

**Bulletin No. 11-13**



**Legislative Committee on Public Lands**

*Legislative Counsel Bureau*



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**LEGISLATIVE COMMITTEE ON PUBLIC LANDS**

**BULLETIN NO. 11-13**

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## TABLE OF CONTENTS

	<u>Page</u>
Summary of Recommendations .....	iii
Report to the 76th Session of the Nevada Legislature by the Legislative Committee on Public Lands.....	1
I.    Introduction .....	1
II.   Committee Activities .....	3
III.  Major Issues Resulting in Recommendations for Legislation or Other Committee Action .....	4
A.  Proposed Actions Relating to Federal Planning and Other Federal Activities .....	4
B.  Proposed Actions Relating to Water Resources .....	11
C.  Proposed Actions Relating to Renewable Energy Projects on Public Lands .....	17
D.  Proposed Actions Relating to Wildlife, Grazing, and Noxious Weeds .....	18
E.  Proposed Actions Relating to Off-Highway Vehicles .....	21
IV.  Appendices .....	23



## SUMMARY OF RECOMMENDATIONS

### LEGISLATIVE COMMITTEE ON PUBLIC LANDS

*Nevada Revised Statutes* 218E.510

This summary presents the recommendations approved by the Legislative Committee on Public Lands during the 2009-2010 Legislative Interim at its final meeting on July 30, 2010, in Ely, Nevada. These recommendations will be forwarded to the Legislative Commission for transmittal to the 76th Session of the Nevada Legislature in 2011.

### RECOMMENDATIONS FOR LEGISLATION

1. Amend the statutes to require that a water right be obtained for a pit lake or gravel pit, used for purposes of evaporation. **(BDR 48-206)**
2. Amend the statutes (such as *Nevada Revised Statutes* [NRS] 533.370) to clarify the renotification and hearing process. **(BDR 48-207)**
3. Amend the statutes (such as NRS 534.350) to eliminate the requirement for a public hearing prior to issuing an order granting domestic well credits to public water systems. **(BDR 48-208)**
4. Amend the statutes (such as NRS 533.435) to revise the fee for agricultural applications to appropriate water. **(BDR 48-209)**
5. Amend the statutes (see Senate Bill 394, Chapter 504, *Statutes of Nevada 2009*) to extend the deadline for implementation of the titling and registration provisions for off-highway vehicles (OHVs). **(BDR S-210)**
6. Amend the statutes (such as Chapter 490 of NRS), in relation to the provisions for titling and registering OHVs as enacted in S.B. 394, to exempt homemade or other OHVs without vehicle identification numbers (VINs) in a manner similar to the existing statutes for certain motor vehicles without VINs. **(BDR 43-211)**
7. Adopt a resolution urging the federal government to enact legislation enabling the sharing of at least a portion of the revenue generated by activities on public lands with the State and local governments, including without limitation, the reinstatement and continuation of the federal laws and policies whereby local governments receive appropriate rents and royalties for geothermal activity on federal land. **(BDR R-212)**
8. Adopt a resolution supporting the efforts of the Pine Forest Wilderness Study Area Working Group and the Humboldt County Commission in their reexamination of wilderness study areas in the Pine Forest area of Humboldt County. **(BDR R-213)**

9. Adopt a resolution urging the State, local governments, users of public lands, and conservation organizations to be proactive in habitat protection, restoration, and mitigation to prevent listing of the Greater Sage Grouse as an endangered species. **(BDR R-214)**
  
10. Adopt a resolution addressing the importance of rangeland health to the State's wildlife, endangered species, tax base, and economy and the importance of maintaining the State's tradition of multiple uses of public lands. Further, communicate to the Bureau of Land Management (BLM) the importance of staying within current appropriate management levels (AMLs) and the State's opposition to the expansion of existing herd management areas. Finally, take the steps necessary to ensure that the BLM complies with existing federal laws relating to wild horses and burros and to oppose changes to the Wild Free-Roaming Horse and Burro Act of 1971 that would negatively impact Nevada. **(BDR R-215)**

#### **RECOMMENDATIONS FOR COMMITTEE ACTION**

11. Send a letter to Nevada's Congressional Delegation, the Secretary of the Interior, and the Governor of Nevada, expressing the Committee's strong opposition to agreements, such as the one entered into by the El Paso Corporation and the Western Watersheds Project, that seek to permanently retire grazing permits and eliminate grazing on public lands. Further, urge Nevada's Congressional Delegation and the Governor to oppose any federal legislation that would allow or facilitate in any way the permanent retirement of grazing permits on public lands and to oppose any federal endorsement of such a policy. Further, express the Committee's disappointment that local residents and livestock organizations were not consulted nor allowed to comment prior to the consummation of the agreement, which is being relied upon as mitigation for required federal permits. Also, send a copy of the letter to the Federal Energy Regulatory Commission and the El Paso Corporation.
  
12. Send a letter to the BLM in support of Carson City's application to nominate the acquisition of the Bently Ranch in the "Parks, Trails, and Natural Areas" category for funding under the Southern Nevada Public Land Management Act.
  
13. Send a letter asking the State Engineer to adopt regulations to add criteria for determining "environmentally sound" in relation to interbasin transfers of water as used in NRS 533.370(6).
  
14. Send a letter to Nevada's Congressional Delegation seeking their support in opposing proposed federal legislation that would redefine "navigable waters" or otherwise expand the scope of the federal Clean Water Act (see H.R. 5088 in the 111th Congress), and infringe on the authority of states to regulate water within their boundaries.

15. Send a letter to the BLM in support of a pilot demonstration project in Lincoln County for biomass power generation asking the BLM to commit to providing a 20-year supply of wood from the BLM's proposed thinning of 3.2 million acres of pinion and juniper in the Ely District.
16. Send a letter to the Secretary of the Interior, the Director of the BLM, and the BLM District Managers in Nevada, and Nevada's Congressional Delegation urging them to: (a) reconsider the imposition of hot season grazing deferments; (b) work with rangeland scientists, livestock organizations, and grazing permittees on identifying options to address grazing impacts on riparian and other sensitive areas; and (c) implement alternative programs and policies that protect all public lands and habitats while mitigating or minimizing impacts on the operations of grazing permittees.

### **RECOMMENDATIONS FOR STATEMENTS IN THE FINAL REPORT**

17. Include a statement in the final report stating the Committee's opposition to any reconsideration of the current designation of Great Basin National Park as a Class II airshed.
18. Include a statement in the final report urging Congress to continue to fully fund payments to states under the Payments in Lieu of Taxes Act and to reauthorize and fund the Secure Rural Schools and Community Self-Determination Act of 2000.
19. Include a statement in the final report urging the federal government to consult with the affected State and local governments and to hold public hearings prior to any designation of a new monument under the American Antiquities Act of 1906.
20. Include a statement in the final report expressing the Committee's support of the reform of the federal Equal Access to Justice Act of 1948 to prevent abuses.
21. Include a statement in the final report supporting the Esmeralda County Commission's position that any consideration of landmark status for Goldfield be limited to the town and not adjacent mining areas.
22. Include a statement in the final report supporting pending legislation in the 111th Congress sponsored by U.S. Senator Harry Reid (D-Nevada) (S. 3408) and U.S. Representative Dean Heller (R-Nevada) (H.R. 5370) to clarify title in Ione and Gold Point, former mining towns in Nevada, and further supporting future efforts to clarify title in other similarly affected mining towns in the State.
23. Include a statement in the final report urging federal agencies to consult with all affected local governments early in the federal planning processes and to provide an opportunity for public input at the earliest possible time and urging federal agencies to make

themselves familiar with the provisions of the policies and plans of local governments that have been prepared pursuant to the provisions of NRS 321.7355 as enacted in 1983 to complement the Federal Land Policy and Management Act of 1976. Further, the statement would urge federal agencies to consult with affected ranchers and livestock organizations in the development and implementation of grazing policies and restrictions and to encourage federal agencies to use conservation agreements instead of grazing restrictions, whenever feasible. The statement would also urge federal land managers to review and consider county master plans when developing local resource management plans or travel management plans and further urge the BLM to improve public involvement and transparency in its right-of-way permitting process and to improve its environmental studies and review.

24. Include a statement in the final report recognizing the importance of public lands to Nevada's economy and quality of life, and the importance of all parties working together to maximize the use of public lands in the State. Also, include a statement supporting an increase in the acreage of public lands subject to disposal and efforts to make the disposal process more streamlined and efficient. Finally, include a statement opposing the withdrawal of public lands from exploration, leasing, or other uses, and supporting increased access to public lands.
25. Include a statement in the final report encouraging federal agencies to consider impacts on water purveyors when making decisions on public lands, such as changes of use or disposal of lands, and to provide funding mechanisms to mitigate those impacts.
26. Include a statement in the final report recommending that local governments notify irrigation districts of proposed parcel and subdivision maps, and applications for new school construction or other construction that may impact or be impacted by the irrigation district and its infrastructure. Further, include a statement asking local governments to provide a meaningful opportunity to irrigation districts to comment and propose mitigation measures to protect public health, safety, and welfare and avoid impacts to the districts' infrastructure or easements. Finally, include a statement suggesting that the Public Lands Committee consider these issues during the 2011-2012 Interim, take testimony on possible legislative or other solutions, and, if appropriate, request legislation.
27. Include a statement in the final report encouraging the State Engineer to consider the water dedication requirements set by local governments or water purveyors and to consult with affected local governments or water purveyors when setting water dedication requirements.
28. Include a statement in the final report urging regional water authorities and private and public water purveyors to maximize conservation efforts, and to thoroughly investigate potential alternative water sources, such as desalinization, use of reclaimed water,

rainwater capture, and cloud seeding, and encouraging cities and counties to maximize conservation efforts and to use alternative sources of water to the greatest extent feasible.

29. Include a statement in the final report encouraging the State Engineer, when feasible as a condition of certain water rights permits, to make a determination of the maximum distance to which groundwater can be lowered before the basin's ecosystem and other water rights holders in the basin will be deemed negatively impacted. Further, encourage the State Engineer to develop and enforce effective monitoring and mitigation measures, for both surface and groundwater projects, to ensure that permit conditions are met and impacts are dealt with in a timely and meaningful way. Finally, encourage the State Engineer to impose appropriate safeguards as a condition of interbasin transfers.
30. Include a statement in the final report recognizing that Nevada has a finite sustainable water supply (surface and groundwater) for its communities and environment, and encouraging local governments to base their land use plans on identified sustainable water resources.
31. Include a statement in the final report voicing the Committee's support for the "Assembly Bill 198 Program" that makes grants to publicly owned small water systems to enable them to meet the requirements of the State Board of Health and the Safe Drinking Water Act.
32. Include a statement in the final report supporting renewable energy projects on public lands in Nevada provided that: (a) the design and location of facilities minimize disruption to public land users; (b) the impacts of the project are fully mitigated and there is no net loss of animal unit months; and (c) cooperating agency status is granted to affected grazing boards to ensure them a meaningful role in the planning and implementation of a project.
33. Include a statement in the final report asking the Legislature to consider whether the tax abatements to encourage economic development in the form of geothermal development and energy production in Nevada are necessary and appropriate given the unique and limited nature of the resource and the importance of the abated tax revenue to the local governments.
34. Include a statement in the final report supporting: (a) continued and expanded funding for the Wildfire Conservation Group; (b) additional U.S. Department of Agriculture (USDA) National Resources Conservation Service (NRCS) fuels management projects in Nevada funded through the Environmental Quality Incentives Program; (c) increased USDA Agricultural Research Service or NRCS funding and rangeland research positions for Nevada, including the Great Basin Region; (d) the use of a collaborative landscape partnership approach by federal agencies; (e) the case-by-case qualifying of certified professionals as technical service providers by the NRCS State Conservationist for conservation planning purposes; and (f) the Committee's efforts in Washington, D.C., to

obtain the support of Nevada's Congressional Delegation and the appropriate federal agency personnel for efforts listed above.

35. Include a statement in the final report expressing the Committee's support for maintaining wild horses and burros at AMLs through timely gathers, adoption programs, private partnerships and the use of sanctuaries, and sterilization.

# REPORT TO THE 76TH SESSION OF THE NEVADA LEGISLATURE BY THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS

## I. INTRODUCTION

The Legislative Committee on Public Lands is a permanent committee of the Nevada Legislature whose duties are set forth in Chapter 218E of the *Nevada Revised Statutes* (NRS), specifically NRS 218E.500 through 218E.535 (Appendix A).

Created in 1983, the Committee is responsible for reviewing and commenting on proposed and existing federal and State laws and regulations that affect the approximately 61 million acres of publicly managed lands in Nevada. The Committee provides a forum for the discussion of public lands matters with federal, State, and local officials; representatives of special interest organizations; and members of the public. To the extent possible, the Committee holds meetings in rural areas of the State to expand the opportunities for public comment by persons living outside of the two major urban areas in the State.

In addition to reviewing the programs and activities of public water authorities, districts, and systems in Nevada, the Committee monitors issues related to endangered species; livestock grazing; military activities, including military land and airspace proposals; mining; recreation; wilderness areas; wild horses; and wildlife. The Legislative Committee on Public Lands is charged by statute to actively participate in local, regional, and national efforts to increase State and local roles in the management of public lands.

A summary of the status of the recommendations for legislation made by the Committee during the 2007-2008 Interim is attached as Appendix B.

During the 2009 Session, the Legislature also made several statutory changes that affected the Committee. Senate Bill 371 (Chapter 272, *Statutes of Nevada*) and Assembly Bill 535 (Chapter 348, *Statutes of Nevada*) made the following major changes: (a) increased the membership of the Committee from seven to nine members; (b) required the Legislative Commission to approve the Committee's budget and work program and any changes thereto; (c) limited the time within which the Committee may meet to November 1 of each odd-numbered year and August 31 of the following even-numbered year; and (d) stipulated that, when appointing an alternate, the Chair must appoint a person of the same house and political party as the regular member who is being temporarily replaced.

Pursuant to NRS 218E.510, the members of the Committee elect the Chair and Vice Chair. At its first meeting on November 6, 2009, the Committee elected Senator Dean A. Rhoads to serve as Chair and Assemblyman Jerry D. Claborn to serve as Vice Chair.

Other members of the Committee as appointed by the Legislative Commission in 2009 were:

- Senator Terry Care
- Senator John J. Lee
- Senator David R. Parks
- Assemblyman Paul Aizley
- Assemblyman David P. Bobzien
- Assemblyman John C. Carpenter
- Tom Collins, Clark County Commissioner

The Legislative Commission appointed the following legislators as alternates:

- Senator Mike McGinness
- Senator Michael A. Schneider
- Assemblyman Peter (Pete) J. Goicoechea
- Assemblywoman Ellen B. Spiegel

Staff support for the Committee from Legislative Counsel Bureau (LCB) was provided by:

- Susan E. Scholley, Chief Principal Research Analyst, Research Division
- Susan M. Young, Senior Administrative Assistant, Research Division
- J. Randall Stephenson, Principal Deputy Legislative Counsel, Legal Division
- Charity A. Fowler, Deputy Legislative Counsel, Legal Division

At its work session in Ely, Nevada, the Committee approved ten proposals for drafting legislation and another 25 proposals for sending letters or including statements in the final report.

Topics covered included:

- Biomass and other renewable energy projects;
- Coordination of federal planning processes with local government plans and policies;
- Endangered species;
- Federal legislation;
- National park air quality, wilderness, and landmark or monument designations;
- Off-highway vehicles (OHVs);
- Water resources, water planning, and water rights procedures; and
- Wild horses, grazing, wildfires, and rangeland health.

## II. COMMITTEE ACTIVITIES

Due to budget constraints, the Committee was restricted to five public meetings during the 2009-2010 Interim. Three of the Committee's meetings were held in rural Nevada, specifically Ely, Tonopah, and Winnemucca.

At every meeting, the Committee received reports from the Bureau of Land Management (BLM) and the United States Forest Service (USFS) on their activities and programs in the nearby districts or national forests. Other federal agencies appearing before the Committee included the U.S. Fish and Wildlife Service (USFWS) and the National Park Service (NPS). State agencies, including the Division of Water Resources, the Division of Forestry, and the Commission for the Preservation of Wild Horses, within the State Department of Conservation and Natural Resources, as well as the Division of Mineral Resources of the Commission on Mineral Resources, the State Department of Agriculture, and the Department of Wildlife, made presentations to the Committee. During the course of the interim, the Committee heard from almost every county commission in the State and numerous representatives of cities and towns.

Other entities making presentations to the Committee included the Nevada Mining Association, Wildfire Support Group, Nevada Fire Safe Council, National Fish and Wildlife Foundation, Great Basin Water Network, Chemetall Foote Corporation, Solar Millennium L.L.C., SolarReserve, El Paso Corporation, Nevada Cattlemen's Association (NCA), Central Committee of Nevada State Grazing Boards, Western Legacy Alliance, and the Pine Forest Wilderness Study Area (WSA) Working Group. The Committee also received a report from the Legislative Committee to Oversee the Western Regional Water Commission (Senate Bill 487, Chapter 531, *Statutes of Nevada 2007*).

For more information, minutes and exhibits are on file in the LCB's Research Library (775/684-6827), located in Carson City, Nevada. Minutes and exhibits are also available online at: <http://www.leg.state.nv.us/Interim/75th2009/Committee/StatCom/Lands/?ID=19>.

At its final meeting in Ely, on July 30, 2010, the Committee recognized the long service of three members who were term-limited and serving their last interim on the Committee. Those members were Senator Terry Care, Assemblyman John C. Carpenter, and Assemblyman Jerry D. Claborn. The Committee also thanked all the persons who had appeared before the Committee during the interim for their time and effort.

In addition to the public meetings, three Committee members traveled to Washington, D.C., in September 2010 to discuss public lands and water issues with federal officials. The three Committee members met with officials from the BLM, USFS, USFWS, National Governors Association, Western Governors' Association, National Conference of State Legislatures, National Association of Counties (NACo), National Mining Association, and the National Cattlemen's Beef Association. The Committee also met with Nevada's Congressional

Delegation to apprise them of the Committee's concerns and to learn about federal initiatives or legislation of interest to Nevada.

### **III. MAJOR ISSUES RESULTING IN RECOMMENDATIONS FOR LEGISLATION OR OTHER COMMITTEE ACTION**

At its final meeting and work session on July 30, 2010, the Public Lands Committee considered a total of 40 proposed actions for legislation, letters, or statements in the final report. The sources of the proposed actions included suggestions received during testimony at the four Committee meetings prior to the work session and suggestions received in response to a memorandum from the Chair soliciting proposed actions prior to the July 30 meeting. The memorandum required the proposed actions to be in writing and received by July 2, 2010.

#### **A. PROPOSED ACTIONS RELATING TO FEDERAL PLANNING AND OTHER FEDERAL ACTIVITIES**

A recurring issue for the Legislative Committee on Public Lands is the loss of tax revenue to the State and local governments due to the high percentage of land owned or managed by the federal government. The loss of property tax revenues is especially acute for local governments. The Committee heard testimony from several counties regarding the importance of maintaining or increasing the amount of revenue generated on public lands and shared with local governments. As an example, Churchill County cited the federal government's one-year suspension of its policy of sharing royalties from geothermal activities on federal land with affected counties.

The Committee learned about legislation recently introduced in the 111th Congress by U.S. Senator Harry Reid (D-Nevada) (S. 3587) and U.S. Representative Dean Heller (R-Nevada) (H.R. 5735) that would establish a pilot leasing program for wind and solar projects on federal lands and provide for payments of 25 percent of the revenue to both the host state and counties. The NACo is involved in supporting and promoting this legislation for its western members. Senator Reid and Representative Heller also introduced legislation that would create a pilot program for solar energy projects in Lincoln County, Nevada (S. 3482 and H.R. 5508 of the 111th Congress).

The sharing of federal revenues from public lands was brought up to the Committee by the Central Nevada Regional Water Authority (CNRWA) (May 7, 2010), several rural counties (for example, Churchill and Eureka Counties), and the Nevada Association of Counties (July 30, 2010); however, as proposed to the Legislative Committee on Public Lands, sharing of federal revenues should not be limited to energy projects and proponents advocate applying revenue sharing concepts to the wide array of activities that occur on public lands.

Therefore, the Legislative Committee on Public Lands recommends that the Legislature:

**Adopt a resolution urging the federal government to enact legislation enabling the sharing of at least a portion of the revenue generated by activities on public lands with the State and local governments, including without limitation, the reinstatement and continuation of the federal laws and policies whereby local governments receive appropriate rents and royalties for geothermal activity on federal land. (BDR R-212)**

A related proposal brought before the Committee by representatives of Eureka, Lander, and Humboldt Counties, and others, addressed the federal Payments in Lieu of Taxes (PILT) program and Secure Rural Schools and Communities Self-Determination Act of 2000. The PILT program requires the federal government to make annual payments to local governments as compensation for the loss of revenue experienced due to the federally owned land within their jurisdictions. The PILT payments began in 1977 with a formula based on population and the amount of federal land in an affected county. Over the years, the Committee has encouraged Congress to fully fund the PILT program and has sent letters in previous interims. More recently, Nevada has been fully funded and the Committee hopes that will continue.

The Secure Rural Schools and Community Self-Determination Act of 2000, reauthorized in 2008, is also designed to compensate rural counties for the loss of their share of certain federal revenues, such as timber sales. The Act is up for reauthorization beyond the federal fiscal year ending in September of 2011. According to testimony at the November 6, 2009, meeting, both these federal funding sources are important to Nevada's rural counties and merit the Committee's continued support.

Therefore, the Committee voted to:

**Include a statement in the final report urging Congress to continue to fully fund payments to states under the Payments in Lieu of Taxes Act and to reauthorize and fund the Secure Rural Schools and Community Self-Determination Act of 2000.**

At its November 6, 2009, meeting in Winnemucca, the Committee heard testimony from Tom Fransway, Commissioner, Board of County Commissioners, Humboldt County, regarding an effort to proactively address the pending wilderness designations in that county. At its July 30, 2010, meeting, the Committee received additional testimony from a member of the Pine Forest WSA Working Group about the process being undertaken. As described to the Committee, the process is proactive and engages local residents in future decisions about wilderness areas. Rather than wait for federal land managers and Congress to act (a "top-down" approach), the Working Group seeks to initiate a "bottom-up" process to improve the decision-making process through early community input and recommendations from an informed group of citizens.

According to the testimony, the Working Group has held several work sessions and one formal field trip and plans on holding several more sessions and a final field trip before making recommendations to the Humboldt County Commission. The Working Group was sanctioned by the Humboldt County Commission in 2009 with the assistance of Trout Unlimited and consists of stakeholders representing a wide range of interests. The Working Group is evaluating the areas at Alder Creek (5,142 acres) and Blue Lake (20,508 acres).

Therefore, the Legislative Committee on Public Lands recommends that the Legislature:

**Adopt a resolution supporting the efforts of the Pine Forest Wilderness Study Area Working Group and the Humboldt County Commission in their reexamination of wilderness study areas in the Pine Forest area of Humboldt County. (BDR R-213)**

At the July 30, 2010, meeting, the Committee devoted a significant portion of the meeting to a recent announcement by the El Paso Corporation about an agreement between the El Paso Corporation and the Western Watersheds Project (WWP). Chair Rhoads invited representatives from the El Paso Corporation to discuss the July 2010 announcement of its donation of \$20 million to the WWP and the Oregon Natural Desert Association (ONDA). According to news reports, in exchange for the donation (\$15 million to a fund for the benefit of the WWP and \$5 million to a fund for the benefit of the ONDA), the two environmental groups agreed to drop their objections to El Paso's proposed 680-mile natural gas pipeline (Ruby Pipeline, L.L.C.), estimated to cost \$3 billion. The Ruby Pipeline begins in Opal, Utah, travels across northern Nevada, and terminates in Malin, Oregon. Of primary concern to the Committee was WWP's statement that its priority for the use of the funds will be to purchase grazing permits from willing ranchers for the purpose of permanently retiring those grazing rights on public lands.

Although the El Paso Corporation representatives testified that the settlement agreements were confidential, they explained the structure of the agreement with WWP and expressed their apologies for not having consulted the livestock industry and other affected persons prior to entering into the agreement with WWP. The El Paso Corporation also advised the Committee that the agreement contained various safeguards to ensure the money was used for mitigation projects and not litigation. The Committee then heard testimony from numerous Nevada and regional organizations (such as the Public Lands Council, affiliated with the National Cattlemen's Beef Association), representatives of many rural Nevada counties, and Nevada ranchers and citizens, on their concerns and opposition to the El Paso agreement with WWP.

Therefore, the Legislative Committee on Public Lands voted to:

**Send a letter to Nevada's Congressional Delegation, the Secretary of the Interior, and the Governor of Nevada, expressing the Committee's strong opposition to agreements, such as the one entered into by the El Paso Corporation and the Western Watersheds Project, that seek to permanently**

**retire grazing permits and eliminate grazing on public lands. Further, urge Nevada's Congressional Delegation and the Governor to oppose any federal legislation that would allow or facilitate in any way the permanent retirement of grazing permits on public lands and to oppose any federal endorsement of such a policy. Further, express the Committee's disappointment that local residents and livestock organizations were not consulted nor allowed to comment prior to the consummation of the agreement, which is being relied upon as mitigation for required federal permits. Also, send a copy of the letter to the Federal Energy Regulatory Commission and the El Paso Corporation. (A copy of the Committee's letter is included in Appendix C.)**

At the March 18, 2010, meeting, Carson City's Open Space Manager advised the Committee about the City's application to BLM for funding in Round 11 under the Southern Nevada Public Land Management Act (SNPLMA) and sought the Committee's support for its application.

Therefore, the Legislative Committee on Public Lands voted to:

**Send a letter to the Bureau of Land Management in support of Carson City's application to nominate the acquisition of the Bently Ranch in the "Parks, Trails, and Natural Areas" category for funding under the Southern Nevada Public Land Management Act. (A copy of the Committee's letter is included in Appendix C.)**

The White Pine County Commission brought forward its concerns about a possible change to the air quality designation for the Great Basin National Park. The Great Basin National Park is currently designated as a Class II airshed. Changing the designation to a Class I airshed would result in the imposition of more stringent air quality and visibility standards and affect certain development within 300 kilometers (approximately 186 miles) of the Park. The Chair of the White Pine County Commission and others testified on July 30, 2010, that raising the airshed class designation of the Park would, among other things, seriously impact the economic development efforts in the County.

Therefore, the Committee voted to:

**Include a statement in the final report stating the Committee's opposition to any reconsideration of the current designation of Great Basin National Park as a Class II airshed.**

At the May 7, 2010, meeting, Lorinda Wichman, Commissioner, Board of County Commissioners, Nye County, spoke to the Committee about the possible consideration of new national monuments in Nevada under the American Antiquities Act of 1906. The Act was passed in the early 1900s to address the threatened destruction and defacement of archeological ruins in the Southwest. The Act permits the designation of national monuments by

administrative action, which bypasses Congress. Designation as a national monument typically limits the allowable uses on that land.

Recent reports of an internal memorandum in the U.S. Department of the Interior allegedly identifying possible national monuments in several western states, including Nevada, have resulted in legislation to amend the Antiquities Act to require congressional approval of any new national monuments. Both U.S. Senator John Ensign (R-Nevada) (S. 3041) and U.S. Representative Dean Heller (R-Nevada) (H.R. 4675) have introduced such legislation in the 111th Congress.

During the 2001 Session, the Legislature passed Senate Joint Resolution No. 2 (File No. 76, *Statutes of Nevada*) at the request of the Committee, which sought to discourage use of the American Antiquities Act of 1906 without the consent of impacted states.

At the work session, the Committee considered the proposal as originally presented and concluded that the primary concern should be the potential for action without input from the State and affected communities.

Therefore, the Committee voted to:

**Include a statement in the final report urging the federal government to consult with the affected State and local governments and to hold public hearings prior to any designation of a new monument under the American Antiquities Act of 1906.**

Both Eureka and Nye Counties brought forward reports of abuses of the Equal Access to Justice Act (EAJA). Originally enacted in 1980 to assist individuals, small businesses, or public interest groups to recover attorneys' fees (up to \$125 per hour) in cases where they were the prevailing party in a lawsuit alleging wrongdoing by federal agencies, the EAJA covers topics ranging from trademark infringement to fair housing to environmental laws. Some watchdog groups are investigating possible abuses of the EAJA by certain environmental groups. Testimony at the May 7 and July 30 meetings addressed local concerns with abuse of the EAJA and the desire for more transparency. This issue was also the subject of a resolution requested by the Committee and passed in the 2007 Session—Senate Joint Resolution No. 12 (File No. 96, *Statutes of Nevada*).

Therefore, the Committee voted to:

**Include a statement in the final report expressing the Committee's support of the reform of the federal Equal Access to Justice Act of 1948 to prevent abuses.**

At the request of Esmeralda County, U.S. Senator Harry Reid arranged for the NPS to conduct a reconnaissance survey of Goldfield, Nevada, for possible nomination as a national

landmark. The Chair of the Esmeralda County Commission, at the May 7, 2010, meeting, updated the Committee on the County Commission's position on the May 2009 survey. The Esmeralda County Commission supports further study provided it is limited to the town boundaries. At this time, it is not known whether further action will occur.

Therefore, the Committee voted to:

**Include a statement in the final report supporting the Esmeralda County Commission's position that any consideration of landmark status for Goldfield be limited to the town and not adjacent mining areas.**

Also at the May 7, 2010, meeting the Nye County Commissioner advised the Committee about pending legislation titled the "Nevada Mining Townsite Conveyance Act." This legislation would require the BLM to expedite an examination and determination of the validity of unpatented mining claims for federally owned land in Ione and Gold Point on which persons constructed improvements with the belief that: (1) title to the property was or would be acquired from the federal government; or (2) title to the property could be acquired by means of a valid claim against the federal government. All land not subject to a valid mining claim would then be conveyed, without cost, to the County which would then convey title to any person with a valid claim to the property under Nevada law. The mining townsites would also be withdrawn from any form of entry, use, or disposal as public lands or under the mining laws. Conveyance of these lands to the County and then to private parties would result in those properties generating tax revenue rather than being tax-exempt federal lands. According to the testimony, other townsites in Nevada have similar issues and would also be appropriate subjects of such congressional action.

Therefore, the Committee voted to:

**Include a statement in the final report supporting pending legislation in the 111th Congress sponsored by U.S. Senator Harry Reid (D-Nevada) (S. 3408) and U.S. Representative Dean Heller (R-Nevada) (H.R. 5370) to clarify title in Ione and Gold Point, former mining towns in Nevada, and further supporting future efforts to clarify title in other similarly affected mining towns in the State.**

During the course of the interim at nearly every meeting, the Committee heard from several county commissioners and others about their frustration with federal planning processes. A lack of consultation and coordination was a common and recurring complaint.

In 1983, the Legislature passed Senate Bill 40 (Chapter 587, *Statutes of Nevada*) which required the State Land Use Planning Agency, in cooperation with State agencies and local governments, to prepare plans or policy statements covering the use of federally administered lands in Nevada. The Public Lands Committee was supportive of that effort and related legislation passed in the 1980s. According to testimony by Lander County representatives, the

County prepared such a plan and updated it, but federal land managers are unfamiliar with the plans and these policies. It was also noted that Title II of Federal Land Policy and Management Act of 1976 (FLPMA) requires the Secretary of the Interior to “. . . keep apprised of State, local, and tribal land use plans [and] assure that consideration is given to those State, local, and tribal plans that are germane in the development of land use plans for public lands . . . .”

Testimony from Eureka County at the July 30, 2010, meeting echoed Lander County’s concerns. Eureka County noted several other federal acts, such as the National Environmental Policy Act of 1969, National Forest Management Act of 1976, and Forest and Rangeland Renewable Resources Act of 1974, mandate coordination with local governments. Pointing out that meaningful coordination should include collaboration and consultation, Eureka County concluded that early and effective input by local governments is the best way to build and strengthen a solid foundation for long-term management decisions.

Of particular concern to persons testifying, and to the Committee, were proposed or adopted travel management plans. In Elko, the USFS had agreed to extend the comment period on the proposed travel management plan to enable additional public input. Persons testifying also had concerns about the lack of local input on grazing policies and restrictions, resource management plans, and right-of-way permitting. One speaker suggested that the federal government should do more to reach out to local residents familiar with the land and its needs and should try to find collaborative solutions rather than “top-down” solutions.

Therefore, the Committee voted to:

**Include a statement in the final report urging federal agencies to consult with all affected local governments early in the federal planning processes and to provide an opportunity for public input at the earliest possible time and urging federal agencies to make themselves familiar with the provisions of the policies and plans of local governments that have been prepared pursuant to the provisions of NRS 321.7355 as enacted in 1983 to complement the Federal Land Policy and Management Act of 1976. Further, the statement would urge federal agencies to consult with affected ranchers and livestock organizations in the development and implementation of grazing policies and restrictions and to encourage federal agencies to use conservation agreements instead of grazing restrictions, whenever feasible. The statement would also urge federal land managers to review and consider county master plans when developing local resource management plans or travel management plans and further urge the BLM to improve public involvement and transparency in its right-of-way permitting process and to improve its environmental studies and review.**

Maximizing the use of public lands in the State is also a recurring theme before the Public Lands Committee, along with balancing the benefits of the large percentage of public

lands and the fiscal and economic drawbacks. Representatives from Churchill County raised this, and other issues, at the March 18, 2010, meeting. After discussion of these concerns at the work session, the Committee crafted a compromise statement on the topic.

Therefore, the Committee voted to:

**Include a statement in the final report recognizing the importance of public lands to Nevada's economy and quality of life, and the importance of all parties working together to maximize the use of public lands in the State. Also, include a statement supporting an increase in the acreage of public lands subject to disposal and efforts to make the disposal process more streamlined and efficient. Finally, include a statement opposing the withdrawal of public lands from exploration, leasing, or other uses, and supporting increased access to public lands.**

## **B. PROPOSED ACTIONS RELATING TO WATER RESOURCES**

The Humboldt River Basin Water Authority (HRBWA) was established in 1993 by Elko, Eureka, Humboldt, Lander, and Pershing Counties, through an interlocal agreement under Chapter 277 of the NRS. The HRBWA appears regularly before the Committee and, among other things, testifies on the impacts of gold mines and other uses on the Humboldt River Basin. The long-term consumptive use associated with evaporation from mine-related pit and gravel lakes has been an HRBWA concern for some time and was again brought to the Committee's attention at its November 6, 2009, meeting. According to clarification received from the State Engineer, he currently has the discretionary authority to require water rights for such uses, but not all pit lakes or gravel pits are required to obtain a water right.

Therefore, the Legislative Committee on Public Lands recommends that the Legislature:

**Amend the statutes to require that a water right be obtained for a pit lake or gravel pit, used for purposes of evaporation. (BDR 48-206)**

In January 2010, the Nevada Supreme Court issued a ruling in *Great Basin Water Network, et al. v. State Engineer* (126 Nev. Adv. Op. No. 2) on the status of some applications filed in 1989 by the Southern Nevada Water Authority (SNWA) for the transfer of water out of several eastern Nevada groundwater basins. The Supreme Court's decision found that the State Engineer's failure to act on the SNWA applications within one year or to qualify for any extensions under the statute (NRS 533.370) required remand to the District Court for consideration of the appropriate remedy. The Supreme Court's January 2010 decision raised questions as to the status of other pending applications and as to the status of earlier water rights approved more than one year after the application was filed.

During its 26th Special Session in February 2010, the Legislature was urged to resolve the uncertainties created by the decision. After several hearings, the Legislature decided to defer

action and instead asked the State Engineer to conduct one or more hearings on the issues raised by the decision and to implement recommendations arising out of the workshops. The State Engineer held such a workshop in March 2010 and made his recommendations for legislative changes to the Governor in a letter dated April 20, 2010. More information on the workshop testimony and a copy of the April 2010 letter are available on the State Engineer's website at: [www.water.nv.gov](http://www.water.nv.gov).

Shortly after, in June 2010 after granting a rehearing requested by the parties, the Nevada Supreme Court withdrew its January decision and issued a new decision setting forth the appropriate remedy and resolving many or most of the uncertainties that had resulted from its earlier decision.

Representatives of the Great Basin Water Network (GBWN) and the State Engineer's office testified at the Committee's meeting on March 18, 2010, on the January 2010 Supreme Court decision and the need for additional clarification and improvement of the statutes relating to interbasin transfers of water. While neither party submitted proposed legislation to the Committee, there appears to be consensus on the need to further clarify the statutes as to the reopening of the protest period and other aspects of the hearing process.

Consequently, at the work session, the Committee did not consider any specific concepts or proposed language. In its vote on this matter, the Committee agreed, as part of the motion, that by making a request for a bill draft, the Committee was not endorsing any specific language or concepts but merely providing a vehicle for legislative consideration of the issues.

Therefore, the Legislative Committee on Public Lands recommends that the Legislature:

**Amend the statutes (such as NRS 533.370) to clarify the renotification and hearing process. (BDR 48-207)**

Another issue brought to the Committee's attention by the State Engineer at the March 18, 2010, meeting was statutory language relating to domestic well credits. When a water purveyor extends service to a parcel served by a domestic well and the well is abandoned, the water purveyor may apply to receive a credit for the water rights represented by the domestic well. The current statute requires a public hearing before the State Engineer can grant the credit. According to the State Engineer, public hearings for such matters are not attended by the public and are unnecessary and costly. Note: After the Committee's July 2010 meeting, the Division of Water Resources requested a bill draft on this same topic—BDR 48-467.

Therefore, the Legislative Committee on Public Lands recommends that the Legislature:

**Amend the statutes (such as NRS 534.350) to eliminate the requirement for a public hearing prior to issuing an order granting domestic well credits to public water systems. (BDR 48-208)**

In the 2009 Session, Assembly Bill 480 (Chapter 250, *Statutes of Nevada*) amended the fee schedule for applications and other actions relating to water. The fee for issuing permits to appropriate water for any purpose other than hydroelectric power or watering livestock was raised from \$200 to \$300 plus \$3 per acre-foot. According to agricultural users, the impact of the fee increase has disproportionately affected agricultural users.

Therefore, the Legislative Committee on Public Lands recommends that the Legislature:

**Amend the statutes (such as NRS 533.435) to revise the fee for agricultural applications to appropriate water. (BDR 48–209)**

As an outgrowth of the litigation between the GBWN and the State Engineer, the lack of definitions for certain terms in the statutes was discussed. In response to the Chair's memorandum inviting the submission of additional proposals for the work session, the GBWN submitted (via e-mail) proposed language for a statutory amendment defining "environmentally sound." (See Appendix D.) Although the State Engineer agreed on the potential benefit of defining "environmentally sound," the question as to whether it would be better to proceed using the rule-making process or the legislative process was raised and discussed with the GBWN and others. The final consensus appears to be that the rule-making process should be given a chance.

Therefore, the Committee voted to:

**Send a letter asking the State Engineer to adopt regulations to add criteria for determining "environmentally sound" in relation to interbasin transfers of water as used in NRS 533.370(6).** *(A copy of the Committee's letter is included in Appendix C.)*

The HRBWA (November 6, 2009), the CNRWA (March 18, 2010), and Eureka County (July 30, 2010) asked the Committee to oppose legislation that would expand the scope of the Clean Water Act. The sponsor of the legislation (H.R. 5088 of the 111th Congress), U.S. Representative James Oberstar (D-Minnesota), states that the legislation does not expand the scope of the Clean Water Act, but opponents argue that the bill is designed to overturn recent court decisions limiting enforcement of the Clean Water Act to "navigable" waterways. Similar legislation has been introduced in prior Congresses and opposed by NACo, ranching and livestock organizations, and western legislatures, to name a few.

Therefore, the Committee voted to:

**Send a letter to Nevada's Congressional Delegation seeking their support in opposing proposed federal legislation that would redefine "navigable waters" or otherwise expand the scope of the federal Clean Water Act (see H.R. 5088 in the 111th Congress), and infringe on the authority of**

**states to regulate water within their boundaries.** *(A copy of the Committee's letter is included in Appendix C.)*

According to the testimony by the Moapa Valley Water District at the Committee's January 22, 2010, meeting, disposals of public lands in and adjacent to its service area can have significant impacts on both the infrastructure and the water resources of the District. Currently, there are several thousand acres in the eastern part of the District's service area being considered for disposal.

Therefore, the Committee voted to:

**Include a statement in the final report encouraging federal agencies to consider impacts on water purveyors when making decisions on public lands, such as changes of use or disposal of lands, and to provide funding mechanisms to mitigate those impacts.**

The President of the Board of Directors of the Truckee-Carson Irrigation District (TCID) sent a suggestion via e-mail in response to the Chair's memorandum soliciting proposals for the work session. According to the TCID representative, the Fernley flood illustrates the potential dangers of urban development encroaching into previously irrigated farmlands. Noting that the local governments within the TCID have different rules and policies about involving the TCID when reviewing parcel maps or subdivisions or certain larger construction projects, he suggested that a consistent statewide approach should be taken to involving irrigation districts in land use decisions. The suggestion was to give the TCID and other irrigation districts more of a role in certain land use decisions from both a practical standpoint of improving design and preventing harm to the irrigation infrastructure as well as a liability standpoint. The Salt River Project in Arizona was suggested as a model for Nevada legislation. The Committee deliberated on this issue and felt that it was premature to request legislation but that it was worthy of further consideration.

Therefore, the Committee voted to:

**Include a statement in the final report recommending that local governments notify irrigation districts of proposed parcel and subdivision maps, and applications for new school construction or other construction that may impact or be impacted by the irrigation district and its infrastructure. Further, include a statement asking local governments to provide a meaningful opportunity to irrigation districts to comment and propose mitigation measures to protect public health, safety, and welfare and avoid impacts to the districts' infrastructure or easements. Finally, include a statement suggesting that the Public Lands Committee consider these issues during the 2011-2012 Interim, take testimony on possible legislative or other solutions, and, if appropriate, request legislation.**

The CNRWA testified at the May 7, 2010, meeting about its concerns that the State Engineer may sometimes undermine local government efforts to set more stringent water dedication requirements to address water supply problems in affected basins or local jurisdictions. The CNRWA would like the State Engineer to consider all points of view before issuing any decisions that might contradict local government ordinances or policies on this subject. Water purveyors may also find themselves in this same situation.

Therefore, the Committee voted to:

**Include a statement in the final report encouraging the State Engineer to consider the water dedication requirements set by local governments or water purveyors and to consult with affected local governments or water purveyors when setting water dedication requirements.**

As the most arid state in the U.S., Nevada law requires water conservation plans; however, some argue that more can be done. Some water purveyors, most notably the SNWA, have begun efforts to look at alternative sources such as desalinization, and the CNRWA testified at the May 7, 2010, meeting that such efforts should be continued and expanded.

Therefore, the Committee voted to:

**Include a statement in the final report urging regional water authorities and private and public water purveyors to maximize conservation efforts, and to thoroughly investigate potential alternative water sources, such as desalinization, use of reclaimed water, rainwater capture, and cloud seeding, and encouraging cities and counties to maximize conservation efforts and to use alternative sources of water to the greatest extent feasible.**

The CNRWA testified at the May 7, 2010, meeting, that, by reviewing native vegetation types and other criteria, the State Engineer should be able to determine at what point a dropping groundwater level would cause unacceptable and possibly irreversible impacts. The CNRWA notes that the use of models and other scientific knowledge makes it possible to set a maximum standard that could trigger either mitigation measures or the cessation of pumping and that having a predetermined trigger provides predictability and reassurance to the affected parties. One suggestion was to adopt regulations addressing this issue and thereby allow an opportunity for public input and scientific debate on the proper mechanisms for implementing such a policy. The N-4 Grazing Board also presented testimony at the January 22, 2010, meeting relating to concerns of the Grazing Board about the future effects of interbasin transfers, including the impacts of drawdowns on vegetation and grazing operations.

Therefore, the Committee voted to:

**Include a statement in the final report encouraging the State Engineer, when feasible as a condition of certain water rights permits, to make a determination of the maximum distance to which groundwater can be lowered before the basin's ecosystem and other water rights holders in the basin will be deemed negatively impacted. Further, encourage the State Engineer to develop and enforce effective monitoring and mitigation measures, for both surface and groundwater projects, to ensure that permit conditions are met and impacts are dealt with in a timely and meaningful way. Finally, encourage the State Engineer to impose appropriate safeguards as a condition of interbasin transfers.**

Another issue raised by the CNRWA at the May 7, 2010, meeting related to land use planning and water resources. According to the CNRWA, when counties adopt land use plans with allowable development densities and uses that exceed current or projected water supplies, the potential for future conflicts between developers, local residents and businesses, and local governments increases. At the work session, some Committee members expressed concern about the statement; however, the maker of the motion to approve the statement noted that the statement was an expression that should be accepted at face value.

Therefore, the Committee voted to:

**Include a statement in the final report recognizing that Nevada has a finite sustainable water supply (surface and groundwater) for its communities and environment, and encouraging local governments to base their land use plans on identified sustainable water resources.**

In 1987, the Legislature created the Board for Financing Water Projects in Chapter 349 of NRS. Two sessions later, A.B. 197 (Chapter 558, *Statutes of Nevada 1991*) and A.B. 198 (Chapter 559, *Statutes of Nevada 1991*) were enacted and authorized loans and grants to water companies for capital improvements, with a preference for water suppliers with 6,000 or fewer customers. The original bills authorized \$100 million in revenue bonds for the loan program and \$25 million in general obligation bonds for the grants. Today, the program is referred to as the "A.B. 198 Program" and the limit on the bonds has been raised several times. At the May 7, 2010, meeting, the CNRWA testified on the value of this program to rural communities and asked the Committee to voice its continued support for the program. Several other counties testified at other meetings in support of this program and, if and when funding might be available in the future, in support of the Water Rights Technical Support Fund created by Senate Bill 62 (Chapter 493, *Statutes of Nevada 2005*) to provide grants to local governments for the protection of existing water rights and the development of water resource data.

Therefore, the Committee voted to:

**Include a statement in the final report voicing the Committee's support for the "Assembly Bill 198 Program" that makes grants to publicly owned small water systems to enable them to meet the requirements of the State Board of Health and the Safe Drinking Water Act.**

### **C. PROPOSED ACTIONS RELATING TO RENEWABLE ENERGY PROJECTS ON PUBLIC LANDS**

At the January 22, 2010, meeting, a representative of Lincoln County and the N-4 Grazing Board presented a number of concepts to the Committee. One of the proposals was a request for the Committee's support of a demonstration biomass project in Lincoln County. The project would be similar to the biomass power plant operated at the Nevada State Prison in Carson City. The BLM Resource Management Plan for the Ely District calls for treatment of 3.2 million acres of pinion and juniper woodlands. According to the testimony, this treatment would enhance forest health, diversify plant communities, reduce fire hazards, and create local jobs in a county with high unemployment. The implementation of a demonstration biomass project would accomplish many different goals and benefit Lincoln County.

Therefore, the Committee voted to:

**Send a letter to the Bureau of Land Management (BLM) in support of a pilot demonstration project in Lincoln County for biomass power generation asking the BLM to commit to providing a 20-year supply of wood from the BLM's proposed thinning of 3.2 million acres of pinion and juniper in the Ely District.** *(A copy of the Committee's letter is included in Appendix C.)*

Another issue raised by the N-4 Grazing Board at the January 22, 2010, meeting was the support of rural counties and ranchers for renewable energy projects. The Grazing Board's written testimony also noted ongoing concerns about siting and mitigation of impacts from such projects. Also, the grazing boards were recently denied cooperating agency status which affected their ability to make their concerns known directly and in a timely manner to the federal permitting agencies. Eureka County (July 30, 2010) also voiced its support for renewable energy and other projects on public lands provided those projects were done with a view towards sustainability and to minimize socioeconomic and resource impacts on rural communities.

Therefore, the Committee voted to:

**Include a statement in the final report supporting renewable energy projects on public lands in Nevada provided that: (1) the design and location of facilities minimize disruption to public land users; (2) the impacts of the project are fully mitigated and there is no net loss of animal unit months;**

**and (3) cooperating agency status is granted to affected grazing boards to ensure them a meaningful role in the planning and implementation of a project.**

Churchill County testified at the March 18, 2010, meeting about its concerns that economic development tax abatements are not needed to attract geothermal companies to Nevada and the County cannot afford to lose the abated tax revenues. Unlike solar or wind power projects, which can be built in many locations, geothermal resources are limited to a few states.

Therefore, the Committee voted to:

**Include a statement in the final report asking the Legislature to consider whether the tax abatements to encourage economic development in the form of geothermal development and energy production in Nevada are necessary and appropriate given the unique and limited nature of the resource and the importance of the abated tax revenue to the local governments.**

#### **D. PROPOSED ACTIONS RELATING TO WILDLIFE, GRAZING, AND NOXIOUS WEEDS**

In March 2010 the USFWS determined that the Greater Sage Grouse is a candidate species for listing, but that listing is precluded at this time due to higher priority listings. The *Greater Sage-Grouse Conservation Plan for Nevada and Eastern California*, issued in 2004 as the result of a bistate task force convened under then Nevada Governor Kenny C. Guinn, has set priorities and identified mitigation projects and data collection needs but continues to lack adequate funding. Efforts to promote renewable energy projects and transmission lines have the potential to impact sage grouse habitat and make implementation of the Conservation Plan a high priority for many interests in Nevada.

At its March 18, 2010, meeting, the Committee heard from the USFWS, the Department of Wildlife, and others, about the issues and impacts related to the potential listing of the sage grouse. The Committee continued to hear testimony at later meetings on the concerns of rural communities about the impacts on economic development and use of public lands if sage grouse were to be listed.

Protection of sage grouse and prevention of its listing as an endangered species has been an ongoing concern of the Public Lands Committee over the past decade. The Committee has sent several letters supporting efforts to protect and preserve sage grouse and their habitat and, in the 2005 Session, sponsored Senate Concurrent Resolution No. 15 (File No. 48, *Statutes of Nevada*), addressing many of the same issues presented during this interim.

Therefore, the Legislative Committee on Public Lands recommends that the Legislature:

**Adopt a resolution urging the State, local governments, users of public lands, and conservation organizations to be proactive in habitat protection, restoration, and mitigation to prevent listing of the Greater Sage Grouse as an endangered species. (BDR R-214)**

Management of wild horse populations in Nevada was of particular concern to many who testified before the Committee. Issues related to wild horses were raised at nearly every meeting by federal and State officials, local governments, State and local organizations, as well as members of the public. Over the interim, the Committee received testimony from persons urging additional protection of wild horses and from persons concerned about BLM's management of wild horses. Balancing the demands on public lands from wildlife, grazing, and wild horses has proven to be a difficult job. The BLM has conducted several high profile gathers recently, and there has been litigation over the gathers.

At the July 30, 2010, meeting, the NCA spoke about wild horses in the context of rangeland health and the importance of the range to Nevada. The NCA expressed concerns about increases in wild horse populations that would decrease other uses on public lands, negatively impact wildlife, and adversely affect the health of wild horses. The NCA testified that it supports keeping wild horses at appropriate management levels, increasing adoption and training programs, and improving the efficiency of gathers; however, the NCA does not support horse preserves on private land, retirement of grazing rights, and expansion of herd management areas.

Also discussed was the pending federal legislation titled "Restore Our American Mustangs Act," commonly referred to as ROAM (S. 1579 and H.R. 1018), that proposes significant changes to the Wild Free-Roaming Horse and Burro Act of 1971. Another concern expressed by the NCA related to the hurdles faced by the BLM in managing the wild horse populations. The NCA concluded its testimony by emphasizing the importance of maintaining the health of the range and further noting that since 1971 the number of cattle on public lands in the west has decreased and the number of wild horses has more than doubled.

Therefore, the Legislative Committee on Public Lands recommends that the Legislature:

**Adopt a resolution addressing the importance of rangeland health to the State's wildlife, endangered species, tax base, and economy and the importance of maintaining the State's tradition of multiple uses of public lands. Further, communicate to the Bureau of Land Management (BLM) the importance of staying within current appropriate management levels (AMLs) and the State's opposition to the expansion of existing herd management areas. Finally, take the steps necessary to ensure that the BLM complies with existing federal laws relating to wild horses and**

**burros and to oppose changes to the Wild Free-Roaming Horse and Burro Act of 1971 that would negatively impact Nevada. (BDR R-215)**

Furthermore, the Committee also voted to:

**Include a statement in the final report expressing the Committee's support for maintaining wild horses and burros at appropriate management levels through timely gathers, adoption programs, private partnerships and the use of sanctuaries, and sterilization.**

At the July 30, 2010, meeting, pursuant to a request by Assemblyman John C. Carpenter, the Committee heard a presentation by Tamzen Stringham, Ph.D., Associate Professor, Department of Animal Biotechnology, College of Agriculture, Biotechnology and Natural Resources, University of Nevada, Reno. Her presentation on hot season grazing restrictions was in response to several complaints that the Committee had received in earlier meetings about the BLM and USFS requiring grazing permittees to move their cattle out of riparian or high altitude areas during the summer months. Dr. Stringham's testimony included the experiences of other communities and other states, and alternative measures that prevent riparian and other environmental damage by cattle and sheep. The Committee also heard from local ranchers; Elko, Eureka, and Lander Counties; and the NCA, on the issue. Concerns about the increasing imposition of such restrictions in Nevada had also been raised in less detail at some earlier meetings of the Committee by county representatives and others. Assemblyman Carpenter suggested that a letter to the federal agencies was preferred over a statement in the final report and the Committee concurred.

Therefore, the Committee voted to:

**Send a letter to the Secretary of the Interior, the Director of the Bureau of Land Management (BLM), the BLM District Managers in Nevada, and Nevada's Congressional Delegation urging them to: (1) reconsider the imposition of hot season grazing deferments; (2) work with rangeland scientists, livestock organizations, and grazing permittees on identifying options to address grazing impacts on riparian and other sensitive areas; and (3) implement alternative programs and policies that protect all public lands and habitats while mitigating or minimizing impacts on the operations of grazing permittees. (A copy of the Committee's letter is included in Appendix C and a copy of the response from the State Director of the BLM is included in Appendix E.)**

The Wildfire Support Group has testified before the Public Lands Committee in prior interims. At the November 6, 2009, meeting, the Committee received an update on the Group's activities since the last interim. In response to the Committee's solicitation for proposals for the work session, the Group provided additional information. Since the November 6, 2009, meeting, the Wildfire Support Group had split into two groups to pursue related but somewhat

different goals. The Wildfire Conservation Group will be focusing on pursuing presuppression or prevention efforts, primarily through funding of fuels management projects while the Wildfire Support Group will continue to work with the BLM on training and fire suppression. The Wildfire Conservation Group is already working with Nevada's Congressional Delegation and federal agencies to maximize funding for Nevada.

The N-4 Grazing Board noted in relation to this proposal and others involving revegetation that, in addition to the use of native grasses and plants, consideration should be also given to the use of non-native grasses or vegetation which have been proven to be effective in reducing fuels for fires and supporting wildlife habitat.

Therefore, the Committee voted to:

**Include a statement in the final report supporting: (1) continued and expanded funding for the Wildfire Conservation Group; (2) additional U.S. Department of Agriculture (USDA) National Resources Conservation Service (NRCS) fuels management projects in Nevada funded through the Environmental Quality Incentives Program; (3) increased USDA Agricultural Research Service or NRCS funding and rangeland research positions for Nevada, including the Great Basin Region; (4) the use of a collaborative landscape partnership approach by federal agencies; (5) the case-by-case qualifying of certified professionals as technical service providers by the NRCS State Conservationist for conservation planning purposes; and (6) the Committee's efforts in Washington, D.C., to obtain the support of Nevada's Congressional Delegation and the appropriate federal agency personnel for efforts listed above.**

## **E. PROPOSED ACTIONS RELATING TO OFF-HIGHWAY VEHICLES**

In 2009, one of the Public Lands Committee's recommended bills was S.B. 394 (Chapter 504, *Statutes of Nevada*). The bill set up a program for titling and registering OHVs, contingent upon the receipt of start-up funding in the amount of \$500,000 by the Department of Motor Vehicles (DMV). The bill is set to expire on July 1, 2011, or one year after the approval by the Interim Finance Committee (IFC) of the start-up funding, whichever occurs first. As of October 2010, the IFC had not approved the funding.

The Public Lands Committee was advised at its January 22, 2010, meeting that Clark County has committed to providing the \$500,000 in start-up funding from permittees (in exchange for credits) under the Multiple Species Habitat Conservation Plan and has been working on a contract with the DMV. In the event that the expiration date becomes a problem with implementation of S.B. 394, the Committee was presented with a request to have a bill draft to extend the deadline as appropriate.

Therefore, the Legislative Committee on Public Lands recommends that the Legislature:

**Amend the statutes (see S.B. 394, Chapter 504, *Statutes of Nevada 2009*) to extend the deadline for implementation of the titling and registration provisions for off-highway vehicles. (BDR S-210)**

Ken Freeman, a representative from the Southern Nevada Off Road Enthusiasts, raised an issue about the titling and registration of homemade OHVs at the January 22, 2010, meeting. Mr. Freeman suggested addressing this gap in the same way homebuilt motor vehicles are handled in DMV statutes and regulations. (See NRS 482.290 and *Nevada Administrative Code* 482.501 relating to such motor vehicles.)

Therefore, the Legislative Committee on Public Lands recommends that the Legislature:

**Amend the statutes (such as Chapter 490 of NRS), in relation to the provisions for titling and registering off-highway vehicles (OHVs) as enacted in S.B. 394, to exempt homemade or other OHVs without vehicle identification numbers (VINs) in a manner similar to the existing statutes for certain motor vehicles without VINs. (BDR 43-211)**

#### IV. APPENDICES

	<u>Page</u>
Appendix A	
<i>Nevada Revised Statutes</i> 218E.500 Through 218E.535 .....	25
Appendix B	
Status of Bill Draft Requests From 2007-2008 Interim .....	33
Appendix C	
Committee Letters Approved During the Final Work Session .....	37
Appendix D	
Proposal for Legislation Regarding Interbasin Transfers of Water From the Great Basin Water Network.....	59
Appendix E	
Letter From the Bureau of Land Management.....	63
Appendix F	
Suggested Legislation .....	67



**APPENDIX A**

*Nevada Revised Statutes* 218E.500 Through 218E.535



*Nevada Revised Statutes*

**NRS 218E.500 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)—(Substituted in revision for NRS 218.536)

**NRS 218E.505 “Committee” defined.** As used in [NRS 218E.500](#) to [218E.535](#), inclusive, “Committee” means the Legislative Committee on Public Lands.

(Added to NRS by 1979, 5; A 1983, 209)—(Substituted in revision for NRS 218.5361)

**NRS 218E.510 Creation; membership; budget; officers; terms; vacancies; alternates.**

1. There is hereby established a Legislative Committee on Public Lands consisting of four members of the Senate, four 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 Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

3. The members of the Committee shall select a Chair from one House of the Legislature and a Vice Chair from the other. 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 office of Chair or Vice Chair, the members of the Committee shall select a replacement for the remainder of the unexpired term.

4. Any member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session of the Legislature convenes.

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

6. The Legislative Commission may appoint alternates for members of the Committee. The Chair of the Committee may designate an alternate appointed by the Legislative Commission to serve in place of a regular member who is unable to attend a meeting. The Chair shall appoint an alternate who is a member of the same House and political party as the regular member to serve in place of the regular member if one is available.

(Added to NRS by 1979, 5; A 1983, 209; 1985, 589; [2009, 1150, 1561](#))—(Substituted in revision for NRS 218.5363)

**NRS 218E.515 Meetings; rules; quorum; compensation, allowances and expenses of members.**

1. Except as otherwise ordered by the Legislative Commission, the members of the Committee shall meet not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the times and places specified by a call of the Chair or a majority of the Committee.

2. The Research Director of the Legislative Counsel Bureau or a person he or she has designated shall act as the nonvoting recording Secretary.

3. The Committee shall prescribe rules for its own management and government.

4. Five members of the Committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Committee.

5. 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 218A.655](#) 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.

6. 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 or her 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 the local political subdivision.

(Added to NRS by 1979, 5; A 1981, 170; 1983, 209; 1985, 398, 1131; 1987, 1208; 1989, 426, 1217, 1222; [2009, 1151, 1561](#))—(Substituted in revision for NRS 218.5365)

**NRS 218E.520 General powers.**

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 Chair 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](#))—(Substituted in revision for NRS 218.5367)

### **NRS 218E.525 Additional powers and duties.**

1. The Committee shall:

(a) 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.

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

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

2. The Committee:

(a) Shall review the programs and activities of:

(1) The Colorado River Commission of Nevada;

(2) 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

(3) 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;

(b) Shall, 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 paragraph (a); and

(c) May review and comment on other issues relating to water resources in this State, including, without limitation:

(1) The laws, regulations and policies regulating the use, allocation and management of water in this State; and

(2) The status of existing information and studies relating to water use, surface water resources and groundwater resources in this State.

(Added to NRS by 1983, 208; A [2003, 2506](#); [2007, 672](#))—(Substituted in revision for NRS 218.5368)

**NRS 218E.530 Administration of oaths; deposition of witnesses; issuance and enforcement of subpoenas.**

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

(a) The Secretary of the Committee, or in the Secretary's absence any member of the Committee, may administer oaths.

(b) The Secretary or Chair 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 Chair 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 Chair 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 the witness, 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 the witness 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)—(Substituted in revision for NRS 218.5369)

**NRS 218E.535 Fees and mileage for witnesses.**

1. Each witness who appears before the Committee by its order, except a state officer or employee, is entitled to receive for such attendance the fees and mileage provided for witnesses in civil cases in the courts of record of this State.

2. 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 Chair of the Committee.

(Added to NRS by 1979, 6)—(Substituted in revision for NRS 218.5371)



## **APPENDIX B**

Status of Bill Draft Requests From 2007-2008 Interim



**STATUS OF BILL DRAFT REQUESTS  
FROM 2007-2008 INTERIM**

<b>BDR</b>	<b>SUMMARY</b>	<b>BILL/ RESOLUTION</b>	<b>STATUS</b>
50-495	Deletes the provisions that place each state grazing board within the State Department of Agriculture.	S.B. 109	Chapter 352, <i>Statutes of Nevada 2009</i>
R-496	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.	S.C.R. 3	File No. 67, <i>Statutes of Nevada 2009</i>
10-497	Revises provisions governing the purchase of a home or improved lot that is adjacent to open range.	S.B. 106	Chapter 183, <i>Statutes of Nevada 2009</i>
46-498	Requires the placement of solid markers on mining claims.	S.B. 108	Chapter 221, <i>Statutes of Nevada 2009</i>
49-499	Revises provisions governing assessments on real property located within a weed control district.	S.B. 219	Chapter 209, <i>Statutes of Nevada 2009</i>
49-500	Revises provisions governing the abatement of noxious weeds.	S.B. 110	Failed
43-501	Requires registration and titling of off-highway vehicles.	S.B. 394	Chapter 504, <i>Statutes of Nevada 2009</i>
30-502	Revises provisions governing the awarding of grants to certain purveyors of water.	S.B. 105	Chapter 182, <i>Statutes of Nevada 2009</i>
S-503	Makes an appropriation to the State Engineer to develop a hydrologic database for water basins in Nevada.	S.B. 347	Failed



## **APPENDIX C**

**Committee Letters Approved During the Final Work Session**



STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NEVADA 89701-4747  
Fax No.: (775) 684-6600



LEGISLATIVE COMMISSION (775) 684-6800  
JOHN OCEGUERA, *Assemblyman, Chairman*  
Lorne J. Malkiewich, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821  
BERNICE MATHEWS, *Senator, Co-Chair*  
STEVEN HORSFORD, *Senator, Co-Chair*  
Mark Krmptic, *Fiscal Analyst*  
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LORNE J. MALKIEWICH, *Director*  
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BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830  
PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815  
DONALD O. WILLIAMS, *Research Director* (775) 684-6825

December 3, 2010

The Honorable Shelley Berkley  
United States Representative  
405 Cannon House Office Building  
Washington, D.C. 20515-0001

The Honorable Dean Heller  
United States Representative  
125 Cannon House Office Building  
Washington, D.C. 20515-0001

The Honorable Dina Titus  
United States Representative  
319 Cannon House Office Building  
Washington, D.C. 20515-0001

Re: El Paso Corporation Agreement

Dear Congresswoman Berkley, Congressman Heller, and Congresswoman Titus:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2009-2010 Interim. Created by the Nevada State Legislature in 1983, the Committee travels throughout Nevada between legislative sessions to receive updates from federal land managers on federal land management policies and plans, and to listen to the concerns of local government officials, State agency personnel, interest groups, private organizations, public land users, and citizens on a wide range of public lands issues.

At its final meeting in Ely, Nevada, on July 30, 2010, the Committee held a hearing on the July 2010 agreement between the El Paso Corporation and the Western Watersheds Project (WWP). This agreement set up a \$15 million mitigation fund for use by WWP in exchange for WWP's withdrawal of its objections to the El Paso Corporation's 680-mile natural gas pipeline (Ruby Pipeline LLC) being constructed across northern Nevada.

December 3, 2010

Of primary concern to the Committee was WWP's statement that its priority for the use of the mitigation funds is the purchase of grazing permits from ranchers for the purpose of permanently retiring grazing rights on public lands.

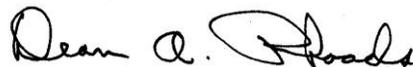
The El Paso Corporation admitted in the hearing that it had failed to consult with affected residents, local governments, ranchers, and livestock organizations during its negotiations with WWP. Although the Committee acknowledges that the El Paso Corporation has the right to settle or avoid litigation with WWP, the public should be permitted to comment on such settlements, or agreements in lieu of litigation, when those settlements or agreements are relied upon as mitigation for required federal permits.

The Committee's concerns centered on the importance of grazing permits on federal public lands to the State's livestock industry. Without such permits, most Nevada ranchers cannot survive. Although the El Paso Corporation stated that there was no intent on its part to lobby for changes in the Taylor Grazing Act of 1934, the Committee was advised that an attempt to amend the Act had recently been thwarted. If WWP is able to achieve (or even make progress toward) its stated goal of eliminating grazing on public lands by permanently retiring grazing permits, the impacts on rural counties, cities, and towns will be sweeping and severe. Rural economies are already struggling in many parts of Nevada and the efforts of a litigious environmental organization to eliminate grazing on public lands would make matters significantly worse.

**Therefore, at the conclusion of the hearing, the Committee voted unanimously to send letters urging Nevada's Congressional Delegation, the Governor of the State of Nevada, and the Secretary of the Interior, to oppose any federal legislation that would allow, or facilitate in any way, the permanent retirement of grazing permits on public lands. The Committee voted to urge Nevada's Congressional Delegation and the Governor to oppose any federal endorsement of such a policy as well as any amendments to resource management or other federal planning documents that would have the effect of circumventing the intent of the Taylor Grazing Act. Finally, the Committee directed that copies of this letter be sent to the Federal Energy Regulatory Commission and the El Paso Corporation.**

If you have any questions regarding this matter or the Committee's concerns, please do not hesitate to contact me or Public Lands Committee staff at (775) 684-6825.

Sincerely,



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

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
401 S. CARSON STREET  
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DONALD O. WILLIAMS, *Research Director* (775) 684-6825

December 3, 2010

The Honorable Harry Reid  
United States Senator and Senate Majority Leader  
528 Hart Senate Office Building  
Washington, D.C. 20510-0001

The Honorable John Ensign  
United States Senator  
119 Russell Senate Office Building  
Washington, D.C. 20510-2805

Re: El Paso Corporation Agreement

Dear Senator Reid and Senator Ensign:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2009-2010 Interim. Created by the Nevada State Legislature in 1983, the Committee travels throughout Nevada between legislative sessions to receive updates from federal land managers on federal land management policies and plans, and to listen to the concerns of local government officials, State agency personnel, interest groups, private organizations, public land users, and citizens on a wide range of public lands issues.

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December 3, 2010

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Sincerely,



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

STATE OF NEVADA  
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DONALD O. WILLIAMS, *Research Director* (775) 684-6825

December 3, 2010

The Honorable Jim Gibbons  
Governor of the State of Nevada  
101 North Carson Street, Suite 1  
Carson City, Nevada 89701-4786

Re: El Paso Corporation Agreement

Dear Governor Gibbons:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2009-2010 Interim. Created by the Nevada State Legislature in 1983, the Committee travels throughout Nevada between legislative sessions to receive updates from federal land managers on federal land management policies and plans, and to listen to the concerns of local government officials, State agency personnel, interest groups, private organizations, public land users, and citizens on a wide range of public lands issues.

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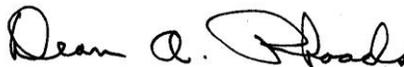
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Sincerely,



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

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DONALD O. WILLIAMS, *Research Director* (775) 684-6825

December 3, 2010

Ken Salazar  
Secretary of the Interior  
United States Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240-0001

Re: El Paso Corporation Agreement

Dear Secretary Salazar:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2009-2010 Interim. Created by the Nevada State Legislature in 1983, the Committee travels throughout Nevada between legislative sessions to receive updates from federal land managers on federal land management policies and plans, and to listen to the concerns of local government officials, State agency personnel, interest groups, private organizations, public land users, and citizens on a wide range of public lands issues.

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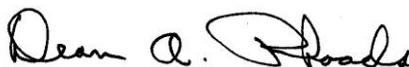
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If you have any questions regarding this matter or the Committee's concerns, please do not hesitate to contact me or Public Lands Committee staff at (775) 684-6825.

Sincerely,



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

DAR/smy:W101137-3

cc: Jon Wellinghoff, Chair, Federal Energy Regulatory Commission  
Craig V. Richardson, Vice President and General Counsel, El Paso Corporation  
William H. Healy, Jr., Vice President, Ruby Pipeline Engineering, El Paso Corporation

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

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DONALD O. WILLIAMS, *Research Director* (775) 684-6825

September 17, 2010

Ken Salazar  
Secretary of the Interior  
United States Department of the Interior  
1849 C Street, N.W., Room 6156  
Washington, D.C. 20240

Robert V. Abbey, Director  
Bureau of Land Management  
United States Department of the Interior  
1849 C Street, N.W., Room 5665  
Washington, D.C. 20240

Re: Southern Nevada Public Land Management Act Funding for Bently Ranch Acquisition

Dear Messrs. Salazar and Abbey:

On July 30, 2010, Nevada's Legislative Committee on Public Lands held its last meeting of the 2009-2010 Interim. During the interim, the Committee held hearings throughout Nevada to receive testimony from concerned citizens, public land users, State and local government officials and staff, interest groups, and federal agency representatives on a wide range of public lands issues.

The Committee has been very supportive over the years of the goals and programs of the Southern Nevada Public Land Management Act (SNPLMA). One of the most successful aspects of SNPLMA has been the expenditure of funds in Nevada for the acquisition of environmentally sensitive lands and the development of parks and trails.

At its March 2010 meeting, the Committee heard testimony from representatives of Carson City related to their efforts to obtain SNPLMA funding for the acquisition of the Bently Ranch situated on approximately 470 acres along the Carson River. This acquisition is squarely within the scope of SNPLMA and would accomplish several goals, including the enhancement of parks and trails in Carson City, protection of the Carson River floodplain, and

Ken Salazar and Robert V. Abbey

Page 2

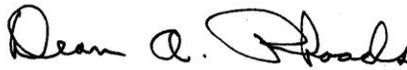
September 17, 2010

preservation of historic features near the River. The Committee also learned that acquisition of the Bently Ranch would allow for improved management of the Carson River and protection from inappropriate motorized access and other destructive activities.

Given the benefits of this acquisition to Carson City, the Committee voted unanimously at its July 30, 2010, meeting to support Carson City's application for SNPLMA funding to acquire the Bently Ranch.

Thank you for your consideration of this letter. Please do not hesitate to contact me or Committee staff if we can be of any assistance to you.

Sincerely,



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

DAR/smy:W101138

cc: The Honorable Harry Reid, United States Senate  
The Honorable John Ensign, United States Senate  
The Honorable Shelley Berkley, House of Representatives  
The Honorable Dean Heller, House of Representatives  
The Honorable Dina Titus, House of Representatives  
Ron Wenker, Nevada State Director, BLM  
Bob Crowell, Mayor, Carson City  
Juan F. Guzman, Open Space Manager, Carson City

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

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Fax No.: (775) 684-6600



LEGISLATIVE COMMISSION (775) 684-6800  
JOHN OCEGUERA, *Assemblyman, Chairman*  
Lorne J. Malkiewich, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821  
BERNICE MATHEWS, *Senator, Co-Chair*  
STEVEN HORSFORD, *Senator, Co-Chair*  
Mark Krmptic, *Fiscal Analyst*  
Rick Combs, *Fiscal Analyst*

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DONALD O. WILLIAMS, *Research Director* (775) 684-6825

September 28, 2010

Jason King, P.E., State Engineer  
Division of Water Resources  
State Department of Conservation and Natural Resources  
901 South Carson Street, Suite 2002  
Carson City, Nevada 89701-5246

Dear Mr. King:

The Legislative Committee on Public Lands recently completed its work for the 2009-2010 Interim, during which time the Committee held hearings throughout Nevada to listen to citizens' concerns about public lands and water issues and to review federal and State land management policies with elected officials, federal and State agency personnel, interest groups, and private organizations.

During the legislative interim, the Committee received reports from regional water authorities and local water districts, and others concerning a wide range of water issues. Interbasin water transfers and the associated impacts continue to be of concern to many communities, interest groups, and others. The recent Nevada Supreme Court decisions in the *Great Basin Water Network v. State Engineer* (126 Nev. Adv. Op. No. 20), litigation have highlighted the potential ambiguities of the existing statutes on various issues.

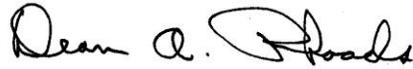
Therefore, the Committee voted unanimously to request the Division of Water Resources to undertake the process for adopting regulations to better define the term "environmental soundness" as used in the *Nevada Revised Statutes* (NRS) 533.370(6). Attached to this letter is a proposal submitted by the Great Basin Water Network for criteria relating to "environmental soundness." Please note that the Committee did not specifically endorse the attached proposal.

It is the hope of the Committee that the rule-making process will enable the Great Basin Water Network and other interested entities and persons throughout the State to provide input on the definition of "environmental soundness" and the adoption of a regulation that captures the intent of the statute and facilitates review of interbasin applications.

Jason King  
Page 50  
September 28, 2010

Thank you for your attention to this matter and your commendable work in implementing Nevada's water law. Please do not hesitate to contact me or Committee staff if we may be of any assistance to you during the rule-making process.

Sincerely,

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

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

DAR/smy:W101139

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

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DONALD O. WILLIAMS, *Research Director* (775) 684-6825

September 17, 2010

The Honorable Harry Reid  
United States Senator and Senate Majority Leader  
528 Hart Senate Office Building  
Washington, D.C. 20510-0001

The Honorable John Ensign  
United States Senator  
119 Russell Senate Office Building  
Washington, D.C. 20510-2805

Re: Amendments to Clean Water Act

Dear Senator Reid and Senator Ensign:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2009-2010 Interim. The Committee travels throughout Nevada between legislative sessions to receive updates from federal land managers on federal land management policies and plans and to listen to the concerns of local government officials, State agency personnel, interest groups, private organizations, public land users, and citizens on a wide range of public lands issues. The Committee also monitors the activities of regional water authorities, local water districts, and the Division of Water Resources in the State Department of Conservation and Natural Resources.

Given that approximately 87 percent of the State is owned by the federal government, monitoring federal legislation that may affect Nevadans and Nevada businesses is another focus of the Committee. This interim, many who testified before the Committee expressed serious concerns with H.R. 5088 of the 111th Congress, titled "America's Commitment to Clean Water Act." You may recall that the Committee expressed identical concerns to you last interim with regard to H.R. 2421 and S. 1870 of the 110th Congress (known as the "Clean Water Restoration Act of 2007").

Then, as now, the primary concern is that the deletion of the definition of "navigable waters" as part of the Federal Water Pollution Control Act would effectively relinquish control of virtually all waters in the United States to the federal government.

September 17, 2010

The definition of navigable waters would, under these measures, be replaced with a broad definition of “waters of the United States,” which includes, among others:

. . . (i) all waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide; (ii) all interstate and international waters, including interstate and international wetlands; (iii) all other waters, including intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which does or would affect interstate or foreign commerce, the obligations of the United States under a treaty, or the territory or other property belonging to the United States; (iv) all impoundments of waters otherwise defined as waters of the United States under this paragraph; (v) tributaries of waters identified in clauses (i) through (iv). . .

Nevada law is clear that the State Engineer has broad authority over water matters in this State and, as the most arid state, retention of control over the State’s waters is critical to both the citizens and the economy of Nevada. The language proposed in H.R. 5088 could severely diminish, on a national scale, the authority of the states to properly manage their water resources.

Based on these concerns, the Committee voted unanimously to send a letter to Nevada’s Congressional Delegation expressing its opposition to H.R. 5088 and any similar water legislation that may be introduced in the Congress.

Thank you for your attention to this matter and for your commitment to protecting Nevada’s right to manage its own water resources. The Committee looks forward to an opportunity to discuss this and other issues with you and the other members of Nevada’s Congressional Delegation during its upcoming trip to Washington, D.C., the week of September 20th.

Sincerely,



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

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

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401 S. CARSON STREET  
CARSON CITY, NEVADA 89701-4747  
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September 17, 2010

The Honorable Shelley Berkley  
United States Representative  
405 Cannon House Office Building  
Washington, D.C. 20515-0001

The Honorable Dean Heller  
United States Representative  
125 Cannon House Office Building  
Washington, D.C. 20515-0001

The Honorable Dina Titus  
United States Representative  
319 Cannon House Office Building  
Washington, D.C. 20515-0001

Re: Amendments to Clean Water Act

Dear Congresswoman Berkley, Congressman Heller, and Congresswoman Titus:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2009-2010 Interim. The Committee travels throughout Nevada between legislative sessions to receive updates from federal land managers on federal land management policies and plans and to listen to the concerns of local government officials, State agency personnel, interest groups, private organizations, public land users, and citizens on a wide range of public lands issues. The Committee also monitors the activities of regional water authorities, local water districts, and the Division of Water Resources in the State Department of Conservation and Natural Resources.

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September 17, 2010

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Then, as now, the primary concern is that the deletion of the definition of “navigable waters” as part of the Federal Water Pollution Control Act would effectively 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:

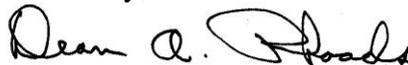
. . . (i) all waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide; (ii) all interstate and international waters, including interstate and international wetlands; (iii) all other waters, including intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which does or would affect interstate or foreign commerce, the obligations of the United States under a treaty, or the territory or other property belonging to the United States; (iv) all impoundments of waters otherwise defined as waters of the United States under this paragraph; (v) tributaries of waters identified in clauses (i) through (iv). . .

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Thank you for your attention to this matter and for your commitment to protecting Nevada’s right to manage its own water resources. The Committee looks forward to an opportunity to discuss this and other issues with you and the other members of Nevada’s Congressional Delegation during its upcoming trip to Washington, D.C., the week of September 20th.

Sincerely,



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

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DONALD O. WILLIAMS, *Research Director* (775) 684-6825

September 17, 2010

Ken Salazar  
Secretary of the Interior  
United States Department of the Interior  
1849 C Street, N.W., Room 6156  
Washington, D.C. 20240

Tom Vilsack  
Secretary of Agriculture  
United States Department of Agriculture  
1400 Independence Avenue, S. W.  
Washington, D.C. 20250-0003

Re: Lincoln County, Nevada: Biomass Demonstration Project

Dear Messrs. Salazar and Vilsack:

Nevada's Legislative Committee on Public Lands is writing to seek your support of a biomass power generation demonstration project in Lincoln County, Nevada. During its January 2010 meeting in Las Vegas, the Committee received testimony from representatives of Lincoln County and the N-4 State Grazing Board regarding a proposed demonstration project for a biomass power generation plant in the Ely District of the Bureau of Land Management (BLM), United States Department of the Interior.

Currently, there are approximately 3 million acres of pinion and juniper trees in Lincoln and White Pine Counties that need to be treated for forest health and fire hazard reduction. This acreage has been identified as a priority for treatment in the approved 2008 Resource Management Plan (RMP) for the BLM Ely District. The proposed demonstration project would use the biomass generated from the treatment as feedstock for a power plant that would generate electricity for Lincoln County. This demonstration project would accomplish many goals, including: (1) improvement of forest health and plant diversity; (2) restoration of sagebrush and other native habitats; (3) reduction of fuels for forest fires; (4) generation of "green" energy; and (5) creation of jobs in an area where unemployment exceeds 14 percent.

Ken Salazar and Tom Vilsack

Page 2

September 17, 2010

Given the acreage identified by BLM's RMP that requires treatment and the projected available biomass, Lincoln County believes it would be feasible for a company to build such a plant in their community provided the BLM would commit to supplying excess biomass for the time necessary to amortize a facility investment, which is expected to be approximately 20 years.

The Committee is aware that the use of biomass to fuel power plants is also an issue in other western states that have millions of acres in need of treatment. The Lincoln County demonstration project would be a wonderful way to show what collaboration and good planning can accomplish on our public lands.

As you are aware, legislation is pending in Congress (such as S.3381 of the 111th Congress) to reverse the existing prohibition against using biomass from public lands in energy projects. While Congress works on removing this final hurdle, the Committee urges your positive consideration of Lincoln County's proposed demonstration project.

Thank you for your attention to this matter. If you have any questions, do not hesitate to contact the Committee or its staff at (775) 684-6825.

Sincerely,



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

DAR/smy:W101141

cc: The Honorable Harry Reid, United States Senate  
The Honorable John Ensign, United States Senate  
The Honorable Shelley Berkley, House of Representatives  
The Honorable Dean Heller, House of Representatives  
The Honorable Dina Titus, House of Representatives  
Robert V. Abbey, Director, BLM  
Ron Wenker, State Director, Nevada, BLM  
Rosemary (Rosey) Thomas, District Manager, Ely District Office, BLM  
Thomas L. Tidwell, Chief, USFS  
Jeanne Higgins, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS  
Jose Noriega, District Ranger, Ely Ranger District, USFS

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September 17, 2010

Ken Salazar  
Secretary of the Interior  
United States Department of the Interior  
1849 C Street, N.W., Room 6156  
Washington, D.C. 20240

Robert V. Abbey, Director  
Bureau of Land Management  
United States Department of the Interior  
1849 C Street, N.W., Room 5665  
Washington D.C.

Re: "Hot Weather" Grazing Restrictions

Dear Messrs. Salazar and Abbey:

The Legislative Committee on Public Lands recently completed its work for the 2009-2010 Interim during which time the Committee held hearings throughout Nevada to listen to citizens' concerns about public lands and water issues and to receive testimony about federal and state land management policies from local elected officials, federal and state agency personnel, interest groups, and private organizations.

One prominent issue was the increasing use of so-called "hot weather" grazing restrictions on certain grazing allotments in higher elevations or riparian areas within Nevada. According to testimony from grazing permittees, local government officials, and a rangeland management scientist, restricting grazing during the summer months is just one of many strategies that can be used to mitigate or avoid damage to riparian areas and sensitive habitats. Rotational grazing and fencing of riparian areas are two alternatives that have been used successfully in other states.

The Committee also heard from ranchers about the severe economic impacts that can result from the indiscriminate and unnecessary use of "hot weather" grazing restrictions and the effective reduction in animal unit months that results from the imposition of such restrictions.

Ken Salazar and Robert V. Abbey

Page 2

September 17, 2010

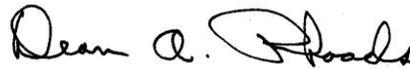
Finally, the Committee heard from a rangeland scientist about the potential for serious ecological impacts due to grazing cattle in drier areas during the summer months and negative impacts on cattle health and reproduction.

It is well established that grazing, if properly permitted and monitored, can be a useful tool in maintaining and improving our public rangelands. Suppression of cheatgrass and the management of fuels is just one of the benefits that can be gained by prudent grazing practices.

Therefore, the Committee voted unanimously at its final meeting in July 2010, to send a letter to the Bureau of Land Management urging it to reconsider the use of “hot weather” grazing restrictions and to focus on other rangeland management strategies that protect habitat and riparian areas while maintaining the full range of uses on public lands and mitigating economic impacts on ranchers and the livestock industry. The Committee also voted unanimously to urge the BLM to work with grazing permittees on identifying alternative strategies and tailoring any necessary grazing restrictions to the specific conditions within the grazing allotment.

Thank you for your consideration of this letter. Please do not hesitate to contact me or the Committee staff if we can be of any assistance to you.

Sincerely,



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

DAR/smy:W101142

cc: The Honorable Harry Reid, United States Senate  
The Honorable John Ensign, United States Senate  
The Honorable Shelley Berkley, House of Representatives  
The Honorable Dean Heller, House of Representatives  
The Honorable Dina Titus, House of Representatives  
Ron Wenker, Nevada State Director, BLM

**APPENDIX D**

Proposal for Legislation Regarding Interbasin Transfers of Water  
From the Great Basin Water Network





## GREAT BASIN WATER NETWORK

1755 E. Plumb Ln. #170  
Reno, NV 89502  
775-786-9955

### Proposal for Legislation Regarding Interbasin Transfers of Water

Nevada's interbasin water transfer statute, NRS 533.370(6), currently requires the State Engineer to deny an application for an interbasin transfer of water if he finds that such the proposed transfer would not be "environmentally sound" with regard to the basin from which the water is proposed to be taken.

It has been suggested that the term "environmentally sound" is not adequately defined to give the State Engineer enough specific guidance to make meaningful determinations as to what is or is not "environmentally sound" for a given basin.

If the Public Lands Committee and State Legislature decide to address this issue, the Great Basin Water Network (GBWN) recommends that Nevada's interbasin transfer statute be modified to make the following priorities and considerations more explicit:

1. The Legislature should establish a set of general criteria for defining what is "environmentally sound" with regard to the basin of origin.
2. The General Criteria should provide that:
  - a. A scientifically sound, independent inventory of hydrologic and biological conditions in the basin of origin must be compiled at the applicant's expense to serve as a baseline against which potential effects or changes are gauged (should include but not be limited to springs, creeks, seeps, wet meadows; types of vegetative and animal species; and current groundwater levels and quality).
  - b. A proposed transfer must leave enough water in the basin of origin to satisfy the purposes of protecting existing water rights holders, and for designated public lands in that basin, such as parks, wildlife refuges and wildlife management areas, and other public lands with grazing allotments and wildlife needs. Drawdowns have occurred in basins of origins without water leaving the basin, therefore, current basins of origin with declining groundwater levels should be protected from further drawdowns.
  - c. A proposed transfer must not threaten to eliminate or substantially reduce or degrade any population or habitat of any fish, animal, or plant

community; or any species that is listed or designated as a species of concern under federal or state law.

- d. A proposed transfer must not threaten the health, safety or welfare of residents living in the basin of origin.
  - e. A proposed transfer must not threaten the existence or integrity of important examples of major periods of Nevada history or prehistory.
  - f. In assessing the potential environmental effects of a proposed transfer, the State Engineer should consider the cumulative effects of the proposed transfer together with historic uses and reasonably probable future uses, as well as the transfer's individual effects.
  - g. In assessing potential environmental effects of the proposed transfer, the State Engineer should also consider the impacts to future water supplies in the basin of origin that may be affected by long term droughts and/or possible climate change.
  - h. A proposed transfer is not "environmentally sound" and must be denied if it is likely it will have the kind of effects listed above, and either (i) those effects cannot feasibly be avoided or mitigated or (ii) there are feasible alternatives that would avoid such effects.
3. The State Engineer also should be directed to establish individualized criteria for specific basins in consultation with other agencies having relevant expertise, such as those that manage public lands or resources in the affected areas.

**APPENDIX E**

Letter From the Bureau of Land Management





## United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Nevada State Office  
P.O. Box 12000 (1340 Financial Blvd.)  
Reno, Nevada 89520-0006  
<http://www.blm.gov/nv/st/en.html>

OCT 12 2010

In Reply Refer to:  
1781 (NV930/NV912)

The Honorable Dean A. Rhoads  
Chair, Nevada Legislative Committ  
Nevada State Legislature  
401 South Carson Street  
Carson City, Nevada 89701

Dear Senator Rhoads:

This letter is in response to your September 17, 2010, inquiry to Secretary of the Interior Ken Salazar in which you expressed concerns regarding Nevada Bureau of Land Management's (BLM) use of "hot weather" grazing restrictions on certain allotments in higher elevations or riparian areas. Secretary Salazar asked that I respond directly to your letter. As always, I would like to express my appreciation for the opportunity to respond to your concerns.

Designing grazing practices intended to maintain or improve resource conditions, such as functioning riparian ecosystems, while meeting the needs of livestock, and the livestock permittee, is always our objective. As you know, the duration and timing of grazing use, along with use levels, can fundamentally influence the composition, resilience and persistence of vegetation. Vigorous vegetation, in the types and amounts appropriate for its location, is vitally important to achieving and maintaining healthy ecosystems – ecosystems that support an array of multiple uses with which we are all familiar, including forage, water for livestock, and habitat for fish and wildlife.

Please be aware that when BLM determines to limit grazing use during the "hot season" in Nevada, it is done neither indiscriminately or unnecessarily. During its deliberations and in consultation with the permittees and interested public, the BLM examines practical and feasible options that would have a reasonable chance of success of meeting resource management goals and accommodating the business needs of the livestock operator.

The BLM, in coordination with the Forest Service, has a work unit based in Oregon (the National Riparian Service Team) that specifically focuses on proper management of riparian areas. Nevada BLM has utilized this team on several occasions, to assist in developing grazing strategies where poor condition riparian areas due to livestock use were an issue, and it will continue to do so in the future.

Limiting grazing during the hot season is only one tool to achieve the objective. The BLM has had success in many areas within Nevada and elsewhere in the West employing grazing management practices such as off-site water development, rotational grazing, active herding, fencing, and deferment to achieve management goals, including the goal of ensuring properly-functioning riparian areas. These tools and strategies, when diligently executed, are in many cases sufficient to address the management issues at hand.

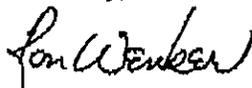
Depending on circumstances, however, the ability of the BLM and the rancher to implement what otherwise could be an appropriate tool or strategy to achieve the resource objective may not be feasible or practical for either the BLM or the rancher. For example, active herding to ensure proper riparian use may not be feasible for a rancher. Fencing to enable deferment or rotation of riparian area use may be cost prohibitive. It may not be practical or possible to develop an off-site water source to attract livestock away from the riparian areas.

Generally, the use of hot season grazing restrictions as a tool to create conditions conducive to achieving resource objectives is employed only after other possible tools or strategies have either not worked or are found to be unworkable or not applicable to the specific management circumstances. In other cases, temporary limitations on "hot season" use may be employed during the short term while management infrastructure and strategies are emplaced that provide for both hot season grazing and improved resource conditions.

The BLM is aware that adapting a grazing operation to account for limited "hot season" use on public lands presents challenges and difficulties. At the heart of the BLM's mission is to promote and facilitate the stewardship of public land resources for their use and enjoyment by current and future generations. The BLM has and will continue to work with livestock operators on a case-by-case basis to identify and implement grazing management practices intended to ensure that resource conditions are maintained and/or improved while allowing them reasonable access to public land forage resources.

Please do not hesitate to call me if you have any additional questions or would like to discuss this further at (775) 861-6590.

Sincerely,



Ron Wenker  
State Director, Nevada

## APPENDIX F

### Suggested Legislation

The following Bill Draft Requests will be available during the 2011 Legislative Session, or can be accessed after “Introduction” at the following website: <http://leg.state.nv.us/Session/76th2011/BDRList/page.cfm?showAll=1>.

- BDR 48–206 Revises provisions governing the use of water for evaporation in a pit lake or gravel pit.
- BDR 48–207 Revises provisions governing certain notices and hearings concerning applications to appropriate water for beneficial use.
- BDR 48–208 Repeals provisions requiring a public hearing before the issuance of an order granting domestic well credits to a public water system.
- BDR 48–209 Revises the amount of the fees collected for issuing a permit to appropriate water for agricultural use.
- BDR S–210 Revises provisions governing the titling and registration of off-highway vehicles.
- BDR 43–211 Revises provisions governing off-highway vehicles.
- BDR R–212 \_JR: Urges the Federal Government to enact legislation authorizing the sharing of revenue generated by certain activities conducted on public lands.
- BDR R–213 \_CR: Expresses support for the Pine Forest Working Group and the Board of County Commissioners of Humboldt County in reexamining wilderness study areas located in the Pine Forest area of Humboldt County.
- BDR R–214 \_CR: Urges proactive habitat protection, restoration and mitigation to prevent listing of the Greater Sage Grouse as an endangered species.
- BDR R–215 \_JR: Expresses support for rangeland health in Nevada.

