



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

SUMMARY MINUTES AND ACTION REPORT

The third meeting of the Legislative Committee on Public Lands for the 2005-2006 interim was held on Wednesday, December 14, 2005, at 10:30 a.m. in the Pahrump Community Library, 701 East Street, Pahrump, 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. 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
Tom Fransway, Humboldt County Commissioner

COMMITTEE MEMBER ABSENT:

Assemblywoman Genie Ohrenschall

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
Craig Hoffercker, Senior Research Analyst, Research Division

OPENING REMARKS AND INTRODUCTIONS

Chairman Rhoads opened the meeting with Committee and staff introductions. He commented on the changes in the Town of Pahrump since the Legislative Committee on Public Lands last met in Pahrump, which was in April of 2002.

UPDATE OF PUBLIC LANDS AND NATURAL RESOURCE ISSUES IN NYE COUNTY AND SOUTHWEST NEVADA

Introduction to Pahrump and Review of Public Lands and Natural Resource Issues in Pahrump

- Dave Richards, Town Manager, Town of Pahrump, provided introductory comments regarding issues the town is challenged with due to its population growth, which has doubled each of the past two decades. He introduced a booklet about Pahrump, which he focused his testimony on during his presentation. The major topics covered in the publication and addressed by Mr. Richards include: (1) community affairs; (2) demographics; (3) business; and (4) quality of life. He noted the booklet will be used by the Town of Pahrump for economic development and tourism efforts. (Please see [Exhibit B.](#))

Overview of Public Lands Issues in Nye County

- Gary Hollis, Commissioner, Nye County Board of Commissioners, Tonopah, Nevada, testified regarding the following issues: (1) flood control assistance; (2) rights-of-way with the Bureau of Land Management (BLM), United States Department of the Interior (DOI), and working through various projects with the BLM in a timely manner; (3) the County's frustration of having to deal with five BLM districts; (4) landfills; (5) endangered species; (6) agriculture; (7) wild horses and burros; (8) acquiring public lands for multiple uses; and (9) an unfunded mandate to reduce dust in the County. Mr. Hollis requested support from the Legislative Committee on Public Lands toward Nye County's efforts of having it, and possibly including Esmeralda County, in one BLM district.

Update of Bureau of Land Management Planning Efforts and Activities in Portions of Southern Nevada

- William Fisher, Tonopah Field Station Manager, BLM, DOI, Tonopah, discussed the following BLM project planning efforts in southern Nye County for Fiscal Year (FY) 2006: (1) a public land act for Nye County; (2) north Beatty land sales; (3) Beatty land sale; (4) Montezuma, Razorback, and Springdale No. 2 allotments rangeland health assessment; (5) metallic gold ventures; (6) Spicerite Plan of Operations (Beatty); (7) the U.S. Department of Energy's (DOE) railroad grade in the Tonopah planning area; (8) the Rhyolite ghost town; and (9) construction of a

cellular tower for coverage from Las Vegas, Nevada, to Hawthorne, Nevada, on the U.S. 95 corridor. (Please see [Exhibit C](#) and [Exhibit D](#).)

- Angie Lara, Associate Field Manager, Las Vegas Field Office, BLM, DOI, Las Vegas, referenced a pamphlet (please see [Exhibit E](#)) and testified on the following matters: (1) the Pahrump fire station; (2) participation in meetings regarding a Nye County lands bill; (3) participation in meetings with the Division of Forestry, State Department of Conservation and Natural Resources (SDCNR), Nye County, and Pahrump to work on a community assistance grant from BLM for fuels reduction; (4) a use permit for the Nye County Road Department for aggregate; (5) efforts to fund a resident law enforcement ranger in Pahrump; (6) ways to streamline rights-of-way for flood control, as well as other processes; (7) community liaisons; (8) Nye County workload prioritization; (9) use of funds from the Southern Nevada Public Lands Management Act of 1998 (SNPLMA) for exportable practices such as litter control and dumping, recreation, environmental education, and resource protection; and (10) construction of a new visitors' center for the Red Rock Canyon National Conservation Area.

Update of U.S. Forest Service (USFS) Activities and Planning Efforts in Nye County

- Steve Williams, District Ranger, Austin and Tonopah Ranger Districts, USFS, U.S. Department of Agriculture (USDA), Tonopah, provided an update on the Austin and Tonopah Ranger Districts. He addressed the following activities: (1) wild horses and burros; (2) the central Nevada elk plan; (3) noxious weeds; (4) fire and fuels management; (5) designation of travel routes; and (6) minerals exploration. Mr. Williams noted that the Austin and Tonopah Ranger Districts are also participating in the development of the Nye County public lands bill. (Please see [Exhibit F](#).)

UPDATE ON THE NEVADA RAIL ALIGNMENT ENVIRONMENTAL IMPACT STATEMENT (CALIENTE RAILROAD CORRIDOR) ISSUED BY THE U.S. DEPARTMENT OF ENERGY (DOE)

- Ned Larson, Division Director, Infrastructure Development Division, Office of National Transportation, Office of Civilian Radioactive Waste Management (OCRWM), DOE, Washington, D.C., provided an update on the environmental impact statement for the Caliente Railroad Corridor issued by the DOE. Mr. Larson's presentation addressed the following issues: (1) FY 2006 priorities; (2) the development of a rail line in Nevada; (3) the status of land withdrawal from the BLM; and (4) safety issues regarding transporting nuclear waste via the nation's rail system. (Please see [Exhibit G](#).)

REVIEW OF THE NEVADA RAIL ALIGNMENT (CALIENTE RAILROAD CORRIDOR) BY NEVADA'S AGENCY FOR NUCLEAR PROJECTS

- Joe Strolin, Planning Division Administrator, Agency for Nuclear Projects, Carson City, Nevada, discussed the following topics during his presentation: (1) the State's lawsuit challenging the DOE's rail corridor selection; (2) an overview of Yucca Mountain transportation issues; (3) a brief history of the DOE's rail access activities; and (4) the particulars of the Caliente Rail Corridor. (Please [Exhibit H](#) and [Exhibit I.](#))

UPDATE ON THE UTILIZATION OF GRANT FUNDS FOR BIOMASS PROJECTS IN NEVADA, REVIEW OF BIOMASS PROGRAMS AND OPPORTUNITIES ON PUBLIC LANDS IN NEVADA, UPDATE ON NEVADA'S FUELS FOR SCHOOLS PROGRAM, AND DISCUSSION OF OTHER BIOMASS INITIATIVES

- Tom Baker, Capitol City Coordinator, Humboldt-Toiyabe National Forest, USFS, USDA, Sparks, Nevada, provided an update on a portion of the USFS and State and Private Forestry grant program for the utilization of biomass in Nevada. Mr. Baker noted there are five categories of biomass: (1) urban residues; (2) mill residues; (3) forest residues; (4) agricultural residues; and (5) energy crops. (Please see [Exhibit J.](#))
- Jo Simpson, Chief, Office of Communications, BLM, DOI, Reno, Nevada, testified regarding the BLM's Nevada forest biomass utilization. She addressed the following issues: (1) supply; (2) current and potential biomass markets; (3) projects that produce biomass; and (4) barriers to using biomass. Ms. Simpson averred that the cost to export the biomass is more than its current economic value; however, she noted it does have significant future economic potential. (Please see [Exhibit K.](#))
- Jason Perock, Fuels for Schools Program Coordinator, Division of Forestry, SDCNR, Carson City, provided an update on grant funding sources and further fund-raising efforts for the Fuels for Schools Program in Nevada. He also testified on the David E. Norman Elementary School's biomass-fueled heating plant, which is located in Ely, Nevada. He noted that besides providing heat for the school, the plant also supplies all of the school's domestic hot water. The plant has been in operation since March of 2005, providing an estimated annual savings to the White Pine County School District of \$18,000. Mr. Perock noted that the school's old heating system remains in place to serve as a backup to the biomass heating plant. (Please see [Exhibit L.](#))

Mr. Perock also reported on the status of the Northern Nevada Correctional Center's renewable energy center in Carson City. The energy center is scheduled to be operational in January of 2007, and it will produce heat and power for the institution. Another factor besides biomass as a renewable energy source for the energy center will be a small photovoltaic solar component. Mr. Perock noted that the 20- to 30-year savings over the life of the boiler is estimated to be approximately \$3 million.

COMMITTEE DISCUSSION OF POSSIBLE RESOLUTION OR LETTER SUPPORTING H.R. 3824 (THREATENED AND ENDANGERED SPECIES RECOVERY ACT OF 2005)

- Senator Rhoads announced that Commissioner Fransway requested this agenda item for consideration by the Legislative Committee on Public Lands.
- Commissioner Fransway opined that the Endangered Species Act (ESA) of 1973 needs to be streamlined, and he asked the Committee to convey its support to the U.S. Congress for passage of H.R. 3824 (dealing with reforming the 1973 legislation) in the U.S. Senate, which has passed in the House of Representatives.
- The Committee **APPROVED THE FOLLOWING ACTION:**

COMMISSIONER FRANSWAY MOVED TO DRAFT A RESOLUTION FOR CHAIRMAN RHOADS' SIGNATURE SUPPORTING H.R. 3824 AND REFER THE RESOLUTION TO THE NEVADA ASSOCIATION OF COUNTIES, THE NEVADA LEAGUE OF CITIES, AND TO NEVADA'S CONGRESSIONAL DELEGATION, AS WELL AS SEND LETTERS TO NEVADA'S CONGRESSIONAL DELEGATION CONVEYING THE COMMITTEE'S SUPPORT FOR THE PASSAGE OF H.R. 3824 IN THE U.S. SENATE. THE MOTION WAS SECONDED BY ASSEMBLYMAN CLABORN AND PASSED UNANIMOUSLY AMONG THOSE PRESENT.

STAFF OVERVIEW OF SENATE BILL 400 OF THE 2005 LEGISLATIVE SESSION (CHAPTER 441, *STATUTES OF NEVADA*) AND BRIEF DISCUSSION OF PREVIOUS LEGISLATIVE EFFORTS TO REGULATE OFF-HIGHWAY VEHICLES IN NEVADA

- Michael J. Stewart, Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB), Carson City, provided a brief review of the legislative history regarding S.B. 400, and he highlighted the salient points brought forward in testimony during the 2003-2004 interim regarding the regulation and registration of off-highway vehicles (OHVs) in Nevada. (Please see [Exhibit M.](#))
- J. Randall Stephenson, Principal Deputy Legislative Counsel, Legal Division, LCB, Carson City, provided an overview of the following four broad categories covered in various sections of S.B. 400: (1) definitions; (2) authorized dealers; (3) receipt and placement of Certificates of Operation; and (4) authorized operation of OHVs. (Please see [Exhibit N.](#))

PUBLIC COMMENTS

- Paul Willis, Board Member, Town of Pahrump, addressed the following issues important to Pahrump and Nye County: (1) agriculture; (2) water rights; (3) dust control; (4) noxious weed abatement; (5) endangered species; (6) payment in lieu of taxes; (7) the need for more accountability from various State agency bureaucracies; and (8) concerns regarding S.B. 400.
- Jim Petell, Chairman, Public Lands Advisory Board, Town of Pahrump, discussed several projects the Town of Pahrump would like to accomplish on approximately 9,000 acres of BLM-disposable land.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 2:32 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 booklet titled *Discover Pahrump*, provided by Dave Richards, Town Manager, Town of Pahrump.

[Exhibit C](#) is the testimony notes of William Fisher, Tonopah Field Station Manager, BLM, DOI, Tonopah, titled “Southern Nye County BLM Project Planning FY 2006,” provided by Mr. Fisher.

[Exhibit D](#) is a document titled “Project and Planning Schedule 2006, United States Department of the Interior, Bureau of Land Management, Battle Mountain Field Office, Tonopah Field Station,” provided by William Fisher, Tonopah Field Station Manager, BLM, DOI, Tonopah.

[Exhibit E](#) is a pamphlet provided by Angie Lara, Associate Field Manager, Las Vegas Field Office, BLM, DOI, Las Vegas, titled “2005 Accomplishments, We’ll knock your socks off!”

[Exhibit F](#) is the prepared testimony of Steve Williams, District Ranger, Austin/Tonopah Ranger District, USFS, USDA, Tonopah, provided by Mr. Williams.

[Exhibit G](#) is a slide presentation titled “Office of National Transportation Infrastructure Development,” provided by M. Lee Bishop, EIS Document Manager, Infrastructure Development, Office of National Transportation, OCRWM, DOE, Las Vegas.

[Exhibit H](#) is a slide presentation titled “State of Nevada Perspective on DOE’s Proposed Caliente Rail Spur,” provided by Joe Strolin, Planning Division Administrator, Agency for Nuclear Projects, Carson City.

[Exhibit I](#) is an article from the October 2005 issue of *Nuclear Engineering International* titled “Railroading Nevada,” provided by Joe Strolin, Planning Division Administrator, Agency for Nuclear Projects, Carson City.

[Exhibit J](#) is the prepared testimony of Tom Baker, Capitol City Coordinator, Humboldt-Toiyabe National Forest, USFS, USDA, Sparks, and two additional documents provided by Mr. Baker, titled: (1) “Biomass Utilization”; and (2) “Appendix 2, P.L. 109-190, Energy Policy Act of 2005, Conference Report.”

[Exhibit K](#) is the testimony notes of Jo Simpson, Chief, Office of Communications, BLM, DOI, Reno, titled “Bureau of Land Management Nevada Forest Biomass Utilization,” provided by Ms. Simpson.

[Exhibit L](#) is a packet provided by Jason Perock, Fuels for Schools Program Coordinator, Division of Forestry, SDCNR, Carson City, containing the following documents: (1) a slide presentation titled “David E. Norman Elementary School, Ely, Nevada”; (2) a pamphlet titled

“Fuels for Schools, February 2004”; and (3) a January 2004 booklet titled “The right idea, for the right reason, at the right time. Fuels for Schools, A Business Outlook.”

[Exhibit M](#) is the legislative history for S.B. 400 provided by Michael J. Stewart, Principal Research Analyst, Research Division, LCB, Carson City.

[Exhibit N](#) is a document titled “Discussion of Senate Bill No. 400,” provided by J. Randall Stephenson, Principal Deputy Legislative Counsel, Legal 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 or telephone: 775/684-6827.