



## **NEVADA LEGISLATURE**

### **LEGISLATIVE COMMITTEE ON PUBLIC LANDS**

**(Nevada Revised Statutes 218E.510)**

#### **SUMMARY MINUTES**

**March 3, 2020**

The second meeting of the Legislative Committee on Public Lands for the 2019–2020 Interim was held on Tuesday, March 3, 2020, at 10 a.m. in the Art Room, City of Caliente Depot, 100 Depot Avenue, Caliente, Nevada.

The agenda, minutes, meeting materials, and audio recording of the meeting are available on the Committee's [meeting page](#). The audio recording may also be found at <https://www.leg.state.nv.us/Granicus/>. Copies of the audio record can be obtained through the Publications Office of the Legislative Counsel Bureau (LCB) ([publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us) or 775/684-6835).

#### **COMMITTEE MEMBERS PRESENT IN CALIENTE:**

Senator David R. Parks, Chair  
Assemblywoman Heidi Swank, Vice Chair  
Senator Chris Brooks for Senator Melanie Scheible  
Senator Pete Goicoechea  
Senator Ira Hansen  
Assemblywoman Shannon Bilbray-Axelrod for Assemblyman Richard (Skip) Daly  
Assemblywoman Alexis Hansen  
Assemblyman Howard Watts III  
Daniel J. Corona, Mayor of West Wendover

#### **LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Jered M. McDonald, Principal Policy Analyst, Research Division  
Maria Aguayo, Research Policy Assistant, Research Division  
Heidi A. Chlarson, Senior Principal Deputy Legislative Counsel, Legal Division  
Erin R. Sturdivant, Senior Deputy Legislative Counsel, Legal Division  
Nick Steinheimer, Deputy Legislative Counsel, Legal Division  
Ryan Dombrowski, Technical Communication Systems Specialist II, Broadcast and Production Services, Administrative Division  
Brian Van Geel, Technical Communication Systems Specialist II, Broadcast and Production Services, Administrative Division  
Dean Reynolds, Officer, Legislative Police, Administrative Division  
Mark Sharp, Las Vegas Session Police Officer, Administrative Division

*Items taken out of sequence during the meeting have been placed in agenda order.*

## **AGENDA ITEM I—OPENING REMARKS**

Chair Parks called the second meeting of the Legislative Committee on Public Lands for the 2019–2020 Interim to order.

## **AGENDA ITEM II—PUBLIC COMMENT**

Dann Mathews, President, Lincoln County Farm Bureau, Nevada Farm Bureau Federation, stated the stewardship priorities related to public lands managed by the Bureau of Land Management (BLM), United States Department of the Interior, are: (1) finding solutions to the wild horse problem; (2) pinyon-juniper woodlands reduction and mitigation; and (3) water development and proliferation for livestock and wildlife.

## **AGENDA ITEM III—APPROVAL OF THE MINUTES FOR THE MEETING ON DECEMBER 17, 2019**

**MOTION:** Vice Chair Swank moved to approve the minutes of the meeting held on December 17, 2019. The motion was seconded by Senator Goicoechea and passed unanimously.

## **AGENDA ITEM IV—DISCUSSION CONCERNING ISSUES RELATED TO PUBLIC LANDS AND NATURAL RESOURCES IN LINCOLN AND WHITE PINE COUNTIES**

Jared Brackenbury, Commissioner, Lincoln County Board of Commissioners, emphasized the biggest issues affecting Lincoln County are wild horses and pinyon-juniper woodlands. He expressed that horse gathers and pinyon-juniper removal must be done in order to improve wildlife habitat.

Laurie L. Carson, Commissioner, White Pine County Board of Commissioners, provided testimony ([Agenda Item IV A-1](#)) regarding: White Pine County, collaborative conservation, wild horses and burros, and the [White Pine County Conservation, Recreation, and Development Act of 2006](#) (S. 3772 of the 109<sup>th</sup> Congress).

Along with her testimony, Commissioner Carson included:

- Pictures of wild horses and wildlife in White Pine County ([Agenda Item IV A-2](#));
- A chart of the wild horse population in the Ely District, BLM ([Agenda Item IV A-3](#)); and
- A copy of *Landscape News*, Volume 19, Issue 2 ([Agenda Item IV A-4](#)).

Senator Goicoechea inquired about the funding and time frame regarding the restoration and repair of the Cave Creek Dam at Cave Lake State Park.

Bradley Crowell, Director, State Department of Conservation and Natural Resources (DCNR), explained the time frame of the project is dependent on funding and weather. He further clarified that as soon as the Department of Wildlife has the financial means for the project, the Division of State Parks along with the Division of Water Resources of DCNR will help facilitate the project.

Mayor Corona requested clarification regarding what happens to wild horses after they are removed from an area.

Commissioner Brackenbury explained the horses go to temporary and/or permanent holding facilities, such as the Palomino Valley Wild Horse and Burro Center. He mentioned the BLM's Adoption Incentive Program, in which the BLM provides up to \$1,000 to adopt a wild horse or burro. He urged the Committee to explore other ways to remove wild horses because the current costs to gather, store, and adopt wild horses are high.

## **AGENDA ITEM V—OVERVIEW OF PROGRAMS AND ACTIVITIES OF THE BUREAU OF LAND MANAGEMENT, UNITED STATES DEPARTMENT OF THE INTERIOR, ELY DISTRICT**

Shane DeForest, Acting District Manager, Ely District, BLM, U.S. Department of the Interior, provided an update ([Agenda Item V A-1](#)) and a presentation ([Agenda Item V A-2](#)) on the Ely District.

There was extensive discussion among Committee members and Mr. DeForest regarding:

- The estimated total acreage of pinyon-juniper woodlands that can be reduced in Nevada and the estimated budget to do so;
- How staff time is allocated and distributed;
- How state agencies and communities are engaged during the BLM's process of identifying project priorities;
- Oil and gas lease sales, specifically:
  - The average length of oil and gas leases;
  - Fiscal responsibility;
  - [\*Western Watersheds Project et al v. Schneider et al\*](#);
  - Whether BLM would still list parcels and conduct auctions if the state were to decide to no longer permit oil and gas wells; and
  - Whether the funding brought in from lease sales covers the cost of staffing needed to carry out the program; and
- Wild horses, specifically:
  - The average life span of horses;
  - Whether there has been a shift in management strategies within the BLM to deal with the wild horse population; and
  - Whether there has been any more thought or research regarding the cost of sterilization and birth control for horses.

Subsequent to the meeting, Chris Hanefeld, Public Affairs Specialist, Ely District, BLM, U.S. Department of the Interior, submitted:

- Follow-up responses to questions raised by Committee members during the meeting ([Agenda Item V B-1](#)); and
- An instruction memorandum regarding oil and gas informal expressions of interest ([Agenda Item V B-2](#)).

## **AGENDA ITEM VI—UPDATE ON PROGRAMS AND ACTIVITIES OF THE UNITED STATES FOREST SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE, IN CENTRAL NEVADA**

Erin Rajala, Central Zone Recreation and Wilderness Program Manager, Ely Ranger District, U.S. Forest Service (USFS), U.S. Department of Agriculture (USDA), provided testimony on resource management activities ([Agenda Item VI A](#)).

Assemblywoman Bilbray-Axelrod asked whether there is an estimated cost for the Mount Moriah Trails Reconstruction Project.

Ms. Rajala stated the project will be at least \$1 million.

Subsequent to the meeting, in response to questions from Committee members, Cheva Gabor, Nevada State Liaison, USFS, USDA, submitted:

- The Eastern Nevada Landscape Restoration Project proposal, which includes information regarding the multijurisdictional noxious and invasive weed partnership ([Agenda Item VI B-1](#)); and
- A map depicting the pinyon-juniper treatments during Fiscal Year 2019 in Ely, Nevada ([Agenda Item VI B-2](#)).

## **AGENDA ITEM VII—UPDATE ON THE ACTIVITIES OF THE DIVISION OF STATE PARKS, STATE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**

Bradley Crowell, previously identified, introduced Colin Robertson, inaugural Administrator of the Division of Outdoor Recreation, DCNR.

Robert Mergell, Administrator, Division of State Parks, DCNR, provided an update of the activities of the Division ([Agenda Item VII](#)).

There was discussion among Committee members and Mr. Mergell regarding:

- Money raised by Steve Yeager, Assembly District 9, for the Division;
- Ways service groups or the public can help, whether in donations or time;
- Where merchandise can be purchased; and
- Wi-Fi service and costs.

## **AGENDA ITEM VIII—UPDATE ON THE ACTIVITIES OF NEVADA’S OFF-HIGHWAY VEHICLES PROGRAM**

**(This agenda item was taken out of order.)**

Nikhil R. Narkhede, Program Manager, Off-Highway Vehicles (OHV) Program, DCNR, provided an update on the Program ([Agenda Item VIII](#)).

There was extensive discussion among the Committee members and Mr. Narkhede regarding:

- Difficulties with the registration and titling process only being available through mail or at the OHV dealer;
- Education and enforcement of OHV laws and regulations;
- Exploring the option of having the OHV registrations available through the Department of Motor Vehicles (DMV) website;
- How neighboring states are handling education and registration requirements, as well as reciprocity for the OHV registration program;
- Nonresident OHV use stickers; and
- The quantity of vehicles being purchased on the secondary market and how to keep track of those sales.

Vice Chair Swank and Assemblyman Watts urged finding a mutually beneficial partnership between the OHV Program and the DMV that uses the DMV’s existing infrastructure and platform to help meet the needs of the OHV Program. Doing so would improve the process for both staff and users.

Additionally, Assemblyman Watts suggested working with neighboring states to come up with standard practices for OHV education, reciprocity, and safety enforcement.

Assemblywoman Hansen asked whether regulations were being set for fees or safety.

Dominique Etchegoyhen, Deputy Director, DCNR, explained that [Senate Bill 400](#) (2005) responded to dealers who were concerned that many OHV purchasers were buying outside Nevada, not paying taxes, and then bringing the OHVs into the state. Creating the titling program would ensure funds go back to the state because more people would buy OHVs in Nevada.

## **AGENDA ITEM IX—OVERVIEW OF ECONOMIC DEVELOPMENT EFFORTS IN LINCOLN COUNTY**

**(This agenda item was taken out of order.)**

Jeff Fontaine, Executive Director, Lincoln County Regional Development Authority (LCRDA), called attention to the Nevada Economic Assessment Project (NEAP) of the Extension of the College of Agriculture, Biotechnology & Natural Resources, University of Nevada, Reno, which recently completed an [assessment of Lincoln County](#).

Mr. Fontaine stated NEAP: (1) improves the capacity of rural counties, such as Lincoln County, to engage with federal agencies like the BLM and USFS; and (2) provides a baseline for economic and community development. He then provided a detailed overview of many of the fact sheets from the Lincoln County assessment.

Mr. Fontaine stated the LCRDA:

- Gives importance to economic development in the form of outdoor recreation and tourism;
- Looks to improve rail access for the potential export of pinyon-juniper and biomass feedstock, as well as mined minerals; and
- Works with the Congressional Delegation to create opportunities for outdoor recreation and associated infrastructure, watershed restoration and erosion control projects, and infrastructure development as part of the Lincoln County Land Act.

Marcia Hurd, President, Lincoln County Authority of Tourism (LCAT), provided information about LCAT. She expressed LCAT's hope that the state will support the use of BLM land and state parks by increasing resources for much needed trail and facility maintenance. Finally, she called attention to the [Lincoln County Nevada Visitor Guide](#).

David Hurd, Chair, LCRDA, shared that the LCRDA:

- Had a microloan program, which allowed for new startup businesses in Lincoln County;
- Has been working with biomass feasibility for many years; and
- Worked with the BLM, the U.S. Department of the Interior, and the Division of State Parks, DCNR, to help acquire the grant to build the bicycle trails.

Vice Chair Swank requested information regarding the number of hotel rooms, occupancy rates, and the average length of stay for a visitor in Lincoln County. Additionally, she encouraged LCAT and LCRDA to contact the Office of Economic Development, Office of the Governor, regarding the Nevada Main Street program.

## **AGENDA ITEM X—PRESENTATION REGARDING PINYON-JUNIPER WOODLANDS MANAGEMENT AND BIOMASS UTILIZATION**

**(This agenda item was taken out of order.)**

Jeff Fontaine, previously identified, representing the Nevada Pinyon-Juniper Partnership, provided an updated overview of the pinyon-juniper woodlands management practices ([Agenda Item X A](#)).

Stephen Clarke, Ph.D., Chair and Chief Executive Officer, QuanVerge Inc., provided an outline of renewable energy and materials from lingo-cellulosic biomass ([Agenda Item X B](#)).

There was discussion among Committee members and Dr. Clarke regarding the biomass proposal, during which Dr. Clarke stated:

- Pinyon-juniper biomass makes a good candidate for this process because it is abundant, needs to be removed, is not useful as a conventional woody biomass, and has a high terpene yield;
- QuanVerge is looking to start with a 20-year stewardship agreement for 1 million acres to prove the concept; and
- There is some need for improved infrastructure.

Chair Parks inquired about the 2007 biomass plant appropriated for the Department of Corrections.

Bradley Crowell, previously identified, explained that the Department of Corrections did not have the qualifications to operate the facility, which led to the plant's standstill. He added that the Division of Forestry, DCNR, is partnering with the Lake Tahoe Basin Management Unit, USFS, USDA, to look into potentially using the plant as an unused feedstock facility.

Senator Goicoechea asked about the biomass heating system used by the White Pine County School District.

Paul Johnson, Chief Financial Officer, White Pine County School District, shared that the biomass heating system at David E. Norman Elementary School is still operating and servicing the heating needs of the campus every year. He stated the school district has a seven-year supply of woody biomass.

## **AGENDA ITEM XI—PRESENTATION REGARDING SCHOOL TRUST LANDS IN NEVADA**

Paul Johnson, previously identified, provided an overview on school trust lands in Nevada ([Agenda Item XI](#)).

Ira Wines, Member, Elko County School District Board of Trustees, shared that while he likes the idea of school trust lands, he prefers keeping existing grazing permits in place.

Lori Hunt, Member, Advocates for School Trust Lands, shared information regarding the school trust lands model and structure in Utah.

Discussion ensued among Senator Hansen, Mr. Johnson, and Ms. Hunt regarding the State Education Fund and whether the school trust lands would remain in public domain or would be available for public sale.

Based on that discussion, Senator Hansen called attention to a [report](#) submitted to the Legislative Committee on Public Lands in August 2014 from the Nevada Land Management Task Force, which included similar information regarding state school trust lands.

## **AGENDA ITEM XII—REVIEW OF PROGRAMS AND ACTIVITIES OF PUBLIC WATER AUTHORITIES, DISTRICTS, AND SYSTEMS**

Wade Poulsen, General Manager, Lincoln County Water District, provided a detailed history of Lincoln County lands, including information about the [Lincoln County Conservation, Recreation, and Development Act of 2004](#) (H.R. 4593 of the 108<sup>th</sup> Congress); the [Lincoln County Land Act of 2000](#) (H.R. 2752 of the 106<sup>th</sup> Congress); and the [Lincoln County Water District Act](#). Additionally, he shared the challenges of balancing growth with the cost of new infrastructure.

Mr. Poulsen concluded his testimony by stating that the Lincoln County Water District favors the idea that groundwater basins should be managed by the state engineer basin-by-basin rather than as a super basin unit.

Senator Goicoechea echoed the apprehension toward operating super basins and expressed concern for the Lower White River Flow System multibasin area.

Kevin W. Brown, General Manager, Virgin Valley Water District, provided an overview of the Virgin Valley Water District ([Agenda Item XII](#)).

In response to a question from Senator Goicoechea, Mr. Brown stated the Virgin Valley Water District has no current development north of the Lincoln County line and clarified that that land is part of the Lincoln County Land Act.

## **AGENDA ITEM XIII—PUBLIC COMMENT**

Bradley Crowell, previously identified, stated that the decision to operate on a basin-by-basin basis or as a super basin unit is determined by surface and groundwater interactions and hydrology. Further, he explained that decisions regarding the Lower White River Flow System are currently paused to acquire extensive public and stakeholder input and to make water allocation, permitting, and development decisions based on the most accurate resource information. In regards to maintaining current systems, he stated DCNR manages a number of grant programs to help with challenges in development, including a low-interest loan program.

Charles Donohue, Administrator, State Land Registrar, Division of State Lands, DCNR, stated that while he supports the school trust lands effort, he cautioned there will be costs associated with the effort and called attention to [Assembly Bill 227](#) (2013) and [AB 408](#) (2015). Additionally, he cited the Arizona State Land Department's significant costs of operations, infrastructure, and resources needed to manage the volumes of school trust lands as an example. Finally, Mr. Donohue stated that the process to go through the [National Environmental Policy Act of 1969](#) (S.1075 of the 91<sup>st</sup> Congress) and to identify funding can be lengthy.

Jered M. McDonald, previously identified, called attention to written testimony submitted by Karen Boeger, Member, Nevada Chapter Board, Backcountry Hunters & Anglers, ([Agenda Item XIII](#)).



#### **AGENDA ITEM XIV—ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 4:37 p.m.

Respectfully submitted,

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Maria Aguayo

Research Policy Assistant

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Jered M. McDonald

Principal Policy Analyst

APPROVED BY:

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Senator David R. Parks, Chair

Date: \_\_\_\_\_

## MEETING MATERIALS

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
<a href="#">Agenda Item IV A-1</a>	Laurie Carson, Commissioner, White Pine County Board of Commissioners	Written testimony
<a href="#">Agenda Item IV A-2</a>	Laurie Carson, Commissioner, White Pine County Board of Commissioners	Pictures
<a href="#">Agenda Item IV A-3</a>	Laurie Carson, Commissioner, White Pine County Board of Commissioners	Chart
<a href="#">Agenda Item IV A-4</a>	Laurie Carson, Commissioner, White Pine County Board of Commissioners	<i>Landscape News</i>
<a href="#">Agenda Item V A-1</a>	Shane DeForest, Acting District Manager, Ely District, Bureau of Land Management (BLM), United States Department of the Interior (DOI)	Update on the Ely District, BLM
<a href="#">Agenda Item V A-2</a>	Shane DeForest, Acting District Manager, Ely District, BLM, DOI	PowerPoint presentation
<a href="#">Agenda Item V B-1</a>	Chris Hanefeld, Ely District Public Affairs Specialist, BLM, DOI	Follow-up responses
<a href="#">Agenda Item V B-2</a>	Chris Hanefeld, Ely District Public Affairs Specialist, BLM, DOI	Memorandum
<a href="#">Agenda Item VI A</a>	Erin Rajala, Central Zone Recreation and Wilderness Program Manager, Ely Ranger District, U.S. Forest Service (USFS), U.S. Department of Agriculture (USDA)	Written testimony
<a href="#">Agenda Item VI B-1</a>	Cheva Gabor, Nevada State Liaison, USFS, USDA	Project proposal
<a href="#">Agenda Item VI B-2</a>	Cheva Gabor, Nevada State Liaison, USFS, USDA	Map

<b>AGENDA ITEM</b>	<b>PRESENTER/ENTITY</b>	<b>DESCRIPTION</b>
<a href="#"><u>Agenda Item VII</u></a>	Robert Mergell, Administrator, Division of State Parks, State Department of Conservation of and Natural Resources (DCNR)	PowerPoint presentation
<a href="#"><u>Agenda Item VIII</u></a>	Nikhil R. Narkhede, Program Manager, Off-Highway Vehicles Program, DCNR	PowerPoint presentation
<a href="#"><u>Agenda Item X A</u></a>	Jeff Fontaine, Executive Director, Lincoln County Regional Development Authority	Presentation
<a href="#"><u>Agenda Item X B</u></a>	Stephen Clarke, Ph.D., Chair and Chief Executive Officer, QuanVerge Inc.	Presentation
<a href="#"><u>Agenda Item XI</u></a>	Paul Johnson, Chief Financial Officer, White Pine County School District	PowerPoint presentation
<a href="#"><u>Agenda Item XII</u></a>	Kevin W. Brown, General Manager, Virgin Valley Water District	PowerPoint presentation
<a href="#"><u>Agenda Item XIII</u></a>	Karen Boeger, Member, Nevada Chapter Board, Backcountry Hunters & Anglers	Written testimony

The Summary Minutes are supplied as an informational service. All meeting materials are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. For copies, contact the Library at (775) 684-6827 or <https://www.leg.state.nv.us/Division/Research/Library/About/Contact/feedbackmail.cfm>.