



# **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 first 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 November 7, 2005, at 10:30 a.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, 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 MEMBER PRESENT IN CARSON CITY:**

Senator Dean A. Rhoads

#### **COMMITTEE MEMBERS PRESENT IN LAS VEGAS:**

Senator Dina Titus, Chairwoman  
Senator Mark E. Amodei  
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, Deputy Legislative Counsel, Legal Division  
Kay Graves, Senior Administrative Assistant, Research Division

## **OPENING REMARKS AND INTRODUCTIONS**

Senator Dina Titus, Chairwoman, welcomed members and staff to the first meeting of the Legislative Commission's Subcommittee to Study the Protection of Natural Treasures. She explained that the study will provide an opportunity to identify natural treasures in Nevada that may need additional protection. She suggested that the Subcommittee take inventory of these places and seek input from interested parties, including federal and local officials.

## **OVERVIEW OF SENATE CONCURRENT RESOLUTION NO. 35 (FILE NO. 101, *STATUTES OF NEVADA 2005*)**

- Marjorie Paslov Thomas, Senior Research Analyst, Research Division, Legislative Counsel Bureau (LCB) gave an overview of S.C.R. 35. Please see [Exhibit B](#) for details of Ms. Paslov Thomas' remarks.

## **OVERVIEW OF CULTURAL AND HISTORIC NATURAL TREASURES ON FEDERAL LANDS IN NEVADA**

- Stephanie Phillips, Deputy Forest Supervisor, Humboldt-Toiyabe National Forest, Spring Mountains National Recreation Area, U.S. Forest Service, United States Department of Agriculture, gave an overview of the Spring Mountains National Recreation Area, which includes the Mount Charleston area. Ms. Phillips' presentation included testimony regarding public recreation, biological diversity, and conservation and management of natural recreation resources. She also discussed the Southern Nevada Public Lands Management Act (SNPLMA) funding; the National Environmental Policy Act; the Nevada Fire Safety Council; the Mount Charleston Visitor Use Task Force; and the Conservation Agreement, which was developed by the Spring Mountains National Recreation Area, the U.S. Forest Service, the U.S. Fish and Wildlife Service, and the State Department of Conservation and Natural Resources (SDCNR). Please see [Exhibit C](#) for details of Ms. Phillips' presentation.
- Chairwoman Titus requested that staff ask representatives of Nevada's Department of Transportation (NDOT) to attend a future Subcommittee hearing regarding Ms. Phillips' proposed recommendations for ongoing projects.
- Senator Amodei asked staff to obtain a copy of the Conservation Agreement for review by Subcommittee members. He agreed with the Chairwoman that representatives from NDOT should attend a future meeting to discuss construction issues.
- Chairwoman Titus suggested that the Subcommittee obtain recommendations from NDOT, the Conservation Agreement proposals, the Nevada Fire Safety Council, and Mount Charleston neighborhood delegates. She asked staff to invite the appropriate representatives to a future meeting. Additionally, she directed staff to invite representatives from Pahrump to a future meeting to discuss planning efforts regarding the west side of the Spring Mountains National Recreation Area.

- Continuing, Ms. Phillips briefly discussed off-road vehicle use and wild horses in the Spring Mountains National Recreation Area.
- William K. Dickinson, Superintendent, Lake Mead National Recreation Area, National Park Service, U.S. Department of the Interior (DOI), gave a presentation regarding the natural and cultural resources of Lake Mead National Recreation Area, Death Valley National Park, and Great Basin National Park. Please see [Exhibit D](#) for details of Mr. Dickinson's presentation. Additionally, Mr. Dickinson briefly discussed SNPLMA funding, the new bridge over Hoover Dam, and disturbed lands in Nevada.
- Jo Simpson, Chief, Office of Communications, Bureau of Land Management (BLM), Nevada State Office, DOI, testified that appropriate staff will appear at future Subcommittee meetings as needed. She stated that staff specifically will testify at the Subcommittee's Hawthorne meeting regarding BLM's involvement with Walker Lake. Ms. Simpson presented a brief overview of three BLM national conservation areas, which include Black Rock Desert-High Rock Canyon Immigrant Trails, Red Rock Canyon, and Sloan Canyon. She referred to the *BLM State of Nevada Wilderness Status Map* to point out designated areas as she spoke about them. (Please contact BLM at (775) 861-6500 for a copy of the map.)

Ms. Simpson advised that BLM has 38 designated wilderness areas in Nevada and 72 wilderness study areas, which will remain in study-area status until they are either designated as wilderness or released by Congress to multiple-use. She indicated that these wilderness areas comprise the National Landscape Conservation System, which includes wild and scenic rivers in those states where such designations exist. She advised that many other locales outside of congressionally designated sites are protected through administrative designation, which are areas of environmental concern. She said such areas are occasionally designated for plants that are unique to a certain area and sometimes for paleontological or archeological resources.

- Dr. Pat Barker, State Archaeologist, Division of Natural Resources, Lands and Planning, BLM, Nevada State Office, DOI, gave a brief overview of the BLM's cultural resources. He stated that BLM manages 48 million acres of public land in Nevada and approximately 2 million acres of that land are cultural resources. He noted there are approximately 75,000 archaeologic sites on these lands, and about 15,000 of those sites have been determined as potential inclusions on the National Historic Register. He further stated that approximately 250 sites, which have local, state, and national significance, are actually listed on the Register. He pointed out that cultural resources on BLM land in Nevada span the last 12,000 years of human habitation in the West and include mammoth kill sites, paleo-Indian eras, ethno-historic times, and traditional cultural properties that exist today. He emphasized that such sites are unique, are easily destroyed, and need special protection because they are significant in preserving the history of the evolution of Nevada over time.

Continuing, Dr. Barker urged the Subcommittee to think about special designations and how that process works with regard to managing cultural resources. He said expectations include funding for management and operational levels and public access. He offered to provide a manual outlining the cultural resources that are useful for paleontology and geology, which the State of Nevada uses in its planning process.

## **OVERVIEW OF STATE LAND PROGRAMS RELATING TO THE PRESERVATION OF NATURAL TREASURES**

- Pamela B. Wilcox, Administrator and State Land Registrar, Division of State Lands, SDCNR, gave an overview of State land programs relating to the preservation of natural treasures. Her testimony included the following topics:
  1. The land associated with navigable bodies of water, which include the Carson River, Colorado River, Lake Tahoe, Truckee River, Virgin River, Walker Lake, and Washoe Lake;
  2. State protection of special wilderness lands and wildlife management areas throughout Nevada, which include many lands within the Division of State Parks;
  3. Bond issues and the 2002 Conservation Bond - Question 1;
  4. Status of grant applications and the availability and allocation of grant money for conservation planning, restoration, and construction;
  5. Process and purpose of bond money for environmental improvement projects in the Tahoe Basin;
  6. Environmental projects funded by money derived from State license plate programs; and
  7. SNPLMA funds.

## **OVERVIEW OF STATE PARKS PROGRAMS RELATING TO NATURAL TREASURES**

- David K. Morrow, Administrator, Division of State Parks, SDCNR, gave a Microsoft PowerPoint presentation (see [Exhibit E](#)), which included an overview of Nevada's park system and an outline of its mission and history. He further provided information about regions and parks and gave an update on the 2002 Conservation Bond.

Additionally, Mr. Morrow provided an update on the Schroeder Reservoir at Beaver Dam in the Panaca region, which was extensively damaged during the spring 2005 flooding. He explained that the Division of State Parks and Nevada's Department of Wildlife applied for Federal Emergency Management Agency (FEMA) funds, but the

total amount FEMA will contribute is not enough to repair or restore the dam. He estimated the cost to replace the dam at approximately \$10 to \$20 million. Mr. Morrow also pointed out that Echo Dam Reservoir, which is located in Echo Canyon in the Panaca region, has significant leaks and needs repairing.

- Senator Amodei suggested that the Subcommittee examine each agency's budget over the past 10 to 15 years to gain a broad perspective and determine the available and necessary resources, and then check for and use cross-resources between federal, State, and local governments. He said this type of budget review will assist the Subcommittee in determining its final recommendations.
- Chairwoman Titus indicated that this type of budget review will be a part of the analysis, review, and recommendations of the Senate Committee on Finance and the Assembly Committee on Ways and Means.
- Concluding his testimony, Mr. Morrow gave a brief update on the status of the Elgin Schoolhouse in Caliente and the Monte Cristo area near Tonopah.

## **REVIEW OF THE DIFFERENCES BETWEEN STATE CULTURAL RESOURCES AND STATE NATURAL TREASURES**

- Ronald M. James, State Historic Preservation Officer, Office of Historic Preservation, Department of Cultural Affairs, gave a brief overview of the mandate of his office, which is to encourage the promotion of cultural resources and not natural treasures. He further explained the differences between cultural and natural treasures, indicating that people often confuse the two realms. He pointed out that, in Nevada, cultural resources refer to prehistoric times before people had a written record of their existence in the Great Basin; whereas, noncultural prehistoric resources, often natural treasures, have a paleontological nature and do not fall under the jurisdiction of the Office of Historic Preservation. Mr. James said that the State and federal system of identification, protection, and promotion of cultural resources is a good one, while there is not a good system for noncultural prehistoric resources. He encouraged the Subcommittee to consider developing an analogous system for the State's natural treasures.

Mr. James acknowledged that beautiful natural settings often contain cultural resources; for example, the Ward charcoal ovens are located on the backside of Mount Charleston. He asserted that, while federal agencies often advocate the downgrading of a cultural resource to return it to its natural setting, his office resists that strategy because, in his opinion, natural treasures and cultural resources can and should coexist. He assured members that he will offer guidance and assistance to the Subcommittee as it examines pertinent issues related to natural treasures.

## **OVERVIEW OF CLARK COUNTY DEVELOPMENT PROCESS THROUGHOUT NORTHWEST CLARK COUNTY**

- Mario A. Bermudez, Planning Manager, Department of Comprehensive Planning, Clark County, provided an overview of Clark County's development process regarding land located in the areas of Blue Diamond, Kyle Canyon, Mount Charleston, and Red Rock. He said that Northwest Clark County developers are guided by the *Northwest County Land Use and Development Guide*. Please see [Exhibit F](#) for details of Mr. Bermudez's presentation.
- Responding to Chairwoman Titus, Rob Mrowka, Planning Manager, Environmental Planning Division, Department of Air Quality and Environmental Management, Clark County, testified that Clark County is very active in securing SNPLMA funds. He indicated Clark County secures SNPLMA funds for two reasons: (1) the Multiple Species Habitat Conservation Plan (MSHCP); and (2) parks, trails, and other programs related to natural areas. Mr. Mrowka also gave a brief update on the bicycle path at Red Rock Canyon and the status of an assessment proposal for Blue Diamond Hill and the gypsum mine.

## **DISCUSSION OF GENERAL WILDERNESS ISSUES RELATING TO NATURAL TREASURES**

- Brian Beffort, Conservation Director, Friends of Nevada Wilderness, a local nonprofit organization based in Nevada, discussed Nevada's public lands and wilderness areas. He pointed out the values and benefits that wilderness provides to Nevada's communities and the importance of wilderness protection and conservation. In addition, Mr. Beffort submitted a letter to the Subcommittee with attachments of other information and literature pertinent to conservation and wilderness. Please see [Exhibit G](#) for details of Mr. Beffort's presentation and cover letter to Subcommittee members.
- Joe Johnson, Member, Toiyabe Chapter Sierra Club, submitted a schedule for two Sierra Club groups: "Sierra Club Great Basin Group Calendar November 2005" and the "Southern Nevada Group Calendar November 2005" (see [Exhibit H](#)). Mr. Johnson stated that the Toiyabe Chapter Sierra Club has a long-standing interest in preservation and conservation issues and fully supports the Subcommittee's efforts.

Regarding previous testimony related to state wilderness areas, Mr. Johnson explained that, during the time of land grants, Nevada had a significant amount of lands but the lands were traded and sold. He said, unlike many other Western states, Nevada does not have significant lands available for study, designation, and leasing for extractive industry. He also pointed out that the air in Great Basin National Park is one of the cleanest and clearest in the national park system. He asked the Subcommittee to consider proposing that Great Basin National Park, as well as other areas such as the Black Rock National Conservation Area, be recommended for a "class one air shed" designation to protect its air quality. He indicated the Governor has authority to assign

that designation and the procedure most likely entails a hearing process involving Nevada's Division of Environmental Protection.

- Chairwoman Titus requested that Allen Biaggi, Director, SDCNR, provide additional information regarding the "class one air shed" designation procedure.

Chairwoman Titus asked that all participants start compiling ideas and suggestions to submit for the Subcommittee's consideration as meetings go forward. She stated the Subcommittee will ask all interested parties for a list of specific recommendations to include in its final meeting report and possible bill drafts.

## **PUBLIC COMMENT**

- Rob Mrowka, previously identified, submitted prepared testimony, which discussed the partnership between federal and private lands in Clark County; the MSHCP; SNPLMA funds; and the protection and conservation of natural treasures. He also spoke about several threats to Nevada's natural treasures and presented ideas on how to address those threats. He advised that, during approximately the past two years, the Clark County Board of Commissioners created and convened the following two groups: (1) Clark County Environmentally Sensitive Lands Task Force; and (2) Clark County Community Growth Task Force. He offered to provide a copy of both groups' final reports. Please see [Exhibit I](#) for details of Mr. Mrowka's testimony.

## **SCHEDULING OF FUTURE MEETINGS**

- Subcommittee members agreed on future meeting dates and locations for 2006 as follows: February 10, Pahrump; March 10, Hawthorne; May 12, Ely; and June 9, which will be the final work session, either in Las Vegas or Carson City.

## **ADJOURNMENT**

There being no further business to come before the Subcommittee, the meeting was adjourned at 1:23 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, Chairwoman

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 the prepared introductory remarks of Marjorie Paslov Thomas, Senior Research Analyst, Research Division, LCB, Carson City, Nevada.

**Exhibit C** 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 William K. Dickinson, Superintendent, Lake Mead National Recreation Area, National Park Service, United States Department of the Interior.

**Exhibit E** is a Microsoft PowerPoint presentation titled “Nevada’s Own Natural and Cultural Treasures” provided by David K. Morrow, Administrator, Division of State Parks, State Department of Conservation and Natural Resources.

**Exhibit F** is the prepared testimony of Mario A. Bermudez, Planning Manager, Department of Comprehensive Planning, Clark County.

**Exhibit G** contains the following documents, which were submitted by Brian Beffort, Conservation Director, Friends of Nevada Wilderness:

1. Prepared testimony of Mr. Beffort; and
2. Memorandum dated November 1, 2005, from Mr. Beffort to Chairwoman Titus.

**Exhibit H** is a document titled “Sierra Club, Great Basin Group Calendar November 2005” and “Southern Nevada Group Calendar November 2005” provided by Joe Johnson, Member, Toiyabe Chapter Sierra Club.

**Exhibit I** is the prepared testimony of Rob Mrowka, Planning Manager, Environmental Planning Division, Department of Air Quality and Environmental Management, Clark County.

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.