

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

(*Nevada Revised Statutes 218.5363*)

This summary presents the recommendations approved by Nevada's Legislative Committee on Public Lands during the 2005-2006 legislative interim and at its work session meeting held on August 24, 2006, in Ely, Nevada. The corresponding BDR number follows each recommendation for legislation.

RECOMMENDATIONS FOR LEGISLATIVE MEASURES

1. Encourage, by resolution, the implementation of several recommendations regarding biomass and biomass initiatives as provided by Dr. Elwood Miller, Biomass Representative, Nevada Renewable Energy Conservation Task Force. These recommendations include: (a) the establishment of "production tax credits" for biomass energy, which is currently provided for wind and geothermal energy; (b) the creation of financial incentives for the development of on-site generation systems operated by biomass; (c) private investment in biomass; and (d) the implementation of several pilot/demonstration projects illustrating the potential uses of biomass in Nevada. **(BDR—402)**
2. Enact legislation creating the position of a Natural Resource GIS Coordinator, to be housed in one of the natural resource departments/agencies, for the purpose of aligning the twelve public land and natural resource agencies and coordinating interaction with the State GIS Coordinator, federal land management partners, and state government major area partners such as public health, homeland security, and transportation. The measure would also create the Natural Resource/Public Lands GIS Technical Training Revolving Fund to be managed by the Natural Resource GIS Coordinator for the purpose of providing cost-effective GIS training for natural resources agencies.

In addition to creating and funding the position and revolving training fund, the measure should include a legislative declaration or preamble: (a) expressing support for the *Nevada Initiative for Coordinated Geographic Information Management*; (b) recognizing the importance of GIS to policy making, particularly in public land and natural resource management; (c) directing the establishment of standards within state government for the collection of data; and (d) directing state agencies to enter into trading partner agreements for the sharing of data. **(BDR—403)**

3. Express, by resolution, the Nevada State Legislature's disapproval of various ongoing legal challenges brought against local ranchers and the BLM concerning grazing permits and regulations. Include in the resolution statements concerning the detrimental

economic impacts these challenges have on Nevada's rural communities and the threats such challenges pose to agriculture. **(BDR—396)**

4. Enact legislation creating the position of a land use planner within the Division of State Lands, State Department of Conservation and Natural Resources (SDCNR). The position would assist those rural counties that do not have established land use planning teams and would be instrumental in assisting the local government in working with federal land management agencies on many matters. **(BDR—397)**
5. Enact legislation making an appropriation of \$450,000 to provide grant funds to Nevada's 30 CWMAs for weed control purposes (\$450,000 based on an average annual grant request of \$15,000 per year for each of Nevada's 30 CWMAs. Also include in the measure provisions establishing grant funding and an operating budget of \$300,000 within the State Department of Agriculture (SDA) for noxious weeds-related programs. Of this \$300,000, \$50,000 would be allocated for seasonal employees to assist in SDA-level functions relating to abatements; \$50,000 would be allocated to biological control programs; \$100,000 would be used for the "Abatement Fund" (application on the ground); and \$100,000 would be allocated for weed education and outreach purposes.

The grant funding would support the control efforts of CWMAs as USFS funding continues to dwindle. The operating budget would also provide matching funds for federal grants the State of Nevada is currently ineligible for due to its lack of matched money. **(BDR—398)**

6. Enact legislation authorizing the use of a portion of proceeds of Governmental Services Tax for the control of noxious weeds in Nevada and authoring a slight increase in GST collections to cover the cost of this activity. The amount the increase would depend upon the value of the vehicle upon which the GST is imposed. Include in the measure the creation of a fund for a comprehensive long-term program for managing noxious weeds in Nevada. The fund would be managed by a Board of Trustees appointed by the Governor. The comprehensive program would include five or more weed management specialists, a weed project manager, and an administrative support position. The comprehensive program would also involve the creation of at least six weed control districts in Nevada similar to the tri-county weed district in Nye, Lincoln, and White Pine Counties. **(BDR—399)**
7. Enact legislation amending certain existing provisions and setting forth new provisions concerning OHVs in Nevada. The measure would provide for the continued issuance of certificates of operations for OHVs, set forth an OHV registration program, and provide for other related OHV regulation. **(BDR—400)**
8. Enact legislation establishing a state park at Monte Cristo's Castle located in northeastern Esmeralda County. **(BDR—401)**

9. Urge, by resolution, the U.S. Congress to provide greater funding for wildfire suppression efforts and rangeland rehabilitation for those areas already impacted by fire. Include in the resolution discussion of the inherent danger of fire in the Lake Tahoe Basin and emphasize that fire suppression activities have a direct impact on local economies and explain how recent fires in northern Nevada have decimated large tracts of critical wildlife habitat. **(BDR—468)**

RECOMMENDATIONS FOR COMMITTEE ACTION:
COMMITTEE STATEMENTS AND LETTERS

The members of Nevada's Legislative Committee on Public Lands voted to send the following letters concerning general natural resource matters to:

10. The Director of the University of Nevada (UNR) Cooperative Extension expressing appreciation to the Cooperative Extension for its assistance in rehabilitating land impacted by the July 2004 "Waterfall Fire" west of Carson City. According to testimony, the Extension office in Carson City was instrumental in providing technical assistance to city personnel as well as impacted homeowners. Moreover, the UNR Cooperative Extension aggressively managed community education and volunteer efforts and made great strides in comforting the residents of Carson City immediately following this most disturbing wildfire event.
11. The Director of the USFWS, the USFWS Field Supervisor in Nevada, and to the Refuge Manager of the Ruby Lake National Wildlife Refuge expressing the Committee's support for the forward-thinking programs at the refuge and commending the Refuge Manager and her staff for their efforts to improve the refuge.
12. Dan Dallas, District Ranger, Mountain City Ranger District, USFS, United States Department of Agriculture (USDA), congratulating him on receiving the 2005 "Ranger of the Year" award from the USFS. Send a copy of the letter to Ed Monnig, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, USDA.
13. The Secretary of the USDA and the Chief of the USFS requesting an evaluation of park fees and/or other revenue sources to ensure that sufficient monies are available to manage and maintain recreation facilities in Nevada and the West. Encourage the USFS to continue its efforts to seek more funding from the U.S. Congress to provide enough money to adequately maintain USFS facilities which are, according to testimony, in desperate need of enhancements and upkeep.
14. The Nevada Cattleman's Association, Nevada Farm Bureau, each of the BLM Field Managers in the State of Nevada, and other potential interested parties supporting the programs and activities of the "Range Management School" as addressed by Agee Smith, Shoesole Collaborative Management Team, NNSG.

15. The Director of the BLM and the Chief of the USFS encouraging those agencies to use and continue to use grazing (and even consider a temporary increase in animal unit months during high-yield years) when conducting fuels reduction and fuels management. According to testimony, this practice could improve range conditions, while at the same time, serve as an alternative to prescribed burns. Include in the letter a statement encouraging the BLM to amend its grazing regulations to set forth an expedited or streamlined process for approving grazing applications for temporary, nonrenewable permits. This would help facilitate grazing on cheatgrass infested areas at the earliest part of the grazing season when the cheatgrass is considered prime forage for livestock.
16. The Commander of the Nevada National Guard commending the Guard for its support of firefighting efforts in the State of Nevada and praising their interagency cooperation through the use of helicopters and other aircraft in battling wildfires. Include in the letter language supporting the Guard's continued assistance, particularly on the Sierra Front, and encouraging the Guard to expeditiously prepare and equip helicopters and other aircraft for firefighting duty as quickly as possible after their return from military service in the Middle East and Afghanistan.
17. The United States Department of the Interior (DOI), the BLM, and members of Nevada's Congressional Delegation encouraging the DOI and the BLM, with the support of the U.S. Congress, to consider revising current BLM policies to allow more ranchers and farmers in Nevada and the West to hold or care for gathered wild horses that would, under most circumstances, be shipped to wild horse sanctuaries in the Midwest. This practice would allow gathered horses to remain in Nevada in a controlled environment and eliminate the need to transport the horses cross-country.
18. The appropriate members of the U.S. Congress (chairing the appropriation committees), the DOI, the BLM, USDA, and the USFS, stipulating the need for increased funding for recreation planning and law enforcement within the USFS and the BLM. Dan Holler, Douglas County Manager, testified before the Committee that a lack of funds in these areas is greatly impacting recreational programs within the two agencies. He noted during testimony that there are not enough law enforcement personnel to handle Nevada's vast expanses of federally-managed land.
19. The Nye County Board of Commissioners, the Pahrump Town Board, BLM, USFS, and other federal agencies involved in flood control matters in Pahrump expressing support for flood control activities in Pahrump. The letter should encourage these federal agencies to issue the appropriate permits and grant authority to Nye County and the Town of Pahrump to proceed with flood mitigation efforts in the mountains surrounding Pahrump.

20. David K. Morrow, Administrator, Division of State Parks, SDCNR, encouraging him to explore strategies to enhance recreational access at the Lower Pitt-Taylor Reservoir, which is adjacent to Rye Patch Reservoir in northern Pershing County.
21. The Statewide Biomass Coordinating Group, key elected officials, including Nevada's Governor, Nevada's Congressional Delegation, Nevada's Energy Office, and the Nevada Renewable Energy and Energy Conservation Task Force, and include a statement in the final report supporting the efforts of the Statewide Biomass Coordinating Group and encouraging continued and increased funding for the "Fuels for Schools" program administered by Nevada's Division of Forestry.
22. The USFWS concerning the endangered Gray Wolf. Include in the letter a request to the USFWS to delist the Gray Wolf in the State of Nevada (as was previously requested by the NDOW), as this species has not been sighted in Nevada for the past 75 years. Include a statement in the letter expressing the Committee's concern that the listing of the Gray Wolf could have a detrimental impact on ranching and farming operations (particularly in northeastern Nevada), and express the Committee's concern over any efforts to "reintroduce" the Gray Wolf in the State of Nevada.
23. The Chairmen of the Senate Committee on Finance and the Assembly Committee on Ways and Means expressing support for NDOW's budget request for the funding of state wildlife conservation plans. This would help support the Department's proactive approach in this area. According to testimony received at the Committee's meeting in Battle Mountain, during the "planning stage" of the state wildlife conservation plan program, there is a 75 percent/25 percent federal-state match (25 percent from the State) and, during the implementation phase, there is a 50 percent state match portion. In the past, the total State funds provided through General Fund appropriation were \$600,000. This, in turn, allows for a total federal contribution of over \$1 million. According to testimony, such state wildlife conservation plans will help prevent endangered species listings in Nevada.
24. The Office of the Governor and the Director of NDOW expressing support for NDOW's Landowner Incentive Program and encouraging the use of State funds (along with committed federal dollars) to ensure the continued existence and operation of the program.
25. The U.S. Environmental Protection Agency (EPA) explaining the importance and quality of Nevada's mining regulations and assuring the EPA that the regulations have been carefully crafted and proven to work well for the entire mining industry in Nevada.
26. Kathleen Clarke, Director, BLM, expressing the Committee's concerns about the BLM's 2005 filing with the State Engineer for water rights for the stated purpose of accommodating wildlife watering and wildlife habitat. Request in the letter that the

BLM explain its policies with regard to water rights filings, particularly as they relate to the filings made by the Battle Mountain Field Office of the BLM for wildlife purposes.

27. Nevada's Congressional Delegation, the Office of the Governor, and Kathleen Clarke, Director, BLM, expressing the Committee's concern regarding the renewal of grazing permits. Some testimony during the legislative interim suggested that a National Environmental Policy Act (NEPA) review must be conducted by the BLM on all grazing permit renewal applications. Other concerns were raised about the increased backlog of grazing permit renewals due to such NEPA reviews, despite the fact that a "permit renewal rider" (Public Law 108-108) allows the BLM to automatically process grazing permit applications without a NEPA review if such requests do not result in a significant impact on the ground or represent any major changes to the existing grazing permit. The letter shall request that the BLM provide a written overview to the Committee of its NEPA review policies relating to grazing permit renewals. Furthermore, the letter shall encourage Nevada's Congressional Delegation to examine the permit renewal rider and take action to "renew" the rider beyond its scheduled 2008 expiration.
28. Mike Johanns, Secretary, USDA, and Dale Bosworth, Chief, USFS, expressing the Committee's appreciation of the USFS' efforts and support of the Committee during the 2005-2006 legislative interim. Include in the letter a statement concerning the USFS' consistent willingness to appear before the Committee and provide useful and helpful information to assist the Committee in its duties.
29. Dirk Kempthorne, Secretary, DOI, and Kathleen Clarke, Director, BLM, expressing the Committee's appreciation of the BLM's efforts and support of the Committee during the 2005-2006 legislative interim. Include in the letter a statement concerning BLM's consistent willingness to appear before the Committee and provide useful and helpful information to assist the Committee in its duties.
30. The Office of the Governor and the Chairmen of the Senate Committee on Finance and Assembly Committee on Ways and Means expressing support for the creation of a State GIS Coordinator with clearly defined authority for state government coordination of geospatial information technologies and data production, as well as creation of a State GIS Advisory Council.
31. The DOI and Kathleen Clarke, Director, BLM, encouraging the BLM to restructure its district boundaries in Nevada in a manner that makes more jurisdictional sense for Nevada's counties. Include in the letter language highlighting the fact that Nye County encompasses multiple BLM field districts and such jurisdictional patterns make it very difficult for many counties in Nevada to establish and maintain consistent relationships with the BLM.

The members of Nevada's Legislative Committee on Public Lands voted to send the following letters concerning SNPLMA and other county lands bills to:

32. Nevada's Congressional Delegation urging them to retain in the introduced version of the White Pine County Conservation, Recreation, and Development Act of 2006 provisions concerning land auctions and sales for the purposes of affordable housing. Include in the letter requests to amend the measure (and to set forth an amendment to the SNPLMA) to provide for the use and eligibility of money for: (a) rangeland restoration throughout Nevada; (b) fuels reduction; (c) state facilities (particularly parks and natural resource-related facilities); and (d) services provided by the state land use planning agency (Division of State Lands) to those counties (as required by law) that do not have natural resource planning staff and have acquired land under one of the several county land bills. Stipulate in the letter that the State of Nevada has a growing interest in becoming eligible for the same type of funding through the SNPLMA and other lands bills as local governments and federal agencies are for the State's infrastructure improvements on park lands and on wildlife refuges.
33. Nevada's Congressional Delegation, the DOI, and the BLM encouraging the use of SNPLMA and other county land bill funds to hire additional BLM staff to process conservation easement requests and land purchases made pursuant to those lands-related bills.
34. The DOI and the BLM encouraging the Department and the agency to seek creative ways to reduce the costs of environmental assessments and studies associated with the purchase and sale of federal land. Include in the letter a recommendation calling for the allocation of funds generated through land sales under the SNPLMA and other county lands bills to cover the costs and expense of these environmental studies and assessments. Testimony throughout the legislative interim indicated that the costs to purchase smaller parcels of federal land are prohibitive and often the cost of the required environmental analysis is greater than the value of the land.

The members of Nevada's Legislative Committee on Public Lands voted to send the following letters concerning noxious weeds and invasive species to:

35. The partners in the "tri-county" weed group in eastern Nevada, the Director of the UNR Cooperative Extension, the Office of the Governor, and Bob Wilson, Extension Educator, Ely Cooperative Extension Office, praising the "tri-county" model for its noxious weed abatement and control efforts and encouraging the expansion of the "tri-county" weed group model to other areas of the State of Nevada.
36. The Chairman and members of the Interim Finance Committee (IFC) expressing support for the upcoming September 12, 2006, proposal before the IFC to establish a GIS Specialist within the Nevada Natural Heritage Program (NNHP). This Specialist, in addition to providing mapping services to NNHP, would also provide

mapping services (likely through an interagency agreement) to the SDA for weed mapping projects.

37. All the CWMAs, county weed districts, and other weed control groups encouraging the use of conservation crews and other volunteer groups for weed control. Conservation crews and other groups such as Boy and Girl Scout troops and volunteer fire departments offer a consistent and inexpensive source of labor for weed eradication activities. Stipulate in the letter that adequate training should be provided to all volunteers to ensure proper and safe weed abatement techniques (including correct chemical application procedures).
38. The Chairmen of each state grazing board created pursuant to Chapter 568 of the NRS encouraging those boards to use, within each respective grazing district, available funds (i.e., remaining dollars within the current budget of the board or through each board's respective range improvement fund) for efforts to control and eradicate noxious weeds. In addition, encourage the Chairmen of each state grazing board to ensure that any such efforts to eradicate noxious weeds within the grazing district are conducted in a manner that is beneficial to the stock raising and ranching industries for purposes of NRS 568.120.

RECOMMENDATIONS FOR COMMITTEE ACTION:
COMMITTEE RESOLUTIONS

39. Draft a Committee resolution urging the U.S. Congress to amend the ESA to: (a) reduce the impact of species listings on private property owners and require collaboration and facilitation with state and local governments and private property owners prior to the final listing of a species; (b) establish incentives for voluntary conservation and species recovery efforts; (c) provide reimbursement to livestock owners for any loss of livestock resulting from the reintroduction of endangered or threatened species into the wild; (d) strengthen the species listing process by requiring the use of sound and verifiable science when determining the listing of any animal or plant species; and (e) reduce or eliminate the impacts of incidental takings that often occur following a species listing.
40. Draft a Committee resolution expressing the Committee's desire for all parties directly involved in Walker Lake and Walker River issues to work together to find solutions to address the declining water levels at Walker Lake. Encourage these organizations and individuals to be creative in this endeavor and seek support from Congressional leaders, federal, state and local governments, sportsmen's groups, and landowners in the Walker River Basin. Include a statement in the resolution emphasizing the recreational and historic value of Walker Lake.