

# **LEGISLATIVE COMMITTEE ON PUBLIC LANDS**

*(Nevada Revised Statutes 218.5363)*

## **SUMMARY MINUTES AND ACTION REPORT**

The fourth meeting of the Legislative Committee on Public Lands for the 2003-2004 interim was held on Friday, March 26, 2004, at 9 a.m. in the Western Heritage Interpretive Center, Bartley Ranch Regional Park, 6000 Bartley Ranch Road, Reno, 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](http://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](mailto: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 Mike McGinness (alternate)  
Assemblyman Jerry D. Claborn  
Tim Perkins, Lincoln County Commissioner

### **COMMITTEE MEMBERS ABSENT:**

Senator Terry Care  
Assemblyman Tom Collins

### **LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Michael J. Stewart, Principal Research Analyst, Research Division  
J. Randall Stephenson, Senior Deputy Legislative Counsel, Legal Division  
Gayle Nadeau, Senior Research Secretary, Research Division

### **OPENING REMARKS**

Chairman Rhoads opened the meeting and asked the Committee and staff to introduce themselves.

### **APPROVAL OF THE "SUMMARY MINUTES AND ACTION REPORT" OF THE MEETING HELD ON JANUARY 22, 2004, IN CALIENTE, NEVADA**

The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN MARVEL MOVED TO APPROVE THE "SUMMARY MINUTES AND ACTION REPORT" OF THE JANUARY 22, 2004, MEETING HELD IN CALIENTE, NEVADA. THE MOTION WAS SECONDED BY ASSEMBLYMAN CLABORN AND PASSED UNANIMOUSLY.

### **REPORTS TO COMMITTEE**

## ***Update of Public Lands Issues in Washoe County and Western Nevada***

### **Review of Public Lands and Natural Resource Issues in Washoe County**

- Jim Shaw, Chairman, Board of County Commissioners, Washoe County, Reno, discussed three important strategies relevant to Washoe County's management of its natural resources and public lands: (1) economic benefits; (2) leverage funding; and (3) partnerships. Please see [Exhibit B](#).
- Michelle Poché, Assistant County Manager, Washoe County, Reno, testified about balancing access to public lands while protecting significant resources. Ms. Poché indicated that the county is interested in acquiring select parcels for preservation and recreational access through the use of funding from state and local bonds as well as the Southern Nevada Public Lands Management Act (SNPLMA). Please see [Exhibit B](#).

### **Update of Bureau of Land Management (BLM) Planning Efforts in the Carson City Field District**

- Elayn Briggs, Acting Carson City Field Manager, BLM, United States Department of the Interior (DOI), Carson City, Nevada, reported on the following projects of the Carson City Field District: (1) Churchill County's resource management plan amendment; (2) proposed interbasin water transfers; (3) Sand Mountain recreation area; (4) the Denton Rawhide mine closure and its possible transformation into a municipal landfill; (5) the Yerington abandoned copper mine; and (6) wild horse gathers. Please see [Exhibit C](#).
  - Chairman Rhoads directed staff to confirm the approving authority for such land uses as landfills.

### **Update of National Forest Issues on the Sierra Front**

- Robert L. Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, U.S. Forest Service (USFS), United States Department of Agriculture (USDA), Sparks, Nevada, reported on the management of approximately three-quarters of a million acres of national forest land in the eastern Sierra Nevada mountain range and western Nevada, calling particular attention to efforts to reduce hazardous fuels on national forest lands as required by the Healthy Forests Restoration Act of 2003.
- David Loomis, Sierra Zone Planner, Carson Ranger District, Humboldt-Toiyabe National Forest, USFS, USDA, Carson City, testified about management actions and high-priority issues for the District such as: (1) fire and fuels; (2) invasive species; (3) loss of open space; and (4) unmanaged recreation. Please see [Exhibit D](#).
- Kathleen Lucich, District Ranger, Bridgeport Ranger District, Humboldt-Toiyabe National Forest, USFS, USDA, Bridgeport, California, reported on the following issues the Bridgeport Ranger District is addressing: (1) fire and fuels; (2) grazing analysis; (3) mining; (4) Rosaschi Ranch restoration; (5) sensitive species; and (6) unmanaged off-highway vehicles. Please see [Exhibit E](#).

### ***Overview of Programs and Activities of the Truckee Meadows Water Authority (TMWA)***

- Lori Williams, General Manager, TMWA, Reno, reported that TMWA's presentation complies with Senate Bill 216 (Chapter 408, *Statutes of Nevada 2003*), which, among other things, requires the Legislative Committee on Public Lands to review the programs and activities of all public water authorities in the State of Nevada. Ms. Williams testified about the formation of TMWA and its Board, and she addressed the various acquisitions of the Authority such as: (1) distribution systems; (2) groundwater rights; (3) hydroelectric plants; (4) storage rights; and (5) treatment plants. She noted that \$452 million in bonds were issued to finance the acquisitions.
- John Erwin, Director of Resource Planning and Development, TMWA, Reno, addressed technical data

relative to TMWA's operations, which include: (1) monitoring conservation compliance; (2) drought planning; (3) analysis of water resources; (4) evaluating water flow through the Truckee River system; (5) assessing water quality; (6) maintaining distribution systems; and (7) evaluating water use statistics. Please see [Exhibit F](#).

- Steve Walker, Contract Lobbyist, TMWA, Minden, Nevada, noted that during a drought, a ratepayer typically uses less water. Please see the chart in [Exhibit F](#) titled "Gallons per Capita per Day."

### ***Review of Activities and Programs of the Nevada Fire Safe Council***

- Elwood Miller, Professor of Forestry-Emeritus, University of Nevada, Reno (UNR), provided an overview and presentation about the Nevada Fire Safe Council, noting it was formed in 1999 by 120 Nevadans representing local fire services, federal and state fire suppression officials, developers, the insurance industry, and individual citizens. Its mission is to assist at-risk communities by reducing the threat of fire and increasing protection. Please see [Exhibit G](#) and [Exhibit H](#).
- Ed Smith, Natural Resource Management Specialist, UNR Cooperative Extension, Minden, reported on a program created by the UNR Cooperative Extension titled "Living With Fire," which educates property owners about reducing the risk of catastrophic fires in their communities. Please see [Exhibit H](#) and [Exhibit I](#).

### ***Overview of Activities and Programs of Nevada's Division of State Lands***

- Pamela B. Wilcox, Administrator, Nevada's Division of State Lands, State Department of Conservation and Natural Resources (SDCNR), Carson City, reported on the Division's activities and programs. She testified its lands planning program works on federal land issues to enhance cooperation between federal agencies and local governments.

### ***Status Report on the Southern Nevada Public Land Management Act of 1998***

- Robert V. Abbey, State Director, BLM, Nevada, Reno, testified that the SNPLMA provides for an orderly disposal of federal lands in Clark County to meet the demands for community expansion and development while using the proceeds from the sale of those lands to address critical environmental issues in the county and other areas in the state. Mr. Abbey reported that Nevada leads the nation in growth and that Clark County anticipates opening 14 new schools during 2004. He added that Nevada's taxpayers benefit from the sale of public lands, the funds from which are often used for recreation purposes and schools. Mr. Abbey explained that local governments can acquire public lands for new schools and other similar facilities under the Recreation and Public Purposes Act for as little as \$5 per acre. This compares to \$200,000 to \$300,000 per acre for private property in the Las Vegas Valley. Please see [Exhibit J](#).
- Pamela B. Wilcox, Administrator, Nevada's Division of State Lands, SDCNR, Carson City, stated that Nevada's Division of State Lands participated in the original working groups that developed the SNPLMA legislation, and she reported on rural county issues and socioeconomic data relative to the SNPLMA.

### ***Discussion of Certain Scientific Research and Findings Relating to Rangeland Health and the Potential Harvesting of Pinion Juniper in Nevada***

- Barry Perryman, Rangeland Ecologist, Department of Animal Biotechnology, UNR, Reno, presented scientific data regarding the ecological consequences of not managing the state's natural resources. Please see [Exhibit K](#).
- Sherman Swanson, Ph.D., Associate Professor, Department of Environmental and Resource Sciences, UNR, Reno, testified about range management to achieve sustainable rangelands. Please see [Exhibit L](#).
- William Morrill, Science Coordinator, Eastern Nevada Landscape Coalition, Verdi, Nevada, reported on the Eastern Nevada Landscape Coalition's restoration project. His presentation focused on three general

problem areas: (1) different vegetative types through successional processes are being dominated by woody plants such as pinion and juniper; (2) invasive plants are changing vegetation; and (3) catastrophic fires threaten human and vegetative communities. Please see [Exhibit M](#).

### ***Discussion of USFS Policies and Procedures Regarding the Monitoring and Use of Grazing Allotments***

- Robert L. Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, USDA, Sparks, addressed the concerns of ranchers that monitoring trends and use of grazing allotments are based on a small percentage of acreage rather than using key areas as the USFS plan stipulates. Mr. Vaught noted that each spring permittees and the USFS range monitoring staff reach written agreement for managing each permittee's summer allotment. He said if the permittee cannot reach agreement there are procedures to follow, but if concerns remain, Mr. Vaught requested that he be notified.
- Mike Lattin, Lattin Livestock LLC, Elko, Nevada, testified about his difficulties with the USFS administration practices regarding grazing permits. He expressed concern for the future of the ranching industry in Nevada unless the USFS's approach to grazing monitoring changes. Mr. Lattin proposed the formation of a five-member review board to work with the USFS and permittees in preventing and resolving conflicts. Please see [Exhibit N](#) and [Exhibit O](#).
- Al Steninger, Range and Ranch Management Consultant, Elko, focused his testimony on the accountability of the USFS's policies and procedures regarding monitoring and use of grazing allotments. Mr. Steninger also advocated the use of a local board that would better serve the forest service, its employees, and the permittees for impartial review of decisions and conflicts. Please see [Exhibit N](#) and [Exhibit O](#).
- Quinton J. Barr, Range and Ranch Management Consultant, Western Range Service, Elko, focused his testimony on utilization standards and the misuse of terms and definitions in the forest management plan by the USFS staff in district offices. Please see [Exhibit N](#) and [Exhibit O](#).
  - Chairman Rhoads requested that Mr. Vaught review the issues raised by Messrs. Lattin, Steninger, and Barr and report at the next meeting of the Legislative Committee on Public Lands, which is scheduled for Thursday, May 6, 2004, in Lovelock, Nevada. Senator Rhoads also requested that Messrs. Lattin, Steninger, and Barr be in attendance at the May 6 meeting.

### ***Review of Activities and Operations of the Washoe County Department of Water Resources***

- Steve Bradhurst, Director, Washoe County Department of Water Resources, Reno, reported on the responsibilities of various organizations in the Truckee Meadows that provide water services. Mr. Bradhurst also provided an overview of the duties of Washoe County's Department of Water Resources. Please see [Exhibit P1](#), [Exhibit P2](#), and [Exhibit P3](#).

### ***Overview of the Programs and Activities of the Washoe County Regional Water Planning Commission***

- Susan Lynn, Chairman, Washoe County Regional Water Planning Commission (RWPC), Reno, reported on regional water planning issues and the responsibilities of the RWPC as addressed in Chapter 540A of NRS ("Regional Planning and Management") such as: (1) flooding; (2) storm drainage; (3) wastewater; (4) water quality; and (5) watershed management. Please see [Exhibit Q](#).

### ***Overview of General Water Issues in Western Nevada***

- R. Michael Turnipseed, P.E., Director, SDCNR, Carson City, reported on general water issues in western Nevada relating to domestic wells, the proposed Gerlach coal-fired power plant, Honey Lake Valley, stockwater, Walker River negotiations, and workshops to address complaints regarding the lowering of the water table.

### ***Discussion of the Activities of the Legislative Committee on Public Lands in Washington, D.C., Occurring***

*During Its Informational Tour Conducted on February 25 and 26, 2004*

- Senator Rhoads provided a brief report on the Committee's Washington, D.C., informational tour conducted on February 25 and 26, 2004, and noted that Kathleen Clark, Director, BLM, offered to participate in a conference call with the Committee to discuss issues of concern.

**PUBLIC COMMENTS**

- Floyd W. Rathbun, Certified Range Management Consultant, Fallon, Nevada, expressed concern regarding potential impacts to local economies if domestic sheep grazing is eliminated on BLM and USFS lands. He requested that the Committee support the removal of the Sierra Nevada Bighorn Sheep from the endangered species list, as well as support encouraging the USFS and the U.S. Fish and Wildlife Service to document the detrimental economic effects on Mono County, California, and Lyon County, Nevada, if domestic sheep grazing is not allowed on public lands. Mr. Rathbun also asked for the Committee's support in encouraging the Division of State Lands to incorporate material from the Local Environment and Resource Network into Nevada counties' revised public land use plans. Please see [Exhibit R](#).
- O.Q. Chris Johnson, Chairman of the Nevada Committee for Full Statehood, Elko, addressed water issues in the western states and his concerns over publicly-held lands in Nevada. Please see [Exhibit S](#).
- David K. Schumann, Vice Chairman, the Nevada Committee for Full Statehood, Sparks, testified about his concerns over federally-owned lands in Nevada. Please see [Exhibit T](#).
- Jo Simpson, Chief, Office of Communications, Nevada Office, BLM, USDO, Reno, commented about stockwater rights relative to Mr. Turnipseed's testimony.

**ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 3:55 p.m.

Respectfully submitted,

---

Gayle Nadeau  
Senior Research Secretary

---

Michael J. Stewart  
Principal 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 prepared testimony of Jim Shaw, Chairman, Board of County Commissioners, Washoe County, and Michelle Poché, Assistant County Manager, Washoe County, Reno.

[Exhibit C](#) is a document titled “BLM Carson City Field Office 2004 Priority Projects,” provided by Elayn Briggs, Acting Carson City Field Manager, BLM, DOI, Carson City.

[Exhibit D](#) is testimony presented by David Loomis, Sierra Zone Planner, Carson Ranger District, Humboldt-Toiyabe National Forest, USFS, USDA, Carson City.

[Exhibit E](#) is the prepared testimony of Kathleen Lucich, District Ranger, Bridgeport Ranger District, Humboldt-Toiyabe National Forest, USFS, USDA, Bridgeport.

[Exhibit F](#) is a PowerPoint presentation titled “Truckee Meadows Water Authority Public Lands Committee 3/26/2004,” provided by John Erwin, Director of Resource Planning and Development, TMWA, Reno.

[Exhibit G](#) is a packet of material titled “The Nevada Fire Safe Council...working to make Nevada communities fire safe,” provided by Elwood Miller, Professor of Forestry-Emeritus, UNR, Reno, containing the following documents:

- “2004 Annual Membership Meeting”;
- “Membership Application Form”;
- “Board of Directors”;
- “Contact Information”;
- “The Nevada Fire Safe Council”;
- “Background and Overview of the Nevada Fire Safe Council”;
- “Statewide Wildfire Threat Assessment and Mitigation Plan”; and
- “The Nevada Fire Safe Council Organizational Chart.”

[Exhibit H](#) is a PowerPoint presentation titled “The Nevada Fire Safe Council...working to make Nevada communities fire safe,” provided by Elwood Miller, Professor of Forestry-Emeritus, UNR, Reno.

[Exhibit I](#) is a publication titled “Living with Fire, A Guide for the Homeowner,” provided by Ed Smith, Natural Resource Management Specialist, UNR Cooperative Extension, Minden.

[Exhibit J](#) is a PowerPoint presentation titled “Public Land Legislation,” provided by Robert V. Abbey, State Director, BLM, Nevada, Reno.

[Exhibit K](#) is a PowerPoint presentation titled “Ecological Costs of Doing Nothing in Natural Resource Management, Evolution of Successional Models and Land Management,” provided by Barry Perryman, Rangeland Ecologist, Department of Animal Biotechnology, UNR, Reno.

[Exhibit L](#) is a PowerPoint presentation titled “Take Action to Avoid Errors of Omission,” provided by Sherman Swanson, Ph.D., Associate Professor, Department of Environmental and Resource Sciences, UNR, Reno.

[Exhibit M](#) is a PowerPoint presentation titled “Collaboration for Restoration in Eastern Nevada, The Story of the Eastern Nevada Landscape Restoration Project,” provided by William Morrill, Science Coordinator, Eastern Nevada Landscape Coalition, Verdi.

[Exhibit N](#) contains the following documents provided by Al Steninger, Range and Ranch Management Consultant, Elko:

- “Lattin Livestock LLC Presentation Summary”;
- A letter to Nevada Congressman Jim Gibbons dated March 23, 2004, from Mike Lattin, Lattin Livestock LLC;
- “Curriculum vitae” of Al Steninger, Range and Ranch Management Consultant, Elko; and
- “Curriculum vita” of Quinton J. Barr, Range Management Consultant, Elko.

[Exhibit O](#) is a packet of documents provided by Mike Lattin, Lattin Livestock LLC, Elko.

[Exhibit P1](#) is a document titled “Water in the Truckee Meadows”, Who does What,” provided by Steve Bradhurst, Director, Washoe County Department of Water Resources, Reno.

[Exhibit P2](#) is a document titled “What is the Department of Water Resources?” provided by Steve Bradhurst, Director, Washoe County Department of Water Resources, Reno.

[Exhibit P3](#) is a brochure titled “Dedication 2003 South Truckee Meadows Water Reclamation Facility,” provided by Steve Bradhurst, Director, Washoe County Department of Water Resources, Reno.

[Exhibit Q](#) is a packet of documents provided by Susan Lynn, Chairman, Washoe County Regional Water Planning Commission, Reno.

[Exhibit R](#) is testimony presented by Floyd W. Rathbun, Certified Range Management Consultant, Fallon.

[Exhibit S](#) is testimony presented by O.Q. Chris Johnson, Chairman of the Nevada Committee for Full Statehood, Elko.

[Exhibit T](#) is the testimony and supporting material of 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.