



NEVADA LEGISLATURE
LEGISLATIVE COMMITTEE ON PUBLIC LANDS
(Nevada Revised Statutes 281E.510)

SUMMARY MINUTES AND ACTION REPORT

The fourth meeting of the Nevada Legislature's Legislative Committee on Public Lands was held on Friday, May 7, 2010, at 8:30 a.m. in the Tonopah Convention Center, 301 West Brougner Avenue, Tonopah, 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/75th2009/committee/>. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT IN TONOPAH:

Senator Dean A. Rhoads, Chair
Assemblyman Jerry D. Claborn, Vice Chair
Senator Terry Care
Senator Michael A. Schneider (*alternate*)
Assemblyman Paul Aizley
Assemblyman David P. Bobzien
Assemblyman John C. Carpenter
Tom Collins, Clark County Commissioner

COMMITTEE MEMBERS ABSENT:

Senator John J. Lee
Senator David R. Parks

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Susan E. Scholley, Chief Principal Research Analyst, Research Division
Susan M. Young, Senior Administrative Assistant, Research Division
Chuck Anderson, A/V Technical Assistant, Broadcast and Production Services
Brian Van Geel, A/V Technical Assistant, Broadcast and Production Services

OPENING REMARKS

- Chair Rhoads called the meeting to order and asked the secretary to call the roll. He then expressed appreciation to the Town of Tonopah for hosting the Legislative Committee on Public Lands, and welcomed testifiers, presenters, and members of the public. Senator Rhoads concluded his remarks with Committee and staff introductions.

APPROVAL OF MINUTES OF THE MARCH 18, 2010, MEETING HELD IN CARSON CITY, NEVADA

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

VICE CHAIR CLABORN MOVED TO APPROVE THE “SUMMARY MINUTES AND ACTION REPORT” OF THE MARCH 18, 2010, MEETING HELD IN CARSON CITY, NEVADA. ASSEMBLYMAN CARPENTER INCLUDED IN THE MOTION A CLARIFICATION IN REFERENCE TO THE RAVEN PREDATOR CHICKS. THE MOTION WAS SECONDED BY SENATOR CARE AND PASSED UNANIMOUSLY.

UPDATE ON BUREAU OF LAND MANAGEMENT (BLM) PROGRAMS AND ACTIVITIES IN NEVADA

- Thomas J. Seley, Field Manager, Tonopah Field Office, BLM, provided an update on the BLM programs and activities in Nevada, which included: (1) an update on resource management plan revisions; (2) geothermal, solar, and wind renewable energy projects; (3) renewable energy resources; (4) nonrenewable resources, such as lands, realty, and minerals; (5) BLM grazing leases and permit renewals in the Tonopah Field Office area; (6) management of wild horses and burros; and (7) a brief update of the projects funded by the American Recovery and Reinvestment Act of 2009 (ARRA). (Please see [Exhibit B.](#))

In response to a question from Senator Rhoads regarding the depth needed for geothermal drilling, Mr. Seley noted that the depth can vary depending on the type of project and location of the project.

There was a discussion between Senator Rhoads and Mr. Seley regarding the difference between right-of-ways (ROWs) under R.S. 2477 and Title V of the Federal Land Management and Policy Act of 1976. Mr. Seley explained that an R.S. 2477 ROW grants unrestricted ROWs over federal lands not reserved for public use; however, improvements cannot be made to these roads. He further explained that a Title V ROW is a standard ROW, which allows for improvements.

- Gerald M. Smith, District Manager, Battle Mountain District Office, BLM, provided an update on BLM activities, which included: (1) an update on BLM grazing permit renewals in the Battle Mountain District; (2) season of use changes to grazing; and (3) ARRA funding.

In response to Commissioner Collins' question regarding the use of immunocontraception in wild horses and other possible methods of birth control, Mr. Seley explained that the immunocontraception does not sterilize the mares; however, it changes their immune system and prevents fertilization. He further noted that other options have been tried unsuccessfully, but new birth control methods will continue to be explored.

Responding to a question from Assemblyman Bobzien regarding the details of the Mill Creek campground near Battle Mountain, Nevada, Mr. Seley noted that several updates and improvements have been made to the recreation site.

UPDATE ON UNITED STATES FOREST SERVICE (USFS) ACTIVITIES AND PLANNING EFFORTS IN NEVADA

- Steven Williams, District Ranger, Austin and Tonopah Ranger Districts, USFS, provided an update on the USFS activities and planning efforts in Nevada, which included: (1) fire and fuels management; (2) wild horse and burro management; (3) travel planning; (4) rangeland management planning; (5) minerals exploration programs; and (6) an update on ARRA funded projects. (Please see [Exhibit C.](#))

There was a discussion between Assemblyman Carpenter and Mr. Williams regarding the number of wild horses in the Tonopah and Austin Ranger Districts, grazing allotments in the Hot Creek area, and implementation of the new travel plan.

PRESENTATION ON THE PROGRAMS AND ACTIVITIES OF THE CENTRAL NEVADA REGIONAL WATER AUTHORITY (CNRWA)

- Joni Eastley, Chair, Board of Directors, CNRWA, gave a presentation on the programs and activities of the CNRWA, which included: (1) a brief introduction to and background of the CNRWA; (2) membership qualifications of the CNRWA; and (3) a brief description of the Central Hydrographic Region. (Please see [Exhibit D.](#))
- Steve Bradhurst, Executive Director, CNRWA, continued the presentation on the programs and activities of the CNRWA, which included: (1) organization of the CNRWA; (2) mission and activities of the CNRWA; (3) facilitation of the development and maintenance of a common database; (4) citizen participation; (5) protection for the water resources of the member counties; and (6) a brief review of recommendations to the Legislative Committee on Public Lands for possible consideration at the Committee's work session. (Please see [Exhibit D.](#))

There was a discussion between Senator Care and Mr. Bradhurst regarding the Great Basin Water Forum and the MOU with certain California and Utah counties. Mr. Bradhurst noted that the MOU states the importance of water issues common to the Great Basin that can be discussed and studied through the forum. He further noted the next forum will be held October 21 through October 22, 2010, in Reno, Nevada, and extended an invitation to any interested members of the Committee. Mr. Bradhurst further explained that a discussion by the parties could emphasize monitoring and mitigation of the water levels.

- Brad Goetsch, Member, Board of Directors, CNRWA, presented an overview of the programs and activities of the CNRWA, and a review of recommendations from the CNRWA for consideration by the Legislative Committee on Public Lands at its work session, which included: (1) the need to share information between rural counties; (2) continued support for the Assembly Bill 198 Grant Program; (3) connection between surface and groundwater systems; and (4) support for local governments' water use dedication rates. (Please see [Exhibit D](#).)
- Norman Frey, Commissioner, Board of County Commissioners, Churchill County, reviewed recommendations from the CNRWA for consideration by the Legislative Committee on Public Lands at its work session, which included: (1) the need to ensure appropriate rents and royalties from geothermal activity; and (2) the maximum distance a groundwater system can be lowered without adversely impacting a basin's ecosystem and water users. (Please see [Exhibit D](#).)

In response to a question from Assemblyman Aizley regarding water in the basins and a geothermal area, Mr. Goetsch replied that in Nevada, geothermal water is considered a mineral and is handled differently. He went on to discuss his views on the connection between groundwater, surface water, and geothermal water.

- Assemblyman Bobzien reviewed certain aspects of A.B. 377 (Chapter 129, *Statutes of Nevada 2009*). He queried as to a possible need for specific statutory language that the Committee could consider at its work session.
- Mr. Goetsch noted that other states have provided information that has been very valuable regarding precipitation data, surface and groundwater data, and the geothermal aspects.
- Mr. Bradhurst concluded the review of CNRWA's recommendations, which included: (1) ensuring effective monitoring and mitigation plans associated with groundwater and surface water use; (2) recognizing a finite water supply in Nevada; (3) the need to investigate the potential for alternative water resources; and (4) the need to assess the impacts of "America's Commitment to Clean Water Act" (H.R. 5088) of the 111th Congress.

OVERVIEW OF PUBLIC LANDS AND NATURAL RESOURCE ISSUES, INCLUDING PROGRAMS AND ACTIVITIES OF MUNICIPAL WATER DISTRICTS

Esmeralda County

- Nancy Boland, Chair, Board of County Commissioners, Esmeralda County, gave an overview of public lands and natural resource issues in Esmeralda County, which included: (1) geothermal energy projects; (2) wind energy projects; (3) challenges to renewable energy development in Esmeralda County; (4) steps taken to overcome the challenges; (5) land use policies in the County; (6) economic concerns; (7) mining activities; (8) grazing and herd management and concerns; (9) range condition; (10) the status of the reconnaissance survey of Goldfield, Nevada; (11) wilderness and backcountry management plan at the Death Valley National Park; (12) the National Park Service (NPS) memorandum of understanding (MOU) status and concerns; and (13) work on R.S 2477 and Title V ROWs and other projects. (Please see [Exhibit E-1](#) and [Exhibit E-2](#).)

There was a discussion between Senator Care and Ms. Boland regarding the MOU with the NPS and disclosure issues.

Mineral County

- Jerrie Tipton, Chair, Board of County Commissioners, Mineral County, provided an overview of the public land and natural resource issues in the County and programs and activities of municipal water districts. The overview included: (1) funding of the municipal utilities in Hawthorne, Luning, Mina, and the Walker General Improvement District; (2) sewer service to the Hawthorne Army Depot; (3) placement of sewer lines in the town of Hawthorne; (4) renewable energy projects in Mineral County; (5) wind energy and solar projects; (6) the 2010 County master plan; (7) a new public land use plan; and (8) water quality in Hawthorne.

Nye County

- Lorinda A. Wichman, Commissioner, Board of County Commissioners, Nye County, provided an overview of the public lands and natural resource issues, with recommendations to the Legislative Committee on Public Lands for possible consideration at the Committee's work session, and an overview of the programs and activities of municipal water districts, which included: (1) the need for support of rural planning efforts; (2) support for "Livable Communities Act" (S. 1619) pending in Congress; (3) the need for Nye County to remain a viable option for future mineral exploration; (4) potential negative impacts of future monument designation; (5) the need to support ranching and agricultural enterprises in the County; (6) encouragement for federal and State agencies to pursue individual conservation agreements with farmers and ranchers for sage grouse habitat; (7) support of the reforms to the Equal Access to Justice Act; (8) the early

development stages of a Nye County Water District; (9) issues surrounding the Gabbs and Manhattan water and sewer projects; and (10) current work with Nevada's Department of Transportation on R.S. 2477 ROWs. (Please see [Exhibit F.](#))

A discussion ensued among Assemblyman Carpenter, Ms. Wichman, and Ms. Tipton regarding the travel management plans (TMPs). Ms. Wichman noted that Mineral County is working to correct the errors and omissions that were made in the previous TMP documents. Ms. Tipton commented on the difficulties of TMPs due to the geographic location of three separate forests within Mineral County.

PRESENTATION ON LITHIUM MINING IN ESMERALDA COUNTY

- Kevin D. Keck, Administrative Manager, Chemetall Foote Corporation, Silver Peak Operations, gave a presentation on lithium mining in Esmeralda County, which included: (1) a brief overview of the Chemetall Foote Corporation Lithium Division; (2) key products and applications of lithium; (3) potential use of lithium to reduce dependency on foreign oil; (4) use of lithium in space; (5) occurrence of the lithium element; (6) benefits of the location of the lithium mine in Silver Peak, Nevada; (7) ground water as a key to long term viability; (8) water rights summary and weather data; (9) mining claims and land disturbance; (10) compliance with the National Environmental Policy Act process; (11) collection of samples during exploration drilling; (12) test pumps used to stress and clean wells; (13) brine well pumping systems, evaporation, and concentrates; (14) removal of magnesium with special equipment when the lithium reaches its processing strength; and (15) a brief description of the finishing pond, mill site, and the lithium carbonate plant. (Please see [Exhibit G.](#))

There was a discussion between Senator Care and Mr. Keck regarding the current economy and the demand for the lithium product. Mr. Keck pointed out that they were affected by the economic downturn, but the federal government wants a strategic source of lithium, and the company has received ARRA money.

PRESENTATION ON SOLAR ENERGY PROJECTS IN NEVADA

SolarReserve

- Andrew Wang, Director of Development, Tonopah Solar Energy, SolarReserve, gave a presentation on energy projects in Nevada, which included: (1) a brief overview of the SolarReserve company; (2) demand for renewable solar energy; (3) availability of the sun; (4) benefits to the energy market; (5) the two types of solar power; (5) intermittency impact on solar technology; (6) solar projects with storage; (7) heat transfer and storage medium; (8) next generation power plants; (9) SolarReserve's technology partner; and (10) solar resource, interconnection access, topography, stormwater drainage, site access, surrounding land uses, and environmental factors used as considerations for solar facilities. (Please see [Exhibit H](#) and [Exhibit I.](#))

There was a discussion between Assemblyman Bobzien and Mr. Wang regarding design standards of the power plant and environmental mitigation with a project of this size. Mr. Wang commented that all of the power plants are designed to a specific standard. He noted that certain deserts have been able to reclaim themselves on their own over time, with minimal grading occurring to the land.

- Assemblyman Carpenter queried as to the cost of producing power from a solar energy plant versus a natural gas plant.
- Mr. Wang noted that the power produced by a natural gas plant will fluctuate with the cost of fuel; however, solar power plants do not use fuel to supply power.

A discussion ensued between Commissioner Collins and Mr. Wang regarding the distance the heliostats could reflect the sun's energy. Mr. Wang noted that throughout the heliostat fields there are approximately three different focal lengths to focus light from the farthest heliostats onto the receiver.

- Henrik Christensen, Senior Environmental Project Manager, HDR Engineering, concluded the presentation on the SolarReserve project in Nevada, which included: (1) the public process and scoping meetings; (2) a brief overview of the Crescent Dunes project and its components; (3) the right-of-way application with BLM; (4) a hybrid cooling system to reduce water consumption; (5) location of the proposed plant project approximately 10 miles northwest of Tonopah; (6) development of different alternatives for the proposed site; and (7) the environmental impact statement (EIS) process. (Please see [Exhibit H.](#))
- Senator Schneider opined that there is a problem when the State of Nevada has to provide services to an industry that does not pay taxes to the State.
- James Eason, Town Manager, Town of Tonopah, responded noting the ability of Tonopah to: (1) meet the demands placed on the schools by an increase in the workforce; (2) accommodate the construction to address demands on the roads; and (3) that SolarReserve will be required to provide its own fire protection.

There was a discussion among Assemblyman Bobzien, Mr. Wang, and Mr. Eason as to the availability of tax abatements for the project through the State. Mr. Eason noted that the timeframe to file an application for the abatement process is 10 weeks before a project is started. Mr. Wang further noted that in order for the company to secure bank funding, such items as the environmental permits and the EISs are required to be completed.

UPDATE ON CURRENT WATER RIGHTS LITIGATION IN NEVADA

- Kelvin Hickenbottom, P.E., Deputy State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources (SDCNR), provided an update on current water rights litigation in Nevada, which included: (1) two cases at the District Court level; (2) the Nevada Supreme Court decision (*Great Basin Water Network v. State Engineer*, 126 Nev. Adv. Op. No. 2) and the potential impacts of the decision; (3) other pending Nevada Supreme Court decisions; and (4) pending cases in the Ninth Circuit Court of Appeals. (Please see [Exhibit J.](#))

In response to a question from Senator Rhoads regarding the possibility of Governor Gibbons calling a special session to address the Great Basin Water Network decision. Mr. Hickenbottom noted that there is a report on the Division's website ([Report to the Governor on Great Basin Water Network Supreme Court Decision](#)) that contains information addressing many of the issues with the decision.

UPDATE ON NATIONAL PARK SERVICE (NPS) RECONNAISSANCE SURVEY ON GOLDFIELD, NEVADA, MAY 2009

- Susan E. Scholley, Chief Principal Research Analyst, Research Division, Legislative Counsel Bureau, provided the Committee with a copy of the NPS reconnaissance survey on Goldfield, Nevada, and advised that Senator Reid's office has not taken any further action at this time. (Please see [Exhibit K.](#))

PROCLAMATION FOR ALLEN BIAGGI, DIRECTOR, SDCNR, UPON HIS RETIREMENT

- Chair Rhoads presented a proclamation for Allen Biaggi, Director, SDCNR, upon his retirement, that honors Mr. Biaggi for his previous work with the Legislative Committee on Public Lands.
- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR CARE MOVED TO HAVE THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS ISSUE A PROCLAMATION FOR ALLEN BIAGGI, DIRECTOR, SDCNR, UPON HIS RETIREMENT. THE MOTION WAS SECONDED BY COMMISSIONER COLLINS AND PASSED UNANIMOUSLY.

PUBLIC COMMENT

(As directed by Chair Rhoads, this agenda item was taken out of order.)

- Don Alt, Chair, Nevada Livestock Association (NLA), opined concerns over NLA members not being able to sell water to other members in the Jersey Valley. He expressed concern over the potential negative effects of the BLM warm weather grazing permit restrictions due to a possible loss of revenue for the cattle ranchers and the non-utilization of quality feed.
- Ray H. Williams Jr., Commissioner, Board of County Commissioners, Lander County, expressed concern over and opposition to the BLM warm weather grazing permit restrictions in Lander County. He also expressed concern over the USFS travel management plans in Lander County. (Please see [Exhibit L.](#))
- Gene Etcheverry, Executive Director, Lander County, expressed further concerns over the USFS travel management plans in Lander County. He opined that the USFS did not provide proper notification to the Lander County Board of Commissioners. Mr. Etcheverry pointed out that Lander County is updating its land use plan and water plan.
- Dennis Bechtel, representing the Humboldt River Basin Water Authority (HRBWA), reviewed the suggested recommendations from the HRBWA for possible consideration at the Committee's work session. He also provided a copy of a letter submitted to the Committee at its January meeting regarding stockwater rights. (Please see [Exhibit M](#) and [Exhibit N.](#))

SOLICITATION OF RECOMMENDATIONS FOR CONSIDERATION BY THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS AT ITS WORK SESSION AT THE JULY 30, 2010, MEETING IN ELY, NEVADA

- Chair Rhoads noted that the Legislative Committee on Public Lands will be accepting recommendations for possible action at its next meeting.
- Susan E. Scholley, previously identified, further explained the solicitation of recommendations for the work session at the July 30, 2010, Committee meeting and work session. Ms. Scholley noted that the deadline for the submission of recommendations to the Committee is July 2, 2010. (Please see [Exhibit O.](#))
- Senator Care requested that Committee staff prepare a comparison matrix of previously proposed and current recommendations to the Committee.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 1:48 p.m.

Respectfully submitted,

Susan M. Young
Senior Administrative Assistant

Susan E. Scholley
Chief Principal Research Analyst

APPROVED BY:

Senator Dean A. Rhoads, Chair

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda” provided by Susan E. Scholley, Chief Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB).

[Exhibit B](#) is written testimony of Thomas J. Seley, Field Manager, Tonopah Field Office, Bureau of Land Management (BLM), and Gerald M. Smith, District Manager, Battle Mountain District Office, BLM.

[Exhibit C](#) is the written testimony of Steven Williams, District Ranger, Austin and Tonopah Ranger Districts, United States Forest Service.

[Exhibit D](#) is the written testimony of Joni Eastley, Chair, Board of Directors, Central Nevada Regional Water Authority (CNRWA), Steve Bradhurst, Executive Director, CNRWA, Brad Goetsch, Member, Board of Directors, CNRWA, and Norman Frey, Commissioner, Board of County Commissioners, Churchill County.

[Exhibit E-1](#) is a Microsoft PowerPoint presentation dated May 2010, titled “Esmeralda County, Presentation to Legislative Committee on Public Lands and Natural Resources,” given by Nancy Boland, Chair, Board of County Commissioners, Esmeralda County.

[Exhibit E-2](#) is a document titled “Esmeralda County Municipal Utilities,” referenced by Nancy Boland, Chair, Board of County Commissioners, Esmeralda County.

[Exhibit F](#) is a document titled “NACO Public Lands and Natural Resources Committee Mission Statement,” provided by Lorinda A. Wichman, Commissioner, Board of County Commissioners, Nye County.

[Exhibit G](#) is a Microsoft PowerPoint presentation titled “Rockwood Specialties Group, Inc.,” presented by Kevin D. Keck, Administrative Manager, Chemetall Foote Corporation, Silver Peak Operations.

[Exhibit H](#) is a Microsoft PowerPoint presentation dated May 7, 2010, titled “Overview for Public Lands Committee,” submitted by Andrew Wang, Director of Development, Tonopah Solar Energy, SolarReserve.

[Exhibit I](#) is a fact sheet dated December 2009, titled “Tonopah Solar Energy, Crescent Dunes Solar Energy Project,” provided by Andrew Wang, Director of Development, Tonopah Solar Energy, SolarReserve.

[Exhibit J](#) is a Microsoft PowerPoint presentation titled “Overview of Recent Litigation of the Division of Water Resources,” given by Kelvin Hickenbottom, P.E., Deputy State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources.

[Exhibit K](#) is a document dated May 2009, titled “Goldfield, Nevada Reconnaissance Survey,” referenced by Susan E. Scholley, Chief Principal Research Analyst, Research Division, LCB.

[Exhibit L](#) is a document dated May 7, 2010, titled “Lander County Statement of Position Summary,” furnished by Ray H. Williams Jr., Commissioner, Board of County Commissioners, Lander County.

[Exhibit M](#) is a document titled “Recommendations for Public Lands Committee Action,” provided by Ray H. Williams Jr., Commissioner, Board of County Commissioners, Lander County.

[Exhibit N](#) is a letter dated January 8, 2010, to Senator Dean A. Rhoads, Chair, Nevada’s Legislative Committee on Public Lands, regarding USFS regulation and policy relating to stockwater rights, from Bennie Hodges, Chair, Humboldt River Basin Water Authority (HRBWA), furnished by Dennis Bechtel, representing the HRBWA.

[Exhibit O](#) is a memorandum dated May 7, 2010, from Senator Dean A. Rhoads, Chair, Nevada’s Legislative Committee on Public Lands, regarding solicitation of recommendations for possible consideration by the Committee at its work session.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm or telephone: 775/684-6827.