

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

(Nevada Revised Statutes 218.5363)

SUMMARY MINUTES AND ACTION REPORT

The third meeting of the Legislative Committee on Public Lands for the 2003-2004 interim was held on Thursday, January 22, 2004, at 10 a.m. in the Caliente Youth Center, U.S. Highway 93, Caliente, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's Web site at www.leg.state.nv.us/Session/72nd2003/Interim. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT:

Senator Dean A. Rhoads, Chairman
Assemblyman John W. Marvel, Vice Chairman
Senator Mark E. Amodei
Senator Terry Care
Assemblyman Jerry D. Claborn
Assemblyman Tom Collins
Tim Perkins, Lincoln County Commissioner

OTHER LEGISLATOR PRESENT:

Assemblyman John C. Carpenter

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Michael J. Stewart, Senior Research Analyst, Research Division
R. René Yeckley, Principal Deputy Legislative Counsel, Legal Division
Gayle Nadeau, Senior Research Secretary, Research Division

OPENING REMARKS

Chairman Rhoads opened the meeting and mentioned that the Committee meets throughout the State during the legislative interim. The Committee and staff then introduced themselves at the request of Senator Rhoads.

APPROVAL OF THE "SUMMARY MINUTES AND ACTION REPORT" OF THE MEETING HELD ON DECEMBER 17, 2003, IN WINNEMUCCA, NEVADA

The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN MARVEL MOVED TO APPROVE THE "SUMMARY MINUTES AND ACTION REPORT" OF THE DECEMBER 17, 2003, MEETING HELD IN WINNEMUCCA, NEVADA. THE MOTION WAS SECONDED BY ASSEMBLYMAN CLABORN AND PASSED UNANIMOUSLY.

REPORTS TO COMMITTEE

Update of Public Lands Issues in Lincoln County and Southeast Nevada

Review of Public Lands and Natural Resource Issues in Lincoln County

- Tim Perkins, Member, Lincoln County Board of Commissioners, Pioche, Nevada, provided an update on the following issues affecting Lincoln County: (1) Lincoln County Land Act; (2) Coyote Springs Development; (3) Toquop Energy Project; (4) economic development on federally-managed lands in Lincoln County; (5) the drought; (6) development of a habitat conservation plan; and (7) wilderness issues. Commissioner Perkins asked for the Committee's support regarding wilderness issues in Lincoln County. See [Exhibit B](#).
- Shelley Hartmann, Planning Coordinator, Lincoln County, Pioche, testified regarding: (1) the effects of the drought on Lincoln County's economy; (2) a wildfire risk and fuel reduction plan; (3) Lincoln County's efforts in seeking a \$500,000 pre-hazard mitigation grant from the Federal Emergency Management Agency (FEMA); and (4) a \$2 million grant application for flood mitigation. Ms. Hartmann also sought the Committee's support toward obtaining these grants. Please see [Exhibit C1](#), [Exhibit C2](#), [Exhibit C3](#), [Exhibit C4](#), [Exhibit C5](#), [Exhibit C6](#), [Exhibit C7](#), and [Exhibit C8](#).

Update of Bureau of Land Management (BLM) Planning Efforts in the Ely Field District

- Rick Orr, Assistant Field Manager for Caliente, Ely Field Office, BLM, United States Department of the Interior (DOI), Caliente, provided an update on the Ely Field District's completion of a decision record for setting appropriate management levels on the District's horse herd management areas. He noted there are three herd management areas in Lincoln County. See [Exhibit D](#).
- Jeff Weeks, Assistant Field Manager for Non-Renewable Resources, Ely Field Office, BLM, DOI, Ely, Nevada, reported on the breakdown of funding distribution from the sale of public lands through the proposed Lincoln County Land Act and the status of several appeals before the Interior Board of Land Appeals.

Update of U.S. Forest Service (USFS) Activities in the Ely Ranger District

- Patricia Irwin, District Ranger, Ely Ranger District, USFS, United States Department of Agriculture (USDA), Ely, provided an update on management actions in the Ely Ranger District and addressed the following areas: (1) stray cattle gathers in Lincoln and Nye Counties; (2) noxious weeds; (3) U.S. Forest Service participation in Lincoln County recreation planning; (4) wood biomass; and (5) rural community assistance grants. Please see [Exhibit E](#).

Overview of Activities and Recreational Opportunities at Great Basin National Park (GBNP)

- Todd Williams, Director, Cultural and Natural Resources Division, GBNP, Baker, Nevada, addressed the following areas in his overview of the GBNP: (1) park statistics for Fiscal Year 2003; (2) construction of a new visitor center scheduled for 2004; (3) park efforts to increase recreational opportunities; and (4) natural resource projects. See [Exhibit F](#).

Update of Activities of the Lincoln County Trails Coalition (LCTC)

- Don Shanks, Secretary, LCTC, Pioche, testified in support of building a series of multiuse trails linking towns and natural attractions in Lincoln County to promote economic growth by attracting residents and tourists from surrounding counties who are seeking uncrowded recreational outlets. See [Exhibit G](#).
- Gary Clinard, President, Dunes and Trails ATV Club, Las Vegas, Nevada, provided background

information in support of an off-highway vehicle (OHV) program and presented an overview of proposed OHV legislation for Nevada. See [Exhibit H](#).

- Bruce Winslow, Member, LCTC, Caliente, testified on *Nevada Revised Statutes* (NRS) 41.510 (“Limitation of liability [liability of owners, lessees and occupants of premises to persons using premises for recreational purposes]; exceptions for malicious acts if consideration is given or other duty exists.”) comparing it to relevant Utah legislation, focusing on liability, safety, and educational aspects in each state’s legislation. Mr. Winslow conveyed that the LCTC has contacted the National Off-Highway Vehicle Conservation Counsel seeking sponsorship of a workshop in Nevada that would bring together various federal, state, and local agencies, as well as user groups and other interested parties to discuss issues related to OHV recreation. He asked for the Committee’s support for this workshop and also requested that a subcommittee be formed to address OHV issues. See [Exhibit I](#).
- Jim Potts, Chairman, LCTC, Caliente, discussed nonmotorized aspects of the LCTC proposed trails system. He pointed out that outside of Nevada’s state parks, there are no designated trails for multiuse recreation opportunities such as hiking, horseback riding, and mountain biking. Mr. Potts stated that the LCTC is interested in applying for grant funding and requested the Committee’s support toward this effort.
- Hal Keaton, Member, Lincoln County Board of Commissioners, Pioche, testified that the Lincoln County Board of Commissioners voted to support the efforts of the LCTC and asked two requests of the Committee: (1) that a subcommittee be formed to study this issue; and (2) if further study of this effort warrants proposing legislation, that the Committee sponsor an OHV bill during Nevada’s 2005 Legislative Session.

Preliminary Discussion of Nevada’s Noxious and Invasive Weed Program and Update of Cooperative Weed Management Groups Formed in Nevada

- Dawn Rafferty, Noxious Weed Program Coordinator, State Department of Agriculture (SDA), Reno, Nevada, provided a presentation on Nevada’s Noxious and Invasive Weed Program, and she provided a booklet titled *Invasive Weed Identification for Nevada*. Please see [Exhibit J1](#) and [Exhibit J2](#).
- Tim Playford, National Invasive Species Coordinator, Dow AgroSciences LLC, Dow Chemical Company, Reno, testified about his role with the Dow Chemical Company to manage invasive vegetation issues in Nevada and throughout the United States. Mr. Playford stressed the serious environmental impact that invasive vegetation has on native plants, native animals and their dependence on native plants for food supplies, and the clarity of clean water.

Review and Discussion of Proposed Amendments to Federal Regulations Concerning Livestock Grazing on Public Lands

- Meg Jensen, Deputy State Director for Natural Resources, Lands and Planning, BLM, DOI, Reno, reviewed the proposed revisions to the BLM grazing regulations, which focus on: (1) improving working relationships with grazing permittees and lessees; (2) protecting the health of rangelands; and (3) increasing administrative efficiency and effectiveness. See [Exhibit K1](#), [Exhibit K2](#), and [Exhibit K3](#).
- Gary McCuin, Range Specialist, SDA, Carson City, Nevada, commended the BLM for incorporating public input into the BLM’s proposed revisions to the grazing regulations and expressed support for the items listed under the category “Proposed Action Alternative 2” in the table provided by Ms. Jensen. Please see [Exhibit K2](#).

Overview of Eastern and Southern Nevada Water Issues

General Overview of Water Issues and Role of the State Engineer in Lincoln County and Eastern and Southern Nevada

- Hugh Ricci, State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources (SDCNR), Carson City, provided a presentation on water issues and the role of the State Engineer in Lincoln County and Eastern and Southern Nevada. See [Exhibit L](#).

Overview of Activities and Planning Efforts of the Virgin Valley Water District

- Mike Winters, General Manager, Virgin Valley Water District, Mesquite, Nevada, testified that during the late 1990s, the City of Mesquite's population increased 25 to 35 percent making it the fastest growing small community in the United States. With recent land acquisitions from the BLM, Mr. Winters suggested Mesquite may, once again, experience rapid growth.
- Michael Johnson, Chief Hydrologist, Virgin Valley Water District, Mesquite, provided a presentation on the water resources of the Virgin River Basin and stated the water in the Virgin River is used primarily for agriculture because of its salinity. Please see [Exhibit M](#).

Review of Activities and Planning Efforts of the Moapa Valley Water District

- Craig Gubler, Line Operations Manager, Moapa Valley Water District, Overton, Nevada, addressed the following areas in his presentation regarding the Moapa Valley Water District: (1) general background information (2) water sources; (3) storage facilities; (4) meter connections; (5) population projections; and (6) projected water demands. See [Exhibit N](#).

Overview of the Establishment and Activities of the Lincoln County Water District

- Tim Perkins, Member, Lincoln County Board of Commissioners, Pioche, reported that the Lincoln County Water District was established during the 2003 Legislative Session and provided an update on activities of the water district. Commissioner Perkins requested that a subcommittee be formed to study the feasibility of proposing legislation during the 2005 Session which would amend NRS 533.438 ("Imposition of tax on certain transfers of water by county of origin; review by State Engineer; limitation on use of money collected from tax.") by changing the fee for the transfer of water between counties and all references to the term "tax" to the word "fee." See [Exhibit O](#).

Review of Natural Resources Development in Lincoln County and Southeast Nevada

Discussion of Activities and Proposed Development Plans by Vidler Water Company, Inc.

- Steve Hartman, Corporate Counsel and Vice President for Development, Vidler Water Company, Inc., Carson City, testified that Vidler Water Company, Inc., is developing water resources for Lincoln County's projects that are in the county's master plan. With respect to the Lincoln County Land Act, the Company supports a conservation-oriented approach in terms of intensity, density, and water consumption per acre of land. Mr. Hartman reported on the Coyote Springs' project, water use in Nye and White Pine Counties, and he expressed concern about liability and access issues on rural county roads and privately-owned property.

Pinion Juniper Harvest and Related Research Projects in Eastern Nevada

Overview of Restoration Work and Research Projects on Public Lands in Lincoln County

- Rick Orr, Assistant Field Manager, Ely Field Office, BLM, DOI, Caliente, discussed resource management issues affecting eastern Nevada. Mr. Orr identified encroachment of plant communities as a problem affecting productivity on rangelands and that the BLM is developing the Eastern Nevada Landscape Restoration Project in conjunction with the Eastern Nevada Landscape Coalition to address this issue.
- Shane Deforest, Wildlife Management Biologist, BLM, DOI, Ely, testified on the Eastern Nevada

Landscape Restoration Project, which covers approximately 10.8 million acres of land in Lincoln and White Pine Counties and parts of Nye County. This project will assist the BLM in analyzing the effects of potential wood biomass uses and how those uses may be integrated in the BLM's mission in eastern Nevada of managing and improving watersheds and ecosystems. Please see [Exhibit P](#).

- John McLain, Principal Resource Specialist, Resource Concepts, Inc., Carson City, reported on the wood biomass potential in Nevada and opportunities to expand commercial uses of this natural resource, thereby benefiting the rural and state economies. According to Mr. McLain, thinning of the pinion juniper woodlands (which occupy more than 10 million acres of Nevada's landscape) would also improve forest health and help reduce the risk of wildfires. Please see [Exhibit Q1](#) and [Exhibit Q2](#).

Discussion of Possible Economic Uses and Benefits of Harvested Pinion Juniper

- Shelley Hartmann, Planning Coordinator, Lincoln County, Pioche, testified about the wildfire risk associated with the pinion juniper woodlands in Lincoln County. To lessen this risk, Lincoln County is pursuing private industry to harvest wood from forest thinning for retail wood products. This approach would also increase job opportunities and benefit rural economies. Ms. Hartmann asked the Committee to write letters to FEMA and Nevada Congressman Jim Gibbons on behalf of Lincoln County's efforts to obtain grants for forest thinning and flood mitigation and to seek Congressional support for the Lincoln County Pilot Project proposal to develop a public-private partnership to address the risk of catastrophic fires. See [Exhibit R](#).
- Stan Radon, President, Grower's Energy, Inc., Carson City, testified on the potential economic benefit to Lincoln County from developing a biomass industry that would produce retail products from harvested pinion juniper woodlands. Consumer products described include: (1) briquettes; (2) fuel pellets; and (3) a product that seals concrete pipes to conserve water. See [Exhibit R](#).

Discussion of Marys River Complex Allotment Evaluation

- Ken Higbee, rancher, Elko and Lincoln Counties, Alamo, Nevada, testified about a proposed 60-percent reduction in his ranching operation's animal unit month (AUM) allotment by the BLM. He also expressed concern about the season-of-use change on the Antelope Basin multiple-use allotment. See [Exhibit S](#).
- Julian C. Smith, rancher, Carson City, expressed concern about the Marys River Complex Allotment Evaluation and the effect its proposed AUM reductions would have on his ranching operation in Deeth, Nevada. Please see [Exhibit T](#).
- Helen Hankins, Field Manager, Elko Field Office, BLM, DOI, Elko, Nevada, provided an overview of the Marys River Complex Allotment Evaluation and issues of concern the BLM has with respect to this evaluation. Ms. Hankins also addressed BLM land sales in Elko County. See [Exhibit U1](#) and [Exhibit U2](#).
- Assemblyman John C. Carpenter reported on his review of documents relating to the Marys River Complex Allotment Evaluation at the request of Chairman Rhoads during the Legislative Committee on Public Lands' meeting on December 17, 2003, in Winnemucca, Nevada.

PUBLIC COMMENTS

- Doug Bierman, Senior Research Associate, Intertech Services Corporation, Carson City, testified on behalf of the Humboldt River Basin Water Authority. He expressed support for Commissioner Perkins' recommendation that a subcommittee be formed to study the feasibility of proposing legislation during the 2005 Session which would amend NRS 533.438 ("Imposition of tax on certain transfers of water by county of origin; review by State Engineer; limitation on use of money collected from tax.") by changing the fee for the transfer of water between counties and all references to the term "tax" to the word "fee."

- Gary McCuin, Range Specialist, SDA, Carson City, discussed the State Department of Agriculture's "Section 8" review process and mediation program.
- Bevin Lister, resident, Lincoln County, expressed concerns about the following issues: (1) OHV use; (2) septic systems; (3) water issues; (4) the Marys River Complex Allotment Evaluation; (5) elk and wild horse herd management; and (6) public land sales.
- Jana Wright, resident, Deeth, voiced concern about the proposed AUM reductions in the Marys River Complex Allotment Evaluation and the impact that any decrease would have on continuing her family's ranching operations.
- David K. Schumann, Vice Chairman, the Nevada Committee for Full Statehood, Sparks, Nevada, testified on his concerns about the economic impact of federal lands in Nevada. See [Exhibit V](#).
- John Jones, Southern Regional Forester, Division of Forestry, State Department of Conservation and Natural Resources, Las Vegas, Provided an update on the formation of a fire protection district in Lincoln County.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 4:01 p.m.

Respectfully submitted,

Gayle Nadeau
Senior Research Secretary

Michael J. Stewart
Senior Research Analyst

APPROVED BY:

Senator Dean A. Rhoads, Chairman

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the "Meeting Notice and Agenda."

[Exhibit B](#) is the written testimony of Tim Perkins, Commissioner, Lincoln County Commission, Pioche, titled "Review of Public Lands and Natural Resource Issues in Lincoln County."

[Exhibit C1](#) is the January/February 2004 edition of *Government West* magazine provided by Shelley Hartmann,

Planning Coordinator, Lincoln County, Pioche.

[Exhibit C2](#) is a document titled “Grant Application for Pre-Hazard Mitigation Funds, Map Modernization Funds,” provided by Shelley Hartmann, Planning Coordinator, Lincoln County, Pioche.

[Exhibit C3](#) is a document titled “Subgrant Project Application” for Mt. Wilson fire hazard mitigation provided by Shelley Hartmann, Planning Coordinator, Lincoln County, Pioche.

[Exhibit C4](#) is a United States General Accounting Office document dated August 2003 and titled “Wildland Fire Management, Additional Actions Required to Better Identify and Prioritize Lands Needing Fuels Reduction,” provided by Shelley Hartmann, Planning Coordinator, Lincoln County, Pioche.

[Exhibit C5](#) is a report titled *Community Wildfire Risk Assessment and Fuel Reduction Plan for Caliente in Lincoln County, Nevada*, and dated December 2002 provided by Shelley Hartmann, Planning Coordinator, Lincoln County, Pioche.

[Exhibit C6](#) is a report titled *Community Wildfire Risk Assessment and Fuel Reduction Plan for The Towns of Pioche and Caselton Heights in Lincoln County, Nevada*, and dated December 2002 provided by Shelley Hartmann, Planning Coordinator, Lincoln County, Pioche.

[Exhibit C7](#) is a report titled *Community Wildfire Risk Assessment and Fuel Reduction Plan for Panaca in Lincoln County, Nevada*, and dated December 2002 provided by Shelley Hartmann, Planning Coordinator, Lincoln County, Pioche.

[Exhibit C8](#) is a report titled *Community Wildfire Risk Assessment and Fuel Reduction Plan for the Mt. Wilson Guest Ranch Community in Lincoln County, Nevada*, and dated December 2002 provided by Shelley Hartmann, Planning Coordinator, Lincoln County, Pioche.

[Exhibit D](#) is a cover letter from Gene Kolkman, Ely Field Manager, BLM, DOI, Ely, and an accompanying document titled “Notice of Wild Horse Management Decision and Finding of No Significant Impact (FONSI) for the Establishment of Appropriate Management Levels for Twelve Wild Horse Herd Management Areas,” provided by Rick Orr, Assistant Field Manager, Ely Field Office, BLM, DOI, Caliente.

[Exhibit E](#) is the written testimony of Patricia Irwin, District Ranger, Ely Ranger District, USFS, USDA, Ely.

[Exhibit F](#) is the prepared testimony notes of Todd Williams, Director, Cultural and Natural Resources Division, GBNP, Baker.

[Exhibit G](#) is a document titled “Lincoln County Chamber of Commerce Position Statement Southeastern Nevada Trail System and Related Infrastructure,” provided by Don Shanks, Secretary, LCTC.

[Exhibit H](#) is a document titled “Off-Highway Vehicle (OHV) Bill for Nevada – 2004,” provided by Gary Clinard, President, Dunes and Trails ATV Club, Las Vegas, Nevada.

[Exhibit I](#) is a document titled “Nevada Recreational Use Statute,” provided by Bruce Winslow, Member, LCTC, Caliente.

[Exhibit J1](#) is a PowerPoint presentation titled “Nevada’s Noxious Weed Program,” provided by Dawn Rafferty, Noxious Weed Program Coordinator, SDA, Reno.

[Exhibit J2](#) is a booklet titled *Invasive Weed Identification for Nevada*, provided by Dawn Rafferty, Noxious Weed Program Coordinator, SDA, Reno.

[Exhibit K1](#) is a document titled “Proposed Changes to BLM Grazing Regulations,” provided by Meg Jensen, Deputy State Director for Natural Resources, Lands and Planning, BLM, DOI, Reno.

[Exhibit K2](#) is a document titled “Table ES-1 Proposed Revisions to Grazing Regulations for the Public Lands Comparison of Alternatives,” provided by Meg Jensen, Deputy State Director for Natural Resources, Lands and

Planning, BLM, DOI, Reno.

[Exhibit K3](#) is a compact disc provided by Meg Jensen, Deputy State Director for Natural Resources, Lands and Planning, BLM, DOI, Reno, containing digital information in HTML format titled “Welcome to the Proposed Revisions to the Grazing Regulations for the Public Lands/Draft Environmental Impact Statement Web Page.”

[Exhibit L](#) is a PowerPoint presentation provided by Hugh Ricci, State Engineer, Division of Water Resources, SDCNR, Carson City, covering water issues and the role of the State Engineer in Lincoln County and Eastern and Southern Nevada.

[Exhibit M](#) is a PowerPoint presentation titled “Water Resources of the Virgin River Basin,” provided by Michael Johnson, Chief Hydrologist, Virgin Valley Water District, Mesquite.

[Exhibit N](#) is a PowerPoint presentation titled “Moapa Valley Water District,” provided by Craig Gubler, Line Operations Manager, Moapa Valley Water District, Overton, Nevada.

[Exhibit O](#) is the written testimony of Tim Perkins, Commissioner, Lincoln County Commission, Pioche, titled “Update from the Lincoln County Water District.”

[Exhibit P](#) is a PowerPoint presentation titled “Eastern Nevada Landscape Restoration Project,” provided by Shane Deforest, Wildlife Management Biologist, Ely Field Office, BLM, DOI, Ely.

[Exhibit Q1](#) is a document titled “Wood Biomass Potential in Nevada,” provided by John L. McLain, Principal Resource Specialist, Resource Concepts, Inc., Carson City.

[Exhibit Q2](#) is a PowerPoint presentation titled “Pinyon-Juniper Historical Perspective and Progressive Management Options,” provided by John L. McLain, Principal Resource Specialist, Resource Concepts, Inc., Carson City.

[Exhibit R](#) is a packet of material containing the prepared testimony of Shelley Hartman and supporting documents provided by Ms. Hartmann, Planning Coordinator, Lincoln County, Pioche.

[Exhibit S](#) is a packet of material regarding the Higbee Brothers’ Cattle Operation and the Marys River Complex Allotment Evaluation provided by Vaughn, Varlin, and Ken Higbee, Ranchers, Elko and Lincoln Counties, Alamo.

[Exhibit T](#) is a group of letters and supporting material regarding the Marys River Complex Allotment Evaluation provided by Julian C. Smith, Jr., rancher, Carson City.

[Exhibit U1](#) is a packet of material regarding the Marys River Complex Allotment Evaluation provided by Helen Hankins, Field Manager, Elko Field Office, BLM, DOI, Elko.

[Exhibit U2](#) is a packet of material regarding public land sales in Elko County provided by Helen Hankins, Field Manager, Elko Field Office, BLM, DOI, Elko.

[Exhibit V](#) is a packet of material regarding federal lands in Nevada provided by David K. Schumann, Vice Chairman, The Nevada Committee for Full Statehood, Sparks.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library by [e-mail \(www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm\)](mailto:www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm) or telephone: 775/684-6827.

