



NEVADA LEGISLATURE LEGISLATIVE COMMITTEE ON PUBLIC LANDS

([Nevada Revised Statutes \[NRS\] 218E.510](#))

SUMMARY MINUTES May 29, 2020

The third meeting of the Legislative Committee on Public Lands for the 2019–2020 Interim was held on Friday, May 29, 2020, at 9 a.m. Pursuant to Section 1 of Governor Steve Sisolak's [Emergency Directive 006](#), there was no physical location for this meeting.

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

COMMITTEE MEMBERS PRESENT:

Senator David R. Parks, Chair
Assemblywoman Heidi Swank, Vice Chair
Senator Pete Goicoechea
Senator Ira Hansen
Senator Melanie Scheible
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
Jann Stinnesbeck, Senior 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

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

AGENDA ITEM I—OPENING REMARKS

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

AGENDA ITEM II—PUBLIC COMMENT

Patrick Donnelly, Nevada State Director, Center for Biological Diversity, stated the Center is of the opinion that the expansion of the Fallon Range Training Complex (FRTC) is out of step with the will of Nevadans. Additionally, he stated support for the steps the Division of Water Resources, State Department of Conservation and Natural Resources (DCNR), is making regarding Nevada Water Law.

AGENDA ITEM III—APPROVAL OF THE MINUTES FOR THE MEETING ON MARCH 3, 2020

MOTION: Vice Chair Swank moved to approve the minutes of the meeting held on March 3, 2020. The motion was seconded by Senator Scheible and passed unanimously.

AGENDA ITEM IV—OVERVIEW OF PROGRAMS AND ACTIVITIES OF THE BUREAU OF LAND MANAGEMENT, UNITED STATES DEPARTMENT OF THE INTERIOR, IN NEVADA

Jon Raby, Nevada State Director, Bureau of Land Management (BLM), U.S. Department of the Interior, provided an overview of BLM activities in Nevada during the Coronavirus Disease of 2019 (COVID-19) pandemic ([Agenda Item IV](#)).

Senator Goicoechea and Mr. Raby discussed the 11,000 miles of fuel breaks from the Programmatic Environmental Impact Statement as well as the gathering of horses.

AGENDA ITEM V—OVERVIEW OF PROGRAMS AND ACTIVITIES OF THE U.S. FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE, IN NEVADA

Bill Dunkelberger, Forest Supervisor, U.S. Forest Service (USFS), U.S. Department of Agriculture, shared a USFS planning update ([Agenda Item V](#)).

Vice Chair Swank inquired about the COVID-19 requirements and cleaning regimen regarding the reopening of campgrounds.

Mr. Dunkelberger shared the protocols and changes that have been implemented to the campground restrooms in accordance with the Centers for Disease Control and Prevention.

Senator Goicoechea, Assemblywoman Hansen, and Mr. Dunkelberger discussed burn restrictions, drought, fire rehabilitation efforts, and projections for the upcoming fire season.

AGENDA ITEM VI—PRESENTATION CONCERNING THE MODERNIZATION OF THE FALLON RANGE TRAINING COMPLEX

Jeremy Drew, Project Manager/Senior Resource Specialist, Resource Concepts, Inc., representing Churchill County, provided a presentation ([Agenda Item VI A](#)) that shared the County's perspective on the proposed FRTC Modernization and the *Record of Decision for the Fallon Range Training Complex Modernization Final Environmental Impact Statement* from the U.S. Department of the Navy.

During the presentation, Mr. Drew:

- Reviewed the FRTC Modernization schedule and process to date;
- Called attention to the Navy's *Record of Decision for the Fallon Range Training Complex Modernization Final Environmental Impact Statement* ([Agenda Item VI B](#)) and noted that it does not address all of Churchill County's concerns;
- Stated that Churchill County supports Division A of H.R. 6889 of the 116th Congress ([Agenda Item VI C](#));
- Mentioned that Churchill County does not support the legislative proposal for land withdrawal the Navy submitted to the U.S. Congress ([Agenda Item VI D](#)); and
- Compared the Churchill County's Proposed FRTC Modernization and Lands Bill map ([Agenda Item VI E](#)) with the FRTC Modernization Record of Decision acreage table and map ([Agenda Item VI F](#)).

Assemblywoman Hansen inquired about the communication and transparency between Churchill County and the Navy.

Mr. Drew disclosed that while the Navy has been very cooperative in listening to concerns and hosting meetings, there have been issues with confidentiality.

Senator Goicoechea and Mr. Drew discussed ownership of the lands mentioned in the FRTC Modernization Record of Decision map.

Assemblyman Watts commented that while H.R. 6889 was a welcome attempt to compromise, it did not adequately address concerns from stakeholders and tribal communities.

Mr. Drew assured the Committee that Churchill County has been as transparent and collaborative as possible and has been in communications with the Fallon Paiute-Shoshone Tribe.

AGENDA ITEM VII—UPDATE ON RECENT ACTIVITIES OF THE STATE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES RELATED TO COVID-19

Bradley Crowell, Director, DCNR, provided an update on DCNR's recent activities and challenges related to COVID-19. He mentioned that it has been difficult to provide offices and state park locations with personal protective equipment.

Mr. Crowell stated telecommuting has been an easier transition for desk-related jobs in comparison to jobs that require being off-site, such as those in the Division of Environmental Protection, the Division of Forestry, the Division of Outdoor Recreation, the Division of Water Resources, and the Commission on Off-Highway Vehicles. He outlined the unique challenges and modifications within each of the aforementioned divisions to help curb the spread of COVID-19.

Mayor Corona and Mr. Crowell discussed the timeline of the reopening of campgrounds.

AGENDA ITEM VIII—DISCUSSION OF CURRENT ISSUES IN NEVADA WATER LAW

Tim Wilson, P.E., State Engineer, Division of Water Resources, DCNR, provided a presentation about the impact of COVID-19 on the Division, groundwater management in Nevada, Nevada water law, and major water resource issues ([Agenda Item VIII](#)).

In response to a question from Assemblyman Watts regarding [NRS 533.450](#), Mr. Wilson explained the Division is of the opinion that the statute is being abused in the court system, in addition to other issues. He said the Division is considering bringing forth legislation to refine which issues can be appealed and which court should review the appeals.

Senator Scheible suggested reconsidering the option of having an administrative court in Nevada that oversees only water issues.

Assemblyman Watts and Mr. Wilson discussed programs that would allow for the acquisition of water rights to address the issue of over-appropriated basins. Further, they discussed the need for clearer statutory guidance to alleviate litigation issues surrounding groundwater management plans.

Senator Scheible, Assemblywoman Hansen, and Mr. Wilson discussed the level of engagement of stakeholders during the process of developing options to address over-appropriated basins.

In response to a question from Assemblywoman Hansen regarding perennial yields, Mr. Wilson disclosed that while most perennial yield numbers have proven to be accurate, there is a need for an updated review.

Senator Goicoechea expressed concern regarding over-appropriated basins and an interest in the prospects of an administrative court for water issues.

AGENDA ITEM IX—OVERVIEW AND UPDATE OF RECENT ISSUES AFFECTING ENVIRONMENTAL PROTECTION

Greg Lovato, Administrator, Division of Environmental Protection (DEP), DCNR, provided an update on environmental protection ([Agenda Item IX A](#)).

Mr. Lovato also provided information regarding the:

- Capital Improvements Grant Program summary ([Agenda Item IX B](#)) and map ([Agenda Item IX C](#));
- Clean Water State Revolving Fund summary ([Agenda Item IX D](#)) and map ([Agenda Item IX E](#)); and

- Drinking Water State Revolving Fund summary ([Agenda item IX F](#)) and map ([Agenda Item IX G](#)).

Assemblyman Watts inquired about the priority list for the State Revolving Fund Program.

Jason B. Cooper, Manager, Office of Financial Assistance, DEP, DCNR, explained the process of eligible projects within the priority list.

AGENDA ITEM X—PUBLIC COMMENT

David Rigdon, Associate Attorney, Taggart & Taggart, Ltd., shared his frustrations regarding the water law process. He suggested including practitioners of water laws during the development of water laws.

The following written testimony was submitted for the record:

- Karen Boeger, Member, Coalition for Healthy Lands, Wildlife, and Free-Roaming Horses ([Agenda Item X A](#));
- Brian W. Chestnut, Attorney, Ziontz Chestnut Law Firm, representing Attorneys for the Fallon Paiute-Shoshone Tribe ([Agenda Item X B](#));
- Laura Cunningham, resident of Beatty, Nevada ([Agenda Item X C](#));
- Kevin Emmerich, Cofounder, Basin and Range Watch ([Agenda Item X D](#));
- Connie Howard, Chair, Conservation and Public Lands Committee, Toiyabe Chapter, Sierra Club ([Agenda Item X E](#)); and
- Shaaron Netherton, Executive Director, Friends of Nevada Wilderness ([Agenda Item X F](#)).

AGENDA ITEM XI—ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 12:19 p.m.

Respectfully submitted,

Maria Aguayo

Research Policy Assistant

Jered M. McDonald

Principal Policy Analyst

APPROVED BY:

Senator David R. Parks, Chair

Date: _____

MEETING MATERIALS

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item IV	Jon Raby, Nevada State Director, Bureau of Land Management, United States Department of the Interior	PowerPoint presentation
Agenda Item V	Bill Dunkelberger, Forest Supervisor, U.S. Forest Service, U.S. Department of Agriculture	Planning update
Agenda Item VI A	Jeremy Drew, Project Manager/Senior Resource Specialist, Resource Concepts Incorporated	PowerPoint presentation
Agenda Item VI B	Jeremy Drew, Project Manager/Senior Resource Specialist, Resource Concepts Incorporated	<i>Record of Decision for the Fallon Range Training Complex (FRTC) Modernization Final Environmental Impact Statement</i>
Agenda Item VI C	Jeremy Drew, Project Manager/Senior Resource Specialist, Resource Concepts Incorporated	H.R. 6889 of the 116 th Congress
Agenda Item VI D	Jeremy Drew, Project Manager/Senior Resource Specialist, Resource Concepts Incorporated	U.S. Department of the Navy legislative proposal
Agenda Item VI E	Jeremy Drew, Project Manager/Senior Resource Specialist, Resource Concepts Incorporated	Churchill County's proposed FRTC Modernization and Lands Bill map
Agenda Item VI F	Jeremy Drew, Project Manager/Senior Resource Specialist, Resource Concepts Incorporated	FRTC Modernization Record of Decision acreage table and map

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
<u>Agenda Item VIII</u>	Tim Wilson, P.E., State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources (DCNR)	PowerPoint presentation
<u>Agenda Item IX A</u>	Greg Lovato, Administrator, Division of Environmental Protection (DEP), DCNR	PowerPoint presentation
<u>Agenda Item IX B</u>	Greg Lovato, Administrator, DEP, DCNR	Capital Improvements Grant Program summary
<u>Agenda Item IX C</u>	Greg Lovato, Administrator, DEP, DCNR	Capital Improvements Grant Program map
<u>Agenda Item IX D</u>	Greg Lovato, Administrator, DEP, DCNR	Clean Water State Revolving Fund summary
<u>Agenda Item IX E</u>	Greg Lovato, Administrator, DEP, DCNR	Clean Water State Revolving Fund map
<u>Agenda Item IX F</u>	Greg Lovato, Administrator, DEP, DCNR	Drinking Water State Revolving Fund summary
<u>Agenda Item IX G</u>	Greg Lovato, Administrator, DEP, DCNR	Drinking Water State Revolving Fund map
<u>Agenda Item X A</u>	Karen Boeger, Member, Coalition for Healthy Lands, Wildlife, and Free-Roaming Horses	Written testimony
<u>Agenda Item X B</u>	Brian W. Chestnut, Attorney, Ziontz Chestnut Law Firm	Written testimony
<u>Agenda Item X C</u>	Laura Cunningham, resident, Beatty, Nevada	Written testimony
<u>Agenda Item X D</u>	Kevin Emmerich, Cofounder, Basin and Range Watch	Written testimony
<u>Agenda Item X E</u>	Connie Howard, Chair, Conservation and Public Lands Committee, Toiyabe Chapter, Sierra Club	Written testimony

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item X F	Shaaron Netherton, Executive Director, Friends of Nevada Wilderness	Written testimony

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