



## WORK SESSION DOCUMENT

Legislative Commission's Subcommittee to  
Study the Protection of Natural Treasures  
Senate Concurrent Resolution No. 35  
(File No. 101, *Statutes of Nevada 2005*)

**June 19, 2006**

The following "Work Session Document" was prepared by staff of the Legislative Commission's Subcommittee to Study the Protection of Natural Treasures (Senate Concurrent Resolution No. 35 [File No. 101, *Statutes of Nevada 2005*]). The document contains recommendations within the scope of the study that were presented in hearings or submitted in writing for the Subcommittee's consideration. The document also may contain supplemental information as referenced in this document. If you would like copies of these supporting documents, please contact Marjorie Paslov Thomas, Senior Research Analyst, Research Division, Legislative Counsel Bureau at 775/684-6825.

The possible actions listed in this document do not necessarily have the support or opposition of the Subcommittee. Rather, these possible actions are compiled and organized so the members may review them to decide if they should be adopted, changed, rejected, or further considered. Individual or joint sponsors of recommendations may be referenced in parentheses. Please note that specific sponsors of the recommendations may not be provided if the proposals were raised and discussed by numerous individuals and entities during the course of the study.

Pursuant to *Nevada Revised Statutes* (NRS) 218.2429, interim committees conducting a study or investigation are limited to no more than five legislative measures (bill draft requests and requests for the drafting of resolutions). The Legislative Commission

shall then submit any recommendations for legislation to the 74<sup>th</sup> Session of the Nevada State Legislature.

For purposes of this “Work Session Document,” the recommendations have been grouped by the type of Subcommittee action requested. Please note that the recommendations are not preferentially ordered. Additionally, although possible actions may be identified within each recommendation, the Subcommittee may choose to recommend any of the following actions: (1) draft legislation; (2) draft a resolution; (3) draft a letter; or (4) include a statement in the final report.

Finally, it should be noted that many of the recommendations may contain an unknown fiscal impact. Subcommittee members should be advised that Legislative Counsel Bureau staff will coordinate with the interested parties to obtain detailed fiscal estimates, where appropriate (for inclusion in the final report), and that all recommendations may be considered within available funding limits.

### **RECOMMENDATIONS FOR LEGISLATIVE MEASURES**

**RECOMMENDATION NO. 1** – Draft a bill amending Chapter 459 of the NRS to require the State Environmental Commission to adopt regulations modifying the Chemical Accident Prevention Program. The bill would require the regulations to include provisions regarding the handling and storage of large quantities of mercury related to the consolidation of the national strategic stockpile in Nevada to protect the health, safety, and welfare of the residents of this State. The modification also should allow for regulation of the stockpile only, recognizing its unique qualities in terms of its quantity and long-term storage.

*(Recommended by Allen Biaggi, Director, State Department of Conservation and Natural Resources [SDCNR]).*

#### Background Information for Recommendation No. 1

At the March 10, 2006, meeting, testimony indicated that the United States Department of Defense intends to consolidate the national strategic mercury stockpile to a single location, primarily the Hawthorne Army Ammunition Depot in Hawthorne, Nevada. Allen Biaggi indicated that if this occurs, the State of Nevada should exercise regulatory control over the handling and storage of the material to ensure the protection of public health and the quality of Nevada’s unique environment.

**RECOMMENDATION NO. 2** – Draft a bill creating an Office of a State Paleontologist within the Executive Branch or the Nevada System of Higher Education. The position would be headquartered in the southern part of the State. According to information provided, the State Paleontologist would systemically inventory the paleontological resources within the State of Nevada and compile a database of fossil resources; coordinate paleontological research activity within the State; promote paleontological research within the State; promote the dissemination of knowledge gained from this research; and use Nevada’s paleontological resources to promote tourism within the State. The position could be established in one of the following agencies:

- An office in Nevada’s Bureau of Mines and Geology of the State of Nevada in the Public Service Division of the Nevada System of Higher Education; OR
- An office in one of the southern Nevada campuses of the Nevada System of Higher Education; OR
- An office in the Nevada State Museum and Historical Society of the Division of Museums and History in the Department of Cultural Affairs.

*(Recommended by Assemblyman Harry Mortenson.)*

Background Information for Recommendation No. 2

**TAB A** – Letter from Steve Rowland, Professor of Geology, University of Nevada, Las Vegas, dated May 31, 2006, recommending the creation of a State Paleontologist.

**TAB B** – Describes the rationale Professor Rowland used to recommend placement of a State Paleontologist:

- Nevada’s Bureau of Mines and Geology is similar to the Utah Geological Survey, which is where the Utah State Paleontologist is located; OR
- An office in one of the southern Nevada campuses of the Nevada System of Higher Education is modeled after the Office of the State Climatologist, which is located in the Department of Geography, University of Nevada, Reno; OR
- The primary repositories for fossils within the State are the Nevada State Museum in Carson City and the Nevada State Museum and Historical Society in Las Vegas. It would be important for the State Paleontologist to be affiliated with the State Museum.

Additional background information regarding the models is provided under **TAB B**.

**RECOMMENDATION NO. 3** – Draft a bill directing the Walker River Irrigation District, in collaboration with other appropriate entities, to submit, on or before January 31 of each odd-numbered year, a report to the Director of the Legislative Counsel Bureau for distribution to the regular session of the Legislature. The report must include the progress of the negotiations regarding the Walker River system and water resources, Walker Lake water quality, and any ongoing litigation and mediation.

Background Information for Recommendation No. 3

**TAB C** – Letter from Dale E. Ferguson, Attorney, Woodburn and Wedge, dated June 13, 2006, which provides an update of the Walker River Basin mediation efforts between the United States, State of Nevada, State of California, Walker River Paiute Tribe, Lyon County, Mineral County, Mono County (California), and the Walker Lake Working Group.

**RECOMMENDATION NO. 4** – Draft a resolution urging the Commission on Tourism and the Division of Tourism of the Commission on Tourism, to include in their program for tourism support for, and information to attract, visitors to Nevada’s natural treasures, which include Mount Charleston and Walker Lake. The resolution may specify that a program for tourism should educate and support protecting the threatened and endangered pupfish located at Ash Meadows National Wildlife Refuge.

**RECOMMENDATION NO. 5** – Draft a resolution recognizing the month of May as Archeological Awareness and Historic Preservation Month in Nevada. Additionally, the resolution would recognize the importance of Tule Springs in Las Vegas as an area where fossil remains have been found of mammoths, bison, horses, camels, giant sloths, and other Pleistocene fauna. The resolution would further commemorate Tule Springs as well known in the scientific world as one of the best examples of Pleistocene paleontologic sites in Western North America.  
*(Recommended by Helen Mortenson.)*

**RECOMMENDATIONS TO DRAFT A LETTER OR  
INCLUDE A STATEMENT IN THE FINAL REPORT**

**RECOMMENDATION NO. 6** – Draft a letter urging Nevada’s Congressional Delegation to continue their efforts to keep 100 percent of the money from the Southern Nevada Public Land Management Act of 1998 (SNPLMA) in Nevada and the Lake Tahoe area. Testimony indicated that in 2005, President George W. Bush proposed to divert 70 percent of the revenue from SNPLMA to the federal Treasury. However, Nevada’s Congressional Delegation successfully kept 100 percent of SNPLMA funds in Nevada and the Lake Tahoe area during Fiscal Year (FY) 2006 and FY 2007.  
*(Recommended by Chairwoman Dina Titus.)*

**RECOMMENDATION NO. 7** – Draft a letter to the Division of State Lands, SDCNR, supporting establishment of a State park at Monte Cristo’s Castle in Esmeralda County. According to testimony, the State park would be approximately 10 square miles in area. Additionally, Monte Cristo’s Castle is a unique, diverse geologic area in need of protection so its natural geologic features are preserved.  
*(Recommended by Michael Hackett, Alrus Consulting, and Andrea Robb-Bradick, Owner, Jim Butler Hotel, Tonopah.)*

Background Information for Recommendation No. 7

**TAB D** – Letter from Michael Hackett, dated May 30, 2006, recommending establishment of a State park at Monte Cristo’s Castle.

**TAB E** – Definitions, criteria, and procedures for establishing State parks in Nevada and a cost estimate to establish a State park at Monte Cristo’s Castle, which was provided by David K. Morrow, Administrator, Division of State Parks, SDCNR.

**RECOMMENDATION NO. 8** – Draft a letter to the Division of State Parks of SDCNR, Commission on Tourism, each of Nevada’s Boards of County Commissioners, and every local Convention and Visitors Authorities encouraging greater collaboration in an effort to publicize the State park system to residents and visitors.  
*(Recommended by David K. Morrow, Administrator, Division of State Parks, SDCNR.)*

**RECOMMENDATION NO. 9** – Draft a letter encouraging the Governor of the State of Nevada to consider reclassifying portions of Great Basin National Park as a Class I area under the federal Clean Air Act (42 *United States Code* 7474).  
*(Recommended by Joe Johnson, Toiyabe Chapter Sierra Club.)*

Background Information for Recommendation No. 9

**TAB F** – Letter from Allen Biaggi, Director, SDCNR, dated December 1, 2005, containing information on reclassifying an area in Nevada as a Class I area under the federal Clean Air Act.

The provisions of the Clean Air Act allow the Governor of a state to unilaterally designate an area as a Class I area through written notification to the U.S. Environmental Protection Agency. The written notification is accomplished in the form of a State Implementation Plan submittal. Federal regulations dictate that such an action be undertaken only with the input of the public and potentially impacted parties, including other states and/or tribes. Currently, the only Class I area in Nevada is the Jarbridge Wilderness Area.

**RECOMMENDATION NO. 10** – Draft a letter encouraging the Governor of the State of Nevada, the Chairperson of the Senate Committee on Finance, and the Chairperson of the Assembly Committee on Ways and Means to include additional

funding to the Division of State Parks, SDCNR, for advertising, maintenance, and operations during the 2007-2008 biennium.

**RECOMMENDATION NO. 11** – Draft a letter requesting Nevada’s Department of Transportation (NDOT) and the Regional Transportation Commission (RTC) of Southern Nevada to consider implementing a shuttle service between Las Vegas and Mount Charleston. The shuttle service would be used to ease traffic congestion in Clark County. The NDOT and RTC of Southern Nevada should consider using Zion National Park’s shuttle service as a model.  
*(Recommended by Senator Mark E. Amodei.)*

Background Information for Recommendation No. 11

**TAB G** – Background information concerning how visitors may access the shuttle service at Zion National Park, which is located on the Park’s Internet site (<http://www.utah.com/nationalparks/zion.htm>)

**RECOMMENDATION NO. 12** – Draft a letter requesting NDOT to conduct a Performance Speed Study along the “Blue Diamond Highway” (State Route 160). The study should consider restricting weight limits for certain motor vehicles along that route.

**RECOMMENDATION NO. 13** – Draft a letter to the U.S. Forest Service (USFS) of the Department of Agriculture encouraging continued collaboration between the USFS, the State of Nevada, the Nye County Board of Commissioners, the Town of Pahrump, and other affected citizens of Nevada as it develops the Spring Mountains National Recreation Area (SMNRA) West Side Master Plan. The Plan should consider the importance of future development along the Pahrump side of the SMNRA. The letter would request that the USFS submit, on or before, January 31, 2007, a progress report of the development of the West Side Master Plan to the Director of the Legislative Counsel Bureau for distribution to the 74<sup>th</sup> Session of the Nevada State Legislature.

Background Information for Recommendation No. 13

**TAB H** – Summary of Public Comments of the February 7, 2006, questionnaire and the February 23, 2006, public meeting held by the USFS.

**RECOMMENDATION NO. 14** – Include a statement in the final report urging the USFS to construct a permanent rest stop at Mount Charleston and NDOT to maintain it. The statement should also support an increase in NDOT’s budget to maintain a rest stop located at Mount Charleston.

Background Information for Recommendation No. 14

At the Subcommittee's February 10, 2006, meeting, Stephanie Phillips, USFS, testified that port-a-potties are being used year-round at Mount Charleston. Federal funding is available to construct a permanent rest stop facility at Mount Charleston; however, federal funding is not available to maintain such a facility. Ms. Phillips indicated that NDOT is responsible for maintaining such facilities.

**RECOMMENDATION NO. 15** – Include a statement in the final report urging NDOT to consider designating State Route 158 (Deer Creek Road) as a State Scenic Byway.

Background Information for Recommendation No. 15

The NDOT reports that scenic byways are the roads that stretch across the most beautiful and historically important landscapes of America. Nevada has created a program to protect and promote these roads (NRS 408.213). The Nevada Scenic Byways program is a flexible and multi-faceted effort with a clear mission to identify, promote, and protect the State's most exceptional roadways for the traveling public and for the betterment of Nevada communities. To be eligible for designation, the route must provide access to recreational areas or historic sites.

**RECOMMENDATION NO. 16** – Include a statement in the final report expressing the Subcommittee's support of the Nevada Fire Safe Council. Testimony indicated that the Council serves as a bridge between fire services and public agencies, and communities threatened by wildfire.

*(Recommended by Chairwoman Titus.)*

**RECOMMENDATION NO. 17** – Include a statement in the final report recognizing the need to educate the public concerning Nevada's rural heritage and natural treasures. To achieve this goal, a coordinated system should be established, which involves a broad array of compatible community-based programs and economic services. Such a program may be modeled after Utah's Community Cultural Heritage Coordinating Council, Department of Community and Economic Development.

*(Recommended by Tonia Harvey and Margaret B. Klein.)*

NOTE:

- The Legislative Commission's Subcommittee to Study the Protection of Natural Treasures may make additional recommendations based on discussions held and presentations made at its June 19, 2006, meeting. Please see meeting agenda for discussion topics.
- Subcommittee staff may need to seek additional details or clarification on approved recommendations from Subcommittee members and others prior to drafting bill draft requests or Subcommittee letters/statements.