



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

**SUMMARY MINUTES AND ACTION REPORT**

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The first meeting of the Legislative Committee on Public Lands for the 2005-2006 interim was held on Wednesday, October 5, 2005, at 9:30 a.m. in the Elko Convention Center, Silver Room, 700 Moren Way, Elko, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's Web site at [www.leg.state.nv.us/73rd/Interim](http://www.leg.state.nv.us/73rd/Interim). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (e-mail: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775/684-6835).

**COMMITTEE MEMBERS PRESENT:**

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

**OTHER LEGISLATOR PRESENT:**

Assemblyman John C. Carpenter

**LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Michael J. Stewart, Principal Research Analyst, Research Division  
Gayle Nadeau, Senior Research Secretary, Research Division

## **ELECTION OF CHAIRMAN AND VICE CHAIRMAN**

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

ASSEMBLYMAN MARVEL NOMINATED SENATOR RHOADS TO SERVE AS THE COMMITTEE'S CHAIRMAN. THE NOMINATION WAS SECONDED BY ASSEMBLYMAN CLABORN AND PASSED. ASSEMBLYWOMAN OHRENSCHALL WAS ABSENT FOR THE VOTE.

ASSEMBLYMAN CLABORN NOMINATED ASSEMBLYMAN MARVEL TO SERVE AS THE COMMITTEE'S VICE CHAIRMAN. THE NOMINATION WAS SECONDED BY SENATOR CARE AND PASSED. ASSEMBLYWOMAN OHRENSCHALL WAS ABSENT FOR THE VOTE.

## **OPENING REMARKS AND INTRODUCTIONS**

Chairman Rhoads opened the meeting with Committee and staff introductions.

## **APPROVAL OF THE "SUMMARY MINUTES AND ACTION REPORT" OF THE MEETING HELD ON AUGUST 27, 2004, IN CARSON CITY, NEVADA**

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

ASSEMBLYMAN MARVEL MOVED TO APPROVE THE "SUMMARY MINUTES AND ACTION REPORT" OF THE AUGUST 27, 2004, MEETING HELD IN CARSON CITY, NEVADA. THE MOTION WAS SECONDED BY SENATOR CARE AND PASSED. COMMISSIONER FRANSWAY ABSTAINED. ASSEMBLYWOMAN OHRENSCHALL WAS ABSENT FOR THE VOTE.

## **APPROVAL OF COMMITTEE STATIONERY AND BUSINESS CARDS**

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

SENATOR MCGINNESS MOVED TO APPROVE THE PURCHASE OF COMMITTEE STATIONERY AND BUSINESS CARDS FOR THE SENATOR MCGINNESS, ASSEMBLYWOMAN OHRENSCHALL, AND COMMISSIONER FRANSWAY. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN OHRENSCHALL AND PASSED UNANIMOUSLY.

## **REVIEW OF COMMITTEE BUDGET AND PROPOSED WORK PLAN AND DISCUSSION OF COMMITTEE ACTIVITIES IN NEVADA DURING THE 2005-2006 LEGISLATIVE INTERIM**

- Michael J. Stewart, Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB), Carson City, reviewed the Committee's budget and work plan, as well as the Committee's 2005-2006 interim schedule of meetings. (Please see [Exhibit B.](#))

## **UPDATE OF PUBLIC LANDS ISSUES IN ELKO COUNTY AND NORTHEAST NEVADA**

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

- Charlie Myers, Chairman, Board of County Commissioners, Elko County, Nevada, reported on the following items: (1) the open communication and cooperative working relationship that exists with the Bureau of Land Management (BLM) and the United States Forest Service (USFS); (2) Elko County's support for the proposed plan to leave the Jarbidge South Canyon Road in a natural state while allowing motorized traffic to the wilderness boundary; (3) the R.S. 2477 rights-of-way claim in the federal court system to settle the ownership of the Jarbidge South Canyon Road; (4) bull trout in the Jarbidge River; (5) off-highway vehicle (OHV) usage on BLM and USFS lands in Elko County; (6) wild horse herd management; and (7) Elko County's appreciation to various agencies for wildfire suppression efforts during the past fire season. (Please see [Exhibit C.](#))

### ***Overview of U.S. Forest Service (USFS) Activities in Elko County***

- Dan Dallas, District Ranger, Mountain City Ranger District, USFS, United States Department of Agriculture (USDA), Elko, updated the Committee on USFS management actions in the Mountain City Ranger District and the Ruby Mountains/Jarbidge Ranger Districts. Mr. Dallas addressed the following areas: (1) Travel Management Planning in Elko County; (2) status of the South Canyon Road issue; (3) washed out bridges in the Jarbidge area; (4) minerals exploration activities; (5) future development of recreation sites in northeast Nevada; (6) grazing conflicts and cooperative efforts with Elko County; and (7) rangeland management planning efforts. (Please see [Exhibit D.](#))

### ***Update of Bureau of Land Management (BLM) Planning Efforts and Activities in the Elko Field District***

- Helen Hankins, Field Manager, Elko Field Office, BLM, United States Department of the Interior (DOI), Elko, provided an update on the following areas: (1) fire and fuels management; (2) rangeland and wild horse management; (3) noxious weed management; (4) lands and minerals; (5) recreation and the California National

Historic Trail Interpretive Center; and (6) wildlife management. (Please see [Exhibit E1](#) and [Exhibit E2](#).)

## **DISCUSSION OF OFF-HIGHWAY VEHICLE (OHV) USAGE ON PUBLIC LANDS IN NEVADA**

### ***Brief Overview of Senate Bill 400 of the 2005 Legislative Session (Chapter 441, Statutes of Nevada)***

- Michael J. Stewart, previously identified, presented an overview of the legislative history of S.B. 400, which provides for regulation of OHVs, and referenced his materials on this issue. (Please see [Exhibit F1](#) and [Exhibit F2](#)).

Following Mr. Stewart's overview of S.B. 400, he called attention to a document regarding OHVs on public lands in Nevada, which was submitted by Gary Clinard, President, Dunes and Trails ATV Club, Las Vegas, Nevada, who was unable to attend the meeting. (Please see [Exhibit G](#).)

### ***Update on the Implementation of S.B. 400 and Overview of State Agency Involvement and Interest in OHV Usage on Public Lands in Nevada***

- Steve Robinson, Advisor on Wildlife, Conservation, and Rural Nevada Issues, Office of Nevada Governor Kenny C. Guinn, Carson City, reviewed the Executive Branch's perspective on prior attempts to regulate OHV use in Nevada. He acknowledged that the Governor's Office supports the sticker program called for in S.B. 400 as an important step toward addressing the following concerns regarding OHVs in Nevada: (1) a lack of consensus on the part of stakeholders (i.e., OHV users and agencies); (2) a detrimental impact on the land; (3) conflicts between various recreators (e.g., hunters and OHV users); and (4) a loss of business for OHV dealers and loss of sales tax to the State.
- Dino DiCianno, Deputy Executive Director, Nevada's Department of Taxation, Carson City, discussed the OHV workshop held on September 20, 2005, regarding proposed tax regulations on OHVs in Nevada. He shared that another workshop on this issue would be held on October 7, 2005, in Carson City. (Please see [Exhibit H](#).)

Mr. DiCianno noted that the first workshop involved gathering input from all OHV stakeholders and establishing the responsibilities of the Department of Taxation and the OHV dealers in the State relative to the OHV sticker program. Additionally, the specifications for the size and appearance of the stickers were also discussed. Mr. DiCianno stated that the Department would administer and enforce the sticker program.

### ***Overview of the U.S. Forest Service's Travel Management Plan***

- Ed Monnig, Acting Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, USDA, Sparks, Nevada, addressed two important forest-wide efforts in the Humboldt-Toiyabe National Forest: (1) the USFS's Travel Management Process, which includes route designation for various types of motorized and nonmotorized use; and (2) the revision of the Humboldt-Toiyabe National Forest Plan, which provides important guidance on all the uses of these lands. (Please see [Exhibit I.](#)) Mr. Monnig suggested the Nevada Legislature consider instituting a program similar to California's "Green Sticker Program" that funds OHV trails maintenance and planning efforts.

### ***Discussion of OHV Policies and Procedures on BLM Lands in Nevada***

- Leo Drumm, Recreation Travel and Access Coordinator, Nevada State Office, BLM, DOI, Reno, Nevada, provided an overview of the BLM's national OHV strategy and Nevada OHV guidelines regarding travel management planning and route inventories. (Please see [Exhibit J1](#), [Exhibit J2](#), and [Exhibit J3](#).)

### ***Discussion of OHV Regulation and the Impacts on OHV Dealers in Nevada***

- John Glenn, OHV Dealer, Elko, asked for an explanation of the intent of S.B. 400. Following Mr. Stewart's (previously identified) summarization of the bill, Mr. Glenn acknowledged the value of the sticker program for those users who will drive their OHVs on a public highway. He averred that the OHV dealers in Nevada are losing more than \$38 million annually to out-of-state sales and, therefore, the State is also losing millions of dollars in potential sales tax revenue. Mr. Glenn opined that one major concern for OHV dealers is that after thirty years, Nevada's Department of Motor Vehicles has stopped issuing titles for OHVs. He explained the dealers must have titles to secure financing of these vehicles from the banking industry.

## **REVIEW OF LIVESTOCK GRAZING IN THE BLM JARBIDGE RESOURCE AREA**

- Senator Rhoads announced that the review of livestock grazing in the BLM Jarbidge Resource Area would not be addressed as Bill Baker, Associate District Manager, Twin Falls District, BLM, DOI, could not attend the meeting because the issue remains under legal challenge. Senator Rhoads requested an update on the status of the litigation from Jo Simpson, Chief, Office of Communications, BLM, DOI, Reno.
- Jo Simpson (previously identified) stated an agreement was reached regarding livestock grazing in the BLM Jarbidge Resource Area, but the judge has yet to rule on it. Ms. Simpson said once all the court proceedings are final, the Idaho BLM, which manages the lands in question, would brief the Committee on the situation.

## **OVERVIEW OF PROGRAMS AND ACTIVITIES AT THE RUBY LAKE NATIONAL WILDLIFE REFUGE**

- Marti Collins, Refuge Manager, Ruby Lake National Wildlife Refuge, United States Fish and Wildlife Service (USFWS), DOI, Ruby Valley, Nevada, provided an overview and slide presentation of the Ruby Lake National Wildlife Refuge, which was established in 1938 by a Presidential Executive Order as a refuge and breeding ground for migratory birds and other wildlife. Her discussion focused on the refuge's management program, and she noted the refuge allows public uses such as fishing, water fowl hunting, wildlife observation, and wildlife photography. (Please see [Exhibit K1](#), [Exhibit K2](#), and [Exhibit K3](#).)

## **UPDATE OF ENDANGERED SPECIES ISSUES IN NEVADA**

- Jody Brown, Deputy Field Supervisor, Nevada Fish and Wildlife Office, USFWS, DOI, Reno, provided an update on some of the current USFWS activities within Nevada. Areas addressed by Ms. Brown included: (1) U.S. Congressman Richard W. Pombo's (R-California) bill, H.R. 3824, which proposes revisions to the Endangered Species Act of 1973; (2) the Jarbidge River Unit for the bull trout draft recovery program; (3) Interim Strategy for Managing Fish-producing Watersheds (INFISH), which was a factor to not designate critical habitat for the bull trout because land use management protections are afforded this species through INFISH measures that the USFS and BLM implement; (4) a Safe Harbor Program permit to recover the Lahonton cutthroat trout on private lands with willing landowners; and (5) the status of a petition to list the Sand Mountain Blue Butterfly as an endangered species. (Please see [Exhibit K2](#).)
- Terry Crawford, Director, Nevada's Department of Wildlife (NDOW), Reno, reported on the Endangered Species Act of 1973 concerning the State of Nevada. He noted that Nevada has not had any listings for the past four years, and NDOW is working proactively on new approaches with already listed species and preventing the listing of additional species.

## **DISCUSSION OF ACTIVITIES AND PROGRAMS OF THE NORTHEASTERN NEVADA STEWARDSHIP GROUP AND OVERVIEW OF THE SHOESOLE COLLABORATIVE MANAGEMENT TEAM**

- Leta Collord, President, Northeastern Nevada Stewardship Group (NNSG), Elko, provided an update on the NNSG, and pointed out that it is in its sixth year working as a collaborative group on public land and natural resource issues in Elko County and northeastern Nevada. She drew attention to a copy of a press release that discusses a meeting attended by the NNSG of the White House Conference on Cooperative Conservation that was held in Saint Louis, Missouri, August 28 through 30, 2005. (Please see [Exhibit L](#).)

- Duane Jones, Recreation Pod Chairman, NNSG, Elko, explained that the Recreation Pod is interested in recreational opportunities for all user groups. He noted the Pod is focusing on trail systems in northeastern Nevada by developing a framework through the NNSG that would encourage public involvement to help plan trail systems that would responsibly enhance outdoor recreational experiences. Mr. Jones invited the Committee to a Recreational Trails Opportunity Workshop that is scheduled for November 19, 2005, at the Great Basin College in Elko.
- Agee Smith, Shoesole Collaborative Management Team, Wells, Nevada, discussed the collaborative process of the Shoesole Resource Management Group for land management. He explained the Group is a collaborative team consisting of three Nevada ranches, plus the BLM; NDOW; USFS; USFWS; the University of Nevada, Reno (UNR) Cooperative Extension; the Natural Resource Conservation Service; NNSG; and local citizens representing the general public and the environmental community interested in land management. The Group also has the support of the Elko Board of County Commissioners. Mr. Smith noted that the Group utilizes Human Resource Management (HRM) principles.

#### **BRIEF OVERVIEW OF STATE PUBLIC LANDS AND NATURAL RESOURCE-RELATED LEGISLATION APPROVED DURING THE 2005 LEGISLATIVE SESSION AND PERTINENT FEDERAL LEGISLATION CURRENTLY UNDER CONSIDERATION BY THE 109TH UNITED STATES CONGRESS**

- Michael J. Stewart, previously identified, briefed the Committee on related legislation from the 2005 Nevada Legislative Session and also natural resources legislation at the federal level. (Please see [Exhibit M](#) and [Exhibit N](#).)

#### **DISCUSSION OF THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS' INFORMATIONAL TOUR OF WASHINGTON, D.C., ON OCTOBER 25 AND 26, 2005**

- Mr. Stewart, previously identified, briefed the Committee on the preliminary plans for the Committee's October 2005 Washington, D.C., informational tour.

#### **PUBLIC COMMENTS**

- No one came forward under this agenda item.

## **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 4:10 p.m.

Respectfully submitted,

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Gayle Nadeau  
Senior Research Secretary

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Michael J. Stewart  
Principal Research Analyst

APPROVED BY:

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Senator Dean A. Rhoads, Chairman

Date: \_\_\_\_\_



## LIST OF EXHIBITS

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

[Exhibit B](#) is a document titled “Nevada’s Legislative Committee on Public Lands Approved Budget and Proposed Work Plan, July 1, 2005, through December 31, 2006,” provided by Michael J. Stewart, Principal Research Analyst, Research Division, Legislative Counsel Bureau, Carson City.

[Exhibit C](#) is the prepared testimony of Charlie Myers, Chairman, Board of County Commissioners, Elko County, Nevada.

[Exhibit D](#) is the prepared testimony of Dan Dallas, District Ranger, Mountain City Ranger District, USFS, USDA, Elko.

[Exhibit E1](#) is the testimony summary and two tables regarding fire and fuels management, provided by Helen Hankins, Field Manager, Elko Field Office, BLM, DOI, Elko.

[Exhibit E2](#) consists of the schematics of the California National Historic Trail Interpretive Center provided by Helen Hankins, Field Manager, Elko Field Office, BLM, DOI, Elko.

[Exhibit F1](#) is a collection of documents regarding the legislative history of Senate Bill 400 of the 2005 Legislative Session (Chapter 441, *Statutes of Nevada*), provided by Michael J. Stewart, Principal Research Analyst, Research Division, Legislative Counsel Bureau, Carson City.

[Exhibit F2](#) is a copy of Senate Bill 400 (Chapter 441, *Statutes of Nevada 2005*), provided by Michael J. Stewart, Principal Research Analyst, Research Division, Legislative Counsel Bureau, Carson City.

[Exhibit G](#) is a document titled “Subject: SB400 – Past, Present and Future,” provided by Gary Clinard, President, Dunes and Trails ATV Club, Las Vegas.

[Exhibit H](#) is a document regarding a Nevada Department of Taxation, September 20, 2005, workshop on proposed tax regulations on OHVs, as addressed in Senate Bill 400 (Chapter 441, *Statutes of Nevada 2005*), provided by Dino DiCianno, Deputy Executive Director, Nevada’s Department of Taxation, Carson City.

[Exhibit I](#) is the prepared testimony of Ed Monnig, Acting Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, USDA, Sparks.

[Exhibit J1](#) is a document titled “Nevada BLM Travel Management Overview,” provided by Leo Drumm, Recreation Travel and Access Coordinator, Nevada State Office, BLM, DOI.

[Exhibit J2](#) is a map titled “Transportation Management Concern Areas,” provided by Leo Drumm, Recreation Travel and Access Coordinator, Nevada State Office, BLM, DOI.

[Exhibit J3](#) is a two-page document titled “The Future of Off-Roading is Here, and it is the Rhino RTV,” provided by Leo Drumm, Recreation Travel and Access Coordinator, Nevada State Office, BLM, DOI.

[Exhibit K1](#) is a PowerPoint presentation titled “Ruby Lake National Wildlife Refuge,” provided by Jeannie Stafford, Information Education Specialist, USFWS, Reno.

[Exhibit K2](#) is an informational packet provided by Jeannie Stafford, Information Education Specialist, USFWS, Reno, containing the following documents: (1) a Ruby Lake National Wildlife Refuge fact sheet; (2) thumbnail images of the presentation identified as [Exhibit K1](#); (3) an October 1, 2005, briefing paper regarding the Programmatic Safe Harbor Agreement between NDOW and the USFWS for the recovery of Lahontan cutthroat trout on private lands within the upper Humboldt Distinct Population Segment area; (4) an October 3, 2005, briefing paper regarding the Programmatic Safe Harbor Agreement with NDOW for recovery of Lahontan cutthroat trout on private lands in the Northwest Distinct Population Segment; (5) a data sheet regarding the Endangered Species Act of 1973 activities in Northern Nevada; and (6) a Spring 2005 USFWS Nevada Fish and Wildlife Office newsletter.

[Exhibit K3](#) is a brochure titled “U.S. Fish & Wildlife Service Ruby Lake National Wildlife Refuge,” provided by Jeannie Stafford, Information Education Specialist, USFWS, Reno.

[Exhibit L](#) consists of the following documents provided by Leta Collord, President, NNSG, Elko: (1) a fact sheet from the UNR Cooperative Extension, titled “Working Together for Healthy Landscapes and Quality Lifestyles”; (2) an October 6, 2005, NNSG press release regarding “The Impressive Power of Community Conservation—Citizen Stewards at Work”; (3) a flier regarding a training course titled “Science in Support of Stewardship”; and (4) aerial photographs and a two-page explanatory document regarding the very-large scale aerial (VLSA) surveys of riparian areas of the Rock Creek watershed in Elko County, Nevada.

[Exhibit M](#) is a document titled “Select Public Lands and Natural Resources Legislation, 2005 Nevada Legislative Session,” provided by Michael J. Stewart, Principal Research Analyst, Research Division, Legislative Counsel Bureau, Carson City.

[Exhibit N](#) is a document titled “Listing of Major Public Lands Legislation Currently Under Consideration in the 109<sup>th</sup> Congress as of October 4, 2005,” provided by Michael J. Stewart, Principal Research Analyst, Research Division, Legislative Counsel Bureau, Carson City.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at [www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm](http://www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm) or telephone: 775/684-6827.