



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

SUMMARY MINUTES AND ACTION REPORT

The sixth meeting of the Legislative Committee on Public Lands for the 2005-2006 interim was held on Friday, April 28, 2006, at 10 a.m. in the Battle Mountain Civic Center, 625 South Broad Street, Battle Mountain, 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 Mark E. Amodei (*alternate*)
Senator Mike McGinness
Assemblyman Jerry D. Claborn
Assemblywoman Genie Ohrenschall
Tom Fransway, Humboldt County Commissioner

COMMITTEE MEMBER ABSENT:

Senator Terry Care

OTHER LEGISLATORS PRESENT:

Assemblyman John C. Carpenter
Assemblyman Pete Goicoechea

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Michael J. Stewart, Principal Research Analyst, Research Division
J. Randall Stephenson, Principal Deputy Legislative Counsel, Legal Division

Gayle Nadeau, Senior 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. He noted that the Legislative Committee on Public Lands was meeting in Battle Mountain for the first time, and it was looking forward to hearing from the community.

APPROVAL OF THE “SUMMARY MINUTES AND ACTION REPORT” OF THE MEETING HELD ON MARCH 24, 2006, IN HAWTHORNE, NEVADA

ASSEMBLYMAN MARVEL MOVED TO APPROVE THE “SUMMARY MINUTES AND ACTION REPORT” OF THE MEETING HELD ON MARCH 24, 2006, IN HAWTHORNE, NEVADA. THE MOTION WAS SECONDED BY ASSEMBLYMAN CLABORN AND PASSED UNANIMOUSLY.

OVERVIEW OF PUBLIC LANDS AND NATURAL RESOURCE ISSUES IN NORTH-CENTRAL NEVADA

Public Comment Under This Agenda Item

- Assemblyman John C. Carpenter, representing Nevada State Assembly District No. 33, testified regarding a lawsuit filed by the Western Watersheds Project (WWP) that opposes a proposed sale of 4,000 acres of federal land managed by the Bureau of Land Management (BLM), U.S. Department of the Interior (DOI), in the Elko District. Mr. Carpenter requested that the Committee express, by resolution during the 2007 Legislative Session, its opposition to the WWP lawsuit.
- Joe Fallini, Owner, Twin Springs Ranch, and Member, Nevada Grazing Board of District No. 6 (N-6 Grazing Board), Tonopah, Nevada, presented a copy of a WWP federal tax return regarding its tax exempt status for the 2004 tax year. (Please see [Exhibit B](#).)

Review of Public Lands and Natural Resource Issues in Lander County

- Mikey Yarbro, Member, Board of County Commissioners, Lander County, Battle Mountain, offered introductory remarks and addressed the following issues: (1) Lander County’s decision to not pursue a federal lands bill; (2) water permits through the BLM for the benefit of wildlife; (3) the Humboldt Project Conveyance; and (4) water appropriations for future growth in the County’s communities and for its ranchers and farmers.

- Gene Etcheverry, Executive Director, Lander County, Battle Mountain, averred that the common theme expressed at Lander County's public meetings is its cooperative relationship with federal and State partners, particularly the BLM and United States Forest Service (USFS). These relationships, he opined, provide the County with a unique opportunity for local input and control on prescriptive uses and management over its public lands in the following vital areas: (1) agriculture; (2) mining; and (3) recreation. Mr. Etcheverry stressed that the County views these matters as critical to its economic development and sustainability, as well as essential components to the quality of life in Lander County.

Overview of Public Lands and Natural Resource Issues in Humboldt County

- Dan Cassinelli, Member, Board of County Commissioners, Humboldt County, Winnemucca, Nevada, testified regarding: (1) Humboldt County's cooperative working relationship with federal land management agencies; (2) eradication of noxious weeds; (3) grazing activities; (4) the County's decision to not pursue a county lands bill; (5) the BLM's Winnemucca Resource Management Plan as it relates to off-highway vehicle (OHV) usage; (6) the proposed revisions to the Endangered Species Act (ESA); and (7) Question 1 bond money. (Please see [Exhibit C.](#))

Update of Bureau of Land Management Activities and Planning Efforts in the Battle Mountain and Winnemucca Field Districts

- Gerald M. Smith, Field Manager, Battle Mountain Field Office, BLM, DOI, Battle Mountain, discussed the following particulars: (1) minerals; (2) hardrock mining; (3) reclamation efforts at abandoned mines; (4) land sales; (5) renewable energy activity; (6) recreation; (7) range management; (8) soil, water, and air; (9) forestry and woodlands; (10) wildlife; (11) wild horses and burros; and (12) fire management program activities. (Please see [Exhibit D.](#))
- Gail Givens, Field Manager, Winnemucca Field Office, BLM, DOI, Winnemucca, provided an update on the following topics (see [Exhibit E](#)):
 - Wild horses and burros;
 - Lands and realty—Granite Fox coal-fired power plant; the Aqua-Trac water drilling, pumping, and transport proposal; and land sales;
 - Fire issues—fuels management; mitigation, education, and prevention; emergency stabilization and rehabilitation; the central Nevada interagency dispatch center; operations and aviation; and the Wildfire Support Group;
 - Energy—oil and gas leasing, and geothermal exploration drilling at Blue Mountain;
 - Minerals—Spring Valley Exploration Project Environmental Assessment, Ashdown Mine, Nevada Cement Company's Project Echo, and Coeur Rochester Mine;

- Fisheries;
- Wildlife;
- Current range projects;
- Winnemucca Resource Management Plan;
- Recreation; and
- Black Rock Desert—High Rock Canyon Emigrant Trail National Conservation Area and associated wilderness—wilderness management plan; Nevada’s Department of Wildlife (NDOW) wildlife water development proposal; Black Rock rendezvous area; interpretive kits; partnership workshop; volunteer contributions; Burning Man permit process; and Lost Driver Dumps Mine waste.

Overview of United States Forest Service Activities and Planning Efforts in the Santa Rosa Ranger District

- Jose Noriega, District Ranger, Santa Rosa Ranger District, USFS, U.S. Department of Agriculture (USDA), Winnemucca, testified regarding management actions currently being implemented on the Santa Rosa Ranger District. He outlined some of the District’s higher priority issues such as: (1) rangeland management, including the development of the Martin Basin Rangeland Project Environmental Impact Statement (EIS); (2) fire and fuels management; (3) noxious weed management; (4) travel management planning; and (5) watershed improvement projects. (Please see [Exhibit F](#) and [Exhibit G](#).)

OVERVIEW OF PROGRAMS AND ACTIVITIES OF THE PERSHING COUNTY WATER CONSERVATION DISTRICT AND STATUS REPORT ON THE “HUMBOLDT TITLE TRANSFER” PROJECT

- Bennie Hodges, Secretary-Manager, Pershing County Water Conservation District (PCWCD), Lovelock, Nevada, discussed the history and purpose of the PCWCD. He provided a detailed account of the Humboldt Project Conveyance (HPC) title transfer. He noted that in 2002, the U.S. Congress passed the Humboldt Project Conveyance Act (Title VIII of Public Law 107-282) authorizing specific transfer of title to Lander and Pershing Counties, the PCWCD, and the State of Nevada. Mr. Hodges further explained that the draft EIS of the HPC was completed in early 2006 at a cost of \$305,000. In March of 2006, the U.S. Department of the Interior issued a “Record of Decision” to proceed with the title transfer. However, the cultural resources portion of the EIS is awaiting completion and is expected to cost \$900,000 to \$1.2 million and take four to seven years to complete. (Please see [Exhibit H](#), <http://pcwcd.com/>, [Exhibit I](#), and http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=550.)

REVIEW OF LATEST DEVELOPMENTS CONCERNING THREATENED AND ENDANGERED SPECIES IN NEVADA

- Laurie R. Sada, Assistant Field Supervisor, Nevada Fish and Wildlife Office, U.S. Fish and Wildlife Service (USFWS), DOI, Reno, Nevada, reported on the following items regarding threatened and endangered species in Nevada: (1) the Sand Mountain Blue Butterfly; (2) an evaluation of endangered species, which is conducted every five years to determine potential delistings; (3) the Devils Hole Pupfish; (4) the Pahrump Valley Habitat Conservation Plan for the Desert Tortoise; and (5) groundwater development of approved water rights in Coyote Springs Valley and California wash basins. (Please see [Exhibit J](#), [Exhibit K](#), and [Exhibit L](#).)
- Terry Crawford, Director, NDOW, Reno, noted that the State has not had any new listings of endangered species since 1999, and he complimented the successful efforts of volunteers in keeping the Sage Grouse from being listed. Mr. Crawford stated that NDOW completed its wildlife conservation plan. He requested support from the Committee in acquiring a 50-percent State match of federal dollars to implement the plan. Mr. Crawford testified that wolves have been sighted in neighboring states, and he expressed concern that this endangered species may expand its territory into northern Nevada, which has not had a wolf sighting for approximately 75 years. Based on this historical information and substantial biological data, he shared that NDOW petitioned the USFWS to delist the wolf in the State of Nevada but the request was denied.

Additionally, Mr. Crawford provided an update at the request of the Office of Nevada Governor Kenny C. Guinn on the Mason Valley Wildlife Management Area, a 13,375 acre facility and sustainable wetlands operated by NDOW. He stated that with facility improvements made possible through the Bureau of Reclamation, DOI, funding, NDOW's objective is to discharge approximately 2,500 to 3,500-acre feet of water a year into Walker Lake in Mineral County. (Please see [Exhibit M](#).)

- Assemblyman Marvel announced that Mr. Crawford's appearance before the Committee would most likely be his last prior to his upcoming retirement from NDOW, and he thanked Mr. Crawford on behalf of the Committee for his many years of dedicated service to the State of Nevada.

DISCUSSION AND UPDATES CONCERNING VARIOUS PARTNERSHIP PROGRAMS AND COOPERATIVE ASSISTANCE OPPORTUNITIES FOR LANDOWNERS, RANCHERS, AND OTHER LAND USERS

Overview of U.S. Fish and Wildlife Service's Partners Program

- Bridget Nielsen, Conservation Partnerships Coordinator, Nevada Fish and Wildlife Office, USFWS, DOI, Reno, discussed the USFWS's Nevada Fish and Wildlife Office Conservation Partnerships Program that works with landowners to restore wetlands, streams, river corridors, prairies, grasslands, and other important fish and wildlife habitats in the State. The purpose of the program is to provide financial and technical assistance to individuals and groups to implement voluntary conservation efforts on private property for the benefit of imperiled species. (Please see [Exhibit N](#).)

Review of Incentive and Related Partnership Programs Administered by Nevada's Department of Wildlife

- Connie Lee, Wildlife Diversity Staff Specialist and Coordinator, Landowner Incentive Program, NDOW, Elko, Nevada, reviewed the Department's Landowner Incentive Program (LIP). Ms. Lee noted the program is patterned after a successful program in the State of Texas. She explained LIP provides funding and technical assistance for habitat restoration and species preservation on private property. Ms. Lee further explained that LIP is a competitive grant program between the states; it has no statutory authority; it exists solely through appropriations through the U.S. Congress; and funding levels for the program vary from year to year. (Please see [Exhibit O1](#), [Exhibit O2](#), and [Exhibit P](#).)

Overview of the Programs and Activities of the Natural Resources Conservation Service (NRCS) in Nevada

- Richard Orr, Area Conservationist, Owyhee Area, NRCS, USDA, Elko, provided an overview of the services NRCS provides and a summary of its most commonly utilized programs. Mr. Orr explained that Nevada has nine USDA field offices providing natural resource conservation services. He stated the responsibility of NRCS is to work with farmers and ranchers to improve conservation on their private lands, but it can work to some extent on public lands as long as the activities have a direct benefit to the management and operation of the private land. (Please see [Exhibit Q](#), [Exhibit R](#), and [Exhibit S](#).)

CONTINUED DISCUSSION OF OFF-HIGHWAY VEHICLE USAGE ON PUBLIC LANDS IN NEVADA AND POSSIBLE OHV LEGISLATION FOR CONSIDERATION BY THE 2007 NEVADA LEGISLATURE

Overview of the Newly-Formed Nevada Powersport Dealers Association (NPDA) and Discussion of NPDA's Perspective on Possible OHV Registration Legislation

- Susan Fisher, Executive Director, NPDA, Reno, stated the Nevada Powersport Dealers Association was formed on March 23, 2006. She provided an overview of the Association's interests as reflected in its mission statement, which is to protect, support, and perpetuate the powersport industry in the State of Nevada; to educate policymakers and the public about responsible street and OHV activities; to provide tangible member benefits; to provide a collective voice for the industry at the Nevada State Legislature; and to encourage reciprocity with neighboring states. Ms. Fisher averred the overriding issue for the Association is to establish an OHV registration program and keep the sales of off-highway vehicles in Nevada.

Consideration of Possible OHV Registration Program Using Nevada's Boat Registration Model

- Terry Crawford, previously identified on page 5 of these minutes, discussed a preliminary off-highway vehicle legislative proposal modeled after NDOW's boat registration program. He said the proposal NDOW is offering for consideration by the 2007 Nevada Legislature takes into consideration current Nevada statutes related to OHVs, as well as OHV-related data from the Specialty Vehicle Institute of America, the Motorcycle Industry Council, and OHV legislation from the states of Arizona and Utah. He noted the key components of NDOW's proposed legislation would include fees for registration and titling of OHVs, an educational and enforcement program, and the establishment of trails and riding areas. (Please see [Exhibit T1](#), [Exhibit T2](#), [Exhibit T3](#), [Exhibit T4](#), [Exhibit T5](#), and [Exhibit T6](#).)

Overview of the Idaho Department of Parks and Recreation (IDPR) Off-Highway Vehicle Program

- Michael J. Stewart, Committee Staff Director and Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB), Carson City, Nevada, introduced a letter from Gary Clinard, President, Dunes and Trails ATV Club, Las Vegas, Nevada, expressing his and other OHV users' observations and concerns regarding potential legislation requiring registration and regulation of off-highway vehicles in Nevada. (Please see [Exhibit U](#).)
- David Claycomb, OHV Program Manager, IDPR, Boise, Idaho, provided a comprehensive overview of Idaho's off-highway vehicle program. He noted IDPR's program began about 20 years ago with a focus on trails maintenance. Mr. Claycomb shared that IDPR initiated an OHV education program during

2005 to address proper, safe, and courteous behavior on the trails. The program was developed as a cooperative effort with the Specialty Vehicle Institute of America's Safety Institute. It is currently a voluntary program; however, Mr. Claycomb opined, it will probably become a mandatory program modeled after hunter safety education programs.

Mr. Claycomb said a major reason for the success of IDPR's OHV program is its communication with the OHV community and the public at large, which includes a survey that is conducted about every five years. Additionally, IDPR involves the OHV community in creating and running the program, including assisting in developing proposed OHV legislation and bringing it to the attention of their legislative representatives.

Additionally, Mr. Claycomb reported that IDPR has two major funding sources for its OHV program: (1) fees from the registration of OHVs; and (2) a portion of Idaho's gasoline tax. He noted that trail clearing and maintenance is funded with about one-half of the registration fees. The other half goes to competitive grants that federal, state, and local government agencies, and to a limited extent the private sector, may apply for to fund OHV-type projects such as rebuilding trails. (Please see [Exhibit V1](#), [Exhibit V2](#), [Exhibit V3](#), [Exhibit V4](#), [Exhibit V5](#), and [Exhibit V6](#).)

GENERAL REVIEW AND DISCUSSION OF MINING ISSUES IN NEVADA: ECONOMIC OVERVIEW, EXPLORATION, PERMITTING, BONDING, RECLAMATION, FEDERAL LEGISLATION, ABANDONED MINE LANDS, MILLSITE ISSUES, WATER USAGE, AND OTHER MINING TOPICS

- Jonathan Brown, Director of Regulatory and Environmental Affairs, Nevada Mining Association, Reno, provided an overview of the status of Nevada's mining industry. Mr. Brown discussed the following matters: (1) the ten-year price of gold and its effect on the industry; (2) the major focus for Nevada's mining industry, which is the environment, safety, and the industry's workforce; and (3) future predictions. Mr. Brown stressed the mining industry is optimistic about the future, yet realizes that unpredictable world events can have an impact on metals prices, production, and overall operations. (Please see [Exhibit W](#).)
- Alan R. Coyner, Administrator, Division of Minerals, Nevada's Commission on Mineral Resources, Carson City, provided an update on mining production and exploration activity in Nevada. Mr. Coyner called attention to a Division press release ([Exhibit X1](#)) regarding the official number of ounces of gold, silver, and other mineral commodities produced in Nevada in 2005. He opined that Nevada is a "great" place to explore for and mine gold, silver, copper, and other mineral commodities. Other matters addressed by Mr. Coyner during his presentation included: (1) geothermal energy; (2) oil and gas production; (3) the reclamation bond pool;

(4) abandoned mine lands and public safety awareness; and (5) the Division's 2005 summer intern program. (Please see [Exhibit X2](#).)

- Gail Givens, previously identified, shared there are 161,245 recorded mining claims in the State of Nevada and over 300 active plans of operations on public lands. He noted that the Nevada BLM holds nearly \$787 million in financial guarantees in the form of surety bonds, letters of credit, certificates of deposit, and cash.
- Steven Williams, District Ranger, Austin-Tonopah Ranger District, USFS, USDA, Austin, Nevada, provided background information on the USFS minerals program in Nevada. Mr. Williams' testimony focused on the following matters: (1) energy; (2) mining production; (3) exploration; (4) CERCLA (Superfund sites); and (5) abandoned mines. (Please see [Exhibit Y](#).)
- Dave Gaskin, Chief, Bureau of Mining Regulation and Reclamation, Nevada's Division of Environmental Protection (NDEP), State Department of Conservation and Natural Resources, Carson City, addressed the following mining issues: (1) the development of a standardized bonding process known as the Nevada Standardized Reclamation Cost Estimator; (2) the development of standardized groundwater criteria; (3) input from the Great Basin Mine Watch organization and NDEP's implementation of NRS 233B.127 under the Nevada Administrative Procedure Act, which clarifies that a party must have a financial impact to have standing in an appeal; (4) the Division's working relationship with the U.S. Department of Environmental Protection; and (5) optimistic projections for increased mining and exploration activity in Nevada.

UPDATE AND OVERVIEW OF PUBLIC LANDS GRAZING IN NEVADA

Public Comment Under This Agenda Item

- Bill Hall, General Manager, Ellison Ranching Company, Elko County, Nevada, reported on the Ellison Ranching Company's concerns that the Western Watersheds Project was initiating a motion for injunctive relief on the Company's Owyhee grazing allotments. He said this legal action could put the Company's ranching business at risk if the BLM does not complete the NEPA grazing renewal process on the Owyhee allotment in a timely manner.
 - Senator Rhoads communicated that the LCB Legal Staff is exploring various options that the State of Nevada could take to help resolve this issue with the WWP.
- Steven Williams, previously identified, provided an update on the livestock grazing program on the Humboldt-Toiyabe National Forest, which has 175 permittees and 267 active grazing allotments on over 5.6 million acres across Nevada and a portion of California. Mr. Williams' testimony focused on priorities for managing the grazing

program and the process used for allocation of grazing capacity and new grazing applications. (Please see [Exhibit Z.](#))

- Gerald M. Smith, previously identified on page 3 of these minutes, covered the following particulars during his testimony on the BLM's grazing program in Nevada: (Please see [Exhibit AA.](#))
 - Statistical data on allotments, permittees, leases, animal unit months, fees, receipts, and range improvement funds;
 - Three major grazing program priorities: (1) grazing permit renewals; (2) rangeland health assessments; and (3) collection of monitoring data to support the renewals and assessments;
 - A cooperative effort with the University of Nevada Cooperative Extension, the State Department of Agriculture, and the USFS to educate permittees to collect their own monitoring data and submit their findings to the BLM and USFS for completing the rangeland health assessments and permit renewals; and
 - The status of BLM's wild horses and burros program.
- Jon Hutchings, Natural Resource Manager, Eureka County, Eureka, Nevada, provided a ranching industry perspective on the issue of grazing permit renewals. Mr. Hutchings' testimony covered the background of a 1990 challenge to NEPA and ESA that resulted in the BLM establishing a policy calling for greater rigor in the environmental analysis associated with the grazing permit renewal process. He further shared that Congress passed Public Law 108-108, known as the "rider," in response to the 1990 challenge. The rider expires at the end of 2008, which is of major concern to the industry. (Please see [Exhibit BB.](#))
- John Falen, Chairman, Public Lands Committee, Nevada Cattlemen's Association, and Member, Public Lands Council, Oroville, Nevada, testified regarding the expiration of the ten-year grazing permits at the end of 2008. He said the ranching community is concerned that if the permits are not renewed prior to 2009, environmental groups may challenge the NEPA renewal process. Mr. Falen shared, however, that the BLM is operating under a self-imposed policy regarding the renewal process and it is not required to adhere to the NEPA requirements because of Public Law 108-108, unless there have been major changes or federal action since the last permit renewal. (Please see [Exhibit CC.](#))

Mr. Falen discussed the efforts to reform the ESA and read the following paragraph from a California Cattlemen's Association fact sheet ([Exhibit CC1](#)) regarding the need to update and modernize the 1973 legislation:

It has become increasingly clear that the ESA has fallen victim to unintended consequences, partisan politics, and counter-productive lawsuits filed by environmental organizations. These forces have rendered the ESA a broken law that is in need of updating and modernizing after thirty years of failure. Congress has an obligation to address those unintended consequences and refocus the law's application on the original intent of species recovery.

Other issues addressed by Mr. Falen: (1) a Memorandum of Understanding with the BLM, USFS, and the Public Lands Council regarding the monitoring of grazing allotments; (2) the filing of vested water rights through the Humboldt River Water Basin Authority; and (3) horses from the Fort McDermitt Indian Reservation running on other permit allotments.

- Gary McCuin, Rangeland Specialist, State Department of Agriculture, Carson City, testified that NEPA is a complex document that has resulted in numerous litigation and court decisions since it was enacted in 1969. He questioned whether NEPA requirements must be followed for grazing permit renewals that do not involve major changes or major federal action. Mr. McCuin rhetorically questioned how a “major change” or “major federal action” is defined. He opined that these and other issues surrounding NEPA need to be clarified and communicated from the federal level to the state level. (Please see [Exhibit CC](#).)

OVERVIEW OF THE ACTIVITIES AND PROGRAMS OF THE N-6 GRAZING BOARD

- Mikey Yarbro, previously identified, provided introductory remarks.
- Jim Baumann, N-6 Grazing Board, Eureka, testified about the long-term reductions in grazing revenues and the decline in the viability of the N-6 District ranches. He discussed a meeting held between the N-6 Grazing Board and graziers that resulted in seven categories of concern. He highlighted the top three priorities: (1) water issues, which include opposition to the BLM's filing of water rights and the collection and analysis of water quality standards on privately-owned water sources; (2) agency regulations and grazing decisions; and (3) antigrazing pressure resulting from agency employees actively negotiating with antigrazing groups when developing grazing decisions. Mr. Baumann shared an action plan for relief and suggestions for the Nevada Legislature to assist the N-6 Grazing Board. (Please see [Exhibit DD](#).)
- Mr. Floyd Rathbun, Certified Range Management Consultant, Fallon, Nevada, provided statistical information regarding the economic effects of grazing reductions within the N-6 District. (Please see [Exhibit EE](#).)
- Joe Fallini, Member, N-6 Grazing Board, Tonopah, requested that Nevada's Legislative Committee on Public Lands take the lead in protecting the rights of

Nevada's ranching community. He also requested that the Nevada Legislature amend Chapter 321 of NRS ("Administration, Control and Transfer of State Lands") to include the provisions in Assembly Bill 391 from the 2001 Legislative Session. (This bill, which proposed to make various changes to provisions governing public lands, was not ultimately approved by the Nevada Legislature.) Mr. Fallini voiced his displeasure with the Federal Land Policy and Management Act of 1976 and the Taylor Grazing Act of 1934. (Please see [Exhibit FF](#).)

PUBLIC COMMENTS

- Ray Salisbury, Austin, Nevada, reported on the following matters: (1) Lander County's completion of its land use plan as required through Senate Bill 40 (Chapter 587, *Statutes of Nevada 1983*); (2) the Mormon Cricket presence in Austin; (3) difficulty in acquiring right-of-ways from the BLM to obtain grant funding to relocate Austin's sewer ponds as mandated by NEPA; and (4) completion of a well at the Austin Airport.
- Assemblyman Pete Goicoechea, representing Nevada State Assembly District No. 35, addressed the following matters: (1) land disposals under the Baca bill (Federal Land Transaction Facilitation Act, Public Law No. 106-248, July 25, 2000); (2) the BLM policy regarding NEPA action when renewing grazing permits; (3) the BLM policy on water for wildlife; and (4) the Humboldt Title Transfer and its cultural resource component.
- Floyd Rathbun, previously identified, offered comments regarding the USFS's activities in the Santa Rosa Ranger District. His concerns dealt with the Martin Basin Rangeland Project Final Environmental Impact Statement. (Please see [Exhibit GG](#).)

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

- Michael J. Stewart, previously identified, updated the Legislative Committee on Public Lands on its May 26, 2006, meeting in Mesquite, Nevada; the June 13, 14, and 15, 2006, Washington, D.C., informational tour; and a request for recommendations for possible inclusion on the work session document at the final meeting of the Committee on August 24, 2006.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 5:55 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 titled “Return of Organization Exempt From Income Tax” for the WWP organization, provided by Joe Fallini, Member, N-6 Grazing Board, Tonopah.

[Exhibit C](#) is the prepared testimony of Dan Cassinelli, Member, Board of County Commissioners, Humboldt County, Winnemucca, provided by Bill Deist, Administrator, Humboldt County, Winnemucca.

[Exhibit D](#) is a document titled “Battle Mountain Field Office Public Lands Report, April 28, 2006,” provided by Gerald M. Smith, Field Manager, Battle Mountain Field Office, BLM, DOI, Battle Mountain.

[Exhibit E](#) is a document titled “BLM Winnemucca Field Office Overview,” provided by Gail Givens, Field Manager, Winnemucca Field Office, BLM, DOI, Winnemucca.

[Exhibit F](#) is the prepared testimony of Jose Noriega, District Ranger, Santa Rosa Ranger District, USFS, USDA, Winnemucca.

[Exhibit G](#) contains four documents titled “Buttermilk Prescribed Burn Project, Humboldt-Toiyabe National Forest, Santa Rosa Ranger District”; “Campus Springs Watershed Project, Humboldt-Toiyabe National Forest, Santa Rosa Ranger District”; “Abel Seeding Headcut Project, Humboldt-Toiyabe National Forest, Santa Rosa Ranger District”; and “Quinn River Headcut Project, Humboldt-Toiyabe National Forest, Santa Rosa Ranger District,” provided by Jose Noriega, District Ranger, Santa Rosa Ranger District, USFS, USDA, Winnemucca.

[Exhibit H](#) is the draft EIS of the Humboldt Project Conveyance titled *Reclamation, Managing Water in the West*, referenced by Bennie Hodges, Secretary-Manager, PCWCD, Lovelock, and acquired through <http://pcwcd.com/>.

[Exhibit I](#) is a copy of the “Record of Decision” of the Humboldt Project Conveyance, referenced by Bennie Hodges, Secretary-Manager, PCWCD, Lovelock, and acquired through http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=550.

[Exhibit J](#) is the prepared testimony of Laurie R. Sada, Assistant Field Supervisor, Nevada Fish and Wildlife Office, USFWS, DOI, Reno, provided by Jeannie Stafford, Information Education Specialist, USFWS, Reno.

[Exhibit K](#) consists of four documents titled: (1) “Desert Tortoise Recovery Office”; (2) “Partners Restore Threatened Railroad Valley Spring Fish at the Duckwater Shoshone Reservation”; (3) “U.S. Fish and Wildlife Service Comparison of the Partners for Fish and Wildlife and the Private Stewardship Grant Programs”; and (4) “U.S. Fish and Wildlife

Service Grant Programs Summary,” provided by Jeannie Stafford, Information Education Specialist, USFWS, Reno.

[Exhibit L](#) is a brochure titled *U.S. Fish and Wildlife Service, Working Together, Tools for Helping Imperiled Wildlife on Private Lands*, provided by Jeannie Stafford, Information Education Specialist, USFWS, Reno.

[Exhibit M](#) is a leaflet titled “Mason Valley Wildlife Management Area,” provided by Terry Crawforth, Director, NDOW, Reno.

[Exhibit N](#) is a slide presentation titled “USFWS NFWO Conservation Partnerships Program,” provided by Jeannie Stafford, Information Education Specialist, USFWS, Reno.

[Exhibit O1](#) is a pamphlet titled “Nevada Department of Wildlife Landowner Incentive Program,” provided by Connie Lee, Wildlife Diversity Staff Specialist and Coordinator, Landowner Incentive Program, NDOW, Elko.

[Exhibit O2](#) is a document titled “Landowner Incentive Program Quarterly Update,” provided by Connie Lee, Wildlife Diversity Staff Specialist and Coordinator, Landowner Incentive Program, NDOW, Elko.

[Exhibit P](#) is a slide presentation titled “Nevada Department of Wildlife, Landowner Incentive Program,” provided by Connie Lee, Wildlife Diversity Staff Specialist and Coordinator, Landowner Incentive Program, NDOW, Elko.

[Exhibit Q](#) is a table summarizing NRCS program types, benefits, and 2005-2006 funding, provided by Richard Orr, Area Conservationist, Owyhee Area, NRCS, USDA, Elko.

[Exhibit R](#) is a document titled “Selection of Most Commonly Utilized NRCS Programs,” provided by Richard Orr, Area Conservationist, Owyhee Area, NRCS, USDA, Elko.

[Exhibit S](#) is a slide presentation titled “Natural Resource Conservation Service, Nevada,” provided by Richard Orr, Area Conservationist, Owyhee Area, NRCS, USDA, Elko.

[Exhibit T1](#) is a document titled “Off-Highway Vehicle Legislation Proposal,” provided by Terry Crawforth, Director, NDOW, Reno.

[Exhibit T2](#) is a copy of various sections of *Nevada Revised Statutes* dealing with off road/off-highway vehicles, provided by Terry Crawforth, Director, NDOW, Reno.

[Exhibit T3](#) is a document titled “Draft Model State Legislation,” provided by Terry Crawforth, Director, NDOW, Reno.

[Exhibit T4](#) is a document titled “Nevada OHV Statistics,” provided by Terry Crawforth, Director, NDOW, Reno.

[Exhibit T5](#) is a copy of the State of Arizona’s SB 1508 (Regulation of Off-highway Vehicles) from its Forty-seventh Legislature, Second Regular Session 2006, provided by Terry Crawford, Director, NDOW, Reno.

[Exhibit T6](#) is a document titled “Utah Off-Highway Vehicle Laws and Rules,” provided by Terry Crawford, Director, NDOW, Reno.

[Exhibit U](#) is a letter dated April 20, 2006, to the Members of the Legislative Committee on Public Lands from Gary Clinard, President, Dunes and Trails ATV Club, Las Vegas, provided by Michael J. Stewart, Committee Staff Director and Principal Research Analyst, Research Division, LCB, Carson City.

[Exhibit V1](#) is a pamphlet titled “ATV/Motorbike Registration and Equipment Requirements,” provided by David Claycomb, OHV Program Manager, IDPR, Boise.

[Exhibit V2](#) is a document titled “2005 ATV/Motorbike User Survey,” provided by David Claycomb, OHV Program Manager, IDPR, Boise.

[Exhibit V3](#) consists of several Idaho statutes related to recreational activities, provided by David Claycomb, OHV Program Manager, IDPR, Boise.

[Exhibit V4](#) is *Idaho Statutes* 63-2412, Title 63 (Revenue and Taxation), Chapter 24 (Fuels Tax), provided by David Claycomb, OHV Program Manager, IDPR, Boise.

[Exhibit V5](#) is a document titled “Idaho State Parks and Recreation OHV Education Course ATV – Fact Sheet,” provided by David Claycomb, OHV Program Manager, IDPR, Boise.

[Exhibit V6](#) is a booklet titled *Idaho All-Terrain Vehicle*, provided by David Claycomb, OHV Program Manager, IDPR, Boise.

[Exhibit W](#) is a slide presentation titled “Nevada Mining, State of the Industry, Legislative Committee on Public Lands Meeting, April 28, 2006, Battle Mountain, Nevada,” provided by Jonathan Brown, Director of Regulatory and Environmental Affairs, Nevada Mining Association, Reno.

[Exhibit X1](#) is a press release dated April 25, 2006, titled “Nevada Remains Nation’s Top Gold Producer,” provided by Alan R. Coyner, Administrator, Division of Minerals, Nevada’s Commission on Mineral Resources, Carson City.

[Exhibit X2](#) is a slide presentation titled “Nevada Legislative Committee on Public Lands, Battle Mountain, Nevada, April 28, 2006,” provided by Alan R. Coyner, Administrator, Division of Minerals, Nevada’s Commission on Mineral Resources, Carson City.

[Exhibit Y](#) is the prepared testimony of Steven Williams, District Ranger, Austin-Tonopah Ranger District, USFS, USDA, Austin, under the agenda item “General Review and Discussion of Mining Issues in Nevada: Economic Overview, Exploration, Permitting, Bonding, Reclamation, Federal Legislation, Abandoned Mine Lands, Millsite Issues, Water Usage, and Other Mining Topics.”

[Exhibit Z](#) is the prepared testimony of Steven Williams, District Ranger, Austin-Tonopah Ranger District, USFS, USDA, Austin, under the agenda item “Update and Overview of Public Lands Grazing in Nevada.”

[Exhibit AA](#) is a document titled “Update and Overview of Public Lands Grazing in Nevada,” provided by Gerald M. Smith, Field Manager, Battle Mountain Field Office, BLM, DOI, Battle Mountain.

[Exhibit BB](#) is a memorandum dated March 31, 2006, from Jon Hutchings, Natural Resource Manager, Eureka County, Eureka, to the [Nevada] Legislative Committee on Public Lands regarding grazing permit renewals.

[Exhibit CC](#) is a document titled “United States Department of the Interior, Bureau of Land Management, Washington, D.C., 20240, December 23, 1998,” regarding issuance of grazing permits in compliance with applicable laws, regulations, and policy, provided by John Falen, Chairman, Public Lands Committee, Nevada Cattlemen’s Association, and Member, Public Lands Council, Orvada.

[Exhibit CC1](#) is a document titled “Factsheet — ESA Reform, California Cattlemen’s Association,” provided by John Falen, Chairman, Public Lands Committee, Nevada Cattlemen’s Association, and Member, Public Lands Council, Orovada.

[Exhibit DD](#) is a document referenced by Jim Baumann, N-6 Grazing Board, Eureka, and Joe Fallini, Owner, Twin Springs Ranch, and Member, N-6 Grazing Board, Tonopah, titled “N-6 Grazing Board Summary of Grazier Issues and Concerns,” provided by Jon Hutchings, Natural Resource Manager, Eureka County, Eureka.

[Exhibit EE](#) is the prepared testimony of Mr. Floyd Rathbun, Certified Range Management Consultant, Fallon.

[Exhibit FF](#) is the prepared testimony of Joe Fallini, Member, N-6 Grazing Board, Tonopah, and the following documents provided by Mr. Fallini: (1) Assembly Bill 391 from the 2001 Nevada Legislature; (2) a map comparing the amount of public lands (everything in black) versus private lands (everything in white) in Nevada; (3) a list of authorities for Article IV, Section III, of the *United States Constitution*; (4) a Westlaw document relating to NRS 321.5973; (5) the beginning portion of the Federal Land Policy and Management Act of 1976; and (6) a one-page portion of a document titled, “The Taylor Grazing Act in Nevada.”

Exhibit GG is the prepared testimony of Mr. Floyd Rathbun, Certified Range Management Consultant, Fallon, and supporting documentation.

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.