



**NEVADA LEGISLATURE**  
**LEGISLATIVE COMMITTEE ON PUBLIC LANDS**  
(*Nevada Revised Statutes [NRS] 218E.510*)

**SUMMARY MINUTES AND ACTION REPORT**

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The second meeting of the Nevada Legislature's Legislative Committee on Public Lands was held on Monday, March 24, 2014, at 10 a.m. in the West Hall Facility of the Winnemucca Convention and Visitors Authority, 50 West Winnemucca Boulevard, Winnemucca, 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/77th2013/committee/>. In addition, copies of the audio or video record are available through the Legislative Counsel Bureau's Publications Office (e-mail: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775/684-6835).

**COMMITTEE MEMBERS PRESENT IN WINNEMUCCA:**

Assemblyman Paul Aizley, Chair  
Senator David R. Parks, Vice Chair  
Senator Aaron D. Ford  
Senator Pete Goicoechea  
Senator Donald G. Gustavson  
Assemblywoman Maggie Carlton  
Assemblyman John C. Ellison  
Assemblyman Ira Hansen  
Tom Collins, Clark County Commissioner

**LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Jered M. McDonald, Senior Research Analyst, Research Division  
Michael J. Stewart, Chief Principal Research Analyst, Research Division  
J. Randall Stephenson, Principal Deputy Legislative Counsel, Legal Division  
Natalie J. Pieretti, Senior Research Secretary, Research Division

## OPENING REMARKS

- Chair Aizley requested the secretary take roll and reviewed housekeeping matters.

## PUBLIC COMMENT

- Jim C. Shirley, District Attorney, Pershing County, opined the State is missing out on economic opportunity due to public land ownership issues. He reported Pershing County's Natural Resource Advisory Committee is very active and crucial to the county's planning and stated the priorities of Pershing County are: (1) management of public lands in Pershing County in a manner which will best meet the needs of the residents; (2) periodic adjustments to conform to the changing needs and conditions which are easy and expeditious to implement; (3) harmonious and diverse use of public lands in Pershing County which takes into account the long-term needs of the residents of the county for renewable and nonrenewable resources, including, but not limited to, fish, minerals, livestock grazing, recreation, timber, watershed, wildlife, and the natural scenic, scientific, and historic areas of Pershing County; and (4) harmonious and continuous use of public lands for agriculture, mining, and recreation. (Please see Exhibit B.)

Mr. Shirley pointed out a high priority for Pershing County is agriculture, which provides strong financial benefits. He stressed ranching serves vital needs in the management of public lands by: (1) reducing the threats of wild land fire; (2) providing a better habitat for mule deer and other wildlife; (3) providing on-the-ground people committed to improving the rangelands; and (4) providing local control.

Addressing the importance of mining, Mr. Shirley remarked the federal permitting process is cumbersome and time-consuming, and Pershing County favors reasonable alternatives, such as those found through state and local governments. He stated Pershing County supports the Taylor Grazing Act of 1934 and is in agreement with legislative policy related to public lands.

In support of returning public lands to Nevada, Mr. Shirley provided an example of a long-time local ranching family faced with the prospect of going out of business due to the mismanagement of wild horses on public lands.

- Carol Shank, Commissioner, Pershing County Board of Commissioners, supported Mr. Shirley's comments. She stressed Pershing County wants the public lands returned to the county.
- Mike Stremmler, Chairman, Pershing County Natural Resource Advisory Committee (NRAC), requested the Legislative Committee on Public Lands stress to the Governor the importance of the issues facing Pershing County. In discussing the Bureau of Land Management's (BLM's), United States Department of Interior (DOI), current resource management plan (RMP), Mr. Stremmler said forage stubble height has increased from

4 inches to 6 inches, and in riparian areas from 3 inches to 6 inches, with no change in animal unit months (AUMs). He remarked the new RMP guidelines cannot be maintained with the same AUMs.

Commenting further, Mr. Stremler informed the Committee that he owns 100 percent of the livestock water rights on his range, and that the BLM has indicated ranchers will be required to pump water for the wild horses. He suggested crafting Executive Order 12630 (March 15, 1988, Volume 53) into State law, which provides for financial compensation for federal takings of private property.

Mr. Stremler discussed issues related to: (1) checkerboard an ownership; (2) drilling; (3) riparian areas; (4) Humboldt County sheep and cattle numbers; and (5) wildland fires. He voiced his support for tripling the AUMs.

#### **APPROVAL OF MINUTES OF THE MEETING HELD ON FEBRUARY 5, 2014, IN LAS VEGAS, NEVADA**

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

COMMISSIONER COLLINS MOVED TO APPROVE THE “SUMMARY MINUTES AND ACTION REPORT” OF THE FEBRUARY 5, 2014, MEETING HELD IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN CARLTON AND PASSED UNANIMOUSLY.

#### **UPDATE ON BUREAU OF LAND MANAGEMENT PROGRAMS AND ACTIVITIES IN THE WINNEMUCCA BLM DISTRICT**

- Gene Seidlitz, District Manager, Winnemucca District Office, BLM, DOI, provided a brief synopsis on projects and programs including: (1) livestock grazing; (2) mining; (3) recreation; and (4) wild horses and burros. (Please see Exhibit C, Exhibit C-1, and Exhibit C-2.)

Mr. Seidlitz focused his next comments on the Burning Man event noting that the maximum number for 2014 is 68,000 participants. He testified Burning Man, LLC, under the special recreation permit, will pay the BLM an estimated \$3.7 million, to plan, preplan, and permit the 2014 event, with 3 percent of the gross receipts going to the Winnemucca District Office for staff labor, operations and maintenance of Black Rock Station, various projects, and assistance agreements.

Senator Goicoechea voiced concerns over proceeds from Burning Man going toward the federal agency, and the local jurisdiction not receiving any funds. Chair Aizley joined in Senator Goicoechea’s concern.

- Jim C. Shirley, previously identified, testified Pershing County charged \$398,000 for law enforcement and prosecution services in 2012 for Burning Man, but did not benefit from any other proceeds received by the event. For the 2014 Burning Man event, he estimated Pershing County will receive between approximately \$230,000 and \$430,000 for law enforcement and prosecution services.

Senator Goicoechea opined there should be parity between the BLM and local jurisdictions, as well as the State, from the proceeds of the Burning Man event.

Mr. Shirley remarked that the BLM charged close to \$3 million in 2013 for Burning Man. Mr. Seidlitz added the BLM refunded \$70,000 to Black Rock, LLC.

Discussion was held between Chair Aizley, Mr. Shirley, and Mr. Seidlitz regarding a fiscal statement of Burning Man expenditures.

- Continuing his testimony, Mr. Seidlitz spoke on fire suppression. He stated within his district, an active vegetation management program exists, including fuels reduction on landscape-based projects.

In conclusion, Mr. Seidlitz remarked the Winnemucca District office resource management plan (RMP) was issued, and several protests are currently being responded to by the Winnemucca and Washington, D.C. offices. He Seidlitz surmised the final RMP would be issued in late spring or early summer 2014.

Chair Aizley asked for clarification on how many livestock grazing permits exist, the general area on which the permits exist, either locally or within the State, and the timeframe for permit approval.

- Mr. Seidlitz referenced the Winnemucca District drought map (Exhibit C-1), and noted that approximately 102 grazing allotments are permitted. In responding to Chair Aizley's inquiry, he commented that currently all grazing permit applications are granted, with transfers occurring during a sale from the seller to the buyer.

Senator Goicoechea shared a grazing permit is a property right that is bought, sold, or traded. In relation to wild horses, Senator Goicoechea asked if the BLM had received direction regarding water hauls, and Mr. Seidlitz acknowledged water hauling discussions had occurred; however, when the need arises, the Winnemucca District office will work with the State office prior to authorizing any water hauling.

Senator Goicoechea addressed the issue of voluntary cattle reductions by permittees and the alternatives faced by the permittees for not reducing the cattle.

Assemblyman Hansen pointed out the BLM has no scheduled wild horse and burro gathers for 2014, despite an increase in wild horses, and that ranchers in the Blue Wing Mountains, the Shawave Mountains, and the Lava Beds Herd Management Area (HMA) have voluntarily

agreed to non-use for two years because of the HMA numbers in those areas. In reply, Mr. Seidlitz agreed with Mr. Hansen and said there are other areas within the ranchers allotments where grazing occurs.

- Mr. Seidlitz spoke of the significant collaboration and cooperation with permittees voluntarily taking non-use of less numbers or delayed turnout, with approximately 24,000 AUMs being voluntarily reduced. He noted the permittees were assured that the AUMs would not be removed from their permits on a permanent basis. He reported on two decisions issued in the last year and a half. The first was to close a pasture on an allotment in Pershing County and the second, in Gerlach, which was litigated and a stay order was subsequently issued by the court for the Gerlach allotment.

Senator Goicoechea opined flexibility in adaptive management should be implemented statewide.

Commissioner Collins focused his comments on the topic of horse gatherings and a desire to have a presentation by the State or federal government on the issue. He requested the LCB Legal Division to report to the Committee if the laws require amending to accomplish fairness.

- Senator Goicoechea asked Mr. Seidlitz, when providing the breakdown of total permits in the State, to clarify how many are held in non-use, how many are active, and how many are suspended.
- Chair Aizley remarked the number of voluntary suspensions would also be of interest.

Assemblyman Ellison requested the information contain totals from the last five years. Mr. Seidlitz agreed and commented he will work with the State office and National Operations Center in Denver, Colorado.

- Assemblyman Hansen brought to the attention of the Committee that in 1971, 3.3 million AUMs were issued in the State of Nevada. In 2010, that number decreased to 2.2 million AUMs, which is directly tied to the wildfire situation.

#### **UPDATE ON U.S. FOREST SERVICE ACTIVITIES IN THE SANTA ROSA RANGER DISTRICT**

- Duncan Leao, District Ranger, Santa Rosa Ranger District, Humboldt-Toiyabe National Forest, U.S. Forest Services (USFS), U.S. Department of Agriculture(USDA), gave a Microsoft PowerPoint presentation on topics including: (1) the Santa Rosa district; (2) petroglyphs; (3) spring wildflowers; (4) riparian areas; (5) riparian areas – waterfall and fall aspen; (6) Hinkey Summit; (7) wildlife; (8) bighorn sheep; (9) Lye Creek campground; (10) partnerships; (11) annual fishing derby; (12) sagebrush, bitterbrush, and willow planting; (13) challenges; and (14) spotting and identifying brands on trespass horses. (Please see Exhibit D and Exhibit D-1.)

In response to Assemblyman Ellison's question regarding receiving grants, Mr. Leao replied the USFS receives grants from the Nevada Division of Wildlife for various projects including the development of sagebrush and bitterbrush, as well as construction of fish farriers for Lahontan cutthroat trout.

- Assemblyman Ellison inquired about what was being done to remove the 1,200 unauthorized horses in the ranger district, and Mr. Leao responded the USFS is working with the Fort McDermitt Paiute and Shoshone Tribe to develop a removal plan for 2014.
- Assemblyman Hansen addressed the wildfires that have occurred over the last several years on the west slope of the Santa Rosa Range, noting the abundance of cheatgrass, and asked, looking at the long-term, how the USFS is planning to suppress the cheatgrass issue. Mr. Leao responded priority areas may be able to be managed by increasing efforts and aerial treatment.

Responding to Assemblyman Hansen's questions regarding AUMs not being expanded for grazing to assist with reduction of wildfire, Mr. Leao said grazing is part of the solution that needs to be consistent with the USFS's permit and land management plan.

- Senator Goicoechea asked how many pastures are closed to livestock grazing in the Santa Rosa Range. Mr. Leao acknowledged he did not have that information and will provide the Committee with an answer.
- Senator Parks commented on the number of recreational users in the Santa Rosa Range.

#### **REVIEW OF LAND OWNERSHIP ISSUES WITH RESPECT TO CHECKERBOARD LAND DISTRIBUTION ALONG THE INTERSTATE 80 CORRIDOR**

- Donald A. Pattalock, President, New Nevada Resources, (NNR) LLC, offered a Microsoft PowerPoint overview of NNR, its property history, and the benefits of a Nevada land transfer. (Please see Exhibit E.)

Assemblyman Ellison asked Mr. Pattalock to address the issue of the smaller towns having to expand to survive within the checkerboard. Mr. Pattalock pointed to two areas, Carlin and an area outside of Wendover that NNR is in the process of annexing in anticipation of development or additional growth. He reported NNR is in the process of applying to the City of Carlin for annexation in one parcel that borders the city. Mr. Pattalock noted that NNR has annexed property within Winnemucca city limits and said, with respect to private land, benefits include the availability of municipal water and sewer service, which enhances the value of the property and eases the burden for a developer.

Assemblywoman Carlton voiced concern that the lands in question are public lands and any consideration for a transfer would affect the public. She asked what the proposal involved.

- Mr. Pattalock acknowledged the points that Assemblywoman Carlton has raised, and replied it will have to be a collaborative process.

In response to Assemblywoman Carlton's question if there are any other states that have progressed farther than Nevada on the checkerboard process, Mr. Pattalock replied Utah has a draft bill dealing with the issue, while Arizona, New Mexico, and Wyoming have resolved the checkerboard issue in one form or another. Assemblywoman Carlton requested information from these other states be obtained on their processes.

- Chair Aizley provided background information on a proposed national monument in Clark County.

Commissioner Collins described how public lands were made available to southern Nevada via the Southern Nevada Public Lands Management Act of 1998. He commented on the proposed national monument, noting it is home to the oldest mammal find in North America. Commissioner Collins further stated that growth and opportunity is being hindered in northern Nevada on the checkerboard issue, and consolidation of these lands would enable development to occur in an orderly fashion.

Senator Goicoechea pointed out there is currently a total of 10 million acres that are at issue. He remarked on the Point Reyes exchange where a large portion of checkerboard, both public and private, was traded for property in Point Reyes, California. Senator Goicoechea noted the difficulties of managing checkerboard properties.

- Gene Seidlitz, previously identified, testified the Winnemucca district is governed by a 1982 land use plan, which was amended in 1999 to allow for the development of areas and designation as zones to be retained, zones to be disposed of, and zones that can either be disposed of or retained. He stated the district has been approached by cities and counties wanting to exchange or purchase lands that do not comply with the land use plan. Mr. Seidlitz discussed the frustrations of working to permit new owners who purchase land over the internet and are unfamiliar with the BLM and unauthorized use. He commented exchanges are a low priority and highly discouraged based on the amount of time and costs involved.
- Assemblyman Hansen asked if the private sector is required to fence out livestock, why is the BLM exempt.
- Mr. Seidlitz acknowledged the question, and replied it goes back to the frustration and management of the Interstate 80 corridor.
- Senator Goicoechea reiterated his concern that something needs to be done with the lands within the checkerboards.

- Mr. Seidlitz reported on draft legislation by Nevada's Congressman Mark Amodei that has been shared with the Winnemucca BLM, and would be a small success if the legislation went forward. Senator Goicoechea noted additional language for the draft legislation is being sought and it would be an opportune time to assist.

Commissioner Collins stated Clark County can designate BLM land to be auctioned, and asked if that was available in northern Nevada. Mr. Seidlitz responded affirmatively on the condition that the land is within the disposal boundary under the BLM's RMP. Senator Goicoechea pointed out the land has to be inventoried for disposal. Assemblyman Hansen asked Mr. Pattalock to clarify, based on the checkerboard areas shown on Exhibit E, whether there has been a land exchange over the years. Mr. Pattalock remarked the areas shown on the map are those that his entities control. He stated that, particularly in eastern Nevada, checkerboard parcels have been purchased by private owners, Newmont Mining Corporation, and other ranching operations under a land sale program operated by the railroad for 30 to 40 years.

- Concluding, Mr. Seidlitz said through the record of decision for the upcoming RMP, the majority of the checkerboard within the Winnemucca District will be within the disposal boundary, at which point land may be purchased.

#### **OVERVIEW OF THE PROGRAMS AND ACTIVITIES OF THE PERSHING COUNTY WATER CONSERVATION DISTRICT AND REVIEW OF WATER ISSUES RELATING TO MINING, PIT LAKES, AND UNDERGROUND PUMP**

- Benny Hodges, Executive Director, Pershing County Water Conservation District (PCWCD), provided an overview on topics including: (1) the PCWCD; (2) concerns and issues; (3) factors affecting decreasing river flows; (4) mine dewatering; (5) pit lakes; and (6) underground pumping needs to be connected to surface water flows. (Please see Exhibit F, Exhibit F-1, and Exhibit F-2.)

Discussion ensued between Commissioner Collins and Mr. Hodges regarding the cumulative pumping for mining and agriculture, with Mr. Hodges noting the effect to surface water flows. He commented the cost to treat a supplemental well due to poor water quality is not feasible.

- Commissioner Collins asked what efforts are being made to influence cooperation by the mining community. Mr. Hodges replied mining utilizes the water rights from private land purchases, and noted no permit exists to account for the water retained in an open pit. He suggested mining take the acquired water rights and offset the new water that is being pulled into the pit.

Commissioner Collins opined if southern Nevada cannot provide reliable water sources to the tourism industry, which is the number one industry in the State, then everyone suffers.

- Assemblyman Hansen inquired if a request for the annual pumpage reports, basic water resources budgets, and annual groundwater level reports, have been made to the



State Water Engineer. Mr. Hodges answered he has not as there are no funds for an annual update.

- In response to Assemblyman Hansen's question whether water continues to be pumped out of the Kelley Creek area, which ultimately flows into the Pumpernickel Valley and into the Humboldt River, Mr. Hodges replied that option stopped many years ago.
- Discussion ensued between Assemblyman Hansen and Mr. Hodges regarding surface and groundwater.

## **UPDATE AND OVERVIEW OF THE BLM'S DROUGHT ENVIRONMENTAL ASSESSMENT**

- Raul Morales, Deputy State Director, Natural Resource, Land, and Planning, Nevada State Office, BLM, DOI, presented a Microsoft PowerPoint update on drought issues affecting the State, and the steps BLM is taking to address drought conditions on public lands, with a goal to sustain the health of those public lands. (Please see Exhibit G and Exhibit G-1.)
- Assemblyman Hansen, pointing out that wild horse levels on the BLM's HMAs are three times higher than what is allotted in the AMLs, questioned why the BLM is failing to follow its own policies on wild horses, while holding permittees to the most stringent standards when it comes to drought in protecting public lands. In reply, Mr. Morales answered the BLM can work with the permittees and make adjustments, including delayed turnouts, reduction of numbers, and different allotments; whereas, the BLM's only option, due to the high number, is to gather the wild horses, which has been occurring over the past few years. He reported the challenge BLM faces for wild horses is the lack of space in long-term holding facilities.

Responding to Assemblyman Hansen's question of how the BLM reconciles the high number of AMLs with the BLM's responsibility of protecting public lands when the public lands are being damaged by the BLM's inability to maintain the appropriate AMLs, Mr. Morales answered the BLM is exploring opportunities, including increasing public awareness for adoption of wild horses, and extending bids for securing additional land for long-term holding of wild horses.

- Commissioner Collins suggested \$500 million a year could be added to the U.S. economy if the BLM would allow the wild horses to be slaughtered and sold for food.

In response to Assemblyman Ellison's inquiry regarding what is being done to get the permittees' livestock back on the range, Mr. Morales testified fires occur in areas with eight inches of precipitation or less, which can impact restoration efforts, and given the drought situation, there is little growth for grazing. He acknowledged the BLM's first priority is to restore fire-damaged areas in an effort to ensure seedlings are vigorous enough to withstand

grazing. Assemblyman Ellison noted high fuel loads on burned lands without the benefits of grazing increases the chance of wildfires in that area.

- Prior to the Chair addressing Assemblyman Ellison's request for permission to have the Nevada Association of Counties (NACO) and the Nevada Farm Bureau speak on the lawsuit brought against the BLM for failing to follow the mandates of the Wild Horse and Burro Act of 1971, Mr. Morales stated counsel for the BLM is confident in the BLM's stance pertaining to its management plans of the wild horses.

There was discussion between Senator Goicoechea and Mr. Morales regarding: (1) existence of an appeal process within the BLM; (2) whether there can be an allotment within the checkerboard that is denied a permit due to drought conditions; and (3) the recognized exchange of use between private and public lands in the checkerboard. Mr. Morales acknowledged flexibility and adaptability needs to be more consistent across the various district landscapes.

Assemblyman Hansen addressed the massive wildfires that have destroyed millions of acres of sage-grouse habitat due to the BLM's insufficient regulatory management mechanisms, which are being addressed by the U.S. Fish and Wildlife Service (USFWS). Mr. Morales related prior to the passage of the Federal Land Policy and Management Act of 1976, public lands were not designated as multiple use. He noted cultural change, both societal and within the BLM, takes time to evolve and in the meantime, sage-grouse habitat was being lost.

- Assemblyman Hansen pointed to a disconnect between the BLM and the generations of families that have lived on the land for over a century.
- Chair Aizley asked for a show of hands of the individuals prepared to provide public comment on this agenda item, and asked those individuals to limit their respective testimony to two minutes.
- Cliff Gardner, Rural Heritage Preservation Project, discussed his concerns for wildlife habitat, grazing, and drought. (Please see Exhibit H.)
- John Carpenter, private citizen, spoke of the inconsistencies occurring in the various BLM districts.
- Floyd W. Rathbun, Certified Range Management Consultant, provided testimony on the sage-grouse habitat, noting the Fullstone family resides year round on the habitat. He opined if the goal of the State is to increase sage-grouse numbers, it should reestablish what occurred during the 1940s and 1950s when rangeland grazing was maintained by the ranching community and there was an abundance of sage-grouse and mule deer.

Assemblyman Hansen commented Mr. Fred Fullstone is 94 years old and has resided on the same property for nearly a century. He pointed out Mr. Fullstone was 14 years old when the Taylor Grazing Act of 1934 was passed.

- Jake Tibbitts, Natural Resources Manager, Eureka County, remarked he has also experienced inconsistencies within the BLM districts and the frustration that comes with dealing with issues that are in the best interests of the citizens of the State. Mr. Tibbitts addressed the lack of active management at the State and local level, noting data and range science does not defend the decisions being made by the BLM even when some of those decisions are favorable. He requested the Committee develop priorities for what will be done first before grazing restrictions put into place.
- Commissioner Collins commented because of tourists, grazing rights were bought up out in Gold Butte, and public lands have been fenced and gated off because of budget constraints. He agreed with an earlier statement made that prohibition is the easiest management because it is no management, and the issue needs to be addressed by the Legislature and the State's Congressional delegation.
- Pete Tomera, Tomera Ranches, testified his grazing license in the Argenta allotment in the Battle Mountain District, consists of 56 percent federal land and 44 percent deeded land, as well as over 100 vested water rights on all surface water, some of which date back to 1862. He stated there have been several large water improvements, both irrigation and stock water on the deeded lands, but the BLM has not allowed any water improvements to be made on federal lands, despite his repeated attempts in an effort to keep livestock scattered and off the creek bottoms. Mr. Tomera related difficulties and concerns in dealing with the Battle Mountain District Manager over using the leased lands and vested water rights for livestock grazing. He said over the last ten years, Tomera Ranches has taken non-use AUMs, despite the position of the BLM. He concluded with a desire to have the BLM make a greater effort to get along with the ranchers. (Please see Exhibit I.)
- Assemblyman Hansen shared with the Committee members a conversation that had taken place between himself and the BLM Battle Mountain District Manager pertaining to a meeting between the Battle Mountain District Manager and permittees.
- Jim C. Shirley, previously identified, expressed gratitude toward the Committee members for scheduling a meeting in his community. He highlighted the shared efforts of the ranchers and farmers and emphasized the need for change and collaboration between the agencies and citizens.
- Chair Aizley asked Mr. Shirley for a list of priorities for the Committee's consideration in its work session.
- Mike Stremmer, previously identified, expressed gratitude towards the Battle Mountain District Manager. He commented the federal government is not appropriating water

through State law, but regulating water through a particular policy, which becomes a regulatory taking and should result in just compensation.

- John Fallon, private citizen and member of the Wild Horse and Burro Advisory Board, briefly addressed interim policies and activities that may assist the Committee on the issue of wild horses and burros. He noted an increase of colts at a rate of 25 percent annually, and recommended the mares be sterilized.
- Assemblyman Ellison questioned why the wild horses are increasing and the sage hens are not.
- Rob Nuffer, private citizen, Woodward Ranch, in answering to Assemblyman Ellison's question, replied the hens continue to be hunted and which, he opined, should be stopped.

SENATOR GOICOECHEA MOVED TO SEND A LETTER TO NEIL KORNZE, DIRECTOR, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR, REQUESTING THE DIRECTOR PROVIDE A MECHANISM FOR OVERSIGHT AND AN APPEAL PROCESS OF THE SUSPENSIONS AND DECISIONS BEING ISSUED IN THE BATTLE MOUNTAIN BLM DISTRICT.

Prior to taking a vote, Assemblyman Ellison requested, and Senator Goicoechea agreed, that the motion be amended to include either the Director or his staff be invited to address the issue at the Committee's April 24 meeting.

Assemblywoman Carlton requested the witness comments expressed at today's meeting be included in the letter to Director Kornze.

Assemblyman Ellison further requested Assemblyman Hansen's statements regarding the Battle Mountain District Manager also be included in the letter to Director Kornze.

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

THE PREVIOUS MOTION BY SENATOR GOICOECHEA TO SEND A LETTER TO THE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT, AND THE REQUEST BY ASSEMBLYMAN ELLISON TO INVITE THE DIRECTOR, OR HIS STAFF, TO THE COMMITTEE'S APRIL 24, 2014, MEETING, AND ASSEMBLYWOMAN CARLTON'S REQUEST TO INCLUDE WITNESS COMMENTS EXPRESSED AT THE MARCH 24, 2014, MEETING WAS PASSED UNANIMOUSLY.

## **REVIEW OF FIRE SUPPRESSION PROGRAMS AND EFFORTS FOR THE 2014 FIRESEASON**

- Pete Anderson, State Forester Firewarden, Nevada Division of Forestry (NDF), State Department of Conservation and Natural Resources presented a Microsoft PowerPoint presentation that included: (1) Wildland Fire Protection Program (WFPP); (2) WFPP partnerships; (3) 2013 fire season; (4) NDF Helitack; (5) B/A 4194 Fire Program – Staffing Status; (6) fire prevention and public education; (7) forest, range, woodland, and watershed projects; (8) hazardous fuels mitigation and fire adapted communities; (9) prescribed fires; and (10) drought conditions. (Please see Exhibit J.)
- Vice Chair Parks commented, as a member of the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System, he observed firsthand, the activities in the Lake Tahoe Basin, as well as an up close and personal view of an NDF controlled burn.

In response to Assemblyman Ellison's question regarding the NDF's budget for the forest, range, woodland, and watershed projects, Mr. Anderson replied the focus is on non-federal lands, with the utilization of grants through the USFS, USFWS, and others to perform those projects. He remarked the 3,666 acres for fuel break reduction is occurring in areas that have been prioritized.

- Senator Goicoechea asked Mr. Anderson to address the issue of NDF negotiating with the federal agencies on behalf of the counties for wildland fire suppression. Mr. Anderson said transition is still occurring, and depending on which counties are participating and which are not, there may be a need for an agreement with BLM District so those resources can be reimbursed for a response on federal lands. There was continuing discussion between Senator Goicoechea and Mr. Anderson.
- Mel Hummel, President, Winnemucca Wildfire Support Group, Inc. (WSG), testified the WSG was established in 1999 for the BLM Winnemucca Field Office as a fire suppression training mechanism for local public land ranchers. He stated WSG members have responded, as initial attack personnel, to numerous fires since 2000, and will work alongside BLM personnel if requested to do so by the BLM incident commander. (Please see Exhibit K.)

Mr. Hummel reported that in 2009-2010, the Winnemucca BLM District required the WSG to become its own non-profit entity under *Internal Revenue Code* 501(c)(3).

Continuing, Mr. Hummel said in 2013, the WSG was informed by the BLM Fire Management Officer that under the annual operating agreement, BLM would enforce the provision requiring a qualified incident commander be on scene of a wildfire prior to any initial attack being performed. He noted to date, no WSG member has attained the necessary qualifications to be an incident commander, but many members have hands-on training and experience.

Mr. Hummel stated WSG members consist of experienced and responsible ranch owners, who are positioned over 2 million acres of BLM land in the Winnemucca District. He said the WSG has successfully assisted in suppressing up to 14 wildfires during a single season, resulting in a significant taxpayer savings, as well as minimizing damages to grazing resources, critical wildlife, and wild horse and burro habitat.

Concluding, Mr. Hummel recommended legislation encouraging the WSG, NDF, and BLM to work cohesively to suppress wildfires before becoming large and destructive.

Discussion ensued between Senator Goicoechea and Mr. Hummel regarding the establishment of an agreement with the WSG, BLM, and USFS. Mr. Anderson, previously identified, added the NDF does not have NRS authority to recognize a rangeland fire protection association, but does have authority for volunteer fire departments in partnership with the counties and other districts.

- Assemblyman Hansen commented he has been working with Mr. Hummel for future legislation to give WSG authority to perform initial attacks on wildfires without the required presence of an incident commander. He expressed concern over the upcoming fire season and WSG's inability to perform initial attacks without the threat of possible arrest. Mr. Hansen asked the USFS and the BLM for suggestions on how to address the issue between now and the 2015 Legislative Session.
- Commissioner Collins supported legislation that would assist in fire suppression.
- Mr. Hummel expressed appreciation to the BLM for the training the WSG has received, and acknowledged concerns to legally suppress wildfires.

Assemblyman Ellison agreed the WSG is the first responder and will support legislation on behalf of the WSG.

At the request of Assemblyman Hansen, Mr. Hummel related the WSG's fears of possible arrest by the BLM without any assistance from Humboldt County.

- Russell Bird, Forest Fire Management Officer, Humboldt-Toiyabe National Forest, USDA, offered a Microsoft PowerPoint presentation on topics which include: (1) Humboldt-Toiyabe National Forest; (2) ten-year fire averages; (3) fire suppression resources for 2014; (4) service first agreements; (5) cooperative fire protection agreements; (6) major fire concerns; (7) drought monitor; (8) significant wildland fire potential outlook; (9) program changes to the Humboldt-Toiyabe fire program; and (10) USFS national fire program updates. (Please see Exhibit L.)

Responding to Senator Goicoechea, Mr. Bird replied the C-130 air tankers, which hold 2800 to 3300 gallons of fire retardant, are controlled nationally and are provided as needed.

- Chair Aizley asked if the 7 to 10 person crew in Ely is fulltime, and Mr. Bird responded the superintendent and assistant are fulltime, but the others are not.

Senator Gustavson inquired if the use and efficiency of drones have been explored for fire protection. Mr. Bird acknowledged predator type drones that NASA operates are being utilized as surveillance, and opined small blade drones may be used in the next 5 years.

- Gene Seidlitz, previously identified, listed the priorities for fire suppression within the Winnemucca District as: (1) firefighter and public safety; (2) natural resource protection; and (3) property and infrastructure.

He reported within the State BLM, the following resources will be available for the 2014 fire season: (1) 7 single engine air tankers; (2) 3 helicopters; (3) 2 air attack aircraft; (4) 2 hotshot crews; (5) 1 Type 2 initial attack crew; (6) 49 fire engines; and (7) 5 dozers, with additional equipment provided as needed.

Mr. Seidlitz testified the budget for fire suppression is \$14 million, with the BLM and USFS working collaboratively to reduce costs by blending staff and reducing overhead. He discussed fire suppression agreements that exist with the USFS, the Bureau of Indian Affairs, U.S. Bureau of Reclamation, USFWS, and national parks.

Continuing, he noted that located within the Winnemucca BLM District, there are 11 fire engines, a Service First Interagency fire engine in Paradise, 2 fire dozers, 2 water tenders, and 2 single engine air tankers.

He discussed fuel breaks within rights-of-way, the fire prevention, mitigation, and education program, and the arrest made in 2013 by the Humboldt County Sheriff's Office of a private citizen during a wildfire in Humboldt County.

In conclusion, Mr. Seidlitz supported the WSG and directed his comments on the requirement of an incident commander.

There was discussion between Senator Goicoechea, Mr. Bird, and Mr. Hummel clarifying the type of action that is allowed by first responders to a wildland fire.

- Assemblyman Hansen expressed concern over land management agencies having their own law enforcement.

## **REVIEW OF AGRICULTURE AND GRAZING ACTIVITIES AND RELATED ISSUES ON PUBLIC LANDS IN NEVADA**

- Jim R. Barbee, Director, State Department of Agriculture (DOA), highlighted public lands' programs conducted in cooperation with federal agencies that include: (1) Mormon crickets and grasshoppers; (2) exotic pest surveys; (3) biological control of weeds (entomology and noxious); (4) stray and feral livestock; (5) wildlife services;

(6) cooperative weed management areas; and (7) regulatory programs. (Please see Exhibit M.)

- Commissioner Collins extended compliments and appreciation toward Mr. Barbee.

Mr. Barbee addressed Assemblyman Hansen's inquiry regarding the raven population by discussing the permitted taking of 5000 ravens, which may be increased to 9000 ravens by the USFWS if needed, after providing to the USFWS the several different methods that were undertaken to control the raven population. He stated he will confirm the number for the total population take in terms of ravens.

- Bruce Petersen, State Conservationist, Natural Resources Conservation Service, USDA, summarized topics in his Microsoft PowerPoint presentation as follows: (1) conservation activities; (2) 2014 farm bill; (3) customers and partners; (4) 2008 farm bill; (5) key activities and initiatives; (6) sage-grouse initiative; (7) sage-grouse accomplishments; (8) national water quality initiative; (9) drought monitor, strategies, and practices; (10) USDA strike force; (11) Environmental Quality Incentives Program changes; (12) Conservation Stewardship Program; (13) Agricultural Conservation Easement Program; (14) wetland reserve easements; and (15) Regional Conservation Partnership Program. (Please see Exhibit N.)
- Senator Goicoechea pointed out that the Nevada Department of Wildlife (NDOW) will allow up to a 20 percent take of sage-grouse and has said an 8 percent to 12 percent recreational take of sage-grouse has no impact, yet NDOW caps the ravens at 5 percent. He remarked it is an issue that the Committee may need to review.

## **PUBLIC COMMENT**

- Chair Aizley called for public comment.
- Cliff Gardner, previously identified, noted he has not heard discussion relating to utilizing livestock as a means of fire suppression. He discussed the "let it burn" policy that existed prior to 1910, when a destructive wildfire occurred, and the subsequent changes made to react more efficiently to a wildfire. Mr. Gardner concluded by asking the Committee to address the unwritten policy of letting wildfires burn.
- Floyd Rathbun, private citizen, previously identified, discussed the Endangered Species Act of 1973 criteria and how it relates to predation. He remarked it is the responsibility of the State to have an effective predator control program or plan, and the USFWS is obligated to evaluate predator control.