



**MINUTES OF THE MEETING
OF THE
LEGISLATIVE COMMITTEE ON PUBLIC LANDS
(*Nevada Revised Statutes* 218.5363)
April 7, 2000
Caliente, Nevada**

The fifth meeting of the Nevada Legislature's Committee on Public Lands (*Nevada Revised Statutes* [NRS] 218.5363) during the 1999-2000 interim was held on Friday, April 7, 2000, in the Caliente City Council Chambers, 100 Depot Avenue, Caliente, Nevada. Pages 2 and 3 contain the "Meeting Notice and Agenda" for this meeting.

COMMITTEE MEMBERS PRESENT:

Assemblyman John W. Marvel, Acting Chairman
Senator Terry Care
Assemblyman Jerry D. Claborn
Assemblyman P.M. "Roy" Neighbors

COMMITTEE MEMBERS ABSENT:

Senator Dean A. Rhoads, Chairman
Senator Mark A. James
Buster Dufurrena, Humboldt County Commissioner

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Michael J. Stewart, Senior Research Analyst
J. Randall Stephenson, Senior Deputy Legislative Counsel
Christine Kuhl, Senior Research Secretary

MEETING NOTICE AND AGENDA

Name of Organization:	Nevada's Legislative Committee on Public Lands (<i>Nevada Revised Statutes</i> 218.5363)
Date and Time of Meeting:	Friday, April 7, 2000 9:30 a.m.
Place of Meeting:	Caliente City Council Chambers 100 Depot Avenue

A G E N D A

I. Opening Remarks and Introductions

*II. Approval of the Minutes of the Meeting Held on February 25, 2000, in Fallon, Nevada, and the Minutes of the Meetings of the Subcommittee on Senate Bill 560 Held on December 14, 1999, in Carson City, Nevada; January 12, 2000, in Las Vegas, Nevada; and February 24, 2000, in Carson City, Nevada

*III. Reports to the Committee

*A. Update on Public Lands Issues in Eastern Nevada and Discussion of Activities of the Tri-County Group

Dan Frehner, Chairman, Lincoln County Board of Commissioners

Brent Eldridge, Chairman, White Pine County Board of Commissioners

Dick Carver, Chairman, Nye County Board of Commissioners

Gene Kolkman, Field Manager, Ely District, Bureau of Land Management (BLM), United States Department of the Interior (DOI)

*B. Review of Senate Bill 108 of the 1999 Legislative Session and its Effects on Lincoln, Nye, and White Pine Counties

Steven T. Bradhurst, Planning Consultant, Tri-County Group

Dan Frehner, Chairman, Lincoln County Board of Commissioners

Brent Eldridge, Chairman, White Pine County Board of Commissioners

Dick Carver, Chairman, Nye County Board of Commissioners

*C. Overview of the Lincoln/Douglas Exchange

Gene Kolkman, Field Manager, Ely District, BLM, DOI

Dan Frehner, Chairman, Lincoln County Board of Commissioners

Representative, Douglas County Board of Commissioners

*D. Update on Endangered Species in Nevada

Bob Williams, Field Supervisor, Nevada Fish and Wildlife Office, United States Fish and Wildlife Service, DOI

Terry Crawford, Administrator, Nevada Division of Wildlife (NDOW), State Department of Conservation and Natural Resources (SDCNR)

Gene Kolkman, Field Manager, Ely District, BLM, DOI

*E. Review of Elk Management Strategies in Nevada

Representative, Coordinated Resource Management (CRM) Group, Lincoln County

Laurel Etchegaray, Chairman, Steering Committee, CRM Planning, White Pine County; Member, Eureka County Public Land Board

Gene Kolkman, Field Manager, Ely District, BLM, DOI

Terry Crawford, Administrator, NDOW, SDCNR

*F. Public Land Grazing Trends and Economic Effects in Nevada

Don Henderson, Assistant Director, Rangeland Specialist, State Department of Agriculture

Representative, BLM

IV. Public Comment

*V. Work Session on Preceding Agenda Items

*Denotes items on which the committee may take action.

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Research Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call Christine Kuhl at (775) 684-6825 as soon as possible.

Notice of this meeting was posted in the following Carson City, Nevada, locations: Blasdel Building, 209 East Musser Street; Capitol Press Corps, Basement, Capitol Building; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Nevada State Library, 100 Stewart Street. Notice of this meeting was faxed for posting to the following Las Vegas, Nevada, locations: Clark County Office, 500 South Grand Central Parkway; and Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was faxed for posting to the following Caliente, Nevada, location: Caliente City Council Chambers, 100 Depot Avenue.

OPENING REMARKS AND INTRODUCTIONS

Acting Chairman Marvel brought the meeting to order at 9:40 a.m. Roll was called and a quorum present. A moment of silence was observed in the memory of Jim Regan, Chairman, Churchill County Board of Commissioners, who passed away in early April 2000.

APPROVAL OF THE MINUTES OF THE MEETING HELD ON FEBRUARY 25, 2000, IN FALLON, NEVADA, AND THE MINUTES OF THE MEETINGS OF THE SUBCOMMITTEE ON SENATE BILL 560 HELD ON DECEMBER 14, 1999, IN CARSON CITY, NEVADA; JANUARY 12, 2000, IN LAS VEGAS, NEVADA; AND FEBRUARY 24, 2000, IN CARSON CITY, NEVADA

SENATOR CARE MOVED TO APROVE THE MINUTES FROM THE MEETING HELD ON FEBRUARY 25, 2000, IN FALLON, NEVADA, AND THE MINUTES OF THE MEETINGS OF THE SUBCOMMITTEE ON SENATE BILL 560 HELD ON DECEMBER 14, 1999, IN CARSON CITY, NEVADA; JANUARY 12, 2000, IN LAS VEGAS, NEVADA; AND FEBRUARY 24, 2000, IN CARSON CITY, NEVADA. ASSEMBLYMAN CLABORN SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

REPORTS TO THE COMMITTEE

Update on Public Lands Issues in Eastern Nevada and Discussion of Activities of the Tri-County Group

Dan Frehner, Gene Kolkman, Brent Eldridge, James Marble, and Robert E. Stewart

Dan Frehner, Chairman, Lincoln County Board of Commissioners; Gene Kolkman, Field Manager, Ely District, Bureau of Land Management (BLM), United States Department of the Interior (DOI); Brent Eldridge, Chairman, White Pine County Board of Commissioners; James Marble, Director, Nye County Natural Resources; and Robert E. Stewart, Public Information Specialist, BLM, approached the Committee as a group to provide an update on public lands issues in eastern Nevada and discuss the activities of the Tri-County Group. Please note that James Marble attended the meeting on behalf of Dick Carver, Chairman, Nye County Board of Commissioners.

Dan Frehner began the presentation by identifying topics addressed by the Tri-County Group. They include:

- BLM property obtained for school construction with the assistance of Gene Kolkman;
- Economic development;
- Federal land withdrawals;

- Land exchanges and acquisitions and exploring ways to expedite these processes;
- Noxious weed control;
- Piñon Juniper Harvest: NTS Development Corporation intends to harvest Piñon Juniper for manufacture into wood chips and other timber-based consumer goods. He expressed appreciation regarding the actions of Gene Kolkman in facilitating meetings with United States Senator Harry Reid's staff to reach this goal; and
- Wilderness Study Areas (WSA): Addressing the issue of removal of nonqualifying areas.

Discussion ensued regarding the release of WSAs. Acting Chairman Marvel noted that the Committee frequently addresses this issue during its informational tours of Washington, D.C., but the topic is typically not well received. Mr. Frehner agreed that he has had similar experiences and noted that over one-half of the WSAs in Nevada are contained in Lincoln and White Pine Counties. He noted that the Tri-County Group is addressing this issue.

Responding to a question raised by Senator Care, Mr. Kolkman explained that it takes an act of the United States Congress in order for a WSA to be released from designation. He further explained that the process requires that the BLM inventory lands and make a recommendation to Congress regarding action. Further addressing the issue, Brent Eldridge reiterated that discussion at the Tri-County meetings regarding WSAs have been conducted. Specifically, the group has addressed WSAs that do not appear to qualify and should be returned to public use. The group has concluded that there is a need to open a dialogue with conservation groups within the State in order to reach a consensus about how to address nonqualifying WSAs. Mr. Eldridge indicated that various conservation groups seem to be willing to negotiate boundaries around areas that truly are wilderness and release the rest. Following a determination of areas to recommend for release, information will be passed along to the State Legislature in an effort to gain support for presenting the issue to Congress. However, explained Mr. Eldridge, in the areas where minerals exist, a consensus may not be reached.

Assemblyman Neighbors recommended that during the Committee's work session, the members approve a resolution to be presented to the 2001 Nevada Legislature, requesting the Legislature's support of congressional action to return nonqualifying WSAs to public use.

Continuing the group presentation, Mr. Eldridge addressed the issue of BLM land exchanges and the effects on White Pine County. He noted that the potential loss of prime agricultural property, as a result of land exchanges in Clark County, might adversely affect White Pine County's tax base. He explained that he would like to see developers establish a tax-generating enterprise within the County in order to recuperate lost revenue.

Further, Mr. Eldridge explained that the 3-C Ranch, recently acquired by the State, provides potential for expansion to White Pine County's tax base. Vacant lands within the County have been identified by private enterprises as locations for development. If the "trade-out" of the Ranch were accomplished, the BLM and Nevada's Division of Wildlife (NDOW) State Department of Conservation and Natural Resources (SDCNR), would own the Ranch land and various third parties would acquire parcels scattered throughout the County. Mr. Eldridge requested that the committee take into consideration, when making any formal recommendations regarding land exchanges, the fact that each county has a list of specific priorities and a blanket policy does not apply to all.

Jim Marble indicated that Nye County has been pleased with the results of the Tri-County Group. He noted that the Nye County Board of Commissioners recently approved funding for a noxious weed program organized through the Tri-County Group.

Further, Dr. Marble noted that Nye County is concerned about implementation of the Southern Nevada Public Lands Management Act (SNPLMA) of 1998. He explained that recently, the DOI has announced that it wants to buy land in Nye County, including the Lockes Ranch and two privately owned parcels within the Ash Meadows National Wildlife Refuge. The Nye County Board of Commissioners has passed a resolution opposing these purchases. He reiterated the comments made by Mr. Eldridge regarding the loss of the County's tax base with the loss of land. In response to a question from Acting Chairman Marvel, Dr. Marble explained that he does not have figures regarding the projected loss of revenue Nye County might experience if the proposed sale is completed.

Robert E. Stewart spoke regarding the SNPLMA and noted that the law requires consultation with the county before the purchase of land within that county may occur. He emphasized, however, that the United States Secretary of the Interior makes the final decision regarding these land sales. In addition, he explained that the land within the Las Vegas Valley currently managed by the BLM is to be “disposed of,” based on the Act. It can be exchanged; however, only exchanges that were in progress prior to the passage of the SNPLMA are currently being entertained. Consequently, the land has been and will continue to be auctioned. Proceeds of the land sales are distributed in the following manner: (1) the State of Nevada school fund receives 5 percent; (2) the Southern Nevada Water Authority receives 10 percent for infrastructure expansion; and (3) 85 percent is placed in a special account, under the direction of the Secretary of the Interior, who is responsible for releasing the funds for capital improvements on public lands and for the purchase of “environmentally sensitive” land within the State.

The federal agencies named in the SNPLMA are the BLM, the National Park Service, DOI; the U.S. Fish and Wildlife Service (USFWS), DOI; and the U.S. Forest Service (USFS); United States Department of Agriculture. These federal agencies must work together to make recommendations regarding the expenditure of the funds contained in the special account. The agencies have compiled a list of recommended “environmentally sensitive” lands for purchase. The list will be available for public comment through the end of April 2000. He noted that the BLM would accept “environmentally sensitive” land purchase nominations from anyone, for example, a county, city, or environmental group.

Responding to a question posed by Assemblyman Neighbors regarding the use of the special account to purchase water rights on the Walker River, Mr. Stewart explained that water rights alone many not be purchased. However, if water rights were obtained in conjunction with the purchase of “environmentally sensitive” land surrounding the Walker River, this would be acceptable.

In conclusion, Mr. Stewart noted that his experience with the Tri-County Group and the office of Gene Kolkman has been “very good.”

Mr. Kolkman explained that with regard to economic development in Lincoln and White Pine Counties, the most important action for BLM is disposal of public lands. He noted that in the two counties, disposal has included about 4,000 acres in Lincoln County and approximately 2,000 acres in White Pine County. There are approximately 20,000 acres available for future disposal between the two counties. Lincoln County will be experiencing sizable growth on its southern borders, which, explained Mr. Kolkman, is beneficial for the County’s economic development.

Continuing, Mr. Kolkman noted that the Ely District BLM office will release, in June 2000, a fire plan which allows for over 3.5 million acres of Piñon Juniper communities in Lincoln and White Pine Counties to burn naturally. Further, the Ely District BLM office, the Tri-County Group, and Resource Concepts, Incorporated, are working together on the Piñon Juniper project. He noted that about \$80,000 in contributions, including a \$10,000 grant from Nevada’s Legislative Committee on Public Lands, has been secured and the Nevada Association of Counties will administer the funds for the project.

Upon conclusion of the presentation, Acting Chairman Marvel noted that the Committee would address the recommendations presented herein during its final meeting (work session).

Review of Senate Bill 108 of the 1999 Legislative Session and its Effects on Lincoln, Nye, and White Pine Counties

Steven T. Bradhurst

Steven T. Bradhurst, Planning Consultant, Tri-County Group, was unable to attend the meeting.

Brent Eldridge

Brent Eldridge, previously identified, discussed Senate Bill 108 (Chapter 236, *Statutes of Nevada*) of the 1999 Legislative Session, which “revises provisions governing applications for use of water,” and its effects on Lincoln,

Nye, and White Pine Counties. He explained that the Tri-Counties have not had much experience with the legislation, which addresses the interbasin transfer of water, because no new issues have arisen which would necessitate utilizing the provisions contained in the bill. He explained that the three counties have begun to engage in a dialogue with Clark County and the Las Vegas Valley Water District (LVVWD) regarding water applications made by the LVVWD for water located in the rural counties. This dialogue is expected to enhance the understanding by the Tri-Counties of the water needs of Las Vegas, as well as Clark County's recognition of where water may be obtained without negatively impacting the rural communities. Further, Clark County will obtain an understanding about how the rural counties would like to reserve water to provide for their potential growth. He was optimistic that this effort would be successful.

In conclusion, Mr. Eldridge expressed appreciation for the work of the State Legislature and the Committee for the passage of S.B. 108. Particularly, he noted that the legislation requires the State Engineer to recognize and analyze the need for growth in the post-basins allocating water from that basin.

In response to a query made by Acting Chairman Marvel, Mr. Eldridge explained that any problems with the legislation that may exist have not been recognized because S.B. 108 has not yet been utilized.

Assemblyman Neighbors noted that if any amendments to S.B. 108 are necessary, the legislation could be addressed during the 2001 Legislative Session.

Responding to an inquiry posed by Acting Chairman Marvel regarding the outstanding water applications currently being entertained by the LVVWD, Andrew M. Belanger, Assistant Management Analyst, LVVWD, explained that the applications are listed in a Memorandum of Understanding signed in April 1999.

Overview of the Lincoln/Douglas Exchange

Acting Chairman Marvel noted that a representative from Douglas County was not present as listed on the "Meeting Notice and Agenda."

Gene Kolkman

Gene Kolkman, previously identified, provided an overview of the Lincoln/Douglas Exchange. He explained that the concept began in 1996 when he was considering a suitable method to coordinate a land exchange in the Ely BLM District. The intention was for another Nevada county to acquire BLM land in return for the purchase of land in Lincoln County, the income from which would be used in Lincoln County. The Field Manager of the Carson City BLM District, John Singlaub, was working with Douglas County Commissioner, Jacques Etchegoyhen, to develop a method to acquire conservation easements to preserve open space in Douglas County, while at the same time, maintain a strong agricultural base. The two BLM managers put the ideas together and next contacted the Douglas and Lincoln County Commissions. Both Commissions engaged in deliberation for a period of approximately 6 to 8 months. One concern that was addressed is the need to avoid entering into a land exchange that would benefit Lincoln County at the expense of Douglas County. Following deliberation, the Lincoln/Douglas Exchange resolution was passed. Thereafter, the Ely District BLM office and the Carson City District BLM office began to work on a disposal for these easements. The project is currently underway and, if successful, will be one of the first occurrences where the BLM has disposed of land in a rural county that "desperately" needs such a release and, in cooperation with the government of the local county, the federal government will acquire conservation easements for preservation on agricultural land. He opined that this is a "win-win" situation but does expect some criticism. In conclusion, he noted that the project has been expanded and includes White Pine County, so the proper name for the exchange is now the "Lincoln/White Pine/Douglas Exchange."

Update on Endangered Species in Nevada

Gregg Tanner

Gregg Tanner, Game Management Bureau Chief, NDOW, SDCNR, addressed the Commission on behalf of Terry Crawforth, Administrator, NDOW. He began his presentation by providing information about new developments regarding wildlife species proposed for listing as endangered or threatened in Nevada. The new developments are as

follows:

- Columbian Sharp Tailed Grouse

- The USFWS has received a petition for the potential listing of the species as either endangered or threatened;
- The species is endemic to the State of Nevada and was at one time prolific in Elko County, where it was commercially hunted;
- The species was extirpated from State in the late 1950s;
- NDOW has recently been involved in cooperative efforts with other state agencies to attempt to reestablish the species in the State of Nevada;
- In the spring of 1999, NDOW received Columbia Sharp Tailed Grouse from Idaho and released them in the Snake Mountains located in eastern Elko County. They have remained in this location and are currently on their “dancing ground” (breeding area). Mr. Tanner noted that it appears that the initial reintroduction efforts have been successful;
- The 90-day public comment period has expired and it appears that the USFWS is planning to accept the petition and, by federal regulation, it will be several years before any determinations are made regarding the listing;
- NDOW will continue to keep Nevada’s Board of Wildlife Commissioners informed of any developments; and
- NDOW is seeking assurances that reestablishment will not be detrimental to private land interests in the area.

- Mountain Quail

- The USFWS has received a petition for the potential listing of the species as endangered or threatened;
- This species is historically an upland game species found in parts of Canada, Oregon, and Washington. In Nevada, it has been confined to the western counties, particularly in the Sierra Nevada range. However, the petition identifies the Great Basin as the habitat area;
- Following the 90-day public comment period, the USFWS will make a determination regarding the listing; and
- NDOW has determined that the petition is well done and it is likely that the USFWS will find favorably as to the merits of the petition.

Responding to a question posed by Senator Care, Mr. Tanner clarified that a species could be listed as endangered or threatened if it exists in abundance in one area but is scarce in another. Further, if a species begins to appear in an area where it normally does not occur, and then begins to disappear from that area, the species has the potential for a listing. This is the case with the Mountain Quail which is typically confined to the Sierra Nevada range; however, during periods when winter has not been severe, has expanded into interior Great Basin habitats. He noted that the Great Basin area is the habitat identified in the petition filed with the USFWS.

Assemblyman Claborn opined that the recent decline in the existence of game birds in Nevada is due to the lack of control of predators.

- Sage Grouse (Sage Hen)

- NDOW has a great deal of concern regarding the potential for a petition by the American Lands Alliance, to be filed for the listing of the Sage Grouse;

- Petitions have been filed with the USFWS in Colorado, Utah, and Washington;
- Sage Grouse require a Sagebrush habitat for year-round shelter. Nevada is experiencing a loss of Sagebrush due to the invasion of Cheatgrass and other noxious weeds, which allow for more frequent and devastating wildfires;
- Consequently, there is a habitat and predation problem because natural predators, particularly the Raven, are depleting the amount of Sage Grouse, which do not have adequate shelter; and
- NDOW is on record opposing the listing of the Sage Grouse and is attempting to demonstrate to the federal government that they have the ability to manage its populations. However, obtaining funding for Sage Grouse management is a problem for NDOW.

Mr. Tanner requested that the Committee submit a letter to Nevada's Congressional Delegation in support of the Conservation and Reinvestment Act of 1999 (CARA), which has the potential to provide up to \$5 million per year to the State of Nevada. The funds would be used to implement conservation planning efforts that would demonstrate to the USFWS that the State has local plans directed at conserving species, which may result in keeping the Sage Grouse from being placed on the endangered species list.

Responding to an inquiry made by Acting Chairman Marvel, Mr. Tanner explained that NDOW does have predation programs in place and has requested funding from the Legislature's Interim Finance Committee for additional predator management programs. He noted that the Raven research project, which would determine the extent of Raven impact on Sage Grouse nesting and recouplement, would be conducted utilizing the requested funds.

Gene Kolkman

Gene Kolkman, previously identified, discussed the destruction of habitats in Nevada. He noted that it is well documented that in the northern portion of the State, rangelands and other open spaces are being destroyed due to problems related to the invasion of nonindigenous noxious weeds. He declared that this invasion poses the biggest threat for resource loss in Nevada. He explained that in the southeastern portion of the State, there remains "very good habitat" in comparison to the northern part of the State; however, there are issues regarding habitat diversity in the area. Mr. Kolkman used the relationship between predation and habitat, with the Sage Grouse as an example, to explain this topic. He noted that with an existence of healthy cover and forage, a predator would have difficulty finding a Sage Grouse or its nest; however, without such conditions, the predator can easily locate either. Consequently, predation becomes a larger issue when habitat is destroyed. He asserted that in southeastern Nevada, fires are beneficial to the open spaces. Further, he noted that weeds must be addressed promptly and county governments are addressing the issue and forming "weed coalitions." Further, he informed the Committee that the Great Basin Restoration Initiative, currently pending before Congress, is designed to assist in restoration of Cheatgrass infested areas.

In conclusion, Mr. Kolkman explained that the BLM has a "great" tradition in dealing with threatened and endangered species issues. He opined that the Sage Grouse issue in Nevada is easy to resolve by addressing areas such as habitat restoration, management procedures, and riparian areas in Lincoln and White Pine Counties.

Senator Care asked if there are any areas in Nevada that are untouched by humans, where nature is left alone and species come and go through the natural process of nature. Further, with regard to listing a species as endangered or threatened, he asked if the question of "nature just being nature" is entertained. Mr. Kolkman opined that there are no areas in Nevada that are completely untouched by humans and there are positive and negative responses with regard to wildlife. However, he explained that in Nevada there are millions of acres where humans have not had actual impact on the landscape and millions of acres where humans have. With regard to Senator Care's question, Mr. Kolkman noted that the administration of the laws of humans and the laws of nature "do not always mesh." Further, a species will be listed even if a natural phenomenon, for example a drought, is the cause of the decline in species.

Assemblyman Claborn reiterated the need to control predators, as well as to conserve habitats for Nevada's species.

Jon Sjoberg

Jon Sjoberg, Supervising Fisheries Biologist, NDOW, SDCNR, addressed the Committee regarding aquatic endangered species in Nevada. He explained that there are 23 species and subspecies of fishes in Nevada listed as either endangered or threatened. In some cases positive progress is being made to avoid future petitions or listing. Further, attempts to enhance native populations are underway. He noted that there is a lack of information available regarding native Nevadan fishes. Consequently, this may lead to a listing due to the fact that it is difficult to explain the reasons why a listing should not take place utilizing insufficient data.

Turning to amphibians, Mr. Sjoberg noted that there is none listed as endangered or threatened in Nevada. He informed the Committee that the USFWS has rejected a petition to list the Amargosa Toad, found in the Oasis Valley, located in Nye County. He explained that the petition was based on independent research, which indicated low levels in existence. Following the petition, NDOW worked with the BLM, USFWS, Nye County governmental entities, and private land owners to institute surveys and improve habitats in Oasis Valley. Consequently, the USFWS found that a listing was not warranted. The most recent studies indicate the existence of approximately 25,000 Amargosa Toads. Consequently, should future petitions occur, NDOW is equipped with knowledge to refute the action.

Continuing, Mr. Sjoberg addressed the issue of the Pup Fish and explained the species is currently being maintained. He noted that three refugium ponds have been created because there are concerns regarding water levels, which could have drastic consequences for the Pup Fish. There are two refugium ponds located in Ash Meadows, Nevada, and the third is at Hoover Dam, Nevada. He opined that the species would never be taken off the endangered species list because it only occupies a very small location. However, he indicated that the Devil's Creek Pup Fish, located in Ash Meadows, has the potential to be reduced to a threatened status.

Next, Mr. Sjoberg addressed the White River Spine Daze fish, located in the upper portion of the White River in Nye County. The only remaining population of this fish is located in this area, which is contained in the NDOW wildlife management area at Sunnyside, Nevada. He explained that approximately five years ago, there were about 30 fish in the area, due to the introduction of Large Mouth Bass (a predator) in the upper end of the system in which the White River Spine Daze reside. Following extensive habitat rehabilitation, including removal of the bass from that area and the installment of protective devices in order to maintain the sport fishery at the local reservoirs, there are currently approximately 2,000 White River Spine Daze in existence. The NDOW plans to reintroduce the fish into other areas and is "hopeful" to move the fish off the endangered species list.

In conclusion, Mr. Sjoberg noted that the cooperative actions are creating positive results and this will help to keep future listings at a minimum, as well as reduce or remove the current endangered or threatened species listings.

Allan R. Pfister

Allan R. Pfister, Assistant Field Supervisor, Nevada Fish and Wildlife Office, USFWS, DOI, attended the meeting in place of Bob Williams, Field Supervisor, Nevada Fish and Wildlife Office, USFWS, DOI.

Mr. Pfister provided information regarding the status of the following species for a potential listing on the threatened or endangered species list:

- Yellow-Billed Cuckoo
 - Found along the Carson and Truckee Rivers; and
 - Currently evaluating the petition and conducting a status review.
- Mountain Quail
 - Found in the northern portion of Nevada; and

- Currently evaluating the petition.
- Bonneville Cutthroat Trout
 - Found in the eastern side of the Snake Mountains and in the Great Basin National Park;
 - The “One year finding” is scheduled to be released in June 2000; and
 - Currently conducting efforts to avoid a listing.
- Great Basin Red Band Trout
 - Found in one stream located in the northern portion of Washoe County; and
 - USFWS has concluded that a listing is not warranted.
- Blue Diamond Cholla
 - Found in southern Nevada; and
 - Conservation efforts are in place in an effort to avoid a listing.
- Sage Grouse
 - USFWS has been petitioned to list the species in Colorado and Washington;
 - To date, a petition to list the species in Nevada has not been received; and
 - Conservation efforts are in place in an effort to avoid a listing.
- Bull Trout
 - The issue is currently in mediation.

Mr. Pfister noted that the USFWS supports efforts to avoid the listing of a species and noted that there are “good efforts” in existence throughout the State. Further, he spoke in support of CARA, currently pending in the United States Congress, which would provide funds for wildlife conservation purposes.

Continuing, Mr. Pfister noted that the draft for the Clark County Multiple Species Habitat Conservation Plan is scheduled to be released for public comment within the next few months. The Plan allows for development in southern Nevada to proceed by providing conservation measures for the future. He noted that various federal, State, and private organizations have participated in the process over the past four years. Further, developers remit a \$550 per-acre fee that funds conservation efforts in order to proactively conserve species in the region.

Mr. Tanner, previously identified, again requested that the Committee submit a letter to Nevada’s Congressional Delegation in support of CARA. He noted that the funds would be used by the State to implement conservation plans in order to preclude future listings.

In conclusion, Mr. Pfister provided the Committee with a copy of two electronic mail messages he received regarding CARA (Exhibit B).

Review of Elk Management Strategies in Nevada

Gregg Tanner

Gregg Tanner, previously identified, provided the Committee with six documents regarding elk management in Nevada (Exhibit C). Please refer to the “List of Exhibits” for details. He discussed the background that lead to the development of the Statewide Elk Species Management Plan, contained in Exhibit C, by explaining that Assembly Concurrent Resolution No. 46 File No. 153, (*Statutes of Nevada 1995*) directed NDOW to develop the Plan. The Board of Wildlife Commissioners approved the Plan on February 7, 1997. The Plan directed NDOW and interested groups to develop “sub-plans” to guide elk management at the local level. He explained that the primary concern for developing “sub-plans” involved addressing the use of resources by elk which are also being used by livestock and other interests. Mr. Tanner explained that there has been a great deal of agency and public cooperation to assist in managing Nevada’s elk and noted that the elk population is growing. Further, he informed the Committee that the local plans will be updated as necessary and plans are being developed for areas without them.

Mr. Tanner, referring to Exhibit C, indicated that harvest management is necessary to maintain the identified elk population objectives. He also noted that there is approximately \$280,000 in the “elk restitution fund.”

Laurel Etchegaray

Laurel Etchegaray, Chairman, Steering Committee, Coordinated Resource Management (CRM) Planning, White Pine County, and Member, Eureka County Public Land Board, began her presentation by discussing the White Pine County Elk Management Plan (contained in Exhibit C). She explained that efforts to include all interested agencies and residents in White Pine County were implemented in the development stage of the Plan. She noted that while all parties agreed that the County does want elk, they must be actively and wisely managed. Further, Ms. Etchegaray explained that the preamble to the document contains a provision, which mandates that before any new actions may be introduced, a complete evaluation must take place. She opined that if the management document were carefully followed, there would not be a problem in maintaining the objective elk numbers.

In conclusion, Ms. Etchegaray noted that the Elk Depredation Program is in need of revising because the formula is “awkward.” She requested that the Legislature take action regarding this issue during the 2001 Session.

Bevan Lister

Bevan Lister served as Chairman, Elk Planning Technical Review Team, Lincoln County, and addressed the Committee on behalf of a representative from the CRM Group, Lincoln County.

Mr. Lister explained that because Lincoln County has elk management problems that differ from those in White Pine County, a different approach was chosen. Therefore, the White Pine County Elk Management Plan (contained in Exhibit C) is not specific with regard to intensive management of the animals.

Continuing, Mr. Lister explained that accurate data is necessary in order to implement the Plan and noted that NDOW is responsible for providing this information. He further noted that the Nevada Elk Species Management Plan (Exhibit C) outlines specific requirements regarding the collection of data by NDOW. He expressed confidence that Nevada’s Board of Wildlife Commissioners will place pressure on NDOW if these requirements are not met.

Mr. Tanner, previously identified, noted that it is important to implement the State Plan as intended. He explained that the intention of the Plan is to increase the elk population but not at the expense of livestock. Increasing habitat and implementing specific procedures will reach this goal.

In conclusion, Mr. Lister indicated that he is not a proponent of the incentive tag program for deer, elk, or any other species because it turns wildlife management and hunting into a “rich man’s game.” He opined that the average Nevadan cannot afford to pay \$4,000 for an incentive tag and, therefore, must forego hunting in Nevada and travel to another state to pursue the activity.

Public Land Grazing Trends and Economic Effects in Nevada

Don Henderson

Don Henderson, Assistant Director, Rangeland Specialist, State Department of Agriculture (SDA), provided the Committee an outline of his presentation (Exhibit D). Mr. Henderson addressed public lands grazing trends and economic effects in Nevada.

Beginning his presentation, Mr. Henderson noted the importance of public land grazing in Nevada by providing the following information:

- In 1998, cattle and sheep production in Nevada exceeded \$118 million, which is 35 percent of the total yearly State agricultural output of \$336.5 million;
- In 1998, hay production represented about 22.5 percent of Nevada's total agricultural output;
- About two-thirds of Nevada's farms are involved in raising cattle;
- Elko County nationally ranks fourth in beef cattle production;
- Because 87 percent of Nevada's lands are federally managed, most ranches are highly dependent on the use of public lands; and
- It has been estimated that nearly 100 percent of the beef cattle and sheep raised in Nevada come from ranches with some dependency on public lands.

Next, Mr. Henderson noted that as of 1997, there was a loss of 674,000 Animal Unit Months through the adjudication process, which is a 34 percent overall reduction. (Please refer to Exhibit D for a grazing trend result chart.) This statistic is based on information obtained from three studies conducted by Resource Concepts, Incorporated. The studies inventoried BLM districts and USFS ranger districts throughout the State. However, the BLM districts that have not been inventoried are the Carson City District, the Elko County District, and the Las Vegas District. The Nevada Association of Counties (NACO) will conduct an update and study the previously omitted BLM districts.

In conclusion, Mr. Henderson explained that an updated and completed database would provide the necessary information to study the changes in public lands grazing and determine the economic effects of such changes. He noted that the SDA is pursuing funding for long-term facilities to maintain a database. Further, the addition of DOI agencies will add to the study and help provide an understanding of the causes behind the trends.

As a final note, Mr. Henderson opined that CARA, which was previously addressed, is a "huge bill" and encouraged the Committee members to fully understand the proposed legislation prior to choosing to endorse or not endorse the Act.

Gene Kolkman

Gene Kolkman, previously identified, spoke in support the plan to further study grazing trends. Additionally, he noted that with regard to grazing, there is a difference between what is specified as an allowable use or preference on a grazing allotment and what is actually being used. He explained that based on six permit users in the BLM managed Ely District, there is a range from 21 to 80 percent of preference. He indicated that the BLM Ely District would work with NACO to provide useful information regarding the differences between grazing preference and actual use.

PUBLIC COMMENT

Jule Wadsworth

Jule Wadsworth, Chairman, Lincoln County Public Lands Use Committee, provided the Committee members with photographs of the Panaca Summit, taken February 9, 2000 (Exhibit E). She informed the Committee that there is a

public safety problem on U.S. Highway 319 between Panaca, Nevada, and the Nevada-Utah border. She noted that this 20-mile stretch of the road has blind curves. Ms. Wadsworth explained that, as shown in the photographs (Exhibit E), wild horses are coming to the highway to get salt off the road, which is deposited by Nevada's Department of Transportation (NDOT) during inclement weather. The horses pose a threat to motorists who are not expecting to come around a curve and find horses in the road. She stated that there have been numerous injuries as a result of the horses. Further, one death is suspected to have been caused by a motorist swerving to avoid horses in the road. Most recently, a motorist hit two horses. She noted that futile efforts have been made to lure the horses away from the road by placing salt in other areas.

Continuing, she explained that area residents have concluded that fencing the 20-mile portion of the road will assist in controlling the problem. She noted that the horses seem to migrate primarily from the south side of the road, where there is no fence. The north side of the road is fenced but is in disrepair. She indicated that the BLM has been contacted but a representative explained that the road is an NDOT right-of-way. Consequently, NDOT has been contacted but indicated that funds to construct a fence are not available. Ms. Wadsworth requested that the Committee assist in obtaining funds to construct and repair fencing in the area.

Responding to Assemblyman Neighbors, Ms. Wadsworth indicated that she would contact the appropriate law enforcement agencies to obtain records of reported accidents in the area. In response to Senator Care who requested a verified headcount of the horses Mr. Kolkman, previously identified, noted that he would provide Ms. Wadsworth with the most recent inventory information.

Ms. Wadsworth next addressed the topic of "Land in Lieu of PILT" (Payments in Lieu of Taxes) and provided a document titled "Proposal: Follow Up of Land in Lieu of PILT Resolution," (Exhibit F). She indicated that Lincoln County would like to be a pilot project for this concept and has submitted a list of willing participants to BLM. She requested the Committee's assistance in reaching this goal.

In conclusion, Ms. Wadsworth explained that Lincoln County is working on a water plan and the preliminary planning stage is complete.

Bevan Lister

Bevan Lister spoke regarding the following five areas:

1. Provided support of the Lincoln/Douglas Exchange;
2. Opined that if a politician finds a way to "line their pockets from a species, then it becomes threatened or endangered";
3. Expressed concern regarding NDOW properly implementing the Nevada Elk Species Management Plan and related "sub-plans." He expressed his opinion that there is a not an emphasis on gathering data and science by NDOW when making decisions or implementing procedures;
4. Noted that due to policy and procedures implemented on public lands, there are no lands in Nevada which are "unaffected by humans"; and
5. Referred to Exhibit G and expressed support for denial of the water applications referenced therein.

Shelley Wadsworth

Shelley Wadsworth, Secretary, Lincoln County Public Lands Commission, expressed concerns in the following areas:

- Spoke in opposition to CARA and opined that it is "bad legislation" because it is essentially a land purchasing tool;
- Noted that Lincoln County will continue to oppose proposed threatened or endangered species listings if they are

not scientifically supported; and

- Explained that environmental groups are suing landowners who are supposed to be protected by their habitat conservation plans.

Upon conclusion of Ms. Wadsworth's testimony, Michael Stewart, Senior Research Analyst, Research Division, Legislative Counsel Bureau, noted the upcoming Committee activities as follows:

- May 11, 2000, informational tour of mines in Elko County;
- May 12, 2000, Committee meeting at the University of Nevada, Reno, Fire Science Academy Auditorium, Room 335, 100 University Avenue, Carlin, Nevada;
- June 7 and 8, 2000, informational sessions in Washington D.C.;
- August 25, 2000, Committee meeting in Eureka, Nevada; and
- September 29, 2000, final Committee meeting and work session in Yerington, Nevada.

There being no further business to come before the Committee, Acting Chairman Marvel thanked the speakers and adjourned the meeting at 2:15 p.m.

Exhibit I is the "Attendance Record" for this meeting.

Respectfully submitted,

Christine Kuhl
Senior Research Secretary

Michael J. Stewart
Senior Research Analyst

APPROVED BY:

Senator Dean A. Rhoads
Chairman

Date: _____

LIST OF EXHIBITS

Exhibit A is a packet of information prepared for the Committee meeting and provided by Michael J. Stewart, Senior Research Analyst, Research Division, Legislative Counsel Bureau.

Exhibit B is two documents (electronic mail messages regarding the Conservation and Reinvestment Act) provided by Allan Pfister, Assistant Field Supervisor, U.S. Fish and Wildlife Service.

Exhibit C, provided by Gregg Tanner, Game Management Bureau Chief, Division of Wildlife, State Department of Conservation and Natural Resources, consists of the following documents regarding elk management:

1. “Nevada Elk Population Estimates Compared to Elk Population Objectives as identified in Sub-plan Documents”;
2. “Nevada Elk Species Management Plan”;
3. “Lincoln County Elk Management Plan”;
4. “White Pine County Elk Management Plan”;
5. “Central Nevada Interagency Elk Management Agreement”; and
6. “Six Party Agreement for Elk Reintroduction in the Jarbidge Mountains, Nevada.”

Exhibit D, provided by Don Henderson, Assistant Director, Rangeland Specialist, State Department of Agriculture, is an outline of his presentation.

Exhibit E consists of photographs of the Panaca Summit, taken February 9, 2000, provided by Jule Wadsworth, Chairman, Lincoln County Public Land Use Committee, during the public comment period.

Exhibit F is a document titled, “Proposal: Follow Up of Land in Lieu of PILT Resolution,” provided by Jule Wadsworth, Chairman, Lincoln County Public Land Use Committee, during the public comment period.

Exhibit G is an article from the *Lincoln County Record*, titled “Counties meet with Vegas on rural water,” April 6, 2000, provided for the record by Connie Simkins, Publisher, *Lincoln County Record*.

Exhibit H, provided for the record by Jo Simpson, Deputy State Director, External Affairs, Office of Communications, Nevada State Office, Bureau of Land Management, United States Department of the Interior, is a letter dated February 16, 2000, to Les Bradshaw from W. Craig MacKinnon, Assistant Field Manager, Tonopah, Bureau of Land Management, United States Department of the Interior. The letter has been submitted in response to the testimony provided herein by James Marble. Please refer to the included cover letter from Ms. Simpson for details.

Exhibit I is the “Attendance Record” for this meeting.

Copies of the materials distributed in the meeting are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. The library may be contacted at (775) 684-6827.

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LIST OF ACRONYMS
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BLM	Bureau of Land Management, DOI
CARA	Conservation and Reinvestment Act of 1999
DOI	United States Department of the Interior
LVVWD	Las Vegas Valley Water District
NACO	Nevada Association of Counties

NDOT	Nevada’s Department of Transportation
NDOW	Nevada’s Division of Wildlife
SDCNR	State Department of Conservation and Natural Resources
SDA	State Department of Agriculture
SNPLMA	Southern Nevada Public Lands Management Act
USFS	Forest Service, United States Department of Agriculture
USFWS	Fish and Wildlife Service, DOI
WSA	Wilderness Study Area