and solar energy;
- Southern Nevada Public Land Management Act of 1998 (SNPLMA);
- Southern Nevada Water Authority (SNWA);
- State agency activities review;
- State involvement in the management of federal lands in Nevada;
- Threatened and endangered species in Nevada (possible listings);
- United States Bureau of Reclamation (BOR) activities and policies in southern Nevada;
- United States Department of Energy (DOE) activities on public lands (proposed railroad corridors for the transportation of high-level radioactive waste);
- University of Nevada Cooperative Extension (UNCE) and Extended Studies programs;
- Water issues generally (including activities of various water authorities, water purveyors, and the Office of the State Engineer);
- Wild horses and burros;
- Wilderness and wilderness study areas; and
- Wildlife management.

**B. SUMMARY OF ONGOING ISSUES**

Several topics captured the Committee’s interest on more than one occasion during the 2007-2008 Legislative Interim, such as the activities of the BLM, USFS, and the U.S. Fish and Wildlife Service (USFWS); federal lands-related laws and legislation; fire suppression and

range rehabilitation; livestock grazing; local public lands issues; mining activities; noxious weeds; OHV usage and possible regulation of OHVs; payments in lieu of taxes (PILT) funding; threatened and endangered species and possible reform of the ESA, and wild horses and burros. Most of these topics are issues of ongoing importance to the Committee and discussed frequently from one legislative interim to the next.

Included on the [Internet website and “home page”](http://www.leg.state.nv.us/74th/Interim/StatCom/Lands/index.cfm?CommitteeName=Legislative%20Committee%20on%20Public%20Lands) (<http://www.leg.state.nv.us/74th/Interim/StatCom/Lands/index.cfm?CommitteeName=Legislative%20Committee%20on%20Public%20Lands>) for the Legislative Committee on Public Lands are summaries of the following topics addressed on multiple occasions by the Committee throughout the 2007-2008 Legislative Interim period.

- Bureau of Land Management activities in Nevada;
- County and city public lands issues;
- U.S. Fish and Wildlife Service activities in Nevada;
- U.S. Forest Service activities in Nevada;
- Federal land disposal and acquisition legislation;
- Mining issues;
- Noxious weeds and invasive species;
- Off-highway vehicle use on public lands and potential regulation of OHVs;
- Payments in lieu of taxes; and
- Wildfire suppression and rangeland rehabilitation.

It should be noted that the Committee’s Internet website highlights only ten of the dozens of topics addressed by the Committee. Additional subjects are discussed in the “Summary Minutes and Action Reports” for each meeting, which are also available on the [Committee’s Internet website](http://www.leg.state.nv.us/74th/Interim/StatCom/Lands/index.cfm?CommitteeName=Legislative%20Committee%20on%20Public%20Lands) (<http://www.leg.state.nv.us/74th/Interim/StatCom/Lands/index.cfm?CommitteeName=Legislative%20Committee%20on%20Public%20Lands>).

#### **IV. SUMMARY OF WATER-RELATED ISSUES AND HIGHLIGHTS OF REPORTS AND PRESENTATIONS RECEIVED DURING THE 2007-2008 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. Pursuant to subsection 2 of NRS 218.5368, the Legislative Committee on Public Lands must 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. The Committee may also review and comment on other issues relating to water resources in this state, including the laws, regulations, and policies regulating the use, allocation, and management of water in Nevada and the status of information and studies relating to water use, surface water resources, and groundwater issues. While this mandate was challenging, the Committee was able to allocate time during each of its meetings to hear from 18 different water authorities, companies, districts, and various state and federal agencies. Water planning and infrastructure development were also key components of many of the local government reports received throughout the interim. For additional information concerning Nevada's water law and water resources, please refer to the LCB Research Division's "Program and Policy Report" regarding water matters at: <http://www.leg.state.nv.us/lcb/research/PandPReports/33-WR.pdf>.

It should be noted that during the 2007 Legislative Session, the Legislature approved Senate Bill 487 (Chapter 531, *Statutes of Nevada*), which created the Legislative Committee to Oversee the Western Regional Water Commission (WRWC) as it relates to water issues in Washoe County. Both the Legislative Committee on Public Lands and the oversight committee were diligent in avoiding the burden of duplicative testimony, presentations, and recommendations between the two committees. A memorandum from the Chairman of the Legislative Committee on Public Lands addressing this issue appears in Appendix C of this report. Furthermore, the Chairman of the oversight committee provided a report to the Legislative Committee on Public Lands regarding the oversight committee's activities and findings. Please refer to [Legislative Counsel Bureau Bulletin No. 09-06, \*Legislative Committee to Oversee the Western Regional Water Commission\*](http://www.leg.state.nv.us/lcb/research/InterimReports/2009InterimReports/2009intstudy.cfm) (<http://www.leg.state.nv.us/lcb/research/InterimReports/2009InterimReports/2009intstudy.cfm>), for more information on the proceedings and recommendations of the oversight committee.

This section of the report serves to summarize the water presentations and reports required under NRS 218.5368 that were received by the Legislative Committee on Public Lands and not considered by the Legislative Committee to Oversee the Western Regional Water Commission.

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

- Carson Water Subconservancy District (CWSD);
- Truckee-Carson Irrigation District (TCID);
- State Department of Conservation and Natural Resources;
- Southern Nevada Water Authority;
- Colorado River Commission;
- Central Nevada Regional Water Authority;
- Lincoln County Water District (LCWD);
- Bureau of Land Management;
- U.S. Geological Survey (USGS);
- Virgin Valley Water District (VVWD);
- Humboldt River Basin Water Authority;
- Pershing County Water Conservation District (PCWCD);
- United States Bureau of Reclamation;
- Big Bend Water District (BBWD);
- Moapa Valley Water District (MVWD);
- Elko County Water Planning Commission (ECWPC);
- Legislative Committee to Oversee the Western Regional Water Commission; and
- U.S. Forest Service.

Due to requirements set forth in subsection 2 of NRS 218.5368, the Committee often hears from the same water authorities, districts, and organizations each legislative interim. To avoid duplicative reporting on the history of these groups, please refer to the appropriate final report and bulletin of the Legislative Committee on Public Lands, which are “linked,” as appropriate, in the descriptions below.

**A. CARSON WATER SUBCONSERVANCY DISTRICT**

At the Committee’s meeting in Carson City, Edwin James, General Manager of the CWSD, 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 current programs; (3) the floodplain management plan; (4) regional water system issues; (5) Carson Valley groundwater use; and (6) the Churchill Groundwater Basin case study.

Several ongoing 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 while still protecting the environment; (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, community outreach, 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. Finally, the CWSD is in the process of developing a regional Water Conservation Plan and has set up working groups to address water purveyor needs and hydrologic issues. Please refer to pages 48 and 49 of [Legislative Counsel Bureau Bulletin No. 07-15, Legislative Committee on Public Lands](http://www.leg.state.nv.us/lcb/research/2007InterimReports/Bulletin07-15.pdf) (<http://www.leg.state.nv.us/lcb/research/2007InterimReports/Bulletin07-15.pdf>), for additional information regarding the CWSD.

## **B. TRUCKEE-CARSON IRRIGATION DISTRICT**

The Committee also heard from the TCID at its first meeting in Carson City. 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. During a normal water year, the District delivers water to about 2,500 water users and delivers 215,000 acre feet of water primarily for agricultural use.

Ernest C. Schank, President, Board of Directors, and Dave Overvold, Project Manager, discussed with the Committee the history of the District and highlighted its functions, roles, and structure. 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 is in the process implementing a water conservation program. Under the requirements of an operation and maintenance contract, the District reserves 10 percent of water user payments to fund the water conservation program. Under this program, the District is required to install measuring devices by 2012 to measure 75 percent of the water delivered to water users. During Fiscal Year (FY) 2006-2007 the District spent over \$353,000 on numerous water conservation projects.

In addition, Mr. Schank and Mr. Overvold discussed with the Committee the following issues: (1) the overall watershed area and its characteristics; (2) the characteristics of the Truckee River; (3) the Lahontan Reservoir and Dam; (4) the construction of new "V-Line" structures; (5) the Lake Tahoe and Derby Dams; (6) TCID hydrogenation activities; (7) additional water conservation program requirements; (8) installation of eight ramp flumes during 2006 and 2007; (9) flow measurement implementation; (10) total acreage irrigated; (11) reservoir releases; (12) water year statistics for variations with the Carson River

near Fort Churchill; (13) the east-west Carson River flow with the east and west fork of the Carson River; (14) Carson Valley water depletions; and (15) the 2007 time table for water releases. Please refer to pages 47 and 48 of [Legislative Counsel Bureau Bulletin No. 07-15, Legislative Committee on Public Lands](http://www.leg.state.nv.us/lcb/research/2007InterimReports/Bulletin07-15.pdf) (<http://www.leg.state.nv.us/lcb/research/2007InterimReports/Bulletin07-15.pdf>) for additional information regarding the TCID.

### **C. STATE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**

The Office of the State Engineer, created in 1903, is responsible for the administration of Nevada water law. The State Engineer is also the executive head of the Division of Water Resources in the SDCNR. The State Engineer determines the rights of claimants to water, the use to which water may be put, the quantity of water reasonably required for beneficial use, and where water may be used. In addition, the State Engineer is responsible for:

- Quantifying existing water rights;
- Monitoring water use and maintaining related data and records;
- Processing reports of conveyances (transferring ownership of water rights);
- Reviewing recharge projects;
- Overseeing state and civil decrees, and assisting in federal decrees;
- Reviewing water availability for new subdivisions;
- Overseeing dam safety;
- Appropriating geothermal water;
- Licensing and regulating well drillers and water rights surveyors;
- Reviewing flood control projects;
- Coordinating water planning and conservation plans; and
- Providing technical assistance to the public and governmental agencies.

The State Engineer also sits on the Nevada Commission of the California-Nevada Interstate Compact Commission, the State Environmental Commission, and the Board of Review for the Administration of Public Lands, while also serving as the technical adviser to the Board for Financing Water Projects.

The Committee heard from the State Engineer and several of his deputies at the first and last meetings of the 2007-2008 Legislative Interim (Carson City and Lovelock). In addition to general highlights on water ownership and an overview of Nevada water law and the duties of the State Engineer, the presentations also focused on: (1) the appropriation process for water permits; (2) the number of applications filed since 1997; (3) criteria for approval or denial of water rights; (4) statistics on protested applications; (5) summaries and statistics regarding both surface water and groundwater in Nevada; (6) consumptive use of water (7) the perennial yield concept and related definitions; (8) the importance and impacts of interbasin water transfers; (9) additional criteria when considering interbasin transfers; (10) the activities of the Las Vegas Valley Water District (LVVWD) and its dealings with the Office of the State Engineer; (11) a summary of applications in specific basins; (12) the Spring Valley ruling (a water importation project proposed in eastern White Pine County); (13) western Nevada water importation projects; (14) the protest of all groundwater applications in Carson Valley and Dayton Valley; (15) future rulings by the SDCNR; (16) a description of fines and penalties, including administrative penalties; (17) priority for domestic wells; (18) accessory dwellings on domestic wells; (19) parceling, dedication, or relinquishment of water rights; (20) Walker Lake issues; (21) proposed changes to the *Nevada Administrative Code*; (22) the goal to achieve compliance of Nevada's water law; and (23) a summary of 2007 Legislation regarding water issues.

#### **D. SOUTHERN NEVADA WATER AUTHORITY**

The Committee received an in-depth report and presentation from the SNWA at its Las Vegas meeting. The SNWA was formed in 1991 by several local agencies to address southern Nevada's unique water needs on a regional basis. The Authority is committed to managing the region's water resources and developing solutions that will ensure adequate future water supplies for the Las Vegas Valley. The SNWA is governed by a seven-member agency comprised of representatives from each of its member organizations. These member agencies are: (1) Boulder City; (2) Henderson; (3) Las Vegas; (4) North Las Vegas; (5) BBWD; (6) Clark County Water Reclamation District; and (7) the LVVWD. The SNWA's mission is to manage the region's water resources and develop solutions that will ensure adequate future water supplies for the Las Vegas Valley.

The SNWA is charged with the following responsibilities:

- Managing all water supplies available to southern Nevada through an approved water budget;
- Addressing regional water resource management and conservation programs;
- Ensuring regional water quality as determined by U.S. Environmental Protection Agency (EPA) standards;

- Allocating and distributing among water purveyors the remaining Colorado River water and any other water that becomes available;
- Presenting a unified position on water issues facing southern Nevada; and
- Operating regional facilities to provide a reliable drinking water delivery system to member agencies.

The SNWA works closely with the CRC to manage the Colorado River water supplies. Rate setting and typical utility functions are handled by the entities that comprise the SNWA. Elsewhere in southern Nevada, water storage, conservation, and distribution are managed by entities such as the MVWD and VVWD.

Overallocation of water has occurred in several regions throughout Nevada, including southern Nevada. Drought conditions worsen these situations. The Las Vegas Valley is dealing with a critical overdraft complicated by years of record population growth and drought. In 1997, at the direction of the Nevada Legislature, the SNWA developed a program to protect and manage the Las Vegas Valley's primary groundwater supply. The Las Vegas Valley Groundwater Management Program is working on recharge projects, plugging abandoned wells, connecting well owners to municipal systems, and protecting the groundwater aquifer from contamination. Funding is provided, in part, by a fee on groundwater users of \$30 per year for domestic well owners and \$30 per acre-feet permitted annually on other groundwater users.

The Committee heard from Richard J. Wimmer, Deputy General Manager, Administration, and Doug Bennett, Conservation Manager, SNWA, at its meeting in Las Vegas. Mr. Wimmer and Mr. Bennett outlined the following programs and activities of SNWA: (1) current water issues including drought; key conservation policies and incentive programs; facilities; in-state resources; and the joint management of the Colorado River under the recently-approved "Seven Basin States Agreement"; (2) Lake Powell annual inflows; (3) Lake Powell and Lake Mead storage; (4) historical and forecasted Lake Mead water elevations; (5) overall SNWA resources; (6) public education and community outreach; (7) water conservation and drought response; (8) community response to water conservation; (9) "water smart" landscapes and results for 2007; (10) a summary of SNWA completed projects; (11) conservation advertisement campaigns and 2008 rebates; (12) potential drought impacts and the impact of losing different water intakes at Lake Mead and the planning and construction of a third and deeper water intake at the lake; (13) ranch acquisitions and related resources and operations; (14) Coyote Springs, Muddy and Virgin Rivers, and Warm Springs water supplies and possible use in the Las Vegas Valley; (15) the 2006 water resource plan; (16) the review of potential options for recycling water from casino air conditioning units (testimony indicated that evaporation through air conditioning units exceeds landscaping use); and (17) other key water-related efforts and activities for southern Nevada.

## **E. COLORADO RIVER COMMISSION OF NEVADA**

At its second and fifth meetings in Las Vegas and Laughlin, respectively, the Committee heard from the CRC. 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.

George M. Caan, Executive Director of the CRC provided both reports to the Legislative Committee on Public Lands in Las Vegas and Laughlin. Mr. Caan provided overviews and updates regarding: (1) CRC's operations and management; (2) hydrologic conditions within the Colorado River system, including the current severe drought conditions; (3) storage conditions on the river system, which included statistics showing storage levels at Lake Mead and Lake Powell at below 50 percent capacity; (4) hydropower activities on the Colorado River and opportunities for future hydroelectric projects; (5) the CRC's relationships with other states on the Colorado River system and Mexico; (6) the status of the Lower Colorado River "Drop 2" Storage Reservoir (expected completion to be in 2011); (7) the energy services group and the Silver State Energy Association; (8) power delivery projects; (9) Lower Colorado River plant and animal species; (10) general environmental issues; and (11) current issues involving the CRC and various events monitored by the CRC. Please refer to pages 55 through 57 of [Legislative Counsel Bureau Bulletin No. 07-15, Legislative Committee on Public Lands](http://www.leg.state.nv.us/lcb/research/2007InterimReports/Bulletin07-15.pdf) (<http://www.leg.state.nv.us/lcb/research/2007InterimReports/Bulletin07-15.pdf>) for additional information regarding the CRC.

## **F. CENTRAL NEVADA REGIONAL WATER AUTHORITY**

The CNRWA was created in the Fall of 2005 through an interlocal agreement (as authorized in Chapter 277 of the NRS) between six central Nevada counties. Membership in the CNRWA now includes the following eight counties whose boundaries fall within Nevada's Central Hydrographic Region: (1) Churchill; (2) Elko; (3) Esmeralda; (4) Eureka; (5) Lander; (6) Nye; (7) Pershing; and (8) White Pine Counties. The CNRWA has a 19-member board of directors consisting primarily of elected county commissioners and county management staff of the eight counties. The CNRWA conferred upon itself the following goals and duties:

1. Formulate and present united positions to agencies of the State of Nevada, the United States, and other government entities relative to water and water-related issues pertaining to Nevada's Central Hydrographic Region and member counties;
2. Monitor available water supplies from all sources within and affecting Nevada's Central Hydrographic Region and separately within each member county, and monitor the extent to which proposals to develop and export Central Hydrographic Region water may adversely impact the availability of water for use by communities, residents, businesses, and ecosystems in the member counties;
3. Combine limited fiscal and staff resources for the purpose of obtaining technical support, legal counsel, and policy advice necessary for sound water resource decisions;
4. Facilitate the development and maintenance of a common base of data to: (a) better understand the water resources in the Central Hydrographic Region; and (b) use and manage the Central Hydrographic Water resources;
5. Encourage citizen participation in water supply and management issues that are of concern to member counties and the Authority;
6. Protect and conserve the balance between the human environment and natural ecosystems of the Central Hydrographic Region as they relate to water resource development;
7. Provide a secure foundation for future investment and development within the Central Hydrographic Region; and
8. Communicate the functions and activities of the Authority to public and private interests.

The stated mission of the CNRWA is to “protect the water resources of the Central Hydrographic Region so that this Region will not only have an economic future, but its valued quality of life and natural environment will be maintained.”

At its meetings in Beatty, Eureka, and Lovelock, the Committee heard from the CNRWA on several matters, including: (1) the creation of a “baseline water-level data assessment” program with the USGS and Nevada's Division of Water Resources to assist the CNRWA in evaluating current groundwater supplies, identifying the impacts of development, and ensuring good water quality for future use; (2) a recommendation from the CNRWA that land use plans for every member county should be based upon the sustainable water resources within that county; (3) the approval or rejection of water applications by the State Engineer; (4) the establishment of a “water resources technical support fund” for the State of Nevada; (5) water and land use planning in rural communities; and (6) the monitoring of water purveyor production wells. Several recommendations submitted by the CNRWA were considered and

acted upon during the Committee's work session. Please see Section V of this report for further details.

## **G. LINCOLN COUNTY WATER DISTRICT**

At its meeting in Caliente, the Committee received a brief update of the activities and programs of the LCWD. The LCWD was created by the 2003 Nevada State Legislature in Senate Bill 336 (Chapter 474, *Statutes of Nevada*). The measure outlines the District's powers, which are modeled after those of other water districts in southern Nevada, sets forth the membership and functions of the LCWD Board, and provides parameters under which the Board may levy and collect general ad valorem taxes.

Dylan Frehner, General Manager and Legal Counsel for the LCWD, discussed with the Committee the District's activities and planning efforts, which included: (1) the purpose of the LCWD to effectively manage the water within Lincoln County under one entity; (2) challenges and pitfalls since the inception of the LCWD, which include a consistent lack of funding, limited resources, and a lack of overall water infrastructure; (3) the potential water issues stemming from land development in Lincoln County, including development in the Coyote Springs area of southern Lincoln County; (4) funding and transportation of water in the Toquop area; (5) determining the final purveyor of water in the Toquop area; (6) further refining the role of the LCWD; and (7) technical assistance to the LCWD through the State of Nevada and private companies.

## **H. BUREAU OF LAND MANAGEMENT**

Also at its meeting in Caliente, the Committee heard from the BLM regarding the status of Environmental Impact Statements (EISs) and related studies regarding three water importation projects in eastern Nevada. Since so many of Nevada's water resources are surrounded by BLM lands, the agency takes an active role in commenting, approving, and analyzing proposed water projects throughout the State. Penny Woods, BLM's Project Manager for Nevada's Groundwater Projects, updated the Committee on the status and specifics of a project requested by the SNWA for a 328-mile north-south water pipeline (which includes 349 miles of power lines) from southern White Pine County, through Lincoln County, and to the Las Vegas area. The other two projects were requested by the LCWD in 2005 and involve a 45-mile pipeline from the Tule Desert and Clover Mountains area to just north of Mesquite and a 13-mile pipeline from Kane Springs Valley to Coyote Springs Valley.

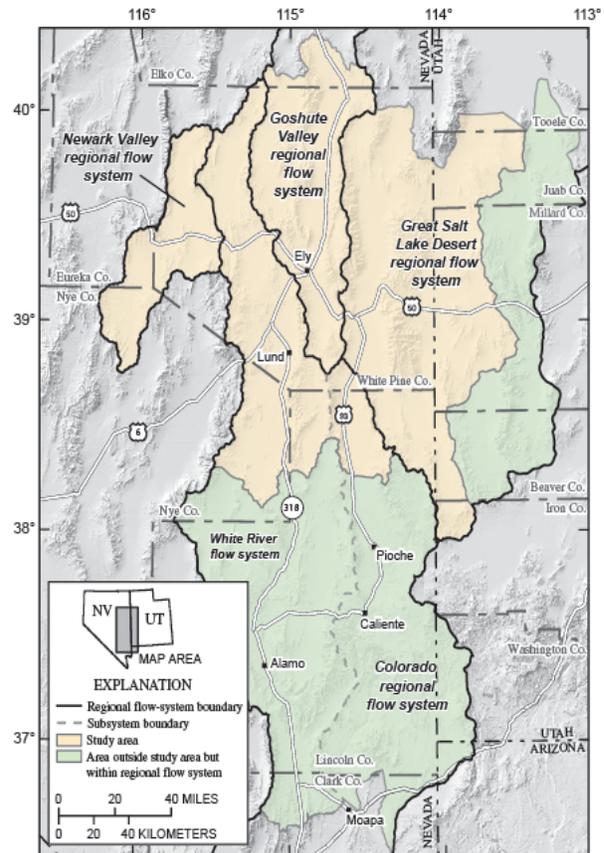
Ms. Woods also discussed with the Committee the role of the Lincoln County Conservation Recreation and Development Act of 2004 (LCCRDA) on water studies and water development in southeast Nevada and praised the cooperative relationships among federal, state, and county agencies. She also addressed the following additional water-related issues: (1) future trends of water importation projects in eastern Nevada; (2) the removal of water from six hydrologic basins in eastern Nevada and the resulting impacts; (3) the anticipation of future facilities and projects requiring subsequent NEPA analysis; (4) SNWA water rights and applications and

related agreements with SNWA; (5) water right application protests by the BLM; (6) the role of the BLM in water-related issues; and (7) the role of the USGS and BLM's relationship with the USGS.

## I. UNITED STATES GEOLOGICAL SURVEY

The USGS provided a presentation to the Committee at its meeting in Caliente regarding the Basin and Range Carbonate-Rock Aquifer System (BARCAS) study program, which is a study of groundwater quality and quantity mandated by the LCCRDA. Specifically, Section 301(e) of the LCCRDA provides that:

- (1) IN GENERAL.—The Secretary, acting through the United States Geological Survey, the Desert Research Institute, and a designee from the State of Utah shall conduct a study to investigate ground water quantity, quality, and flow characteristics in the deep carbonate and alluvial aquifers of White Pine County, Nevada, and any groundwater basins that are located in White Pine County, Nevada, or Lincoln County, Nevada, and adjacent areas in Utah. The study shall—
- (A) focus on a review of existing data and may include new data;
  - (B) determine the approximate volume of water stored in aquifers in those areas;
  - (C) determine the discharge and recharge characteristics of each aquifer system;
  - (D) determine the hydrogeologic and other controls that govern the discharge and recharge of each aquifer system; and
  - (E) develop maps at a consistent scale depicting aquifer systems and the recharge and discharge areas of such systems.



The final report of the BARCAS study program: (1) evaluated the types of aquifers in the study area; (2) highlighted storage estimates by aquifer type; (3) evaluated the geologic and structural controls on underground water flow; (4) identified water flow between basins and within basins; and (5) analyzed basin discharge and recharge of water. The final report of the BARCAS study program was released in December 2007 and is available on the Internet at <http://nevada.usgs.gov/barcass/pubs.htm>.

## **J. VIRGIN VALLEY WATER DISTRICT**

At the Committee's meeting in Caliente, Michael Winters, General Manager, VVWD, presented an overview of the District's water resources. 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. 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 presentation from Mr. Winters were highlights of: (1) land use and demands on the Virgin River; (2) the VVWD's groundwater resources; (3) surface and groundwater rights in Nevada for the Lower Virgin River Basin; (4) population projections for the service area and water production of the VVWD; (5) annual delivery of potable water; (6) water resources conservation; (7) 2005 water use by category in the service area of the VVWD; and (8) challenges for development in the Lower Virgin River Valley.

Mr. Winters also 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. The region still continues to grow at a tremendous rate. Water in the Virgin River has historically been used for agriculture because of its high salinity. However, the growing population of northeastern Clark County, northern Arizona, and southwestern Utah 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. Following Mr. Winters' suggestion at the Caliente meeting, the Committee voted at its final meeting and work session to send a letter to Nevada's Congressional Delegation encouraging the Delegation to sponsor legislation addressing the demand for water on the Virgin River.

## **K. HUMBOLDT RIVER BASIN WATER AUTHORITY**

Mike L. Baughman, Ph.D., President, Intertech Services Corporation and Contract Executive Director for the HRBWA, discussed numerous topics regarding the HRBWA at the Committee's meeting in Winnemucca. Dr. Baughman explained that the HRBWA was formed

in April 1993 through an interlocal agreement (authorized under Chapter 277 of the NRS) between Elko, Eureka, Lander, Humboldt, and Pershing Counties in response to the proposed “EcoVision” water exportation plan. The Authority is overseen by a 15-member board of directors who are appointed by the member counties (three from each county). Each member county contributes between \$6,000 to \$8,000 annually for the Authority’s operations and programs. The Humboldt River basin is unique in that it spans seven percent of Nevada’s land area and includes the largest gold mines in North America whose dewatering activities greatly impact water flows. The basin includes a drainage area of over 7,400 square miles and approximately 80,000 people reside in the basin. The annual fluctuations in water flow pose a challenge for the HRBWA and result in economic and environmental uncertainty from one year to the next.

The responsibilities of the HRBWA include: (1) recognizing and protecting all existing decreed and certificated water rights within the basin; (2) monitoring water supply and demand throughout the basin; (3) encouraging existing water right holder participation in water supply and management issues of concern to member counties; (4) indentifying and seeking resolutions to any inter-county water allocation and management issues; (5) analyzing the extent to which proposals for the development and exportation of water in the basin may adversely affect the water balance for member counties; (6) formulating positions for presentations to relevant local, state, and federal agencies; and (7) recommending appropriate federal and state legislation concerning water in the basin.

During his presentation, Dr. Baughman also addressed key issues relating to the HRBWA, which include: (1) the need for additional storage within the Humboldt River Basin to ensure adequate water supply during low-flow years; (2) the interbasin transfer of water; (3) federal acquisition of water rights at springs and seep sites; (4) the HRBWA’s opposition to current federal legislation to amend the Clean Water Act as it relates to the definition of “navigable waters”; (5) water quality regulations of Nevada’s Division of Environmental Protection (NDEP), which the HRBWA deems as inappropriate; (6) the impacts of mine dewatering on the basin; (7) concerns regarding the lack of available groundwater and evaporation data to make effective water quality and quantity decisions at the federal and state levels; (8) water rights and the implications of state legislation approved in 2007 regarding water rights; and (9) consumptive use of water associated with pit lake (mine-related) evaporation. Dr. Baughman made several recommendations to the Legislative Committee on Public Lands for its consideration during the final meeting and work session. Some of these recommendations were approved and are discussed in Section V of this report.

#### **L. PERSHING COUNTY WATER CONSERVATION DISTRICT**

Also at the Committee’s meeting in Winnemucca, Bennie Hodges, Secretary-Manager of the 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 Winnemucca 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. Additional information and history concerning the Humboldt Project can found in last three final reports and bulletins of the Legislative Committee on Public Lands (available at <http://www.leg.state.nv.us/lcb/research/DivStudyLegReport.cfm>) and is also on the following Internet website sponsored by the BOR: <http://www.usbr.gov/dataweb/html/humboldt.html>.

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. Mr. Hodges reported that the EIS for the project has been completed on all of the proposed transferred lands and that full title transfer of over 82,000 acres of land near Rye Patch Reservoir and the Humboldt Sink as well as land in the Battle Mountain Community Pasture will be transferred in approximately two years. In the meantime, the Committee on Public Lands will continue to closely monitor the Humboldt Project title transfer.

#### **M. UNITED STATES BUREAU OF RECLAMATION**

The Committee met in Laughlin for the first time in 14 years in May 2008. The waters of Lake Mead and the Lower Colorado River region are primarily under the jurisdiction of the BOR. The Committee was pleased to hear an extensive report from the BOR regarding its programs and activities in the region. The BOR was created in 1902 and reclamation involvement began in the Lower Colorado River region in 1903 following the authorization of the Salt River Project. The BOR established regional offices in 1943. The mission of the BOR is to “manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interests of the American public.” The BOR is the largest wholesaler of water in the United States and is the second largest producer of hydropower in the country.

Joe Liebhauser, Director, Resource Management Office, BOR, Lower Colorado River Region, DOI, provided a description of the key projects in the region and their benefits to the area relating to water, power, flood control, recreation, and fish and wildlife habitat. Current activities include numerous water conservation programs, setting forth guidelines for offstream storage and “intentionally created” water surplus, and the coordination of interested parties in water management activities. In addition, the BOR is involved with several multispecies conservation programs, river channel maintenance, and wastewater reclamation and reuse partnerships.

The Lower Colorado River region provides recreational opportunities for over 12 million visitors annually. Bill Martin, Outdoor Recreation Planner for the BOR’s Lower

Colorado River Region provided an in-depth presentation regarding recreational opportunities in the region using federal lands and BOR projects. He also presented a video about recreational activities that further described: (1) the potential development of recreational facilities in local communities; (2) the recreational needs and challenges in the region; and (3) the use of visitor surveys and consultant feedback for recreational development and planning.

#### **N. BIG BEND WATER DISTRICT**

Also at its meeting in Laughlin, the Committee heard a presentation from a representative of the BBWD. The BBWD serves the community of Laughlin and provides water for its 7,900 citizens, as well as supplying water to support a large number of visitors. The BBWD is a general improvement district (as authorized under Chapter 318 of the NRS) and a political subdivision of the State of Nevada that was created in 1983 to supply water to the area. A seven-member Board of Trustees (these members also serve as the Clark County Board of Commissioners) governs the BBWD and has jurisdiction over all of its affairs. In 2008, the LVVWD was designated to serve as agent for the BBWD by the Big Bend Board of Trustees. The LVVWD operates and maintains BBWD facilities. Included in the BBWD's operations is a water treatment facility, which can treat up to 15 million gallons per day. This facility was completed in 1993 at a cost of \$21.5 million. The District's water distribution system has a storage capacity of 6 million gallons.

Adam Werner, Engineering Manager for the BBWD reported that the District is a member of the SNWA and has an operating budget of over \$2.7 million. He identified the demands of population growth and maintaining a reliable water delivery system as the BBWD's most pressing challenges for the immediate future.

#### **O. MOAPA VALLEY WATER DISTRICT**

Much like the VVWD, the MVWD, located in Overton, is serving a growing number of users. At its meeting in Laughlin, the Committee heard from Brad Huza, General Manager for the MVWD. Mr. Huza explained that the MVWD has served the domestic water needs of Moapa Valley since 1960. The District is located between Las Vegas and Mesquite on Interstate 15 and includes the towns of Glendale, Logandale, Moapa Valley, and Overton. With a service area of 79 square miles and over 165 miles of pipeline, the MVWD provides water to approximately 8,000 residents. Sixty-four percent of the water supplied by the MVWD is used by residential customers. An additional 21 percent is used for commercial purposes and Nevada Power utilizes approximately 14 percent. Mr. Huza noted that some of the District's major challenges have been finding additional water supplies and mitigating arsenic levels to acceptable federal standards. The MVWD is working with the SNWA on acquiring additional water resources from the Coyote Springs area. Finally, Mr. Huza noted that public lands disposal activity within and adjacent to existing MVWD service areas can have significant impacts on water purveyors in terms of infrastructure maintenance and overall water resources.

**P. ELKO COUNTY WATER PLANNING COMMISSION**

The Committee received a report from the ECWPC at its meeting in Elko. In December of 1997 the Elko County Board of Commissioners approved by resolution the creation of the ECWPC as a seven-member advisory board consisting of representatives from the Board of Commissioners and the Cities of Carlin, Elko, Wells, and West Wendover and two “at large” members. The ECWPC, which held its first meeting in February 1998, was charged with the duty to create and implement the Elko County Water Resources Management Plan. The ECWPC completed the plan and its accompanying recommendations and policies in September 2007.

At its meeting in Elko, Chris Johnson, Chairman of the ECWPC provided a brief review of programs and activities of the Commission, which included a history of the development of the ECWPC and the status and plans for recharging various water basins in Elko County. Randy Brown, Director of Planning and Zoning with the Elko County Planning and Zoning Department, offered additional history and background of the Commission and highlighted the amount of water available in the Elko region based upon current scientific data. He also discussed the approval and implementation of the water plan by the ECWPC. Please refer to [Section 1 \(http://www.leg.state.nv.us/74th/Interim\\_Agendas\\_Minutes\\_Exhibits/Exhibits/Lands/E060608F-1.pdf\)](http://www.leg.state.nv.us/74th/Interim_Agendas_Minutes_Exhibits/Exhibits/Lands/E060608F-1.pdf) and [Section 2 \(http://www.leg.state.nv.us/74th/Interim\\_Agendas\\_Minutes\\_Exhibits/Exhibits/Lands/E060608F-2.pdf\)](http://www.leg.state.nv.us/74th/Interim_Agendas_Minutes_Exhibits/Exhibits/Lands/E060608F-2.pdf) of the *Elko County Water Resource Management Plan* for additional information.

**Q. LEGISLATIVE COMMITTEE TO OVERSEE THE WESTERN REGIONAL WATER COMMISSION**

At its meeting in Eureka, the Committee on Public Lands requested an update on the activities and findings of the Legislative Committee to Oversee the Western Regional Water Commission from Senator Mark E. Amodei, Chairman. Senator Amodei’s presentation included the following: (1) a brief background of S.B. 487 of the 2007 Legislative Session; (2) an explanation of and update on the Legislative Committee to Oversee the Western Regional Water Commission, including its membership, duties and powers, planning area, and funding; (3) the “work plan” for the WRWC; (4) the progress and status of the “Joint Powers Agreement”; and (5) work session topics that were slated to be addressed at the Committee’s final meeting scheduled for August 11, 2008.

Please refer to [Legislative Counsel Bureau Bulletin No. 09-06, \*Legislative Committee to Oversee the Western Regional Water Commission\* \(http://www.leg.state.nv.us/lcb/research/InterimReports/2009InterimReports/2009intstudy.cfm\)](http://www.leg.state.nv.us/lcb/research/InterimReports/2009InterimReports/2009intstudy.cfm), for more information on the proceedings and recommendations of the WRWC oversight committee.

## **R. UNITED STATES FOREST SERVICE**

As noted earlier, the USFS is heavily involved in numerous natural resource related policies and programs in Nevada. One of the primary concerns of any federal natural resource agency is water. The USFS appeared before the Committee at its final meeting in Lovelock to discuss the ownership of water rights by a federal management agency. Specifically, the USFS addressed current Nevada water law and its impact on the USFS' ability to authorize and spend money on certain livestock water improvements on National Forest System lands. The following summary provided by the USFS highlights that agency's position on this issue:

Livestock grazing, by its nature, requires water. If no water is available, grazing cannot occur despite favorable forage conditions. Water is also an important tool for maintaining livestock distribution on rangeland, to avoid over utilizing some areas and under utilizing others. Accordingly, availability of livestock water is an exceedingly important component of the federal lands grazing program. To ensure the availability of livestock water for continued viability of the federal grazing program, the United States, through the Forest Service, has filed thousands of claims for livestock water on federal lands. The Forest Service in the Intermountain Region has filed or holds in excess of 38,000 stockwater rights, many of which have been recognized by states under State law, including Nevada.

In recent years, ranchers and community leaders have contested the ownership of livestock water rights. Some ranchers believe that they should hold the water rights because their livestock actually use the water. Land management agencies, such as the Forest Service, have argued that water sources used to water livestock on Federal lands are integral to the land where the livestock grazing occurs; therefore the United States should hold the water rights. Various Courts and State legislatures have reached varied conclusions.

In 2003, the State of Nevada passed Senate Bill No. 76 – An Act relating to water; revising the restrictions on the issuance of permits to appropriate water for the purpose of watering livestock and certificates of appropriation based upon such permits. This Bill precludes the Nevada State Engineer from approving any new applications, permits, or certificates filed by the United States for stockwater.

The USFS report goes to state that:

It is the policy of the Intermountain Region [of the USFS] that livestock water rights used on national forest grazing allotments should be held in the name of the United States to provide continued support for public land livestock grazing programs. The United States must have a water right recognized by the State before federal funds are expended for construction or reconstruction of any livestock water development or facility.

Given this, the Humboldt-Toiyabe National Forest cannot expend federal funds for livestock water improvements where the water right is held by a livestock owner. Furthermore, regulations of the Secretary of Agriculture require that all permanent structural range improvements, such as water developments, be owned by the United States (36 CFR 222.9(b) (2)). This limits the ability of ranchers to construct or install water improvements on the National Forests, even if federal funds are not required.

There are some exceptions to the above. The Forest Service may expend federal funds on stockwater developments where the United States holds stockwater rights recognized in an existing decree or a certificate. However, due to recent developments in Nevada state law both in the statute cited above and the Monitor Valley adjudication, where the Forest Service holds claims to vested stockwater rights that have not yet been adjudicated, or unperfected permits to appropriate stockwater, it does not appear that the claims will be recognized by the state. Accordingly, federal funds may not be expended for water developments under these circumstances.

The report stipulates that both the USFS and grazing permittees are hindered in their activities because a livestock water right must, according to the USFS, be held in the name of the United States before federal funds can be invested in livestock water developments. The USFS offered to work with the Committee and the Nevada State Legislature to come up with a proposal that “will lead to an outcome that is to the mutual benefit of the grazing programs” of the State. During the 2001-2002 Legislative Interim, the Committee on Public Lands spent considerable time on the issue of stockwater permits and requested S.B. 76 as referenced in the USFS report. The Committee took no action on the USFS’ request at the Lovelock meeting. However, the issue of water rights acquisition by federal land management agencies is very significant in Nevada and it may be discussed further during the 2009 Legislative Session.

## **V. DISCUSSION OF MAJOR ISSUES RESULTING IN BILL DRAFT REQUESTS, COMMITTEE LETTERS, OR POLICY STATEMENTS**

At its work session in Lovelock, Nevada's Legislative Committee on Public Lands considered numerous recommendations for action by the 2009 Session of the Nevada Legislature. The Committee also considered, at its work session and at other meetings during the 2007-2008 Legislative Interim, sending numerous policy statements through Committee letters, statements in the final report, and Committee resolutions. The members voted to proceed with many of these recommendations, which resulted in nine BDRs and over two dozen official Committee letters and statements.

This section provides information, grouped by general topic area, for each of the Committee's approved recommendations. Additional background information on some of the recommendations and related documents may also be obtained by reviewing the Committee's meeting minutes and exhibits, which are available on the [Committee's Internet website \(http://www.leg.state.nv.us/74th/Interim/StatCom/Lands/index.cfm?CommitteeName=Legislative%20Committee%20on%20Public%20Lands\)](http://www.leg.state.nv.us/74th/Interim/StatCom/Lands/index.cfm?CommitteeName=Legislative%20Committee%20on%20Public%20Lands). Where appropriate, the assigned BDR number is provided at the end of each recommendation summary. Copies of these BDRs, Committee letters, and Committee resolutions are available in the "Appendix" section of this report and are also accessible on the Nevada Legislature's Internet Web page at [www.leg.state.nv.us](http://www.leg.state.nv.us) and on the [Committee's Internet website \(http://www.leg.state.nv.us/74th/Interim/StatCom/Lands/index.cfm?CommitteeName=Legislative%20Committee%20on%20Public%20Lands\)](http://www.leg.state.nv.us/74th/Interim/StatCom/Lands/index.cfm?CommitteeName=Legislative%20Committee%20on%20Public%20Lands).

### **A. FEDERAL PUBLIC LANDS AND NATURAL RESOURCES 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 has 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. Please refer to the [BLM's SNPLMA Internet website \(http://www.blm.gov/nv/st/en/snplma.html\)](http://www.blm.gov/nv/st/en/snplma.html) for a complete summary of land sales and revenue generated since the inception of SNPLMA.

The SNPLMA is not the only federal land acquisition, disposal, and management act addressed by the Committee. In addition to SNPLMA, the Committee often discusses the Federal Land Policy Management Act of 1976, the LCCRDA, and the White Pine County Conservation, Recreation, and Development Act of 2006 (WPCCRDA). The Committee has regularly encouraged Nevada's Congressional Delegation to amend the SNPLMA, LCCRDA,

WPCCRDA and other land sale acts to expand the uses of the revenue generated under these Acts to benefit and support wildlife habitat protection, wild horse gathers, general range enhancements, the costs of 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.

To this end, the Legislative Committee on Public Lands voted to send the following letter to:

**The members of Nevada's Congressional Delegation thanking the Delegation for continuing to use 5 percent of the funds generated from the various federal lands bills for Nevada's Permanent School Fund and urging the Delegation to consider expanding the use of funds generated from the Southern Nevada Public Land Management Act of 1998, the White Pine County Conservation, Recreation, and Development Act of 2006; and other federal lands bills for use in Nevada state parks and for improvements to State lands and facilities.**

The Carson City Vital Community Act of 2008 (CCVCA) was introduced in the U.S. Senate on September 25, 2008, and in the U.S. House of Representatives on November 19, 2008. (The original Senate measure was first introduced in July 2008, but minor adjustments were made to the measure after consultations with Carson City officials, interested parties, and the general public.) The proposal transfers over 2,200 acres of high elevation, forested land owned by Carson City to the USFS for protection in the National Forest System. These lands are currently surrounded by USFS and State park lands and it is believed that this transfer will facilitate improved management of wildlife habitat and watersheds. Approximately 1,000 acres of USFS land within the urban interface zone is slated to be transferred to Carson City and permanently protected as open space. In addition, the 3,500 acre Silver Saddle and Carson River area is proposed to be conveyed from the BLM to Carson City while the BLM retains a conservation easement over the conveyed land and, therefore, protecting the area from further development. Moreover, almost 20,000 acres in the foothills to the east of Carson City will be withdrawn from land disposal and mineral laws to protect the area and ensure it remains open and accessible. Off-highway vehicle use in this area will be limited to existing roads until such time as the BLM completes its travel management planning for the area.

The CCVCA also proposes to amend SNPLMA to provide eligibility to Carson City for funds to purchase lands for parks and open space along the Carson River. Likewise, federal lands along the river will also be eligible for conservation project funding. Additional federal land is slated to be conveyed to Carson City for recreation and public purposes and open space (1,700 acres) and to the Washoe Tribe near the Carson and Stewart Colonies (300 acres). Finally, if the CCVCA is approved, about 150 acres of isolated and difficult to manage federal land and parcels would be available for auction.

The Committee voted to express support for this latest federal county lands bill by sending a Committee letter to:

**The members of Nevada’s Congressional Delegation and Governor Jim Gibbons expressing support for the recently introduced “Carson City Vital Community Act of 2008” (the Carson City lands bill) and encouraging its passage.**

The Committee also regularly monitors dozens of federal legislative proposals concerning ESA reform, grazing, mining, and general land management policies. One significant piece of federal legislation consistently monitored by the Committee was H.R. 2262 (“Hardrock Mining and Reclamation Act of 2007”). The Committee regularly echoed the mining industry’s concerns regarding the impacts of this measure on Nevada, particularly as they related to the proposed royalty on “gross” proceeds (as opposed to net proceeds) of mines. Some have argued that this type of royalty will seriously impact ongoing operations by hurting mining operations when prices fall, result in layoffs, and discourage investment (domestic and foreign) in mineral exploration and development in the United States.

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

**The members of Nevada’s Congressional Delegation expressing concern regarding H.R. 2262 (“Hardrock Mining and Reclamation Act of 2007”) and similar federal legislation that establishes a royalty plan that could negatively impact Nevada’s mining industry, creates uncertainty in the mine permitting process, and hampers mineral investment. The letter or statement should express support for mining reforms that promote responsible development of mineral resources, keep public lands open for mining, and offer a reasonable net-proceeds style royalty that is responsive to fluctuating minerals prices.**

As highlighted in Section IV of this report, the Legislative Committee on Public Lands regularly monitors various water issues. Numerous presenters and witnesses before the Committee and several individuals with whom Committee members visited in Washington, D.C., expressed grave concern over H.R. 2421 and S. 1870 of the 110th Congress (both known as the “Clean Water Restoration Act of 2007”). In particular, testimony indicated that the deletion of the definition of “navigable waters” in both bills as part of the Federal Water Pollution Control Act would essentially relinquish control of virtually all waters in the United States to the federal government. The definition of navigable waters would, under these measures, be replaced with a broad definition of “waters of the United States,” which includes:

. . . all waters subject to the ebb and flow of the tide, the territorial seas, and all interstate and intrastate waters and their tributaries, including lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs,

prairie potholes, wet meadows, playa lakes, natural ponds, and all impoundments of the foregoing, to the fullest extent that these waters, or activities affecting these waters, are subject to the legislative power of Congress under the Constitution.

Some state constitutions contain provisions asserting state authority over navigable waters and Nevada law is clear that the State Engineer has broad authority over water matters in this State. The Legislative Committee on Public Lands is very concerned about the potential impact H.R. 2421 and S. 1870 could have on the State's ability to manage the waters within its boundaries. Therefore, the Committee voted to send a letter to:

**The members of Nevada's Congressional Delegation and Governor Jim Gibbons expressing opposition to H.R. 2421 and S. 1870 (both known as the "Clean Water Restoration Act of 2007"). Testimony at several Committee meetings indicated that the language in the measure could diminish the authority of state water engineers and water resources departments to properly manage water resources.**

At its meeting in Beatty, Ron Williams, Nye County Manager, and MaryEllen Giampaoli, Nye County's Environmental Compliance Specialist, briefed the Committee on a number of challenges faced by the county and the community of Beatty. Specifically, they explained that the costs to upgrade several small public water systems in the county to meet more stringent Safe Drinking Water Act rules and regulations from the EPA are prohibitive. Mr. Williams and Ms. Giampaoli encouraged the Committee to support S. 2509 ("Small System Drinking Water Act of 2007"), which ensures there are sufficient federal funds to pay for the federal share of any federally-mandated water system upgrade. The measure would set aside \$15 million a year nationally for Fiscal Years 2008 through 2012 to accomplish this. The bill also revises technical assistance provisions to require water systems serving fewer than 10,000 individuals to receive adequate technical assistance and training to meet the requirements of the final rules. Finally, the bill establishes pilot programs to: (1) explore new technologies or approaches to comply with a drinking water standard; and (2) research technology transfer issues and disinfection strategies relating to drinking water.

The Legislative Committee on Public Lands voted, as a statement in the Committee's final report, to:

**Express support for S. 2509 ("Small System Drinking Water Act of 2007"), which would prohibit the U.S. Environmental Protection Agency from enforcing small water system compliance with a federal drinking water standard unless the small system has received enough federal funds to pay for the federal share of the water system upgrade.**

Finally, the Committee received testimony from the Coalition for Public Access (based in Lyon County) concerning possible wilderness designations set forth in federal legislation.

The Coalition encouraged the Committee to draft a resolution requesting the U.S. Congress to “permanently establish substantial acres of federal public lands in Nevada as multiple-use.” The group noted that such permanent designations will ensure that “those lands will never be available for Wilderness Area designation or be subject to becoming Wilderness Study Areas” and “will remain forever available to all the American public and to economic development opportunities that will support the state’s economy.”

While the Legislative Committee on Public Lands did not move forward with a request for a legislative resolution, it did vote to include a statement in the final report of the Committee:

**Urging the U.S. Congress to consider federal legislation to permanently establish areas of public land for multiple use as identified by the various county governing boards.**

**B. LIVESTOCK GRAZING, GRAZING PERMITS, AND NEVADA’S STATE GRAZING BOARDS**

Each legislative interim, the Legislative Committee on Public Lands discusses livestock grazing on public lands. Of particular interest was the ongoing and consistent 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 on allotments have been immediately challenged in court. Several individuals and local government representatives who testified before the Committee suggested that these challenges represent efforts by certain groups to freeze and eventually eliminate public lands grazing across the West. 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 2009 Session of the Nevada Legislature:

**Express, by resolution, 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. Also include language urging Nevada’s Office of the Attorney General to proactively address these legal challenges on the grounds that they damage the overall economic stability of Nevada’s agricultural activities. (BDR R-496)**

The Committee voted to discuss their concerns regarding these ongoing and potentially detrimental legal challenges in a letter to:

**Nevada’s Attorney General Catherine Cortez Masto setting forth the concerns that are set forth in the legislative resolution concerning legal challenges against livestock grazing allotment renewal proposals (see Recommendation No. 2) and urging her office to respond to these challenges. Cite specific instances in the letter, including the recent legal challenge concerning the Hubbard Vineyard Allotment (Boies Ranches, Inc.), where such challenges have had a detrimental affect on ranching and agricultural activities.**

State laws on grazing are found primarily in Chapter 568 of the NRS and are complementary to federal law, including the Taylor Grazing Act of 1934. Chapter 568 also creates State grazing boards and provides for the disbursement of the federal funds received by the State under the Taylor Grazing Act and related federal acts and executive orders. At its meeting in Lovelock, the Committee received testimony from Ron Cerri, Chairman, Central Committee of Nevada State Grazing Boards, who discussed the jurisdiction of the State Department of Agriculture (SDA) over the State grazing boards. Mr. Cerri explained that at the State Grazing Boards’ annual meeting in late 2007, a request was unanimously approved to remove the State grazing boards from the oversight and jurisdiction of the SDA. The history of this SDA oversight is set forth in the following excerpt of a letter the Committee received from Mr. Cerri:

In 1999 when the Division of Agriculture became a department, NRS 568.040 was amended adding the words “within the Department of Agriculture” to the creation of the Grazing Boards. Prior to this language the Boards were autonomous entities under the state system. Now under current language, the Boards are subject to authority of and direction by the Department.

In December of 2007 I went before the Board of Agriculture and asked for the Board’s approval to be removed from the Department of Agriculture. This was unanimously approved since the Department does not currently supervise the Grazing Boards or provide services of any kind. Therefore, during the next legislative session, the Central Committee would like to ask that a bill draft request (BDR) be proposed by the Natural Resources Committees, or an assemblyman or senator such as your self that would revise the current language in NRS 568.040 as follows:

The Committee agreed that the State Grazing Boards can operate effectively outside the purview of the SDA. Therefore, the Legislative Committee on Public Lands recommends that the 2009 Session of the Nevada Legislature:

**Enact legislation amending NRS 568.040 to provide that Nevada’s State Grazing Boards operate autonomously and outside the jurisdiction of the State Department of Agriculture. The proposed amendment would return the language in this statute to its pre-1999 form, prior to the creation of the SDA. (BDR 50–495)**

For the past several interims, the Legislative Committee on Public Lands has discussed the issue of livestock grazing on public lands and the related challenges faced by the BLM in processing grazing permit renewal applications while maintaining compliance with NEPA review requirements. During the late 1990s, in response to successful legal challenges related to environmental analysis under NEPA, 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. The U.S. Congress recognized that more rigorous environmental requirements, although laudable, could exacerbate the mounting backlog of expiring grazing 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 necessary for full compliance, Congress passed and renewed annual legislation that allowed expiring permits to be renewed without NEPA review on the basis of existing terms and conditions. The latest version of this legislation was Public Law 108-108, which expired at the end of September 2008. Therefore, the Legislative Committee on Public Lands voted to:

**Draft a Committee resolution and provide copies of that resolution to the members of Nevada’s Congressional Delegation, the Secretaries of the DOI and the USDA, the Director of the BLM, and the Chief of the USFS concurring with the policy positions of the National Cattlemen’s Beef Association, the National Association of Counties, and the Nevada Association of Counties concerning the use of the NEPA review of grazing permits or leases. Currently, the BLM and the USFS are utilizing the authority granted in Public Law 108-108, which allows for the automatic renewal of a grazing permit or lease if such renewal of the permit or lease does not propose any changes to the existing permit. The resolution shall also urge the Congressional Delegation to pass legislation permanently extending the provisions of PL 108-108 “rider” regarding the renewal of grazing permits and encourage, in the meantime, the BLM and the USFS to administratively adhere to the conditions of the rider beyond the September 2008 expiration of the rider.**

At its meeting in Eureka, a member of the Committee identified an ongoing concern of some property owners who purchased their home or parcel adjacent to the open range. At times, these property owners have observed livestock grazing in their yards and freely roaming their property. Existing real estate disclosure provisions in Chapter 113 of the NRS set forth a disclosure to the purchaser that, unless a fence is constructed to prevent it, livestock may enter the property from the adjacent open range. Testimony indicated that additional clarity was needed in the statutes to ensure that the seller provide a copy of the signed disclosure to the purchaser and file the original disclosure with the appropriate county recorder. In addition, it was proposed that the disclosure also include a notice to the purchaser if the parcel is subject to a right-of-way granted by Congress (“R.S. 2477” right-of-way) or any other rights-of-way impacting the parcel.

Therefore, the Legislative Committee on Public Lands recommends that the 2009 Session of the Nevada Legislature:

**Enact legislation amending NRS 113.065 and any related statutes to ensure that the purchaser of a home or lot retains a copy of the required disclosure notifying the purchaser that the home or lot is adjacent to the open range. The disclosure should also note, if applicable, that “R.S. 2477” rights-of-way and other rights of access should be preserved. Finally, include in the measure a requirement that the disclosure be filed or recorded with the proper county office along with the property deed. (BDR 10-497)**

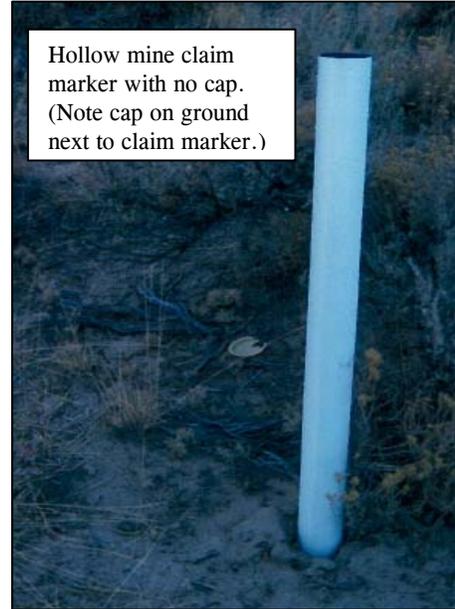
Finally, at the Committee’s meeting in Eureka, the Eureka County Natural Resources Advisory Committee (NRAC) thanked the USFS, the BLM, and the BLM’s Battle Mountain Field District for its work with grazing permittees to initiate and implement cooperative permittee monitoring. This program allows grazing permittees to cooperatively monitor their own allotments. Several grazing permit holders in the region are working with the BLM, the Eureka County NRAC, the UNCE, and private range consultants to establish permittee monitoring on their own allotments. According to testimony, once this program has been commenced, these agencies and organizations will hold workshops, hosted by the UNCE, to teach other permittees and agency personnel how to establish cooperative permittee monitoring. The Committee echoes the support of the Eureka County NRAC for this innovative program and voted to include a statement in the final report:

**Expressing support for cooperative permittee monitoring, which is currently being used on a limited basis in the Battle Mountain District of the BLM. This process allows grazing permittees to cooperatively monitor their own allotments. Testimony indicated that this practice will benefit grazing permittees and federal land management agencies and will ultimately enhance rangeland health.**

### **C. MINING AND MINE CLAIM MARKERS**

Throughout the 2007-2008 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, millsite issues, mine claim markers, reclamation and bonding, and mine safety. Please refer to the document titled “Summary of Select Topics Discussed During the 2007-2008 Legislative Interim” on the Legislative Committee on Public Lands’ [Internet website \(http://www.leg.state.nv.us/74th/Interim/StatCom/Lands/index.cfm?CommitteeName=Legislative%20Committee%20on%20Public%20Lands\)](http://www.leg.state.nv.us/74th/Interim/StatCom/Lands/index.cfm?CommitteeName=Legislative%20Committee%20on%20Public%20Lands) for additional information regarding the Committee’s discussions regarding mining and other key topics.

At the Committee's meeting in Elko, the Lahontan Audubon Society discussed mining as it relates to mine claim markers and urged the Committee to request legislation addressing the hazards to wildlife, particularly bird species, of hollow mine claim markers. Testimony indicated that hollow mine claim markers currently in use have entrapped birds and other wildlife species. Studies of removed mine claim markers have indicated that of the 43 bird species mortalities identified in claim removal projects, 15 are indentified in the *Nevada Wildlife Action Plan* as requiring some sort of conservation attention or protection. Other species that have become entrapped in these hollow mine claim markers include reptiles, small mammals, and pollinating insects. In the early 1990s, an effort was made to protect vulnerable species by requiring that hollow claim markers be capped.



However, over a period of time, these caps tend to dry out, crack, and pop off (see photo). The Lahontan Audubon Society, in cooperation with the Nevada Mining Association, requested that the Committee on Public Lands consider requiring the use of solid mine claim markers in Nevada.

Therefore, the Legislative Committee on Public Lands recommends that the 2009 Session of the Nevada Legislature:

**Enact legislation amending NRS 517.030 concerning mining claim markers. Specifically, amend the language in this statute to provide that only solid mine claim markers will be considered legal, valid claim markers. The proposal would state that after a period of one year following the adoption of the amendment, any hollow pipe used to mark the boundaries of the claim will not be considered a valid claim monument. (BDR 46-498)**

The Committee approved another recommendation at its work session regarding mining (opposition to H.R. 2262 of the 110th Congress). Discussion of this recommendation is included in subsection A of this section of the report.

#### **D. NEVADA NATURAL HERITAGE PROGRAM AND THE PUBLIC LANDS INSTITUTE**

At its meeting in Eureka, the Committee heard a presentation from Jennifer Newmark, Administrator of the Nevada Natural Heritage Program (NNHP), SDCNR. Ms. Newmark discussed the programs and activities of the Program, which included: (1) a brief description of the NNHP, including data services and research regarding native flora and fauna, wetlands, noxious weeds and invasive species, and vegetation and landscape ecology; (2) Nevada's ranking among plant, mammal, and total species diversity; (3) a description of the distribution

of imperiled species by “ecoregion”; (4) the current number of species tracked in Nevada; (5) a summary of the Program’s response to federal, State, local, private, and commercial data requests; (6) the highest priority conservation sites within the NNHP’s “Scorecard 2006”; (7) the importance of springs to various species; (8) mapping and planning activities for isolated springs in Nevada; and (9) a review of NNHP’s weed-related goals.

The Committee was impressed with the NNHP goals and activities and, therefore, voted to include a statement in the final report:

**Commending the efforts of the Nevada Natural Heritage Program and expressing appreciation for the Program’s conservation efforts and its work on identifying and mapping noxious weeds in Nevada.**

The Committee also heard from the Public Lands Institute, at the Eureka meeting. The Institute, based at UNLV, specializes in education, research, and community engagement projects related to public land management and stewardship. The Institute’s projects focus on the Las Vegas area, Nevada, the Southwest, and the nation. It strives to develop timely, effective solutions to a variety of land management issues for public and private clients. These activities include designing messaging campaigns, conducting field and laboratory research, developing and managing volunteer programs, and developing and delivering “place-based” education.

Margaret N. “Peg” Rees, Ph.D., Executive Director of the Public Lands Institute, discussed: (1) the environmental issues created by rapid growth on public lands; (2) the Public Lands Institute’s mission and collaborative partnerships; (3) the Institute’s growing number of community partners and student involvement; (4) highlights from the spheres of involvement, including community engagement, education, and research projects; (5) the Clark County Cultural Site Stewardship Program; (6) the “Don’t Trash Nevada” campaign; and (6) the “advocates for public lands” program.

The Committee was impressed with the goals and activities of the Public Lands Institute and, therefore, voted to include a statement in the final report:

**Expressing support for the programs and activities of the Public Lands Institute, UNLV, and encouraging its expansion and influence to other areas of Nevada.**

## **E. NOXIOUS WEEDS**

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 2007-2008 Legislative Interim, officials from the BLM, USFS, SDA, UNCE, 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.

The Committee discussed noxious weeds at length during its meeting in Eureka. Scott Marsh, Noxious Weeds Regulatory Specialist, Plant Industry Division, SDA, provided an overview and status report of Nevada's noxious weed program. As part of his presentation, Mr. Marsh explained that the current protocol for the enforcement of Nevada's noxious weeds laws is to investigate the spread, development, and growth of noxious weeds and ascertain the name of the owner or occupant of the land upon which noxious weeds are identified. The SDA then sends a written notice to the property owner or occupant to cut, eradicate, or destroy the weeds pursuant to NRS 555.160. If he or she fails or refuses to do so, the State or the county will conduct a weed abatement. An abatement constitutes the forcible control of weeds on public or private lands and recovering the costs of the abatement by placing a lien on the property.

Mr. Marsh opined that this is "a very black or white approach to enforcing Nevada's noxious weed laws." He explained that there are many situations in which uncooperative landowners or occupiers have a small population of noxious weeds on their land and it would not be worth the time and expense for a full abatement. However, because of the species or category of the weed, the proximity to a sensitive area, or the increased potential of spread, the abatement action must be taken.

Mr. Marsh proposed "an intermediate action" in the form of an administrative fine that could be levied against the landowner or occupant when he will not manage the weeds on their land after notice is received from the SDA. He opined that the fine should be large enough to encourage the violator to come into compliance, but not so large as to seriously hurt the violator financially.

Therefore, the Legislative Committee on Public Lands recommends that the 2009 Session of the Nevada Legislature:

**Enact legislation amending Chapter 555 of NRS to provide an intermediate step in the noxious weed abatement process currently used by the SDA. Current provisions in NRS require the SDA to notify a landowner to cut, eradicate, or destroy noxious weeds that have been identified on the landowner's property. If the landowner fails to cut, eradicate, or destroy the noxious weeds, he is guilty of a misdemeanor and an abatement must be commenced by the Department. The amendment would allow the SDA to adopt regulations specifying a schedule of administrative fines for such a violation, much like those currently authorized under the Department's nursery and pesticide programs. (BDR 49-500)**

The Committee also received a recommendation from the Tri-County Weed Group, which includes Lincoln, Nye, and White Pine Counties, concerning the creation of a weed control district by a board of county commissioners. Currently, NRS 555.215 requires that an assessment upon real property must be levied by the board of county commissioners in order to establish a weed control district. The Tri-County Weed Group has an interest in becoming a weed district. The Group is a self-sufficient entity and is permitted to take in grant money and other funds on its own. Both the Group and its member counties recognize the value of creating a weed district in the region, but do not want to establish any new taxes to do so, especially when the Tri-County Weed Group is willing and able to pay for the expenses involved. A change in the statute to make the requirement for a real property assessment permissive will help the Group reach this goal.

Therefore, the Legislative Committee on Public Lands recommends that the 2009 Session of the Nevada Legislature:

**Enact legislation to remove the requirement in NRS 555.215 that an assessment must be levied by the board of county commissioners upon real property in order to establish a weed control district. The proposed amendment would replace the word "shall" with "may" in subsection 1 of NRS 555.215. (BDR 49-499)**

#### **F. OFF-HIGHWAY VEHICLES**

The Legislative Committee on Public Lands has monitored OHV use on public lands and has explored the concept of OHV regulation for many years. The Committee has recommended OHV legislation in the past with limited success. Formal deliberations of OHV matters were held at seven of the Committee's nine in-state meetings. Chairman Rhoads was very diligent in offering opportunities for all interested parties to discuss the issue of OHV regulation in Nevada. Several opportunities were also offered to various State agencies to comment on potential OHV legislation. It should be noted that Nevada's Department of Motor Vehicles submitted written comments regarding potential OHV legislation and a representative from Nevada's Department of Taxation also appeared before the Committee to discuss the Department's involvement in the issuance of certificates of operation for OHVs. In addition,

the Committee was pleased to hear from Dave Claycomb of the Idaho Department of Parks and Recreation, who provided an overview of Idaho's OHV program and offered suggestions for possible OHV legislation in Nevada. Finally, the Committee recognizes and extends its gratitude to the many individuals and groups, including Gene Kolkman of the Nevada Responsible Trails Alliance; Leah Bradle of the Nevada Powersport Dealers Association; and Jeremy Drew, representing the wildlife and sportsmen community, who offered their time and assistance on this important topic. Additional details regarding the Committee's deliberations on OHVs are included as part of the Committee's summary minutes and action reports, which are available on the [Committee's Internet website \(http://www.leg.state.nv.us/74th/Interim/StatCom/Lands/index.cfm?CommitteeName=Legislative%20Committee%20on%20Public%20Lands\)](http://www.leg.state.nv.us/74th/Interim/StatCom/Lands/index.cfm?CommitteeName=Legislative%20Committee%20on%20Public%20Lands). Also, please refer to Appendix D for a list of "Consensus Points" agreed to by an OHV working group that was formed during the interim to create a workable proposal for legislative consideration. At its final meeting and work session, the Committee voted to recommend the drafting of a legislative measure providing for the registration and titling of OHVs in Nevada and setting forth additional regulation for OHV management.

The Legislative Committee on Public Lands recommends that the 2009 Session of the Nevada Legislature:

**Enact legislation requiring the registration and titling of off-highway vehicles (OHVs) by Nevada's Department of Motor Vehicles; creating an OHV fund for the collection and distribution of grant funds; requiring biennial reports to the Nevada State Legislature; establishing an OHV Commission; setting forth certain enforcement procedures; and providing for other related OHV regulation. (BDR 43-501)**

#### **G. PAYMENTS IN LIEU OF TAXES**

The federal PILT 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 \$4.2 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 FY 2008 were over \$228 million. In June 2008, Nevada's 17 counties received almost \$14.1 million under the PILT Act. This is an increase of more than \$175,000 over the previous year because of a higher congressional appropriation for the program in 2007 combined with an overall increase in Nevada's population. Over the years, 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. Therefore, the Legislative Committee on Public Lands voted to send a letter to:

**The members of Nevada’s Congressional Delegation, the Chairmen of the U.S. Senate Committee on Energy and Natural Resources and the U.S. House Committee on Natural Resources, and the Chairmen of the appropriations committees in the U.S. Senate and House of Representatives, encouraging the full funding of the federal Payments in Lieu of Taxes program. Make reference to H.R. 308 “R.S. 2477 Rights-of-Way Recognition Act”) of the 110th Congress, which was considered in late 2007.**

Shortly after the conclusion of the Committee’s activities for the 2007-2008 Legislative Interim period, the Committee members were pleased to learn that, as part of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), the federal PILT program received full funding through 2012 and included a retroactive full funding increase for payments that were initially awarded to counties in June 2008. Therefore, the Committee letter referenced above will be recrafted to express the Committee’s appreciation to select members of the Nevada Congressional Delegation and the National Association of Counties for their efforts in securing the full program funding. Updated summary information regarding the PILT program appears on the [DOI’s PILT program Internet website \(http://www.doi.gov/pilt\)](http://www.doi.gov/pilt).

**H. RECOGNITION OF BUREAU OF LAND MANAGEMENT AND U.S. FOREST SERVICE EFFORTS DURING THE 2007-2008 LEGISLATIVE INTERIM**

During the past several legislative interims, and certainly throughout the 2007-2008 Interim period, the Legislative Committee on Public Lands has been continuously impressed with the interest and participation of the BLM and the USFS in the Committee’s deliberations. Mr. Ron Wenker, BLM’s Nevada State Director, and his conscientious and competent staff at the State office and at the various field offices should be recognized for their generous contributions to the Committee’s deliberations. Moreover, Mr. Edward C. Monnig, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, and his hard-working and capable team of District Rangers and field representatives should also be recognized for their generous contributions to the Committee. In addition, the Committee participated in two very informative and useful visits with the BLM and the USFS during its informational tours to Washington, D.C., in 2008.

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

**Dirk Kempthorne, Secretary of the DOI, and Jim Caswell, Director of the BLM, expressing the Committee’s appreciation of the BLM’s efforts and support of the Committee during the 2007-2008 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.**

AND

**Ed Schafer, Secretary of the USDA, and Abigail Kimbell, Chief, USFS, expressing the Committee's appreciation of the USFS' efforts and support of the Committee during the 2007-2008 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.**

**I. TRANSPORTATION OF HIGH-LEVEL RADIOACTIVE WASTE IN CENTRAL AND EAST-CENTRAL NEVADA**

During its meeting in Beatty, the Committee received an update from the DOE on Nevada railroad corridors proposed by the DOE for the potential transportation of high-level radioactive waste through several central and eastern Nevada counties to the Yucca Mountain repository site. At the Committee's next meeting in Caliente, several representatives of Lincoln County, a resource specialist, and others participating under the "public comment period" discussed the impacts on public lands users of the proposed Caliente Rail Alignment. Various options to mitigate these impacts were also addressed. The Committee was impressed with the testimony received at both meetings and agreed to express support for various recommendations presented by Lincoln County representatives and Resource Concepts, Inc. Specifically, the Committee on Public Lands voted to send letters to:

**The DOE Office of Civilian Radioactive Waste Management concerning railroad corridors proposed by the DOE for the potential transportation of high-level radioactive waste through several central and eastern Nevada counties to the Yucca Mountain repository site. The letter urges the DOE to: (a) ensure that every effort is made to minimize the disturbance area of the proposed railroad corridor and maintain access to public lands for all users; (b) obtain required information concerning resource impacts (soils, plant materials, wildlife, et cetera) and develop detailed restoration plans to address these impacts; (c) provide for "no net loss" of public lands grazing (animal unit months) on any allotment impacted by the proposed Caliente Rail project; (d) invite the N-4 and N-6 State Grazing Boards to participate as cooperating agencies in the preparation of the Nevada Rail Alignment Final Environmental Impact Statement and allow increased input from individual grazing permittees in the identification of impacts and needed mitigation; (e) following the issuance of the Record of Decision by the DOE, initiate and implement the planning (to include seeking funding for such planning) for any necessary mitigation of impacts to resources and public lands uses; and (f) include these recommendations in the Nevada Rail Alignment Final EIS.**

AND

**The Nevada State Director of the BLM and the Ely BLM District Manager concerning railroad corridors proposed by the DOE for the potential transportation of high-level radioactive waste through several central and eastern Nevada counties to the Yucca Mountain repository site. The letter encourages the BLM, when working on and responding to the DOE's railroad corridor proposal to: (a) provide a supplemental NEPA analysis to support the BLM's decision to grant the DOE request for a right-of-way to construct and operate the Caliente railroad; (b) ensure early and sustained inclusion of impacted public land users and local governments in identifying impacts and required mitigation plans; (c) maintain the current level of public land access for all users; and (d) provide for "no net loss" of public land grazing (animal unit months) on any allotment impacted by the Caliente Rail project.**

## **J. WATER**

As described in Section IV of this report, the Legislative Committee on Public Lands has jurisdiction over numerous water issues and must, pursuant to NRS 218.5368, review the programs and activities of several water entities. The Committee heard from 18 different water authorities, companies, and districts, and various state and federal agencies. Many of these groups offered recommendations that were considered and approved at the Committee's final meeting and work session.

### **1. Board for Financing Water Projects—Assembly Bill 198 Grant Program**

In 1991, the Nevada State Legislature created a program to provide grants to purveyors of water to assist with the costs of capital improvements to publicly owned community water systems and publicly owned nontransient water systems as required by the State Board of Health or by the Federal Safe Drinking Water Act. This program is commonly referred to as the "A.B. 198 Grant Program," after Assembly Bill 198 (Chapter 559, *Statutes of Nevada 1991*) which established the program. Grants may also be made to eligible recipients to pay for the cost of improvements to conserve water such as in the case of irrigation districts. The program seeks to assure that the costs of the improvements do not overwhelm or cripple the system and is designed to fill the financial gap between actual costs and what the community can afford. In this sense, an applicant community is expected to do as much as possible to help themselves before seeking the State's assistance. When a large project is required, the applicant is required to finance as much of the project as is locally possible.

During the final meeting and work session, representatives from NDEP approached the Committee with a technical amendment to NRS 349.983 designed to offer greater flexibility to the Board for Financing Water Projects in awarding grants based on the percentage of the "total project cost" rather than the requested grant amount. Therefore, the Legislative Committee on Public Lands recommends that the 2009 Session of the Nevada Legislature:

**Enact legislation amending NRS 349.983 (“A.B. 198 Water Grants Program”) to provide that the required matching grant must be an amount less than 15 percent or more than 75 percent of the total eligible project cost (rather than the grant amount, as set forth in the current NRS language), which would increase the range of the total grants made to eligible projects. (BDR 30–502)**

## **2. State Engineer and the Division of Water Resources**

The Office of the State Engineer within the Division of Water Resources is responsible for the administration of Nevada water law. The State Engineer determines the rights of claimants to water, the use to which water may be put, the quantity of water reasonably required for beneficial use, and where water may be used. In addition, the State Engineer is responsible for (a) quantifying existing water rights; (b) monitoring water use and maintaining related data and records; (c) processing reports of conveyances; (d) reviewing recharge projects, flood control projects, and the availability of water for new subdivisions; (e) overseeing dam safety, state and civil decrees, and assisting in federal decrees; (f) coordinating water planning and conservation plans; and (g) providing technical assistance to public and governmental agencies.

Given these vast responsibilities, it is not surprising that the Committee received several specific recommendations concerning the functions and operations of the Division of Water Resources and the duties of the State Engineer. First, as suggested by the CNRWA, the Committee voted to recommend that the 2009 Session of the Nevada Legislature:

**Enact legislation providing an appropriation in the amount of \$780,000 to the Office of the State Engineer, Division of Water Resources, for the purpose of developing a hydrologic database for water basins in the State of Nevada. The database should include, among other things, information regarding precipitation, groundwater levels, and evapotranspiration. (BDR S–503)**

Numerous letters were also approved that involve the State Engineer and the Division of Water Resources. Specifically, the Committee voted to send letters to:

**Governor Jim Gibbons and the Division of Water Resources, SDCNR, requesting the Division to continue work on a comprehensive inventory of water in key water basins in Nevada (using the latest technology for determining water amounts). Request in the letter that the State Engineer, Division of Water Resources, SDCNR, report back to the Legislative Committee on Public Lands during the 2009-2010 Legislative Interim with a report on the progress of its water inventory activities.**

**AND**

**The State Engineer, Division of Water Resources, SDCNR, requesting him to respond in writing to a proposal set forth in a letter presented by the N-4 Grazing Board to the Legislative Committee on Public Lands at its meeting on March 7, 2008, in Caliente concerning the interbasin transfer of water. The letter should also encourage the State Engineer to appear before the Senate Committee on Natural Resources and Assembly Committee on Natural Resources, Agriculture, and Mining during the 2009 Legislative Session to discuss the concerns and recommendations set forth by the N-4 Grazing Board. The letter from the N-4 Grazing Board, in part, requests the following actions by the State Engineer:**

- a. Prior to any interbasin transfer of water decision by the State Engineer, a basin of origin comprehensive water inventory, and analysis of future growth and development potential, and initiation of a long-term monitoring program should be required; and**
- b. When water is appropriated or purchased in one basin and then the owner requests a basin transfer and a change in the manner of use, the transferred water rights will be given a position subordinate to the historic water rights that remain in the basin.**

**AND**

**The State Engineer, Division of Water Resources, SDCNR, asking him to analyze and comment on the issue of water evaporation as it relates to the possibility of requiring a water right for pit lake evaporation and whether it is feasible to apply Nevada's interbasin transfer of water provisions to water evaporation in certain instances from one basin to another.**

**AND**

**The State Engineer, Division of Water Resources, SDCNR, and the Administrator of the Division of State Lands, SDCNR, acknowledging their work in water resource and land use planning for rural communities that have little or no resources to prepare such plans and encouraging their continued active support of water and land use planning to rural communities.**

**AND**

**The State Engineer encouraging the Division of Water Resources, SDCNR, to monitor the impacts of water purveyor production wells. This letter is aimed at improving the public's confidence that possible impacts caused by water purveyor production wells (i.e., impacts on the level of groundwater, vegetative cover, springs, and domestic wells, et cetera) can be recognized**

**and addressed by the State Engineer while such impacts are emerging and before they cause harm to the environment or the economy.**

The Committee also voted to include two statements relating to the State Engineer and the Division of Water Resources in the Committee's final report. The Committee:

**Urges the Division of Water Resources to further evaluate the protests filed by the Federal Government against applications for water diversions in the Amargosa Valley. Testimony at the Committee's meeting in Beatty suggested that proposals by water users in the Amargosa Valley to simply divert water from one agricultural field to another are being protested and subsequently denied. The Committee further urges the Division and local government leaders in Nye County to collaborate on this important water issue and openly discuss the impacts such denials may have on the agricultural operations near Pahrump.**

In addition, the Committee:

**Encourages the State Engineer to continue enhancing the online data sources available to the Division of Water Resources, which may assist in any backlog of water right applications.**

### **3. Virgin River**

Water in the Virgin River has historically been used for agriculture because of its high salinity. However, Michael Winters, General Manager, VVWD, explained to the Committee at its meeting in Caliente that the growing population of northeastern Clark County (Mesquite area), northern Arizona, and southwestern Utah 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. Following Mr. Winters' suggestion, the Committee voted to send a letter to:

**The members of Nevada's Congressional Delegation encouraging the Delegation to consider sponsoring legislation addressing the demand for water on the Virgin River. The letter notes that the recently approved "7-States Agreement" for the Colorado River system could serve as a potential model for a similar agreement on the Virgin River.**

### **4. Humboldt River Basin**

The Humboldt River Basin is unique in that it spans 7 percent of Nevada's land area and includes the largest gold mines in North America whose dewatering activities greatly impact water flows in the basin. The basin includes a drainage area of over 7,400 square miles and approximately 80,000 people reside in the basin. The annual fluctuations in water flow pose a challenge for the HRBWA and result in economic and environmental uncertainty from one year

to the next. Because of these annual and unpredictable water flow rates, the HRBWA has explored several options for increased water storage facilities in the basin. The Committee was supportive of the concept of additional water storage in the Humboldt River Basin and voted to:

**Support the development and implementation of increased water storage within the Humboldt River Basin.**

In addition, the HRBWA reported to the Committee on the challenges faced with obtaining useful and up-to-date water quality information in the basin from the NDEP and other entities. Therefore, the Committee voted to:

**Encourage, as a statement in the final report, the NDEP to creatively seek grants, if available, and other outside funding to enhance water quality data collection and monitoring in the Humboldt River Basin.**

**K. WILDFIRE SUPPRESSION, RANGELAND REHABILITATION, AND ECOSYSTEM HEALTH**

The impact of wildland fires on Nevada has been an ongoing matter of serious concern to the Committee on Public Lands. The 2007-2008 Legislative Interim was no exception. Hundreds of wildfires occur during each fire season in Nevada, typically burning 1 million acres annually. However, the 2008 fire season was very light compared to previous years, with just over 70,000 acres burned in the Western Great Basin (which includes virtually all of Nevada) as of October 2008. Years of unusually dry conditions and the spread of invasive plants like cheatgrass typically leave the State vulnerable to extremely dangerous fire seasons. During drought years, the acreage burned by wildfires increases significantly and dry fuels contribute to more erratic burning conditions and increased fire intensity.

Arson and careless behavior with fire has also put the State at risk and the Committee is particularly concerned about the criminal penalties associated with this behavior. As a result, the Legislative Committee on Public Lands voted to send a letter to:

**The Chairmen of the Senate and Assembly Committees on Judiciary requesting the Committees' review during the 2009 Legislative Session of penalties associated with arson and the negligent and careless starting of fires. In particular, emphasize the need to examine the careless and negligent starting of fires that devastate Nevada's open space and public lands. Request that the Committees, if necessary, enact legislation enhancing the penalties for such actions.**

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. This level of cooperation was impressive to the Committee and, therefore, the Committee voted to send a letter to:

**The various federal and State land management agencies in Nevada concerning post-fire rehabilitation coordination efforts among the agencies. The letter should commend the various agencies for their work in fire suppression and encourage the same coordination and collaboration in land rehabilitation following fires.**

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. The Committee has been impressed with the WSG model for several years. The WSG was instrumental in recently establishing fuels management plans for 11 BLM grazing allotments in the Winnemucca Field District. The Committee was concerned to learn that the BLM had not implemented any of these fuels management plans to date. Therefore, the Legislative Committee on Public Lands voted to send a letter to the:

**Nevada State Director of the BLM, the District Manager of the Winnemucca Field District of the BLM, and the Wildfire Support Group urging the implementation of 11 fuels management plans on public and private lands that have been developed but not yet implemented on the ground in Humboldt and Pershing Counties. The fuels management plans are designed to help grazing permit holders manage and protect their resources and rangeland areas from wildland fire. The letter should also encourage the expansion of the fuels management plans.**

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 throughout Nevada and in the Lake Tahoe basin. One of these groups, the Great Basin Wildfire Forum, was brought to the attention of the Committee by Jacob Tibbetts, Eureka County Natural Resources Manager, who discussed the activities of the Forum and urged the Committee to support the Forum's recommendations concerning grazing, fire management, rangeland rehabilitation, and data collection. Therefore, the Committee voted to include a statement in the final report:

**Expressing support for the recommendations made by the Great Basin Wildfire Forum. The Forum's recommendations include targeted livestock grazing, weed control, fuel break establishment, fire management plan development, soils monitoring, and geographic information systems data collection and mapping.**

Additional information concerning the recommendations of the Great Basin Wildlife Forum can be found at: <http://www.cabnr.unr.edu/nsrm/wildfireforum.pdf>.

Pete Anderson, State Forester Firewarden, provided a report to the Committee concerning the importance of post-fire rangeland rehabilitation and ecosystem health and protecting the critical native plant communities that offer resistance to catastrophic wildfire. He opined that the full utilization of “all tools available, including livestock grazing, mechanical treatment and herbicides” to treat and improve watersheds and native plant communities is imperative. Mr. Anderson's report goes on to say that:

Nevada's agricultural and natural resource communities along with the many federal, state and local partners should be encouraged to actively manage the Nevada landscape to improve overall health and condition. There has been active progress through such efforts of the Nevada Cattlemen Association, the Eastern Nevada Landscape Coalition and the Humboldt County Wildfire Support Group, where active management is occurring on project specific areas . . . there is still much to do particularly with our federal land manager's acceptance of this approach. There are locations where active management of Nevada's federal lands could be accomplished in a more timely and efficient manner by state, local and private partnerships through an approved management plan.

Mr. Anderson concluded that rangeland improvement projects should not be implemented in relation to jurisdictional boundaries, but rather on a watershed or ecosystem basis. The Legislative Committee on Public Lands was impressed with Mr. Anderson's suggestions regarding rangeland and ecosystem health and voted to draft a Committee resolution:

**Encouraging the active and scientifically based management of Nevada's watersheds and ecosystems to collaboratively improve their health, without regard to jurisdictional boundaries, using a host of different methods (to include livestock grazing, mechanical treatment, prescribed fire, and herbicides). Such actions will help Nevada's forests, grasslands, and rangelands become more resistant to wildland fires.**

Finally, the Committee heard testimony throughout the interim period concerning the illegal dumping of trash and other waste on Nevada's public and private lands. Representatives of local government consistently discussed the impact such activity places on the environment,

“view sheds,” recreation, and local budgets. Therefore, the Committee voted to include a statement in the final report:

**Expressing the Committee’s ongoing concern with the illegal dumping of trash and other waste on Nevada’s public and private lands and encouraging the aggressive enforcement of Nevada’s laws regarding dumping and littering.**

## **VI. CONCLUDING REMARKS**

Nevada’s Legislative Committee on Public Lands examined numerous public lands topics during the 2007-2008 Legislative Interim, and addressed the unique relationship between the federal, state, and local levels of government. Many of the issues considered have been in the forefront of public lands-related discussions for many years and some 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.

**VII. APPENDICES**

|  | <u>Page</u> |
|--|-------------|
| Appendix A   |             |
| <i>Nevada Revised Statutes</i> 218.536 through 218.5371 .....  | 53          |
| Appendix B   |             |
| “Approved Budget and Proposed Work Plan, July 1, 2007, through<br>December 31, 2008” .....   | 59          |
| Appendix C   |             |
| Memorandum Dated June 16, 2008, Titled “Discussion of Water-Related Topics<br>Specific to Washoe County By Nevada’s Legislative Committee on Public Lands” ..... | 71          |
| Appendix D   |             |
| “Draft Consensus Points of the OHV Working Group as of August 12, 2008” .....  | 75          |
| Appendix E   |             |
| Committee Letters and Resolutions Approved During Meetings and at the<br>Final Work Session .....  | 81          |
| Appendix F   |             |
| Suggested Legislation .....  | 83          |



**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, 2007, through December 31, 2008”



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

**APPROVED BUDGET AND PROPOSED WORK PLAN**  
**July 1, 2007, through December 31, 2008**

This document outlines the approved budget and proposed work plan for Nevada's Legislative Committee on Public Lands for the 2007-2008 Legislative Interim.

**APPROVED COMMITTEE BUDGET**

The Committee's budget was approved in an appropriation authorized during the 2007 Legislative Session. The portion of the budget for Committee-related operations totals \$81,190. The major categories are as follows:

|   |                        |
|---|------------------------|
| Legislator Salaries                                     | \$11,700               |
| Travel and per diem costs:                              |                        |
| In-state committee meetings and tours (10)              | \$30,850               |
| Out-of-state informational tours<br>to Washington, D.C. | \$19,740               |
| Operational Costs:                                      |                        |
| Supplies, postage, printing, and copying                | \$900                  |
| Publications  | \$3,000                |
| Contract Services (if necessary or requested)           | <u>\$15,000</u>        |
| <b><u>Total Full Committee Budget</u></b>               | <b><u>\$81,190</u></b> |

The budget allows the six legislators on the Committee to conduct ten hearings throughout urban and rural Nevada and two, three-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.

Nevada's Legislative Committee on Public Lands monitors dozens of natural resource and public lands matters crucial to the State's economy, lifestyles, and traditions. The increased public awareness of and interest in public lands issues has resulted in a very active committee schedule during the past several interims. Because most of Nevada's lands (87 percent) are under federal management and the Nevada Legislature has long been active in this issue, other states often look to this Committee for information and assistance.

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

## COMMITTEE MEMBERS AND STAFF

The Legislative Commission appointed the following members to the Committee:

|  |                              |
|--|------------------------------|
| Senator Dean A. Rhoads                     | Assemblyman Jerry D. Claborn |
| Senator Mark E. Amodei                     | Assemblyman John W. Marvel   |
| Senator Terry Care                         | Assemblywoman Debbie Smith   |
| 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 Warren B. Hardy II            | Assemblyman David P. Bobzien      |
| Senator Mike McGinness                | Assemblyman John C. Carpenter     |
| Senator Michael A. Schneider          | Assemblyman Pete Goicoechea       |
| Clark County Commissioner Tom Collins | Assemblywoman Marilyn Kirkpatrick |

The following Legislative Counsel Bureau (LCB) staff members will provide staff support for the Committee during the 2007-2008 Legislative Interim:

Michael J. Stewart, Supervising Principal Research Analyst, Research Division  
J. Randall Stephenson, Principal Deputy Legislative Counsel  
Susan M. Loflin, Senior Administrative Assistant, Research Division

## PROPOSED WORK PLAN

The following sections outline the tentative work plan for Nevada's Legislative Committee on Public Lands during the 2007-2008 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 necessary. 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 Carson City, Las Vegas, Beatty, Caliente, Winnemucca, Laughlin, Elko, Eureka, and Lovelock between October 2007 and August 2008.

### **Out-of-State Informational Tours**

The Committee optimizes its effectiveness by 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) five days and four 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**

| <b>Proposed Meeting Dates</b>  | <b>Locations</b>                          |
|--|---|
| Wednesday, October 24, 2007  | Carson City                               |
| Thursday, December 13, 2007  | Las Vegas                                 |
| Friday, January 25, 2008   | Beatty                                    |
| Tuesday through Thursday, February 12, 13, and 14, 2008<br>(Travel Days: Monday, Feb. 11 and Friday, Feb. 15, 2008)    | Informational Tour of<br>Washington, D.C. |
| Friday, March 7, 2008  | Caliente                                  |
| Friday, April 4, 2008  | Winnemucca                                |
| Friday, May 9, 2008  | Laughlin                                  |
| Friday, June 6, 2008   | Elko                                      |
| Friday, July 18, 2008  | Eureka                                    |
| Friday, August 22, 2008  | Lovelock (work session)                   |
| Tuesday through Thursday, September 16, 17, and 18, 2008<br>(Travel Days: Monday, Sept. 15 and Friday, Sept. 19, 2008) | Informational Tour of<br>Washington, D.C. |

### **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 final scheduled in-state meeting of the interim. Members look to those individuals appearing before the Committee to help develop a set of recommendations for consideration at the final work session. 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 and Senate Bill 267 of the 2007 Legislative Session*

Senate Bill 216 of the 2003 Legislative Session (Chapter 408, *Statutes of Nevada*) and Senate Bill 267 of the 2007 Legislative Session (Chapter 210, *Statutes of Nevada*) set forth additional duties for the Legislative Committee on Public Lands. Both measures are codified as subsection 2 of NRS 218.5368, which states that the Committee shall review and report to the Legislative Commission on 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 (SNWA), 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.

The Committee may also review and comment on other issues relating to water resources in this state, including the laws, regulations, and policies regulating the use, allocation, and management of water in Nevada and the status of information and studies relating to water use, surface water resources, and groundwater issues.

## Issues Monitored and Discussed

As an introduction to some of the public lands issues that may be addressed during the 2007-2008 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 or decreases in federal land management agency budgets and increases or reductions 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, mineral exploration, and the economic implications of mining 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, livestock, and noxious weeds and invasive species 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 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 (OHV) usage, 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 2005-2006 Legislative Interim***

The following is a summary 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;
- PILT;
- 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;
- 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.

MJS/sl:W710048



## **APPENDIX C**

Memorandum Dated June 16, 2008, Titled “Discussion of Water-Related Topics Specific to Washoe County By Nevada’s Legislative Committee on Public Lands”





## MEMORANDUM

DATE: June 16, 2008

TO: All Interested Parties

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

SUBJECT: **Discussion of Water-Related Topics Specific to Washoe County By Nevada's Legislative Committee on Public Lands**

As Chairman of the Legislative Committee on Public Lands, this memorandum serves to clarify my approach to dealing with the potential overlapping jurisdictions of the Legislative Committee on Public Lands and the Legislative Committee to Oversee the Western Regional Water Commission (Senate Bill 487, Chapter 531, *Statutes of Nevada 2007*) as it relates to water issues in Washoe County, Nevada.

As you may know, subsection 2 of NRS 218.5368 requires the Legislative Committee on Public Lands 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. The Committee may also review and comment on other issues relating to water resources in this state, including the laws, regulations, and policies regulating the use, allocation, and management of water in Nevada and the status of information and studies relating to water use, surface water resources, and groundwater issues. The Legislative 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. The scope of the Legislative Committee on Public Lands is quite broad and it is often difficult to address every issue under its jurisdiction.

Meanwhile, the Legislative Committee to Oversee the Western Regional Water Commission is responsible for reviewing the programs and activities of the Western Regional Water

Commission (WRWC), including an analysis of potential consolidation of the retail distribution systems and facilities of all public water purveyors within the jurisdiction of the WRWC. The membership on the WRWC includes representatives from the cities of Reno and Sparks, Washoe County, Truckee Meadows Water Authority, Truckee Meadows Water Reclamation Facility, Sun Valley General Improvement District (GID), and South Truckee Meadows GID. The legislative oversight committee has heard from all of these entities during the 2007-2008 Legislative Interim, and it is clear that requiring these entities to also present to the Legislative Committee on Public Lands would be unnecessarily duplicative.

Therefore, to ensure compliance with the requirements in Chapter 218 of NRS while avoiding unnecessary duplication in reports to both committees, Senator Mark E. Amodei, Chairman of the Legislative Committee to Oversee the Western Regional Water Commission, has agreed to report to the Legislative Committee on Public Lands at its meeting on Monday, July 14, 2008, in Eureka, Nevada, concerning the oversight committee's activities. In discussing this issue of overlapping committee jurisdictions with Legislative Counsel Bureau legal and research staff, I understand this approach will satisfy the intent of subsection 2 of NRS 218.5368. At the same time, it should limit unnecessary, duplicative presentations by the various Washoe County water entities that have already reported to the oversight committee.

I trust this memorandum clarifies my intentions in dealing with the potential overlapping jurisdictions of the Legislative Committee on Public Lands and the Legislative Committee to Oversee the Western Regional Water Commission. As always, please feel free to contact me if you have any questions or if I may be of any assistance to you.

DAR/sg:W80100

cc: Senator Mark Amodei, Chairman, Legislative Committee to Oversee the Western Regional Water Commission  
Assemblyman Bernie Anderson, Vice Chairman, Legislative Committee to Oversee the Western Regional Water Commission  
Michael Carrigan, Chair, Western Regional Water Commission  
Dave Aiazzi, Vice Chairman, Western Regional Water Commission  
Steve Cohen, Chairman, South Truckee Meadows General Improvement District Local Managing Board  
Rosemary Menard, Director, Washoe County Department of Water Resources  
Darrin Price, General Manager, Sun Valley General Improvement District  
Lori Williams, General Manager, Truckee Meadows Water Authority  
Linda J. Eissmann, Principal Research Analyst, Research Division, LCB  
J. Randall Stephenson, Principal Deputy Legislative Counsel, Legal Division, LCB  
Michael J. Stewart, Supervising Principal Research Analyst, Research Division, LCB  
Steve Walker, Walker and Associates

## **APPENDIX D**

“Draft Consensus Points of the OHV Working Group as of August 12, 2008”



## **DRAFT \*Consensus Points\* of the OHV Working Group as of August 12, 2008**

\*Please note that these consensus points have been arrived at by the members of the working committee, and have not yet been fully vetted through the parent organizations of the working group members.

### **OHV Titling:**

- Titling should be MANDATORY for all new (as of enactment of the legislation) OHVs, and all re-sales through authorized dealers.
  - Proof of sales tax, or a waiver of sales tax signed by the Nevada Department of Taxation, should be required to receive a title.
- Titling should be VOLUNTARY for all existing OHV's.
- The Nevada Department of Motor Vehicles (DMV) should be responsible for administering the OHV process.
- All fees collected from titling should be used to cover the administrative cost of the DMV.

### **OHV Registration:**

- All OHVs should be registered annually.
  - Exemptions should include those listed under the 2007 proposed legislation.
  - Annual registration fees should not exceed \$20.
- All OHVs should be assigned a unique number that is displayed by an identifiable tag.
  - The unique number should be assigned at the time of initial registration.
    - Initial registration will require:
      - A copy of title for new OHVs.
      - A copy of title or a physical VIN inspection and signature of affidavit of ownership for existing OHVs.
  - The identifiable tag shall consist of either a plate or sticker that is equivalent in dimension and requirements to existing street legal motorcycle plates.
    - The proper location for placement of tags shall be determined for each type of OHV through regulations established by the OHV Commission.
- The Department of Motor Vehicles should be the agency responsible for administering the OHV registration program.
  - A portion of the registration fee should be designated to cover administration costs.
    - This portion may be higher for first-time registration as a VIN inspection will be required for most existing vehicles.
  - Every effort should be made to reduce administration costs including the use of OHV authorized dealers and outsourcing of the registration program similar to the Nevada Department of Wildlife's Boat Program.
- All monies not used to cover administrative costs shall be deposited directly into a designated OHV Fund.
- Under no circumstance should any portion of the registration fee be deposited into the State General Fund.

### **OHV Fund & Project Grants:**

- Distribution of the funds should be conducted through a grants process developed by the OHV Commission.
- The grant process should include a requirement to get sign-off approval from all appropriate Federal and State Agencies as part of the Grant Application. The purpose of this requirement is to avoid damage of sensitive ecological, cultural or archeological sites and to ensure that OHV projects fit with multiple use principals of the land management agencies.
- A Business Manager will be responsible for handling the day-to-day operations of the OHV Fund and Commission.
  - This person would NOT be responsible for running the registration program under the Department of Motor Vehicles.
  - This person would be housed within the Nevada Department of Conservation and Natural Resources.
- Fund distribution:
  - Up to 10% of annual registration income should be used to cover costs for administration of the registration program. The amount needed for administrative costs associated with registration through DMV, Dealers or other outsourcing companies (first time and renewal) still needs to be determined.
  - Of the remaining 90% of the annual fund income:
    - 60% should be used for OHV trails and facilities including:
      - Mapping and Signage
      - Planning
      - Land Acquisitions for OHV Trails and Facilities
      - Constructing New Trails and Facilities
      - Maintenance
      - Restoration of OHV Damaged Areas
      - No more than 30% of available grant funding shall be allocated to a single project category listed above.
    - 20% should be used for OHV Program Enforcement
      - The existing Office of Justice Assistance (OJA) should be used to vet all enforcement grant requests for this portion of money. The OHV Commission would ultimately have to approve the OJA's recommendations.
    - 15% should be used for OHV Education
    - 5% should be used for administration of the Fund & Commission.
- The following entities should be eligible to receive funding:
  - Federal and State Agencies
  - Counties, Cities, and Towns
  - Non-governmental Organizations

- The OHV Commission shall report to LCB and/or appropriate legislative committee every 2 years to report Fund expenditures and recommend any needed changes.

**OHV Commission:**

- The **purpose** of the Commission is to administer the OHV fund and grant process in order to promote responsible and sustained OHV recreation and opportunities.
  - The Commission should be as self-sufficient as possible and have the ability to develop and revise NAC regulations required for the OHV program.
- The 11-member voting Commission should be comprised of the following interests:
  1. Dealer – Must be an authorized dealer of OHVs
  2. Sportsman – As recommended by the Nevada Board of Wildlife Commissioners
  3. Rancher – As recommended by the Nevada Board of Agriculture
  4. Nevada Association of Counties – As recommended by the Director of NACO
  5. Enforcement – As recommended by the Nevada Sheriffs and Chiefs Association
  6. Member of the General Public
  7. ATV Rider - who has participated for at least 5 years using the type of off-highway vehicle they will represent, who own or operate that type of off-highway vehicle and who reside in this State
  8. Dirt Bike Rider - who has participated for at least 5 years using the type of off-highway vehicle they will represent, who own or operate that type of off-highway vehicle and who reside in this State
  9. Off-road Racer - who has participated for at least 5 years using the type of off-highway vehicle they will represent, who own or operate that type of off-highway vehicle and who reside in this State
  10. Snowmobile Rider - who has participated for at least 5 years using the type of off-highway vehicle they will represent, who own or operate that type of off-highway vehicle and who reside in this State
  11. Rock Crawler - who has participated for at least 5 years using the type of off-highway vehicle they will represent, who own or operate that type of off-highway vehicle and who reside in this State
    - Each Board member would be required to sign an Agreement at the beginning of their appointment to uphold the above-defined purpose of the Commission.
    - Terms should be staggered 3-year terms with a 2-term maximum.
    - Appointment should be made by the Governor based on the defined roles and applications submitted.
    - Letters of endorsement from organized groups representing each interest should be weighted heavily.
    - The Commission should be geographically diverse given the wide diversity of environments, local issues and OHV opportunities around the state.
- There should be an advisory board that interfaces with the Commission but does not hold voting privileges. The purpose of this advisory board is to provide an interface between the Board and the following entities:

1. U.S. Forest Service
2. Bureau of Land Management
3. Natural Resource Conservation Service or Academic Scientist familiar with Nevada
4. Nevada Department of Wildlife
5. Nevada Department of Conservation and Natural Resources
6. Nevada Department of Motor Vehicles
7. Nevada Commission on Tourism

**OHV Enforcement:**

- Enforcement and compliance language for the OHV titling and registration program should be modeled after existing law on motor vehicles (per Frank Adams, it was suggested language be copied from and rolled into NRS 484).
- Under the registration exemption portion, language for exempting an antique OHV should be modeled after that of antique motor vehicle exemption language.

## APPENDIX E

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

Letters and nonlegislative resolutions approved by the Legislative Committee on Public Lands throughout the 2007-2008 Legislative Interim will be posted on the Committee's Internet website (<http://www.leg.state.nv.us/74th/Interim/StatCom/Lands/index.cfm?CommitteeName=Legislative%20Committee%20on%20Public%20Lands>) upon completion.



## APPENDIX F

### Suggested Legislation

The following Bill Draft Requests will be available during the 2009 Legislative Session, or can be accessed after “Introduction” at the following website: <http://www.leg.state.nv.us/75th2009/BDRList/page.cfm?showAll=1>.

- BDR 50–495 Deletes the provisions that place each state grazing board within the State Department of Agriculture.
- BDR R–496 SCR: Expresses the disapproval of the Nevada Legislature for certain legal challenges made against the Bureau of Land Management and holders of grazing permits in Nevada.
- BDR 10–497 Revises provisions governing the purchase of a home or improved lot that is adjacent to open range.
- BDR 46–498 Requires the placement of solid markers on mining claims.
- BDR 49–499 Revises provisions governing assessments on real property located within a weed control district.
- BDR 49–500 Revises provisions governing the abatement of noxious weeds.
- BDR 43–501 Requires registration and titling of off-highway vehicles.
- BDR 30–502 Revises provisions governing the awarding of grants to certain purveyors of water.
- BDR S–503 Makes an appropriation to the State Engineer to develop a hydrologic database for water basins in Nevada.

