



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

SUMMARY MINUTES AND ACTION REPORT

The fifth meeting of the Legislative Committee on Public Lands for the 2005-2006 interim was held on Friday, March 24, 2006, at 9 a.m. in the El Capitan Hotel and Casino, Trophy Room, Second Floor, 540 F Street, Hawthorne, 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
Gayle Nadeau, Senior Research Secretary, Research Division

OPENING REMARKS AND INTRODUCTIONS

Chairman Rhoads opened the meeting with Committee and staff introductions. He noted that the Legislative Committee on Public Lands had never met in Hawthorne, Nevada, and it was looking forward to hearing from the Hawthorne community.

APPROVAL OF THE “SUMMARY MINUTES AND ACTION REPORT” OF THE MEETING HELD ON JANUARY 27, 2006, IN FALLON, NEVADA

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

COMMISSIONER FRANSWAY MOVED TO AMEND THE MINUTES ON PAGE 5, WHICH SUMMARIZES SENATOR RHOADS’ COMMENTS UNDER AGENDA ITEM IX, “REVIEW OF DRAFT COMMITTEE RESOLUTION REGARDING POSSIBLE AMENDMENTS TO THE ENDANGERED SPECIES ACT OF 1973,” BY REPLACING THE WORD “CONGRESS” WITH THE WORDS “HOUSE OF REPRESENTATIVES.” WITH THIS CHANGE, COMMISSIONER FRANSWAY RECOMMENDED APPROVAL OF THE “SUMMARY MINUTES AND ACTION REPORT” OF THE MEETING HELD ON JANUARY 27, 2006, IN FALLON, NEVADA. THE MOTION WAS SECONDED BY SENATOR MCGINNESS AND PASSED. ASSEMBLYWOMAN OHRENSCHALL WAS ABSENT FOR THE VOTE.

UPDATE OF PUBLIC LANDS AND NATURAL RESOURCE ISSUES IN MINERAL AND ESMERALDA COUNTIES AND OVERVIEW OF NATURAL RESOURCE ISSUES IMPACTING THE WALKER RIVER PAIUTE TRIBE

- Richard Bryant, Chairman, Board of County Commissioners, Mineral County, Hawthorne, testified regarding Mineral County’s economic constraints because more than 95 percent of its land is under federal management. Additional issues addressed by Mr. Bryant included: (1) insufficient Payment in Lieu of Taxes funding to offset the cost of services that must be rendered; (2) the State of Nevada’s possessory use tax; (3) the cumbersome and expensive process involved to obtain ownership of some of the County’s federally managed lands; (4) the impact from the United States Department of Defense base realignment and closure process; and (5) the status of land sales by Mineral County.

Discussion followed regarding planning support for rural counties and the role of the Bureau of Land Management (BLM) in those counties.

- Nancy Boland, Member, Board of County Commissioners, Esmeralda County, Goldfield, Nevada, provided testimony on a Congressional townsite trespass bill for the historic towns of Goldpoint and Ione, Nevada; economic justice for the County; and various natural resource issues. (Please see [Exhibit B](#).)

REVIEW OF ACTIVITIES AND PROGRAMS OF THE HAWTHORNE ARMY AND AMMUNITION DEPOT

- Herman Millsap, Environmental Coordinator, Hawthorne Army Depot, Hawthorne, presented a slide presentation in which he addressed the following particulars: (1) the mission of the Hawthorne Army Depot; (2) the Depot's operating contractor; (3) the personnel profile of employees at the Depot; (4) the economic impact it has on Mineral County; (5) the total acreage of the Depot; (6) tenant activities; (7) ammunition operations; (8) demilitarization; (9) renovation of the Depot; (10) environmental issues; (11) military training; and (12) the uniqueness of the facility. (Please see [Exhibit C.](#))

REVIEW OF DOMESTIC SHEEP GRAZING AND THE PRESENCE OF SIERRA NEVADA BIGHORN SHEEP IN WEST CENTRAL NEVADA

Update on the Impact of the Sierra Nevada Bighorn Sheep on Domestic Sheep Populations at the F.I.M. Corporation's Ranch Operations

- Fred Fulstone, F.I.M. Corporation, Smith, Nevada, testified regarding the F.I.M. Corporation's efforts to avoid losing its sheep grazing allotments to habitat specifically designated for the Sierra Nevada Bighorn Sheep. He stated that his corporation has spent approximately \$400,000 over the past 20 years appealing agency decisions and purchasing additional allotment permits to continue in the sheep business. Mr. Fulstone opined that he supports H.R. 3824 (Threatened and Endangered Species Recovery Act of 2005) that passed in the U.S. House of Representatives in September of 2005 and is currently under consideration in the U.S. Senate. (Please see [Exhibit D.](#))
- Floyd W. Rathbun, Ranch Consultant and Certified Range Management Consultant, Fallon, testified regarding the problems that the F.I.M. Corporation is experiencing due to the Sierra Nevada Bighorn Sheep encroaching into the Corporation's domestic sheep allotments. (Please see [Exhibit E.](#))

Domestic Sheep Grazing Activity on the Bridgeport Ranger District

- Cheryl Probert, District Ranger, Bridgeport Ranger District, U.S. Forest Service (USFS), United States Department of Agriculture (USDA), Bridgeport, California, provided an update on the District's work with the livestock grazing permittees and the U.S. Fish and Wildlife Service's (USFWS) management agencies to continue allowing domestic sheep grazing in the vicinity of the Sierra Nevada Bighorn Sheep and Lahontan Cutthroat Trout habitats. (Please see [Exhibit F.](#))
- Laurie R. Sada, Assistant Field Supervisor, Nevada Fish and Wildlife Office, USFWS, Reno, Nevada, discussed the history of the USFWS involvement with the

Sierra Nevada Bighorn Sheep on the Humboldt-Toiyabe National Forest. (Please see [Exhibit G](#), [Exhibit H](#), and [Exhibit I](#).)

DISCUSSION AND UPDATES CONCERNING WALKER RIVER, WALKER LAKE, AND THE WALKER RIVER BASIN

Overview of the State of Nevada's Role Concerning Walker Lake and the Walker River System

- Allen Biaggi, Director, State Department of Conservation and Natural Resources (SDCNR), Carson City, Nevada, provided a brief overview of Walker Lake and the Walker River System. Mr. Biaggi focused his testimony on the following particulars: (1) the Walker River system and water resources; (2) the water quality of Walker Lake; and (3) ongoing litigation and mediation. (Please see [Exhibit J](#).)

Update on the United States Geological Survey (USGS) Study Concerning the Hydrology of the Walker River Basin

- Tom Lopes, Project Lead, Walker River Basin Project, USGS, U.S. Department of the Interior (DOI), Carson City, provided an update on the USGS study concerning the hydrology of the Walker River Basin. Mr. Lopes noted that the study began in 2004 and is being conducted in cooperation with the Bureau of Reclamation. Highlights of Mr. Lopes' presentation included: (1) evapotranspiration issues in the Walker River Basin and at Walker Lake; (2) the objectives of the study; (3) the status of activities; and (4) plans for the upcoming year. (Please see [Exhibit K](#).)

Overview of Federal Activities and Congressional Involvement in Walker River and Walker Lake Issues

- Mary Conelly, State Director, Office of U.S. Senator Harry Reid, Reno, testified that Senator Reid has been actively involved for over 13 years in efforts to save Walker Lake, noting that in May 2002 he was successful in acquiring a \$200 million appropriation through the Farm Security and Investment Act (FSIA) of 2002. Ms. Conelly declared that the original language in the bill stated the appropriated funds were for the benefit of desert terminus lakes and could not be used to purchase or lease water rights. She listed various projects and the amounts appropriated through the FSIA for those projects.

Review of Cultural, Historical, and Current Uses of Walker Lake and the Walker River System by the Walker River Paiute Tribe

- Genia Williams, Chairman, Walker River Paiute Tribe, Schurz, Nevada, provided a history of the Walker River Paiute Tribe. She testified that the Tribe is federally recognized and that the reservation was established on March 19, 1874, by Executive Order. Ms. Williams noted that the Walker River Paiute Tribe has significant historical and cultural ties to Walker Lake. She declared the Tribe considers Walker Lake a natural treasure and works to ensure that it will be sustained for future generations. (Please see [Exhibit L.](#))
- Elveda Martinez, Water Resources Coordinator, Walker River Paiute Tribe, Schurz, provided an overview of Walker Lake and other natural resources surrounding the area during her slide presentation. She called attention to the Walker River Paiute Tribe's concern regarding limited access to pine nut gathering for the Tribe's cultural traditions. (Please see [Exhibit M.](#))
- Miranda Quintero, Vice Chairman, Walker River Paiute Tribe, Schurz, invited the Committee to a Walker River Paiute Tribe and Fallon Paiute-Shoshone Tribe combined walking event in conjunction with the National Crime Victims' Rights Week of April 23 through 29, 2006. (Please see [Exhibit N.](#))

Update on the Activities and Programs of the Walker River Irrigation District

- Ken Spooner, Executive Director, Walker River Irrigation District (WRID), Hawthorne, provided introductory comments.
- Gordon DePaoli, Legal Counsel, WRID, Hawthorne, focused his testimony on water resource issues in the Walker River Basin, and primarily on Walker Lake. Mr. DePaoli addressed the following particulars: (1) the background of the WRID; (2) the geography of the Walker River; (3) the administration of surface water rights on the Walker River system; (4) groundwater rights in the Walker River Basin; (5) a surface water right for Walker Lake; (6) pending related legal proceedings; (7) the interstate allocation of water; (8) ongoing mediation; and (9) WRID activities with respect to Walker Lake. (Please see [Exhibit O.](#))

Overview of the Activities and Programs of the Walker Lake Working Group

- Louis Thompson, Chairman, Walker Lake Working Group (WLWG), Hawthorne, discussed the mission of the WLWG and its involvement to restore and protect Walker Lake. Mr. Thompson opined that the lake falls within the category of a natural treasure, and it is deserving of preservation as an outdoor recreation area. (Please see [Exhibit P](#) and [Exhibit Q.](#))

- Glenn Bunch, Vice Chairman, WLWG, Hawthorne, commented on the status of serving the notice of the petition to intervene in the Walker River Decree to all water rights owners in the Walker River Basin.

DISCUSSION OF ENERGY DEVELOPMENT ON NEVADA'S PUBLIC LANDS

Review of Bureau of Land Management (BLM) Involvement and Strategies Concerning Energy Development on Public Lands in Nevada

- Rich Hoops, Energy Representative, BLM, Nevada, DOI, Reno, provided an overview of energy programs on BLM-administered lands in the State. Mr. Hoops focused his testimony on oil and gas, geothermal, and wind energy. He discussed oil, gas, and geothermal leasing, noting their potential economic benefits to Nevada.

Overview of the Activities and Programs of the Nevada State Energy Office and the Governor's Involvement in Energy Development on Public Lands in Nevada

- Rebecca Wagner, Director, Nevada State Office of Energy and Advisor to Governor Kenny C. Guinn on Energy Issues, Carson City, provided an overview of the following particulars during her presentation: (1) a brief history of the Nevada State Office of Energy as well as the responsibilities of the office; (2) its projects and activities; (3) renewable energy development in Nevada; (4) geothermal, solar, and wind energy; (5) biomass; (6) fossil fuels; and (7) energy transmission. (Please see [Exhibit R](#).)

REVIEW OF BIOMASS PROGRAMS AND OPPORTUNITIES ON PUBLIC LANDS IN NEVADA

Update on Biomass Activity Relative to the Statewide Biomass Coordinating Group

- John McLain, Principal Resource Specialist, Resource Concepts, Inc., Carson City, provided an overview of the Statewide Biomass Coordinating Group and its activities in the State. He noted that the Group consists of private sector individuals and also collaborates with the BLM and the Nevada State Energy Office. Mr. McLain said the Group is a solution-oriented organization and seeks various means of taking enormous amounts of biomass and converting it into a resource for economic uses. Mr. McLain testified that by thinning the forests of the biomass accumulation over the past 30 to 40 years, the forests are opened up and become less of a fire risk, as well as provide better habitat for wildlife.

Review of Biomass Initiatives and Strategies of the Nevada Renewable Energy and Energy Conservation Task Force

- Dr. Elwood Miller, Biomass Representative, Nevada Renewable Energy and Energy Conservation Task Force, Reno, shared that the Task Force was created by the Nevada Legislature with the enactment of Assembly Bill 661 (Chapter 604, *Statutes of Nevada 2001*). He testified regarding the Task Force's responsibilities mandated by the legislation. Other highlights of Dr. Miller's testimony included: (1) the Task Force's educational program; (2) renewable energy portfolio standards; (3) Nevada's Fuels for Schools program; (4) the reduction of wildfires in high-risk communities by reducing the amount of accumulated biomass; (5) the economic uses for biomass material, including electrical power generation; and (6) the Task Force's Web site, which can be accessed through the following link: www.nevadarenewables.org.

OVERVIEW OF ACTIVITIES AND PROGRAMS OF NEVADA'S DIVISION OF FORESTRY (NDF)

- Pete Anderson, State Forester, NDF, SDCNR, Carson City, addressed the following issues, activities, and programs during his presentation: (1) the rapid urban growth encroaching into historically rural forest and woodland areas; (2) the resource management program; (3) the forest legacy program, which provides federal funding to keep private forest lands intact through active management and the establishment of conservation easements for the purchase of specific lands; (3) the fire management program; (4) a trial project utilizing sheep for fuels reduction, which will be evaluated for possible expansion of utilizing livestock for fuels reduction across Nevada; (5) the conservation camp program; (6) the Fuels for Schools program and the collaborative relationship with the Nevada Renewable Energy and Energy Conservation Task Force; and (7) the emergency services transition in Washoe County. (Please see [Exhibit S](#) and [Exhibit T](#).)

DISCUSSION REGARDING THE GOVERNOR'S INTERACTION WITH THE U.S. FOREST SERVICE AND THE "ROADLESS DESIGNATION" PROCESS

- Steve Robinson, Deputy Chief of Staff, Office of Nevada Governor Kenny C. Guinn, Carson City, provided a briefing on the following issues regarding the Governor's interaction with the USFS and the "roadless designation" process: (1) the George W. Bush Administration's rule on the roadless designation process asking the states' governors to participate in the designation process; (2) the progress in working with the USFS on the roadless designation process; (3) a disagreement with the USFS on wilderness area evaluations, with the State being of the opinion that wilderness decisions fall under the purview of Nevada's Congressional Delegation.

Additionally, Mr. Robinson offered clarifying comments regarding the following issues: (1) transfers of BLM land to the State; and (2) the Walker River, Walker Lake, and the Walker River Basin.

OVERVIEW OF THE FOREST PLAN REVISION PROCESS AND ITS RELATION TO “ROADLESS DESIGNATION” AND TRAVEL MANAGEMENT PLANNING BY THE U.S. FOREST SERVICE

- Michael Hampton, Forest Planner, Humboldt-Toiyabe National Forest, USFS, USDA, Sparks, provided an overview of the forest plan revision process, travel management, and their relation to roadless area management. He stated that the forest plans provide important guidance on the uses of the national forests. Mr. Hampton noted that community workshops are underway that include the public, and state, local, and tribal governments in the planning process. He shared that the travel management process addresses designation of travel routes for various types of motorized and nonmotorized use. Mr. Hampton explained that roadless areas are defined as areas within the national forest that are adjacent to existing wilderness areas, do not contain USFS roads, and are generally undeveloped. (Please see [Exhibit U](#) and [Exhibit V](#).)

REVIEW OF PROPOSAL TO FUND NOXIOUS WEED CONTROL EFFORTS AND WEED PERSONNEL IN THE STATE OF NEVADA

- Ken Thompson, Advisor to the Tonopah Conservation District, Fallon, provided testimony regarding the Tonopah Conservation District’s long-term State of Nevada weed control program funding proposal for the Nevada Legislature to impose a service tax of one-tenth of \$1 million on each vehicle registration and registration renewal in accordance with the *Nevada Constitution* in Article 9 (“Finance and State Debt”), Section 5 (“Proceeds from fees for licensing and registration of motor vehicles and excise taxes on fuel reserved for construction, maintenance and repair of public highways; exception”). (Please see [Exhibit W](#).)

PUBLIC COMMENTS

- Ken Thompson opined that the final decisions regarding the forest plan revision process and the relation to roadless designation and travel management planning by the USFS need to ensure that the permittees who utilize off-road vehicles (OHVs) to monitor their grazing operations and handle fence tending needs, et cetera, can continue to use their OHVs for these purposes.

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

Discussion ensued regarding adding a third day to the Committee’s upcoming informational tour in mid-June to Washington, D.C., to allow for more flexibility and meeting options in scheduling tour appointments. At the conclusion of the dialogue between Committee members

and Michael J. Stewart, Committee Staff Director and Principal Research Analyst, Research Division, Legislative Counsel Bureau, it was the consensus of the Committee to move forward in planning the June informational tour for a third day. Therefore, the tour dates are scheduled for June 13, 14, and 15, 2006.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 3:26 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 the prepared testimony of Nancy Boland, Member, Board of County Commissioners, Esmeralda County, Goldfield, provided by Ms. Boland.

[Exhibit C](#) is a slide presentation titled “Hawthorne Army Depot, Public Lands Committee Briefing,” provided by Herman Millsap, Environmental Coordinator, Hawthorne Army Depot, Hawthorne.

[Exhibit D](#) is the prepared testimony of Fred Fulstone, F.I.M. Corporation, Smith, provided by Mr. Fulstone.

[Exhibit E](#) is the prepared testimony of Floyd W. Rathbun, Ranch Consultant and Certified Range Management Consultant, Fallon, and four accompanying documents provided by Mr. Rathbun, identified as follows:

1. A letter from Cheryl Probert, District Ranger, Bridgeport Ranger District, USFS, USDA, Bridgeport, to Robert D. Williams, Field Supervisor, USFWS, Reno, dated December 2, 2005, regarding evaluation of F.I.M. grazing during the summer of 2005;
2. A letter from F.I.M. Corporation to Cheryl Probert, District Ranger, Bridgeport Ranger District, USFS, USDA, Bridgeport, dated November 8, 2005, regarding 2005 grazing instructions;
3. The text of an F.I.M. oral presentation, dated March 16, 2005, regarding Appeal Number 4-0417-0011 (Appeal of Decision to Rescind Grazing Authorization in Dunderberg Allotment);
4. A map with the handwritten title of “Smith Valley, Nevada, FIM Headquarters”; and
5. A facsimile from Floyd W. Rathbun to Craig Manson, Assistant Secretary for Fish and Wildlife and Parks, DOI, dated September 20, 2004, regarding distinct population segments in the Endangered Species Act of 1973.

[Exhibit F](#) is the prepared testimony of Cheryl Probert, District Ranger, Bridgeport Ranger District, USFS, USDA, Bridgeport, provided by Ms. Probert.

[Exhibit G](#) contains the talking points for Laurie R. Sada, Assistant Field Supervisor, Nevada Fish and Wildlife Office, USFWS, Reno, provided by Jeannie Stafford, Information Education Specialist, USFWS, Reno.

[Exhibit H](#) is a document titled “U.S. Fish and Wildlife Service, Sierra Nevada Bighorn Sheep,” provided by Jeannie Stafford, Information Education Specialist, USFWS, Reno.

[Exhibit I](#) is a newsletter titled “U.S. Fish and Wildlife Service, Nevada Fish and Wildlife Office,” dated Fall/Winter 2005, provided by Jeannie Stafford, Information Education Specialist, USFWS, Reno.

[Exhibit J](#) is a slide presentation titled “An Overview of Walker River and Walker Lake,” provided by Allen Biaggi, Director, SDCNR, Carson City.

[Exhibit K](#) is a slide presentation titled “Science to Sustain At-Risk Terminal Lakes, Walker River Basin Project,” provided by Tom Lopes, Project Lead, Walker River Basin Project, USGS, United States Department of the Interior (DOI), Carson City.

[Exhibit L](#) is the prepared testimony of Genia Williams, Chairman, Walker River Paiute Tribe, Schurz, provided by Ms. Williams.

[Exhibit M](#) is a slide presentation titled “Walker Lake and Other Natural Resources,” provided by Elveda Martinez, Water Resources Coordinator, Walker River Paiute Tribe, Schurz.

[Exhibit N](#) is a document titled “Tribe’s Unite in Victim Awareness,” provided by Miranda Quintero, Vice Chairman, Walker River Paiute Tribe, Schurz.

[Exhibit O](#) is the prepared testimony of Gordon DePaoli, General Counsel, WRID, Reno, provided by Ken Spooner, Executive Director, WRID, Hawthorne.

[Exhibit P](#) is a slide presentation titled “Walker Lake Working Group,” provided by Louis Thompson, Chairman, Walker Lake Working Group, Hawthorne.

[Exhibit Q](#) is a promotional pamphlet titled “Walker Lake, Worth Visiting...Worth Saving,” provided by Louis Thompson, Chairman, Walker Lake Working Group, Hawthorne.

[Exhibit R](#) is a slide presentation titled “Office of the Governor, Office of energy,” provided by Rebecca Wagner, Director, Nevada State Office of Energy and Advisor to Governor Kenny C. Guinn on Energy Issues, Carson City.

[Exhibit S](#) is a slide presentation titled “Nevada Division of Forestry,” provided by Pete Anderson, State Forester, NDF, SDCNR, Carson City.

[Exhibit T](#) is a document titled “Information Item, Washoe County Operated NRS 473 Sierra Forest Fire Protection district in Washoe County, Nevada,” provided by Pete Anderson, State Forester, NDF, SDCNR, Carson City.

[Exhibit U](#) is the prepared testimony of Michael Hampton, Forest Planner, Humboldt-Toiyabe National Forest, USFS, USDA, Sparks, provided by Mr. Hampton.

[Exhibit V](#) is a document titled “Question and Answers,” regarding the USFS forest plan revision, travel management, and roadless designation issue, provided by Michael Hampton, Forest Planner, Humboldt-Toiyabe National Forest, USFS, USDA, Sparks.

[Exhibit W](#) is a document titled “2006 Weed Funding Request,” provided by Ken Thompson, Advisor to the Tonopah Conservation District, Fallon.

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.