

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

(Nevada Revised Statutes 218.5363)

SUMMARY MINUTES AND ACTION REPORT

The seventh meeting of the Legislative Committee on Public Lands for the 2003-2004 interim was held on Friday, June 25, 2004, at 10 a.m. at the El Rancho Building, 1629 Lake Avenue, Wells, 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 (LCB) Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT:

Senator Dean A. Rhoads, Chairman
Senator Mark E. Amodei
Senator Terry Care
Assemblyman Jerry D. Claborn
Tim Perkins, Lincoln County Commissioner

COMMITTEE MEMBERS ABSENT:

Assemblyman John W. Marvel, Vice Chairman
Assemblyman Tom Collins

OTHER LEGISLATOR PRESENT:

Assemblyman Pete Goicoechea

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 with Committee and staff introductions. He thanked Gene Kaplan, owner of the El Rancho Building, for hosting the welcoming reception for the Committee on Thursday evening, June 24, 2004, at the El Rancho Building. Senator Rhoads stated that the order of the agenda would vary due to prior commitments of several individuals scheduled to testify.

APPROVAL OF THE "SUMMARY MINUTES AND ACTION REPORT" OF THE MEETING HELD ON MAY 28, 2004, IN LAS VEGAS, NEVADA

The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN CLABORN MOVED TO APPROVE THE "SUMMARY MINUTES AND ACTION REPORT" OF THE MAY 28, 2004, MEETING HELD IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY SENATOR AMODEI AND PASSED UNANIMOUSLY.

REPORTS TO COMMITTEE

Introductory and Welcoming Remarks by the City of Wells and the Wells Chamber of Commerce

- Gene Kaplan, Member, Wells Chamber of Commerce and Owner, El Rancho Building, Wells, welcomed the Committee and audience to the City of Wells. Mr. Kaplan shared historical information about the City of Wells and noted that the City has been welcoming visitors since 1869. He discussed some of the City's restoration efforts currently underway.

Mr. Kaplan recognized Tom Baker, Legislative Affairs Officer, United States Forest Service (USFS), United States Department of Agriculture (USDA), Sparks, Nevada, for the support of rural Nevada through USFS grant programs. In addition, he complimented Helen Hankins, Field Manager, Elko Field Office, Bureau of Land Management (BLM), United States Department of the Interior (DOI), Elko, Nevada, for her support of the California Trail Interpretive Center.

Update of Activities Concerning Sage Grouse and Discussion of U.S. Fish and Wildlife Service (USFWS) Sage Grouse Status Review

- Robert D. Williams, Field Supervisor, Nevada Fish and Wildlife Office, USFWS, DOI, Reno, Nevada, addressed the following: (1) USFWS 90-day finding and status review of the Greater Sage Grouse; (2) petitions to list the Greater Sage Grouse as an endangered species and the petition process; (3) the timetable for determining the listing of endangered species; and (4) the critical habitat proposed for the Jarbidge River population of Bull Trout. Please see [Exhibit B1](#), [Exhibit B2](#), and [Exhibit C](#).
- Terry Crawford, Director, Nevada's Department of Wildlife (NDOW), Reno, reported on NDOW's involvement with Sage Grouse matters in the western United States. He addressed the following areas: (1) the *Greater Sage Grouse Conservation Plan for Nevada and Eastern California*; (2) the Governor's Sage Grouse Conservation Team; (3) population management units (PMU); (4) local area planning groups; (5) grass root efforts (6) implementation phase of the Sage Grouse plan; (7) PMU estimates of Sage Grouse within Nevada and eastern California; and (8) range-wide issues. Please see [Exhibit D](#), [Exhibit E1](#), [Exhibit E2](#), [Exhibit F](#), and [Exhibit G](#).
- Steve Robinson, Advisor on Wildlife, Conservation and Rural Nevada Issues, Office of Nevada Governor Kenny C. Guinn, Carson City, Nevada, provided a policy perspective on the Sage Grouse issue from the state to the federal level. He noted that the Western Governors' Association considers the potential listing of the Sage Grouse as an endangered species an important issue to the western states.
- Leta Collord, President, Northeastern Nevada Stewardship Group, Elko, testified about the mission and accomplishments of the Northeastern Nevada Stewardship Group since its formation in 1998. She highlighted the Group's involvement in the study of Sage Grouse habitat and efforts by the Stewardship Group to prevent the endangered species listing of the species. Ms. Collord noted that the future goals for the Stewardship Group are to bring more youth into the educational process and to expand the partners, membership, and capabilities of the Group. Please see [Exhibit H1](#), [Exhibit H2](#), and [Exhibit I](#).

Update of Public Lands Issues in Elko County and Northeast Nevada

Review of Public Lands and Natural Resource Issues in Elko County

- John Ellison, Member, Board of County Commissioners, Elko County, Elko, addressed the following areas: (1) Bull Trout endangered species designation; (2) wilderness area designations; (3) subdivisions and cattle interface fencing; (4) Mormon crickets; (5) Sage Grouse; and (6) grazing allotments.
- Mike Nannini, Chairman, Board of County Commissioners, Elko County, Elko, noted that Elko County has developed an effective working relationship with the BLM and the USFS, which is important to the county since 72 percent of the county's land area is under federal management. Mr. Nannini reported on the following issues: (1) the Jarbidge South Canyon Road RS 2477 settlement

agreement; (2) funding for wild horse gathers; (3) wilderness study areas and the need for an Elko County lands bill; (4) noxious weeds; and (5) the wildfire urban interface statewide study.

Overview of U.S. Forest Service (USFS) Activities in Elko County

- Bob Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, USDA, Sparks, provided introductory remarks and noted of the 11 million acres of total land in Elko County, approximately 1 million acres are national forest.
- Dan Dallas, Acting District Ranger, Ruby Mountains/Jarvis Ranger District, USFS, USDA, Elko, testified on the following areas: (1) South Canyon Road; (2) grazing conflicts; (3) rangeland management; (4) mineral exploration activities; (5) noxious weed funding; and (6) land acquisition proposals under the Southern Nevada Public Lands Management Act (SNPLMA). Please see [Exhibit I](#).

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

- Helen Hankins, Field Manager, Elko Field Office, BLM, DOI, Elko, reported on the following issues: (1) Marys River Allotment Complex Evaluation; (2) rangeland health; (3) Temoak and Danns' livestock trespass; (4) Great Basin Restoration Initiative; (5) weed treatment; (6) fire management planning; (7) Emigrant Mine project; (8) Baca land sales; (9) proposed SNPLMA acquisitions; (10) the California National Historic Trail Interpretive Center; (11) Sage Grouse; (12) wild horses; and (13) off-highway vehicles (OHV). Please see [Exhibit K](#).

Discussion and Overview of Proposed Changes to BLM Law Enforcement Rules

- John Ellison, Member, Board of County Commissioners, Elko County, Elko, testified that the Elko County Commission strongly opposes the proposed changes to BLM law enforcement rules.
- Bill Cunningham, Undersheriff, Elko County, Elko, read two letters from Elko County Sheriff Neil Harris, which expressed concern over the proposed supplementary rules by the BLM regarding drug and alcohol use on public lands. Please see [Exhibit L](#) and [Exhibit M](#).
- Helen Hankins, Field Manager, Elko Field Office, BLM, DOI, Elko, provided a brief summary of the proposed changes to BLM law enforcement rules on public lands in Nevada. Ms. Hankins noted that the regulations were proposed on May 3, 2004, with a 60-day comment period. She explained that the BLM was given law enforcement authority under the Federal Land Policy and Management Act (FLPMA) of 1976. Please see [Exhibit N](#).
 - J. Randall Stephenson, Senior Deputy Legislative Counsel, Legal Division, LCB, addressed the federal penalties under FLPMA.
- Assemblyman Goicoechea clarified a request to the BLM by the Churchill County Sheriff's Department regarding a proposal for increased law enforcement presence by the BLM at the Sand Mountain recreation area during busy holidays. He reported that Churchill County opposes the proposed changes to BLM law enforcement regulations, noting that the drafting of the proposed rules goes beyond the original scope of the county's request.

The Committee APPROVED THE FOLLOWING ACTION:

SENATOR CARE MOVED THAT THE COMMITTEE SEND A LETTER BEFORE JULY 2, 2004, TO THE RENO BLM OFFICE OPPOSING THE PROPOSED CHANGES TO BLM LAW ENFORCEMENT RULES AND REQUEST A 90-DAY EXTENSION TO THE COMMENT PERIOD. THE MOTION WAS SECONDED BY SENATOR AMODEI AND PASSED UNANIMOUSLY.

Brief Update on Recent Efforts to Reprogram Funds to Benefit the BLM Wild Horse and Burro Program

- Jo Simpson, Chief, Office of Communications, BLM, DOI, Reno, reported on the reprogramming of funds and status of gathers for the wild horse and burro program in Nevada. Please see [Exhibit O](#).

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

- Bob Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, USDA, Sparks, responded to the testimony of Mike Lattin (identified below) from the March 26, 2004, meeting of the Legislative Committee on Public Lands held in Reno regarding monitoring and use of grazing allotments. Please see [Exhibit P](#).
- Randy Sharp, Natural Resources Staff Officer, Humboldt-Toiyabe National Forest, USFS, USDA, Sparks, discussed the establishment of local review areas and the use of key areas as a requirement for the forest plan for monitoring livestock use on grazing allotments. Please see [Exhibit P](#).
- Dan Dallas, Acting District Ranger, Ruby Mountains/Jarvis Ranger District, USFS, USDA, Elko, testified regarding the failure of the USFS to follow the technical definition of “key area” and other common range management definitions. Please see [Exhibit P](#).
- Mike Lattin, Lattin Livestock, LLC, Elko, reported that the policies and procedures regarding the monitoring and use of grazing allotments are problematic to every permittee dealing with the USFS. Mr. Lattin complimented Mr. Vaught on the April 13, 2004, memorandum of understanding regarding use of key areas and key species for monitoring livestock use; however, he indicated other areas need to be clarified to the USFS staff. Please see [Exhibit Q](#).
- Al Stenenger, Range and Ranch Management Consultant, Western Range Service, Elko, testified on the following issue areas: (1) USFS accountability; (2) key area and key species monitoring procedure; (3) cooperative monitoring with grazing permittees; (4) monitoring agreements with permittees; (5) utilization measurement timing; and (6) information request regarding historical data of the permitted and actual grazing use on Humboldt-Toiyabe national forest land and its districts. Please see [Exhibit Q](#).
- Quinton J. Barr, Range and Ranch Management Consultant, Western Range Service, Elko, provided a technical response regarding the problems caused by a lack of accountability on the part of the USFS. Please see [Exhibit R1](#), [Exhibit R2](#), and [Exhibit R3](#).

Brief Review of Public Lands and Natural Resources Issues Monitored by the Office of Governor Kenny C. Guinn

- Steve Robinson, Advisor on Wildlife, Conservation, and Rural Nevada Issues, Office of Nevada Governor Kenny C. Guinn, Carson City, provided an update on the following areas: (1) proposed changes to BLM law enforcement rules; (2) Sage Grouse; (3) the wild horse and burro program; (4) power plant siting in Nevada; and (5) OHV regulations.

Overview of Activities and Programs of the Northeastern Nevada Stewardship Group

- Leta Collord, President, Northeastern Nevada Stewardship Group, Elko, reported that this agenda topic was satisfactorily addressed during her previous testimony under Agenda Item III B. Please see page 3 of these minutes.

Brief Review of Programs and Activities of the Elko County Water Planning Commission

- John Ellison, Member, Elko County Water Planning Commission, Elko, reported on the status of the

aquifer study in Elko County, which will be sent to the Division of Water Resources, State Department of Conservation and Natural Resources, in Carson City when completed. Mr. Ellison requested funding assistance from the Nevada Legislature during the 2005 Session to complete the water study because the current water situation in Elko County is limiting economic growth.

- Randy Brown, Director, Planning and Zoning, Elko County, Elko, provided a brief overview of the water plan and the programs and activities of the Elko County Water Planning Commission.

PUBLIC COMMENTS

- Kenneth G. Jones, TI Ranches, Lamoille, Nevada, voiced concern regarding his BLM grazing allotment, which falls within the boundaries of two wild horse management areas. Please see [Exhibit S](#).
- Preston Wright, Nevada Cattlemen's Association, Elko, commented on the monitoring and utilization measurement regarding grazing allotments.
- Ray Salisbury, Chairman, Lander County Public Land Use Planning Advisory Board, Austin, Nevada, expressed opposition to the proposed BLM law enforcement regulations. He also voiced concern regarding the wild horse and Mormon cricket problems.
- Ray Williams, resident, Austin, opposed the proposed BLM law enforcement regulations. Please see [Exhibit T](#).
- George Parmon, resident, Diamond Valley, Eureka, Nevada, voiced his opposition to the proposed BLM law enforcement regulations.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 2:57 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 “USFWS 90-Day Finding and Status Review of Greater Sage Grouse,” provided by Jody E. Brown, Deputy Field Supervisor, Nevada Fish and Wildlife Office, USFWS, DOI, Reno.

[Exhibit B2](#) consists of the following documents provided by Jody E. Brown, Deputy Field Supervisor, Nevada Fish and Wildlife Office, USFWS, DOI, Reno: (1) a news release titled “U.S. Fish and Wildlife Service to Initiate a Status Review of the Greater Sage Grouse”; (2) questions and answers regarding the petitions to list the Greater Sage Grouse; (3) a map of Sage Grouse Distribution; and (4) the petition process for requests to list a species as threatened or endangered under the Endangered Species Act.

[Exhibit C](#) consists of the following documents provided by Jody E. Brown, Deputy Field Supervisor, Nevada Fish and Wildlife Office, USFWS, DOI, Reno: (1) a news release titled “Critical Habitat Proposed for Jarbidge River Population of Bull Trout”; and (2) a document titled “Frequently Asked Questions About Proposed Critical Habitat for Bull Trout.”

[Exhibit D](#) is a document titled “Conservation Assessment of Greater Sage Grouse and Sagebrush Habitats,” provided by Terry Crawford, Director, NDOW, Reno.

[Exhibit E1](#) is a document titled “Conserving the Greater Sage Grouse, A Compilation of Efforts Underway on State, Tribal, Provincial, and Private Lands,” provided by Terry Crawford, Director, NDOW, Reno.

[Exhibit E2](#) is a document titled “Conserving the Greater Sage Grouse, Examples of Partnerships and Strategies at Work Across the West,” provided by Terry Crawford, Director, NDOW, Reno.

[Exhibit F](#) contains the “Executive Summary” and “Table of Contents” from the final draft of the Greater Sage Grouse Conservation Plan for Nevada and California, provided by Terry Crawford, Director, NDOW, Reno.

[Exhibit G](#) is the prepared testimony notes of Terry Crawford, Director, NDOW, Reno.

[Exhibit H1](#) is a report titled “Elko County Sagebrush Ecosystem Conservation Strategy,” provided by Leta Collord, President, Northeastern Nevada Stewardship Group, Elko.

[Exhibit H2](#) is Appendix A to the report (Exhibit H1) titled “Elko County Sagebrush Ecosystem Conservation Strategy,” provided by Leta Collord, President, Northeastern Nevada Stewardship Group, Elko.

[Exhibit I](#) is an overview of the full report (Exhibit H1 and Exhibit H2) titled “Elko County Sagebrush Ecosystem Conservation Strategy,” provided by Leta Collord, President, Northeastern Nevada Stewardship Group, Elko.

[Exhibit J](#) is the prepared testimony of Dan Dallas, Acting District Ranger, Ruby Mountains/Jarbidge Ranger District, USFS, USDA, Elko.

[Exhibit K](#) consists of the following two documents and one letter provided by Helen Hankins, Field Manager, Elko Field Office, BLM, DOI, Elko: (1) BLM Elko Field Office Issues Update, June 25, 2004; (2) Wild Horse and Burro Program, BLM Nevada; and (3) a letter from Kathleen Clarke, Director, BLM, addressed to BLM Grazing Permittee/Lessee, and dated May 13, 2004.

[Exhibit L](#) is a letter dated May 12, 2004, to Robert V. Abbey, State Director, BLM, Nevada, Reno, from Neil Harris, Sheriff, Elko County, Elko, provided by Bill Cunningham, Undersheriff, Elko County, Elko, concerning the proposed BLM law enforcement regulations.

[Exhibit M](#) is a letter dated June 18, 2004, to Lorne Malkiewich, Director, LCB, Carson City, from Neil Harris, Sheriff, Elko County, Elko, provided by Bill Cunningham, Undersheriff, Elko County, Elko, concerning the proposed BLM law enforcement regulations.

[Exhibit N](#) consists of three documents provided by Helen Hankins, Field Manager, Elko Field Office, BLM, DOI, Elko, titled: (1) “BLM Nevada Law Enforcement Drug and Alcohol Proposed Rule Changes”; (2) [a generic letter] “To the Editor”; and (3) “Department of the Interior, Bureau of Land Management, Proposed Supplementary Rules for the Public Lands Administered by the Bureau of Land Management in Nevada Relating to the Unlawful Use of Alcohol and Drugs.”

[Exhibit O](#) consists of the prepared testimony notes of Jo Simpson, Chief, Office of Communications, BLM, DOI, Reno.

[Exhibit P](#) is a document titled “Testimony Before the Legislative Committee on Public Lands as Requested by Senator Dean A. Rhoads, Chairman, Regarding Response to the Testimony Presented at the March 26, 2004, Meeting of the Committee in Reno by Mike Lattin, Al Steninger, and Quinton Barr Regarding USFS Policies and Procedures Related to the Monitoring and Use of Grazing Allotments,” provided by Bob Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, USDA, Sparks.

[Exhibit Q](#) is the presentation summary and supporting documentation provided by Al Steninger, Range and Ranch Management Consultant, Western Range Service, Elko.

[Exhibit R1](#) is a packet of documents titled “Lattin Livestock LLC Presentation to Nevada Legislative Interim Committee on Public Lands, March 26, 2004,” provided by Quinton J. Barr, Range and Ranch Management Consultant, Western Range Service, Elko.

[Exhibit R2](#) is a letter dated April 15, 2004 (and attachment), to Bob Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, USDA, Sparks, regarding key areas for monitoring livestock use, provided by Quinton J. Barr, Range and Ranch Management Consultant, Western Range Service, Elko.

[Exhibit R3](#) is a series of letters provided by Quinton J. Barr, Range and Ranch Management Consultant, Western Range Service, Elko, regarding grazing allotments.

[Exhibit S](#) is the prepared testimony of Kenneth G. Jones, TI Ranches, Lamoille, and a color photograph of range grasses impacted by wild horses provided by Mr. Jones.

[Exhibit T](#) is a document titled “Bureau of Land Management Challenge to Nevada State Jurisdiction,” provided by Ray Williams, resident, Austin.

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.