



## **NEVADA LEGISLATURE LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY THE PROTECTION OF NATURAL TREASURES**

**(Senate Concurrent Resolution No. 35 [File No. 101, *Statutes of Nevada 2005*])**

### **SUMMARY MINUTES AND ACTION REPORT**

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The fourth meeting of the Legislative Commission's Subcommittee to Study the Protection of Natural Treasures (Senate Concurrent Resolution No. 35 [File No. 101, *Statutes of Nevada 2005*]) was held on May 19, 2006, at 10:30 a.m. at the Bristlecone Convention Center, 150 Sixth Street, Ely, 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 IN ELY:**

Senator Dina Titus, Chairwoman  
Senator Dean A. Rhoads  
Assemblyman Joseph M. Hogan  
Assemblyman Harry Mortenson

#### **COMMITTEE MEMBERS ABSENT:**

Senator Mark E. Amodei  
Assemblyman Tom Grady  
Assemblyman Harvey J. Munford

#### **OTHER LEGISLATOR PRESENT:**

Assemblyman Pete Goicoechea

#### **LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Marjorie Paslov Thomas, Senior Research Analyst, Research Division  
Leslie K. Hamner, Principal Deputy Legislative Counsel, Legal Division  
Joel C. Benton, Senior Deputy Legislative Counsel, Legal Division  
Kay Graves, Senior Administrative Assistant, Research Division  
Chuck Anderson, Audio/Visual Technician, Broadcast and Production Services

## **OPENING REMARKS**

Senator Dina Titus, Chairwoman, welcomed members and staff to the fourth meeting of the Legislative Commission's Subcommittee to Study the Protection of Natural Treasures. She also welcomed Assemblyman Pete Goicoechea (Assembly District No. 35) who was asked to participate in the Subcommittee's discussion. She stated the Subcommittee held hearings around the State receiving testimony about Lake Tahoe, Mount Charleston, Red Rock Canyon, Walker Lake and the surrounding areas. Chairwoman Titus provided background information on S.C.R. 35 explaining that it provides the opportunity to look at natural treasures throughout the State of Nevada, and she indicated that some areas in Nevada have been ignored or overlooked by the State mainly because many sites are controlled by the federal government. She emphasized that the State should be more actively involved with these areas because they are equally beautiful and should not be allowed to go to ruin for future generations.

Chairwoman Titus explained that the Subcommittee has five bill draft requests that may be submitted to the 2007 Legislative Session; therefore, the Subcommittee will consider recommendations for those bill drafts at its final work session meeting in June. She advised that the Subcommittee will send a letter to interested parties requesting that anyone with recommendations submit them to legislative staff so they can be included in the "Work Session Document." She noted the deadline for submitting recommendations is May 31, 2006, and the final work session meeting is scheduled for June 16, 2006, in Carson City, which will be videoconferenced to Las Vegas.

## **APPROVAL OF MINUTES OF THE FEBRUARY 10, 2006, MEETING, AND THE MARCH 10, 2006, MEETING**

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

SENATOR RHOADS MOVED TO APPROVE THE MINUTES OF THE SUBCOMMITTEE'S FEBRUARY 10, 2006, MEETING HELD IN PAHRUMP, NEVADA, AND THE MARCH 10, 2006, MEETING HELD IN HAWTHORNE, NEVADA. THE MOTION WAS SECONDED BY ASSEMBLYMAN MORTENSON AND PASSED UNANIMOUSLY.

## **UPDATE ON BUREAU OF LAND MANAGEMENT'S (BLM) PLANNING EFFORT IN RESOURCE MANAGEMENT AND CRITICAL AREAS IN THE ELY FIELD OFFICE**

- Gene Drais, Special Projects Coordinator, Ely Field Office, BLM, United States Department of the Interior (DOI) gave an update of BLM's planning effort in resource management and critical areas in the Ely Field Office (see [Exhibit B-1](#)). He said he is the overseer and project manager of the resource management plan (RMP), which presently is being prepared in conjunction with public input. His testimony included information concerning planning timelines for the RMP, areas of critical environmental concern, designated wilderness areas, and wilderness study areas. Mr. Drais remarked

that the RMP contains many controversial issues and BLM anticipates some protests will be made against the plan. He added that BLM estimates the final approved RMP will be issued in summer 2007.

Mr. Drais referred to a map titled “BLM Ely District RMP/EIS Map 2.4-60 Areas of Critical Environmental Concern (ACEC) Locations” (see [Exhibit B-2](#)). He indicated the map will be included in the final RMP document noting that some of the ACECs were added due to public comments that BLM received.

Responding to questions from the Chairwoman, Mr. Drais explained that the ACECs are not excluded from public use and BLM will prepare a management plan within a few years. He indicated that, for example, livestock grazing can continue in most of the areas and drilling for oil and gas will be allowed through no-surface occupancy, which means that a company can place a drilling rig outside the area but slant-drill underneath the ACEC.

Responding to questions from Subcommittee members, Mr. Drais commented that, in his opinion, the ACECs will not be controversial or protested. He indicated that designating an area as ACEC is one of the multiple uses that BLM manages and it does not necessarily exclude the area from other uses.

Mr. Drais presented a second map titled “Lincoln County Wilderness Areas” (see [Exhibit B-3](#)) and pointed out 14 designated wilderness areas in BLM districts, which were designated through federal passage of the Lincoln County Conservation Recreation and Development Act in 2004. He indicated the 14 wilderness areas are approximately 760,000 acres of ground and have multiple uses, but are more restricted than an ACEC.

Responding to questions, Mr. Drais explained the difference between a wilderness area and a wilderness study area. He said a wilderness area is designated by Congress and managed primarily under the 1964 Wilderness Act, while a wilderness study area has not been designated by Congress and is not managed under the Wilderness Act.

Mr. Drais presented a third map titled “White Pine County” (see [Exhibit B-4](#)), which reflects wilderness study areas and indicated that staff is working on federal legislation for White Pine County that is similar to the Lincoln County Conservation Recreation and Development Act. He said there is a good chance that the White Pine County bill will include some designated wilderness areas; therefore, until such legislation is passed, the areas depicted on the White Pine County map are shown as wilderness study areas. In addition, Mr. Drais explained that the White Pine County map depicts only those areas under the administrative purview of the BLM district. He said there are some areas not shown on the map because they are not under BLM’s administrative purview; for example, Antelope Range, Blue Eagle, Reardon’s Well, and Park Range share boundaries with the Battle Mountain District and fall under that district’s administrative purview. He stressed that BLM is responsible for managing and

retaining the wilderness character of those areas until Congress designates them as actual wilderness areas.

Responding to questions, Mr. Drais acknowledged that a federal bill is being drafted concerning a central Nevada land exchange, similar to the one contained in Clark County's Southern Nevada Public Lands Management Act. He noted that, if the White Pine County bill is modeled on the Lincoln County bill and passes as introduced, it will cover many things such as land disposal, wilderness designation, and numerous other items.

Answering other questions, Mr. Drais reiterated that a wilderness study area has the characteristics of wilderness designation. He said, in 1980, BLM recommended all of the study areas to be designated, but just because an area is a wilderness study area does not mean that BLM recommended it as suitable to Congress. He indicated that the White Pine County map includes all wilderness study areas and not just the suitable portions. In addition, Mr. Drais did not know the current status of the White County Pine bill and which areas may or may not be included. He estimated that about 80 percent of the acreage is suitable for wilderness designation. He emphasized that the Ely BLM staff has been involved in drafting the White Pine County legislation.

## **OVERVIEW OF ACTIVITIES AT GREAT BASIN NATIONAL PARK (GBNP)**

- Cindy Nielsen, Superintendent, GBNP, National Park Service, DOI, provided a handout with background information (see [Exhibit C](#)), and she gave an overview of activities at GBNP. Her discussion of the Park included acreage; budget; personnel; major resource issues; primary features; economic impact on White Pine County; and funding.

Responding to questions, Ms. Nielsen indicated there are two power projects moving forward in White Pine County and air quality is a concern. She stated that the National Park Service will be a cooperating agency regarding the environmental impact statements concerning the two power projects. In addition, she remarked that the GBNP has appropriate protections through the Clean Air Act and the Park's Class II air quality designation.

Ms. Nielsen advised that the GBNP opened a new visitor center in May 2005 and is working with the GBNP Foundation to develop exhibits for the center. She emphasized that the GBNP's enabling legislation directs the Park to enter into cooperative agreements to fully develop the Park as a gateway experience for visitors traveling east to west. She indicated that the GBNP has partnered with Nevada's Department of Transportation for assistance with designing, grading, and paving the visitor center's parking lot, and with Nevada's Department of Wildlife for assistance with management of big game and other wildlife species.

Responding to the Chairwoman, Ms. Nielsen agreed to provide information to the Subcommittee about Park issues, which were brought to the attention of the Division of State Parks regarding ongoing Park project updates and staff education. She advised that to date, the GBNP has not had much interaction with the Division of Tourism, although the Division's web site includes information about the Park's features.

## **REVIEW OF ACTIVITIES AND PROGRAMS OF THE EASTERN NEVADA LANDSCAPE COALITION**

- Betsy Macfarlan, Executive Director, Eastern Nevada Landscape Coalition, gave a review of activities and programs of the Eastern Nevada Landscape Coalition. She submitted prepared testimony (see [Exhibit D-1](#)) and provided a Microsoft PowerPoint presentation (see [Exhibit D-2](#)).

Responding to the Chairwoman, Ms. Macfarlan gave a detailed explanation about the creation and purpose of the Coalition explaining that the idea was to form a collaborative group of federal, State, county, and private entities to work on restoring the diverse landscapes of the Great Basin for present and future generations. She advised that the Coalition is managed by a Board of Trustees comprised of nine individuals from around the State. She indicated that the Coalition's Science Committee reviews all its projects and recommends whether they are viable; currently the Coalition has cooperative agreements with BLM and the U.S. Forest Service (USFS) that allow all parties to work together on restoration projects. In addition, Ms. Macfarlan said the agreements allow the Coalition to collect vegetation data, which is shared with BLM to assist with land management issues. She explained that the Coalition also will implement a survey project in May 2005 for the USFS to assist with an inventory of springs located in the Snake Mountain Range and Schell Creek Range, and also the range between the GBNP and Ely.

Responding to questions, Ms. Macfarlan informed the Subcommittee that the Coalition does not have a lobbying function; instead it educates through presentations such as the one she is giving today. She mentioned that Senator Rhoads assisted in passing Senate Concurrent Resolution No. 16 (File No. 21, *Statutes of Nevada 2003*) in the 2003 Legislative Session, which supports the Coalition's efforts and has been very helpful in securing its reputation in Nevada and additional funding to perform its work on the ground.

Chairwoman Titus commented that the Coalition appears to be an excellent example of public-private partnerships and hopes it can be a model that will be applied in other parts of the State.

There followed brief discussion about issues of fire management; tree thinning of forests; erosion and invasive species; noxious weeds; manpower for projects; urban encroachment; Nevada fire safety councils; and long-term water supply.

## **OVERVIEW AND HISTORY OF PINION JUNIPER HARVEST IN EASTERN NEVADA**

- James Young, Ph.D., Senior Research Scientist, Agricultural Research Service, U.S. Department of Agriculture, provided an overview and history of pinion juniper harvest in eastern Nevada. He gave a Microsoft PowerPoint presentation (see [Exhibit E](#)). He stated two major points: (1) pinion juniper woodlands in the Great Basin are truly a Nevada treasure; and (2) current vegetation in the Great Basin is a product resulting from the way in which previous vegetation on the site was destroyed.

Dr. Young provided extensive historical background on how the pinion juniper woodlands developed in the Great Basin. His discussion included the following topics: energy sources, including the energy from pinion and juniper trees and sagebrush; biomass; Ward charcoal kilns; tree thinning; fire patterns; world climate changes; urban encroachment to wilderness areas; landscape restoration in the Great Basin; and management of woodlands. He suggested that if woodlands are not managed, they can overrun the landscape; however, if woodlands are proactively managed, the energy may be used as a way to pay for their management.

Responding to questions, Dr. Young stated the basic problem with prescribed burns in Nevada is that the State does not assume liability if firefighters or private citizens are killed when a fire burns out of control. He explained that, after California's fire suppression agency approves a prescribed burn, and it is applied in a prudent manner, the State of California assumes the liability. Dr. Young indicated much research is needed regarding prescribed burning but because of the liability issue, researchers do not study it in Nevada; however, in California, because liability is not an issue, research of prescribed burns is extensive.

## **DISCUSSION OF POSSIBLE ECONOMIC USES AND BENEFITS OF HARVESTED PINION JUNIPER**

- Stan Raddon, President, Carson City Renewable Resources (CCRR), gave an overview of environmental and economic uses and benefits of harvested pinion juniper in Nevada. (See [Exhibit F](#) for further details.) He discussed the importance of tree thinning of pinion and juniper trees; ground water issues; and native plant and wildlife habitat.

There was brief discussion about BLM acreage allowance for thinning forests; an ethanol power plant; federal compensation regarding removal and chipping of trees; chaining operations; and commercial gain from tree thinning.

- Chairwoman Titus requested staff to obtain information concerning BLM's policy on tree-thinning.

- Mr. Raddon applauded Eastern Nevada Landscape Coalition's work and proposed that the CCRR be allowed to thin ten acres per day, which is within BLM allowance for tree thinning. Responding to questions, Mr. Raddon stated that no one disagrees with thinning the pinion and juniper trees; he said it has been calculated that there would be an ample number of remaining trees for eternity and one could never reach the complete depletion of trees if they are thinned at such a rate.

## **OVERVIEW OF PROPOSED ELY ENERGY CENTER**

- Judy Stokey, Director, Government Affairs, Sierra Pacific Resources, introduced herself and David Sims, Director of Project Development, Sierra Pacific Resources. She stated that Mr. Sims is overseeing the Ely Energy Center project and will provide information regarding the project.
- Mr. Sims gave a Microsoft PowerPoint presentation and overview of the proposed Ely Energy Center (see [Exhibit G](#)). He emphasized that Sierra Pacific Resources' efforts in developing the project in White Pine County is keeping with the requirements of the State and federal government and ensures that the project is being developed in a rational and environmentally conscious manner.

Responding to questions, Mr. Sims stated his opinion that 20 percent in renewables is a fairly significant goal. He indicated that most of the renewables will come from a variety of sources including geothermal, wind, hydroelectric, and solar. He said the capital cost for some renewables is expensive but, as the price for technology decreases, more renewable technology will be made available. Mr. Sims advised that an entity within Sierra Pacific Resources was formed specifically to either acquire or develop renewable resources; in addition, he said the company recently signed a geothermal contract for 52 megawatts, and other projects are under development that would incorporate wind and additional geothermal resources.

There was brief discussion concerning the following topics: air quality; coal-burning; mercury and sulphur recovery; the southwest inter-tie transmission corridor; the Southern Nevada Water Authority's (SNWA) pipeline project in White Pine County; and water issues. Mr. Sims explained that the SNWA's primary resource is in Spring Valley immediately east of Ely, and his company is considering resources either in Steptoe Valley or Jake's Valley, which already have been permitted for power generation; therefore, the SNWA will not interfere with Sierra Pacific Resources' project.

Responding to further questions, Mr. Sims explained there was previous discussion concerning another proposed power project in the Ely area, and White Pine County entered into a development agreement with that company for 25,000 acre-feet of water. He said the company later publicly announced it would utilize a hybrid cooling system that would limit their requirements to 8,000 acre-feet of water. Mr. Sims indicated that

White Pine County requested that he write a letter to the other company asking for permission to utilize the remaining 17,000 acre-feet of water, which he did; additionally, he stated that discussions have occurred between the two companies, which should lead to an amenable agreement to share those water resources.

Answering other questions, Mr. Sims explained that, if it becomes necessary to pump water over a high ridge, such as Butte Valley or Jake's Valley, Sierra Pacific Resources may consider putting in a turbine to recover some additional electricity. He indicated that Sierra Pacific Resources believes Steptoe Valley contains all necessary resources and the company's first effort will be to work with White Pine County and other developers to use the water located in Steptoe Valley; Butte Valley would be a secondary backup source. Additionally, Mr. Sims maintained that the company will develop an off-site and/or on-site labor camp to provide for a variety of housing for employees hired to work on this project. He emphasized that his company will work with White Pine County to develop housing that would serve the site and also potentially serve for future use. Concluding his remarks, Mr. Sims stated that the power project's energy will be used in Nevada where the need is great; however, he stated that some energy may be sold from time to time but emphasized that Sierra Pacific Resources has no plans to sell the energy elsewhere.

## **PUBLIC COMMENT**

- Helen Mortenson, citizen of Las Vegas, provided information about Tule Springs, an important archeological and historic site in Las Vegas. Her testimony included concerns about the infringement and environmental impact of development projects on Tule Springs. She declared the site a true natural treasure indicating it contains late Pleistocene geological stratigraphy and significant information about early man in Nevada. She said there are 315 acres of State land within Tule Springs and suggested that perhaps a State park could be established there and a center could be built to study Pleistocene forms. In addition, Ms. Mortenson stated that Shadow Ridge High School in Las Vegas has been conducting a Pleistocene study through a National Science Foundation grant for three years.
- Assemblyman Mortenson referenced a meeting that he attended concerning Tule Springs where a scientist indicated the site as one of the most important archaeological sites west of the Mississippi River. Assemblyman Mortenson said Tule Springs does not receive much attention, and he suggested the Subcommittee consider the site a natural treasure in its list of recommendations for the final work session.
- Chairwoman Titus advised that the Tule Springs information would be included in the Subcommittee's recommendations for consideration at the work session.
- Jo Anne Garrett, citizen of Baker, Nevada, and representing Great Basin Water Network and Snake Valley Citizens Alliance, emphasized that the GBNP is indeed a

natural treasure. Her testimony included information about the Park and Spring Valley and Snake Valley water issues (see [Exhibit H](#)).

- Chairwoman Titus noted that several members of the Subcommittee also serve on the Legislative Commission's Committee to Study the Use, Allocation, and Management of Water Resources (S.C.R. 26, File No. 100, *Statutes of Nevada 2005*) and are very sensitive to water issues and how they are linked throughout the State.
- Tonia Harvey, citizen of Baker, Nevada, and former Chairperson of the Great Basin Heritage Area Partnership (GBHAP), advised that the GBHAP is an organization devoted to maintaining both the historical and natural history of the areas of White Pine County in Nevada, and Millard County in Utah. In addition, she said the GBHAP is involved in heritage tourism and has proposed that a board be created among tourism, economic development, humanities, arts councils, and historic preservation entities to examine rural heritage tourism within Nevada. Ms. Harvey advised that people who practice and promote heritage tourism in rural Nevada are at a loss because there is no existing structure for it. She indicated that Utah has done a great job of developing heritage tourism and noted it is the first western state to develop and organize an excellent plan for this type of tourism. She asked the Subcommittee to support the GBHAP's efforts in creating a heritage tourism board as part of the Subcommittee's considerations in keeping the important resources in Nevada. Ms. Harvey indicated that, in White Pine County, the GBHAP works together with the GBNP and the Nevada Northern Railroad, which also is an historical treasure.
- Chairwoman Titus expressed appreciation for Ms. Harvey's remarks and stated that often natural treasures and heritage treasures overlap. She indicated that the Subcommittee will look to Utah's plans when it considers recommendations in this regard.

## **ADJOURNMENT**

There being no further business to come before the Subcommittee, the meeting was adjourned at 1:10 p.m.

Respectfully submitted,

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Kay Graves  
Senior Administrative Assistant

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Marjorie Paslov Thomas  
Senior Research Analyst

APPROVED BY:

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Senator Dina Titus, Chair

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

## LIST OF EXHIBITS

**Exhibit A** is the “Meeting Notice and Agenda” provided by Marjorie Paslov Thomas, Senior Research Analyst, Research Division, Legislative Counsel Bureau.

**Exhibit B-1** is a presentation outline provided by Gene Drais, Special Projects Coordinator, Ely Field Office, Bureau of Land Management (BLM), United States Department of the Interior (DOI).

**Exhibit B-2** is a map titled “BLM Ely District RMP/EIS Map 2.4-60 Areas of Critical Environmental Concern Locations” provided by Gene Drais, Special Projects Coordinator, Ely Field Office, BLM, DOI.

**Exhibit B-3** is a map titled “Lincoln County Wilderness Areas” provided by Gene Drais, Special Projects Coordinator, Ely Field Office, BLM, DOI.

**Exhibit B-4** is a map titled “White Pine County” provided by Gene Drais, Special Projects Coordinator, Ely Field Office, BLM, DOI.

**Exhibit C** is a document titled “National Park Service” provided by Cindy Nielsen, Superintendent, Great Basin National Park, National Park Service, DOI.

**Exhibit D-1** is the prepared testimony of Betsy Macfarlan, Executive Director, Eastern Nevada Landscape Coalition.

**Exhibit D-2** is a Microsoft PowerPoint presentation titled “Eastern Nevada Landscape Coalition, Report to Subcommittee to Study the Protection of Natural Treasures” provided by Betsy Macfarlan, Executive Director, Eastern Nevada Landscape Coalition.

**Exhibit E** is a Microsoft PowerPoint presentation titled “19<sup>th</sup> Century Energy Crisis” provided by James Young, Ph.D., Senior Research Scientist, Agricultural Research Service, U.S. Department of Agriculture.

**Exhibit F** is a document titled “Environmental and Economic Benefits of Harvested Pinion/Juniper in Nevada” provided by Stan Raddon, President, Carson City Renewable Resources.

**Exhibit G** is a Microsoft PowerPoint presentation titled “Ely Energy Center” provided by David Sims, Director of Project Development, Sierra Pacific Resources.

**Exhibit H** is the prepared testimony of Jo Anne Garrett, citizen of Baker, Nevada, and representing Great Basin Water Network and Snake Valley Citizens Alliance.

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.