



NEVADA LEGISLATURE
LEGISLATIVE COMMITTEE ON PUBLIC LANDS
(Nevada Revised Statutes 281E.510)

SUMMARY MINUTES AND ACTION REPORT

The fifth meeting and work session of the Nevada Legislature's Legislative Committee on Public Lands was held on Friday, July 30, 2010, at 8:30 a.m. in the Bristlecone Convention Center, Sage and Juniper Rooms, 150 Sixth Street, Ely, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's website at <http://www.leg.state.nv.us/interim/75th2009/committee/>. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's (LCB's) Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT IN ELY:

Senator Dean A. Rhoads, Chair
Assemblyman Jerry D. Claborn, Vice Chair
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

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Susan E. Scholley, Chief Principal Research Analyst, Research Division
Susan M. Young, Senior Administrative Assistant, Research Division
Chuck Anderson, A/V Technical Assistant, Broadcast and Production Services
Ryan Dombrowski, A/V Technical Assistant, Broadcast and Production Services

OPENING REMARKS

- Chair Rhoads called the meeting to order and asked the secretary to call the roll. He then expressed appreciation to the Town of Ely for hosting the Legislative Committee on Public Lands, and welcomed testifiers, presenters, and members of the public. Chair Rhoads concluded with honorary remarks to the three termed-out members of the Committee: Senator Care, Assemblyman Carpenter, and Assemblyman Claborn.

APPROVAL OF MINUTES OF THE MAY 7, 2010, MEETING HELD IN TONOPAH, NEVADA

- The Committee **APPROVED THE FOLLOWING ACTION:**

COMMISSIONER COLLINS MOVED TO APPROVE THE “SUMMARY MINUTES AND ACTION REPORT” OF THE MAY 7, 2010, MEETING HELD IN TONOPAH, NEVADA. THE MOTION WAS SECONDED BY ASSEMBLYMAN CARPENTER AND PASSED UNANIMOUSLY.

OVERVIEW OF AGREEMENT BETWEEN EL PASO CORPORATION AND ENVIRONMENTAL ORGANIZATIONS RELATING TO RUBY PIPELINE AND RELATED ISSUES

And

PRESENTATION ON ACTIVITIES OF THE WESTERN LEGACY ALLIANCE

- Chair Rhoads began the overview of the agreement between the El Paso Corporation and environmental organizations relating to the Ruby Pipeline and related issues with a statement that addressed his concerns with the agreement, which included: (1) the Western Watersheds Project (WWP) will have access to \$15 million to retire grazing on public lands; (2) the lack of consultation with ranchers and farmers affected by this agreement; and (3) the potential for future negative implications regarding Ruby Pipeline and other projects.

Chair Rhoads read a letter ([Exhibit B](#)) from Senator John Ensign (R-Nevada), which conveyed Senator Ensign’s concerns about the agreement that has been entered into between the El Paso Corporation, Oregon Natural Desert Association (ONDA), and WWP. He also read a letter ([Exhibit C](#)) from Representative Dean Heller (R-Nevada) stating his concerns over the agreement with the El Paso Corporation, WWP, and ONDA. Furthermore, Chair Rhoads called upon members of the ranching community to voice their concerns over the agreement.

- John Falen, Vice Chair, Public Lands Council (PLC), testified that the PLC met with leadership of the Ruby Pipeline, and a considerable amount of time was spent on the education of public lands ranching including a discussion of the term “willing seller.”

Mr. Falen stated that he asked for a copy of the mitigation plan and the agreement; neither have been received. The El Paso Corporation asked the PLC to join its advisory board, but the PLC declined because Mr. Falen was of the opinion that it was not beneficial to the PLC. He stressed that the agreement is a tremendous obligation and would be a detriment to the cattle industry. Mr. Falen concluded that the PLC would like the El Paso Corporation to challenge the WWP, to remove any “buyout” language in the agreement, and to delete any references to changing to the Taylor Grazing Act of 1934.

In response to questions from Senator Care regarding the agreement and any attempt to undermine the intent of the Taylor Grazing Act as noted in the letter ([Exhibit B](#)) from Senator Ensign, Mr. Falen surmised that the Taylor Grazing Act specifically states that the grazing permits cannot be sold nor auctioned off. He further surmised that the owner of a grazing permit can sell it to another qualified person. Mr. Falen noted it is against the law for the grazing permits to be bought by a person, such as Jon Marvel from WWP, and stressed that he did not know the exact effective date of the agreement, but was of the understanding it was signed in mid-July 2010.

- Chair Rhoads explained the PLC is a 12-state organization of Western grazing permittees, and Mr. Falen is the incoming State Director of the PLC.
- Ron Cerri, President, Nevada Cattlemen’s Association (NCA), added that ranchers are not against the pipeline; however, the disapproval is over the funds allotted to the WWP. He noted that the only information the NCA has received is what has been released to the press, with few specifics. Mr. Cerri expressed concern that the agreement has the potential to be used against the ranching industry.

Responding to Senator Care’s question regarding the time period when ranchers began selling water rights and granting easements for the pipeline, Mr. Cerri noted those actions began as early as two to three months ago. He did not know when the WWP began talking about the agreement.

- Dan Gralian, Representative, Western Legacy Alliance (WLA), began with a brief introduction of the WLA, which included: (1) the purpose of the formation of the WLA by public lands ranchers and leaders in the agriculture industry; and (2) the WLA’s concerns over radical environmental groups. He testified that eliminating the funding of these environmental groups would be the most effective method to end the attacks on ranchers and public lands grazing. Mr. Gralian further testified that an outside company was contracted to begin a public campaign to bring awareness to the public that the funds being donated to certain environmental organizations were not being used in the solicited manner. Mr. Gralian opined that the major funding for these organizations is the federal government under the Equal Access to Justice Act (EAJA) so that lawsuits may be brought against the federal government in order to acquire additional funding for their organizations. He pointed out there have been two bills introduced into the United States Congress (H.R. 4717 and S. 122, both of the 111th Congress) to require the Attorney General of the

United States to compile, and make publicly available, certain data relating to EAJA that would prevent the continued flow of money to the radical environmental groups.

- Steve Boies, Chair, Central Committee of Nevada's State Grazing Boards, and Chair, Nevada Grazing Board of District No. 1, testified that his family is still involved with WWP due to the status of the Hubbard Vineyard Allotment multiple-use decision; however, his land does not have any involvement with the Ruby Pipeline Project ([Exhibit D-1](#)). He further testified, representing the State Grazing Boards, that there are funds available to the State Grazing Boards that cannot currently be used due to restrictions. Consequently, new projects related to grazing are at a stalemate due to appeals from WWP. Mr. Boies concluded his testimony by stating that, as grazing permittees, county and state governments need to address the flaws in regulations that are being exploited by radical environmental organizations.

In response to Chair Rhoads' question whether the State Grazing Boards would consider making an offer to WWP so that they would withdraw their protest, Mr. Boies voiced he would absolutely not consider such an offer.

Answering a question posed by Senator Lee, Mr. Falen stated the permit, if not used for a period of time, reverts back to the federal government, and the federal government is then required to offer it to another qualified user.

In response to a question from Senator Care concerning a news article ([Exhibit D-2](#)) on the subject of permanently retiring grazing permits, Mr. Falen responded in order to permanently retire a permit, the law would have to be changed as it is currently written in the Taylor Grazing Act.

There was a discussion between Commissioner Collins and Mr. Falen regarding the intent of the Taylor Grazing Act. Mr. Falen clarified that the permits and the grazing rights must be used. He stated that the public lands are intended for grazing lands, and in order to retire a permit, the grazing rights must be relinquished to the federal government.

- Assemblyman Carpenter queried the length of time that Mr. Boies has been involved with legal proceedings with respect to the Hubbard Vineyard Allotment.
- Mr. Boies responded that it has been four years that his ranch has been actively involved with the allotment issue. He noted that WWP has not appeared at any recent collaborative group meetings. Mr. Boies opined that the goal of WWP is to remove cattle from public lands.
- Chair Rhoads commented that he has served as Chair on the Legislative Committee on Public Lands for 26 years. He stressed the alarming effects the agreement with the El Paso Corporation and WWP will have on the ranching and cattle industry.

- William H. Healy, Vice President, Ruby Pipeline Project, El Paso Corporation, provided an overview of the agreement between the El Paso Corporation and environmental organizations relating to the Ruby Pipeline and other related issues, which included: (1) a description and broad background of the pipeline; (2) the location of the pipeline; (3) the number of states the pipeline crosses; (4) pipeline construction; (5) projected revenue returned to the economy; (6) mitigation of the construction damage to the environment; and (7) an overview of the agreement with WWP.

Mr. Healy further testified that the El Paso Corporation has not designated any money to ONDA or WWP. He stated that funds are allocated for habitat restoration and for willing sellers to help preserve sage grouse habitat.

- Craig V. Richardson, Vice President and General Counsel, El Paso Corporation, testified further on the agreement between the El Paso Corporation and environmental organizations relating to the Ruby Pipeline and other related issues, which included: (1) the El Paso Corporation's intent with the agreement and that the intention is not the same as that of WWP; (2) the Corporation had no intent to change, amend, modify, or effect any part of the Taylor Grazing Act; (3) examples around the United States where grazing permits are part of a habitat protection program for specially managed lands; and (4) the corporation will continue to work with the ranching and livestock industry to implement measures and address concerns.
- Chair Rhoads asked whether the El Paso Corporation approached WWP to remove the language pertaining to buying out the grazing permittee.
- Mr. Richardson stated that the El Paso Corporation is gathering the information needed to listen, learn, and understand the communities' concerns.

There was a discussion between Commissioner Collins and Mr. Healy on the use of \$20 million to improve sage grouse habitat. Mr. Healy pointed out that the Corporation did not contribute money to oppose ranching, but contributed money to protect the habitat for sage grouse and pygmy rabbits. Commissioner Collins commented that he would like that amount of money matched to improve grazing.

A discussion ensued between Senator Care and Mr. Richardson regarding the administrative challenges filed by WWP and ONDA through multiple federal agencies in an attempt to block the pipeline. Senator Care requested clarification that the El Paso Corporation funds went only to WWP and ONDA. Mr. Richardson stated that the funds were placed into a separate corporation, a 501(c)(3) trust fund was created by the El Paso Corporation with a three-member board with the task to oversee the distribution of the funds.

In response to Senator Care's queries, Mr. Richardson verified the funds are controlled by a separate entity and will be used as originally intended and that the funds cannot be used for

litigation. Mr. Richardson further noted that a finite portion of available funds could be applied to lobbying legislation.

- Chair Rhoads discounted Mr. Richardson's statement regarding the lack of a connection to a "bait and switch" due to language in the agreement favoring WWP.
- Assemblyman Bobzien commented on previous statements made concerning sage grouse habitat and ranching.
- Mr. Healy responded that the El Paso Corporation does not believe ranching and sage grouse are incompatible.

Responding to Commissioner Collins' inquiry regarding whether the El Paso Corporation was applying for renewable energy tax credits, Mr. Healy responded he is not aware if the Corporation is qualified to receive tax credits; however, the Corporation is purchasing offsets and credits to make the pipeline carbon neutral and offset construction and operating emissions.

- Mr. Richardson stated that the Corporation is interested in having discussions with ranchers that would also address topics meaningful to the Legislative Committee on Public Lands. He pointed out that unprecedented conservation agreements, which exceed the trust fund, have been entered into with federal agencies dealing with endangered species.
- Assemblyman Carpenter fervently voiced his opinion that sage grouse habitat was not of concern to WWP; rather, the intentions of the WWP are to remove livestock and grazing from public lands. He further opined that the allotment plans ranchers and the Bureau of Land Management (BLM) have attempted to implement would be more beneficial not only for the sage grouse but also livestock. Assemblyman Carpenter then inquired as to the amount of funding the Department of Wildlife (DOW) would receive with the agreement.
- Mr. Richardson testified there is a dollar amount associated with the DOW agreements. He noted the trust fund limits control and distribution of the funds from WWP. Mr. Richardson cited confidentiality issues associated with agreements and that both parties in the agreement must concur as to what can be made public.

Concluding his testimony, Mr. Richardson categorically denied that the trust fund or the El Paso Corporation had anything to do with related legislation recently discussed in Congress. He stressed that there is no connection between this agreement and what was introduced in the U. S. Congress.

PUBLIC COMMENT

(As directed by Chair Rhoads, this agenda item was taken out of order.)

- Chair Rhoads entered a letter into the record from the Sierra Club ([Exhibit E](#)), which addresses environmental concerns with the construction of the Ruby Pipeline. Chair Rhoads noted he has had conversations with U.S. Senator Harry Reid's (D-Nevada) office and interjected that Senator Reid is supportive of the livestock industry's position with the Ruby Pipeline agreement.
- Demar Dahl, Commissioner, Board of County Commissioners, Elko County, stated that the Elko County Commission supports the use of natural resources. He voiced displeasure with the El Paso Corporation's support for the WWP.
- John Ellison, Commissioner, Board of County Commissioners, Elko County, indicated he had supported the Ruby Pipeline project until the WWP was given access to the trust fund. He opined the actions of the WWP have been devastating to ranchers.
- Tom Fransway, Commissioner, Board of County Commissioners, Humboldt County, voiced his support for the project but noted he was disappointed with recent actions of the El Paso Corporation and the WWP. Commissioner Fransway stated there is federal legislation sponsored by Senator Ensign to amend the EAJA to include transparency and accountability.
- Boyd M. Spratling, D.V.M, rancher, Elko County, informed the Committee that the pipeline crosses his private property. He praised the El Paso Corporation for emphasizing the mitigation of the negative impacts of the Ruby Pipeline project on public lands. He voiced his dissatisfaction with the WWP and the potential for a precedent to be set with the agreement.
- William C. Kirby, Commissioner, Board of County Commissioners, Esmeralda County, opined that the El Paso Corporation is enabling the WWP's agenda by making money available to the WWP to pursue litigation against the cattle industry.
- Mr. Falen, previously identified, stated the ranchers did not select the WWP as a partner in this agreement. He was of the opinion that the WWP, based on news releases, assumes it has control over the money.

DISCUSSION OF WILD HORSE AND GRAZING ISSUES

- Ron Cerri, previously identified, discussed wild horses and grazing issues in Nevada, which included: (1) the increase in the percentage of horses on public lands; (2) advocacy groups seeking to create preserves, which the NCA is opposed to on federal lands; (3) a proposal to Ken Salazar, Secretary of the Interior, U.S. Department of the Interior, for the creation of wild horse preserves in the Midwest; (4) advocacy

groups opposed to the proposal; (5) the potential that preserves could increase appropriate management levels (AMLs); and (6) public lands need to remain multiple-use lands. (Please see [Exhibit F.](#))

- Boyd M. Spratling, previously identified, and member, National Wild Horse and Burro Advisory Board, responded affirmatively to Chair Rhoads' inquiry that sale authority of wild horses is still available to the BLM. However, the process is restricted, and written acknowledgment by the buyer is required indicating horses will not be sold for slaughter.
- Meghan Brown, Executive Director, NCA, provided a brief overview of the draft goals and objectives from the BLM, which include: (1) addressing fertility control; (2) expansion of adoption programs and creation of new gather techniques; and (3) grazing rights on private land that may be bought, sold or traded by the property owner.

Ms. Brown continued her testimony noting that the NCA does not support "buyouts" or third-party leases as proposed in the BLM's plan. She further noted that the NCA is opposed to expanding herd management areas or the acquisition of land for that purpose.

In response to a question from Chair Rhoads, Ms. Brown noted that many elements of the goals and objectives would require congressional action or a change in the Wild Horse and Burro Act of 1971.

- Steve Boies, previously identified, testified regarding wild horses and grazing issues, which included: (1) the challenge to educate people who believe they are helping the wild horses but may be creating more suffering; (2) wild horse deaths in recent roundups; (3) cattle grazing with access to water may be creating improved range and environment for the wild horses; and (4) ranchers' support for the BLM in the management and control of the wild horse population.
- Ms. Brown pointed out that problems with the Tuscarora, Nevada, wild horse gather were partly due to the protests by the WWP over grazing permits.
- Mr. Cerri noted that BLM records confirm there are fewer cattle grazing on public lands now than when the Wild Horse and Burro Act of 1971 was enacted, and the number of wild horses have increased.

UPDATE ON BUREAU OF LAND MANAGEMENT PROGRAMS AND ACTIVITIES IN NEVADA

- Rosemary (Rosey) Thomas, District Manager, Ely District Office, BLM, provided an update on the BLM programs and activities in the Ely District, which included: (1) current activities and projects; (2) the Ely resource management plan; (3) projects

funded by the American Recovery and Reinvestment Act of 2009; (4) energy projects; (5) electrical transmission development; (6) gas pipeline development; (7) geothermal development; (8) oil and gas development; (9) watershed analysis; (10) fire and fuels management; (11) groundwater development; (12) minerals; (13) noxious and invasive weed management; (14) rangeland management; (15) wild horses and burros; (16) recreation and travel management planning; (17) wilderness management plans; (18) Yucca Mountain Rail Corridor; (19) special legislation regarding the Southern Nevada Public Land Management Act and the Lincoln County Archaeological Initiative; and (20) proposed land sale. (Please see [Exhibit G.](#))

There was a discussion between Senator Care and Ms. Thomas regarding the number of jobs associated with solar energy projects. Ms. Thomas replied that construction would create the greatest number of jobs dependent upon the size or phase of the project.

A discussion ensued between Assemblyman Bobzien and Ms. Thomas regarding the role of DOW in environmental assessments. She noted that the BLM consults with DOW to monitor and collect data relative to specific species, but the responsibility lies with BLM to collect, examine, and disclose the impact to the environment.

In response to a question from Assemblyman Carpenter regarding the Ely Ranger District travel management plan (TMP), Ms. Thomas responded the District is working on the TMP for the south Steptoe Valley and that this is the first TMP in the Ely District.

- Ken Miller, District Manager, Elko District Office, BLM, provided an update on the BLM programs and activities in the Elko District, which included: (1) Tuscarora wild horse gather issues and challenges; (2) minerals management; (3) oil and gas management; (4) lands and realty; (5) wild horse management; (6) grazing management; (7) recreation; (8) wildlife; (9) fire preparedness, suppression, and fuels management; and (10) division of support services. (Please see [Exhibit H.](#))

UPDATE ON UNITED STATES FOREST SERVICE ACTIVITIES AND PLANNING EFFORTS IN NEVADA

- Jose Noriega, District Ranger, Ely Ranger District, U.S. Forest Service (USFS), provided an update on the USFS activities and planning efforts in Nevada, which included: (1) Ely Westside Rangeland Project; (2) Ely TMP; (3) noxious weed management project; (4) vegetation and fuels management; (5) livestock management issues; and (6) recreation and wilderness management. (Please see [Exhibit I.](#))

There was a discussion between Senator Lee and Mr. Noriega regarding the issue of roads and prescriptive rights. Mr. Noriega stated most nonauthorized roads were created by hunters or for cross-country access to maintain fences and are undeveloped, high-clearance roads.

UPDATE ON THE NATIONAL PARK SERVICE ACTIVITIES AND PLANNING EFFORTS IN NEVADA

Great Basin National Park

- Andy Ferguson, Superintendent, Great Basin National Park (GBNP), National Park Service (NPS), provided an update on the NPS activities and planning efforts in Nevada, which included: (1) the status of GBNP projects, including removal of hazardous trees; (2) a brief description of the endemic species in GBNP; (3) plaque restoration and spotting scopes; and (4) the hiring of a new Chief Ranger for GBNP. (Please see [Exhibit J-1](#), [Exhibit J-2](#), [Exhibit J-3](#), [Exhibit J-4](#), and [Exhibit J-5](#).)

In response to a question from Senator Care regarding glaciers in the park, Mr. Ferguson commented that the glaciers at GBNP are rock glaciers and have all the characteristics of snow glaciers, but the rocks act like shifting ball bearings.

There was a discussion between Assemblyman Carpenter and Mr. Ferguson regarding the number of visitors to GBNP each year. Mr. Ferguson stated 90,000 people may visit during a good year. He noted that the visitor numbers at the beginning of June 2010 had increased 3 percent over last year; however, the visitor numbers at the end of June 2010 showed a 16 percent decrease.

DISCUSSION OF GRAZING AND OTHER RANGELAND ISSUES

- Tamzen Stringham, Ph.D., Associate Professor, Department of Animal Biotechnology, College of Agriculture, Biotechnology and Natural Resources, University of Nevada, Reno (UNR), offered a discussion on grazing and other rangeland issues, which included: (1) the need to protect riparian areas; (2) ecological and economic implications of warm weather grazing; (3) circumstances surrounding livestock leaving the upper elevation grazing areas early; (4) UNR Gund Research Ranch experiment with the season of change decision for grazing; (5) changes to the riparian areas; (6) increase of hoof rot and pinkeye in cattle; (7) problems created by cattle on wet soil; (8) challenges with cow and calf production and grazing; (9) cheatgrass concerns; (10) inflexibility of different public lands management agencies to working with ranchers; and (11) problems created by incorrect levels of assessment.

A discussion ensued between Senator Care and Dr. Stringham regarding studies in other states about hot-weather grazing. Dr. Stringham noted that hot-season deferment appears to be taking place only in Nevada.

- Assemblyman Carpenter queried as to areas that are using hot-season grazing versus areas that are grazing on a rest rotation.

- Dr. Stringham responded that there are some successful examples of rest rotation grazing in Elko, Nevada, and in Oregon. She noted that there has been great success when livestock behavior is understood and riparian riders have been used to move the cattle.

OVERVIEW OF PUBLIC LANDS AND NATURAL RESOURCE ISSUES, INCLUDING PROGRAMS AND ACTIVITIES OF MUNICIPAL WATER DISTRICTS

Elko County

- Demar Dahl, previously identified, provided an overview of public lands and natural resource issues in Elko County, which included: (1) development of a TMP and alternatives to the TMP; (2) issues with blocked access to certain roads by the USFS; (3) changes to the TMP by the USFS to reduce road access; (4) closed roads not being marked by USFS; and (5) the importance of keeping roads open in Elko County.

Eureka County

- Jim Ithurrealde, Commissioner, Board of County Commissioners, Eureka County, provided information relative to a bill draft request (BDR) that will be proposed by the County in the 2011 Session. He noted that Eureka County has requested support from the Legislative Committee on Public Lands in its effort to effectively manage water resources at a local level. (Please see [Exhibit K.](#))
- Jacob Tibbitts, Natural Resources Manager, Eureka County, provided an overview of public lands and natural resource issues in Eureka County, which included: (1) water resources; (2) request for continued support of Senate Bill 62 (Chapter 493, *Statutes of Nevada 2005*) and the Assembly Bill 198 (Chapter 559, *Statutes of Nevada 1991*), commonly referred to as the “A.B. 198 Grant Program”; (3) concerns over stock water permits; (4) proposed amendments to the Clean Water Act; (5) Mormon crickets and grasshoppers; (6) range resources and grazing; (7) appreciation for the efforts of the BLM, USFS, and grazing permittees to initiate and implement cooperative permittee monitoring; (8) access to federally administered land; (9) issues and challenges with wild horses and burros; (10) federal agency coordination with local government; (11) renewable energy; and (12) planning and growth. (Please see [Exhibit K.](#))
- Assemblyman Carpenter queried as to the implementation of hot-season grazing in Eureka County.
- Mr. Tibbitts noted that Eureka County has planned a sensible approach to hot-season grazing. He pointed out that one of the examples of hot-season grazing referenced in Dr. Stringham’s testimony is a ranch in Eureka County.

In response to a question from Senator Lee concerning the operation of the molybdenum mine, Mr. Tibbitts opined it was not the County that has slowed the progress of the mine.

He pointed out that a draft environmental impact statement has not been submitted, and the BLM has not yet permitted the project.

White Pine County

- Laurie L. Carson, Chair, Board of County Commissioners, White Pine County, provided introductory remarks. (Please see [Exhibit L-1](#).)
- Gary A. Perea, Commissioner, Board of County Commissioners, White Pine County, provided an overview of public lands and natural resource issues in White Pine County, which included: (1) support for the nine recommendations from the Central Nevada Regional Water Authority; (2) potential impacts and concerns over the reclassification of the GBNP as a Class I airshed; (3) habitat management and fuel reductions; and (4) traditional uses and balances with closing roads to motorized vehicles. (Please see [Exhibit L-1](#), [Exhibit L-2](#), and [Exhibit L-3](#).)
- Donna Bath, former County Clerk, White Pine County, provided a brief history of the GBNP and the airshed classification, which included: (1) work with the National Park Conservation Association; (2) ramifications of Class I versus Class II airshed designations; (3) the potential effects that would result with coverage over a tri-state area; (4) Las Vegas and southern California as the main contributors to the air pollution problem; (5) the importance of keeping culture and history intact; (6) preference to reclassify Death Valley as a Class I airshed and leave GBNP as a Class II airshed. (Please see [Exhibit L-1](#) and [Exhibit L-2](#).)
- Mr. Perea noted that the applications will not leave any leeway for commercial growth, and it has already slowed down commercial and agricultural growth.
- Dean Baker, rancher, White Pine County, provided an overview of public lands and natural resource issues, in White Pine County, which included: (1) agreements with the Southern Nevada Water Authority for agricultural water; (2) water rights given to the Baker Water and Sewer General Improvement District and other entities from the Baker Ranch; (3) changes in water laws; and (4) effects of water drawdowns.

OVERVIEW OF THE ACTIVITIES OF THE LEGISLATIVE COMMITTEE TO OVERSEE THE WESTERN REGIONAL WATER COMMISSION (SENATE BILL 487, CHAPTER 531, *STATUTES OF NEVADA 2007*)

- Assemblyman David P. Bobzien, Chair, Legislative Committee to Oversee the Western Regional Water Commission (WRWC), asked the Committee to refer to a handout for an overview of the activities of the Legislative Committee to Oversee the WRWC during the 2009-2010 Interim. (Please see [Exhibit M](#).)

UPDATE ON PINE FOREST WILDERNESS STUDY AREAS WORKING GROUP

- Jim Jeffress, Representative, Pine Forest Wilderness Study Area (WSA) Working Group, provided an update on the Pine Forest WSA Working Group, which included: (1) objectives of the meeting held on January 30, 2010; (2) effects of the Wilderness Act of 1964 on the public; (3) a brief description of a WSA; (4) the framework of the Wilderness Act of 1964; (5) overarching criteria for wilderness characteristics; (6) final BLM recommendation to Congress and the President in 1991; (7) options used to date in Nevada to address WSAs; (8) county land use bills; (9) options for the permanent designation of a WSA; and (10) identifying issues and concerns within the Alder Creek and Blue Lakes WSAs. (Please see [Exhibit N.](#))
- Tom Fransway, Commissioner, Board of County Commissioners, Humboldt County, testified that the two WSAs in question are Blue Lakes and Alder Creek. He noted that those WSAs have a combined 27,000 acres.

PUBLIC COMMENT

- Gene Etcheverry, Executive Director, Lander County, outlined a resolution by Lander County that supports the ranching and livestock industry within Lander County by promoting sound agricultural and grazing practices and opposes the imposition of the BLM and the USFS with hot-weather grazing permits. ([Exhibit O-1](#) and [Exhibit O-2.](#))
- Ray Williams, Commissioner, Board of County Commissioners, Lander County, noted that the issue of hot-weather grazing and state sovereignty has been on County's agenda for several months.
- Laura Leigh, Project Manager, Herd Watch, Reno, Nevada, addressed the following:
 1. Lawsuit filed against the BLM regarding the Tuscarora gather;
 2. Need for a system of accountability for government agencies;
 3. Private interests for private profit on public lands; and
 4. The need to restore the Wild Free-Roaming Horse and Burro Act of 1971.
- Craig C. Downer, Wildlife Ecologist, and Member, Species Survival Commission, expressed great concern for the wild horses and burros. He opined that the horses are being abused. He stated his support for the Restoring Our American Mustangs Act (H.R. 1018 of the 111th Congress). (Please see [Exhibit P-1](#) and [Exhibit P-2.](#))
- Patsy Tomera, resident of White Pine County, suggested every national park in the U.S. should include wild horse herds.
- George Parman, a resident of Eureka, Nevada, commented on the wild horses in Nevada. He pointed out that since 1972, over 225,000 wild horses have been adopted. He opined that there should be a solution to control the wild horse population. (Please see [Exhibit Q.](#))

- Connie Simkins, resident of Lincoln County, and Secretary, N-4 State Grazing Board, opined that the BLM wild horse gathers could have been improved by the placement of panels around water sources. She suggested birth control be implemented for the captured horses before they are returned to the range. Ms. Simkins urged the Committee to encourage federal management agencies to include native and nonnative beneficial plants in restoration efforts. In conclusion, she voiced support for renewable energy.
- Ronda Hornbeck, Commissioner, Board of County Commissioners, Lincoln County, thanked Chair Rhoads for taking a tour of some of the mountain peaks in Lincoln County. She mentioned that Lincoln County is not opposed to wind generation, but it is opposed to the proposed location of the wind generation plant.
- Susan Lynn, Member, Board of Directors, Great Basin Water Network, Reno, commented on two items to be considered during the Committee's work session. She suggested that Recommendation No. 15 and Recommendation No. 21 are related and encouraged the Committee to ask the State Engineer to work with attorneys and the public on the potential legislation.
- William C. Kirby, Commissioner, Board of County Commissioners, Esmeralda County commented on wild horses jumping fences and running across roads. He surmised that there are too many incidences where horses are killed and cars are destroyed. He stressed that the wild horse population needs to be brought to sustainable levels.

WORK SESSION—DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATIONS RELATING TO:

- *Water*
- *Noxious Weeds*
- *Off-Highway Vehicles*
- *Federal Natural Resources and Public Lands Legislation*
- *Grazing*
- *Fire Suppression and Rangeland Rehabilitation*
- *Public Lands Management*
- *Mining*
- *Natural Resources and Public Lands Generally*
- *Wild Horses and Burros*

“WORK SESSION DOCUMENT”

The following “Work Session Document” ([Exhibit R](#)) has been prepared by the Chair and staff of the Legislative Committee on Public Lands and is designed to assist the Committee in determining which legislative measures will be requested for the 2011 Session of the Nevada Legislature and what other actions the Committee will endorse.

The members of the Committee may vote to send as many Committee statements or letters as they choose; however, pursuant to *Nevada Revised Statutes* (NRS) 218D.160, the Committee is limited to ten legislative measures, which include both BDRs and requests for the drafting of resolutions.

The inclusion of proposed actions in this “Work Session Document” does not imply the support or opposition of the Committee. Rather, these possible actions are compiled so the members may review them to decide if they should be adopted, changed, rejected, or further considered. Each item in this document may be the subject of further discussion, refinement, or action. For purposes of this “Work Session Document,” the proposals have been grouped by topic and by possible Committee action but are not preferentially ordered.

Although possible actions have been identified for each recommendation, the Committee may modify the possible action and select one of the following actions: (1) draft a bill or resolution; (2) send a letter; or (3) include a statement in the final report. To the extent the Committee urges or suggests action by public officials, it is understood that any such actions would be subject to the limits of that official’s existing authority and all applicable laws.

As set forth in NRS 218E.515, five members of the Committee constitute a quorum and a quorum may exercise all the powers of the Committee.

The source of each proposed action is noted in parentheses, along with the date of the Committee meeting at which the proposal was made, as applicable. Some proposed actions were received between meetings via e-mail or by letter. It should be noted that a proposed action may have been modified during the preparation of the “Work Session Document” for a variety of reasons, such as: (1) by combining it with similar proposals; (2) by proposing a different type of action; or (3) by adding details needed for drafting.

As in the past, the Committee members may use a consent calendar to approve proposals that need no further consideration or clarification beyond what is set forth in the “Work Session Document.” Items on the consent calendar ([Exhibit S](#)) primarily include Committee letters and statements in the final report. Any Committee member may request that one or more items on the consent calendar be removed for further discussion and consideration.

To the extent that a proposed action may contain unquantified or unknown fiscal impacts, Legislative Counsel Bureau staff will coordinate with the interested parties to obtain fiscal estimates, if needed, for inclusion in the final report. Also, some proposals may include references to specific chapters or statutes in the NRS, but as part of the legislative process,

amendments to other related chapters or sections of the NRS may be added to fully implement the requested legislation.

Finally, please note that in the fall of 2010 during the legislative drafting process, specific details of Committee-requested legislation or other Committee action may be further clarified in consultation with the Chair of the Committee or others, as directed or as appropriate.

CONSENT CALENDAR FOR WORK SESSION

- Susan E. Scholley, Chief Principal Research Analyst, Research Division, LCB, explained the process of the Committee's work session and called attention to the consent calendar. She noted that Recommendation No. 37 had been clarified by the Nevada Cattlemen's Association. She further noted that the Committee has received a letter from the Great Basin Water Network ([Exhibit T](#)) and that two resolutions relating to Recommendation No. 9 and Recommendation No. 37 have been received during today's meeting.
- Chair Rhoads called for the Committee's preference regarding taking action of the items listed on the consent calendar
- Senator Care briefly discussed Recommendation Nos. 14 and 26, which were removed from the consent calendar for further discussion and consideration.
- Senator Lee requested that the Committee further discuss Recommendation No. 13, which was removed from the consent calendar for further discussion and consideration.

RECOMMENDATION NO. 7

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 (PILT) and to reauthorize and fund the Secure Rural Schools Act. (Ray Williams, Lander County Commissioner, and Gene Etcheverry, Lander County Manager, November 2009 meeting.)

- There was no discussion on Recommendation No. 7.

RECOMMENDATION NO. 11

Include a statement in the final report supporting pending legislation in the 111th Congress sponsored by U.S. Senator Harry Reid (S. 3408) and U.S. Representative Dean Heller (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. (Lorinda Wichman, Nye County Commissioner, May 2010 meeting.)

- There was no discussion on Recommendation No. 11.

RECOMMENDATION NO. 22

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, thereby infringing on the authority of states to regulate water within their boundaries. See for example, H.R. 5088 in the 111th Congress. (Central Nevada Regional Water Authority [CNRWA], March 2010 meeting, and Humboldt River Basin Water Authority, November 2009 meeting.)

- There was no discussion on Recommendation No. 22.

RECOMMENDATION NO. 23

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. (Brad Huza, General Manager, Moapa Valley Water District, January 2010 meeting.)

- There was no discussion on Recommendation No. 23.

RECOMMENDATION NO. 27

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. (CNRWA, May 2010 meeting.)

- There was no discussion on Recommendation No. 27.

RECOMMENDATION NO. 28

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. (CNRWA, May 2010 meeting, and Connie Simpkins, N-4 Grazing Board, January 2010 meeting.)

- There was no discussion on Recommendation No. 28.

RECOMMENDATION NO. 30

Include a statement in the final report voicing the Committee's support for the A.B. 198 program. (CNRWA, May 2010 meeting.)

- There was no discussion on Recommendation No. 30.

RECOMMENDATION NO. 31

Send a letter to the BLM in support of a pilot demonstration project in Lincoln County for biomass power generation. The letter would ask the BLM to commit to providing a 20-year supply of wood from the BLM's proposed thinning of 3.2 million acres of piñon and juniper in the Ely District. (Connie Simpkins, N-4 Grazing Board, January 2010 meeting.)

- There was no discussion on Recommendation No. 31.

RECOMMENDATION NO. 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. (Connie Simpkins, N-4 Grazing Board, January 2010 meeting.)

- There was no discussion on Recommendation No. 32.

RECOMMENDATION NO. 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. (Brad Goetsch, Churchill County Manager, March 2010 meeting.)

- There was no discussion on Recommendation No. 33.

RECOMMENDATION NO. 34

Adopt a resolution urging 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. (Assemblyman Bobzien.)

- There was no discussion on Recommendation No. 34.

RECOMMENDATION NO. 35

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 (EQUIP); (c) increased USDA Agricultural Research Service (ARS) 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 (TSPs) 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. (Jan Schade, Coordinator, Wildfire Support Group, November 2009 meeting.)

- There was no discussion on Recommendation No. 35.

RECOMMENDATION NO. 38

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. (Connie Simpkins, N-4 Grazing Board, January 2010 meeting.)

- There was no discussion on Recommendation No. 38.

RECOMMENDATION NO. 39

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 OHVs.

- There was no discussion on Recommendation No. 39.

RECOMMENDATION NO. 40

Amend the statutes (such as Chapter 490), 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. (Ken Freeman, Board Member, Southern Nevada Off Road Enthusiasts, January 2010 meeting.)

- There was no discussion on Recommendation No. 40.
- The Committee **APPROVED THE FOLLOWING ACTION:**

COMMISSIONER COLLINS MOVED TO ADOPT THE FOLLOWING ITEMS FROM THE "WORK SESSION DOCUMENT" AS A CONSENT CALENDAR VOTE: RECOMMENDATION NOS. 7, 11, 22, 23, 27, 28, 30 THROUGH 35, AND 38 THROUGH 40. THE MOTION WAS SECONDED BY SENATOR CARE AND PASSED UNANIMOUSLY BY THOSE PRESENT. (ASSEMBLYMAN CLABORN WAS ABSENT FOR THE VOTE.)

PROPOSED ACTIONS RELATING TO FEDERAL PLANNING AND OTHER FEDERAL ACTIVITIES

RECOMMENDATION NO. 1

Adopt a resolution expressing the Committee's strong opposition to agreements, such as the one entered into by El Paso Corporation and the Western Watersheds Project, that seek to permanently retire grazing permits and eliminate grazing on public lands. Further, the resolution would urge Nevada's Congressional Delegation to not support federal legislation to allow or facilitate in any way the permanent retirement of grazing permits on public lands and to not support any federal endorsement of such a policy.

- Chair Rhoads called for Recommendation No. 1. He interjected that he would rather the Committee send a letter than adopt a resolution. Chair Rhoads noted that he would like to include the BLM in the letter.

Upon discussion, the Committee decided to combine Recommendation No. 1 and Recommendation No. 4.

RECOMMENDATION NO. 4

Send a letter to the Federal Energy Regulatory Commission (FERC), Nevada's Congressional Delegation, and El Paso Corporation, expressing the Committee's disapproval of the agreement between El Paso Corporation and certain environmental organizations for the donation of \$20 million to be used to permanently retire grazing permits. Further, express the Committee's disappointment that local residents and

livestock organizations were not consulted prior to the consumation of the agreement. Finally, if appropriate, submit formal comments expressing the above sentiments to FERC in connection with any pending applications for the Ruby Pipeline proposed by El Paso Corporation.

- Chair Rhoads called for a motion on Recommendation No. 1 and Recommendation No. 4.
- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN CARPENTER MOVED TO CONVERT RECOMMENDATION NO. 1 TO SEND A LETTER, TO COMBINE RECOMMENDATION NO. 1 WITH RECOMMENDATION NO. 4, AND TO ALSO SEND THE LETTER TO THE GOVERNOR OF NEVADA, THE SECRETARY OF THE INTERIOR, AND THE BLM. THE MOTION WAS SECONDED BY COMMISSIONER COLLINS AND PASSED UNANIMOUSLY BY THOSE PRESENT. (ASSEMBLYMAN CLABORN WAS ABSENT FOR THE VOTE.)

RECOMMENDATION NO. 2

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. (Wes Henderson, Nevada Association of Counties [NACO], via e-mail; and Central Nevada Regional Water Authority [CNRWA], May 2010 meeting.)

- Chair Rhoads called for Recommendation No. 2 and stated it was his understanding that the counties are not currently receiving revenue generated by activities on public lands.
- Chair Rhoads called for a motion on Recommendation No. 2.
- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN BOBZIEN MOVED TO APPROVE RECOMMENDATION NO. 2. THE MOTION WAS SECONDED BY ASSEMBLYMAN AIZLEY AND PASSED UNANIMOUSLY BY THOSE PRESENT. (ASSEMBLYMAN CLABORN WAS ABSENT FOR THE VOTE.)

RECOMMENDATION NO. 3

Adopt a resolution supporting the efforts of the Pine Forest Working Group and the Humboldt County Commission in their reexamination of wilderness study areas in the Pine Forest area of Humboldt County. (Tom Fransway, Humboldt County Commissioner, November 2010 meeting.)

- Chair Rhoads called for a motion on Recommendation No. 3.
- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN BOBZIEN MOVED TO APPROVE RECOMMENDATION NO. 3. THE MOTION WAS SECONDED BY COMMISSIONER COLLINS AND PASSED UNANIMOUSLY BY THOSE PRESENT. (ASSEMBLYMAN CLABORN WAS ABSENT FOR THE VOTE.)

RECOMMENDATION NO. 5

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. (Juan Guzman, Carson City Open Space Manager, March 2010 meeting.)

- Susan E. Scholley, previously identified, commented that Carson City is still working toward purchasing the Bently Ranch land.
- Chair Rhoads called for a motion on Recommendation No. 5.
- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN BOBZIEN MOVED TO APPROVE RECOMMENDATION NO. 5. THE MOTION WAS SECONDED BY ASSEMBLYMAN CARPENTER AND PASSED UNANIMOUSLY BY THOSE PRESENT. (ASSEMBLYMAN CLABORN WAS ABSENT FOR THE VOTE.)

RECOMMENDATION NO. 6

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. (Laurie Carson, Chair, White Pine County Commission, July 2010 meeting.)

- Chair Rhoads called for a motion on Recommendation No. 6.

- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR LEE MOVED TO APPROVE RECOMMENDATION NO. 6. THE MOTION WAS SECONDED BY ASSEMBLYMAN CARPENTER AND PASSED UNANIMOUSLY BY THOSE PRESENT. (ASSEMBLYMAN CLABORN WAS ABSENT FOR THE VOTE.)

RECOMMENDATION NO. 8

Include a statement in the final report supporting efforts in Congress to remove Nevada from the scope of the American Antiquities Act of 1906 through federal legislation requiring congressional approval of any new monument designations in Nevada (similar to the status accorded to Wyoming under the Antiquities Act). Senator John Ensign (R-Nevada) (S. 3041) and Representative Dean Heller (R-Nevada) (H.R. 4675) have both introduced such legislation. (Lorinda Wichman, Nye County Commissioner, May 2010 meeting.)

- Chair Rhoads called for Recommendation No. 8.
- Assemblyman Bobzien voiced his opposition to Recommendation No. 8. He opined that a statement in the final report supporting efforts in Congress to remove Nevada from the scope of the American Antiquities Act of 1906 is excessive.
- Senator Care noted he opposes Recommendation No. 8.
- Lorinda Wichman, Commissioner, Board of County Commissioner, Nye County, clarified that the intent of requiring congressional approval of any new monument designations in Nevada should copy Wyoming's legislation in this area.
- Senator Lee voiced his support for Recommendation No. 8.
- Chair Rhoads called for a motion on Recommendation No. 8.
- The Committee **TOOK THE FOLLOWING ACTION:**

SENATOR LEE MOVED TO APPROVE RECOMMENDATION NO. 8. THE MOTION WAS SECONDED BY ASSEMBLYMAN CARPENTER. SENATOR CARE, SENATOR PARKS, ASSEMBLYMAN AIZLEY ASSEMBLYMAN BOBZIEN, AND COMMISSIONER COLLINS VOTED NAY. THE MOTION FAILED. (ASSEMBLYMAN CLABORN WAS ABSENT FOR THE VOTE.)

- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR LEE MOVED 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. THE MOTION WAS SECONDED BY COMMISSIONER COLLINS AND PASSED UNANIMOUSLY BY THOSE PRESENT. (ASSEMBLYMAN CLABORN WAS ABSENT FOR THE VOTE.)

RECOMMENDATION NO. 9

Include a statement in the final report expressing the Committee's support of the reform of the federal Equal Access to Justice Act (EAJA) to prevent abuses. (Lorinda Wichman, Nye County Commissioner, May 2010 meeting.)

- Chair Rhoads called for a motion on Recommendation No. 9.
- The Committee **APPROVED THE FOLLOWING ACTION:**

COMMISSIONER COLLINS MOVED TO APPROVE RECOMMENDATION NO. 9. THE MOTION WAS SECONDED BY ASSEMBLYMAN CARPENTER AND PASSED UNANIMOUSLY BY THOSE PRESENT. (ASSEMBLYMAN CLABORN WAS ABSENT FOR THE VOTE.)

RECOMMENDATION NO. 10

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. (Nancy Boland, Chair, Esmeralda County Commission, May 2010 meeting.)

- Chair Rhoads called for a motion on Recommendation No. 10.
- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN BOBZIEN MOVED TO APPROVE RECOMMENDATION NO. 10. THE MOTION WAS SECONDED BY SENATOR LEE AND PASSED UNANIMOUSLY BY THOSE PRESENT. (ASSEMBLYMAN CLABORN WAS ABSENT FOR THE VOTE.)

RECOMMENDATION NO. 12

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 (FLPMA). 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. [Note: This proposal is a combination of similar items suggested by several speakers.] (Ray Williams, Lander County Commissioner, and Gene Etcheverry, Lander County Manager, November 2009 meeting; Lorinda Wichman, Nye County Commissioner, May 2010 meeting; Wes Henderson, NACO, via e-mail; and Michael Garabedian, Water Keepers, March 2010 meeting.)

- Chair Rhoads called for a motion on Recommendation No. 12.
- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR LEE MOVED TO APPROVE RECOMMENDATION NO. 12. THE MOTION WAS SECONDED BY COMMISSIONER COLLINS AND PASSED UNANIMOUSLY BY THOSE PRESENT. (ASSEMBLYMAN CLABORN WAS ABSENT FOR THE VOTE.)

RECOMMENDATION NO. 13

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 preserve and maximize the use of public lands in the State. (Brad Goetsch, Churchill County Manager, March 2010 meeting.)

- Susan E. Scholley, previously identified, provided a brief explanation of Recommendation No. 13.
- Senator Lee asked that the word "preserve" be clarified or be removed from the statement and to clarify that Committee should work with the counties to identify lands that were appropriate for more access and to increase lands eligible for disposal.
- Chair Rhoads called for a motion on Recommendation No. 13.
- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR LEE MOVED TO APPROVE RECOMMENDATION NO. 13 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.. THE MOTION WAS SECONDED BY ASSEMBLYMAN AIZLEY AND PASSED UNANIMOUSLY BY THOSE PRESENT. (ASSEMBLYMAN CLABORN WAS ABSENT FOR THE VOTE.)

PROPOSED ACTIONS RELATING TO WATER RESOURCES

RECOMMENDATION NO. 14

Amend the statutes to require that a water right be obtained for a pit lake or gravel pit, used for purposes of evaporation. (Humboldt River Basin Water Authority [HRBWA], November 2009 meeting.)

- Senator Care queried as to the standard that is used by the State Engineer with respect to water rights being obtained for a pit lake or gravel pit.
- Susan E. Scholley, previously identified, noted that the proposal came from HRBWA, and the State Engineer has the authority to require a permit for such uses.
- Chair Rhoads called for a motion on Recommendation No. 14.
- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR CARE MOVED TO APPROVE RECOMMENDATION NO. 14. THE MOTION WAS SECONDED BY ASSEMBLYMAN BOBZIEN AND PASSED UNANIMOUSLY BY THOSE PRESENT. (ASSEMBLYMAN CLABORN WAS ABSENT FOR THE VOTE.)

RECOMMENDATION NO. 15

Amend the statutes (such as NRS 533.370) to clarify the renotification and hearing process. (State Engineer, March 2010 meeting.)

- Chair Rhoads called for a motion on Recommendation No. 15.
- Assemblyman Bobzien clarified that the Committee is not endorsing specific legislation but that the Committee is stating its support of bringing this issue before the Legislature.

- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN BOBZIEN MOVED TO APPROVE RECOMMENDATION NO. 15. THE MOTION WAS SECONDED BY SENATOR CARE AND PASSED UNANIMOUSLY BY THOSE PRESENT. (ASSEMBLYMAN CLABORN WAS ABSENT FOR THE VOTE.)

RECOMMENDATION NO. 16

Amend the statutes to allow the State Engineer to restrict or prohibit domestic wells in certain basins for which the State Engineer has made required findings related to the significant over appropriation of groundwater. (State Engineer, March 2010 meeting.)

- Chair Rhoads called for Recommendation No. 16.

In response to a question from Assemblyman Aizley regarding the overlapping of basin boundaries, Ms. Scholley noted that there is a map of the basins noting the finite boundaries.

- Senator Care stated that he believed this issue would come before the Nevada Legislature in any event.
- Andy Belanger, Management Services Manager, SNWA, explained the issue in response to questions by Commissioner Collins.
- Chair Rhoads called for a motion on Recommendation No. 16.
- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR LEE MOVED TO INDEFINITELY POSTPONE RECOMMENDATION NO. 16. THE MOTION WAS SECONDED BY ASSEMBLYMAN CARPENTER AND PASSED UNANIMOUSLY BY THOSE PRESENT. (ASSEMBLYMAN CLABORN WAS ABSENT FOR THE VOTE.)

RECOMMENDATION NO. 17

Amend the statutes (such as NRS 534.090) to clarify that only “certificated” water rights (as distinguished from “permitted” water rights) are subject to forfeiture for nonuse and further clarifying the relationship between extensions to avoid a forfeiture and the requirement to send a 4-year nonuse letter. (State Engineer, March 2010 meeting.)

- Chair Rhoads called for a motion on Recommendation No. 17.

- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR LEE MOVED TO INDEFINITELY POSTPONE RECOMMENDATION NO. 17. THE MOTION WAS SECONDED BY ASSEMBLYMAN CARPENTER AND PASSED UNANIMOUSLY BY THOSE PRESENT. (ASSEMBLYMAN CLABORN WAS ABSENT FOR THE VOTE.)

RECOMMENDATION NO. 18

Amend the statutes (such as NRS 534.040) to clarify that assessments imposed by the State Engineer for basin supervision programs are not subject to property tax abatements or, in the alternative, are not to be calculated as part of the property tax rate and therefore are not subject to property tax abatements. (State Engineer, March 2010 meeting.)

- Chair Rhoads called for a motion on Recommendation No. 18.
- The Committee **APPROVED THE FOLLOWING ACTION:**

COMMISSIONER COLLINS MOVED TO INDEFINITELY POSTPONE RECOMMENDATION NO. 18. THE MOTION WAS SECONDED BY SENATOR LEE AND PASSED UNANIMOUSLY BY THOSE PRESENT. (ASSEMBLYMAN CLABORN WAS ABSENT FOR THE VOTE.)

RECOMMENDATION NO. 19

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. (State Engineer, March 2010 meeting.)

- Chair Rhoads called for a motion on Recommendation No. 19.
- The Committee **APPROVED THE FOLLOWING ACTION:**

COMMISSIONER COLLINS MOVED TO APPROVE RECOMMENDATION NO. 19. THE MOTION WAS SECONDED BY ASSEMBLYMAN BOBZIEN AND PASSED UNANIMOUSLY BY THOSE PRESENT. (ASSEMBLYMAN CLABORN WAS ABSENT FOR THE VOTE.)

RECOMMENDATION NO. 20

Amend the statutes (such as NRS 533.435) to revise the fee for agricultural applications to appropriate water. (State Engineer, March 2010 meeting.)

- Chair Rhoads called for a motion on Recommendation No. 20.

- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR LEE MOVED TO APPROVE RECOMMENDATION NO. 20. THE MOTION WAS SECONDED BY ASSEMBLYMAN CARPENTER AND PASSED UNANIMOUSLY BY THOSE PRESENT. (ASSEMBLYMAN CLABORN WAS ABSENT FOR THE VOTE.)

RECOMMENDATION NO. 21

Send a letter asking the State Engineer to adopt regulations to add criteria for determining “environmental soundness” in relation to interbasin transfers of water as used in NRS 533.370(6). (Great Basin Water Network, via e-mail. [Please see [Exhibit T.](#)])

- Chair Rhoads called for a motion on Recommendation No. 21.
- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN BOBZIEN MOVED TO APPROVE RECOMMENDATION NO. 21. THE MOTION WAS SECONDED BY ASSEMBLYMAN AIZLEY AND PASSED UNANIMOUSLY BY THOSE PRESENT. (ASSEMBLYMAN CLABORN WAS ABSENT FOR THE VOTE.)

RECOMMENDATION NO. 24

Include a statement in the final report recognizing the need to consider the interconnectivity of surface and groundwater when approving or modifying surface or groundwater rights that are hydrologically connected to another water source. (CNRWA, May 2010 meeting.)

- After Committee discussion, no Committee action was taken on Recommendation No. 24.

RECOMMENDATION NO. 25

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. (Ernest C. Schank, President, Truckee-Carson Irrigation District [TCID] Board of Trustees, via e-mail.)

- Chair Rhoads called for a motion on Recommendation No. 25.
- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR LEE MOVED TO APPROVE RECOMMENDATION NO. 25. THE MOTION WAS SECONDED BY SENATOR CARE AND PASSED UNANIMOUSLY BY THOSE PRESENT. (ASSEMBLYMAN CLABORN WAS ABSENT FOR THE VOTE.)

RECOMMENDATION NO. 26

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. (CNRWA, May 2010 meeting.)

- Chair Rhoads called for a motion on Recommendation No. 26.
- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR CARE MOVED TO APPROVE RECOMMENDATION NO. 26. THE MOTION WAS SECONDED BY ASSEMBLYMAN BOBZIEN AND PASSED UNANIMOUSLY BY THOSE PRESENT. (ASSEMBLYMAN CLABORN WAS ABSENT FOR THE VOTE.)

RECOMMENDATION NO. 29

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. (CNRWA, May 2010 meeting.)

- Chair Rhoads called for a motion on Recommendation No. 29.
- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN BOBZIEN MOVED TO APPROVE RECOMMENDATION NO. 29. THE MOTION WAS SECONDED BY ASSEMBLYMAN CARPENTER. COMMISSIONER COLLINS VOTED NAY ON THE MOTION. THE MOTION PASSED. (ASSEMBLYMAN CLABORN WAS ABSENT FOR THE VOTE.)

**PROPOSED ACTIONS RELATING TO WILDLIFE,
GRAZING, AND NOXIOUS WEEDS**

RECOMMENDATION NO. 36

Include a statement in the final report addressing the impacts of seasonal grazing restrictions and the importance of considering alternatives and understanding other options for rangeland management. (Assemblyman Carpenter.)

- Chair Rhoads called for a motion on Recommendation No. 36.
- Susan E. Scholley noted that after talking with Assemblyman Carpenter, this recommendation should direct the sending of letters to the Secretary of the Interior, the Director of the BLM, and the BLM District Managers in Nevada 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.
- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN BOBZIEN MOVED TO APPROVE RECOMMENDATION NO. 36 AS DIRECTION TO SEND LETTERS TO THE BUREAU OF LAND MANAGEMENT, THE BLM DISTRICT MANAGERS IN THE STATE, AND NEVADA'S CONGRESSIONAL DELEGATION. THE MOTION WAS SECONDED BY ASSEMBLYMAN CARPENTER AND PASSED UNANIMOUSLY BY THOSE PRESENT. (ASSEMBLYMAN CLABORN WAS ABSENT FOR THE VOTE.)

RECOMMENDATION NO. 37

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 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 Horse and Burro Act that would negatively impact Nevada. (Assemblyman Goicoechea.)

- Chair Rhoads called for a motion on Recommendation No. 37.

- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN BOBZIEN MOVED TO APPROVE RECOMMENDATION NO. 37. THE MOTION WAS SECONDED BY SENATOR CARE AND PASSED UNANIMOUSLY BY THOSE PRESENT. (ASSEMBLYMAN CLABORN WAS ABSENT FOR THE VOTE.)

PUBLIC COMMENT

- Chair Rhoads expressed gratitude to all of those who attended and who had participated in meetings of the Legislative Committee on Public Lands. He reminded the Committee of the upcoming tour to Washington, D.C., in September. He concluded his remarks by thanking the termed-out Committee members.
- Senator Care expressed his enjoyment for his participation on the Legislative Committee on Public Lands.
- Ron Cerri, previously identified, thanked the Committee for its support and voiced his concern about the potential negative effects of term limits on rural Nevada.
- Megan Brown, previously identified, thanked the Committee for its active involvement with pertinent issues to the NCA.
- William C. Kirby, previously identified, noted that Esmeralda County has completed its public lands draft resource management plan to the BLM.
- Tom Fransway, previously identified, thanked the Committee and its staff for its support of the Pine Forest WSA Group.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 4:48 p.m.

Respectfully submitted,

Susan M. Young
Senior Administrative Assistant

Susan E. Scholley
Chief Principal Research Analyst

APPROVED BY:

Senator Dean A. Rhoads, Chair

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda,” provided by Susan E. Scholley, Chief Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB).

[Exhibit B](#) is a letter dated July 28, 2010, to the Honorable Dean Rhoads, Nevada State Senator, regarding grazing on public lands, from United States Senator John Ensign.

[Exhibit C](#) is a letter to Senator Dean A. Rhoads, Chairman, Legislative Committee on Public Lands, regarding grazing on public lands, from Congressional Representative Dean Heller.

[Exhibit D-1](#) is an article provided by Susan E. Scholley, Chief Principal Research Analyst, Research Division, LCB, published by the U.S. Department of the Interior, Bureau of Land Management, Nevada, titled “Ruby Pipeline Project, Proposed Natural Gas Pipeline.”

[Exhibit D-2](#) consists of six documents provided by Susan E. Scholley, Chief Principal Research Analyst, Research Division, LCB: (1) an article from the *Elko Daily Free Press* at elkodaily.com, titled “El Paso cuts deal with Western Watersheds,” by Adella Harding, Free Press Staff Writer, dated July 16, 2010; (2) an article from the *Elko Daily Free Press* at elkodaily.com, titled “El Paso pact angers ranchers,” by Adella Harding, Free Press Staff Writer, dated July 26, 2010; (3) a News Release from the Legislative Committee on Public Lands dated July 19, 2010, titled “Public Lands Committee to Hear From El Paso Corporation in Ely”; (4) a News Release from the Legislative Committee on Public Lands dated July 23, 2010, titled “Public Lands Committee to Meet in Ely”; (5) a note to Senator Rhoads regarding the Taylor Grazing Act, from J. Randall Stephenson, Principal Deputy Legislative Counsel, Legal Division, LCB; and (6) an article from *The Wells Progress* at wellsprogress.com, titled “Pipeline Receives Final Approval.”

[Exhibit E](#) consists of: (1) a letter addressed to Senator Dean Rhoads, Chairman, Legislative Committee on Public Lands, from David von Seggern, Toiyabe Chapter of the Sierra Club, dated July 29, 2010, regarding concerns about the proposed Ruby Pipeline; and (2) a map titled “Nevada Sage Grouse Lek/Ruby Pipeline Conflicts.”

[Exhibit F](#) is a letter to Senator Dean A. Rhoads, Chairman, Legislative Committee on Public Lands, from the Nevada Cattlemen’s Association (NCA) and John Hadder, Great Basin Resource Watch, regarding wild horses and burros, provided by Ron Cerri, President, and Meghan Brown Executive Director, NCA.

[Exhibit G](#) is a document titled “Bureau of Land Management (BLM) Ely District Update,” dated June/July 2010, provided by Rosemary (Rosey) Thomas, District Manager, Ely District Office, BLM.

[Exhibit H](#) is an article from the *Elko Echo*, titled “District Manager’s Musings,” provided by Ken Miller, District Manager, Elko District Office, BLM.

[Exhibit I](#) is the testimony of Jose Noriega, District Ranger, Ely Ranger District, Humboldt-Toiyabe National Forest, United States Forest Service, regarding Resource Management Activities in the Ely Ranger District, dated July 30, 2010.

[Exhibit J-1](#) is a document titled “Status of Great Basin National Park,” dated July 30, 2010, furnished by Andy Ferguson, Superintendent, Great Basin National Park (GBNP), National Park Service (NPS).

[Exhibit J-2](#) is a document titled “Endemic Cave Species in Great Basin National Park,” dated March, 2009, provided by Andy Ferguson, Superintendent, GBNP, NPS.

[Exhibit J-3](#) is a booklet titled “State of the Parks,” dated March 2009, provided by Andy Ferguson, Superintendent, GBNP, NPS.

[Exhibit J-4](#) is a pamphlet titled “Great Basin, Mountains in a Sea of Sagebrush,” furnished by Andy Ferguson, Superintendent, GBNP, NPS.

[Exhibit J-5](#) is a newspaper titled *The Bristlecone*, dated Summer 2010 – Spring 2011, submitted by Andy Ferguson, Superintendent, GBNP, NPS.

[Exhibit K](#) is an update from Eureka County, provided by Jacob Tibbitts, Natural Resources Manager, Eureka County, dated July 30, 2010.

[Exhibit L-1](#) consists of three documents provided by Laurie L. Carson, Chair, Board of County Commissioners, White Pine County: (1) a letter to Susan E. Scholley, Chief Principal Research Analyst, Research Division, LCB, dated June 24, 2010; (2) testimony of Joni Eastley, Chair of the Central Nevada Regional Water Authority (CNRWA) and Nye County Commissioner; Norm Frey, CNRWA Board Member and Churchill County Commissioner; Brad Goetsch, CNRWA Board Member and Churchill County Manager; and Steve Bradhurst, CNRWA Executive Director, dated May 7, 2010; and (3) a map outlining the Great Basin National Park, created by Michael Mears, Eureka County.

[Exhibit L-2](#) is presentation titled “Regional Haze in GRBA,” prepared by Dave DuBois, Desert Research Institute for the National Parks Conservation Association’s Gathering on May 18-20, 2009, furnished by Laurie L. Carson, Chair, Board of County Commissioners, White Pine County

[Exhibit L-3](#) submitted by Gary Perea, Commissioner, Board of County Commissioners, White Pine County, is an outline regarding “The White Pine County Commission Comments for the State Legislative Public Lands Committee, July 30, 2010.”

[Exhibit M](#) is a July 30, 2010, status report on the Legislative Committee to Oversee the Western Regional Water Commission, provided by Assemblyman David Bobzien, Chair of the Legislative Committee to Oversee the Western Regional Water Commission.

[Exhibit N](#) is a presentation document titled “Pine Forest Wilderness Study Area Working Group (Initial Meeting),” provided by Jim Jeffress, Representative, Pine Forest Wilderness Study Area Working Group, dated January 30, 2010.

[Exhibit O-1](#) is a “Lander County Statement of Position,” dated July 30, 2010, submitted by Gene Etcheverry, Executive Director, Lander County.

[Exhibit O-2](#) is a copy of Resolution No. 2010 of the Lander County Board of Commissioners, submitted by Gene Etcheverry, Executive Director, Lander County.

[Exhibit P-1](#) is document titled “Proposal for Wild Horse/Burro Reserve Design as a Solution to Present Crisis,” submitted by Craig C. Downer, Wildlife Ecologist, Minden, Nevada.

[Exhibit P-2](#) is a document titled “How Wild Horses and Burros Help the North American Ecosystem — Key Points,” provided by Craig C. Downer, Wildlife Ecologist, Minden.

[Exhibit Q](#) is a July 22, 2010, *Elko Daily Free Press* article by George Parman titled “Time to repeal wild horse and burro act,” submitted by Mr. Parman, resident, Eureka, Nevada.

[Exhibit R](#) is a document dated July 30, 2010, titled “Work Session Document,” provided by Susan E. Scholley, Chief Principal Research Analyst, Research Division, LCB.

[Exhibit S](#) is a document titled “Consent Calendar for Work Session,” dated July 30, 2010, provided by Susan E. Scholley, Chief Principal Research Analyst, Research Division, LCB.

[Exhibit T](#) is a document titled “Great Basin Water Network,” furnished by Susan Lynn, Member, Board of Directors, Great Basin Water Network.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm or telephone: 775/684-6827.