



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

**SUMMARY MINUTES AND ACTION REPORT**

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The eighth meeting and work session of the Nevada Legislature's Legislative Committee on Public Lands was held on Thursday, August 24, 2006, at 8 a.m. in the Bristlecone Convention Center, Juniper and Sage Rooms, 150 Sixth Street, Ely, 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 Web site at [www.leg.state.nv.us/73rd/Interim](http://www.leg.state.nv.us/73rd/Interim). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's (LCB) 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  
Assemblyman John W. Marvel, Vice Chairman  
Senator Terry Care  
Senator Mike McGinness  
Assemblyman Pete Goicoechea (*alternate*)  
Assemblywoman Genie Ohrenschall  
Tom Fransway, Humboldt County Commissioner

**COMMITTEE MEMBER ABSENT:**

Assemblyman Jerry D. Claborn

**LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Michael J. Stewart, Principal Research Analyst, Research Division  
J. Randall Stephenson, Principal Deputy Legislative Counsel, Legal Division  
Gayle Nadeau, Principal Research Secretary, Research Division  
Chuck Anderson, A/V Technical Assistant, Broadcast and Production Services

## **OPENING REMARKS AND INTRODUCTIONS**

Chairman Rhoads opened the meeting with Committee and staff introductions and explained the protocol for the work session portion of the meeting.

## **APPROVAL OF THE “SUMMARY MINUTES AND ACTION REPORT” OF THE MEETINGS HELD ON APRIL 28, 2006, IN BATTLE MOUNTAIN, NEVADA, AND ON MAY 26, 2006, IN MESQUITE, NEVADA**

ASSEMBLYMAN MARVEL MOVED TO APPROVE THE “SUMMARY MINUTES AND ACTION REPORT” OF THE MEETINGS HELD ON APRIL 28, 2006, IN BATTLE MOUNTAIN, NEVADA, AND ON MAY 26, 2006, IN MESQUITE, NEVADA. THE MOTION WAS SECONDED BY SENATOR CARE AND PASSED. ASSEMBLYWOMAN OHRENSCHALL WAS ABSENT FOR THE VOTE.

## **UPDATE OF PUBLIC LANDS ISSUES IN CENTRAL AND EASTERN NEVADA**

### ***Welcoming Remarks and Overview of Public Lands and Natural Resource Issues in White Pine County***

- Brent Eldridge, Chairman, Board of County Commissioners, White Pine County, Ely, focused his presentation on the proposed White Pine County Lands Bill. He noted that the Bill (White Pine County Conservation, Recreation, and Development Act [S. 3772]) as introduced on August 1, 2006, in the United States Senate did not include every component that White Pine County requested. However, he averred, it included important benefits for the County, especially related to wilderness issues. A controversial element in the initial proposed bill highlighted by Mr. Eldridge dealt with the transfer of 15,000 acres of public lands to tribal lands. The compromise written into S. 3772 is approximately 3,500 acres, which still has opposition even though the acreage originally sought was reduced.

Mr. Eldridge also addressed Utah’s Hill Air Force Base expansion and the potential negative impact on the Ely airport. The expansion would limit altitude allowances for commercial and recreational aviation uses at the Ely airport.

### ***Review of Public Lands and Natural Resource Issues in Eureka County***

- Ken Benson, Member, Board of County Commissioners, Eureka County, Eureka, Nevada, provided an update on public lands and natural resource issues in the County. Mr. Benson reported on the following matters: (1) the unprecedented development pressures on rural Nevada’s groundwater resources; (2) the threat of economic damage by Mormon crickets and grasshoppers, which has not diminished after four years of abatement efforts; and (3) the impact on range resources and grazing in Eureka County due to concerns about the Bureau of Land Management’s

(BLM's) intent to "fully process" the backlog of grazing permits by 2008. (Please see [Exhibit B.](#))

### ***Overview of Bureau of Land Management Planning Efforts and Activities in Eastern Nevada***

- Jeff Weeks, Assistant Field Manager, Ely Field Office, BLM, U.S. Department of the Interior (DOI), Ely, provided an overview of the following major projects: (1) watershed analysis and restoration activities in cooperation with the Eastern Nevada Landscape Coalition (ENLC); (2) the Ely resource management plan and environmental impact statement; (3) various energy projects, including wind energy; (4) the Groundwater Development Project in Clark, Lincoln, and White Pine Counties; and (5) the wild horse gather from the Buck and Bald Complex located in Elko and White Pine Counties. (Please see [Exhibit C.](#))

### ***Update of U.S. Forest Service Activities and Planning Efforts in Eastern Nevada***

- Patricia Irwin, District Ranger, Ely Ranger District, U.S. Forest Service (USFS), U.S. Department of Agriculture (USDA), Ely, provided background information on the Ely Ranger District as well as an update on the District's management actions. Ms. Irwin focused her testimony on the following activities in White Pine County: (1) fuels reduction efforts; (2) travel management planning for off-highway vehicles (OHVs); (3) cooperative efforts with the ENLC; and (4) Governor Kenny C. Guinn's Sage Grouse Plan. (Please see [Exhibit D.](#))

## **OVERVIEW OF THE ACTIVITIES AND PROGRAMS OF THE EASTERN NEVADA LANDSCAPE COALITION**

- John Hiatt, Chairman of the Board of Trustees, ENLC, Ely, provided a brief history of the ENLC that was founded in 2000, and he discussed its mission. He stated the ENLC's area of focus is the Ely BLM District. Mr. Hiatt mentioned several areas where the Nevada State Legislature could assist the ENLC toward its work in restoring and maintaining ecosystem health on Nevada's landscape in the Great Basin. Additionally, Mr. Hiatt summarized ENLC's "on-the-ground" projects. (Please see [Exhibit E.](#))

## **OVERVIEW OF VARIOUS WEED-RELATED LEGISLATIVE PROPOSALS AND REVIEW OF POSSIBLE LEGISLATIVE ACTION ON NOXIOUS WEED ABATEMENT FUNDING**

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

- Robert E. Wilson, Extension Educator, Nevada Cooperative Extension, Ely Office, Ely, provided an overview of the invasive weed problem in Nevada. Additionally, Mr. Wilson introduced a map titled the "Tri-County Weed Project" that identifies weed

abatement treatment areas in Lincoln, Nye, and White Pine Counties. During his testimony, Mr. Wilson discussed: (1) the detrimental effect on Nevada's natural resources from invasive weeds; (2) the success of the Tri-County Weed Program model; and (3) the approach for the majority of weed control efforts, which are conducted within the boundaries of the cooperative weed management areas (CWMAs). (Please see [Exhibit F](#) and [Exhibit G](#).)

- Ken Thompson, Advisor to the Tonopah Conservation District, Fallon, Nevada, discussed his 2006 weed funding request to establish a comprehensive long-term State of Nevada weed program. He noted that his funding proposal relates to Recommendation Nos. 2 and 7 in the meeting's "Work Session Document." (Please see [Exhibit H1](#) and [Exhibit H2](#).)
  - Senator Rhoads asked if the Nevada Association of Counties (NACO) had taken a position regarding Mr. Thompson's proposal. Commissioner Fransway, a Board Member of NACO, stated the Association passed a resolution supporting an aggressive weed abatement effort.
- Dawn Rafferty, Noxious Weed Program Coordinator, State Department of Agriculture (SDA), Reno, Nevada, provided an update on the SDA's noxious weed program. She also clarified the terms "abatement" and "control" and a "weed district" versus a "weed group." Ms. Rafferty outlined her duties and those of Ms. Mudd's (identified below) to ensure that weed questions are directed to the appropriate SDA staff member. Additionally, Ms. Rafferty addressed the funding priorities for the SDA's weed program. (Please see [Exhibit I](#).)
- Tina Mudd, Cooperative Weed Management Area and Weed Free Forage Program Coordinator, SDA, Reno, reported on the cooperation between the 30 CWMAs and the SDA. She explained that it is challenging to adequately support the CWMAs due to understaffed agencies. One approach the SDA is using to address this shortfall, Ms. Mudd explained, is by providing better communication through meetings, workshops, and electronic mail via a "list serve." Additionally, communication with the weed mapping staff member and the mapping database will be made available to the CWMAs through the Internet. Also, the CWMA groups and the SDA Noxious Weed Program staff are collaborating with Nevada's Division of Forestry on rehabilitation and revegetation projects. (Please see [Exhibit I](#).)
- Tom Fransway, Vice Chairman, Board of County Commissioners, Humboldt County, Winnemucca, Nevada, expressed his appreciation to the Committee for hearing testimony on the critical issue of noxious weeds during several of its 2005-2006 interim meetings.
- Brad Schultz, Extension Educator, Nevada Cooperative Extension, Winnemucca Office, Winnemucca, provided introductory comments and emphasized that sustained financial and technical input from the State of Nevada is needed to guarantee that

successful, comprehensive, and long-term weed control efforts occur. Additionally, Mr. Schultz discussed the following particulars: (1) the ecological setting of noxious weeds in Nevada; (2) equipment, personnel, and vegetation resource issues; (3) the economic impact on the agricultural industry attributable to weed control efforts; (4) weed control organizations; (5) funding challenges; and (6) the structure for weed control programs. (Please see [Exhibit J.](#))

## **UPDATE ON THE PROGRAMS AND ACTIVITIES OF THE STATE DEPARTMENT OF AGRICULTURE**

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

- Don Henderson, Director, SDA, Reno, provided an update on the programs and activities of the Department. He reported on the SDA's new regional office in Elko, Nevada. Mr. Henderson noted that the second phase of the office construction, targeted for completion in November of 2006, will house an animal disease laboratory.

Mr. Henderson's report also addressed: (1) the hiring of a new State veterinarian; (2) scrapie health regulations for sheep; (3) a surveillance program to monitor for the presence of West Nile virus in mosquito populations; (4) monitoring wild waterfowl for indications of avian influenza; (5) the SDA's leadership role in developing "good science" on the issue of disease transmission, or lack thereof, between Bighorn and domestic sheep populations; (6) the adoption of State regulations that assist the ranching industry decrease the occurrence of trichomoniasis in cattle; (7) elk management depredation issues; (8) the SDA's new approach in the administration of grazing permits on Humboldt-Toiyabe national forests; and (9) the SDA's Mormon Cricket aerial and land abatement efforts.

## **DISCUSSION OF COLORADO RIVER COMMISSION (CRC) LAND ISSUES, THE SALE OF LAND NEAR LAUGHLIN, AND THE USE OF MONEY GENERATED FROM LAND SOLD BY THE CRC**

- James D. Salo, Manager, Regulatory and Government Affairs, CRC, Las Vegas, Nevada, explained that the CRC has numerous responsibilities related to resource management on the Colorado River on behalf of the State of Nevada. His testimony focused on the CRC's role as a holder of State lands in Laughlin, Nevada, and the Commission's decision to expend monies from the Fort Mohave Valley Development Account for purposes not associated with Laughlin. Additional issues Mr. Salo addressed during his report included: (1) the CRC as a provider of electricity; (2) litigation between the CRC and a customer; and (3) the Fort Mohave Valley Development Law. (Please see [Exhibit K](#), [Exhibit L](#), [Exhibit M](#), [Exhibit N](#), [Exhibit O](#), [Exhibit P](#), [Exhibit Q](#), and [Exhibit R](#).)

## **DISCUSSION REGARDING THE WHITE PINE COUNTY CONSERVATION, RECREATION, AND DEVELOPMENT ACT OF 2006 (“WHITE PINE COUNTY LANDS BILL”)**

### ***Overview of the Development of the White Pine County Lands Bill and Prospects for Future County Lands Bills in Nevada***

- Kevin Kirkeby, Rural Coordinator, Office of U.S. Senator John Ensign, Carson City, Nevada, discussed the proposed White Pine County Conservation, Recreation, and Development Act (S. 3772). Mr. Kirkeby explained that the Bill was in development for more than ten years, with tribal expansion and wilderness issues comprising major components to be resolved. He stated that the Bill was introduced into the United States Senate by Senators John Ensign and Harry Reid on August 1, 2006. (Please see [Exhibit S](#).)

Additionally, Mr. Kirkeby reported on the status of other county land bills. He noted that the Lyon County bill is closest to completion while Pershing County, Carson City, and Nye County follow respectively.

### ***Discussion and Suggestions Concerning Administrative and Legislative Proposals for Off-Highway Vehicle Trails and Area Development***

- Karen Boeger, concerned citizen, Reno, discussed the Silver State Trail in the White Pine County Lands Bill. Ms. Boeger reported on a threefold proposal to Nevada’s Congressional Delegation from the White Pine County Commission regarding: (1) designating trails through an administrative process rather than through legislation; (2) conducting a west-wide study of existing OHV and special opportunity trails and areas to determine their benefits, costs, and impacts; and (3) increasing funding to the agencies for general OHV management. Ms. Boeger said it is time to conduct a study using an objective, scientific entity to determine how to effectively manage OHV use to protect public lands.

### ***Discussion and Comments on the White Pine County Lands Bill From the Perspective of Nevada’s Natural Resource Agencies***

- Pamela B. Wilcox, Administrator, Division of State Lands, State Department of Conservation and Natural Resources (SDCNR), Carson City, reported on the State’s involvement in the development of the White Pine County Lands Bill and provided a letter to Nevada’s Congressional Delegation from the Office of Nevada Governor Kenny C. Guinn. (Please see [Exhibit T](#).) Other matters addressed by Ms. Wilcox included: (1) expansions and transfers of State land; (2) sale of federal lands and disposition of proceeds; (3) wilderness area designations and release of wilderness study areas; (4) the need to have language included in the land bills indicating that State firefighting in wilderness areas through a variety of means, including mechanized treatments, will be allowed; (5) development of

recreational and OHV trails; and (6) affordable housing provisions of the Southern Nevada Public Land Management Act of 1998 (SNPLMA).

## **PUBLIC COMMENTS**

- Linda Decker, concerned citizen, Ely, commented on the Ely Shoshone Tribe land expansion in the White Pine County Lands Bill. Her remarks concerned 650 acres of land adjacent to the town of Ely offered to the Tribe by the White Pine County Commission and an additional 651 acres in the Schellbourne area offered to the Tribe for the development of a biomass industry.
- Jerilyn Clayton, concerned citizen, White Pine County, voiced concern regarding the proposal to drill for water in White Pine County by the Southern Nevada Water Authority (SNWA). Additionally, Ms. Clayton expressed misgivings about the following matters relative to the White Pine County Lands Bill: (1) the ability to access SNPLMA funds to implement various aspects of the Bill; (2) the need to ensure that existing roads remain open to the public in wilderness areas; (3) a disparity between the people of White Pine County and the Ely Shoshone Tribe for land expansion; and (4) that no casinos be allowed on lands held in trust.
- Tonia Harvey, representing the Snake Valley Water Alliance (SVWA), White Pine County, expressed concern regarding proposals to pipe water from White Pine County to the Las Vegas area. Ms. Harvey conveyed that the SVWA would like Nevada's Legislative Committee on Public Lands to work with the Nevada State Legislature to provide funding for the development of baseline data on the amounts of water present in the underground aquifers of Snake and Spring Valleys in eastern Nevada. (Please see [Exhibit U](#)).
- Joe Guild, representing the Southern Nevada Water Authority, Reno, clarified a quotation attributed to Pat Mulroy, General Manager of the SNWA, in the *Las Vegas Sun* as a mischaracterization of her remarks regarding the authority of the Governor of the State of Nevada to appoint a new State Engineer. (Please see [Exhibit V](#).)
- Julie A. Wilcox, Director of Public Services, SNWA, Las Vegas, noted that SNWA owns ranches in White Pine County. She shared that the Authority has partnered with the Eastern Nevada Landscape Coalition and the White Pine County School District in developing a summer internship program for high school students from disadvantaged families. The students received pay for clearing pinion-juniper and building an elk fence in several areas in White Pine County. (Please see [Exhibit W](#).)
- Subsequent to the meeting the Committee received a document from Jo Anne Garrett, concerned citizen, White Pine County, expressing dissatisfaction on behalf of the White Pine County Water Advisory Committee, the Baker Area Citizens Advisory Board, the Snake Valley Citizens Alliance, and the Great Basin Water Network regarding some provisions in the White Pine County Lands Bill. Of particular concern



expressed in the communiqué was the lack of funding in the Bill for the U.S. Geological Survey study of White Pine County water resources, known as BARCASS II. (Please see [Exhibit X](#).)

## **WORK SESSION**

### **Committee Discussion and Final Recommendations**

#### **WORK SESSION DOCUMENT**

August 24, 2006

Legislative Committee on Public Lands  
(*Nevada Revised Statutes* [NRS] 218.5363)

The following “Work Session Document” ([Exhibit Y](#)) has been prepared by the Chairman and staff of Nevada’s Legislative Committee on Public Lands. It is designed to assist the Committee members in developing statements and determining recommendations to be forwarded to the 2007 Session of the Nevada State Legislature. Each item in this document may be the subject of further discussion, refinement, or action.

The recommendations contained herein do not necessarily have the support or opposition of the Committee. Rather, these possible actions are compiled and organized so the members may review them to decide if they should be adopted, changed, rejected, or further considered. The members of the Committee may vote to send as many Committee statements or letters as they choose; however, pursuant to NRS 218.2429, the Committee is limited to ten bill draft requests (BDRs), including requests for the drafting of legislative resolutions. For purposes of this “Work Session Document,” the recommendations have been grouped, in part, by topic and also by possible Committee action. They are not preferentially ordered. Additionally, although possible actions may be identified within each recommendation, the Committee may choose to recommend any of the following actions: (1) draft legislation; (2) draft a legislative resolution; (3) draft a Committee letter; (4) draft a Committee resolution; or (5) include a statement in the final report.

The source of each recommendation is noted in parentheses. Please note that specific sponsors of the recommendations may not be provided if the proposals were raised and discussed by numerous individuals and entities during the course of the Committee’s meetings. It should also be noted that some of the recommendations may contain an unknown fiscal impact. Committee members should be advised that Legislative Counsel Bureau staff will coordinate with the interested parties to obtain detailed fiscal estimates, where appropriate, for inclusion in the final report.

As in the past, the Committee members will use a consent calendar to quickly approve those recommendations, as determined by the Chairman, that need no further consideration or clarification beyond what is set forth in the recommendation summary. Items on the consent calendar primarily include Committee letters and statements of a more general nature.



Any Committee member may request that items on the consent calendar be removed for further discussion and consideration.

Finally, please note that specific details of approved requests for legislation or Committee statements may need to be clarified by Committee staff prior to drafting. Supporting documents for some recommendations may be obtained by contacting Michael J. Stewart, Principal Research Analyst, Research Division, LCB, Carson City, at 775/684-6825. All place names referred to in this document are in Nevada unless otherwise noted.

- Chairman Rhoads called attention to the consent calendar and asked for the Committee's preferences regarding the recommendations listed on it.
- Assemblyman Marvel moved to adopt the consent calendar as referenced by Senator Rhoads.
- Discussion ensued regarding items on the consent calendar, with Senator Care suggesting an amendment to Assemblyman Marvel's motion by adding the following additional recommendations to the consent calendar: 15, 16, 17, 21, 25, 27, 28, 29, 32, 34, and 37.
- Prior to the vote on the consent calendar, Michael J. Stewart (previously identified on this page) introduced a letter from the Nevada Mining Association supporting Recommendation No. 26, which was also listed on the consent calendar. (Please see [Exhibit Z.](#))
- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN MARVEL MOVED TO AMEND HIS EARLIER MOTION AND ADOPT THE FOLLOWING ITEMS FROM THE WORK SESSION DOCUMENT AS A CONSENT CALENDAR VOTE: RECOMMENDATION NOS. 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 37. THE MOTION WAS SECONDED BY SENATOR CARE AND PASSED. ASSEMBLYWOMAN OHRENSCHALL WAS ABSENT FOR THE VOTE.

## **RECOMMENDATIONS FOR LEGISLATIVE MEASURES**

### **General Natural Resource Topics**

#### **RECOMMENDATION NO. 1**

**Request the drafting of a resolution** setting forth and encouraging the implementation of the following recommendations regarding biomass and biomass initiatives as provided by

Dr. Elwood Miller, Biomass Representative, Nevada Renewable Energy Conservation Task Force:

- (a) As with wind and geothermal energy, biomass should be eligible for “production tax credits” at the same level and in the same manner as set forth in Sec. 45 of the *Code of Federal Regulations* governing the Internal Revenue Service;
- (b) Provide for a rebate program for biomass that is similar to the “solar demonstration program” that has been successfully implemented in the State of Nevada;
- (c) Encourage the investment of private dollars into the utilization of biomass; and
- (d) Establish throughout the State of Nevada four to six pilot/demonstration projects showing the public what can be done with biomass that exists, including a pilot project in the Mt. Charleston area. These projects would require public-private partnerships.

The resolution should be delivered to the Office of the Governor, Nevada’s Congressional Delegation, the DOI, the BLM, the USDA, the USFS, and other individuals and groups as set forth by the Legislative Committee on Public Lands.

- Chairman Rhoads explained Recommendation No. 1 and called for a motion.
- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN GOICOECHEA MOVED TO APPROVE RECOMMENDATION NO. 1. THE MOTION WAS SECONDED BY SENATOR MCGINNESS AND PASSED. ASSEMBLYWOMAN OHRENSCHALL WAS ABSENT FOR THE VOTE.

## **RECOMMENDATION NO. 2**

**Request the drafting of a bill** making an appropriation for the purpose of creating a Natural Resource Geographic Information Systems (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 geospatial information 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: (1) expressing support for the

*Nevada Initiative for Coordinated Geographic Information Management; (2) recognizing the importance of geographic information systems to policy making, particularly in public land and natural resource management; (3) directing the establishment of standards within state government for the collection of data; and (4) directing state agencies to enter into trading partner agreements for the sharing of data. (Discussed by Kay Scherer, Deputy Director, SDCNR, and included herein for discussion purposes at the request of Senator McGinness and Chairman Rhoads.)*

**AND**

**Send a Committee letter** to 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. *(Discussed by Kay Scherer, Deputy Director, SDCNR, and included herein for discussion purposes at the request of Senator McGinness and Chairman Rhoads.)*

- Chairman Rhoads explained Recommendation No. 2 and called for a motion.
- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR MCGINNESS MOVED TO APPROVE RECOMMENDATION NO. 2. THE MOTION WAS SECONDED BY ASSEMBLYMAN GOICOECHEA AND PASSED. ASSEMBLYWOMAN OHRENSCHALL WAS ABSENT FOR THE VOTE.

- Subsequent to the meeting the Committee received a letter signed by the Directors and Administrators of various State of Nevada natural resources agencies and divisions reemphasizing the importance of GIS as an essential tool in the management of Nevada's natural resources. The letter expresses these entities' commitment to cooperate to advance the GIS coordination and capabilities of those State agencies that are responsible for natural resource and public lands matters. (Please see [Exhibit AA](#).)

**RECOMMENDATION NO. 3**

**Request the drafting of a resolution** expressing the Nevada State Legislature's strong disapproval of ongoing and continuous legal challenges against livestock grazing proposals. Include in the resolution statements concerning the detrimental economic impacts these challenges pose for Nevada's rural communities and the threats such challenges pose to agriculture. The resolution should be sent to Nevada's Congressional Delegation, the Office of the Governor, the BLM, USFS, the Nevada and National Cattlemen's Associations, the Public Lands Council, and any other parties or organizations identified by the Committee. *(Recommended by Chairman Rhoads, Assemblyman Carpenter, and several other Committee members.)*

- Chairman Rhoads explained Recommendation No. 3 and called for a motion.
- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN MARVEL MOVED TO APPROVE RECOMMENDATION NO. 3. THE MOTION WAS SECONDED BY COMMISSIONER FRANSWAY AND PASSED. ASSEMBLYWOMAN OHRENSCHALL WAS ABSENT FOR THE VOTE.

#### **RECOMMENDATION NO. 4**

**Request the drafting of a bill** to create the position of land use planner within the Nevada's Division of State Lands to work exclusively on rural county planning efforts. The position would assist those rural counties that do not have established land use planning teams and would be instrumental in assisting the local governments in working with the BLM and USFS on many matters, including the development of countywide federal lands bills. The position would also act as a liaison between federal land agencies, the State of Nevada, and local government agencies. *(Recommended by Chairman Rhoads for discussion purposes and discussed by Richard Bryant, Mineral County Commissioner.)*

- Chairman Rhoads explained Recommendation No. 4 and asked Ms. Wilcox (previously identified on page 6 of these minutes) for an estimated cost for this position.
- Ms. Wilcox projected the position would pay an annual salary, including benefits, between \$75,000 and \$100,000.
- Senator Rhoads called for a motion on Recommendation No. 4.
- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR MCGINNESS MOVED TO APPROVE RECOMMENDATION NO. 4. THE MOTION WAS SECONDED BY SENATOR CARE AND PASSED. ASSEMBLYWOMAN OHRENSCHALL WAS ABSENT FOR THE VOTE.

#### **RECOMMENDATION NO. 5**

**Request the drafting of a resolution or send a Committee letter** encouraging the DOI and the BLM to restructure its BLM district boundaries in Nevada in a manner that makes more jurisdictional sense for Nevada's counties. Include in the resolution language highlighting the fact that Nye County encompasses five 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. *(Recommended by Gary Hollis, Nye County Commissioner.)*

- Chairman Rhoads explained Recommendation No. 5 and called for a motion.
- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN MARVEL MOVED TO DRAFT A COMMITTEE LETTER ON RECOMMENDATION NO. 5. THE MOTION WAS SECONDED BY ASSEMBLYMAN GOICOECHEA AND PASSED. ASSEMBLYWOMAN OHRENSCHALL WAS ABSENT FOR THE VOTE.

## **Noxious Weeds and Invasive Species**

### **RECOMMENDATION NO. 6**

**Request the drafting of a bill** 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 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.

As noted above, 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. (NOTE: Further details will be provided and additional testimony concerning this recommendation will be heard at the Committee's meeting in Ely on August 24, 2006.) *(Requested for discussion purposes by Chairman Rhoads following presentation from representatives of Nevada's Noxious Weed Program.)*

- Chairman Rhoads explained Recommendation No. 6.
- Mr. Stewart (previously identified on page 9 of these minutes) further explained that this request was brought forth after the Committee heard from Ms. Rafferty and Ms. Mudd (both previously identified on page 4 of these minutes) at its January 27, 2006, meeting in Fallon.
- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR CARE MOVED TO APPROVE RECOMMENDATION NO. 6. THE MOTION WAS SECONDED BY ASSEMBLYMAN MARVEL AND PASSED. ASSEMBLYWOMAN OHRENSCHALL WAS ABSENT FOR THE VOTE.

## RECOMMENDATION NO. 7

**Request the drafting of a bill** amending Chapter 371 of the NRS to authorize the use of a portion of the proceeds of the Governmental Services Tax for the abatement of noxious weeds in Nevada. The amount of the proceeds available for use would depend upon the value of the vehicle upon which the Governmental Services Tax 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 establishment of at least six weed control districts in Nevada similar to the tri-county weed district in Nye, Lincoln, and White Pine Counties. (NOTE: Further details will be provided and additional testimony concerning this recommendation will be heard at the Committee's meeting in Ely on August 24, 2006.) *(Recommended by Ken Thompson, Advisor to the Tonopah Conservation District and included in this Work Session Document for further discussion and clarification.)*

- Senator Rhoads introduced Recommendation No. 7 and asked Mr. Thompson (previously identified on page 4 of these minutes) if counties would lose Governmental Services Tax (GST) funds under this proposal.
- Mr. Thompson responded that the recommendation would add one-tenth of 1 percent to the GST.
- Senator Rhoads explained that Mr. Thompson's proposal would collect approximately \$3 million per year, 70 percent of which would be generated from Clark County.
- J. Randall Stephenson, Principal Deputy Legislative Counsel, Legal Division, LCB, Carson City, clarified that a more constitutionally viable approach than applying an extra tax on motor vehicle registration into the exception set forth in Article 9 of the *Nevada Constitution* would be to amend the provisions in Chapter 371 of NRS ("Governmental Services Tax") and direct a portion of the GST proceeds to abatement of noxious weeds in Nevada.
- Assemblyman Marvel voiced his concern about Recommendation No. 7.
- Senator Rhoads asked which governmental entity would be impacted by this proposal.
- Assemblyman Goicoechea averred that the counties or local government would carry the impact of this proposal.
- Senator Rhoads queried the Committee's legal counsel if the counties would bear the financial burden under this recommendation.

- Mr. Stephenson responded that a new tax could not be added, but the Nevada State Legislature could vote to increase the GST to avoid impacting the counties.
- Assemblyman Goicoechea asked for clarification that under Chapter 371 of NRS the Nevada State Legislature could levy an increase on the GST.
- Mr. Stephenson responded in the affirmative.
- Assemblyman Goicoechea inquired if the GST were increased whether a portion could be dispersed for weed control.
- Mr. Stephenson responded in the affirmative.
- Assemblyman Goicoechea asked if Clark County would support this proposal.
- Senator Care opined that Clark County would be reluctant to support it.
- Senator Rhoads suggested the Committee pass Recommendation No. 7 as stated in the “Work Session Document” and then possibly amend it, if applicable, during the 2007 Legislative Session to counties with populations of 100,000 or less.
- Assemblyman Goicoechea expressed concern regarding the noxious weed problem in the State and the various funding proposals to address the issue.
- Senator Rhoads called for a motion or an amendment.
- Assemblyman Goicoechea noted he would make a motion on Recommendation No. 7, however, he asked that the record reflect that the proposal would increase the GST and not erode the tax base.
- Senator Rhoads confirmed that the GST would be increased under the proposal.
- Commissioner Fransway asked if the motion would reference counties with populations of 100,000 or less.
- Assemblyman Goicoechea responded in the negative.
- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN GOICOECHEA MOVED TO APPROVE RECOMMENDATION NO. 7. THE MOTION WAS SECONDED BY COMMISSIONER FRANSWAY AND PASSED WITH ASSEMBLYMAN MARVEL OPPOSING THE MOTION. ASSEMBLYWOMAN OHRENSCHALL WAS ABSENT FOR THE VOTE.



## RECOMMENDATION NO. 8

**Request the drafting of a resolution or send a Committee letter** praising the “tri-county” model for noxious weed abatement and control and encouraging the expansion of the “tri-county” weed group model to other areas of the State of Nevada. (NOTE: Further details will be provided and additional testimony concerning this recommendation will be heard at the Committee’s meeting in Ely on August 24, 2006.) *(Recommended by Bob Wilson, Extension Educator, Ely Cooperative Extension Office.)*

- Chairman Rhoads explained Recommendation No. 8 and called for a motion.

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

COMMISSIONER FRANSWAY MOVED TO APPROVE RECOMMENDATION NO. 8. THE MOTION WAS SECONDED BY SENATOR MCGINNESS AND PASSED. ASSEMBLYWOMAN OHRENSCHALL WAS ABSENT FOR THE VOTE.

- At the conclusion of the recommendations addressing noxious weeds and invasive species, Mr. Stewart (previously identified on page 9 of these minutes) called attention to a NACO resolution concerning cooperative weed management areas. (Please see [Exhibit BB](#).)
- Senator Rhoads clarified that the NACO resolution is a general endorsement of weed control programs in Nevada; it did not indicate support for increasing the GST.

## Off-Highway Vehicles

## RECOMMENDATION NO. 9

**Request the drafting of a bill** amending certain existing provisions and setting forth new provisions concerning OHVs in Nevada, providing for the continued issuance of certificates of operations for OHVs, setting forth an OHV registration program, and providing for other related OHV regulation. The proposal, which the Committee will initially consider, includes many of the provisions set forth in the introduced version of Senate Bill 400 of the 2005 Legislative Session (Chapter 441, *Statutes of Nevada*). (NOTE: Further details will be provided and additional testimony concerning this recommendation will be heard at the Committee’s meeting in Ely on August 24, 2006.) *(Proposed by many meeting participants throughout the 2005-2006 legislative interim period and by several Committee members.)*

- Chairman Rhoads explained Recommendation No. 9 and invited further discussion on the proposed legislation.
- Susan Fisher, Executive Director, Nevada Powersport Dealers Association (NPDA), Reno, commented favorably on the OHV legislative proposal submitted by concerned

citizens Gary and Sally Clinard. However, Ms. Fisher noted NPDA is concerned that the Clinard proposal offers a bifurcated program wherein Nevada's Department of Motor Vehicles (DMV) receives and processes the vehicular registration and titling paperwork while Nevada's Division of State Parks manages the OHV program.

Ms. Fisher commended Nevada's Department of Wildlife (NDOW) for submitting an OHV proposal. Of concern to the NPDA is the Department's offer to oversee an OHV program in the State.

- Senator Rhoads inquired if the Clinard's proposal conveys jurisdiction for the OHV program to NDOW.
- Sally Clinard, concerned citizen, Las Vegas, explained her proposal gives administration of an OHV program to the Division of State Parks and the issuance of titles and certificates of operation to the DMV, in lieu of registration.
- Senator Rhoads asked the Committee's staff director for clarification regarding which State agency would be designated to administer an OHV program in the proposed legislation.
- Mr. Stewart (previously identified on page 9 of these minutes) explained that the proposal provided to the Committee is based on the Clinard's plan to involve the DMV in issuing titles and certificates of operation for OHVs. He stated the proposed language also designates an OHV Commission that would operate under the purview of the Division of State Parks. Mr. Stewart noted that under S.B. 400 the certificates of operation are issued through Nevada's Department of Taxation.
- Steve Robinson, Deputy Chief of Staff, Office of Nevada Governor Kenny C. Guinn, Carson City, conveyed that no State agency offered to manage an OHV program in Nevada; however, NDOW did present a proposal. He averred that the DMV has several concerns relative to the financial burden and constitutional issues of being responsible for various aspects of an OHV program. Mr. Robinson stated the Division of State Parks is familiar with OHV programs in other states and has indicated it is willing to be involved with a program for Nevada.
- Assemblyman Goicoechea opined that any titling and registration of OHVs should be the responsibility of the DMV.
- Commissioner Fransway commented that the DMV may be reluctant to issue titles and handle registrations because OHVs are only allowed to travel off-highway, where automobiles may travel on the highways.
- Steve Robinson responded that the issue involves the approved use of federal highway funds.

- Commissioner Fransway proposed that the county assessors title and register OHVs with the fees and taxes derived from personal property.
- Assemblyman Goicoechea asked if the DMV would consider collecting the sales tax by issuing the titles to OHVs and then designate another governmental entity to register these vehicles.
- Troy Dillard, Administrator, Compliance Enforcement Division, DMV, Carson City, confirmed that the DMV's position has not changed the underlying issue of highway-associated funds and other funding sources that would be targeted to manage an OHV program in Nevada. He also shared that the DMV does not have a significant workforce or facilities to administer an OHV program, and the Department understands from an opinion on S.B. 400 by the Office of the Attorney General that the OHV proposal would create a constitutional issue involving highway funds for a nonhighway-fund purpose.
- Ms. Clinard commented that the California Department of Motor Vehicles titles OHVs, and the titling and registration in her proposal designates a fee which should cover the titling and registration services for Nevada's DMV.
- Mr. Dillard responded that the *Nevada Constitution* would conflict with the highway fund uses for an OHV program, and the program would add an additional impact on Nevada DMV's customer base.
- Senator Rhoads suggested the Committee approve Recommendation No. 9 and address the various concerns during the 2007 Legislative Session.
- Mr. Stephenson (previously identified on page 14 of these minutes) asked for clarification on which version of the OHV proposal the Committee would be voting on and what provisions of S.B. 400 are to be incorporated into any new OHV legislation.
- Senator Rhoads asked if the NPDA's proposal would also conflict constitutionally.
- Mr. Stephenson stated that the Clinard and the NPDA proposals have titling provisions in them, so each proposal would have a constitutional conflict according to the opinion provided to the DMV by the Office of the Attorney General.
- Mr. Stewart called attention to the Clinard and NPDA proposals provided to the Committee in their meeting packets.
- Ms. Fisher clarified that the NPDA proposal amends the Clinard proposal by including the following elements from S.B. 400: (1) the husbandry exemption for ranching and farming vehicles; (2) the certificates of operation stickers; and (3) the certificate of operation exemption for OHVs used for work conducted by or at the direction of a public or private utility. She noted that NPDA's proposal requests that one member of

the OHV Committee be appointed who represents the environmental community. Ms. Fisher averred that sufficient start-up funds will be needed for program development and implementation of an OHV program. Additionally, Ms. Fisher declared that the NPDA prefers that the DMV handle registration and titling because it already has the infrastructure.

- Assemblyman Goicoechea asked if the DMV has estimated what the cost impact would be for it to handle OHV registration and titling.
- Mr. Dillard responded in the negative but added that a fiscal note for a couple million dollars was submitted on S.B. 400. He averred that the DMV is also challenged by not having sufficient space for additional staff that would be needed to process OHV registration and titling. Additionally, Mr. Dillard shared that the State must meet the federal requirements to comply with the REAL ID Act, which would take priority for the DMV over an OHV program.
- Senator Care suggested that the Committee request the BDR for Recommendation No. 9 with the amended language proposed by the NPDA and with the understanding that the bill can be further amended during the 2007 Legislative Session.
- Assemblyman Marvel voiced his support for Senator Care's suggestion.
- Senator Rhoads asked for comments on Senator Care's suggestion.
- Mr. Stewart introduced into the record a letter from the Carson City Open Space Department encouraging the Legislative Committee on Public Lands to support an OHV recommendation for further discussion and consideration by the 2007 Legislature. (Please see [Exhibit CC.](#))
- Dan Heinz, concerned citizen, Reno, expressed concern about the irresponsible use of OHVs on public lands in Nevada and encouraged the Committee to involve a collaborative group representing affected interests to help develop meaningful legislation and balanced oversight of OHV use in this State. (Please see [Exhibit DD.](#))
- Senator McGinness encouraged Mr. Heinz to contact the various interest groups represented or mentioned during the meeting to further express his concerns, as well as to share his suggestions for improving the OHV situation in Nevada with the legislators on the Public Lands Committee.
- Mike Simon, concerned citizen, Ely, stressed: (1) the importance of education on proper OHV use; (2) the necessity to register OHVs; and (3) the need for an effective enforcement mechanism. (Please see [Exhibit EE.](#))
- Karen Boeger (previously identified on page 6 of these minutes) proposed a one-time registration fee to cover the cost of OHV stickers or license plates, educational

materials, and for the administration of those items. She was opposed to designating a committee to oversee the funds. Ms. Boeger acknowledged there would still be a need for revenue to pay for enforcement and trails development. She suggested that resources for these needs might be obtained by lobbying Nevada's Congressional Delegation, as well as involving local government to contribute to these funding needs.

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

SENATOR CARE MOVED TO APPROVE RECOMMENDATION NO. 9 UTILIZING THE OUTLINE OF THE DRAFT OHV LEGISLATION SUBMITTED BY SUSAN FISHER ON BEHALF OF THE NEVADA POWERSPORT DEALERS ASSOCIATION AS THE BASIS FOR THE BDR FOR THIS RECOMMENDATION. THE MOTION WAS SECONDED BY ASSEMBLYMAN MARVEL AND PASSED. ASSEMBLYWOMAN OHRENSCHALL WAS ABSENT FOR THE VOTE.

### **State Parks and Facilities**

#### **RECOMMENDATION NO. 10**

**Request the drafting of a bill** to establish a State park at Monte Cristo's Castle located in northeastern Esmeralda County. *(Recommended by Michael Hackett, Alrus Consulting, and Andrea Robb-Bradick, Owner, Jim Butler Motel, Tonopah.)*

- Chairman Rhoads explained Recommendation No. 10 and noted that the proposal for a State park at Monte Cristo's Castle was also discussed at meetings of the Legislative Commission's Subcommittee to Study the Protection of Natural Treasures during the 2005-2006 interim. Senator Rhoads asked the Committee's staff director if a cost estimate for the proposed State park at Monte Cristo's Castle was available.
- Mr. Stewart (previously identified on page 9 of these minutes) responded that, according to a budget statement provided to the Natural Treasures Subcommittee by the Division of State Parks, the estimated funding needed to establish the park is \$2.6 million with a \$300,000 anticipated operating budget for the first year and \$200,000 for the second year.
- Senator Rhoads called for a motion and asked for any comments from the Committee.
- Senator Care declared he would vote in favor of Recommendation No. 10, but he clarified the 2007 Legislature will need assurance that the necessary criteria has been met before voting in the affirmative on this proposed legislation.

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

ASSEMBLYMAN MARVEL MOVED TO APPROVE RECOMMENDATION NO. 10. THE MOTION WAS SECONDED BY SENATOR MCGINNESS AND PASSED. ASSEMBLYWOMAN OHRENSCHALL WAS ABSENT FOR THE VOTE.

- Subsequent to the meeting the Committee received a letter from Scenic Nevada expressing support for the proposed State park at Monte Cristo's Castle. (Please see [Exhibit FF](#).)

## **POSSIBLE COMMITTEE LETTERS, RESOLUTIONS, AND STATEMENTS**

### **General Natural Resource Topics**

#### **RECOMMENDATION NO. 11**

**Send a Committee letter** to the Director of the United States Fish and Wildlife Service (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. *(Discussed by several Committee members and recommended by Chairman Rhoads for discussion purposes.)*

- There was no discussion on Recommendation No. 11. Committee action on this work session proposal was taken after discussion of the consent calendar (page 9 of these minutes).

#### **RECOMMENDATION NO. 12**

**Send a Committee letter to** Dan Dallas, District Ranger, Mountain City Ranger District, USFS, USDA, congratulating him on receiving the 2005 "Ranger of the Year" award from the USFS. Send a carbon copy of the letter to Ed Monnig, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, USDA. *(Discussed at Committee's meeting in Elko on October 5, 2005.)*

- There was no discussion on Recommendation No. 12. Committee action on this work session proposal was taken after discussion of the consent calendar (page 9 of these minutes).

#### **RECOMMENDATION NO. 13**

**Send a Committee letter to** 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. *(Discussed by Chairman Rhoads and Senator Care at the Committee's meeting in Elko on October 5, 2005, as part of the USFS presentation to the Committee.)*

- There was no discussion on Recommendation No. 13. Committee action on this work session proposal was taken after discussion of the consent calendar (page 9 of these minutes).

#### **RECOMMENDATION NO. 14**

**Send a Committee letter** of support for the programs and activities of the "Range Management School" as addressed by Agee Smith, Shoesole Collaborative Management Team, Northeastern Nevada Stewardship Group. Send a copy of the letter to the Nevada Cattlemen's Association, Nevada Farm Bureau, each of the BLM Field Managers in the State of Nevada, and other potential interested parties. *(Agee Smith, Northeastern Nevada Stewardship Group.)*

- There was no discussion on Recommendation No. 14. Committee action on this work session proposal was taken after discussion of the consent calendar (page 9 of these minutes).

#### **RECOMMENDATION NO. 15**

**Send a Committee letter to** 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. *(Addressed at several Committee meetings by Chairman Rhoads, Commissioner Fransway, Assemblyman Claborn, and discussed by Helen Hankins, Field Manager, Elko Field District, BLM, DOI.)*

- There was no discussion on Recommendation No. 15. Committee action on this work session proposal was taken after discussion of the consent calendar (page 9 of these minutes).



## **RECOMMENDATION NO. 16**

**Send a Committee letter to** 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. *(Recommended by Chairman Rhoads and discussed by Pete Anderson, Administrator, Nevada Division of Forestry.)*

- There was no discussion on Recommendation No. 16. Committee action on this work session proposal was taken after discussion of the consent calendar (page 9 of these minutes).

## **RECOMMENDATION NO. 17**

**Send a Committee letter to** the 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. *(Proposed by Chairman Rhoads for discussion purposes.)*

- There was no discussion on Recommendation No. 17. Committee action on this work session proposal was taken after discussion of the consent calendar (page 9 of these minutes).

## **RECOMMENDATION NO. 18**

**Send a Committee letter to** 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 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. *(Discussed by Dan Holler, Douglas County Manager.)*

- There was no discussion on Recommendation No. 18. Committee action on this work session proposal was taken after discussion of the consent calendar (page 9 of these minutes).

## RECOMMENDATION NO. 19

**Send a Committee letter to** members of Nevada's Congressional Delegation and the Chairmen of the House and Senate appropriations committees encouraging greater funding for wildfire suppression efforts and range rehabilitation funds for those areas impacted by fire. The letter should also draw attention to the inherent danger of wildland fire in the Lake Tahoe Basin. *(Recommended by Assemblywoman Bonnie Parnell.)*

- Chairman Rhoads explained Recommendation No. 19. He pointed out that the deer habitat in northeastern Nevada has been devastated by wildfires and asked Mr. Robinson to elaborate.
- Mr. Robinson (previously identified on page 17 of these minutes) reported that data received from NDOW indicates the wintering range for the mule deer habitat has been "tremendously" reduced. He also said that Nevada's Congressional Delegation will send a joint letter to the Secretaries of the U.S. Department of the Interior and the U.S. Department of Agriculture stressing the extraordinary fire season in the State and emphasizing the situation is critical to address before an environmental disaster from wildland fire occurs.
- Senator Rhoads stated the issue is not only an environmental problem but also an economic concern because there are ranchers who cannot graze their cattle for several years.
- Mr. Robinson responded that the Delegation will also address the economic issue because of reports that there are ranching operations risking business closure.
- Assemblyman Goicoechea declared that Nevada has faced serious fires around the State over the past several years.
- Mr. Robinson stressed the imperativeness of securing greater federal funding for the State's fire suppression efforts before portions of the Great Basin are lost for all uses.
- Assemblyman Goicoechea proposed the Committee utilize one of its remaining BDRs and draft a resolution for Recommendation No. 19 rather than send a letter to Nevada's Congressional Delegation.
- Senator Rhoads affirmed that a resolution would convey more compellingly than a letter the urgency of this recommendation to the Delegation.
- The Committee **APPROVED THE FOLLOWING ACTION:**

COMMISSIONER FRANSWAY MOVED TO APPROVE RECOMMENDATION NO. 19 AS PRESENTED IN THE "WORK SESSION DOCUMENT" AND REQUESTED THE DRAFTING OF A RESOLUTION

RATHER THAN SENDING A LETTER TO NEVADA'S CONGRESSIONAL DELEGATION. THE MOTION WAS SECONDED BY SENATOR CARE AND PASSED. ASSEMBLYWOMAN OHRENSCHALL WAS ABSENT FOR THE VOTE.

#### **RECOMMENDATION NO. 20**

**Send a Committee letter** expressing support for flood control activities in Pahrump. The letter should encourage the BLM, the USFS, and other federal agencies involved 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. *(Recommended by Gary Hollis, Nye County Commissioner.)*

- There was no discussion on Recommendation No. 20. Committee action on this work session proposal was taken after discussion of the consent calendar (page 9 of these minutes).

#### **RECOMMENDATION NO. 21**

**Send a Committee letter to** David K. Morrow, Administrator, Division of State Parks, SDCNR, encouraging him to explore strategies to enhance access at the Lower Pitt-Taylor Reservoir, which is adjacent to Rye Patch Reservoir in northern Pershing County. *(Recommended by Tom Fransway, Humboldt County Commissioner.)*

- Discussion ensued on Recommendation No. 21 during the dialogue of items recommended for approval on the consent calendar. Assemblyman Goicoechea asked for background information on this matter from the perspective of the Pershing County Water Conservation District and its goal to acquire funding to rebuild the Pitt-Taylor Reservoir. Commissioner Fransway explained that the access proposed in Recommendation No. 21 was strictly for recreational purposes.
- After discussion on Recommendation No. 21, the Committee approved it under the consent calendar vote (page 9 of these minutes).

#### **RECOMMENDATION NO. 22**

**Send a Committee letter 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. In addition to the Group itself, the letter should be sent to 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. *(Recommended for discussion purposes by Chairman Rhoads.)*

- There was no discussion on Recommendation No. 22. Committee action on this work session proposal was taken after discussion of the consent calendar (page 9 of these minutes).

### **RECOMMENDATION NO. 23**

**Send a Committee letter** to 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 Nevada Department of Wildlife), 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 an 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. *(Discussed by Terry Crawford, Director [ret.], NDOW.)*

- Chairman Rhoads explained Recommendation No. 23.
- Senator Care commented on NDOW's request to delist the Gray Wolf and the length of time since the last sighting of this species in Nevada.
- Assemblyman Goicoechea opined that Idaho and Wyoming have also requested the delisting of the Gray Wolf in their states, and he noted that the elk herds in Idaho have been decimated by these wolves.
- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR CARE MOVED TO APPROVE RECOMMENDATION NO. 23.  
THE MOTION WAS SECONDED BY ASSEMBLYMAN GOICOECHEA  
AND PASSED. ASSEMBLYWOMAN OHRENSCHALL WAS ABSENT  
FOR THE VOTE.

### **RECOMMENDATION NO. 24**

**Send a Committee letter** to 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. *(Recommended by Terry Crawford, Director [ret.], NDOW.)*

- There was no discussion on Recommendation No. 24. Committee action on this work session proposal was taken after discussion of the consent calendar (page 9 of these minutes).

## **RECOMMENDATION NO. 25**

**Send a Committee letter** to 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. *(Recommended by Chairman Rhoads for discussion purposes.)*

- There was no discussion on Recommendation No. 25. Committee action on this work session proposal was taken after discussion of the consent calendar (page 9 of these minutes).

## **RECOMMENDATION NO. 26**

**Send a Committee letter** to 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. *(Discussed by Dave Gaskin, Chief, Bureau of Mining Regulation and Reclamation, Nevada's Division of Environmental Protection.)*

- There was no discussion on Recommendation No. 26. Committee action on this work session proposal was taken after discussion of the consent calendar (page 9 of these minutes).

## **RECOMMENDATION NO. 27**

**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. *(Recommended by Senator Care.)*

- There was no discussion on Recommendation No. 27. Committee action on this work session proposal was taken after discussion of the consent calendar (page 9 of these minutes).

## **RECOMMENDATION NO. 28**

**Send a Committee letter** to 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. *(Discussed at several meetings and recommended by members of the Eureka County Natural Resources Advisory Commission.)*

- There was no discussion on Recommendation No. 28. Committee action on this work session proposal was taken after discussion of the consent calendar (page 9 of these minutes).

## **RECOMMENDATION NO. 29**

**Send a Committee letter** to members of 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. *(Discussed at several Committee meetings and recommended by several Committee members.)*

- There was no discussion on Recommendation No. 29. Committee action on this work session proposal was taken after discussion of the consent calendar (page 9 of these minutes).

## **RECOMMENDATION NO. 30**

**Send a Committee letter** to Mike Johanns, Secretary of the 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. *(Recommended by Chairman Rhoads.)*

- There was no discussion on Recommendation No. 30. Committee action on this work session proposal was taken after discussion of the consent calendar (page 9 of these minutes).

## **RECOMMENDATION NO. 31**

**Send a Committee letter** to Dirk Kempthorne, Secretary of the Department of Interior, and Kathleen Clarke, Director of the 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. *(Recommended by Chairman Rhoads.)*

- There was no discussion on Recommendation No. 31. Committee action on this work session proposal was taken after discussion of the consent calendar (page 9 of these minutes).

## **RECOMMENDATION NO. 32**

### **Southern Nevada Public Land Management Act and Other County Land Bills**

**Send a Committee letter to** 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: (1) rangeland restoration throughout Nevada; (2) fuels reduction; (3) state facilities (particularly parks and natural resource-related facilities); and (4) services provided by the state land use planning agency (Nevada's Division of State Lands) for services provided 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. *(Recommended by Pamela B. Wilcox, Administrator, Division of State Lands.)*

- There was no discussion on Recommendation No. 32. Committee action on this work session proposal was taken after discussion of the consent calendar (page 9 of these minutes).

## **RECOMMENDATION NO. 33**

**Send a Committee letter to** 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. *(Discussed by Dan Holler, Douglas County Manager.)*



- There was no discussion on Recommendation No. 33. Committee action on this work session proposal was taken after discussion of the consent calendar (page 9 of these minutes).

#### **RECOMMENDATION NO. 34**

**Send a Committee letter** to 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. *(Recommended by Chairman Rhoads.)*

- There was no discussion on Recommendation No. 34. Committee action on this work session proposal was taken after discussion of the consent calendar (page 9 of these minutes).

#### **Noxious Weeds and Invasive Species**

#### **RECOMMENDATION NO. 35**

**Send a Committee letter** to 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. *(Discussed by Dawn Rafferty, Noxious Weed Program Coordinator, SDA.)*

- There was no discussion on Recommendation No. 35. Committee action on this work session proposal was taken after discussion of the consent calendar (page 9 of these minutes).

#### **RECOMMENDATION NO. 36**

**Send a Committee letter** to all the CWMAs, county weed districts, and other weed abatement groups encouraging the use of conservation crews and other volunteer groups for weed abatement. 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 abatement 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). *(Recommended by Assemblyman Marvel.)*

- There was no discussion on Recommendation No. 36. Committee action on this work session proposal was taken after discussion of the consent calendar (page 9 of these minutes).

### **RECOMMENDATION NO. 37**

**Send a committee letter** to the Chairmen of each state grazing board created pursuant to Chapter 568 of the NRS encouraging each of 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 abate noxious weeds. In addition, encourage the Chairmen of each state grazing board to ensure that any such efforts to abate 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. *(Recommended for discussion purposes by Chairman Rhoads.)*

- There was no discussion on Recommendation No. 37. Committee action on this work session proposal was taken after discussion of the consent calendar (page 9 of these minutes).

### **FINAL COMMENTS AND ADJOURNMENT**

- Senator Rhoads made closing remarks.
- Commissioner Fransway expressed his appreciation for the opportunity to serve as a member of the Legislative Committee on Public Lands during the 2005-2006 interim.

## **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 1:12 p.m.

Respectfully submitted,

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Gayle Nadeau  
Principal Research Secretary

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Michael J. Stewart  
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, Principal Research Analyst, Research Division, LCB, Carson City.

[Exhibit B](#) is the prepared testimony of Ken Benson, Member, Board of County Commissioners, Eureka County, Eureka.

[Exhibit C](#) is the prepared testimony of Jeff Weeks, Assistant Field Manager, Ely Field Office, BLM, DOI, Ely.

[Exhibit D](#) is the prepared testimony of Patricia Irwin, District Ranger, Ely Ranger District, USFS, USDA, Ely.

[Exhibit E](#) is the prepared testimony of John Hiatt, Chairman of the Board of Trustees, ENLC, Ely.

[Exhibit F](#) is a booklet titled *Solving the Invasive Weed Problem in Nevada*, provided by Robert E. Wilson, Extension Educator, Nevada Cooperative Extension, Ely Office, Ely.

[Exhibit G](#) is a 34” by 24” illustrative map titled *Tri-County Weed Project*, provided by Robert E. Wilson, Extension Educator, Nevada Cooperative Extension, Ely Office, Ely.

[Exhibit H1](#) is a one-paragraph funding proposal statement provided by Ken Thompson, Advisor to the Tonopah Conservation District, Fallon.

[Exhibit H2](#) consists of two documents titled: (1) “2006 Weed Funding Request”; and (2) “Where Your Vehicle Registration Dollars Go,” provided by Ken Thompson, Advisor to the Tonopah Conservation District, Fallon.

[Exhibit I](#) consists of the following documents provided by Dawn Rafferty, Noxious Weed Program Coordinator, SDA, Reno: (1) three letters dated August 24, 2006, to the Chairman and Members of the Nevada Legislature’s Legislative Committee on Public Lands regarding Nevada’s noxious weed program funding priorities, an update on Nevada’s SDA noxious weed program activities, and clarification of terms and staff duties of Nevada’s noxious weed program; (2) a document titled “Nevada Cooperative Weed Management Areas”; and (3) a contact list for Nevada weed groups and weed control districts.

[Exhibit J](#) is the prepared testimony of Brad Schultz, Extension Educator, Nevada Cooperative Extension, Winnemucca Office, Winnemucca.

[Exhibit K](#) is the prepared testimony of James D. Salo, Manager, Regulatory and Government Affairs, CRC, Las Vegas.

[Exhibit L](#) is a Microsoft PowerPoint presentation titled “Colorado River Commission Land Responsibilities and the Fort Mohave Development Fund,” provided by James D. Salo, Manager, Regulatory and Government Affairs, CRC, Las Vegas.

[Exhibit M](#) is a map titled “Colorado River Commission of Nevada, Land Holdings in Laughlin,” provided by James D. Salo, Manager, Regulatory and Government Affairs, CRC, Las Vegas.

[Exhibit N](#) is a document titled “Copies of Statutes and Regulations Relating to Land in Laughlin, Nevada, Held by the Colorado River Commission,” provided by James D. Salo, Manager, Regulatory and Government Affairs, CRC, Las Vegas.

[Exhibit O](#) is a document titled “Authorized Uses of Money in the Fort Mohave Valley Development Account,” provided by James D. Salo, Manager, Regulatory and Government Affairs, CRC, Las Vegas.

[Exhibit P](#) consists of two letters provided by James D. Salo, Manager, Regulatory and Government Affairs, CRC, Las Vegas: (1) to George Caan, Executive Director, Colorado River Commission of Nevada, from Thom Reilly, County Manager, Clark County, dated October 10, 2005; and (2) to Jacquelyne Brady, Laughlin Town Manager, from David Roger, District Attorney, Clark County, dated October 4, 2005.

[Exhibit Q](#) is a document titled “Agreement between the Colorado River Commission of Nevada and Clark County, Nevada, regarding Use of Fort Mohave Valley Development Account Funds,” provided by James D. Salo, Manager, Regulatory and Government Affairs, CRC, Las Vegas.

[Exhibit R](#) is a document containing NRS 704.787 titled “Colorado River Commission of Nevada,” provided by James D. Salo, Manager, Regulatory and Government Affairs, CRC, Las Vegas.

[Exhibit S](#) is a document titled “109<sup>th</sup> Congress, 2D Session, S.3772,” provided by Kevin Kirkeby, Rural Coordinator, Office of U.S. Senator John Ensign, Carson City.

[Exhibit T](#) is a letter dated June 19, 2006, provided by Pamela B. Wilcox, Administrator, Division of State Lands, SDCNR, Carson City, to U.S. Senators Harry Reid and John Ensign from Steve Robinson, Deputy Chief of Staff, Office of Nevada Governor Kenny C. Guinn.

[Exhibit U](#) is an August 24, 2006, communiqué to the Nevada Legislature’s Committee on Public Lands from the Snake Valley Water Alliance provided by its representative Tonia Harvey.

[Exhibit V](#) is a “Readers Respond” article published in the Friday, August 18, 2006, edition of the *Las Vegas Sun*, provided by Joe Guild, representing the Southern Nevada Water Authority, Reno.

[Exhibit W](#) is a document titled “Ely Internship Program,” provided by Julie A. Wilcox, Director of Public Services, SNWA, Las Vegas.

[Exhibit X](#) is a document presented subsequent to the meeting and titled “Testimony of Jo Anne Garrett Before the Public Lands Legislative Committee in Ely, August 24, 2006,” provided by Michael J. Stewart, Principal Research Analyst, Research Division, LCB, Carson City.

[Exhibit Y](#) is a document titled “Work Session Document,” provided by Michael J. Stewart, Principal Research Analyst, Research Division, LCB, Carson City.

[Exhibit Z](#) is an August 22, 2006, letter entered into the meeting’s record by Michael J. Stewart, Principal Research Analyst, Research Division, LCB, Carson City, from Russ Fields, President, Nevada Mining Association, to Senator Dean Rhoads, Chairman, Legislative Committee on Public Lands, regarding support for Work Session Document Recommendation No. 26.

[Exhibit AA](#) is a letter dated August 21, 2006, provided by Kay Scherer, Deputy Director, SDCNR, Carson City, to the Legislative Committee on Public Lands from Directors and Administrators of various State of Nevada natural resources agencies and divisions.

[Exhibit BB](#) is a document titled “Resolution Urging Nevada’s Counties to Support the Concept of Cooperative Weed Management Areas,” provided by Michael J. Stewart, Principal Research Analyst, Research Division, LCB, Carson City.

[Exhibit CC](#) is an August 23, 2006, letter to the Legislative Committee on Public Lands from Ann Bollinger, Open Space Assistant, Carson City, provided by Michael J. Stewart, Principal Research Analyst, Research Division, LCB, Carson City.

[Exhibit DD](#) is the prepared testimony of Dan Heinz, concerned citizen, Reno.

[Exhibit EE](#) is a document regarding OHVs (Recommendation No. 9) provided by Mike Simon, concerned citizen, Ely.

[Exhibit FF](#) is an August 23, 2006, letter to the Legislative Committee on Public Lands from Lori Wray, President, Scenic Nevada, Reno, provided by Michael J. Stewart, Principal Research Analyst, Research Division, LCB, Carson City.

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.