



NEVADA LEGISLATURE
LEGISLATIVE COMMITTEE ON PUBLIC LANDS
(Nevada Revised Statutes 218.5363)

SUMMARY MINUTES AND ACTION REPORT

The third meeting of the Nevada Legislature's Legislative Committee on Public Lands was held on Friday, January 25, 2008, at 8:30 a.m. in the Beatty Community Center, 100 "A" Avenue South, Beatty, 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. 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:

Senator Dean A. Rhoads, Chairman
Senator Terry Care
Senator Warren B. Hardy II (*alternate*)
Assemblyman John C. Carpenter (*alternate*)
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
Assemblyman Jerry D. Claborn

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Michael J. Stewart, Supervising Principal Research Analyst, Research Division
J. Randall Stephenson, Principal Deputy Legislative Counsel, Legal Division
Matthew S. Nichols, Senior Deputy Legislative Counsel, Legal Division
Gayle Nadeau, Principal Research Secretary, Research Division
Susan M. Gottschalk, Senior Administrative Assistant, Research Division
Chuck Anderson, A/V Technical Assistant, Broadcast and Production Services
Aaron Riley, A/V Technical Assistant, Broadcast and Production Services

OPENING REMARKS AND INTRODUCTIONS

Chairman Rhoads opened the meeting expressing appreciation to the Town of Beatty for hosting the Legislative Committee on Public Lands for the first time. He then proceeded with Committee and staff introductions.

APPROVAL OF THE “SUMMARY MINUTES AND ACTION REPORT” OF THE MEETING HELD ON DECEMBER 13, 2007, IN LAS VEGAS, NEVADA

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

ASSEMBLYMAN GOICOECHEA MOVED TO APPROVE THE “SUMMARY MINUTES AND ACTION REPORT” OF THE DECEMBER 13, 2007, MEETING HELD IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY SENATOR CARE AND PASSED UNANIMOUSLY.

DISCUSSION OF GRAZING PERMIT RENEWAL, GRAZING PERMIT TRANSFERS, AND CHANGE OF OWNERSHIP ISSUES

- Chairman Rhoads announced that this agenda item was taken out of its posted order.
- John Falen, Secretary-Treasurer, Public Lands Council, National Cattlemen’s Beef Association, discussed issues of concern regarding the Bureau of Land Management (BLM) grazing permits and leases, which included: (1) correspondence to the BLM addressing issues of importance to the beef industry; (2) National Environmental Policy Act (NEPA) compliance; (3) social and economic impacts of NEPA on grazing permit renewals and transfers; (4) the transferring of permits without completed paperwork to ensure automatic renewal; and (5) revisions of the BLM’s current policies and procedures concerning grazing permits. (Please see [Exhibit B.](#))

There was a discussion between Senator Care and Mr. Falen regarding the problems caused by changes in the United States Department of the Interior’s (DOI) administrative policy regarding grazing permits renewals. Mr. Falen noted that there needs to be a permanent solution by making changes administratively.

A discussion ensued between Assemblyman Carpenter and Mr. Falen about the lack of unity among the different grazing districts regarding the manner in which the grazing permit renewal, transfer, and monitoring that process is conducted.

UPDATE OF PUBLIC LANDS AND NATURAL RESOURCE ISSUES IN PORTIONS OF SOUTHERN AND CENTRAL NEVADA

Introductory and Welcoming Remarks From the Town of Beatty and Brief Discussion of Town Issues

- Lamar Walters, Vice Chairman, Beatty Town Advisory Board, welcomed the Committee to Beatty. Mr. Walters reported on the following issues: (1) natural resources in the Beatty area; (2) the open space plan to preserve and protect the open lands and the master plan for the Community; and (3) the local economy and tourism.

Mr. Walters noted that the population of Beatty is approximately 1,000, and the local hotels and government jobs are the main sources of employment for the residents.

There was a discussion between Mr. Walters and Assemblyman Goicoechea regarding endangered species and the Amargosa Toad. Mr. Walters noted a habitat committee was created to look at trails along the river and ponds to preserve the habitat and still allow for recreational access.

Introductory Remarks and Review of Public Lands and Natural Resource Issues in Nye County

- Ron Williams, Nye County Manager, provided introductory comments and offered an overview of issues in Nye County, which included: (1) the hiring of a county planner to help address Nye County's needs; (2) the process of establishing the Nye County Water District; and (3) S. 2509, a United States Senate bill that would relax some enforcement measures of the Safe Drinking Water Act.
- MaryEllen Giampaoli, Environmental Compliance Specialist, presented an update on the following four key issues of concern for Nye County (Please see [Exhibit C-1](#) and [Exhibit C-2](#)):
 - (1) Public lands needs including a federal lands bill initiative, mining and geothermal activities, desert land entries, and Yucca Mountain;
 - (2) Air quality in the Pahrump Valley;
 - (3) Water resources, including: (a) the search for alternative water supplies; (b) protests from the National Park Service, U.S. Fish and Wildlife Service (USFWS), and other federal agencies; (c) Nye County Water rights filing; (d) Nye County Water District; and (e) arsenic fluoride standard compliance; and
 - (4) Threatened and endangered species.

Discussion ensued between Senator Care and Ms. Giampaoli regarding the denial of water applications in the Amargosa Valley by the federal government and growth in the Town of Pahrump and surrounding area.

- Gary Hollis, County Commissioner, District 3, Nye County, surmised that the Amargosa Basin is very limited in water resources, creating problems for the Amargosa community. Problems include protests over the change in diversion of water and challenges regarding endangered species. He opined that federal agencies are burdening local government and resources.

There was a discussion between Senator Hardy and Ms. Giampaoli regarding using technology to determine perennial yield and available water resources, as well as seeking federal Safe Drinking Water Act grants for water system upgrades and other water issues.

- Butch Borasky, Vice Chair, County Commissioner, District 4, Nye County, commented on the numerous attractions bringing people to Pahrump, including clean air. He noted the chip-seal program to keep dust levels under control is working.

A discussion ensued among Assemblyman Carpenter, Mr. Borasky, and Commissioner Hollis regarding: (1) the community college in Pahrump, a branch campus of Great Basin College in Elko; (2) efforts to acquire BLM land and build a four-year college; and (3) functions of the current community college. Mr. Borasky noted there is a “huge” demand for vocational and job-related learning material and curriculum, which could be fulfilled if money were appropriated during the 2009 Legislative Session.

Review of Public Lands and Natural Resource Issues in Esmeralda County

- Nancy Boland, Chair, Board of County Commissioners, Esmeralda County, outlined the County’s public lands issues, which included: (1) private lands in Esmeralda County; (2) the Esmeralda County road system; (3) cost to tax payers for services on public lands, changes to the 1872 Mining Law, federal lands disposal needs, access to all land, alternative energy production, BLM management issues, and the Yucca Mountain rail route; (4) future preparedness; and (5) concerns with lack of staff, money, expertise, and limited technical resources for land use planning in Esmeralda County. (Please see [Exhibit D.](#))

Overview of the Programs and Activities of the Desert National Wildlife Refuge Complex and the Ash Meadows National Wildlife Refuge

- Cynthia Martinez, Project Leader, Desert National Wildlife Refuge Complex and Ash Meadows National Wildlife Refuge, USFWS, DOI, discussed: (1) the Desert National Wildlife Refuge Complex, habitat zones, bighorn sheep management, the Visitor

Center and Administrative Facility, Riparian Habitat Restoration, and the urban interface; (2) proposed wilderness; (3) Ash Meadows National Wildlife Refuge; (4) endangered or threatened species; (5) restoring and enhancing species habitat; (6) invasive species; and (7) comprehensive conservation planning. (Please see [Exhibit E-1](#), [Exhibit E-2](#), and [Exhibit E-3](#).)

There was a discussion between Senator Care and Ms. Martinez regarding the population of the Devils Hole pupfish. Ms. Martinez remarked that the rationale for protests is due to the appropriation of water. The population of this fish has been decreasing quicker than the water level. She opined that a decrease in spring flow is a decrease in habitat for the fish.

Update of Bureau of Land Management (BLM) Planning Efforts of the Tonopah Field Station and Discussion of BLM Activities in South-Central Nevada

- Thomas J. Seley, Manager, Tonopah Field Station, BLM, DOI, gave a brief overview of the Station's planning efforts, which included: (1) resource management plan revision; (2) the Beatty master plan; (3) non-renewable resources and green energy—including geothermal, solar, and wind energy energy; (4) lands and realty in the Beatty area; (5) minerals; (6) the abandoned mine lands program; (7) cultural resources, including the historic townsite of Rhyolite; (8) renewable resources; (9) grazing leases and permit renewals; and (10) wild horses and burros in south-central Nevada. (Please see [Exhibit F-1](#), [Exhibit F-2](#), and [Exhibit F-3](#).)
- Doran Sanchez, Chief, Office of Communications, BLM, DOI, responded to prior questions from the Committee raised during the discussion of grazing permit renewal, transfers, and change of ownership issues. Mr. Sanchez surmised that there are 745 grazing permits statewide and 315 permits have been fully processed for renewal. The BLM will use the Administrative Procedures Act to renew the expired permits until the permits are fully processed and reissued. Every authorized grazing permittee will continue to operate under the terms and conditions of the expired permits until the renewal is complete.

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

- Steve Bradhurst, Executive Director, CNRWA, reviewed the purpose and functions of the CNRWA, which included: (1) the Nevada Central Hydrographic Region; (2) CNRWA form, functions, and missions; (3) the water supply; (4) priorities including a comprehensive database, websites, a consistency analysis for member counties' water resource plans, implementing resolutions, monitoring key resource issues, and promoting local water resource education; (5) Resolution 07-01 recommending a land use plan for every member county based upon the sustainable

water resources within the member counties; and (6) approval or rejection of water applications by the State Engineer. (Please see [Exhibit G](#).)

- Nancy Boland, Member, Board of Directors, CNRWA, discussed the purpose of the CNWRA. She noted that information gathering on water quality and quantity issues was not available prior to current technology. The Board has allowed for the compilation of data to determine the needs of the member counties.

UPDATE OF LAND USE AND PLANNING ACTIVITIES AT THE NEVADA TEST AND TRAINING RANGE (NTTR)

- Colonel Mark Koechle, Commander, 98th Range Wing, Nellis Air Force Base (AFB), presented an update on the land use and test and training range, which included: (1) NTTR orientations; (2) integrated battlespace including threats systems, targets, missions, command and control, assessment, military use of public lands; and (3) NTTR as the premier battlespace. (Please see [Exhibit H-1](#), [Exhibit H-2](#), and [Exhibit H-3](#).)
- Keith Myhrer, Archaeologist and Cultural Resource Manager, 99th Civil Engineer Squadron, Nellis AFB, discussed archaeological research and compliance with federal laws regarding Nellis AFB cultural resources and the Native American program. (Please see [Exhibit H-4](#) and [Exhibit H-5](#).)
- Bob Turner, Natural Resource Manager, 99th Civil Engineer Squadron, Nellis AFB, discussed natural resource management at Nellis AFB. Highlights of his presentation addressed: 1) ecosystem management; and (2) interagency projects and cooperation with Nevada's Department of Wildlife, the BLM, the USFWS, and Nevada's Division of Forestry.

UPDATE ON NEVADA RAILROAD CORRIDORS PROPOSED BY THE UNITED STATES DEPARTMENT OF ENERGY (DOE)

- Ned Larson, Federal Project Director, Nevada Rail Project, Office of Civilian Radioactive Waste Management, DOE, provided an update on the construction activities and operation of the proposed rail line presented in the Draft Rail Alignment Environmental Impact Statement (EIS) prepared by the DOE. Mr. Larson's presentation addressed the following matters: (1) the Nevada rail line operations; (2) the Nevada rail line implementation alternative; (3) hearings on the Draft Rail Alignment EIS; (4) construction of bridges and activities; (5) sidings and communication towers; (6) evaluation of impacts on public lands; (7) proposed shared use of the rail line; (8) the BLM right-of-way; and (9) the next steps in the rail project. (Please see [Exhibit I](#).)

Senator Care referenced questions that were distributed to the Committee and asked that Mr. Larson offer an answer at the next meeting scheduled for March 7, 2008, in Caliente, Nevada. Mr. Larson noted he had previously received Lincoln County's written comments and will respond to the questions primarily on the EIS. (Please see [Exhibit J.](#))

OVERVIEW FROM NEVADA'S DIVISION OF ENVIRONMENTAL PROTECTION (NDEP) OF WASTE MANAGEMENT ACTIVITIES AT THE U.S. ECOLOGY FACILITY IN BEATTY, NEVADA, AND THE DEPARTMENT OF ENERGY'S NEVADA TEST FACILITY NEAR MERCURY, NEVADA

- Tim Murphy, Chief, Bureau of Federal Facilities and Las Vegas Office Field Manager, NDEP, State Department of Conservation and Natural Resources (SDCNR), provided an update of waste management activities at the U.S. Ecology facility in Beatty and the DOE's Nevada test facility near Mercury, which included: (1) hazardous and mixed waste management; (2) roles and responsibilities of the Bureau of Federal Facilities; (3) application of regulatory authority at federal facilities; (4) the nuclear weapons complex, (5) the nuclear testing impacts at the Nevada Test Site (NTS); and (6) the disposal of "mixed waste" at the NTS.
- Michael Richardson, Environmental Scientist IV, Bureau of Waste Management, NDEP, SDCNR, discussed: (1) hazardous waste acceptance requirements including profiling of waste, land disposal restriction, waste type allowed by permit, and accompaniment of waste manifest; (2) landfill and site features; (3) U.S. Ecology facts; (4) site development; (5) land leased from the State; and (6) NDEP responsibilities at U.S. Ecology. (Please see [Exhibit K.](#))

POSSIBLE WORK SESSION ON PRECEDING AGENDA ITEMS AND DISCUSSION OF FUTURE MEETING DATES AND WASHINGTON, D.C., INFORMATIONAL TOUR DETAILS

- Michael J. Stewart, Supervising Principal Research Analyst, Research Division, Legislative Counsel Bureau, informed the Committee on the informational tour to Washington, D.C., in February 2008.

ADJOURNMENT

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

Respectfully submitted,

Susan M. Gottschalk
Senior Administrative Assistant

Michael J. Stewart
Supervising Principal Research Analyst

APPROVED BY:

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 a packet of information submitted by John Falen, Secretary-Treasurer, Public Lands Council, National Cattlemen’s Beef Association, which includes:

- A letter dated January 7, 2008, to Jim Caswell, Director, Bureau of Land Management (BLM), U.S. Department of the Interior (DOI), regarding BLM grazing permit renewals;
- A facsimile dated September 10, 1999, to All Field Offices, regarding instructions to address concerns about grazing permit renewals;
- A memorandum dated January 24, 2008, to John Falen, Secretary-Treasurer, Public Lands Council, National Cattlemen’s Beef Association, regarding grazing permits;
- A letter dated October 30, 2007, to Jeff Eisenberg, Public Lands Council, regarding application of the National Environmental Policy Act to BLM term permit renewal;
- A memorandum dated July 30, 2007, to John Falen, Secretary-Treasurer, Public Lands Council, National Cattlemen’s Beef Association, regarding grazing permits; and
- A letter dated August 10, 2007, to Dirk Kempthorne, Secretary of the Interior, DOI, regarding a meeting with leadership.

[Exhibit C-1](#) is a Microsoft PowerPoint presentation titled “Nye County Public Lands Overview,” offered by Ron Williams, Nye County Manager.

[Exhibit C-2](#) is a copy of a newspaper article for “WaterTech Online.com,” dated January 16, 2008, titled “Senate bill would ease up on small systems,” submitted by Ron Williams, Nye County Manager.

[Exhibit D](#) is a Microsoft PowerPoint presentation titled “Esmeralda County,” presented by Nancy Boland, Chair, Board of County Commissioners, Esmeralda County.

[Exhibit E-1](#) is a Microsoft PowerPoint presentation titled “Desert National Wildlife Refuge Complex,” given by Cynthia Martinez, Project Leader, Desert National Wildlife Refuge Complex and Ash Meadows National Wildlife Refuge, United States Fish and Wildlife Service (USFWS), DOI.

[Exhibit E-2](#) is a pamphlet titled “Desert National Wildlife Refuge,” provided by Cynthia Martinez, Project Leader, Desert National Wildlife Refuge Complex and Ash Meadows National Wildlife Refuge, USFWS, DOI.

[Exhibit E-3](#) is a pamphlet titled “Ash Meadows National Wildlife Refuge,” provided by Cynthia Martinez, Project Leader, Desert National Wildlife Refuge Complex and Ash Meadows National Wildlife Refuge, USFWS, DOI.

[Exhibit F-1](#) is the written testimony of Thomas J. Seley, Manager, Assistant Field Manager, Tonopah Field Station, BLM, DOI.

[Exhibit F-2](#) is a map titled “Renewable Energy Projects Battle Mountain District BLM – NV060,” offered by Thomas J. Seley, Manager, Assistant Field Manager, Tonopah Field Station, BLM, DOI.

[Exhibit F-3](#) is a table titled “Nevada Wild Horse & Burro Census Summary,” dated December 3, 2007, submitted by Thomas J. Seley, Manager, Assistant Field Manager, Tonopah Field Station, BLM, DOI.

[Exhibit G](#) is a document titled “Central Nevada Regional Water Authority,” provided by Steve Bradhurst, Executive Director, Central Nevada Regional Water Authority.

[Exhibit H-1](#) is a Microsoft PowerPoint presentation titled “98th Range Wing Nevada Test & Training Range (NTTR) ‘The World’s Premier Testing & Training Battlespace’,” offered by Colonel Mark Koechle, Commander, 98th Range Wing, Nellis Air Force Base (AFB).

[Exhibit H-2](#) is a 2008 calendar titled “Archaeology and Landforms Calendar,” provided by Colonel Mark Koechle, Commander, 98th Range Wing, Nellis AFB.

[Exhibit H-3](#) is a map titled “Nevada Test and Training Range Chart,” submitted by Colonel Mark Koechle, Commander, 98th Range Wing, Nellis AFB.

[Exhibit H-4](#) is a DVD video titled “Gathering Devah: An Ancient Pine Nut Harvest Tradition,” provided by Colonel Mark Koechle, Commander, 98th Range Wing, Nellis AFB.

[Exhibit H-5](#) is a DVD video titled “Cactus Range: End of an Era,” furnished by Colonel Mark Koechle, Commander, 98th Range Wing, Nellis AFB.

[Exhibit I](#) is a Microsoft PowerPoint presentation titled “Nevada Rail Line Construction Activities,” presented by Ned Larson, Federal Project Director, Nevada Rail Project, Office of Civilian Radioactive Waste Management, Department of Energy (DOE).

[Exhibit J](#) is a packet of information submitted by Michael J. Stewart, Supervising Principal Research Analyst, Research Division, LCB, which includes:

- An electronic message dated January 23, 2008, regarding Lincoln County’s comments to the DOE; and
- Written comments dated January 7, 2008, regarding rail line corridor.

Exhibit K is a Microsoft PowerPoint presentation titled “Nevada Division of Environmental Protection,” presented by Tim Murphy, Chief, Bureau of Federal Facilities and Las Vegas Office Field Manager, Nevada Department of Environmental Protection (NDEP), State Department of Conservation and Natural Resources (SDCNR), and Michael Richardson, Environmental Scientist IV, Bureau of Waste Management, NDEP, SDCNR.

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.