

NEVADA'S LEGISLATIVE COMMITTEE ON PUBLIC LANDS

Summary of 2007-2008 Legislative Interim Activities

Nevada's Legislative Committee on Public Lands maintained an active schedule during the 2007-2008 Legislative Interim. This summary briefly reviews the activities of the Committee and highlights the topics discussed at meetings, field excursions, and informational tours. Complete details of testimony received and exhibits provided are available in the Committee's summary minutes.

A. MEETINGS AND FIELD EXCURSIONS

The Legislative Committee on Public Lands met nine times throughout Nevada and participated in two field excursions, which included a tour of the facilities at U.S. Ecology Corporation's Hazardous Waste Treatment and Disposal Facility (located about 11 miles south of Beatty on U.S. Highway 95) and a tour of the Barrick Goldstrike surface and underground mining operations in northern Eureka County. In addition to meetings in the populous areas of southern and northwestern Nevada, the Committee also held meetings in many rural areas where public lands issues are in the forefront. In fact, during the 2007-2008 Interim period, seven of the nine meetings held in Nevada were held in rural communities. All meetings included a scheduled period for local government officials to present their concerns and report happenings pertaining to public lands and natural resources within their cities and counties. In addition, each meeting included testimony on a wide range of water issues as part of the Committee's efforts to comply with subsection 2 of *Nevada Revised Statutes* (NRS) 218.5368. Comprehensive reports were submitted and public testimony was extensive at many of the hearings.

Following are brief summaries of the Committee's deliberations and activities at each of the nine meetings held in Nevada:

1. **Carson City Meeting (October 24, 2007)**

The Committee's first meeting was held at the Legislative Building in Carson City on October 24, 2007. At this organizational meeting, the Committee elected Senator Dean A. Rhoads as Chairman and Assemblyman John W. Marvel as Vice Chairman. The Committee also approved its budget and proposed work plan (see the summary minutes for a copy of the work plan) for the legislative interim and discussed future meetings, including informational tours to be held in Washington, D.C. This was followed by an update of public lands issues in western Nevada from representatives of the Bureau of Land Management (BLM), the United States Forest Service (USFS), and representatives from Carson City, Douglas County, and Washoe County. Key topics addressed under this agenda item included fire fuels reductions, general land management, open space issues, pending federal legislation, recreation, and travel management planning.

Also included were presentations from both the Carson Water Subconservancy District and the Truckee-Carson Irrigation District concerning water usage, rates, supply, infrastructure, and water demand in the region. Additional water-related updates were provided by Tracy Taylor, State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources (SDCNR), regarding water appropriation, permitting, interbasin transfer, ground and surface water, importation projects, and pending applications for water.

The Committee heard a panel discussion regarding the 2007 fire season and learned about the challenges and successes involved with fire suppression in 2007. A summary of interagency cooperation was included as part of this fire update and discussion was heard regarding the difficult budget constraints facing firefighting agencies. An update on the programs and activities of the State Department of Agriculture (SDA) was also provided. Finally, the Committee heard from both the BLM and Nevada's Commission for the Preservation of Wild Horses on the status of wild horse gathers and adoptions and efforts to round up horses to meet "appropriate management levels" in the various herd management areas throughout Nevada. The meeting concluded with an overview from Committee staff on state-level public lands and natural resource legislation approved during the 2007 Legislative Session and a summary of pertinent federal legislation under consideration by the 110th United States Congress.

Public comment included further discussion regarding pending federal legislation and wild horses and burros.

2. Las Vegas Meeting (December 13, 2007)

The Committee's second meeting was held at the Grant Sawyer State Office Building in Las Vegas on December 13, 2007. At this meeting, the Committee heard a series of reports regarding natural resources and water issues specific to southern Nevada. As part of these discussions, the Committee heard from the BLM's Las Vegas District Office, the USFS, Clark County, and the Cities of Henderson, Las Vegas, and North Las Vegas. Topics addressed included: (a) open space; (b) recreation and trails development; (c) off-highway vehicle (OHV) use; (d) wild horses and burros; (e) renewable energy development; (f) urban interface issues; (g) the Nellis Dunes project; (h) fire suppression and rangeland rehabilitation; (i) cultural-site preservation; (j) land acquisitions; and (k) pertinent federal legislation.

The Committee also heard presentations from the BLM, the USFS, Nevada's Division of State Lands, and Clark County regarding the ongoing implementation of the Southern Nevada Public Land Management Act of 1998. Furthermore, the Committee participated in discussions regarding a host of different water issues as presented by the Southern Nevada Water Authority and the Colorado River Commission (CRC). A review of the activities and programs of the Nevada Fire Safe Council (NFSC) and an update on the use of funds appropriated to the NFSC by the 2007 Nevada State Legislature was also provided.

The Committee also began the first in a series of presentations concerning OHV usage in Nevada, including a review of federal travel management policy, and discussed potential future legislation to register and title OHVs in Nevada. Finally, the Committee heard from the Western Counties Alliance on recent efforts by the United States Congress to fully fund the federal Payments in Lieu of Taxes program.

3. Beatty Meeting (January 25, 2008)

The third meeting of the Legislative Committee on Public Lands was held at the Beatty Community Center on January 25, 2008. This marked the first time the Committee met in Beatty. The meeting began with a presentation from John Falen, Secretary-Treasurer of the Public Lands Council, who expressed concern regarding BLM policies concerning grazing permit renewals and encouraged the Committee to bring the issue to the forefront during its informational tour to Washington, D.C., in February 2008.

The Committee then heard an introduction to Beatty and a review of public lands issues in the Beatty area from Lamar Walters, Vice Chairman, Beatty Town Advisory Board. Ron Williams, Nye County Manager, and MaryEllen Giampaoli, Environmental Compliance Specialist, also provided an overview of key natural resource issues and challenges addressed at the county level. Nye County Commissioners Gary Hollis and Butch Borasky also participated in this discussion. Nancy Boland, Chair of the Esmeralda County Commission, provided a similar update regarding the public lands and natural resources issues impacting in her county.

This was followed by a presentation from the U.S. Fish and Wildlife Service (USFWS), which highlighted activities at the Desert National Wildlife Refuge Complex and the Ash Meadows National Wildlife Refuge. The BLM also provided the Committee with an update on its planning efforts in southern Nye County. The Central Nevada Regional Water Authority (CNRWA) gave the Committee a broad overview regarding the functions, duties, history, challenges, and successes of the Authority and set forth future priorities for possible legislation. Representatives from Nellis Air Force Base then provided a review of the land use planning activities at the Nevada Test and Training Range and discussed the Air Force's efforts in protecting and documenting critical cultural resources on the range. For the third straight legislative interim, the Committee embarked on a discussion concerning the railroad corridors proposed by the U.S. Department of Energy (DOE) for the potential transportation of high-level radioactive waste. Specifically, the Committee heard from a representative of the DOE, who provided a summary of the alternatives under consideration and a potential timeline for the project. Finally, the Committee received an overview from Nevada's Division of Environmental Protection (NDEP) concerning the waste management practices and activities at the U.S. Ecology Nevada facility located just south of Beatty.

4. U.S. Ecology Corporation's Hazardous Waste Treatment and Disposal Facility (January 25, 2008)

A field excursion to U.S. Ecology Corporation's Hazardous Waste Treatment and Disposal Facility was held on January 25, 2008, immediately following the Committee's meeting held at the Beatty Community Center.

5. Caliente Meeting (March 7, 2008)

The fourth meeting of the Legislative Committee on Public Lands was held at the Caliente Youth Center. The meeting began with several updates of public lands issues and related natural resources issues in eastern Nevada. Participating in these briefings were representatives from the Lincoln County Board of Commissioners, the BLM, and the USFS. The Committee also received an update from the USFWS concerning the programs, activities, and planning efforts at the Moapa Valley and Pahranaagat National Wildlife Refuges.

As a follow-up to its discussions in Beatty, the Committee received additional testimony regarding the potential impacts on public lands of the Caliente Rail Alignment and other railroad corridors proposed by the DOE. The Committee heard various options for mitigating these impacts and took public comment specific to this topic. Finally, the Committee asked staff to return to the next meeting with further research and Committee letters for possible approval relating to the railroad corridor issue.

Next, the Committee continued its ongoing discussions regarding OHV regulation and usage in Nevada. Specifically, the Committee received a travel management planning update from the BLM, an overview on the management of the Silver State Trail in eastern Nevada, and an update on the activities of the Nevada Responsible Trails Alliance and its work on developing a set of recommendations for possible State legislation on OHVs. Finally, Committee staff reviewed documents regarding OHV usage and laws in other states, which were received during the Committee's informational tour to Washington, D.C., in February 2008.

Committee members then heard a review of various water issues impacting eastern and southeastern Nevada. Included in this review were: (a) an update of activities and planning efforts of the Lincoln County Water District; (b) an overview of BLM Environmental Impact Statements and related studies regarding water importation projects in eastern Nevada; (c) an update on the findings of the Basin and Range Carbonate-Rock Aquifer System study program; and (d) a review of the activities and planning efforts of the Virgin Valley Water District. An extensive public comment period included discussion regarding water, tourism, and economic development in Lincoln County.

6. Winnemucca Meeting (April 4, 2008)

The Committee held its fifth meeting of the legislative interim at the Humboldt County Commission Chambers on April 4, 2008. The meeting began with updates of public lands issues and related natural resources matters in north-central Nevada. Included in this update were a review of public lands and natural resource matters in Humboldt County and regional overviews of planning efforts by the BLM and the USFS. The Committee then heard an overview and status report of an ongoing land purchase proposal in the Trout Creek and Jungo Hills area of Humboldt County involving the BLM and John DeLong, President, DeLong Ranches, Inc.

Also on the agenda was discussion of wildland fire issues. Specifically, the Committee discussed an issue paper from Nevada's Division of Forestry regarding the impact of federal and State funding on wildfire suppression efforts and the changing role of fire districts in the State of Nevada. An overview of Nevada's Wildfire Support Group was also received. Next, the Committee heard two updates regarding water issues. The first overview involved the programs and activities of the Humboldt River Basin Water Authority and the second related to the Pershing County Water Conservation District and the District's recent efforts to complete the "Humboldt Title Transfer" project.

In response to reviews by the University of Nevada (UNR) of the functions of the University of Nevada Cooperative Extension and Extended Studies (UNCE) programs, the Committee heard from Stanley Johnson, Assistant to the Dean of the College of Agriculture, Biotechnology and Natural Resources, UNR, concerning his study and analysis of the UNCE program. Responding to Mr. Johnson's testimony was Karen L. Hinton, Dean and Director of the UNCE. The Committee then received an update on the programs and activities of the Nevada Farm Bureau and continued their ongoing discussions regarding OHVs. Dino DiCianno, Executive Director, Nevada's Department of Taxation, provided an overview of Nevada's "Certificate of Operation" program for OHVs, while Doug Busselman, Executive Vice President, Nevada Farm Bureau, discussed the perspective of Nevada's farmers and ranchers relating to potential future OHV legislation in Nevada. Public comment was taken specific to this topic and included statements from a representative of the Nevada Powersport Dealers Association.

The Legislative Committee on Public Lands has, for many years, monitored the development and implementation of federal public lands legislation under consideration and approved by the United States Congress. Kevin Kirkeby, Rural Coordinator, Office of U.S. Senator John Ensign; Matt Tuma, Regional Representative, Office of U.S. Senator Harry Reid; Mary Connelly, State Director, Office of U.S. Senator Harry Reid; and Verita Black Prothro, District Director, Office of U.S. Congressman Dean Heller; each provided updates and statements concerning the latest countywide federal lands legislation under consideration by the 110th Congress. In a related agenda topic, the Committee heard from representatives of the Coalition for Public Access as well as from Mark Nixon, a citizen of Hawthorne, who reviewed potential wilderness designations that may be included in future proposed

federal land legislation. The public comment period included discussion regarding OHVs and wilderness issues.

Finally, the Committee voted to finalize and mail draft letters to the DOE and the BLM regarding railroad corridors proposed by the DOE for the possible transportation of high-level radioactive waste through several central and eastern Nevada counties to the Yucca Mountain repository site. Additional information regarding these letters appears in the Committee's final report and bulletin.

7. Laughlin Meeting (May 7, 2008)

For the first time in 14 years, the Legislative Committee on Public Lands returned to Laughlin to hold its sixth meeting of the 2007-2008 Legislative Interim. The meeting began with an update of public lands issues, natural resources, and related planning activities under consideration by the Town of Laughlin. A representative from the BLM provided a review of the Bureau's activities and planning efforts in southern Clark County and in the Laughlin area. In addition, representatives from the United States Bureau of Reclamation (BOR) updated the Committee on BOR activities in the Lake Mead area and in the lower Colorado River region in southern Nevada. The National Park Service (NPS) also has a significant presence in southern Nevada. Jim Holland, Park Planner with the NPS, discussed several issues with the Committee, including: (a) recreation; (b) Lake Mead accessibility; (c) water quality and quantity; (d) growth and development; (e) tourism; and (f) wilderness.

Also on the agenda was a discussion of select water issues in southern Nevada. Included in this discussion was a review of the activities and planning efforts of the Big Bend Water District, which serves the Town of Laughlin. An update on the Moapa Valley Water District was also provided. This was followed by a presentation from George M. Caan, P.E., Executive Director of the Colorado River Commission of Nevada, which included an update on the CRC's operation and management, hydrologic conditions on the Colorado River, and water storage issues in the lower Colorado River region.

The Committee continued its ongoing deliberations regarding OHV usage on public lands and the possible registration and titling of OHVs. The Committee then heard from Dave Claycomb of the Idaho Department of Parks and Recreation, who provided an overview of Idaho's OHV program and offered suggestions for possible OHV legislation in Nevada. Representatives from the Nevada Responsible Trails Alliance and the Nevada Off-Highway Vehicle Coalition also offered suggestions for future legislation. Public comment included further discussion of possible OHV legislation.

8. Barrick Goldstrike Field Excursion (June 5, 2008)

A field excursion and informational tour of the Barrick Goldstrike surface and underground mining operations in northern Eureka County was held on June 5, 2008.

9. Elko Meeting (June 6, 2008)

The seventh meeting of the Legislative Committee on Public Lands was held at the Stockmen's Hotel Casino on June 6, 2008. The meeting began with an update of public lands issues, natural resources, and related planning activities under consideration by Elko County from Warren Russell, Member of the Elko County Board of Commissioners. The BLM and the USFS also provided region-wide updates on their latest planning efforts and natural resource initiatives. Also included on the agenda was an overview of the activities and programs of Nevada's Division of State Lands and an update on the use of "Question 1 Program" bond money authorized at the 2002 General Election.

The Committee then heard a report from the Elko County Water Planning Commission, which included a history of the Commission, a review of the county's water plan, and a discussion of water supply in the region. The Committee regularly monitors and reviews issues relating to threatened and endangered species. Several individuals provided updates to the Committee on the latest developments of the Endangered Species Act of 1973 (ESA) and potential ESA listings for Nevada. Presenters included representatives from: (a) the USFWS; (b) Nevada's Department of Wildlife; and (c) the BLM. The Lahontan Audubon Society also discussed mining as it relates to mine claim markers and urged the Committee to request legislation addressing the hazards to wildlife, particularly bird species, of hollow mine claim markers. Testimony indicated that hollow mine claim markers currently used have entrapped birds and other wildlife species.

Further discussion of mining-related issues ensued. Included on the agenda were discussions of mining issues from various federal and state agencies, including: (a) the BLM; (b) the Bureau of Mining Regulation and Reclamation, NDEP; (c) Nevada's Division of Minerals; and (d) the UNR Natural Resources Institute. In addition, the Committee continued its ongoing deliberations regarding OHV usage on public lands and possible future legislation regarding the titling and registration of OHVs in Nevada. Participating in these discussions were: (a) Dan Gralian, President, Nevada Cattlemen's Association; (b) Jeremy Drew, Director, Coalition for Nevada's Wildlife; (c) Dale Lotspeich, Elko County Sheriff's Department and member of the Nevada Sheriffs' and Chiefs' Association; and (d) John Glenn, President, Nevada Powersport Dealers Association. Finally, the Committee received updates on the programs and activities of both the Eastern Nevada Landscape Coalition and the Northeastern Nevada Stewardship Group. Public comment included testimony regarding OHVs and wildland fire prevention and suppression activities.

10. Eureka Meeting (July 14, 2008)

The Committee held its eighth meeting of the 2007-2008 Interim at the Eureka Opera House on July 14, 2008. The meeting began with an update by various representatives from Eureka and White Pine Counties concerning public lands, natural resources, and related planning activities in those counties. The BLM and the USFS also provided region-wide natural resource updates. The Committee then received a number of recommendations regarding water from

the CNRWA. Another possible recommendation regarding water evapotranspiration and the interbasin transfer of water was provided by Nancy Boland of the Esmeralda Board of County Commissioners. The discussion of water issues continued with an update from Senator Mark E. Amodei, Chairman, Legislative Committee to Oversee the Western Regional Water Commission, regarding the activities and findings of the oversight committee.

Margaret N. “Peg” Rees, Ph.D., Executive Director of the Public Lands Institute based at the University of Nevada, Las Vegas, provided a review of numerous programs and initiatives of the Institute, including partnerships, outreach, public education, and research. The Committee then engaged in a lengthy discussion and heard presentations regarding noxious weeds in Nevada. Included in the panel discussions on noxious weeds were representatives from the following agencies and organizations: (a) SDA’s Plant Industry Division Noxious Weed Program; (b) BLM; (c) USFS; (d) the University of Nevada Cooperative Extension Service; and (e) the “Tri-County Weed Group.” This was followed by an update on the programs and activities of the Nevada Natural Heritage Program, SDCNR.

The Committee also heard from Steve and Robin Boies, Boies Ranches, Inc., who conveyed their concerns and frustrations regarding a recent challenge from Western Watersheds of their grazing permit application and their allotment management program. Finally, Committee staff discussed the Committee’s final meeting and work session and asked for recommendations from members of the Committee as well as the public for possible inclusion on the “Work Session Document.” The public comment period included discussion regarding water, noxious weeds, and OHV regulation.

11. Lovelock Meeting (August 22, 2008)

The ninth and final meeting and work session of the Legislative Committee on Public Lands for the 2007-2008 Legislative Interim was held at the Lovelock Community Center on August 22, 2008. The meeting began with an update of public lands issues, natural resources, and related planning activities under consideration by Pershing, Lander, and Churchill Counties. The BLM also provided an overview of planning initiatives in the Winnemucca District and northwest Nevada and updated the Committee on the latest developments concerning an ongoing land purchase proposal in the Trout Creek and Jungo Hills area of Humboldt County. An overview of the programs and activities of both the Stillwater National Wildlife Refuge and the Sheldon-Hart Mountain National Wildlife Refuge was provided by the USFWS.

The Legislative Committee on Public Lands regularly monitors military land use and airspace issues in Nevada. Therefore, the Committee was pleased to hear an update of the training programs and land use planning activities at the Naval Air Station Fallon. Also on the agenda was a review of recent activities of the Division of Water Resources, SDCNR. Included in this review was a discussion regarding water applications currently pending in the Division and a summary of recent water-related rulings. Representatives from the USFS then presented a briefing paper regarding the impact of current Nevada water law on USFS grazing programs

and offered possible changes to the NRS to address their concerns. The Committee's deliberations regarding water issues continued with an overview of the proposed development of the Division Canyon Pump Storage Hydroelectric Project near Montello in northeastern Nevada.

Several representatives from Nevada's Commission on Economic Development (NCED) then provided an overview of the NCED's programs in general and highlighted specific economic incentives available to Nevada's rural areas through NCED's Rural Economic Development and Rural Community Development programs. This was followed by an update on the programs and activities of the SDA and a discussion from Ron Cerri, Chairman, Central Committee of Nevada State Grazing Boards, concerning the SDA oversight of the grazing boards and the filling of a currently vacant rangeland specialist position within the SDA. Finally, the Committee heard a listing of compromise legislative recommendations from the OHV working group. The first of two public comment periods included numerous individuals who commented on various recommendations contained in the "Work Session Document."

The Legislative Committee on Public Lands took action on numerous items at this final meeting in Lovelock. Additional information concerning these and other recommendations of the Committee appears in the final report and bulletin of the Committee.