

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

(Nevada Revised Statutes 218.5363)

SUMMARY MINUTES AND ACTION REPORT

The fifth meeting of the Legislative Committee on Public Lands for the 2003-2004 interim was held on Thursday, May 6, 2004, at 9:30 a.m. at Sturgeon's Ramada Inn, 1420 Cornell Avenue, Lovelock, 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 Jason D. Geddes (alternate)

COMMITTEE MEMBERS ABSENT:

Assemblyman Tom Collins
Tim Perkins, Lincoln County Commissioner

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. He thanked the Nevada Mining Association for sponsoring the May 5, 2004, Committee tour of the Coeur Rochester Silver Mine and the Alan List family for hosting the community barbecue for the Committee at their home on Wednesday evening, May 5, 2004.

APPROVAL OF THE "SUMMARY MINUTES AND ACTION REPORT" OF THE MEETING HELD ON MARCH 26, 2004, IN RENO, NEVADA

The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN MARVEL MOVED THAT THE "SUMMARY MINUTES AND ACTION REPORT" OF THE MARCH 26, 2004, MEETING HELD IN RENO, NEVADA, BE CORRECTED ON PAGE 4 AS FOLLOWS: 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.

FURTHER, THAT THE MINUTES BE APPROVED AS CORRECTED. THE MOTION WAS SECONDED BY SENATOR AMODEI AND PASSED UNANIMOUSLY.

REPORTS TO COMMITTEE

Update of Public Lands Issues in Pershing County, Nevada

Review of Public Lands and Natural Resource Issues in Pershing County and Discussion of Checkerboard Land Issues

- Dave Ayoob, Vice Chairman, Board of County Commissioners, Pershing County, Lovelock, addressed the following issues regarding public lands and natural resources in Pershing County: (1) support for the Clear Water Canyon acquisition under the Southern Nevada Public Lands Management Act (SNPLMA); (2) financial impact for services provided by the county for the Burning Man event; (3) wildfire funding; (4) the Mormon cricket infestation; and (5) ensuring access to public lands and wilderness study areas.
- Don Pattalock, Chief Geologist, Nevada Land and Resource Company (NLRC), Carson City, Nevada, testified on the checkerboard land issues in Pershing County noting that consolidation of the checkerboard pattern of public and private lands would, among other benefits to the county, stimulate economic activity and improve access to public lands. Please see [Exhibit B1](#), [Exhibit B2](#), [Exhibit B3](#), and [Exhibit B4](#).

In response to a question from Senator Care on whether any Nevada legislation would be needed if the checkerboard consolidation bill draft proposal is realized at the federal level, Mr. Pattalock identified two requests of the Committee: (1) draft a letter to Nevada's Congressional Delegation supporting the consolidation proposal; and (2) support the NLRC in its efforts to survey, obtain legal descriptions of, and ensure legal access to county roads.

- Senator Rhoads expressed interest in Mr. Pattalock's proposal and noted that the Committee will explore the issue further at its final meeting scheduled for August 27, 2004.

Update of Bureau of Land Management (BLM) Planning Efforts and Activities in Pershing County and the Winnemucca Field District

- Vicki Wood, Associate Field Manager, Winnemucca Field Office, BLM, United States Department of the Interior (DOI), Winnemucca, Nevada, addressed the following issues in her report:
 - Winnemucca Field Office resource management plan;
 - Black Rock Range management plan;
 - Burning Man special recreation event;
 - Echo Canyon limestone exploration project;
 - Blue Wing wild horse gather;
 - Bighorn sheep releases in the Tobin and East ranges;
 - Forestry plan in the Humboldt and East ranges;
 - Governor's Sage Grouse initiative;
 - Florida Canyon mine expansion;
 - Environmental impact statement (EIS) for Coeur Rochester Silver Mine;
 - Fire rehabilitation programmatic environmental assessment;
 - Porter Springs proposed cleanup;
 - Lovelock Cave backcountry byway dedication; and
 - Construction of railroad crossings east of Gerlach, Nevada.

Overview of Programs and Activities of the Pershing County Water District and Status Report on the Title Transfer of the Humboldt Project

- Bennie Hodges, Secretary-Manager, Pershing County Water Conservation District, Lovelock, reported that the title transfer of the Humboldt Project encompasses primarily the Battle Mountain Community

Pasture, Rye Patch Reservoir lands, and Humboldt Sink lands. Mr. Hodges explained that there are two types of land in the Humboldt Project: (1) withdrawn land that was formerly under BLM ownership; and (2) acquired land. The EIS for this project has begun, but the major concern is the potential cost of more than \$1 million to address cultural resource evaluation and mitigation as required through the National Environmental Policy Act of 1969 (NEPA) and the National Historic Preservation Act (NHPA).

Mr. Hodges also reported that the District applied for and received a grant through the Division of Environmental Protection, State Department of Conservation and Natural Resources, to repair the aging Pitt-Taylor reservoirs.

- Laura A. Schroeder, Legal Counsel, Pershing County Water Conservation District, Lovelock, testified about the cultural resource component of the Humboldt Project title transfer. She explained that the Humboldt Project Conveyance Act provides that the cost associated with any review required under NEPA shall be paid in equal shares by the Secretary of the Interior and the entity receiving title to the land or facility. Therefore, the State of Nevada would be required to pay 55 percent of the cost associated for the title transfer since it would receive 55 percent of the land.

Ms. Schroeder explained that the title transfer could be jeopardized if the state is unable to fund its share of the cultural resource component. She suggested that a possible solution to this problem would be for the Nevada Legislature to enact legislation which would create enforceable restrictions and conditions on state lands so that long-term preservation of historic properties would be ensured. Ms. Schroeder asked for the Committee's support toward this effort. Please see [Exhibit C](#).

Introductory Discussion Regarding the Possible Surveying of Rights-of-Way That Traverse Public and Private Properties

- Don Pattalock, Chief Geologist, NLRC, Carson City, discussed issues at the core of the right-of-way discord. He noted that conflicts arise when private land is fenced off that contain roads which were once generally treated as public rights-of-way, even though no official dedication of such roads ever existed. Other points Mr. Pattalock addressed were: (1) BLM's treatment of rights-of-way under RS 2477; (2) lack of funds by county governments to survey roadway alignments; and (3) rural landowners' concerns for trespassing, vandalism, riparian area overuse to the exclusion of livestock and wildlife, and wildfire exposure.

Mr. Pattalock requested support from the Committee for legislation that would provide for a "short-form" style of surveying utilizing a Global Positioning System (known as a GPS device) that would establish a rough centerline along existing rights-of-way designated by local counties and agreed to by consenting private landowners. Please see [Exhibit D](#).

Report and Overview of Activities and Programs of Nevada's Wildfire Support Group

- Jan Schade, Coordinator, Wildfire Support Group, Orvada, Nevada, testified about the formation of the volunteer wildfire support group that has evolved into teams of certified professional firefighters. He noted that the coalition operates through a cooperative agreement with the BLM. Mr. Schade indicated the coalition primarily needs assistance with fuels management.
- John Moody, Fire Rehabilitation Natural Resource Specialist, Winnemucca Field Office, BLM, DOI, highlighted the professional working relationship the BLM has with the wildfire support group. He noted that the BLM provides communications equipment, training, and personal protective equipment. Mr. Moody emphasized that the coalition has matured from a grassroot organization into a viable part of the BLM firefighting team.
- John McLain, Principal Resource Specialist, Resource Concepts, Inc., Carson City, presented the wildfire management proposal of the wildfire support group. The proposal provides for a cooperative partnership in fuels management and rangeland restoration among federal, state, and local land management and natural resource agencies. Please see [Exhibit E](#).

General Discussion and Overview of Matters Concerning Noxious Weeds in Nevada

Overview and Status Report of Nevada's Noxious Weed Program

- Dawn Rafferty, Noxious Weed Program Coordinator, State Department of Agriculture (SDA), Reno, covered the following points in her overview of the weed program: (1) Nevada's weed effort timeline; (2) weed districts versus other weed groups; (3) U.S. Forest Service state and private forestry grant; (4) funding for the Nevada weed program; and (5) Nevada's coordinated invasive weed strategy. Please see [Exhibit F](#) and [Exhibit G](#).

Ms. Rafferty clarified that the definition of abatement typically means to "lessen or make less intense." She explained, however, that it is a legal term for the SDA because only the SDA or weed control districts that have statutory authority can perform legal weed abatement.

Review of BLM Programs and Activities Pertaining to Noxious Weeds

- Ted Angle, Weed Program Lead, BLM, DOI, Reno, provided an update on the following BLM weed programs: (1) national funding for weed management; (2) BLM program staffing; (3) identifying noxious weed species of most concern in the state; (4) treatment and inventory progress; (5) funding and cooperation the BLM provides to partners; and (6) future planning to improve the program. Please see [Exhibit H](#).

Report on the U.S. Forest Service (USFS) Role in and Support of Noxious Weed Abatement in the Humboldt-Toiyabe National Forest

- Brett Glover, Program Manager, Noxious Weeds Program, USFS, United States Department of Agriculture (USDA), Elko, Nevada, addressed the following areas during his report on noxious weeds: (1) the misconception that noxious weeds are a rural, not an urban, issue; (2) decrease in property values and reduction of tax rolls; (3) daily transpiration of water through salt cedar; (4) the targeting by the USFS program of more devastating noxious weeds; (5) implementation of a weed-free forage program; (6) coordinated weed management areas (CWMA); and (7) benefits of state and private funding for noxious weed control. Please see [Exhibit I](#).

Overview of Noxious Weed Abatement Efforts and Outreach by the Nevada Cooperative Extension Service

- Wayne S. Johnson, Department of Resource Economics, University of Nevada, Reno, reported on the following matters during his testimony: (1) areas in the state where invasive species have been found; (2) the importance of education and cooperation among agencies, community volunteers, and the Legislature in addressing the noxious weed problem; and (3) sound management practices based upon weed ecology. Mr. Johnson noted that an interim study committee may be needed to bring the noxious weed and invasive species issue before the 2007 Legislative Session. Please see [Exhibit J1](#), [Exhibit J2](#), [Exhibit J3](#) and [Exhibit J4](#).

Introduction of Proposal to Fund Noxious Weed Control Efforts and Weed Personnel in the State of Nevada

- Ken Thompson, Advisor to the Tonopah Conservation District, Fallon, Nevada, requested that the Committee support a proposal of \$500,000 from the General Fund for Fiscal Year (FY) 2005 that would fund four weed management specialists and a project manager under the State Department of Agriculture to work with the CWMAs throughout Nevada. He also asked the Committee to support a bill draft request that would establish a \$1 per vehicle Class C motor vehicle registration fee for a noxious weed endowment to continue funding the weed management specialist and project manager positions. It would also fund ongoing weed treatment and educational programs. Mr. Thompson stated that the proposed legislation would sunset once sufficient funds accumulated in the endowment, whereby the program could operate using interest-only money.

- Senator Rhoads stated that the Committee would consider the Tonopah Conservation District's proposal at its work session scheduled for August 27, 2004.

Review of Noxious Weed Prevention Programs and Activities of the Agricultural Research Service (ARS), USDA

- Dr. Roger L. Sheley, Rangeland Weed Ecologist, ARS, Corvallis, Oregon, focused his presentation on prevention and innovative strategies to achieve successful weed management. Several approaches he discussed involve working with cooperative groups to develop prevention programs, locating weed patches with GPS units strapped to dogs, developing and restoring healthy plant communities that are resistant to invasive weeds, and improving educational awareness to address the weed problem. Please see [Exhibit K](#).

Brief Update on National Efforts to “Reprogram” Funds to Benefit the BLM Wild Horse and Burro Program

- Jo Simpson, Chief, Office of Communications, BLM, DOI, Reno, reported that a reprogramming of funds request was presented to Congress on April 20, 2004, for \$10.5 million, which Congress has 30 days to address. Ms. Simpson said that Nevada would receive \$1.5 million if the request is approved. This would enable another gather of approximately 4,000 animals this year and meet the FY 2005 goal of reaching appropriate management levels on public land.

Overview of Activities and Programs of the State Department of Agriculture

- Don Henderson, Director, SDA, Reno, provided an overview of activities and programs of the SDA. Highlights of his testimony covered: (1) remaining open to new ideas that will better serve SDA's constituent industries and the Nevada public; (2) maximizing services within budgetary limitations; (3) developing town hall meetings to identify trends and needs in each business sector served by the SDA; (4) controlling the Mormon cricket infestation; and (5) addressing the concern of fire ants and Africanized honey bees in Nevada. Please see [Exhibit L](#).

Summary of Activities of the Legislative Committee on Public Lands' Subcommittee to Study Wilderness Areas and Wilderness Study Areas (WSAs) and Review of Wilderness Areas and WSAs in Pershing County

- Senator Rhoads reported that input from meetings of the Legislative Committee on Public Lands' Subcommittee to Study Wilderness Areas and Wilderness Study Areas this interim has not indicated strong support for or against the WSAs in Nevada. He noted that the BLM's recommendation on wilderness areas has received favorable consensus, and it will most likely be modified to incorporate some mining potential. Senator Rhoads said a report from the Subcommittee on WSAs will be addressed at the Committee's final meeting in Carson City on August 27, 2004.
- Vicki Wood, Associate Field Manager, Winnemucca Field Office, BLM, United States Department of the Interior (DOI), Winnemucca, addressed a map that was available for the Committee to review which identified the five WSAs in Pershing County.

PUBLIC COMMENTS

- Kevin Kirkeby, Rural Coordinator, Office of United States Senator John Ensign, Carson City, addressed concerns that Nevada water law could be “trumped” in the current Lincoln County land bill being considered by Congress and in any future Nevada land bills. Mr. Kirkeby said there is specific language in the Clark County Conservation of Public Land and Natural Resources Act of 2002 that Nevada water law will not be affected, and he noted that the Lincoln County bill and any future bills would incorporate similar protective language.
- Donna Potter, CWMA, Gerlach, expressed support for the weed management efforts and educational support

provided by the SDA, the BLM, and other entities.

- Don Henderson, Director, SDA, Reno, addressed the real estate transfer tax and pesticide registration fees as two possible revenue sources to help fund weed management operations and keep volunteer organizations such as the CWMAs interested and coordinated in the state.
- Carl F. Clinger, Chairman, Pershing County CWMA, Lovelock, testified that the Pershing County CWMA received a \$5,000 grant from the Center for Invasive Plant Management at Montana State University for weed management. He expressed, however, concern about the lack of funding for a county weed position to help the volunteers keep motivated and the CWMAs functioning.
 - Senator Rhoads acknowledged the challenge of the CWMAs and said the Committee will address the issue further at its final meeting scheduled for August 27, 2004.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 3:26 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 B1](#) is a PowerPoint presentation titled “Pershing County Checkerboard Consolidation, Nevada Land and Resource Company in cooperation with Pershing County,” provided by Don Pattalock, Chief Geologist, Nevada Land and Resource Company, Carson City.

[Exhibit B2](#) is a document titled “Pershing County Checkerboard Land Consolidation,” provided by Don Pattalock, Chief Geologist, Nevada Land and Resource Company, Carson City.

[Exhibit B3](#) contains Pershing County’s Resolution No. 030301 and the Nevada Legislature’s Senate Joint Resolution No. 10 (File No. 86, *Statutes of Nevada 2003*), provided by Don Pattalock, Chief Geologist, Nevada Land and Resource Company, Carson City.

[Exhibit B4](#) contains excerpts from the “Summary Report of Biological Resources for Nevada Land and Resource Company, LLC, Lands within Pershing County, Nevada,” provided by Don Pattalock, Chief Geologist, Nevada Land and Resource Company, Carson City.

[Exhibit C](#) is the prepared testimony of Laura A. Schroeder, Legal Counsel, Pershing County Water Conservation District, Lovelock, and a copy of the California law pertaining to the preservation of its historic resources.

[Exhibit D](#) is the prepared testimony of Don Pattalock, Chief Geologist, NLRC, Carson City.

[Exhibit E](#) is a PowerPoint presentation titled “Wildfire Support Group Wildfire Management Proposal,” provided by John McLain, Principal Resource Specialist, Resource Concepts, Inc., Carson City.

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

[Exhibit G](#) is a document titled “Nevada’s Coordinated Invasive Weed Strategy 2002,” provided by Dawn Rafferty, Noxious Weed Program Coordinator, State Department of Agriculture (SDA), Reno.

[Exhibit H](#) is a PowerPoint presentation titled “Nevada Bureau of Land Management Noxious Weed Program Overview,” provided by Ted Angle, Weed Program Lead, BLM, DOI, Reno.

[Exhibit I](#) is a PowerPoint presentation titled “The Humboldt-Toiyabe National Forest Noxious Weed Program,” provided by Brett Glover, Program Manager, Noxious Weeds Program, USFS, United States Department of Agriculture (USDA), Elko.

[Exhibit J1](#) is a pamphlet on invasive weeds provided by Wayne S. Johnson, Department of Resource Economics, University of Nevada, Reno.

[Exhibit J2](#) contains 40 fact sheet/special publications on invasive weeds provided by Wayne S. Johnson, Department of Resource Economics, University of Nevada, Reno.

[Exhibit J3](#) is a booklet titled *Invasive Weed Identification for Nevada*, provided by Wayne S. Johnson, Department of Resource Economics, University of Nevada, Reno.

[Exhibit J4](#) is a PowerPoint presentation titled “Invasive Weeds in Nevada,” provided by Wayne S. Johnson, Department of Resource Economics, University of Nevada, Reno.

[Exhibit K](#) is a PowerPoint presentation titled “Ecologically Based Invasive Plant Management,” provided by Dr. Roger L. Sheley, Rangeland Weed Ecologist, ARS, Corvallis.

[Exhibit L](#) is the prepared notes of Don Henderson, Director, SDA, Reno.

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.