



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

The second 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 February 10, 2006, at 9 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 IN PAHRUMP:

Senator Dina Titus, Chairwoman
Senator Mark E. Amodei
Senator Dean A. Rhoads
Assemblyman Tom Grady
Assemblyman Joseph M. Hogan
Assemblyman Harvey J. Munford

COMMITTEE MEMBER ABSENT:

Assemblyman Harry Mortenson

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

OPENING REMARKS

Senator Dina Titus, Chairwoman, welcomed members and staff to the second meeting of the Legislative Commission's Subcommittee to Study the Protection of Natural Treasures. She said the Subcommittee is charged with identifying natural treasures in Nevada that may need additional protection and facilities due to growth and over-usage. She advised that the Subcommittee is holding hearings around the State and will consider recommendations at its final meeting in June 2006 and include them in its final report. Chairwoman Titus encouraged anyone with suggestions to submit recommendations prior to the final meeting in June. She noted that the Subcommittee is allowed up to five bill drafts and indicated that members will decide which recommendations to propose to the 2007 Legislative Session.

APPROVAL OF MINUTES OF THE NOVEMBER 7, 2005, MEETING

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

SENATOR AMODEI MOVED TO APPROVE THE MINUTES OF THE SUBCOMMITTEE'S NOVEMBER 7, 2005, MEETING HELD IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY ASSEMBLYMAN GRADY AND PASSED UNANIMOUSLY.

OVERVIEW OF PROGRAMS AND ACTIVITIES AT ASH MEADOWS NATIONAL WILDLIFE REFUGE

- Sharon McKelvey, Refuge Manager, Ash Meadows National Wildlife Refuge, U.S. Fish and Wildlife Service, United States Department of the Interior, gave a Microsoft PowerPoint presentation (see [Exhibit B](#)), which included an overview of the programs and activities at Ash Meadows National Wildlife Refuge. Ms. McKelvey advised that the Refuge has been successful in obtaining Southern Nevada Public Lands Management Act (SNPLMA) funds, which are used for restoration projects. She indicated that the Refuge has many volunteers from Las Vegas and, increasingly, participants from local communities.

Responding to Chairwoman Titus, Ms. McKelvey said it would be very helpful if the State could assist in providing more staff, including an outreach person for the Refuge.

There was brief discussion regarding the declining pupfish population, non-native aquatic species, fires, non-native invasive species, seed harvesting for native species, water issues, and signage at Ash Meadows.

UPDATE ON ACTIVITIES ALONG THE WEST SIDE OF SPRING MOUNTAINS NATIONAL RECREATION AREA (SMNRA) AND UPDATE ON FIRE SUPPRESSION ACTIVITIES IN THE SMNRA

- Stephanie Phillips, Deputy Forest Supervisor, Humboldt-Toiyabe National Forest, SMNRA, U.S. Forest Service, United States Department of Agriculture, gave a Microsoft PowerPoint presentation (see [Exhibit C-1](#)). In addition, she provided an overview and update of the following topics: (1) U.S. Forest Service activities on the Pahrump side of the SMNRA; (2) Tecopa charcoal kilns; (3) anti-litter program; and (4) fire suppression resources of the SMNRA. Please see [Exhibit C-2](#) for complete details of her prepared testimony.
- Chairwoman Titus asked Ms. Phillips to report to the Subcommittee regarding the outcome of the open house event scheduled in Pahrump on February 23, 2006, where participants will discuss a master plan for the west side of the SMNRA, which is being developed to address long-range recreation management and visitor services while conserving the area's natural, cultural, and scenic resources.

Ms. Phillips briefly described the three options for public consideration at the open house as follows: (1) minimize facilities, keeping a sense of remoteness, adventure, and solitude; (2) maximize facilities, developing modern-day campgrounds, trailheads with toilets, recreational vehicle hookups, et cetera; and (3) a compromise between the two options. She indicated that the final preferred option will be implemented through the National Environmental Policy Act (NEPA) process, which takes approximately 18 months; after completion of the NEPA process, a design phase will be followed by implementation of the project. Additionally, Ms. Phillips indicated that presently there are no plans to reconstruct the Tecopa charcoal kilns.

- Senator Amodei stated that Prison Industries might share materials with the U.S. Forest Service staff in Southern Nevada to cut costs for reconstruction of the kilns.
- Ms. Phillips informed the Subcommittee that the anti-litter program originally aimed to focus on the Mount Charleston area and then would expand to the entire SMNRA area.

Responding to Senator Rhoads, Ms. Phillips advised that the U.S. Forest Service has annual noxious weed-removal projects using volunteers, youth groups, and contractors. Ms. Phillips explained that success of the anti-litter program is determined by the interest of volunteer and nonprofit groups who routinely clean up litter in areas they adopt, similar to the "adopt a highway" program.

- Chairwoman Titus noted that Ms. Phillips' recommendations include a partnership between the U.S. Forest Service and Nevada's Department of Transportation (NDOT), with the State contributing funding for roadside comfort stations.

- Senator Rhoads and Chairwoman Titus agreed that keeping SNPLMA funds in Nevada should be a priority on the Subcommittee's list of recommendations.

OVERVIEW OF PROGRAMS AND RECENT ACTIVITIES OF THE NEVADA FIRE SAFE COUNCIL

- Mike Vollmer, Executive Director, Nevada Fire Safe Council, provided an overview and update of programs and activities of the Nevada Fire Safe Council. Please see [Exhibit D](#) for details of his prepared testimony. His statement included the following topics: (1) background information on the Nevada Fire Safe Council; (2) State Wildfire Risk Assessment Project; and (3) update on Senate Bill 1 (Chapter 7, *Statutes of Nevada 2005, 22nd Special Session*), which addresses legislative funding for the Fire Council for the 2005-2006 legislative interim.

Responding to Senator Rhoads, Mr. Vollmer emphasized that the Nevada Fire Safe Council hopes to continue receiving funds from the Nevada Legislature every two years. He advised that the Council applied for a grant with the U.S. Department of Homeland Security but it was denied. Mr. Vollmer said the only other funding the Council receives is from on-the-ground projects for acres treated.

Mr. Vollmer advised that updates to threat assessment and mitigation plans are the responsibility of each Nevada county. He pointed out that currently not all counties have the necessary Geographic Information System (GIS) database, which would assist in updating plans. He also advised that Pahrump does not yet have a fire council but there are chapters in the Spring Mountains at Mount Charleston, Cold Creek, and Kimball Scout Reservation, and more chapters currently are being developed.

- Chairwoman Titus noted that the Nevada Fire Safe Council is scheduled to give a committee report to the Nevada Legislature's Interim Finance Committee (IFC) no later than September 2006. She asked Mr. Vollmer to keep the Subcommittee informed because members may want to include the Fire Council in the Subcommittee's proposed list of recommendations.
- Senator Amodei briefly discussed the challenge of fuels reduction, treatments, and biomass and mentioned that Carson City has a biomass facility. He said perhaps the State can assist with recommendations to locate a biomass facility in Southern Nevada, and he suggested that pertinent Southern Nevada entities and groups consider how to turn biomass disposal into an energy-cash commodity. He indicated that this concept will likely appear on a future IFC agenda for discussion of ways to turn fuels-management commodities on State lands into fuel to reduce power bills at State facilities. He said the goal is to stop using biomass just for landfill and instead use it to generate cash flow and/or savings to the State.

- Mr. Vollmer stated that the Fire Council is looking at projects over the next five years that would stimulate interest from private companies regarding soil amendment products and biomass disposal. He pointed out it is more likely for businesses to provide such services when it involves a five- or ten-year commitment.
- Responding to Chairwoman Titus, Ms. Phillips, previously identified, advised that there were two funded land acquisitions on the west side of SMNRA: (1) a 40-acre tract at the Mountain Springs community; and (2) Williams Ranch, a 98-acre parcel of land in Upper Trout Creek.

PRESENTATION OF THE SMNRA FOREST HIGHWAY TRANSPORTATION STUDY

- Kent L. Cooper, Assistant Director, Planning and Research, NDOT, gave a brief history of SMNRA forest highway funding for NDOT. He indicated that NDOT receives approximately \$1.5 million annually in forest highway funds from the U.S. Department of Transportation (USDOT). The funding is prioritized by representatives from the U.S. Forest Service, USDOT, and NDOT. He pointed out that only forest highway-designated roads are eligible for this funding source.
- Lee Gibson, Area Manager, Parsons Brinckerhoff Quade and Douglas, Inc., submitted a copy of the *Spring Mountains National Recreation Area Transportation Study* (see [Exhibit E-1](#) for complete details). He advised that the study proposes and encourages a safe and efficient transportation system that improves mobility and access to and within SMNRA for residents and visitors, while protecting natural, cultural, and recreational resources, and improving air quality. Mr. Gibson gave a Microsoft PowerPoint presentation (see [Exhibit E-2](#) for full details).

Continuing, Mr. Gibson said, at the end of the 20-year period of the study, there would be a fully operable shuttle system, which can be funded from a variety of federal sources, Clark County sources, and also SNPLMA funds. He indicated that SNPLMA cannot be used for operations and maintenance of the shuttle system; therefore, a strategy is needed to pay for that aspect of the system. Mr. Gibson advised that the short-term improvements are from the zero-to-five-year period, and the long-term recommendations are for the 20-year timeframe. He noted that all recommendations must be incorporated into the Regional Transportation Commission (RTC) of Southern Nevada's regional transportation and improvement plan

There was brief discussion about toll roads.

- Mr. Cooper indicated that toll roads would be situated at sites similar to Valley of Fire State Park and Lake Mead National Recreation Area where there would be a fee area to enter the locale but no throughway. He said toll money could be used to fund some of the activities held at the sites. Mr. Cooper asserted that the Kyle Canyon and Lee Canyon areas will see expansive growth within the next five to ten years. He noted that, from a transportation perspective, the option of toll roads is being chosen for

many national areas. He advised that current State law prohibits tolling bridges or roadways; therefore, the issue must be addressed by the Nevada Legislature.

Mr. Cooper further testified that NDOT is studying the managed-lane concept and will present such a proposal in the 2007 Legislative Session. He explained that current State law prohibits the use of State gasoline taxes for anything other than roadways. He emphasized the need to fund a shuttle system by tapping local, regional, State, and/or federal sources. He pointed out that federal funding exists for maintaining shuttle systems, but it is limited, competitive, difficult to obtain, and, therefore, not a feasible option.

Mr. Cooper advised that NDOT modeled the shuttle system plan on Zion National Park because it functions similarly to Kyle and Lee Canyons and Deer Creek Road. He explained that, at certain times of the year, visitors at those sites exceed what the natural resources can withstand, while usage at other times is not excessive. He indicated that control of these areas is essential to prevent destruction of natural resources, especially at peak times. Mr. Cooper advised that the final solution is not resolved yet but the desire is that the chosen system will function with the RTC system.

OVERVIEW OF THE *CLARK COUNTY ENVIRONMENTALLY SENSITIVE LANDS* ADVISORY COMMITTEE REPORT

- Rob Mrowka, Manager, Environmental Division, Clark County Department of Air Quality and Environmental Management, gave a Microsoft PowerPoint presentation (see [Exhibit F](#)), providing an overview of the *Clark County Environmentally Sensitive Lands Advisory Committee Report*. Mr. Mrowka advised that the Clark County Board of Commissioners created the Environmentally Sensitive Lands (ESL) Advisory Committee in December 2002, which was tasked with making recommendations regarding the following topics: (1) develop criteria to identify sensitive lands; (2) establish priorities to protect those lands; and (3) advise Clark County about appropriate ways of protecting those lands.

Mr. Mrowka said the ESL identified Mount Charleston as environmentally sensitive and ranked it as a “priority one” in the Multiple Species Habitat Conservation Plan. He gave an example of the ESL using its definition of environmentally sensitive lands when it recommended denial of a resort proposal to be located on a corner of the Lee Canyon area and Deer Creek Road. He said the recommendation was based on the level of negative impact on environmentally sensitive lands.

- Mr. Cooper, previously identified, advised that scenic road designation is under the jurisdiction of NDOT and the U.S. Forest Service. He briefly explained that there are both federal and State designations for scenic byways, with small amounts of federal funding for such designations. He expressed concern with scenic byway designation, which can limit development of roads.

PRESENTATION ON CURRENT AND FUTURE TRANSPORTATION PROJECTS ALONG THE “BLUE DIAMOND HIGHWAY” (STATE ROUTE 160)

- Mr. Cooper, previously identified, gave a Microsoft PowerPoint presentation (see [Exhibit G](#)) concerning current and future transportation projects for State Route 160 (SR-160), also called the “Blue Diamond Highway.” His testimony about SR-160’s multi-year expansion program included information and time frames about ongoing construction and safety projects; long-range projects; short-term improvements; and other initiatives.

Mr. Cooper advised that, since June 2005, approximately 15 fatalities were related to car accidents on SR-160, with half occurring on the west side of Mount Charleston.

- Rudy Malfabon, Deputy Director of Southern Nevada, NDOT, explained that Clark County’s Department of Development Services works directly with NDOT’s Traffic Engineer regarding County requirements for developers. He explained that Clark County typically requires a developer to build a half-street improvement; therefore, much of the widening projects close to Las Vegas are constructed by developers. He further advised that Clark County has several anticipated projects for the north-south arterial streets, such as Rainbow and Jones Boulevards. He noted that, because many arterial streets will not have connectivity to the Las Vegas Beltway, Clark County plans to connect several north-south arterials over the next two years.

Further, Mr. Malfabon noted that Clark County zoned portions of Blue Diamond’s urban area as high density. He indicated that Clark County requested NDOT to participate in planning discussions with developers and planners to assure that all entities are aware of road construction plans.

- Mary Martini, District Engineer, NDOT, testified that NDOT has an aesthetics program with reference to natural treasures at Blue Diamond. She mentioned that there will be three-dimension depictions of the natural treasures in that area, such as horses and scenic views. Ms. Martini advised that several short-term projects planned this year for State Route 159 (SR-159), also known as the “Red Rock Road,” include lane-widening; freshening and intensifying lane stripes; micro-surfacing road shoulders; installing new bicyclist signage; and placing traffic cones to slow traffic in certain areas. She noted that long-term projects include recommendations for construction of strategic road connections to I-215.
- Mr. Cooper noted that NDOT’s Director will consider the long-term project recommendations within the next two weeks, but he indicated some of the projects are not firm due to difficulties with citizens and the Bureau of Land Management.
- Chairwoman Titus suggested putting weight limits on SR-159 to prevent it from becoming a construction route and asked Mr. Cooper if the State has authority to do

that. Mr. Cooper advised that weight limits normally fall under the jurisdiction of Clark County, but he said he will verify whether the State has authority to impose weight limits in this regard and report back to the Subcommittee.

OVERVIEW OF ACTIVITIES OF THE PUBLIC LANDS ADVISORY BOARD, TOWN OF PAHRUMP

- Jim Petell, Chairman, Public Lands Advisory Board, Town of Pahrump, gave a Microsoft PowerPoint presentation (see [Exhibit H](#)), which included an overview of projects and activities of the Public Lands Advisory Board. He discussed the Veterans Cemetery, shooting range, Johnnie Herd Management Area, and wild horses and burros. Mr. Petell also briefly discussed issues impacting Pahrump and the west side of Mount Charleston, which include growth, construction, and water issues.

There was brief discussion concerning domestic wells, water rights and permits, water shortages, and sewage issues as they relate to expansion and growth in Pahrump and the surrounding area. There was also general discussion of infrastructure and sustainable growth.

PUBLIC COMMENT

- Sally Devlin, a private citizen of Pahrump, testified that there is no map of Ash Meadows and asked if that area can be properly surveyed; she also noted there are jurisdictional problems in this regard. Referring to the many car accidents on SR-160, Ms. Devlin named several streets that need safety improvements where they intersect that highway; the streets include Manse Road, Belle Vista Avenue, and Homestead Road. She declared that accident fatalities occurring on SR-160 pose an emergency situation, and she stressed that funds are desperately needed to address the problem.
- Chairwoman Titus indicated that the Subcommittee will try to determine who has jurisdiction regarding the aforementioned streets. She emphasized that everyone agrees SR-160 should be a “priority one” regarding roadway safety improvements. Concerning Ms. Devlin’s question about a map and survey of Ash Meadows, Chairwoman Titus indicated that Ms. Phillips, who was still present, could probably answer those questions.
- Robert Smith, a private citizen of Pahrump, was concerned about several issues concerning Pahrump, which include construction of a reservoir at Wheeler Pass for flood prevention and recreation purposes; construction of the railroad crossing on SR-160; building a railroad spur; sewage and septic contamination; and putting a moratorium on domestic wells.
- Chairwoman Titus asked staff to look into the reservoir question.

- Mr. Cooper, previously identified, testified that he is not certain whether the railroad crossing on SR-160 will be built underneath or above the road, but he said it will not be built across the road. He indicated that construction is scheduled for the fall of 2006 with an approximate two-year completion date.
- Regarding construction of a railroad spur in Pahrump, Chairwoman Titus pointed out the issue is complex and not easily solved. She mentioned there has been talk about the possibility of light rail to assist with commuter traffic from Las Vegas but added that geography and geology make that a difficult project.
- Tom Buqo, a hydro-geologist and consultant in Nye County, testified that, since 1996, he has worked with Nye County on Yucca Mountain, Nevada Test Site, and water resource issues. His testimony included brief discussion of the following topics:
 1. Water issues and water planning in Nye County, including Devil's Hole and Ash Meadows;
 2. Groundwater monitoring program in Nye County;
 3. Partnerships with Elko, Eureka, Lander, and White Pine Counties regarding water issues; and
 4. Pahrump landfill.
- Chairwoman Titus reminded everyone to submit any recommendations they might have to the Subcommittee.

ADJOURNMENT

There being no further business to come before the Subcommittee, the meeting was adjourned at 12:35 p.m.

Respectfully submitted,

Kay Graves
Senior Administrative Assistant

Marjorie Paslov Thomas
Senior Research Analyst

APPROVED BY:

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 (LCB), Carson City, Nevada.

Exhibit B is a Microsoft PowerPoint presentation titled “Conservation in Action – A New Century of Conservation” provided by Sharon McKelvey, Refuge Manager, Ash Meadows National Wildlife Refuge, U.S. Fish and Wildlife Service, United States Department of the Interior.

Exhibit C-1 is a Microsoft PowerPoint presentation titled “Forest Service Humboldt-Toiyabe National Forest Spring Mountains National Recreation Area” provided by Stephanie Phillips, Deputy Forest Supervisor, Humboldt-Toiyabe National Forest, Spring Mountains National Recreation Area, U.S. Forest Service, United States Department of Agriculture.

Exhibit C-2 is the prepared testimony of Stephanie Phillips, Deputy Forest Supervisor, Humboldt-Toiyabe National Forest, Spring Mountains National Recreation Area, U.S. Forest Service, United States Department of Agriculture.

Exhibit D is the prepared testimony of Mike Vollmer, Executive Director, Nevada Fire Safe Council.

Exhibit E-1 is a document titled “Spring Mountains National Recreation Area Transportation Study – Final Report,” provided by Lee Gibson, Area Manager, Parsons Brinckerhoff Quade and Douglas, Inc.

Exhibit E-2 is a Microsoft PowerPoint presentation titled “Spring Mountains National Recreation Area Transportation Study – Findings and Recommended Actions,” provided by Lee Gibson, Area Manager, Parsons Brinckerhoff Quade and Douglas, Inc.

Exhibit F is a Microsoft PowerPoint presentation titled “Clark County Environmentally Sensitive Lands Advisory Committee Report,” provided by Rob Mrowka, Manager, Environmental Division, Clark County Department of Air Quality and Environmental Management.

Exhibit G is a Microsoft PowerPoint presentation titled “State Route 160 (Blue Diamond Highway) Multi-Year Expansion Program,” provided by Kent L. Cooper, Assistant Director, Planning and Research, Nevada’s Department of Transportation.

[Exhibit H](#) is a Microsoft PowerPoint presentation titled “Pahrump Public Lands Advisory Board Main Projects,” provided by Jim Petell, Chairman, Public Lands Advisory Board, Town of Pahrump.

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.