



## **NEVADA LEGISLATURE**

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

*(Nevada Revised Statutes 218.5363)*

#### **SUMMARY MINUTES AND ACTION REPORT**

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The sixth meeting of the Nevada Legislature's Legislative Committee on Public Lands was held on Wednesday, May 7, 2008, at 10 a.m. in the Clark County Regional Government Center, 101 Civic Way, Laughlin, 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 [www.leg.state.nv.us/74th/Interim](http://www.leg.state.nv.us/74th/Interim). 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](mailto:publications@lcb.state.nv.us); telephone: 775/684-6835).

#### **COMMITTEE MEMBERS PRESENT:**

Senator Dean A. Rhoads, Chairman  
Senator Terry Care  
Assemblyman Jerry D. Claborn  
Assemblyman Pete Goicoechea (*alternate*)  
Assemblywoman Debbie Smith  
Tom Fransway, Humboldt County Commissioner

#### **COMMITTEE MEMBERS ABSENT:**

Assemblyman John W. Marvel, Vice Chairman  
Senator Mark E. Amodei

#### **OTHER LEGISLATOR PRESENT:**

Assemblywoman Marilyn Kirkpatrick

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

Michael J. Stewart, Supervising Principal Research Analyst, Research Division  
J. Randall Stephenson, Principal Deputy Legislative Counsel, Legal Division  
Susan M. Gottschalk, Senior Administrative Assistant, Research Division  
Chuck Anderson, A/V Technical Assistant, Broadcast and Production Services  
Ryan Dombrowski, A/V Technical Assistant, Broadcast and Production Services

## **OPENING REMARKS AND INTRODUCTIONS**

Chairman Rhoads opened the meeting by expressing appreciation to the Town of Laughlin for hosting the Legislative Committee on Public Lands.

## **UPDATE OF PUBLIC LANDS, NATURAL RESOURCES, AND RELATED PLANNING ACTIVITIES UNDER CONSIDERATION BY THE TOWN OF LAUGHLIN**

- Jacquelyne Brady, Town Manager, Town of Laughlin, provided an update of public lands, natural resources, and related planning activities under consideration by the Town of Laughlin, which included: (1) a brief history of the Town of Laughlin; (2) a description of land ownership and land use plans; and (3) a brief description of the Town's demographics and economics. (Please see [Exhibit B.](#))
- Deborah Murray, Community Development Manager, Town of Laughlin, provided a description of public lands, natural resources, and related planning activities under consideration by the Town of Laughlin, which included: (1) infrastructure development; (2) projects developed to increase tourism; (3) development of the Laughlin Regional Park and the Heritage Greenway Trail; and (4) a brief history of local parcels offered for public auction through the Bureau of Land Management (BLM) in 2005. (Please see [Exhibit B.](#))

## **UPDATE OF BUREAU OF LAND MANAGEMENT ACTIVITIES AND PLANNING EFFORTS IN SOUTHERN CLARK COUNTY AND IN THE LAUGHLIN AREA**

- Hillerie Patton, Public Affairs Specialist, Las Vegas Field Office, BLM, United States Department of the Interior (DOI), provided an update of BLM activities and planning efforts in southern Clark County and in the Laughlin area, which included: (1) an update of upcoming modified, competitive, and direct land sales; (2) land sales assistance from the Las Vegas Field Office to other Nevada BLM field offices; (3) capital improvement projects recommended for local governments; (4) a recreation travel management plan; (5) the airspace study in cooperation with the Federal Aviation Administration at the Ivanpah Valley Airport; (6) the 2008 fire season prediction; and (7) the West-Wide Energy Corridor planning efforts and cooperating agencies.

Responding to Chairman Rhoads' question about public lands nominated for disposal, Ms. Patton noted that the process involves a joint selection with local governments. Senator Rhoads commented that he is interested in obtaining information on the total acreage that went from public to private ownership through the Southern Nevada Public Land Management Act (SNPLMA).

There was a discussion between Assemblyman Goicoechea and Ms. Patton clarifying the types of lands available for disposal through the Las Vegas Field Office. Ms. Patton noted that when

other field offices have lands that need to be disposed of, those offices can coordinate a sale with the Las Vegas Field Office through the State BLM office.

## **OVERVIEW OF U.S. BUREAU OF RECLAMATION (BOR) ACTIVITIES, PROGRAMS, AND PLANNING EFFORTS IN THE LAKE MEAD AREA AND THE LOWER COLORADO RIVER REGION IN SOUTHERN NEVADA**

- Joe Liebhauser, Director, Resource Management Office, BOR, Lower Colorado River Region, DOI, provided an overview of BOR activities, programs, and planning efforts in the Lake Mead area and the Lower Colorado River Region in southern Nevada, which included: (1) a brief history about the Bureau and locations of BOR offices in the region; (2) the Lower Colorado Region key projects; (3) a description of the project benefits relating to water, power, flood control, recreation, and fish and wildlife habitat; (4) the current status of the Lower Colorado Region; and (5) potential future needs of the Lower Colorado Region. (Please see [Exhibit C-1](#).)
- Bill Martin, Outdoor Recreation Planner, BOR, Lower Colorado River Region, DOI, described a map ([Exhibit C-2](#)) provided by the BOR denoting recreational opportunities in the region using federal lands and BOR projects. Mr. Martin presented a video about BOR recreational activities that further described: (1) potential development of recreational facilities in local communities; (2) recreational needs and challenges in the region; and (3) the use of visitor surveys and consultant feedback for recreational development and planning. (The video presented by Mr. Martin is available for viewing at the Research Library of the Legislative Counsel Bureau (LCB), Carson City, Nevada.)

A discussion ensued between Assemblyman Claborn and Mr. Martin regarding the basis for construction of the Yuma Desalination Plant near Yuma, Arizona. Mr. Martin commented that the purpose of the plant was to satisfy the requirements of the 1944 treaty with Mexico.

## **REVIEW OF NATIONAL PARK SERVICE (NPS) ACTIVITIES, PROGRAMS, AND PLANNING EFFORTS IN SOUTHERN NEVADA AND THE LAKE MEAD NATIONAL RECREATION AREA**

- Jim Holland, Park Planner, Lake Mead National Recreation Area, NPS, DOI, provided a review of NPS activities, programs, and planning efforts in southern Nevada and the Lake Mead National Recreation Area, which included: (1) the significance of Lake Mead to recreation; (2) nontraditional uses and challenges at Lake Mead; (3) accessibility to Lake Mead from outlying areas; (4) major projects at Lake Mead, including the Hoover Dam Bypass; (5) Boulder City Corridor alternatives; (6) concerns regarding adjacent growth and development once the Hoover Dam Bypass is completed; (7) statistics regarding the annual number of visitors to Lake Mead; (8) the annual operating plan; (9) quantity of water, end-of-year elevation, and declining lake level; (10) continuous low water projects; (11) management plan for launch ramps, the NPS 2008

launch ramp construction schedule, and other 2008 construction projects; (12) connecting Lake Mead National Recreation Area to Boulder City and Henderson; (13) status of the River Mountains Loop Trail; (14) Intake No. 3 tunnel and pumping station construction; (15) wilderness plans in the Lake Mead area; (16) current Lake Mead scenic overflights and the NPS' preferred flight schedule; and (17) interagency program areas. (Please see [Exhibit D.](#))

Responding to Commissioner Fransway's query about the status of the NPS lease agreements at Stewart's Point, Mr. Holland pointed out that the lease agreements with cabin site holders are for life tenancy; however, the leases are non-transferable.

There was a discussion between Assemblyman Goicoechea and Mr. Holland regarding off-highway vehicle travel (OHV) and the trail system at Lake Mead. Mr. Holland noted the approved road system for the park allows for street-legal motor vehicles to be operated by a licensed driver.

## **DISCUSSION OF SELECT WATER ISSUES IN SOUTHERN NEVADA**

### *Review of the Activities and Planning Efforts of the Big Bend Water District (BBWD)*

- Adam Werner, Engineering Manager, Clark County Water Reclamation District, BBWD, reviewed the activities and planning efforts of the BBWD, which included: (1) a description of the BBWD and its current capacity and production; (2) the number of residential and commercial accounts with the BBWD; (3) capital improvement projects and the Laughlin wastewater system; (4) operation and maintenance of the BBWD; (5) the operation agreement with Clark County; and (6) the replacement of the Clark County Water Reclamation District with the Las Vegas Valley Water District. (Please see [Exhibit E.](#))

### *Update of the Activities and Planning Efforts of the Moapa Valley Water District (MVWD)*

- Brad Huza, General Manager, MVWD, provided an update of the activities and planning efforts about the MVWD, which included: (1) a brief history and general information of the MVWD; (2) a description of the customer profiles and water consumption by user; (3) existing and other available water resources; (4) key issues, including public lands disposals within and adjacent to existing service areas that have significant impacts on water purveyors; and (5) the decision-making process to mitigate impacts on water purveyors. (Please see [Exhibit F.](#))

*Brief Overview of Documents Provided to Nevada's Legislative Committee on Public Lands by the Colorado River Commission*

- George M. Caan, P.E., Executive Director, Colorado River Commission of Nevada (CRC), provided a brief overview of CRC's report to the Legislative Committee on Public Lands, which included: (1) an update on CRC's operations and management; (2) the hydrologic conditions of the Colorado River; and (3) the Lower Colorado River Drop 2 Storage Reservoir. (Please see [Exhibit G-1](#) and [Exhibit G-2](#).)

There was a discussion between Assemblyman Claborn and Mr. Caan regarding the 1944 treaty with Mexico and the possible effects of the Drop 2 Reservoir relative to the treaty. Mr. Caan commented that the 1944 treaty provides Mexico with 1.5 million acre-feet of water annually. He further noted that the Drop 2 Reservoir is used to capture water that is inadvertently delivered to Mexico, which is not counted as part of the treaty.

- Responding to Commissioner Fransway's request for clarification for determining water shortages at the first tier measurement for the Colorado River, Mr. Caan stated that the U.S. Secretary of the Interior cannot declare a shortage until Lake Mead reaches an elevation of 1,075 feet. Mr. Caan further noted that prior to the Record of Decision in December 2007 implementing the Colorado River interim operational guidelines, there was no criteria for determining at what level a shortage would be declared.

In response to Senator Rhoads' query regarding when the Lower Colorado Drop 2 Reservoir would be completed, Mr. Caan responded that the Reservoir would be completed in 2011.

**DISCUSSION OF OFF-HIGHWAY VEHICLE USAGE ON PUBLIC LANDS, THE STATE OF IDAHO OHV PROGRAM, AND POSSIBLE FUTURE LEGISLATION REGARDING THE TITLING AND REGISTRATION OF OHVs IN NEVADA**

*Overview of the Idaho Department of Parks and Recreation (IDPR) Off-Highway Vehicle Program and Suggestions for Possible OHV Legislation in Nevada*

- David Claycomb, State and Federal Grant Program Manager, IDPR, provided an overview of the IDPR program for OHVs and offered suggestions for possible OHV legislation in Nevada, which included: (1) a review Idaho's OHV registrations from 1973 through 2007; (2) a brief history of Idaho's OHV statutes; (3) a brief description of how funds are used from the IDPR OHV program; and (4) a description of personnel that might be needed to effectively manage potential OHV registration in Nevada. (Please see [Exhibit H](#).)

Responding to Chairman Rhoads' questions regarding penalties for sticker enforcement and agriculture use of OHVs, Mr. Claycomb noted that the penalty for being cited without an identification sticker is dependent upon the agency issuing the citation. He further noted that Idaho has exemptions for OHVs used for agriculture and snow removal purposes.

There was a discussion between Assemblyman Goicoechea and Mr. Claycomb regarding the type of license plate issued by the Idaho Division of Motor Vehicles, Idaho Transportation Department. Mr. Claycomb remarked that there was a recent change to the license plates issued for both OHVs and street motorcycles. He noted that the new license plates will help differentiate between the two types of vehicles and there is a requirement for proof of insurance for any type of vehicle on a shared use road. Mr. Claycomb remarked that OHV owners need a license plate and registration in order to obtain an identification sticker, which creates two levels of registration and separate set of fees.

- Responding to Assemblywoman Smith's question regarding the use of OHV fees for rule enforcement, Mr. Claycomb clarified that the money is not to be used for the purpose of closing trails or restricting access. Mr. Claycomb noted that the money is used to provide enforcement entities with supplemental equipment.
- Commissioner Fransway queried as to how Idaho guarantees OHV registration if an OHV is purchased out of state. Mr. Claycomb noted the sales tax must be paid in order for an OHV to be titled, registered, and issued an identification sticker, even if the OHV is purchased from an out-of-state dealer.

*Suggestions From the Nevada Responsible Trails Alliance on Potential Future OHV Legislation in Nevada and Discussion of Related Landscape Issues*

- Meghan Wereley, Executive Director, Nevada Cattlemen's Association (NCA), offered suggestions on potential future OHV legislation in Nevada and related landscape issues, which included: (1) the NCA's membership with the Nevada Responsible Trails Alliance; (2) concerns with reckless OHV riders; (3) damage caused by inappropriate OHV use to natural resources and private property; (4) the effects of ruined natural resources on wildlife and livestock; (5) the need for simplified potential future OHV legislation in Nevada; (6) certain inadequacies of the Idaho OHV program if it were used as Nevada's model for potential future OHV legislation; (7) the need for potential future OHV legislation to address the repair of damaged lands; and (8) the willingness to pay a fee for OHV registration, titling, and an identification tag to aid in resolving the problem of reckless OHV use. (Please see [Exhibit I.](#))

*Discussion and Suggestions From the Nevada Off-Highway Vehicle Coalition on Potential Future OHV Legislation in Nevada*

- Charlie Cox, President, Nevada Off-Highway Vehicle Coalition, offered a discussion and suggestions on potential future OHV legislation in Nevada, which included: (1) the need for a method to reclaim lands damaged by irresponsible OHV users; (2) the need for Nevada's Department of Motor Vehicles (DMV) to title and register OHVs; (3) the use of OHV titling and registration funds for statewide OHV programs; and (4) the perceived benefits if Nevada passed OHV legislation similar to the IDPR program.

A discussion ensued between Assemblyman Goicoechea and Mr. Cox regarding visible identification tags on OHVs. Mr. Goicoechea opined that a visible identification tag is preferable to avoid potential confrontation with irresponsible OHV riders.

- Gary Clinard, Vice President, Nevada Off-Highway Vehicle Coalition, pointed out: (1) there is progress toward unification among different trail groups and OHV groups regarding OHV legislation; (2) Nevada's Office of the Attorney General has not made a ruling on the contention that it is illegal for the DMV to issue titles for OHVs; and (3) difficulties other states have had with visible identification tags.
- J. Randall Stephenson, Principal Deputy Legislative Counsel, Legal Division, LCB, verified that Nevada's Office of the Attorney General has not issued a formal opinion regarding the legality of the DMV issuing OHV titles. He noted it is the opinion of the Legal Division of the LCB that nothing should prohibit the DMV from issuing OHV titles.
- Assemblyman Claborn declared that if OHV legislation is passed, money received from titling and registration should be used for an OHV safety program.

**PUBLIC COMMENT**

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

- Lewis Wallenmeyer, Director, Clark County Department of Air Quality and Environmental Management, emphasized the need for possible future OHV legislation to provide for dust mitigation projects in OHV staging and high-concentration use areas.

**POSSIBLE WORK SESSION ON PRECEDING AGENDA ITEMS AND DISCUSSION  
OF FUTURE MEETING DATES AND INFORMATIONAL TOUR DETAILS**

- Michael J. Stewart, Supervising Principal Research Analyst, Research Division, LCB, provided an update of the Legislative Committee on Public Lands' upcoming meetings and remaining schedule.
- Assemblyman Claborn, on behalf of Mr. Les Thrasher, a constituent and resident of Las Vegas, Nevada, offered the Legislative Committee on Public Lands accolades for the Committee's diligent efforts which resulted in enabling his business to reopen in southern Nevada.



## ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 1:45 p.m.

Respectfully submitted,

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Susan M. Gottschalk  
Senior Administrative Assistant

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Michael J. Stewart  
Supervising Principal Research Analyst

APPROVED BY:

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Senator Dean A. Rhoads, Chairman

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

## LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda” provided by Michael J. Stewart, Supervising Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB).

[Exhibit B](#) is the written testimony of Jacquelyne Brady, Town Manager, Town of Laughlin, and Deborah Murray, Community Development Manager, Town of Laughlin.

[Exhibit C-1](#) is a Microsoft PowerPoint presentation titled “Reclamation, Managing Water in the West, Welcome to the Lower Colorado Region,” provided by Bill Martin, Outdoor Recreation Planner, United States Bureau of Reclamation (BOR), Lower Colorado River Region, U.S. Department of the Interior (DOI).

[Exhibit C-2](#) is a map titled “Reclamation, Managing Water in the West, Recreation Opportunities at Bureau of Reclamation Projects,” provided by Bill Martin, Outdoor Recreation Planner, BOR, Lower Colorado River Region, DOI.

[Exhibit D](#) is a Microsoft PowerPoint presentation dated May 7, 2008, titled “Lake Mead, Legislative Committee on Public Lands, Clark County Regional Government Center,” provided by Jim Holland, Park Planner, Lake Mead National Recreation Area, National Park Service, DOI.

[Exhibit E](#) is a Microsoft PowerPoint presentation dated May 7, 2008, titled “Nevada Legislative Committee on Public Lands, Big Bend Water District, Laughlin Water Reclamation Facility,” presented by Adam Werner, Engineering Manager, Clark County Water Reclamation District, Big Bend Water District.

[Exhibit F](#) is a Microsoft PowerPoint presentation titled “Moapa Valley Water District, Water Resource Planning,” provided by Brad Huza, General Manager, Moapa Valley Water District.

[Exhibit G-1](#) is a Microsoft PowerPoint presentation date May 7, 2008, titled “Colorado River Update,” furnished by George M. Caan, P.E., Executive Director, Colorado River Commission of Nevada.

[Exhibit G-2](#) is report titled *Report of the Colorado River Commission of Nevada to the Legislative Committee on Public Lands*, which was offered by George M. Caan, P.E., Executive Director, Colorado River Commission of Nevada, dated May 2008.

[Exhibit H](#) is a packet of information submitted by David Claycomb, State and Federal Grant Program Manager, Idaho Department of Parks and Recreation, which consists of:

1. A bar chart titled “Idaho OHV Registration 1973-2007”; and
2. Copies of Idaho statutes relating to all-terrain vehicles.

Exhibit I is the written testimony Meghan Wereley, Executive Director, Nevada Cattlemen's Association.

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](http://www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm) or telephone: 775/684-6827.