



**MINUTES OF THE MEETING
OF THE
LEGISLATIVE COMMITTEE ON PUBLIC LANDS**

(Nevada Revised Statutes 218.5363)

February 25, 2000

Fallon, Nevada

The fourth 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, February 25, 2000, at the Churchill County Commission Chambers, 155 North Taylor Street, Fallon, Nevada. Pages 3 and 4 contain the "Meeting Notice and Agenda" for this meeting.

COMMITTEE MEMBERS PRESENT:

Senator Dean A. Rhoads, Chairman

Assemblyman John W. Marvel, Vice Chairman

Senator Terry Care

Senator Mike McGinness (alternate)

Assemblyman Jerry D. Claborn

Assemblyman Tom Collins (alternate)

Buster Dufurrena, Humboldt County Commissioner

COMMITTEE MEMBERS ABSENT:

Senator Mark A. James

Assemblyman P.M. "Roy" Neighbors

OTHER LEGISLATORS PRESENT:

Senator Lawrence E. Jacobsen

Assemblyman John C. Carpenter

Assemblyman Marcia de Braga

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Michael J. Stewart, Senior Research Analyst

J. Randall Stephenson, Senior Deputy Legislative Counsel

Kimberly Marsh Guinasso, Principal Deputy Legislative Counsel

Christine Kuhl, Senior Research Secretary

MEETING NOTICE AND AGENDA

Name of Organization: Nevada's Legislative Committee on Public Lands

(Nevada Revised Statutes 218.5363)

Date and Time of Meeting: Friday, February 25, 2000

8 a.m.

Place of Meeting: Churchill County Administration Building

Commission Chambers

155 North Taylor Street

Fallon, Nevada

A G E N D A

I. Opening Remarks and Introductions

***II. Approval of the Minutes of the Meeting Held on January 20, 2000, in Las Vegas, Nevada**

***III. Consideration of Additional Recommendations from the Subcommittee to Review Grant Requests and Proposals for Money Appropriated in Senate Bill 560 of the 1999 Legislative Session**

***IV. Reports to the Committee**

***A. Overview of Public Lands Issues in Churchill County, Nevada**

John Singlaub, Carson City District Field Manager, United States Department of the Interior (USDI), Bureau of Land Management (BLM)

Jim Regan, Chairman, Churchill County Board of Commissioners

***B. Introduction of New Forest Supervisor for the Humboldt-Toiyabe National Forest and Update of Access and Road Issues in the Jarbidge Mountains**

John C. Carpenter, Assemblyman, District No. 33, State of Nevada

Roberta Skelton, Chairman, Elko County Board of Commissioners

Bob Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, United States Department of Agriculture, Forest Service

***C. Overview of Current Water Issues in Churchill County and Review of the Use of Truckee River and Carson River Water**

R. Michael Turnipseed, State Engineer, Nevada's Division of Water Resources, State Department of Conservation and Natural Resources

Jim Regan, Chairman, Churchill County Board of Commissioners

Lyman F. McConnell, Project Manager, Truckee-Carson Irrigation District

John Jackson, Director of Water Resources, Pyramid Lake Paiute Tribe

Representative, USDI, Bureau of Reclamation

***D. Rangeland Rehabilitation Efforts Following Recent Fires in Northern Nevada**

Pat Murphy, Project Manager, Emergency Fire Rehabilitation Team, USDI, BLM, and Deputy State Forester, Nevada's Division of Forestry, SDCNR

***E. Overview of the Rangeland Resources Commission Created in Senate Bill 310 of the 1999 Legislative Session (*Nevada Revised Statutes* 563.250 to 563.380, inclusive)**

Donald G. Henderson, Deputy Director, State Department of Agriculture

C. Joseph Guild III, President, Nevada Cattlemen's Association

***F. Update of U.S. Navy Activities in Nevada**

Gerry Gallop, Range Officer, Naval Strike and Air Warfare Center, Fallon Naval Air Station

V. Public Comment

*VI. 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; Nevada State Library, 100 Stewart Street. **Notice of this meeting was faxed for posting to the following Las Vegas, Nevada, locations:** Grant Sawyer State Office Building, 555 East Washington Avenue; and the Clark County Office, 500 South Grand Central Parkway. **Notice of this meeting was faxed for posting to the following Fallon, Nevada, location:** Churchill County Administration Building, Commission Chambers, 155 North Taylor Street.

OPENING REMARKS AND INTRODUCTIONS

Chairman Rhoads brought the meeting to order and introduced the members and staff of the Committee.

APPROVAL OF THE MINUTES OF THE MEETING

HELD ON JANUARY 20, 2000

IN LAS VEGAS, NEVADA

ASSEMBLYMAN MARVEL MOVED FOR APPROVAL OF THE MINUTES OF THE COMMITTEE'S MEETING HELD ON JANUARY 20, 2000, IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY SENATOR CARE AND PASSED UNANIMOUSLY.

**CONSIDERATION OF ADDITIONAL RECOMMENDATIONS FROM THE SUBCOMMITTEE TO
REVIEW GRANT REQUESTS AND PROPOSALS**

FOR MONEY APPROPRIATED IN SENATE BILL 560

OF THE 1999 LEGISLATIVE SESSION

Assemblyman Marvel directed the Committee's attention to a document titled "Subcommittee Report, February 25, 2000," contained in a packet of information provided by Michael J. Stewart, Senior Research Analyst, Research Division, Legislative Counsel Bureau (LCB), (Exhibit A). Mr. Marvel explained that during the February 24, 2000, Senate Bill 560 Subcommittee Meeting, the members recommended an award for \$8,000 to finance a "Nevada Land Use Summit," co-sponsored by the chairs of the 1999 Nevada Legislature's natural resources committees, Senator Dean A. Rhoads and Assemblyman Marcia de Braga.

Further, Assemblyman Marvel noted that Senate Bill 307 of the 1999 Legislative Session containing a \$250,000 appropriation to the Humboldt River Basin Water Authority (HRBWA) was not passed. Senate Bill 560, however, appropriated \$250,000 to the Committee on Public Lands to be distributed under certain guidelines. Recent press releases have indicated that the Committee is attempting to "hide" the grant money from the HRBWA, which is not a factual statement. The appropriation was never intended to be distributed exclusively to the HRBWA.

ASSEMBLYMAN MARVEL MOVED TO ADOPT THE REPORT AND RECOMMENDATION OF THE PUBLIC LANDS SENATE BILL 560 SUBCOMMITTEE TO ALLOCATE \$8,000 TO FUND THE NEVADA LAND USE SUMMIT. THE MOTION WAS SECONDED BY ASSEMBLYMAN COLLINS AND PASSED UNANIMOUSLY.

REPORTS TO THE COMMITTEE

Overview of Public Lands Issues in Churchill County, Nevada

John Singlaub

John Singlaub, Carson City District Field Manager, Bureau of Land Management (BLM), United States Department of the Interior (DOI), provided the Committee with a map titled "Carson City and Winnemucca BLM Field Offices, Churchill County, Nevada" (Exhibit B). Referring to the map, Mr. Singlaub explained that the northwest corner of Churchill County is managed by the Winnemucca district BLM field office. Areas managed by the Carson City BLM

field office include the Fallon, Nevada, Naval Air Station (NAS) bombing ranges, newly withdrawn Fallon NAS lands, wild horse herd-management areas, and Wilderness Study Areas (WSA).

Continuing his presentation, Mr. Singlaub explained the effects of and solutions to the fires that occurred in Nevada during the summer of 1999:

- 150,000 acres were burned in the Carson City managed district, which represents 10 percent of burned lands in the entire State of Nevada for the year. The area has been completely reseeded;
- In Churchill County, 87,000 acres were burned;
- There is a temporary loss of about 49,000 Animal Unit Months in Churchill County due to the fires;
- The BLM has removed 233 wild horses from burned areas in order to bring the population to a manageable level;
- Areas have experienced wildlife habitat lost; and
- Approximately 350 tons of seed has been planted district-wide.

Further, Mr. Singlaub explained that the Environmental Impact Statement (EIS) documenting United States Navy (USN) activities is near completion and information will soon be available.

Responding to a question posed by Chairman Rhoads, Mr. Singlaub explained that the BLM has identified 1 million acres of land statewide suitable for disposal under the "Nevada Public Lands Act," which is currently pending in the United States Congress; however, the amount of acreage identified in Carson City is unknown to Mr. Singlaub.

In an effort to expedite the process of identifying public lands for disposal, Chairman Rhoads indicated that the Committee intends to invite representatives from the Bureau of Reclamation, DOI, to speak at a subsequent meeting of the Committee on Public Lands.

Commenting further, Mr. Singlaub indicated that the Carson City BLM office employs two people whose sole purpose is to identify lands that would be best managed under private ownership and those that should remain public. The two positions are funded by the Nevada Land Resource Company, which owns approximately 1.5 million acres of land in Nevada.

Concluding his remarks, Mr. Singlaub informed the Committee that the possible listing of the Sage Grouse on the Endangered Species List, would have an adverse effect on Churchill County. Consequently, the BLM is working on management plans to change habitat configurations on public lands in order to avoid this.

Responding to a question asked by Senator McGinness, Mr. Singlaub explained that 3,000 acres of public land were reseeded in the Stillwater Wildlife Management Area following the recent fires.

Jim Regan

Jim Regan, Chairman, Churchill County Board of Commissioners, explained to the Committee that there are no public lands managed by the Forest Service (USFS), United States Department of Agriculture, located in Churchill County. Currently, the County is concerned with areas proposed by federal agencies to be designated as WSAs.

Commenting further, Mr. Regan explained that two-thirds, or 2 million acres, of Churchill County was originally proposed for WSA status. The main criteria for this land to be designated as a WSA is verification that the land is a roadless area. In response, the County took aerial photographs and successfully showed the area is not roadless. Consequently, the federal government reduced the proposed WSA to 1 million acres.

Continuing, Mr. Regan stated that in 1991, BLM determined that of the identified 1 million acres, approximately 500,000 acres did not meet the criteria for establishing a WSA. A majority of the acreage is located in Churchill County and a smaller portion is in Carson City. Consequently, Churchill County would like the land returned to multiple use and is proceeding with plans to achieve this goal.

In response to a question posed by Chairman Rhoads, Mr. Singlaub indicated that in order for public land to be returned to multiple use, it must be so designated by the United States Congress.

Answering a question asked by Chairman Rhoads, Mr. Regan explained that the Nevada Association of Counties has considered this issue and is planning to propose a congressional "wilderness bill" in an effort to return the land to multiple use designation.

Introduction of New Forest Supervisor for the Humboldt-Toiyabe National Forest and Update of Access and

Road Issues in the Jarbidge Mountains

Roberta Skelton

Roberta Skelton, Chairman, Elko County Board of Commissioners, explained the history of the establishment of Jarbidge Road and the current issue facing Elko County, Nevada:

- In the early years of establishment, Jarbidge Road was a two-track road maintained by ranchers and sheep herders.
- It was used as an access road for logging, relocating herds of cattle, transporting supplies to sheepherders, and traveling to mining operations.
- The road is now used for access to the border of the wilderness area known as Snowslide Gulch, Nevada.
- In 1995 there was a flood which washed out two areas, about 900 feet each, of the approximately 1.5-mile road.
- The road has been unusable since 1995.
- The contents of the outhouses located in the wilderness area have not been removed since 1995 because they are inaccessible.
- Access to six campsites has been lost.
- Following the flood, representatives from Elko County, which included County Manager George R.E. Boucher and County Commissioners Mike Nannini and Roberta Skelton, continued to attend regularly scheduled monthly meetings with the USFS to discuss issues unrelated to Jarbidge Road. According to Commissioner Skelton, the USFS assured these representatives that the road would be rebuilt and that the proposal to do so had been sent to Nevada's Division of Environmental Protection (NDEP), State Department of Conservation and Natural Resources (SDCNR).

- In June 1998, the town of Jarbidge, Nevada, was informed that the road would not be reconstructed and perhaps the USFS would establish a 30-inch trail instead.
- The organization known as Trout Unlimited filed an injunction to stop efforts to rebuild the road by attempting to have the Bull Trout, which inhabit the Jarbidge River flowing through the washed out road area, listed as an endangered species. The Bull Trout was consequently listed as a threatened species.
- In response, Elko County organized an effort to rebuild Jarbidge Road. A bulldozer and other heavy equipment were used to isolate the stream while the channel was being cleaned of debris. Once the debris was cleared, the dam was broken and the fish were allowed to flow to the other side.
- After two days of construction, a temporary "cease and desist" order was filed by the NDEP and served on Elko County. Following this action, Judge Richard Wagner, Department 1, Sixth Judicial District, Lovelock, Nevada issued a bench order indicating that the NDEP does not have the authority under these circumstances to mandate that Elko County obtain a "rolling stock permit," which is the basis for the "cease and desist" order. Consequently, the "cease and desist" order is invalid.

Assemblyman Marvel recalled that at a congressional hearing in Elko, Terry Cawforth, Administrator, Nevada's Wildlife Division (NDOW), SDCNR, testified that the section of the river adjacent to the washed out road is not inhabited by the Bull Trout.

Concluding her testimony, Commissioner Skelton stated that the Bull Trout is not native to Nevada. She noted that Bull Trout follow Salmon and feed on their eggs, which, she hypothesized, lead to the Bull Trout establishing in Nevada.

Responding to an inquiry made by Assemblyman Marvel, Commissioner Skelton remarked that the Bull Trout has been designated as a "trash fish" because they destroy "game fish" such as the Rainbow Trout.

Assemblyman John C. Carpenter

Assemblyman John C. Carpenter, provided the Committee with a document titled *An Analytical Review of the Development of the President's Roadless Area Initiative; A Preliminary Staff Report of the Subcommittee on Forests and Forest Health of the House of Representatives Committee on Resources* (Exhibit C).

During his presentation, Assemblyman Carpenter explained that the Jarbidge Road issue is currently in mediation and the first meeting between federal agency and Elko County representatives is scheduled for March 6, 2000. He asserted that the issue will be settled at this meeting because it has been established that the road is owned by Elko County. Mr. Carpenter further explained that this is established because the road was originally built as a trail, prior to the USFS management of the area. Therefore, according to Assemblyman Carpenter, it qualifies as a public road under Revised Statutes 2477.

Continuing, Assemblyman Carpenter turned the discussion to the issue of the Bull Trout. He opined that the Bull Trout is a cold water fish and the only place that it truly thrives is in the headwaters of the Jarbidge River, which are in a protected wilderness area. The headwaters are colder and appropriate conditions exist which allow for reproduction. According to Mr. Carpenter, the temperature of the water in the Jarbidge River near the washed out road area is too warm for the fish to survive and there are not appropriate conditions for reproduction. Further, the Bull Trout is a carnivorous fish and eat their young, which, according to Mr. Carpenter, is the reason the fish do not multiply rapidly.

Responding to questions asked by Senator Care, Assemblyman Carpenter explained that in Nevada, the Bull Trout is found only in the Jarbidge River and its tributaries. Further, he reiterated that the suitable habit for the Bull Trout is in the headwaters of the Jarbidge River because the water is cool and conditions suitable for reproduction exist. The fish travel through streams in the canyon but make their way back to the headwaters when it gets too hot downstream.

Commenting further, Assemblyman Carpenter explained that NDOW has determined that the Bull Trout is not endangered. However, because the Bull Trout is listed as a threatened species, NDOW will no longer stock the Jarbidge River with Rainbow Trout. This will adversely affect the economy of Jarbidge because fisherman will no longer be attracted to the area, asserted Mr. Carpenter.

Regarding the actions initiated by Elko County in an effort to rebuild the road, Assemblyman Carpenter explained that Elko County did not damage the Jarbidge River. The County removed the stream from the washed out road and directed it back into its original channel. He asserted that damage has been caused by the USFS because they entered the area after Elko County had reestablished the river in its original location and moved the river approximately 400 feet west of its original position. This process killed vegetation and hundreds of trees in the area. Further, the area where the Jarbidge Road had existed has been destroyed by the placement of tons of debris and rocks in place of the road. Finally, the USFS sent an invoice to Elko County for approximately \$460,000 for completion of the work on Jarbidge Road and is currently imposing a daily fine of about \$27,000.

In conclusion, Assemblyman Carpenter directed the Committee's attention to the issue of the "President's Roadless Initiative" and asserted that it could leave Nevada with many "roadless areas" based on the criteria for establishment. For example, based on the criteria, Lamoille Canyon, located in eastern Nevada, will be considered to be a "roadless area" and will be closed as of June 2000. He declared that closure of rural area roads in Nevada will adversely influence the State's economy. He urged the Committee to consider the initiative prior to June 2000.

Bob Vaught

Chairman Rhoads welcomed Bob Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, and noted that the Committee will respect the fact that Mr. Vaught may be limited in his testimony and responses due to the fact that the Jarbidge Road issue is in mediation.

Mr. Vaught thanked the Committee for inviting him to speak. He explained that as a manager of the public lands he will do his best to support the counties in Nevada while upholding federal laws and regulations. He expressed that he is optimistic that the Jarbidge Road issue can be resolved but, as stated by Chairman Rhoads, must refrain from discussion of the specifics regarding the issue.

Responding to a question posed by Chairman Rhoads, Mr. Vaught remarked that there may be options which have not been considered for reestablishing Jarbidge Road.

Continuing with his presentation, Mr. Vaught addressed the "roadless area" issue. He explained that seeking resolution to this issue, as a nation, is important. President William J. Clinton has directed the USFS to complete an analysis and compile an EIS of proposed roadless areas. The EIS is expected to be completed by May 2000. Further, there will be a 90-day comment period. According to Mr. Vaught, it is important that everyone participate in this process because there are potentially significant impacts for rural Nevada and the users of the national forests nationwide. Mr. Vaught stated that the situation should not be viewed in a negative way, rather, the possible solutions should be considered. Consequently, the decision can be helpful to Nevada. Discussion ensued regarding the legality of the roadless initiative.

Chairman Rhoads made reference to a case pending before the United States Supreme Court, *Public Lands Council v. Bruce Babbitt*, regarding the DOI's authority for passing rangeland reform regulations.

Further, Chairman Rhoads urged Mr. Vaught to seriously consider public comments which will be made regarding the roadless initiative rather than considering only the national intent position.

Mr. Vaught assured the Committee that he will do his best to ensure that public testimony be seriously considered as a part of the decision-making process.

Responding to a question asked by Senator Care, Mr. Vaught declared that although he cannot discuss the specifics, making a resolution to the fines imposed on and the invoice submitted to Elko County is a part of the mediation process.

Assemblyman Collins expressed his concern regarding the proposed roadless initiative and the fact that citizens must fight to maintain use of rural area roads.

Concluding his presentation, Mr. Vaught remarked that for many decades the USFS has built and maintained roads in the United States. However, the construction, organization, and planning of these roads was done in a manner that has resulted in a transportation system containing roads that are more numerous than is manageable and cause environmental damage. The purpose of the current initiative is to implement a road management system that is easily managed and environmentally sound.

Following Mr. Vaught's presentation, the parties involved in mediation were identified by Assemblyman Carpenter, Commissioner Skelton, and Mr. Vaught. They include but are not limited to:

- Federal Representatives:
 - Jack Blackwell, Regional Forester, USFS;
 - Bob Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS; and
 - Legal counsel.
- State of Nevada legal counsel representatives from:
 - Attorney General's Office; and
 - NDEP, SDCNR.
- Elko County:

- •Tony Lesperance, County Commissioner;
 - •Kristin McQueary, Deputy District Attorney;
 - •Mike Nannini, County Commissioner (alternate); and
 - •Roberta Skelton, Chairman, Board of Commissioners.
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- Persons named in the "cease and desist" order:
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- •Nevada State Assemblyman John C. Carpenter;
 - •Grant Gerber; and
 - •O.Q. "Chris" Johnson.

Overview of Current Water Issues in Churchill County and Review of the Use of Truckee River and Carson River Water

Jim Regan

Jim Regan, Chairman, Churchill County Board of Commissioners, made the following points regarding Public Law (P.L.) 101.618 and the Truckee River "negotiated settlement."

- •He expressed concern regarding obtaining the necessary funding, estimated to be between \$3 million and \$5 million, to conduct a hydrology study. The study would determine the water sources for the three Fallon aquifers. The aquifers are the:
 - Basalt aquifer which supplies the City of Fallon and the Fallon NAS;

Intermediate aquifer which occurs at a depth of 180 feet; and

- Shallow aquifer which occurs at depths of 30-50 feet and supplies 4,500 local wells.
- Local governments in Nevada are purchasing land in Nevada counties outside their own for the purpose of utilizing water rights existing on the purchased land. The City of Sparks, Nevada, has purchased land in Churchill County for this purpose
- Churchill County and the City of Fallon have spent \$2 million in litigation in an effort to reach a settlement of P.L. 101.618. Settlement of the case would allow for an EIS to be conducted. The case has been appealed to the U.S. Ninth Circuit Court of Appeals. Mr. Regan explained that P.L. 101.618 authorizes a study of the aquifers in the Fallon area, however, when questioned on this matter, U.S. Senator Harry Reid noted that money to conduct such a study is not available. Mr. Regan noted that Senator Reid "found" \$24 million for upstream interests to buy Fallon's water, as well as \$2.5 million to put a filtration system in the Helms Pitt in Sparks.

Lyman F. McConnell

Lyman F. McConnell, Project Manager, Truckee-Carson Irrigation District (TCID), commented further regarding P.L. 101.618. He informed the Committee of the following:

- The USFS has purchased 5,705 acre-feet of water and is continuing with an acquisition program.
- NDOW has purchased approximately 2,350 acre-feet of water.
- Washoe County, Nevada, and two of its cities, Reno and Sparks, have contributed \$12 million to purchase the entire Truckee division of the project, which is about 7,500 acre-feet.
- Washoe County has acquired about 260 acre-feet.
- The Pyramid Lake Paiute Tribe began their acquisition program by buying water rights with funding awarded in a settlement that occurred between the Douglas County (Nevada) Sewer District Number 1 and the USFS. Douglas County Sewer District Number 1 paid the USFS \$750,000 in the settlement.

Mr. McConnell explained that the intent of Assembly Bill 380, in part, to buy inactive water rights to settle the water right transfer litigation. The measure sets the priority of a water right within a federal reclamation project according to the date on which the United States appropriated water to initiate the project, unless the water right vested under Nevada law prior to the date. Mr. McConnell noted that the appraisal of water in the Carson division of the TCID is about \$1,600 per acre-foot.

Responding to a query made by Assemblyman Carpenter, Mr. McConnell indicated that A.B. 380 will not affect the Fallon NAS.

Mr. McConnell continued by explaining that recoupment litigation was brought forth by the Federal Government in 1995 to recover what they believed were overdiversions from the Truckee River during the period of 1973 through 1987, based upon the operating criteria and procedures (OCAP) that were in place. The Federal Government estimates the over-diversions to be 1 million acre-feet with interest of another ½ million acre-feet to be repaid from this project.

According to Mr. McConnell, the TCID's annual water usage is about 300,000 acre-feet. He noted that the Federal Government should have completed an EIS when they began the first OCAP in 1974. Consequently, the City of Fallon and the Nevada Wildlife Federation brought a lawsuit against the Federal Government asserting that they must conduct an EIS before implementing the OCAP. A draft EIS was completed in 1976, explained Mr. McConnell, but was never finalized. During the litigation process, it was determined that the OCAP the Federal Government claimed was in place was never implemented. This was based on an earlier agreement not to implement the OCAP until the final EIS was finished. Therefore, no enforcement of the OCAP was realized. The first enforcement of the OCAP came when the lawsuit on the EIS was dismissed in 1983 in federal court. The court ruled that the water rights on the project are owned by the land owners and not the federal government. Mr. McConnell concluded that "we see this as a total disregard of factual information and the statutes of limitations."

Continuing, Mr. McConnell stated that the TCID is currently working on A.B. 380 to secure a reasonable cost from the Federal Government for operation and maintenance costs. He added that the TCID has entered into agreements with the Carson Water Subconservancy District to pay any associated fees to the BLM. Negotiations regarding the payment of additional fees are underway with Senator Reid's office.

R. Michael Turnipseed

R. Michael Turnipseed, State Engineer, Nevada's Division of Water Resources, SDCNR, provided an overview of the passage history of P.L. 101.618 and the mandates of the legislation.

History of the legislation:

- In the 1950s, the California-Nevada Compact Commission was established to apportion the waters of the Carson River, Truckee River, Walker River, and Lake Tahoe between the two states.
- The legislation was ratified by the Nevada Legislature in 1969.
- The California Legislature subsequently amended the legislation.
- The amended legislation was ratified by the Nevada Legislature in 1971.
- The legislation was never ratified by the United States Congress; therefore, is not binding for the Pyramid Lake Paiute Tribe.
- P.L. 101.618 was signed into law by President George Bush in 1990.

Mandates of the legislation include:

- The appropriation of the waters of Lake Tahoe, the Carson River, and Truckee River.
- Two payments to be made to the Pyramid Lake Paiute Tribe, one for approximately \$45 million and the other in the amount of approximately \$75 million, as well as compensation provided to the Fallon Paiute Tribe.
- Resolution to the both Tribes' satisfaction regarding the ownership of the excess flows of the Truckee River.

Mr. Turnipseed expanded on the origins of P.L. 101.618 and explained that negotiations on the Truckee River operating agreement have been underway since 1990. A draft operating agreement is near completion, with Truckee River water storage being the key discussion item.

Continuing, Mr. Turnipseed discussed certain applications for use of Truckee River water considered by his office. He explained that his office has denied a number of small water applications for unappropriated Truckee River water. Larger water applications, originally filed in 1930 by the TCID for 100,000 acre-feet of water, were denied for lack of public interest. There was no manner, Mr. Turnipseed explained, to move the water in question to the desired location. Most of these large applications have been appealed with the appellants citing jurisdictional concerns.

Mr. Turnipseed noted that litigation on applications for water transfers have been ongoing for 15 years. He concluded that the Paiute Tribe has been successful in blocking some of these applications.

Steve Alcorn

Steve Alcorn, Deputy Area Manager, Lahontan Basin Area Office, Bureau of Reclamation (BOR), DOI, explained to the Committee that the BOR's role in water issues is primarily one of oversight. The BOR monitors operations in an effort to ensure that they are administered according to all applicable agreements, laws, and rules.

Additionally, Mr. Alcorn informed the Committee that the BOR is involved in the federal portion of the water quality settlement agreement. The federal portion involves \$12 million to be used to purchase water. This settlement is not part of P.L. 101.618, rather, it was negotiated independently.

Mr. Alcorn noted that the "local community" has \$12 million to purchase water.

Concluding his remarks, Mr. Alcorn explained the federal EIS which is currently being conducted is considering the following three sources of water for federal purchase:

- The Truckee Meadows area;
- Truckee River corridor (from Vista Boulevard downstream to the border of the Pyramid Lake Paiute Reservation); and
- The Truckee River Division.

John Jackson

John Jackson, Director of Water Resources, Pyramid Lake Paiute Tribe, was not able to attend the meeting as scheduled.

Rangeland Rehabilitation Efforts Following Recent Fires in Northern Nevada

Pat Murphy

Pat Murphy, Project Manager, Emergency Fire Rehabilitation Team, BLM, DOI and Deputy State Forester, Nevada's Division of Forestry, SDCNR, provided the Committee with a document titled *1999 Northern Nevada Proposed Emergency Fire Rehabilitation Efforts General Summary* (Exhibit D).

Mr. Murphy provided the following information regarding the 1999 Nevada fire season:

- Cheatgrass infestation:
 - Cheatgrass exists in large amounts as a result of years of recurrent wildfires;
 - The winters of 1997 and 1998 produced much precipitation producing unburned cheatgrass fuel which led to the largest fire season in Nevada's history, 1999; and
 - There is in excess of 2,000 pounds of Cheatgrass per acre in many areas of the State.
- Fire suppression:
 - More than half of the national wildland fire fighting resources were utilized by Nevada at various time periods; and
 - More than 30 overhead management teams were assigned throughout Nevada.
- Fire fighting resources:
 - 13,797 fire resources requests were processed;
 - 7,500 fire fighters and support personnel were working throughout the State;
 - 1,273 engines and equipment were utilized; and
 - 890 aircrafts were used.

- Fire conditions/rates of spread:
 - •Daytime rates were 150 to 200 chains per hour (2 to 3 miles per hour);
 - •Flame heights were 16 to 20 feet;
 - •The sustained winds were 20 miles per hour with micro burst winds in excess of 60 miles per hour;
 - •The relative humidity averaged 10 percent at midnight and 17 percent at 5:30 a.m.; and
 - •There was excessive daily fire growth observed on all fires.
- Reoccurring fires:
 - •Most reoccurring fires are located north of Highway 50 to Interstate 80 near the Humboldt River drainage area. This is where fires have historically occurred during the past 50 years;
 - •In the 1950s, reoccurring fires burned approximately 7.98 percent of the State;
 - •In the 1960s, reoccurring fires burned approximately 6.81 percent of the State;
 - •In the 1970s, reoccurring fires burned approximately 7.10 percent of the State;
 - •In the 1980s, reoccurring fires burned approximately 24.15 percent of the State; and
 - •In the 1990s, reoccurring fires burned approximately 53.96 percent of the State.
- Results of fires:
 - •1.9 million acres were burned;
 - •Rangeland is on the brink of irreversible change; and

- •Complete restoration is the solution.
- Property and resource damages:
- •Cultural resources (i.e., old mining and ranching structures) have been lost or opened to thievery;
- •Grazing land has been lost;
- •An increase of noxious weeds and annual grasses has been noted;
- •Livestock losses were significant;
- •A loss of native plant communities was experienced;
- •There was a loss of recreational opportunities;
- •A loss of stability of watersheds and soils occurred;
- •A loss was experienced in the woodlands;
- •There was a loss of over 40 percent of wildlife habitats (mainly sagebrush which is needed for forage and winter cover); and
- •Riparian/wildlife habitat losses were noted.
- Safety concerns:
- •Vision on highways has been impaired as a result of blowing dust and debris across Interstate 80 near Winnemucca; and
- •Potential exists for debris and mud to flow across roads.

Continuing his presentation, Mr. Murphy provided information regarding Emergency Fire Rehabilitation (EFR) Teams:

- Objectives:
- •Prevent the encroachment of invasive and noxious weeds;
- •Protect cultural resources, watersheds, and wildlife habitats;
- •Protect life and property; and
- •Stabilize soils and restore the rangelands.
- EFR Team past and future actions include:
- •Coordinating rehabilitation on all lands;
- •Creating partnerships with other agencies;
- •Responding to fencing needs, with repairs to 222 miles of damaged fencing, reconstruction of 396 miles, and new construction of 362 miles;
- •Overseeing implementation of team report;
- •Utilizing volunteer and inmate work crews to placed erosion control structures;
- •Removing approximately 2,070 horses from burned areas;
- •Reseeding of burned areas;
- •Maintaining and repairing nearly 269 miles of road; and
- •Sharing financial, human, and equipment resources with other agencies.
- Factors in selecting seed type:

- Native seed is priced at \$7.75 per pound. The current need is 1.4 million pounds, which is a cost of \$11.2 million;
- Introduced seed is \$1.99 per pound. The current need is 3.1 million pounds, which is a cost of \$6.2 million;
- Testing seed is essential because it may contain noxious weeds; and
- Seed warehousing is a concern.
- Seeding efforts include:
 - Aerial seeding: approximately 368,400 acres completed;
 - Chaining: approximately 44,000 acres completed; and
 - Drill seeding: approximately 114,500 acres completed.

Concluding his presentation, Mr. Murphy informed the Committee that to date, about \$28 million has been spent on rangeland rehabilitation efforts. Without these efforts, the existence of native grasses and plants will continue to decrease and Cheatgrass and other non-native species will continue to spread. Consequently, the resulting wildland fire cycle will perpetuate the degraded condition of the Great Basin rangelands.

Commissioner Dufurrena commended Mr. Murphy for his hard work on rangeland rehabilitation efforts.

Overview of the Rangeland Resources Commission Created in Senate Bill 310 of the 1999 Legislative Session
(Nevada Revised Statutes 563.250 to 563.380, inclusive)

Donald G. Henderson

Donald G. Henderson, Deputy Director, State Department of Agriculture, provided the Committee with a document titled *Nevada Rangeland Resource Commission First Year Billing Data, 2/24/00* (Exhibit E).

Mr. Henderson explained that the purpose of the Nevada Rangeland Resource Commission is to assess fees to users of the public land grazing system in Nevada. The money generated will be used for the development of an education and outreach program to discuss the positive benefits of the livestock industry in Nevada.

Kenny C. Guinn, Governor of Nevada, has appointed the following members of the Commission:

- •Alex "Buster" Dufurrena, Nevada State Grazing Board No. 2;
- •C. Joseph Guild, III, President, Nevada Cattlemen's Association;
- •Dennis Hellwinkel, President, Nevada Farm Bureau Federation;
- •Burt Paris, Nevada State Grazing Board No. 6;
- •Bennie Romero, Nevada State Grazing Board No. 3;
- •Deloyd Satterthwaite, Nevada State Grazing Board No. 1;
- •Gracian Uhalde, State Grazing Board No. 4; and
- •Hank Vogler, Nevada Woolgrower's Association.

Mr. Henderson directed the Committee's attention to Exhibit D and explained that 665 invoices have been mailed and 339 have been returned with payment. To date, over 50 percent of the total fees assessed have been paid. Reimbursement requests will be considered and refunded by the end of April 2000.

Concluding his presentation, Mr. Henderson conveyed that Mr. Guild had intended to express to the Committee that this program provides a wonderful opportunity for the public land grazing industry to convey to the public the positive effects of this use of public lands.

C. Joseph Guild III

C. Joseph Guild, III, President, Nevada Cattlemen's Association, was not able to attend the meeting as scheduled.

Update of U.S. Navy Activities in Nevada

Gerry Gallop

Gerry Gallop, Range Officer, Naval Strike and Air Warfare Center (NSAWC), NAS Fallon, provided the Committee with an overview of Naval activities in Fallon.

Beginning his presentation, Officer Gallop provided the history of NAS Fallon NSAWC as follows:

- The base was established in 1942 as an air to ground training site;
- The NAS mainly provided unit level training until 1984, when the Naval Strike Warfare Center was established; and
- In 1996, with the merger of Strike, Topgun, and Topdome, the Fallon NSAWC was established.

The functions of the NSAWC were identified by Officer Gallop and are as follows:

- Conduct the USN graduate level flight activity training and provide both air wing training and individual courses of instruction; and
- Provide the majority of the Navy's tactical development on the ranges and real world operational support.

Officer Gallop identified the following assets of NAS Fallon:

- There are approximately 40 aircraft and 1,000 personnel at the NSAWC;
- There are approximately 30 aircraft and 1,800 personnel between the Fallon NAS and the smaller tenants

(which include the adversary squadron, VFC-13, flying F-5s, and the base SAR helos); and

- The total personnel at Fallon NAS are approximately 1,040 military, 640 civil service, and 1,150 contractors.

Continuing his presentation, Officer Gallop informed the Committee that the 1999 range training completed 41,000 sorties (one take-off and landing). They were as follows:

- Trained six air wings and totaled 14,200 sorties;
- Conducted five Topgun classes for a total of 4,200 sorties;
- Basic training completed 6,800 sorties;
- NSAWC tactics development totaled 6,200 sorties;
- Unit level training completed 6,600 sorties;
- Joint exercises totaled 2,000 sorties; and
- NAS Fallon completed 1,000 sorties.

The following range development activities were identified by Officer Gallop:

- The USN and BLM joint EIS is in final form and awaiting decision; and
- If approved, the Fallon NAS would gain an enhanced target capability, higher altitude bombing, mobile activity sites, and two permanent electronic warfare sites.

Officer Gallop identified recent USN land withdrawals and explained that:

- •The National Defense Authorization Act for Fiscal Year 2000 (S. 1059), passed on October 4, 1999, provides for USN land withdrawals;
- •S. 1059 provides the Navy with 127,000 acres for buffer zones and additional ground training and renews the Bravo 20 area, which provides 21,000 acres for NAS use over the next 20 years;
- •The land will be jointly managed by the BLM and the USN and will include a natural resources management plan; and
- •The natural resources management plan will include allowances for grazing, mining, and public access.

Concluding his presentation, Officer Gallop related the NAS Fallon community involvement activities. They are:

- •Created a citizen outreach program oriented toward residents of the operating area. This group was involved in creation of the EIS;
- •Experienced a 70 percent reduction in noise complaints in 1999 by modifying the bombing pattern of Bravo 16;
- •Maintained a cooperative and ongoing relationship with BLM; and
- •Put in place by the commanding officer, a local claims adjudication process for range damages caused by the USN. Most claims are settled within 24 hours.

PUBLIC COMMENT

Senator Lawrence E. Jacobsen

Senator Lawrence E. Jacobsen, provided the Committee with a document titled *Draft Environmental Impact Statement for a Geologic Repository or the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada* (Exhibit F).

Senator Jacobsen declared that Nevada's legislative interim committees should work together on related issues. He asserted that the proposed high-level radioactive waste repository at Yucca Mountain is, in part, a public lands issue. Further, Senator Jacobsen noted that only a small percentage of Nevada's legislators have toured the proposed Yucca Mountain site. As the Chairman of Nevada's Legislative Committee on High-Level Radioactive Waste (NRS 459.0085), Senator Jacobsen indicated his desire to sponsor a legislative tour of the facility.

Continuing with his presentation, Senator Jacobsen introduced John Meder, Senior Research Analyst and staff to the Committee on High-Level Radioactive Waste, Research Division, LCB. Mr. Meder explained that the Committee actively participates in a working group sponsored by the National Conference of State Legislatures. This association has allowed the Committee members to meet with legislators from other states who are addressing the shipping side of this issue and to visit various nuclear sites across the United States. Additionally, this interim, the Committee has heard presentations from the United States Environmental Protection Agency, the United States Department of Energy (DOE), the Nuclear Regulatory Commission, the Nevada Agency for Nuclear Projects, and local governments.

Concluding his presentation, Mr. Meder explained that thus far, most of the work that has been conducted regarding the proposed repository site at Yucca Mountain has been scientific studies focused on the site itself. However, the DOE will soon issue a site recommendation consideration report and hold public hearings. Next, the site recommendation will be presented to the Secretary of the DOE, shifting the study from the site itself to the study of transporting the waste from its place of origin to Yucca Mountain. The transportation over public lands via railways and highways is an issue that the Public Lands Committee may determine appropriate to address.

Don Bowman

Don Bowman, Media Correspondent, spoke regarding media access to federal public lands meetings. Mr. Bowman explained that he has been repeatedly denied access to meetings and urged the Committee to take action to assist in changing the policy.

Concluding his comments, Mr. Bowman explained that until 1956 the Nevada State Legislature approved all federal land acquisitions in Nevada. Mr. Bowman urged to Committee to review this issue and determine why this practice has not continued and seek a method for implementation of such a policy.

Floyd Rathbun

Floyd Rathbun, resident of Fallon, addressed the Committee regarding four topics. First, Mr. Rathbun expressed that a threatened or endangered species listing of the Sage Grouse would pose a threat to the economic well being of the State of Nevada. Mr. Rathbun suggested the State of Nevada assist federal regulatory agencies when determining areas as "Sage Grouse Habitat." This would perhaps aid in maintaining focus on the areas that are actual Sage Grouse habitats and not specify all areas where sagebrush is present.

Secondly, Mr. Rathbun observed that it appears NDOW is attempting to minimize the amount of elk hunting tags available to ranchers in Nevada.

Continuing with his presentation, Mr. Rathbun agreed with Senator Rhoads that public testimony is deserving of consideration and should not be merely a formality for the federal government.

Concluding his remarks, Mr. Rathbun presented the Committee with a document titled, *Facts about the Idaho Rangeland Resource Commission* (Exhibit G). He explained that Idaho is about four years ahead of Nevada with regard to the establishment of a Rangeland Resource Commission. The exhibit he provided to the Committee may be helpful by providing guidelines to the Nevada Rangeland Resource Commission, he said.

Mick Casey

Mick Casey, resident of Fallon, explained that he is affected by many of the issues discussed at this meeting, including burned rangeland, grazing land located under the NSAWC, and water rights.

Mr. Casey first spoke regarding the proposed Clan Alpine Range WSA. He explained that one of the criteria for the establishment of a WSA is the existence of a serene environment. He questioned how a serene environment can exist under the NSAWC which produces sonic booms. He spoke in favor of not establishing a WSA in the area and asked for the Committee's support in this position.

Secondly, Mr. Casey remarked that there are benefits and drawbacks to the USN presence in Fallon. The benefits include well maintained roads and neighbors to watch over personal property. However, according to Mr. Casey, his experience with resolving an issue of damage to personal property caused by the NAS has not been expeditious, as Officer Gallop indicated during his presentation. Mr. Casey informed the Committee that he has recently retained an attorney to represent his case involving a fire which the Navy accidentally started on his grazing lands. He explained that the Navy's position is that the fire started by an "act of God" and is consequently not the responsibility of the Navy.

Concluding his remarks, Mr. Casey informed the Committee that the USFS is attempting to put the Tule Chub on the endangered species list. If this occurs, it will adversely affect the flow of artesian wells because the wells containing the Tule Chub could not be pumped, consequently placing a strain on other wells.

Responding to Mr. Casey's inquiry regarding the Committee's support in not endorsing the proposed WSA, Acting Chairman McGinness explained that a few methods can be implemented: (1) forward a resolution on behalf of the Committee to the relevant federal agencies; (2) request a bill draft request for consideration by the Legislature, and (3) continue to support public involvement and testimony.

ADJOURNMENT

There being no further business to come before the Committee, Acting Chairman McGinness thanked the speakers and adjourned the meeting at 12:25 p.m.

Exhibit H 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 S.B. 560 Subcommittee by Michael J. Stewart, Senior Research Analyst, Research Division, Legislative Counsel Bureau.

Exhibit B, provided by John Singlaub, Carson City District Field Manager, United States Department of the Interior (DOI), Bureau of Land Management (BLM), is a map titled "Carson City and Winnemucca BLM Field Offices, Churchill County, Nevada".

Exhibit C, provided by Assemblyman John C. Carpenter, is a document titled *An Analytical Review of the Development of the President's Roadless Area Initiative; A Preliminary Staff Report of the Subcommittee on Forests and Forest Health of the House of Representatives Committee on Resources*.

Exhibit D, provided by Pat Murphy, Project Manager, Emergency Fire Rehabilitation Team, BLM, DOI, and Deputy State Forester, Nevada's Division of Forestry, State Department of Conservation and Natural Resources, is a document titled *1999 Northern Nevada Proposed Emergency Fire Rehabilitation Efforts General Summary*.

Exhibit E, provided by Donald G. Henderson, Deputy Director, State Department of Agriculture, is a document titled *Nevada Rangeland Resource Commission First Year Billing Data, 2/24/00*.

Exhibit F, provided by Senator Lawrence E. Jacobsen, is a document titled *Draft Environmental Impact Statement for a Geologic Repository or the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada*.

Exhibit G, provided by Floyd Rathbun, is a document titled *Facts about the Idaho Rangeland Resource Commission*.

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

Copies of the material 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.

LIST OF ACRONYMS

BLM United States Bureau of Land Management

BOR Bureau of Reclamation, DOI

DOE United States Department of Energy

DOI United States Department of the Interior

EFR Emergency Fire Rehabilitation

EIS Environmental Impact Statement

HRBWA Humboldt River Basin Water Authority

NAS Naval Air Station (United States)

NDEP Nevada's Division of Environmental Protection, SDCNR

NDOW Division of Wildlife, State Department of Conservation and

Natural Resources

NSAWC Naval Strike and Air Warfare Center

OCAP Operating criteria and procedures

P.L. 101.618 Public Law 101.618

S. 1059 The National Defense Authorization Act for Fiscal Year 2000

SDA State Department of Agriculture (Nevada)

SDCNR State Department of Conservation and Natural Resources (Nevada)

TCID Truckee-Carson Irrigation District

USN United States Navy

USFS Forest Service, United States Department of Agriculture

WSA Wilderness Study Area