



WORK SESSION DOCUMENT

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

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

September 22, 2020

(With Attachments)

INTRODUCTION

The chair and Legislative Counsel Bureau (LCB) staff of the Legislative Committee on Public Lands have prepared this "Work Session Document" (WSD) to assist the Committee in determining which legislative measures it will request for the 2021 Session of the Nevada Legislature as well as other actions the Committee may endorse. The WSD contains a summary of recommendations presented during public hearings, through communication with individual Committee members, or through correspondence submitted to the Committee members or staff.

The members of the Committee do not necessarily support or oppose the recommendations in this WSD. Committee staff has compiled and organized the proposals so that Committee members can review them and decide whether they want to accept, reject, modify, or take no action on the recommendations. The WSD groups the proposals by topic and they are not preferentially ordered.

Pursuant to [NRS 218D.160](#), the Committee is limited to ten legislative measures, which includes both bill draft requests (BDRs) and requests for the drafting of resolutions. The Committee may vote to: (1) send as many statements or letters of recommendation or support as it chooses; and (2) include statements in its final report.

Committee members are advised that LCB staff, at the direction of the chair, may coordinate with interested parties to obtain additional information for drafting purposes or for information to be included in the Committee's final report.

RECOMMENDATIONS

A. LEGISLATIVE COMMITTEE ON PUBLIC LANDS

1. Request the drafting of a bill to appoint one tribal member to the Legislative Committee on Public Lands.

Recommended by Assemblyman Howard Watts III.

B. OFF-HIGHWAY VEHICLES

2. Request the drafting of a bill to replace the current off-highway vehicle (OHV) registration system with an annual use decal.
3. Request the drafting of a bill to require out-of-state OHV users and vehicles registered for street use and modified for off-road riding to acquire an annual sticker.
4. Request the drafting of a bill to require all OHV users under the age of 16 to wear a helmet on all types of OHVs, while allowing adults to choose to wear a helmet when riding an OHV.

Requested by Bradley Crowell, Director, State Department of Conservation and Natural Resources (DCNR), in response to the Committee's request for recommendations, July 13, 2020. See ATTACHMENT A for request and background information.

C. OPEN MEETING LAW

5. Request the drafting of a bill to provide an exemption to the Open Meeting Law to allow local governments to engage in deliberative and predecisional nonpublic meetings with federal agencies concerning National Environmental Policy Act matters.

Requested by the Eureka County Board of Commissioners, in response to the Committee's request for recommendations, July 13, 2020. See ATTACHMENT B to review request and background information.

D. PUBLIC LANDS, GENERALLY

6. Request the drafting of a bill to list the Spring Valley population of the swamp cedar as a fully protected species of native flora.

Recommended by Assemblyman Howard Watts III on behalf of the Confederated Tribes of the Goshute Reservation, the Ely Shoshone Tribe, and the Duckwater Shoshone Tribe. See ATTACHMENT C for a copy of the letter and background information.

7. Request the drafting of a letter expressing the Committee's support of the Great Basin National Park federal funding requests, particularly funds for maintenance backlogs on public lands, under S.3422 (Great American Outdoors Act) of the 116th Congress, introduced by Senator Cory Gardner (R-Colorado) that was enacted on August 4, 2020.
8. Send a letter to the United States Forest Service, U.S. Department of Agriculture, and to the Bureau of Land Management, U.S. Department of the Interior, urging their continued cooperation with state, local, and private land owners to address wild fire in Nevada. Further, request each agency to amplify fire suppression efforts, seek flexible land management options, and increase financial resources available to address the issue.

Requested by Senator David R. Parks, Chair.

9. Include a position statement in the final report supporting federal land sales and transfers to local governments and nonprofit agencies where they have constructed and operate public and not-for-profit facilities.
10. Include a position statement supporting the expansion of current efforts to implement landscape scale projects utilizing pinyon-juniper woodland biomass in a way that benefits economic stability, energy production, hydrologic function, rangeland health, and wildlife habitat.
11. Send a letter to the governor, attorney general (AG), chair of the Senate Committee on Finance, and chair of the Assembly Committee on Ways and Means of the 2021 Legislative Session seeking funds to implement [Senate Bill 456](#) (2015), which urges the AG to take a leadership role in pursuing actions on behalf of the state and counties in formalizing and finalizing title to accessory roads and public roads.
12. Send a letter to the Nevada Congressional Delegation seeking a congressional solution to the R.S.2477 issue similar to H.R. 3270 (Historic Routes Preservation Act) 115th Congress, introduced by U.S. Representative Paul Cook (R-California), proposed to address R.S. 2477 rights-of-way outside of Quiet Title Act litigation in a manner beneficial to the State of Nevada, its counties, and other western states.

Requested by the Eureka County Board of Commissioners, in response to the Committee's request for recommendations, July 13, 2020.

E. SCHOOL TRUST LANDS

13. Request the drafting of a resolution seeking the transfer of certain federal lands to the State of Nevada for the purpose of supplementing the state's Permanent School Fund through the addition of school trust lands.

Requested by Lori Hunt, Member, Advocates for School Trust Lands, and Paul Johnson, Chief Financial Officer, White Pine County School District, at the meeting held on [March 3, 2020](#). See ATTACHMENT D for more information on school trust lands.

F. STATE WATER ENGINEER

14. Request the drafting of a bill to expand the qualifications for the position of state water engineer to include experience and/or advanced education in geology, hydrology, water resource engineering, and water rights.

Requested by Bradley Crowell, Director, DCNR, in response to the Committee's request for recommendations, July 13, 2020. See ATTACHMENT E for request and background information.

G. WILDLIFE ON PUBLIC LANDS

15. Request the drafting of a resolution calling on the United States Congress to provide funding to successfully reduce the number of free-roaming wild horses and burros to appropriate management levels, using nonlethal means, within ten years, to protect and restore the health and viability of public lands in Nevada.

16. Request the drafting of a letter urging Nevada's Congressional Delegation to support the Bureau of Land Management's 2020 report to Congress to seek the removal of excess horses and burros to appropriate management levels within six years.

Requested by Rebekah Stetson, Chair, Coalition for Healthy Nevada Lands, Wildlife and Free-Roaming Horses, at the meeting held on [September 10, 2020](#). See ATTACHMENT F for a copy of the proposed resolution.

ATTACHMENT A

RECOMMENDATION FORM

RECOMMENDATION FOR POSSIBLE CONSIDERATION BY THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS

1. What is the recommendation? What is its intent? What is the problem the recommendation will address? Please provide a detailed description of the recommendation and provide copies of any background information, as necessary. Sufficient detail will help the committee better understand the purpose of the recommendation.

This recommendation sets forth three related OHV issues that may be considered jointly or individually.

A. Streamline the OHV Registration Process

Registering Off Highway Vehicles (OHVs) in Nevada is cumbersome and inefficient, preventing many OHV users from registering their OHVs. Challenges to the current OHV registration program are:

- The process requires applicants to submit an OHV VIN number verified by a Peace Officer as part of the application accepted only by mail.
- Application paperwork varies by type and model year of OHV.
- VIN and owner information captured by the application is retained in a database not immediately accessible to Law Enforcement, therefore serving almost no public purpose.

Because OHV registration is difficult to obtain and provides no public protections, it is estimated that only 10% of users comply with the OHV registration law. As a result, Nevada receives only a fraction of the OHV registration revenue it should, reducing the funding available to implement important safety, education, natural resource, and OHV trail projects across the state. Registration challenges paired with a growing popularity of OHVs across the state are causing resource impacts that should be remedied through OHV grant projects.

This BDR aims to replace the current OHV registration with an Annual Use Decal. Annual use decals will be clearly identified by a sticker that is visually attractive and tailored to the calendar year it is authorized. Decals should be readily available for purchase from state agencies, third party vendors, authorized retailers, and online points of sale through public-private partnerships. Outcomes for this BDR include an easy-to-obtain OHV Decal, increased funding for OHV grant projects generated by decal sales, and increased compliance with OHV laws in Nevada.

B. Out of State OHVs in Nevada

Despite riding on Nevada's public lands and enjoying Nevada's tremendous recreational resources, very few out-of-state users register their OHVs in Nevada. Also, vehicles registered for street use and modified for off-road riding regularly recreate at OHV sites. Both user groups are exempt from the current OHV registration under NRS 490.082. The new Annual Use OHV Decal will apply to out-of-state OHVs recreating in Nevada and encourage licensed vehicles, operating on trails, to contribute to the OHV fund. Outcomes would grow Nevada's annual OHV decal sales and increase funding available for OHV grants across the State.

Annual Use OHV Decals will be required on all vehicles operating on public lands that are defined as an OHV according to NRS 490.060. Decals should be available for purchase by anyone wanting show support for OHV recreation. Sites owned by city, state, and county entities may require OHV decals for all vehicles recreating within their boundaries. With this type of designation, grant funds generated by the decals, can be used to maintain OHV recreation amenities, mitigate resource damage, and focus users in areas that can be reached by emergency services.

Implementation of the revised OHV decal law would require a united effort from law enforcement agencies, both state and federal, to patrol for the presence of the decal on OHVs at trailheads and popular riding areas. Enforcement of the new state law by federal agencies falls under 43 CFR 8341.1.

C. Increase safety measures for children under 16 with helmet requirements

Some contend that the proliferation of OHVs that hold 2 or more riders protected by a roll over protection system (ROPS) has decreased the need for OHV occupants to wear a helmet. Youth OHV riders are on the rise, however, particularly in OHV friendly communities that are turning to OHV recreation as an economic driver. This BDR intends to require helmets on all occupants under 16 to increase youth safety, while allowing adults to choose to wear a helmet when riding an OHV.

2. Does the recommendation revise one or more current Nevada Revised Statutes (NRS)? If "Yes," please provide the reference to the NRS citation(s) affected by the recommendation, if known.

NRS 490.070, 490.082, and 490.084

NRS 490.0825 Large all-terrain vehicle: Alternative registration; requirement for insurance; documents required.

NRS 490.083 Form, size, number and display of registration.

3. What group or person is making the recommendation?

Nevada Department of Conservation and Natural Resources, Off-Highway Vehicles Program

4. What is the name and contact information of the person who should be contacted to provide additional information for the recommendation, if necessary?

Name: Dominique Etchegoyhen

Title: Deputy Director

Mailing Address: 901 S. Stewart St., Ste. 1003, Carson City, NV 89701

Phone: (775) 684-2727

Email: detchegoyhen@dcnr.nv.gov

ATTACHMENT B

Provide for better opportunity for engagement with federal agencies on NEPA processes by implementing an Open Meeting Law process for deliberative and pre-decisional non-public meetings (to also achieve consistency with the federal Freedom of Information Act Exemption 5)

According to the Dept. of Justice FOIA Guide, "FOIA Exemption 5 (deliberative process privilege) applies to inter-agency or intra-agency records where there is a work product that is in draft format or documents that contain deliberations between parties leading up to a decision (including what to publish or not to publish in one of our products). The purpose of the privilege is to: Encourage open, frank discussions on matters of policy between subordinates and superiors; Protect against premature disclosure of proposed policies before they are adopted or draft publications/products before they are published; and Protect against public confusion that might result from disclosure of reason and rationales that were not, in fact, ultimately the grounds for a bureau's action."

County commissions and other public bodies are often stifled in their ability to effectively participate in NEPA processes due to federal regulations and policies requiring non-disclosure agreements during the deliberative and pre-decisional cooperating agency process (due to the agencies wanting to preserve FOIA Exemption 5). It becomes cumbersome, at best, and against the intent of even being a cooperating agency when full participation is precluded due to OML requirements. It is paradoxical that OML actually diminishes the role of local and state public bodies in NEPA processes.

Creating an OML non-public meeting process (similar to the current OML exemption for litigation meetings) to allow full engagement by counties in NEPA processes would not undermine "Government in the Sunshine." The NEPA product (i.e., EIS or EA) becomes public in draft form and is provided for public comment and revisions occur due to public comment. Once the EIS or EA becomes final and a decision is signed, the Administrative Record that is part of the NEPA process and what the federal agency considered in making their decision is available to the public as well.

ATTACHMENT C

Confederated Tribes of the Goshute Reservation — Duckwater Shoshone — Ely Shoshone

August 21, 2020

Assemblyman Howard Watts III
Nevada Assembly District 15
P.O. Box 43413
Las Vegas, NV 89116-1413
Howard.Watts@asm.state.nv.us

RE: Proposed Swamp Cedars Legislation in NRS 527

Assemblyman,

On behalf of the Confederated Tribes of the Goshute Reservation, Ely Shoshone and Duckwater Shoshone, we the Tribes request that you sponsor legislation to instruct the Nevada Division of Forestry to list the Spring Valley populations of the swamp cedars as a fully protected species of native flora in NAC 527.010.

The swamp cedars are sacred – inextricable from our spiritual and cultural practices. Their location, known in the Newe language as Bahsahwahbee, has been the nucleus of intertribal gatherings since time immemorial. The trees themselves are vital to our ceremonial practices. Furthermore, the swamp cedar trees are the spiritual embodiment of our ancestors who were killed during three separate massacres at Bahsahwahbee.

The Tribes have worked for decades to preserve Bahsahwahbee and the water that sustains the trees. Without the swamp cedars, our spiritual and cultural heritage would be irreparably damaged. We cannot allow that to happen.

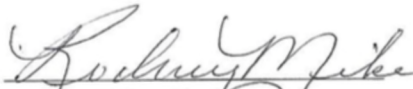
Science has shown that the Spring Valley swamp cedar populations are “on their way to becoming a new species.” Nowhere else in the world do *Juniperus scopulorum* — the swamp cedars — grow at such low elevations and depend upon such a unique water table in a valley bottom. With groundwater pumping and drought in the valley, this globally unique ecotype of *Juniperus scopulorum* is at risk of extinction.

Thank you for your time and consideration,



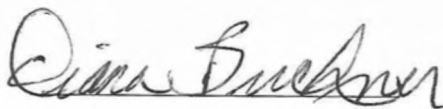
Rupert Steele, Chairman

CONFEDERATED TRIBES OF THE GOSHUTE RESERVATION TRIBAL COUNCIL



Rodney Mike, Chairman

DUCKWATER SHOSHONE TRIBAL COUNCIL



Diana Buckner, Chairwoman

ELY SHOSHONE TRIBAL COUNCIL

ATTACHMENT D



November
2019

School Trust Lands in Nevada

Putting our land to work for our schools



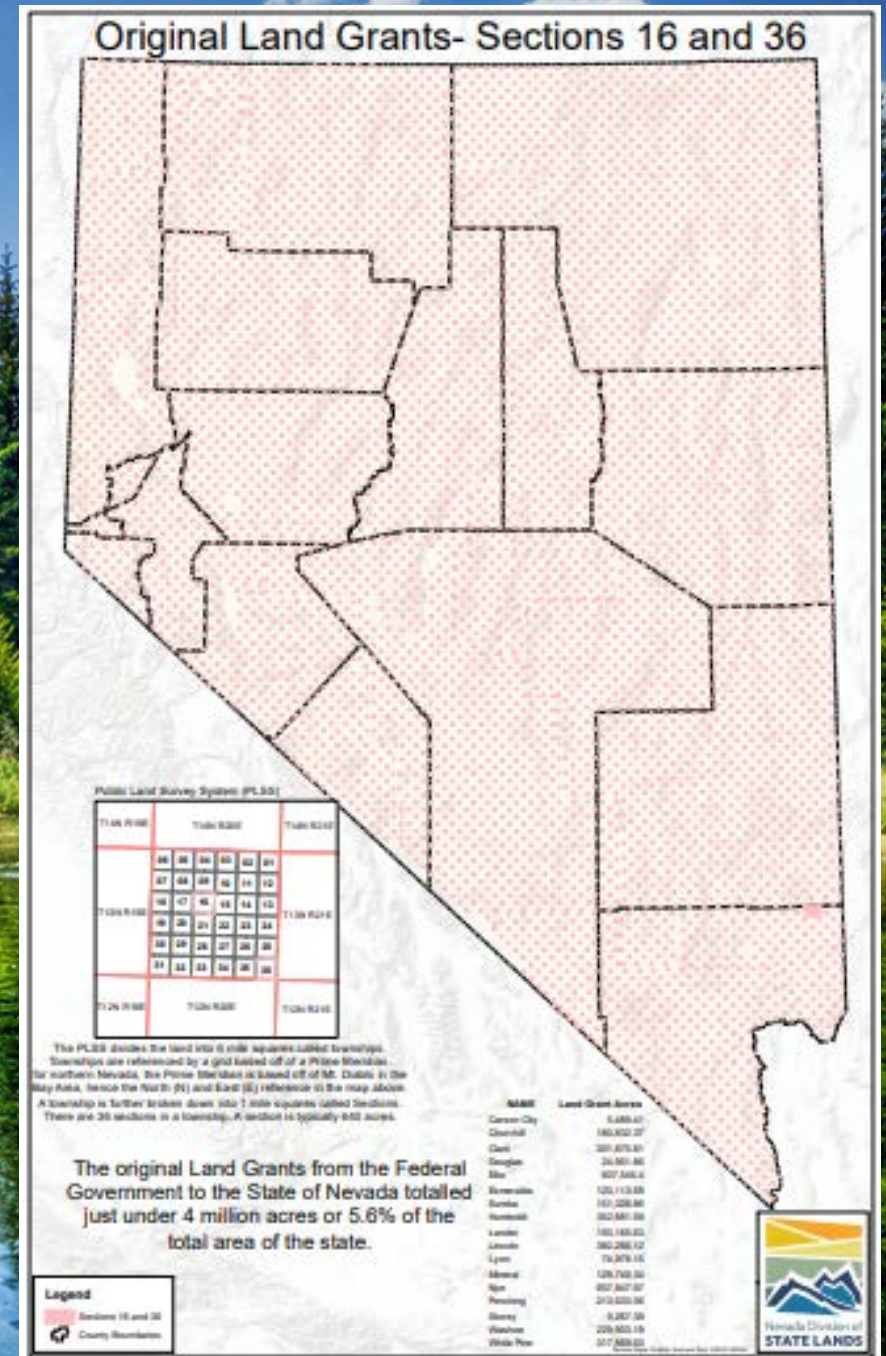
School Trust Lands

School Trust Lands are lands provided by the federal government intended to generate revenue to support public school children in perpetuity

Nevada Enabling Act of 1864

Established School Trust Land Grant

- Identified sections 16 and 36 parcel of each township
- Amounted to approximately 3,992,000 acres to schools
 - (McLeod, p 38)(NV Admissions act 1861)

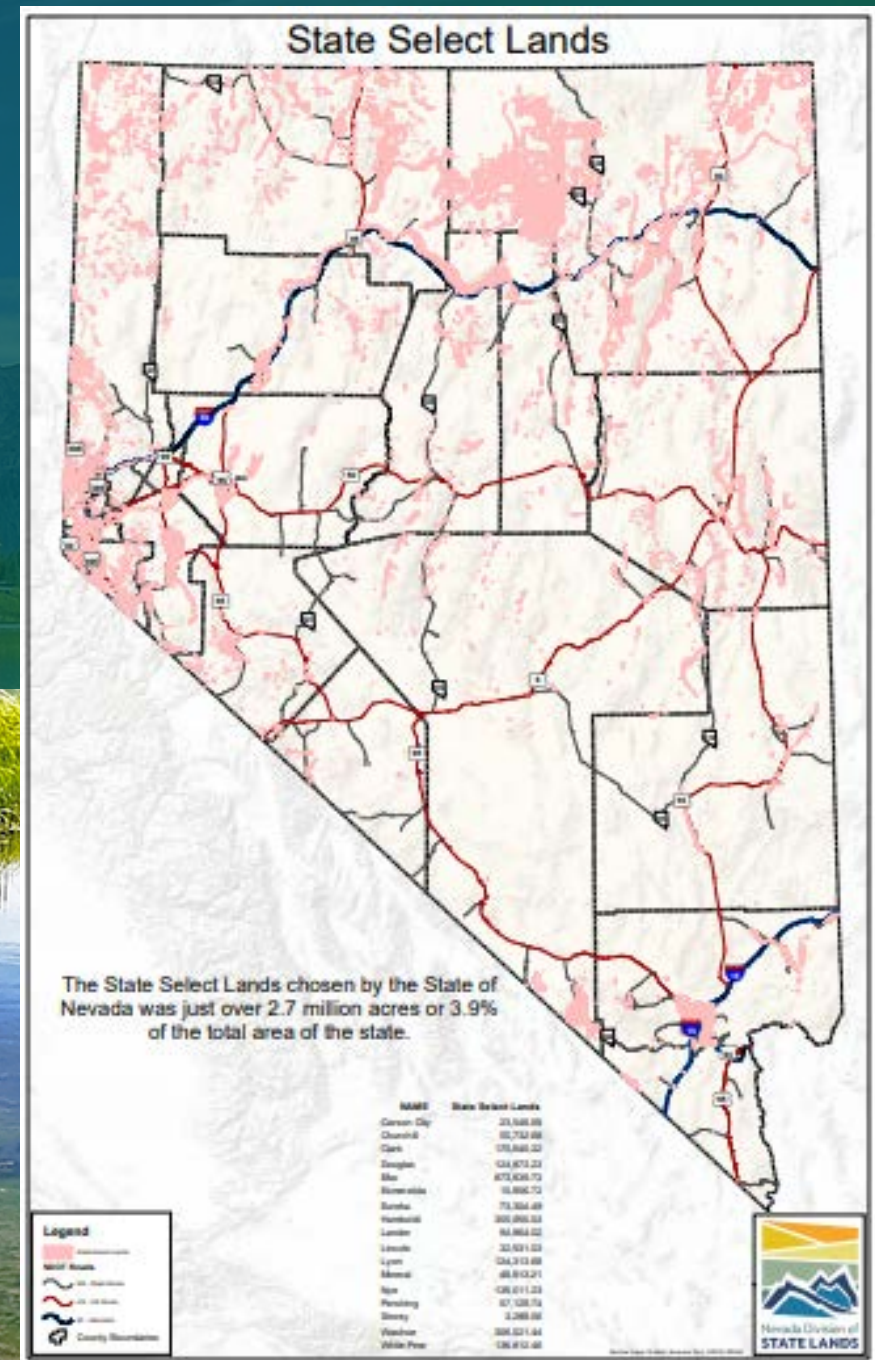


Nevada's Bargain

Nevada traded away almost 2 million acres in 1880

(p 19/128 Walker, p. 40 McLeod)

- Rationale: many of the school lands were arid and otherwise uninhabitable (i.e. worthless)
- By 1877 only 708 townships had been surveyed
- Nevada bargained away 2 million in order to pick the location of the remaining 2 million.



Was this a bargain?

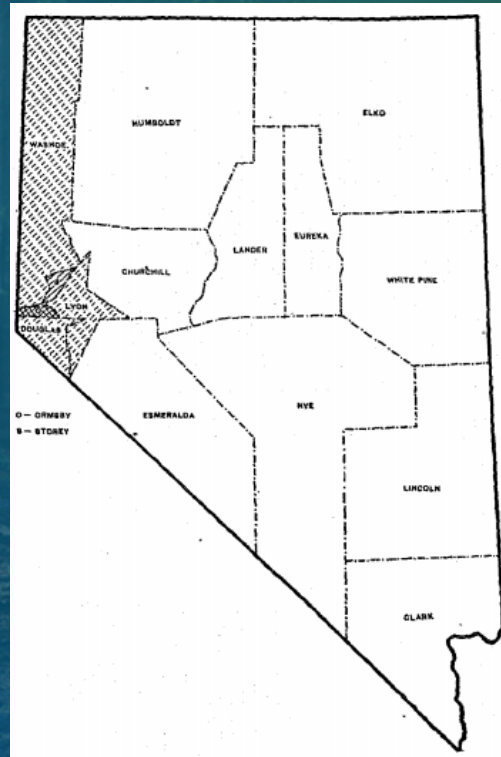
- The federal government believed it had already provided a remedy for the dry, arid, unusable land (i.e. more land)
- Much of the land had not been surveyed so Nevada was not well informed with respect to much of the school trust land
- Most of the “best” land (i.e. agricultural) was already gone by the time the deal was made
- Nevada was the only State to make such a deal

A Look at Nevada 1910

The population in Nevada at the time looked much different

County Populations

• Churchill County	2,811
• Clark County	3,321
• Douglas County	1,895
• Elko County	8,133
• Esmerelda County	9,369
• Eureka County	1,880
• Humboldt County	6,825
• Lander County	1,786



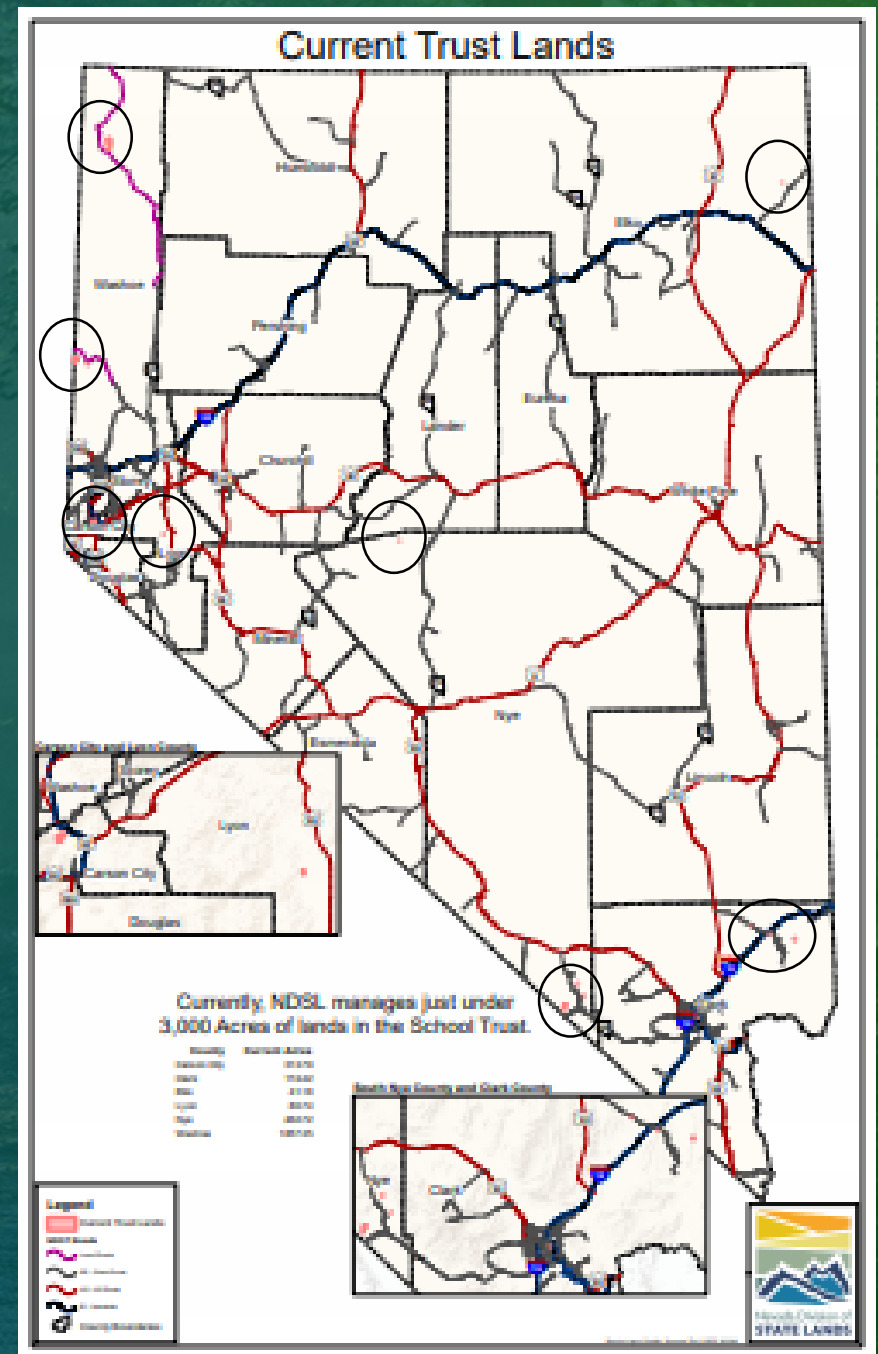
County Populations

• Lincoln County	3,489
• Lyon County	3,568
• Mineral	N/A
• Nye County	7,513
• Ormsby County	3,415
• Pershing County	N/A
• Storey County	3,045
• Washoe County	17,434
• White Pine County	7,441

Department of Commerce and Labor
Bureau of the Census - 1910

What Happened to the Land?

- The history of Nevada School Trust Lands has been riddled with corruption and controversy
- Only a few thousand acres remain
- Lost funding and lost opportunities for Nevada's schools



How do school trust lands generate revenue?



\$ Nevada School Trust Lands \$



Advocates for School Trust Lands Margaret Bird (801) 597-6701 margaretraybird@gmail.com

	SCHOOL FUND ASSETS				SCHOOL LAND REVENUE								DISTRIBUTIONS			
Fiscal	Acres			School	Surface				Mineral			Total School	Deposited to	Distributed to	Land Office Expenditures	Remainder
Year	Surface	Mineral	Real Estate \$	Acres Sold	Land Sales	Development	Renewable Energy	Other/Leasing	Leasing	Bids	Royalty	Revenue (sum H-N)	School Fund	Schools	From Revenue	(Please specify)
FY 2019	2,914	0		Note 1	\$ -	\$ -	\$ -	\$ 4,525.00	\$ -	\$ -	\$ -	\$ 4,525.00	\$ 4,525.00	Note 2	N/A	Note 1
FY 2018																
FY 2017																
FY 2016																
FY 2015																
Note 1	5% of the proceeds of federal lands sold in the state of Nevada are deposited into the Permanent School Fund. In Fiscal Year 2019, this amount was \$X															
Note 2	Please see attached the State of Nevada Permanent School Fund Interim Financial Statement for Fourth Quarter (Ended June 30, 2019)															

Nevada Permanent School Fund

- Proceeds from the school trust lands are deposited into the Nevada Permanent School Fund
- Nevada Constitution
 - Article IX, Section 3 establishes the Permanent School Fund
 - Proceeds from sale of 16 and 36 sections of each township
 - Sale of public lands
 - Estates escheated to the state
 - Property give to the state for education
 - Fines collected by the state
- Funding is transferred to the State of Nevada education budget

Permanent School Fund Education Budget

STUDENT CENTERED K-12 EDUCATION FUNDING MODEL

Summary | Sources and Uses

	FY2018 Approved	FY2019 Work Plan	FY 2020 Recommended	FY2021 Recommended
Sources				
Permanent School Fund	\$ 5,981,905	\$ 3,000,000	\$ 6,000,000	\$ 6,000,000

STUDENT CENTERED K-12 EDUCATION FUNDING MODEL

% of Total K-12 Education Funding

	FY2018 Approved	FY2019 Work Plan	FY 2020 Recommended	FY2021 Recommended
Sources				
Permanent School Fund	0.12%	0.06%	0.12%	0.11%

STATE OF NEVADA
PERMANENT SCHOOL FUND

BALANCE SHEET
June 30, 2019
(Unaudited)

Assets	6/30/2019
Cash and cash equivalents	\$ 50,513,822
Accrued interest	
Investments	43,697
Treasurer's Interest Distribution	144,380
Total accrued interest	188,077
Receivables	
Land sales	83,218
Fines and penalties	322,753
Total receivables	405,971
Investments	
Fixed income securities	148,341,320
Equity securities	161,506,075
Total investments	309,847,395
Other Assets	
Due from component unit (NCIC)	34,158,749
Total Assets	\$ 395,114,014
Liabilities	
Due to (from) the Distributive School Account	\$ 24,182,244
Due to heirs	417,848
Total liabilities	24,600,092
Fund Balances	
Nonspendable: permanent fund principal	370,513,922
Total Liabilities and Fund Balances	\$ 395,114,014

The notes to the financial statements and schedules are an integral part of this statement.

STATE OF NEVADA
PERMANENT SCHOOL FUND

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND
For the Quarter Ended and Fiscal Year to Date as of June 30, 2019
(Unaudited)

Revenues	Quarter Ended	Fiscal Year to Date
Fines - State Penal Laws		
Justice Courts	\$ 905,720	\$ 3,474,801
District Courts	138,254	572,025
Other fines and penalties	(2,485)	-
Total fines	1,041,489	4,046,826
Investment income (loss)	7,502,006	16,382,425
Land sales	382,783	4,242,460
Escheated estates	22,303	(30,044)
Gifts and donations	-	1,441,427
Miscellaneous	-	4,525
Total revenues	8,948,581	26,087,619
Other Financing Sources (Uses)		
Transfer (to) from Distributive School Account	(7,502,006)	(16,382,425)
Net change in fund balances	1,446,575	9,705,194
Fund balances, beginning of period	369,067,347	360,808,728
Fund balances, end of period	<u>\$ 370,513,922</u>	<u>\$ 370,513,922</u>

The notes to the financial statements and schedules are an integral part of this statement.

Other Western States

- Arizona, New Mexico and Utah received twice as much land
 - (e.g. Utah - 7,620,080 acres)
 - Sections 2, 16, 32, 36 in every township

Equal Footing Doctrine: States admitted to the US are given the same legal rights as the pre-existing states.

- Nevada should have received sections 2 and 32 in addition to sections 16 and 36 which would have approximately doubled the school trust lands

State Land Grants in the U.S.

<http://opportunitylinkmt.org/wp-content/uploads/2015/07/Trust-Lands-in-the-American-West.pdf>

Table II(C): History of State Land Grants in the United States

Year of State-hood	State	Sections Granted	Common Schools (acres)*	All Public Institutions (acres)**	All Land Grants (acres)***
1803	Ohio	16	724,266	1,447,602	2,758,862
1812	Louisiana	16	807,271	1,063,351	11,441,032
1816	Indiana	16	668,578	1,127,698	4,040,518
1817	Mississippi	16	824,213	1,104,586	6,097,064
1818	Illinois	16	996,320	1,645,989	6,234,655
1819	Alabama	16	911,627	1,318,628	5,007,088
1821	Missouri	16	1,221,813	1,646,533	7,417,022
1836	Arkansas	16	933,778	1,186,538	11,936,834
1837	Michigan	16	1,021,867	1,357,227	12,143,846
1845	Florida	16	975,307	1,162,587	24,208,000
1846	Iowa	16	1,000,679	1,336,039	8,061,262
1848	Wisconsin	16	982,329	1,320,889	10,179,804
1850	California	16	5,534,293	5,736,773	8,852,140
1858	Minnesota	16	2,874,951	3,167,983	16,422,051
1859	Oregon	16, 36	3,399,360	3,715,244	7,032,847
1861	Kansas	16, 36	2,907,520	3,106,783	7,794,669
1864	Nevada	16, 36	2,061,967	2,223,647	2,725,666
1867	Nebraska	16, 36	2,730,951	2,958,711	3,458,711
1876	Colorado	16, 36	3,685,618	3,933,378	4,471,604
1889	N. Dakota	16, 36	2,495,396	3,163,476	3,163,552
1889	S. Dakota	16, 36	2,733,084	3,432,604	3,435,373
1889	Montana	16, 36	5,198,258	6,029,458	6,029,458 ⁵³
1889	Washington	16, 36	2,376,391	3,044,471	3,044,471
1890	Idaho	16, 36	2,963,698	3,663,965	4,254,448
1890	Wyoming	16, 36	3,472,872	4,248,432	4,345,383
1896	Utah	2, 16, 32, 36	5,844,196	7,414,276	7,507,729
1907	Oklahoma	16, 36	2,044,000	3,095,760	3,095,760
1912	New Mexico	2, 16, 32, 36	8,711,324	12,446,026	12,794,718
1912	Arizona	2, 16, 32, 36	8,093,156	10,489,156	10,543,931

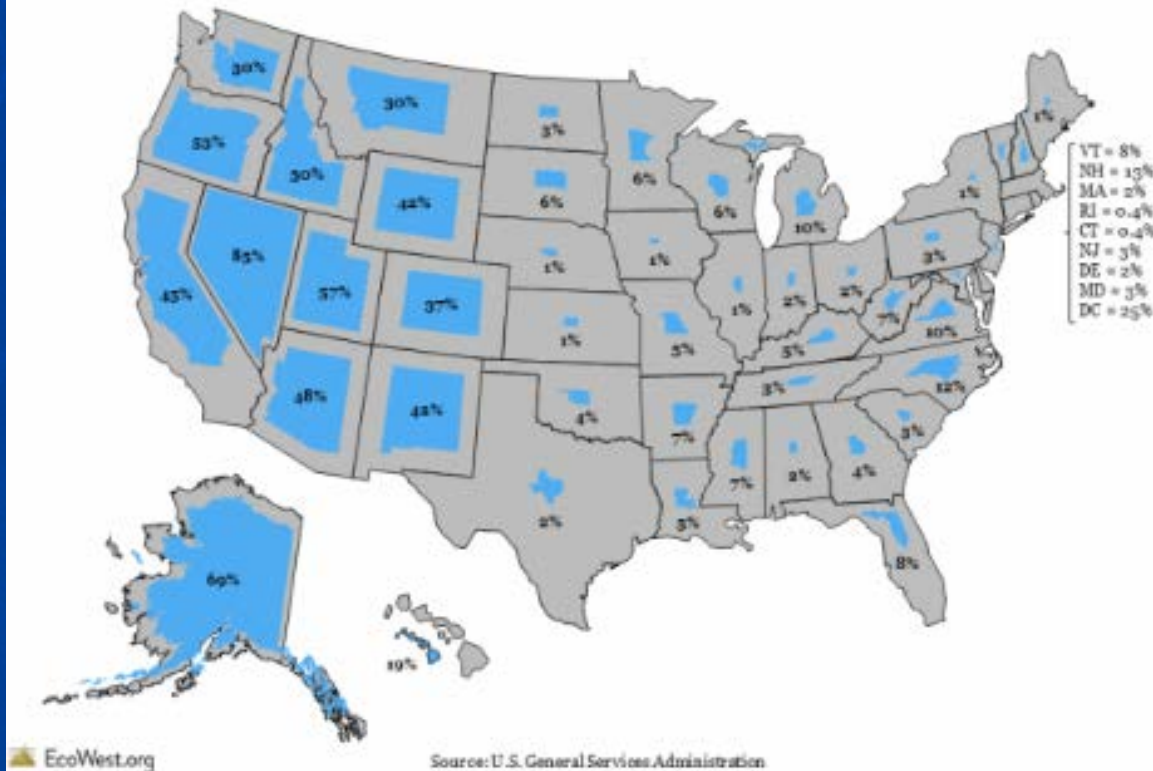
* Figures include acreage derived from the reservation of sections in each township for common schools.

** Figures include all grants of lands for schools, universities, penitentiaries, schools for the deaf and blind, public buildings, repayment of county bonds, and similar public institutions and purposes. (Hereafter referred to as "state trust lands" in this report.)

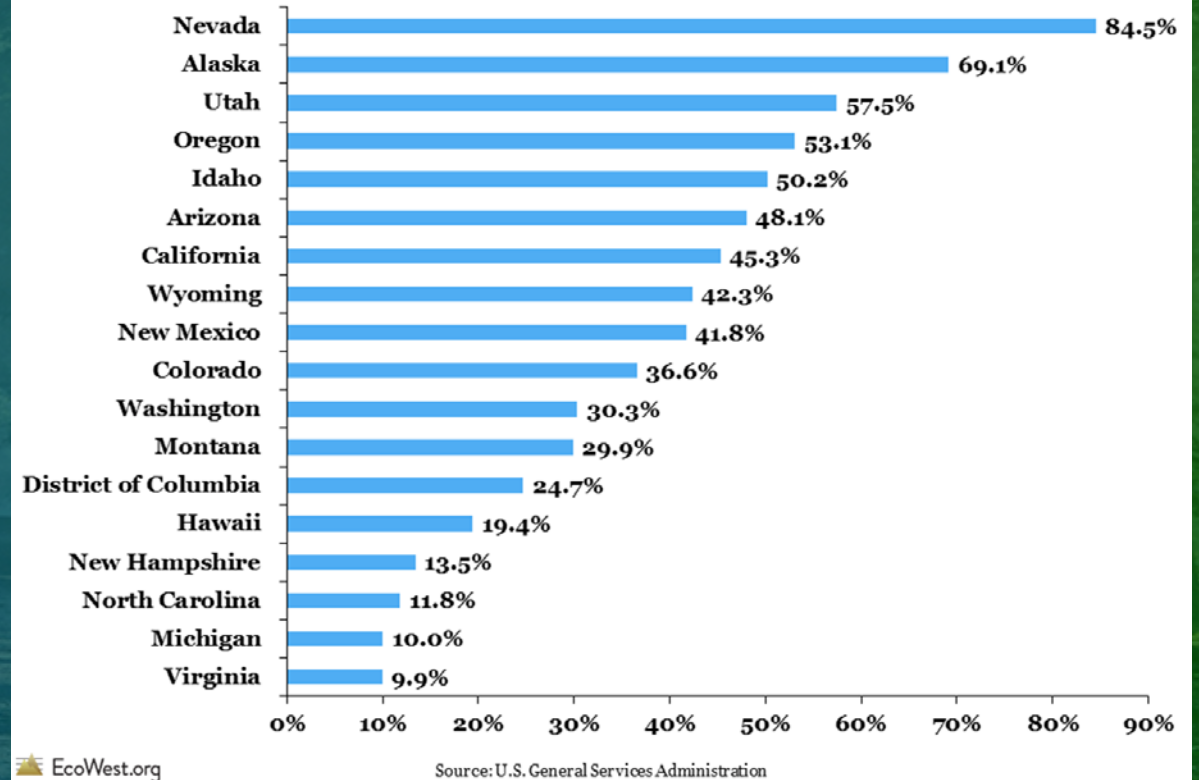
*** Figures include all lands granted to states, including grants for re-granting to railroads, lands for roads, wagon trails, canal and river improvements, and swamplands grants.

Federal Ownership

Portion of each state that is federal land

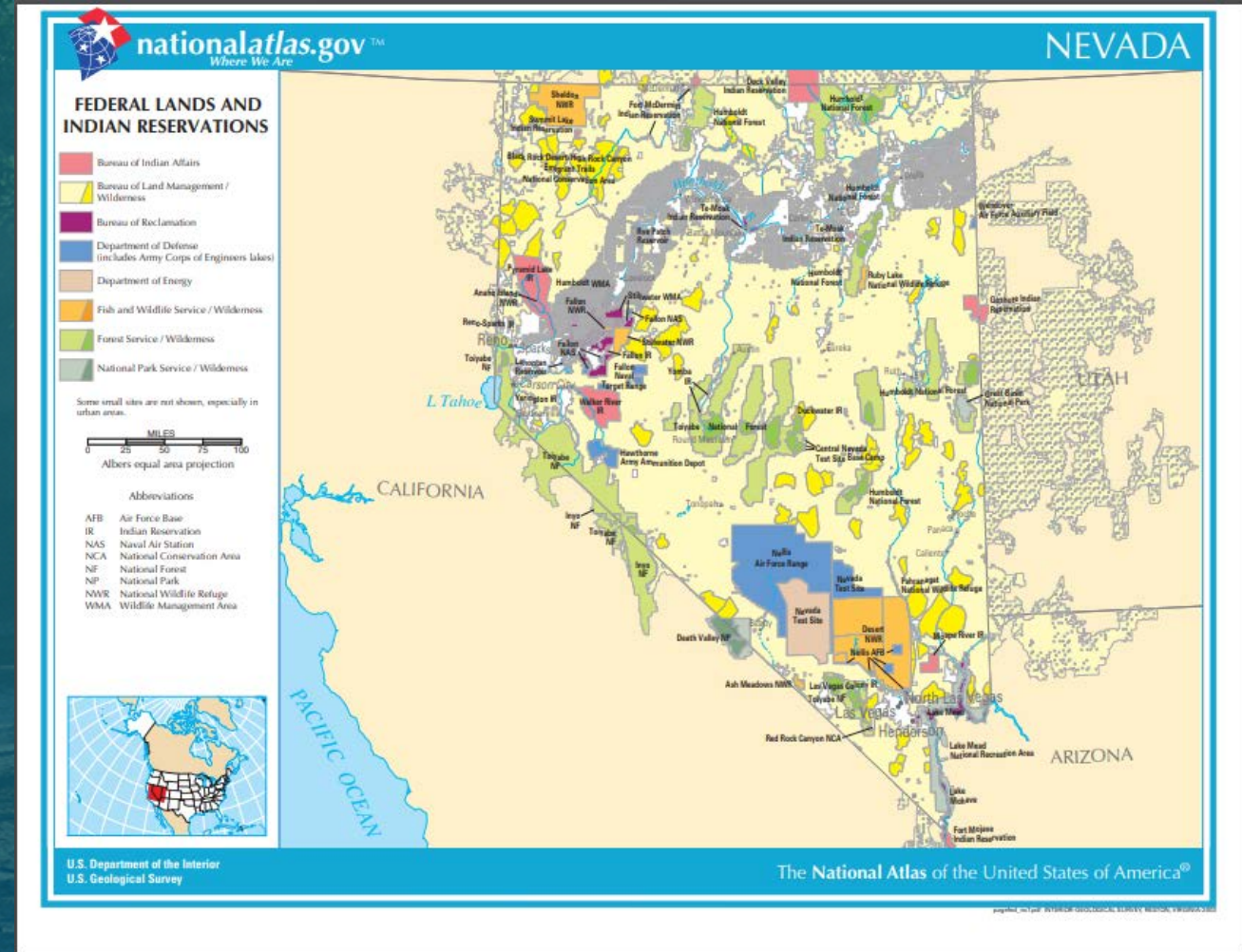


States with the most federal land



Nevada's Landscape

- Sections 2 and 32 of each township to gain parity with other western states.
 - Between 5 – 6 percent of total acres
- Federal ownership would remain the highest in the U.S.
- Lands placed in school trust would generate revenue for the benefit of school children



Where do we go from here?

- Help Nevada develop a strategic action plan
 - Contacts (People and groups)
 - Media/Marketing
 - Public Education
 - Competition
 - Pitfalls
 - Policy



Nevada Association of School Boards

Post Office Box 14855
Reno, NV 89507-4855
Office Telephone 775/857-8411
Visit our website www.nvasb.org
Federal ID #8-0099039
A 501 (c) (3) not-for-profit Nevada Corporation

Supporting Success for All Students through Local School Board Leadership

NEVADA SCHOOL TRUST LANDS—RESOLUTION

Whereas, early in our nation's history the import and support of public education was established by the granting of school trust lands in every state and the establishment of corresponding permanent school funds; and

Whereas, the monies earned from School Trust Lands were required to be put into trust funds for education; and

Whereas, the monies in the trust funds were provided by the federal government to support education in lieu of taxes; and

Whereas, Nevada's school trust fund received 2 million acres, surrounding states received 8 million acres; and

Whereas, fewer than 3,000 acres remain of the original 2 million acres that were granted; and

Whereas, an additional grant of at least 4,000,000 acres of public land from Congress to this State is required to give this State parity with similarly arid states of Arizona, New Mexico, and Utah; and

Whereas, Nevada's students have not realized the full benefit of the school trust lands; and

Whereas, revenue from the school trust lands will help improve funding for education and support a system in need of additional resources without raising taxes; and

Whereas, these additional resources will help improve the quality of education in Nevada and that will allow Nevada's students greater opportunities;

Therefore be it resolved, that the Nevada Association of School Boards shall provide information to parents, educators, policy makers and the public about school and institutional trust lands and permanent school funds; and be it further

Resolved, that the Nevada Association of School Boards shall support management of the Nevada Public School Lands Trust that is consistent with legally recognized trust principles of sound financial management to provide maximum benefit to the children in public schools who are the beneficiaries of that trust; and be it further

Resolved, that the Nevada Association of School Boards supports an initiative to increase school trust lands in an effort to have parity with surrounding states; and be it further

Resolved, that the Nevada Association of School Boards urges state and federal lawmakers to support public schools by ensuring that the historic trusts are allowed to fulfill the purpose for which they were originally created and intended.

Joe Grim, Jr.
NASB President (Pending)

Most recent revision by the Executive Committee on January 22, 2016; revisions discussed by the Board of Directors January 23, 2016; distributed on February 23, 2016; approved during February 29, 2016, teleconference

THANK YOU!



Lori Hunt, President
Advocates for School
Trust Lands
1270 Murry Street
Ely, NV 89301
stylizedely@sbcglobal.net
(775) 296-3744

Paul Johnson, CFO
White Pine County School
District
1135 Avenue C
Ely, NV 89301
Paul.johnson@wpcnvadmin.com
(775) 289-4851 (office)
(775) 293-0569 (cell)

ATTACHMENT E

RECOMMENDATION FORM

RECOMMENDATION FOR POSSIBLE CONSIDERATION BY THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS

1. What is the recommendation? What is its intent? What is the problem the recommendation will address? Please provide a detailed description of the recommendation and provide copies of any background information, as necessary. Sufficient detail will help the committee better understand the purpose of the recommendation.

The State Engineer serves as Nevada's top water regulator with authority over the supervision, measurement, appropriation, and distribution of all surface and groundwater in Nevada. The State Engineer also serves as the Administrator of the Division of Water Resources (NDWR), providing day-to-day oversight, support, and management throughout the Division. Under existing law, to serve as State Engineer, one must hold a professional engineering license. The qualification to serve as State Engineer was established in 1949. However, since then, management and administration of the Division has changed significantly.

The State Engineer is an unclassified position that serves both as Nevada's chief water engineer and Administrator of NDWR, and per statute, the State Engineer/NDWR Administrator must be a licensed professional engineer (P.E.). Over time, however, holding a P.E. as the sole requirement to serve as State Engineer/NDWR Administrator has become outdated. While a P.E. is still a key professional qualification for the position, other technical expertise are now equally important for this role. In the modern era of water management, most of the "engineering" elements of the position are now well understood or have been overcome with new technological advancements. In other words, "access" to ground and surface water is no longer the greatest technical hurdle in Nevada, whereas other science and technical specialties, such as hydrology and geology, are now the main technical challenges for responsible water management in Nevada. Additionally, NDWR spends a majority of time focused on how best to manage Nevada's limited water resources and resolving water use conflicts through the regulatory process and in the courts. Therefore, the "engineering" component of performing as the NDWR Administrator is now just one of many potential professional qualifications needed to effectively manage Nevada's water resources. The NDWR Administrator must also possess abilities such as management, policy, and legal skills.

Currently, the requirements in NRS 532.030 exclude other qualified persons for the position who have extensive experience and/or advanced education in hydrology, water resource engineering, geology, water rights, and the other key elements of the role of the NDWR Administrator.

This BDR is intended as an initial step to rebalance the qualification mismatch by first expanding the range of technical qualifications as a prerequisite to serve as the State's top water regulator.

2. Does the recommendation revise one or more current Nevada Revised Statutes (NRS)? If "Yes," please provide the reference to the NRS citation(s) affected by the recommendation, if known.

Title 48 – Water
Chapter 532 – State Engineer
NRS 532.030 - Qualifications

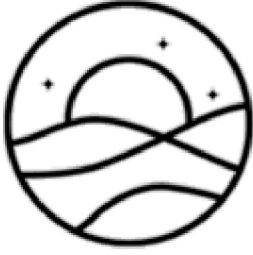
3. What group or person is making the recommendation?

Nevada Department of Conservation and Natural Resources

4. What is the name and contact information of the person who should be contacted to provide additional information for the recommendation, if necessary?

Brad Crowell
DCNR Director
901 S. Stewart Street, Suite 103, Carson City, NV 89701
775-684-2700
bcrowell@dcnr.nv.gov

ATTACHMENT F



Coalition for Healthy Nevada Lands, Wildlife and Free-Roaming Horses

Rebekah Stetson, Chairwoman
healthynevadaland@gmail.com

RESOLUTION Free-Roaming Horse and Burro Management July 2020

Whereas, The Wild Free-Roaming Horses and Burros Act of 1971 (WFRHBA), as amended, ensured free-roaming horses and burros (FRHB) existing on Bureau of Land Management (BLM) or Forest Service (FS) managed lands in 1971, would be protected and managed as valued components of our public lands. Their range was to be sufficient to sustain herds, while ensuring a "thriving natural ecological balance" with wildlife, livestock and other public land multiple uses in accordance with the Multiple Use, Sustained Yield Act of 1960.

Whereas, the WFRHBA directed BLM and the FS to determine, including in consultation with wildlife agencies, appropriate numbers (Appropriate Management Level (AML)) of FRHB to retain thriving natural ecological balance of habitat, forage, and water needs of wildlife, livestock and FRHB by assessment of plant and riparian sustainability. Once over AML, FRHB numbers were defined as excess to the carrying capacity of the land.

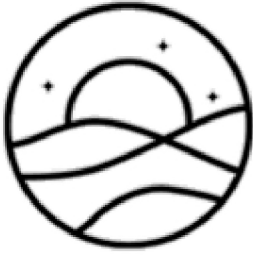
Whereas, BLM and FS have used and do use various public processes to set and adjust AMLs on a herd-by-herd basis including but not limited to Resource Management Plans, Land Management Plans, and Multiple Use Decisions and typically analyzed through requirements of and in accordance with the National Environmental Policy Act (NEPA).

Whereas, in Nevada, water comprises a mere 2% of our public lands, in the form of scattered springs, small streams and ephemeral playas, and is essential for the survival of wildlife, livestock & FRHB alike. Since 2010, AML determination must include the level of functionality of those small riparian/water sources on which all living things on public lands depend.

Whereas, in order to assist in achieving the thriving natural ecological balance mandate, BLM and the FS remove above AML excess FRHB, make them available for adoption or placed in short term or long-term holdings, including lifetime pastures, or treated with fertility inhibitors and returned to public lands.

Whereas, Nevada is host to over 50% of all FRHB West-wide on our semi-arid and arid Great Basin and Mojave Desert lands.

Whereas, in Nevada, population numbers to ensure thriving natural ecological balance was determined to be an AML of 12,800 horses and burros in 83 Herd Management Areas (HMA's).



Coalition for Healthy Nevada Lands, Wildlife and Free-Roaming Horses

Rebekah Stetson, Chairwoman
healthynevadaland@gmail.com

Whereas, today in Nevada every HMA on average is 300% over AML, with 50,000 FRHB on BLM lands and 2,500 on FS lands. Some HMAs have populations at thousands of percent above AML. In addition, outside of WFRHBA authorization and direction, with little to no management, there are approximately 5500 other feral or stray horses and burros on state, tribal and 500 military lands.

Whereas, FRHB populations double every 3-5 years. The over AML populations of FRHB of the last four decades have, in many areas, impacted ecosystem health, habitat, forage, and water resources, in turn imperiling the health and well-being of wildlife, livestock, vegetation, and FRHB themselves.

Whereas, inadequate, short-term congressional BLM budget allocations have prevented the effective removal of excess FRHB required for healthy ecosystems and resulted in additional problems including insufficient pasture and holding facilities, no logistically effective long-term fertility inhibitors and populations above AML growing exponentially.

Whereas, in 2019 humane advocacy, wildlife and livestock organizations including the Humane Society of the United States and ASPCA collaboratively crafted a plan, [*The Path Forward for Management of BLM's Wild Horses & Burros*](#), proposing a pathway to reduce FRHB populations to AML using non-lethal methods. The underpinnings of this plan, in turn, became part of the 2020 [*BLM Report to Congress for Achieving a Sustainable Wild Horse & Burro Program*](#) which hinged on requiring sufficient short and longer-term funding for success.

Whereas, the NV Legislature recognizes "Wild Horse Annie's" (Thelma Johnson's) work, which assisted in culmination of passage of the 1971 Wild and Free-Roaming Wild Horse and Burro Act, ensuring a place for FRHB on public lands while retaining a thriving natural ecological balance with other multiple uses on those lands, is failing to achieve those contract goals that were made in good faith and that balance needs be restored as quickly as possible.

Therefore, be it resolved that the NV Legislature supports BLM's 2020 Report to Congress urging sufficient short-term funding for immediate effectiveness and longer-term funding for sustained efficacy and overall success, apportioned according to FRHB numbers in each state.

Be it further resolved, given the impacts of excess FRHB on our fragile Nevada Great Basin and Mojave ecosystems, the NV Legislature supports reducing excess FRHB to achieve AML, using non-lethal means, within 10 years to protect and restore the health and viability of our public lands and habitats for wildlife, FRHB, and other uses into the future.