



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

SUMMARY MINUTES AND ACTION REPORT

The seventh meeting of the Legislative Committee on Public Lands for the 2005-2006 interim was held on Friday, May 26, 2006, at 10 a.m. in the Mesquite City Hall, City Council Chambers, 10 East Mesquite Boulevard, Mesquite, 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/72nd/Interim. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT:

Senator Dean A. Rhoads, Chairman
Assemblyman John W. Marvel, Vice Chairman
Senator Terry Care
Senator Mike McGinness
Assemblyman Jerry D. Claborn
Assemblywoman Genie Ohrenschall
Tom Fransway, Humboldt County Commissioner

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

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

OPENING REMARKS AND INTRODUCTIONS

Chairman Rhoads opened the meeting with introductory remarks and Committee and staff introductions.

UPDATE OF PUBLIC LANDS ISSUES IN SOUTHERN NEVADA

Welcoming Remarks and Overview of Public Lands and Natural Resource Issues in Mesquite, Nevada

- Bill Nicholes, Mayor, City of Mesquite, welcomed the Legislative Committee on Public Lands to the City of Mesquite and offered a brief update on the growth of the community.

Review of Public Lands and Natural Resource Issues in Clark County

- Lewis Wallenmeyer, Assistant Director, Clark County Department of Air Quality and Environmental Management, Las Vegas, Nevada, focused his testimony on Clark County's approach in working with the public land management agencies. He noted the County requests status reports of cooperating agencies' environmental impact statements (EIS) to allow sufficient time to comment on EIS drafts prior to finalization. Additionally, Mr. Wallenmeyer addressed the following matters: (1) air quality monitoring issues that have been resolved through cleaner gasoline formulations; (2) a State-approved particulate matter (PM10) implementation plan that allows the County to regulate construction and other sources of disturbance activities for PM10 control measures; (3) ozone control measures; and (4) invasive species and wildfire risk management.

Update of Public Lands and Natural Resource Issues in Lincoln County

- Rhonda Hornbeck, Vice Chair, Board of County Commissioners, Lincoln County, Pioche, Nevada, provided an update on key public lands and natural resource issues in Lincoln County. Her discussion focused on the implementation of the Lincoln County Conservation, Recreation, and Development Act (LCCRDA) (Public Law 108-424) of 2004. Other issues highlighted by Ms. Hornbeck included: (1) development of the Multi-Species Habitat Conservation Plan (MSHCP) as mandated by Section 10 of the Endangered Species Act of 1973; (2) water resource and development issues in Lincoln County; (3) the formulation of a task force to plan for future development of lands acquired through the LCCRDA; and (4) wind energy generation development concerns in wilderness areas of Lincoln County.
- Spencer Hafen, Member, Board of County Commissioners, Lincoln County, Pioche, emphasized that transportation is a major issue facing both Lincoln and Clark Counties. He asked for the Committee's support for the Counties' efforts in

achieving a solution to move people in and out of the Lincoln County area from Clark County without causing traffic congestion on the surface streets in the City of Mesquite.

Overview of Bureau of Land Management (BLM) Planning Efforts and Activities in Southern Nevada

- Angie Lara, Associate Field Manager, Las Vegas Field Office, BLM, United States Department of the Interior (DOI), Las Vegas, discussed BLM planning activities as well as August and December 2006 BLM land sales in southern Nevada. Other activities Ms. Lara reported on included: (1) the Interconnect Towers Project application for a 2,000-foot tower to be located approximately one mile south of Moapa Park in the Mormon Mesa area for AM radio and cell phone coverage; (2) the Muddy River Surface Water Development Project; (3) the Coyote Springs Areas of Critical Environmental Concern road inventory; (4) risk projections for the 2006 fire season; (5) the invasive species situation in the State; (6) air quality issues; (7) the partnership cultural site stewardship program; (8) the Logandale, Nevada, BLM fire station; (9) statistics for BLM land sales; and (10) an affordable housing application from Clark County. Ms. Lara provided the following BLM Web site regarding affordable housing, which is addressed in Section 7(b) of the Southern Nevada Public Land Management Act of 1998 (SNPLMA): http://www.nv.blm.gov/snplma/affordable_housing/default.htm. (Please see [Exhibit B](#), [Exhibit C](#), and [Exhibit D](#).)

Senator Rhoads asked for clarification on the Muddy River Surface Water Development Project, and discussion ensued regarding this matter among Committee members; Ms. Lara; Hillerie Patton, Public Affairs Specialist, Las Vegas Field Office, BLM, DOI, Las Vegas; and Andy Belanger, Contract Lobbyist, Southern Nevada Water Authority.

Update of U.S. Forest Service (USFS) Activities and Planning Efforts in Southern Nevada and the Spring Mountains National Recreation Area (SMNRA)

- Timothy Short, District Ranger, SMNRA, USFS, U.S. Department of Agriculture (USDA), Las Vegas, provided a brief background on SMNRA and addressed the following SMNRA matters: (1) visitor management and law enforcement; (2) an emergency warning system; (3) the Las Vegas Ski and Snowboard Resort; (4) fire and fuels management; and (5) completion of a motorized travel route designation plan. (Please see [Exhibit E](#) and [Exhibit F](#).)

DISCUSSION REGARDING THE IMPLEMENTATION OF THE LINCOLN COUNTY CONSERVATION, RECREATION, AND DEVELOPMENT ACT OF 2004 FROM THE PERSPECTIVE OF THE BLM, LINCOLN COUNTY, THE CITY OF MESQUITE, THE STATE OF NEVADA, AND CLARK COUNTY

- Chairman Rhoads announced that this agenda item would be taken out of its posted order.
- Bill Nicholes, Mayor, previously identified on page 2 of these minutes, testified during his slideshow presentation about the growth of the City of Mesquite since 1970 when it was a township, its current population, and future plans for growth and development. He noted the City's population in 1979 was less than 1,000 and as of May 2006 its population is estimated at 18,000. Additionally, Mayor Nicholes addressed the sale of 13,000 acres of land in Lincoln County through the LCCRDA. He stated that the City of Mesquite is interested in working with Lincoln County in its future development plans; however, the City has the following three primary areas of concern that need to be addressed so that its taxpayers are not burdened by development in Lincoln County: (1) traffic distribution; (2) public safety; and (3) drainage for the 100-year floodplain. (Please see [Exhibit G](#) and [Exhibit H](#).)
- Pamela B. Wilcox, Administrator, Division of State Lands, State Department of Conservation and Natural Resources (SDCNR), Carson City, Nevada, stated the State of Nevada's perspective on the most significant outcome of the LCCRDA is that it was the first rural county land act in Nevada based on the model set by the SNPLMA. Ms. Wilcox noted the impact on the State from passage of county lands bills will vary from county to county. Additionally, she said the Division of State Lands has jurisdiction to assist local governments with land use master planning resulting from the sale of public lands for a county's benefit.

Ms. Wilcox averred with the passage of the LCCRDA, Nevada's Congressional Delegation established the following expectations that will mostly likely be followed by other counties seeking land acts: (1) the act should be locally developed; (2) all parties having interests in land issues in the county must be involved in the development of the act; (3) all outstanding land issues need to be addressed during the act's development; (4) the act must deal with wilderness within the county, identify federal land that could be disposed of for community expansion, and identify federal land that would be suitable for various public purposes; and (5) other unique opportunities appropriate to include in a county's land act should be considered during the act's development, as was done with the Silver State Off-Highway Vehicle Trail authorized by the LCCRDA.

- Jack Tribble, Deputy Assistant Field Manager, Ely Field Office, BLM, DOI, Ely, Nevada, reported on the status of land sales in Lincoln County authorized under the Lincoln County Land Act (LCLA) of 2000 (Public Law 106-298) and the LCCRDA. He also listed the authorized expenditures that the Secretary of the DOI may disburse from revenues deposited into the account for each Act. Additionally, Mr. Tribble

discussed rights-of-way for utility corridors as authorized in the LCLA. (Please see [Exhibit I](#) and [Exhibit J](#).)

- Rhonda Hornbeck, previously identified on page 2 of these minutes, compared the growth in the City of Mesquite with the challenges Lincoln County is facing as a result of the passage of the LCCRDA as well as the development of the Coyote Springs area. Ms. Hornbeck noted Lincoln County is enthusiastic about the future, but it plans to seek assistance for various infrastructure needs from the 2007 Nevada Legislature.
- Lewis Wallenmeyer, previously identified on page 2 of these minutes, discussed ongoing cooperative efforts between Clark County and Lincoln County regarding resource management issues.

DISCUSSION REGARDING THE IMPLEMENTATION OF THE SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT OF 1998 FROM THE PERSPECTIVE OF THE BLM, THE USFS, CLARK COUNTY, AND THE STATE OF NEVADA

- Angie Lara, previously identified on page 3 of these minutes, discussed changes to the SNPLMA's implementation agreement and also clarified that "environmentally sensitive" lands are defined in the text of the implementation agreement, which is used throughout the entire nomination approval review and implementation process for land disposal projects.
- Stephanie Phillips, Deputy Forest Supervisor, Humboldt-Toiyabe National Forest, SMNRA, USFS, USDA, Las Vegas, discussed implementing the SNPLMA from the USFS's perspective. Ms. Phillips focused her presentation on the SMNRA and on the following funding categories available to the federal land management agencies in southern Nevada: (1) acquisition of environmentally sensitive lands; (2) capital improvement projects; (3) conservation initiatives; and (4) the MSHCP. (Please see [Exhibit K](#) and [Exhibit L](#).)
- Lewis Wallenmeyer, previously identified on page 2 of these minutes, discussed a document he provided that details the status of park trails and natural areas projects in Clark County. He noted the funding amounts on the handout did not reflect the total amount expended by Clark County and that the County is pending reimbursement by the SNPLMA office. Additionally, Mr. Wallenmeyer addressed the following matters: (1) the need for long-term funding sources through the SNPLMA and other public land management acts for the implementation of the MSHCP as well as for the operation, maintenance, and capital improvements of other SNPLMA projects; (2) the need to expand land reservation criteria for other public purposes such as rights-of-way for regional flood control districts, water reclamation and power districts, and regional transportation; (3) the need for more timely reimbursements from the SNPLMA for the initial outlay of capital by Clark County; and (4) a suggestion that the affordable housing provision in the SNPLMA should be addressed in separate legislation. (Please see [Exhibit M](#).)

- Pamela B. Wilcox, previously identified on page 4 of these minutes, testified regarding the following particulars: (1) the SNPLMA partners working group and its related workload; (2) Round 7 and Lake Tahoe Basin natural resource projects nominated for SNPLMA funding; (3) the importance to Nevada of the affordable housing program provision in the SNPLMA and the need to simplify the process of making public lands available for this purpose; (4) the Question 1 (Q1) bond money program that provides funding for open space and conservation projects to local governments statewide; and (5) the State's interest in becoming eligible for the same type of funding through the SNPLMA and other county land bills as local governments and federal agencies are for their infrastructure improvements on park lands and on wildlife refuges. Ms. Wilcox pointed out that the Q1 program requires matches for all its funding categories while SNPLMA funds are available in much larger amounts and with no match requirement.

REVIEW OF STATE-LEVEL GEOGRAPHIC INFORMATION SYSTEMS (GIS) CAPABILITIES AND MAPPING NEEDS OF NATURAL RESOURCE-RELATED STATE EXECUTIVE BRANCH AGENCIES

- Kay Scherer, Deputy Director, SDCNR, Carson City, discussed state-level and natural resource agency GIS capabilities. Ms. Scherer explained that GIS consists of spatial and attribute databases; computerized mapping; and analysis, modeling, and problem-solving functions. Additionally, her presentation focused on the following issues: (1) GIS layers; (2) the importance of GIS; (3) expectations of GIS; (4) an overview of GIS in Nevada—weaknesses, threats, opportunities, and strengths; (5) GIS in relation to other western states; (6) an overview of GIS on the national level; (7) evaluating how to move forward with GIS capabilities in Nevada; and (8) projecting future GIS uses. Ms. Scherer averred that Nevada Governor Kenny C. Guinn's administration has recognized the need for GIS technology in the State. (Please see [Exhibit N.](#))
- Pamela B. Wilcox, previously identified on page 4 of these minutes, testified regarding the funding, staffing, and technological limitations of Nevada's Division of State Lands to implement GIS technology and programs.

OVERVIEW OF ACTIVITIES AND NATURAL RESOURCES PLANNING EFFORTS OF THE VIRGIN VALLEY WATER DISTRICT

- Mike Winters, General Manager, Virgin Valley Water District (VVWD), Mesquite, provided a brief overview of the activities and natural resource planning efforts of the VVWD. Mr. Winters shared some statistical information on the size of the district and its water source, which comes from Basin 222. He stressed that a challenge for the District is that it shares the water from that basin with Arizona, Utah, and Lincoln County.

REVIEW OF THE IMPLEMENTATION AND DEVELOPMENT OF THE SILVER STATE OFF-HIGHWAY VEHICLE (OHV) TRAIL AUTHORIZED BY THE LINCOLN COUNTY CONSERVATION, RECREATION, AND DEVELOPMENT ACT OF 2004

- Jack Tribble, previously identified on page 4 of these minutes, provided an update on the implementation and development of the Silver State Off-Highway Vehicle Trail as authorized by the LCCRDA. He noted that the Lincoln County Trails Coalition has been proactive in helping to build trailheads and marking trails for the trail system, even utilizing some of its members' personal equipment toward the project. Additionally, Mr. Tribble stated that Lincoln County has been supportive in designating public access areas to dirt roads as addressed in Senate Bill 400 (Chapter 441, *Statutes of Nevada 2005*). (Please see [Exhibit O](#) and [Exhibit P](#).)

REVIEW OF POSSIBLE OHV LEGISLATION FOR CONSIDERATION BY THE 2007 NEVADA LEGISLATURE FROM THE OHV USER PERSPECTIVE

- Michael J. Stewart, Principal Research Analyst, Research Division, Carson City, introduced several documents submitted for review by Nevada's Legislative Committee on Public Lands as it considers a possible bill draft request regarding OHV legislation for the 2007 Nevada Legislature. (Please see [Exhibit Q](#), [Exhibit R](#), [Exhibit S1](#), [Exhibit S2](#), [Exhibit S3](#), [Exhibit S4](#), [Exhibit S5](#), [Exhibit S6](#), and [Exhibit S7](#).)
- Sallie Clinard, Lands and Legislation Specialist, Dunes and Trails ATV Club, Las Vegas, testified regarding an OHV owner's perspective on possible OHV legislation that may be considered by the 2007 Nevada Legislature, as well as on the proposed OHV legislation by Nevada's Department of Wildlife (NDOW). Ms. Clinard cited eleven items that OHV owners consider most important for inclusion in any future OHV legislation. (Please see [Exhibit T1](#) and [Exhibit T2](#).)

SOLICITATION OF RECOMMENDATIONS FROM MEMBERS OF THE PUBLIC REGARDING PUBLIC LANDS AND NATURAL RESOURCE TOPICS AND COMMITTEE DISCUSSION OF POSSIBLE RECOMMENDATIONS IN ADVANCE OF THE AUGUST 24, 2006, COMMITTEE MEETING AND WORK SESSION

- Chairman Rhoads reminded Nevada's Legislative Committee on Public Lands of his May 19, 2006, memorandum that invites the Committee and other interested parties to submit bill draft requests that they would like to be considered at the final meeting and work session on August 24, 2006, to Committee staff by August 7. (Please see [Exhibit U](#).)
- Michael Stewart, previously identified above, also addressed the May 19, 2006, communiqué ([Exhibit U](#)). He requested that recommendations be submitted to Committee staff in writing or electronic mail, along with any applicable background

information, by the August 7 deadline. Mr. Stewart stressed that submission of a recommendation does not guarantee its placement on the work session document.

PUBLIC COMMENTS

- No comments were taken under this agenda item.

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

- Senator Care expressed concern regarding testimony at the May 24, 2006, meeting of the Legislative Commission's Committee to Study the Use, Management, and Allocation of Water Resources (Senate Concurrent Resolution No. 26, File No. 100, *Statutes of Nevada 2005*), where it was disclosed that the Colorado River Commission (CRC) paid \$5 million from the sale of 110 acres of land owned by the CRC to a third party because of a contract dispute. He averred State law requires that revenue from the sale of land by the CRC is supposed to benefit Laughlin, Nevada. Subsequently, Senator Care requested that representatives from the CRC appear before Nevada's Legislative Committee on Public Lands at its August 24, 2006, meeting to brief the members on this issue.
- Commissioner Fransway provided a brief report on the status of the acquisition of the Clearwater Canyon property under the SNPLMA.
- Michael J. Stewart, previously identified on page 7 of these minutes, reminded the Committee about its informational tour to Washington, D.C., on June 13, 14, and 15, 2006.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 3:15 p.m.

Respectfully submitted,

Gayle Nadeau
Senior Research Secretary

Michael J. Stewart
Principal Research Analyst

APPROVED BY:

Senator Dean A. Rhoads, Chairman

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda.”

[Exhibit B](#) is a document provided by Angie Lara, Associate Field Manager, Las Vegas Field Office, BLM, DOI, Las Vegas, titled “Do you recreate on public land in Northeast Clark County?”

[Exhibit C](#) is a document titled “Southern Nevada Public Land Management Act (SNPLMA), as Amended Quick Facts as of April 30, 2006,” regarding land sale statistics, provided by Angie Lara, Associate Field Manager, Las Vegas Field Office, BLM, DOI, Las Vegas.

[Exhibit D](#), which was provided by Angie Lara, Associate Field Manager, Las Vegas Field Office, BLM, DOI, Las Vegas, is a hard copy of a slide presentation titled “Southern Nevada Public Land Management Act — Section 7(b) Authority and Provisions for Land Disposal for Affordable Housing” and two accompanying documents titled as follows: (1) “U.S. Department of Interior Bureau of Land Management, Nevada State Office, Information Required for Section 7(b) SNPLMA Land Disposal Nominations”; and (2) “Nomination to Purchase BLM Land for Affordable Housing.”

[Exhibit E](#) is the prepared testimony of Timothy Short, District Ranger, SMNRA, USFS, USDA, Las Vegas.

[Exhibit F](#) is a slide presentation titled “USDA Forest Service Humboldt-Toiyabe National Forest Spring Mountains National Recreation Area,” provided by Timothy Short, District Ranger, SMNRA, USFS, USDA, Las Vegas.

[Exhibit G](#) is an untitled slide presentation depicting various growth representations of the Mesquite area since 1970 from an aerial-type mapping perspective, including some photos and a map of public land disposal areas, provided by Bill Nicholes, Mayor, City of Mesquite.

[Exhibit H](#) is a map titled “Proposed Parkway and Public Land Disposal Areas,” provided by Bill Nicholes, Mayor, City of Mesquite.

[Exhibit I](#) is a document containing land sales information from the LCLA and LCCRDA, provided by Jack Tribble, Deputy Assistant Field Manager, Ely Field Office, BLM, DOI, Ely.

[Exhibit J](#) is a map titled “LCLA Lands,” provided by Jack Tribble, Deputy Assistant Field Manager, Ely Field Office, BLM, DOI, Ely.

[Exhibit K](#) is the prepared testimony of Stephanie Phillips, Deputy Forest Supervisor, Humboldt-Toiyabe National Forest, SMNRA, USFS, USDA, Las Vegas.

[Exhibit L](#) is a slide presentation titled “Implementation of Southern Nevada Public Land Management Act,” provided by Stephanie Phillips, Deputy Forest Supervisor, Humboldt-Toiyabe National Forest, SMNRA, USFS, USDA, Las Vegas.

[Exhibit M](#) is a document titled “SNPLMA Project Status,” provided by Lewis Wallenmeyer, Assistant Director, Clark County Department of Air Quality and Environmental Management, Las Vegas.

[Exhibit N](#) is a slide presentation titled “State-Level and Natural Resource Agency GIS Capabilities,” provided by Kay Scherer, Deputy Director, SDCNR, Carson City.

[Exhibit O](#) is a document titled “Title IV – Silver State Off-Highway Vehicle Trail,” provided by Jack Tribble, Deputy Assistant Field Manager, Ely Field Office, BLM, DOI, Ely.

[Exhibit P](#) is a map titled “Silver State Trail Lincoln Section,” provided by Jack Tribble, Deputy Assistant Field Manager, Ely Field Office, BLM, DOI, Ely.

[Exhibit Q](#) is a letter dated May 26, 2006, to the Legislative Committee on Public Lands from Susan Fisher, Executive Director, Nevada Powersport Dealers Association (NPDA), regarding a possible OHV legislative proposal from NDOW, provided by Michael J. Stewart, Principal Research Analyst, Research Division, Carson City.

[Exhibit R](#) is a document titled “Nevada Powersport Dealers Association, Comments Submitted by NPDA on NDOW’s Off-Highway Vehicle Proposed Amendments to NRS 490,” provided by Michael J. Stewart, Principal Research Analyst, Research Division, Carson City.

[Exhibit S1](#) is a document titled “Off-Highway Vehicle Legislation Proposal,” provided by Michael J. Stewart, Principal Research Analyst, Research Division, Carson City.

[Exhibit S2](#) is a copy of various sections of *Nevada Revised Statutes* dealing with off road/off-highway vehicles, provided by Michael J. Stewart, Principal Research Analyst, Research Division, Carson City.

[Exhibit S3](#) is a document titled “Draft Model State Legislation, Off-Highway Vehicle Act,” provided by Michael J. Stewart, Principal Research Analyst, Research Division, Carson City.

[Exhibit S4](#) is a document titled “Nevada OHV Statistics,” provided by Michael J. Stewart, Principal Research Analyst, Research Division, Carson City.

[Exhibit S5](#) is a pamphlet titled “ATV/Motorbike Registration and Equipment Requirements,” provided by Michael J. Stewart, Principal Research Analyst, Research Division, Carson City.

[Exhibit S6](#) is *Idaho Statutes* 63-2412, Title 63 (Revenue and Taxation), Chapter 24 (Fuels Tax), provided by Michael J. Stewart, Principal Research Analyst, Research Division, Carson City.

[Exhibit S7](#) consists of several Idaho statutes related to recreational activities, provided by Michael J. Stewart, Principal Research Analyst, Research Division, Carson City.

[Exhibit T1](#) is the prepared testimony of Sallie Clinard, Lands and Legislation Specialist, Dunes and Trails ATV Club, Las Vegas.

[Exhibit T2](#) is a document titled “Review of NDOW’s OHV Legislative Proposal,” provided by Sallie Clinard, Lands and Legislation Specialist, Dunes and Trails ATV Club, Las Vegas.

[Exhibit U](#) is a memorandum dated May 19, 2006, to All Interested Parties from Dean A. Rhoads, Chairman, Nevada’s Legislative Committee on Public Lands, regarding the solicitation of recommendations for possible consideration by Nevada’s Legislative Committee on Public Lands, provided by Michael J. Stewart, Principal Research Analyst, Research Division, 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 or telephone: 775/684-6827.