



LEGISLATIVE COMMITTEE ON PUBLIC LANDS

(*Nevada Revised Statutes 218.5363*)

SUMMARY MINUTES AND ACTION REPORT

The ninth meeting and Work Session of the Legislative Committee on Public Lands for the 2003-2004 interim was held on Friday, August 27, 2004, at 9 a.m. in Room 2135 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, 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/72nd/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
Assemblyman John W. Marvel, Vice Chairman
Senator Mark E. Amodei
Senator Terry Care
Assemblyman John C. Carpenter (*alternate for Agenda Items IV, VI, VII, VIII, IX, X, and a portion of V*)
Assemblyman Jerry D. Claborn
Assemblyman Tom Collins (*present for Agenda Items I, II, III, and a portion of V*)
Tim Perkins, Lincoln County Commissioner

OTHER LEGISLATORS PRESENT:

Assemblyman Jason D. Geddes
Assemblyman Pete Goicoechea

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

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

OPENING REMARKS

Chairman Rhoads opened the meeting with introductory remarks and Committee and staff introductions.

APPROVAL OF THE “SUMMARY MINUTES AND ACTION REPORT” OF THE MEETINGS HELD ON JUNE 25, 2004, IN WELLS, NEVADA, AND ON JULY 20, 2004, IN EUREKA, NEVADA

- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR AMODEI MOVED TO APPROVE THE “SUMMARY MINUTES AND ACTION REPORT” OF THE MEETINGS HELD ON JUNE 25, 2004, IN WELLS, AND ON JULY 20, 2004, IN EUREKA. THE MOTION WAS SECONDED BY ASSEMBLYMAN MARVEL AND PASSED UNANIMOUSLY.

DISCUSSION, REVIEW, AND POSSIBLE ADOPTION OF THE SUBCOMMITTEE REPORT OF THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS’ SUBCOMMITTEE TO STUDY WILDERNESS AREAS AND WILDERNESS STUDY AREAS (S.C.R. 7 OF THE 2003 LEGISLATIVE SESSION, FILE NO. 63, *STATUTES OF NEVADA*)

- Scott Young, Principal Policy and Special Projects Analyst, Research Division, LCB, Carson City, reported on the 2003-2004 interim activities of the Legislative Committee on Public Lands’ Subcommittee to Study Wilderness Areas and Wilderness Study Areas. Mr. Young submitted the Subcommittee’s draft bulletin and called attention to its content. Please see [Exhibit B](#).

Mr. Young noted the following key wilderness issues addressed during the interim: (1) preserving land for future generations; (2) preserving unique qualities of wilderness areas, such as the solitude they provide; (3) protecting existing rights—hunting and access to water for grazing; (4) protecting the Native American heritage; (5) ensuring the release of more federal lands to general and private use; and (6) taking into consideration the requirements of existing and future military operations on wilderness lands and in the airspace above those lands.

Mr. Young summarized the two recommendations adopted by the Subcommittee. First, adopt a resolution urging the United States Congress to continue to work with all interested parties in a spirit of cooperation to resolve the wilderness designation issues in Nevada. And second, include a statement in the Subcommittee’s final report urging all interested stakeholders to continue to work cooperatively together on a county or regional basis to develop recommendations for Congress regarding wilderness designations and to complete the process as soon as reasonably possible.

(The Subcommittee's final report may be viewed at the following link: <http://www.leg.state.nv.us/lcb/research/05InterimReports/Bulletin05-09.pdf>.)

- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN MARVEL MOVED TO ADOPT THE REPORT OF THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS' SUBCOMMITTEE TO STUDY WILDERNESS AREAS AND WILDERNESS STUDY AREAS AND URGE, BY RESOLUTION, THE UNITED STATES CONGRESS TO TAKE CERTAIN ACTIONS REGARDING THE DESIGNATION OF WILDERNESS AREAS AND THE RELEASE OF PUBLIC LANDS NOT DESIGNATED AS WILDERNESS AREAS. THE MOTION WAS SECONDED BY SENATOR AMODEI AND PASSED UNANIMOUSLY.

DISCUSSION, REVIEW, AND POSSIBLE ADOPTION OF THE SUBCOMMITTEE REPORT OF THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS' SUBCOMMITTEE TO STUDY CHANGING STATE BOUNDARY LINE WITH UTAH (S.C.R. 20 OF THE 2003 LEGISLATIVE SESSION, FILE NO. 82, *STATUTES OF NEVADA*)

- Scott Young, previously identified, reported on the 2003-2004 interim activities of the Legislative Committee on Public Lands' Subcommittee to Study the Feasibility and Desirability of a Change in the Boundary Line Between Nevada and Utah. Mr. Young called attention to a Subcommittee report packet ([Exhibit C](#)) containing detailed information regarding: (1) background information on the Subcommittee study and the annexation of Wendover, Utah; and (2) Subcommittee recommendations.

Mr. Young noted efforts to annex Wendover, Utah, with West Wendover, Nevada, began in 2001 in the U.S. Congress, but ultimately failed in the U.S. Senate. Subsequently, the two communities passed an advisory vote supporting annexation. The consensus among some residents indicated combining the two cities would result in better, less expensive public services and a stronger economic future for a united community.

In an effort to identify the many complex issues a potential annexation would need to address, a study was commissioned by the two municipalities, which is contained in [Exhibit C](#). Additionally, Mr. Young explained the Audit Division of the Legislative Counsel Bureau conducted an extensive review and analysis of financial documents relating to the fiscal impact of a possible annexation. The results of the Divisions' analysis is contained in a letter dated June 28, 2004, to Donald O. Williams, Research Director, LCB, which is contained in [Exhibit C](#).

Mr. Young summarized the recommendation adopted by the Subcommittee, which recommends to the U.S. Congress that it approve an interstate compact contingent upon a number of conditions (see page 4 of cover memo in [Exhibit C](#)). In conclusion,

Mr. Young pointed out there is a provision in the Subcommittee's recommendation which requires the two cities to report back on a quarterly basis to the Legislative Committee on Public Lands regarding their progress on meeting the conditions for annexation.

- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN CARPENTER MOVED TO ADOPT THE REPORT OF THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS' SUBCOMMITTEE TO STUDY THE FEASIBILITY AND DESIRABILITY OF A CHANGE IN THE BOUNDARY LINE BETWEEN NEVADA AND UTAH, AND TO SEND A LETTER TO NEVADA'S CONGRESSIONAL DELEGATION, WITH COPIES TO THE CITY COUNCILS OF WEST WENDOVER AND WENDOVER URGING SUPPORT FOR LEGISLATION AUTHORIZING THE PROPOSED ANNEXATION OF WENDOVER BY WEST WENDOVER, PROVIDED THAT CERTAIN CONDITIONS AS OUTLINED IN THE SUBCOMMITTEE'S RECOMMENDATION ARE MET. ASSEMBLYMAN CLABORN SECONDED THE MOTION. SENATOR CARE WAS OPPOSED. THE MOTION CARRIED. ASSEMBLYMAN COLLINS WAS NOT PRESENT FOR THE MOTION AND VOTE.

Please note: Assemblyman Carpenter served as the alternate for Assemblyman Collins on this Committee action.

REPORTS TO COMMITTEE

Update of Public Lands Issues in Western Nevada

Overview of Public Lands Issues in Carson City, and Douglas, Lyon, and Storey Counties

- Juan F. Guzman, Open Space Manager, Carson City, provided an update on public lands issues and activities in Carson City. He addressed three key areas: (1) the Southern Nevada Public Lands Management Act (SNPLMA) of 1998 as it relates to Carson City's land purchases; (2) efforts to update Carson City's master plan, interface plan with the Bureau of Land Management (BLM), and new approaches to implementing the City's open space plan; and (3) the 2004 "Waterfall Fire." Mr. Guzman also noted Carson City is working on its own lands bill with Nevada's Congressional Delegation.
- Daniel C. Holler, County Manager, Douglas County, Minden, Nevada, reported on various activities that Douglas County has engaged in with federal agencies such as the Pine Nut Plan, which is a resource management plan covering 407,000 acres in Douglas and Lyon Counties and Carson City that identifies federal properties for disposal. He addressed the challenge of how to

handle the urban interface in terms of fire protection, access, and type-of-use issues. Mr. Holler pointed out that Douglas County is focused on diversifying its economy through increased and varied tourism activities.

In conclusion, Mr. Holler said Douglas County continues to work with SNPLMA in terms of land and easement acquisitions, and the County is working on a lands bill in the U.S. Congress similar to SNPLMA that directly impacts Douglas County and other parts of northern Nevada.

- LeRoy Goodman, Chairman, Board of County Commissioners, Lyon County, Yerington, Nevada, noted Lyon County is interested in joining Douglas and Washoe Counties and Carson City in a northern Nevada lands bill because of the common boundary it shares with these entities. He reported that Lyon County (percentage wise) is the fastest growing county in the State and, as a result, a transportation study has been undertaken for central Lyon County. Additionally, Mr. Goodman noted the County contracted for an extensive water survey to reference as it plans for future growth.

Concerns were raised by Mr. Goodman regarding the length of time it takes to finalize land exchanges with the BLM. He also mentioned that endangered species listings are detrimental to the livelihood of ranchers.

- Bob Milz, Member, Board of County Commissioners, Lyon County, Yerington, stated the County has worked with the BLM to determine which lands may be sold and remain as open space under BLM management. Mr. Milz noted that Lyon County has begun the process for its own lands bill through Nevada's Congressional Delegation. (Please see [Exhibit D](#) and [Exhibit E](#).)

Mr. Milz read a statement from another Lyon County Commissioner regarding issues dealing with the Walker River and Yerington Mine, also known as the Anaconda Mine. He affirmed that Lyon County opposes designating the Yerington Mine as a Superfund site. (Please see [Exhibit F](#).)

- Donna Kristaponis, Lyon County Manager, Yerington, testified regarding issues involving the Yerington Mine. She declared regulation of the mine by the BLM, U.S. Environmental Protection Agency (EPA), and Nevada's Department of Environmental Protection has not resolved concerns about the site and whether uranium in the water was a cause of the mining activity or a natural occurrence. Ms. Kristaponis stated designating a Superfund site is appropriate when there has not been a landowner to assume responsibility for cleaning up a site. However, she opined that ARCO (Atlantic Richfield Oil Company), which owns the Yerington Mine, has been cooperative.

Update of Bureau of Land Management Activities and Planning Efforts in Western Nevada

- Elaine Briggs, Associate Field Manager, Carson City Field Office, BLM, Department of Interior (DOI), Carson City, provided an update on the Carson City Field Office's activities and planning efforts in Western Nevada on behalf of Carson City Field Manager Don Hicks. Ms. Briggs covered the following areas during her presentation: (1) 2004 fire season; (2) Yerington Mine and wind energy right-of-way applications; (3) Ruhenstroth emergency vehicle closure in the Pine Nut Mountains; (4) Pinenut Resource Management Plan Amendment; (5) Wilson Canyon Off-Highway Vehicle (OHV) Area; (6) wild horse gathers; (7) proposed National Wild Horse Adoption/Interpretive Center; (8) Mustang Ranch; and (9) Sand Mountain Recreation Area. (Please see [Exhibit G.](#))

Update of United States Forest Service Activities and Planning Efforts in Western Nevada

- Gary Schiff, District Ranger, Carson Ranger District, United States Forest Service (USFS), United States Department of Agriculture (USDA), provided background information on the Carson Ranger District and addressed the following areas: (1) fire suppression and safety; (2) customer service; (3) Galena Recreation Facility; (4) North Washoe Valley Wildfire Risk Reduction; (5) Douglas County Trails Plan; (6) Long Valley Aspen Enhancement; (7) Clear Creek Analysis; (8) status of 2003 projects; (9) State and Private Forestry grants; (10) anticipated work program for Fiscal Year 2005; (11) Waterfall Fire; (12) Burned Area Emergency Response (BAER); and (13) post-BAER planning. (Please see [Exhibit H.](#))

Review of 2004 Fire Season and Firefighting Activities in Nevada

- Pete Anderson, State Forester, Nevada Division of Forestry (NDF), State Department of Conservation and Natural Resources (SDCNR), provided introductory remarks.
- Mike Dondero, Fire Management Officer, Humboldt-Toiyabe National Forest, USFS, USDA, explained he would address interagency fire management and preparedness. Mr. Dondero testified on the following:
 - Status of acreage burned in Nevada for the 2004 fire season;
 - Agencies involved and their cooperation and preparedness;
 - Management levels among agencies, such as the incident management team;
 - Firefighter safety and resources;
 - Condition of fuels and climate factors;

- Rehabilitation of burned areas and cooperative agency fuels reduction projects; and
 - Volunteer fire departments.
- Pete Cannizzaro, Associate Fire Program Coordinator, NDF, SDCNR, addressed:
 - NDF's staffing levels and inmate crews for the 2004 fire season;
 - Fire fighting equipment and support resources;
 - Fuels reduction projects; and
 - Community assistance through rural, volunteer, and tribal fire departments.
- Butch Hayes, Fuels Management Specialist, BLM, DOI, Reno, covered the following matters during his presentation:
 - Staffing in the State and funding from the National Fire Plan;
 - Drought and beetle infestation distress on forest trees;
 - Nonnative fuels such as cheat grass and efforts to control such invasive species;
 - Urgency for fuels reduction on USFS and BLM lands;
 - "Fuels for Schools Initiative" in eastern Nevada and other uses for biomass collected from fuels reduction efforts; and
 - Nevada's Wildfire Support Group fuels reduction and fire suppression pilot program.

Please note: During their presentations, Messrs Cannizzaro, Dondero, and Hayes referenced [Exhibit I](#).

Discussion of Rehabilitation Efforts Following the July 2004 "Waterfall Fire" in Carson City

- Pete Anderson, State Forester, Division of Forestry, SDCNR, provided introductory remarks and a slide presentation on the 2004 Waterfall Fire rehabilitation efforts. He said fire rehabilitation operations, like fire suppression, involves the cooperation among agencies and the use of interagency resources. Mr. Anderson averred Carson City will receive approximately \$10.8 million in disaster relief assistance from the Federal Emergency Management Agency (FEMA). (Please see [Exhibit J](#).)

- Juan F. Guzman, previously identified, discussed the following:
 - Fire perimeter and burn intensities;
 - Rehabilitation progress and funding issues;
 - Soil conditions in burned areas; and
 - Protecting municipal water supply intakes and flood prevention measures.
- Chuck Houston, State Conservation Engineer, Natural Resources Conservation Service (NRCS), USDA, Reno, said he is also the Program Manager for the federal Emergency Watershed Protection (EWP) program. He shared the program lacked funding for rehabilitation projects resulting from the 2004 Waterfall Fire; however, the NRCS was able to designate funds from the Wildlife Habitat Improvement Program toward restoring habitat areas for wildlife displaced during the fire, which will also help to control soil erosion.
- Gary Schiff, District Ranger, Carson Ranger District, USFS, USDA, discussed long-range planning for restoration of areas damaged in the 2004 Waterfall Fire that were not addressed during emergency rehabilitation efforts. Mr. Schiff stressed the importance of interagency cooperation and all future restoration activities would involve participation among agencies.

Overview of Programs and Activities of the Truckee-Carson Irrigation District

- Ray Peterson, Secretary, Board of Directors, Truckee-Carson Irrigation District (TCID), Fallon, Nevada, presented historical and current information as well as photos about the Newlands Project—also known as the Truckee-Carson Project. He noted it was authorized on March 14, 1903, by the Secretary of the Interior and constructed by the Bureau of Reclamation, United States Department of the Interior, and is currently operated by the TCID. (Please see [Exhibit K](#).)

Additional activities addressed by Mr. Peterson:

- Progress on the TCID's efforts to purchase the property from the Bureau of Reclamation, which is where the District's facilities are located;
- Water-right acquisitions ([Exhibit L](#)); and
- Efforts to optimize the use of water in the Carson River and minimize use in the Truckee River.

Review of Activities and Programs of the Carson Water Subconservancy District

- Edwin James, General Manager, Carson Water Subconservancy District (CWSD), provided an overview of the District and covered the following areas during his presentation ([Exhibit M](#)):

- Carson River Watershed;
- History of the CWSD;
- Structure of the CWSD;
- Status of the CWSD's water situation;
- District programs;
- Marlette Lake water alternatives; and
- Future projects and the 2004 Carson River Conference ([Exhibit N](#)).

Report by the State Engineer Concerning General Water Issues in Nevada

- Hugh Ricci, State Engineer, Division of Water Resources, SDCNR, Carson City, reported that the drought continues to challenge the State in its need for water and called attention to a slide of the U.S. Drought Monitor labeling Nevada's drought conditions as extreme. Mr. Ricci also addressed interbasin water transfers and domestic wells. (Please see [Exhibit O](#).)

Overview of the Nevada Natural Heritage Program

- Glenn Clemmer, Program Manager, Nevada Natural Heritage Program (NNHP), SDCNR, Carson City, provided an overview of Nevada's Natural Heritage Program. The following elements of the program were discussed by Mr. Clemmer (please see [Exhibit P](#)):
 - Funding sources;
 - Affiliation with NatureServe data centers—a network combining science with conservation;
 - Biological diversity within the State of Nevada;
 - Conservation planning and establishing high-priority conservation sites; and
 - The NNHP's Web site at: <http://heritage.nv.gov/>.

Review of the Programs and Activities of the Division of State Parks

- Chairman Rhoads announced that the presenter under this agenda item was unable to attend the meeting.

PUBLIC COMMENTS

- Isaac Henderson, resident, Las Vegas, testified in support of the Lyon County Lands Bill and commented on the Yerington Mine uranium issue.
- Floyd W. Rathbun, Certified Range Management Consultant, Fallon, stated he was following up on his March 26, 2004, testimony regarding economic damage caused to Fred Fulstone and Marianne Leinassar's sheep ranching operations in Lyon County because of the protection of the Sierra Nevada Bighorn Sheep under the Endangered

Species Act. Mr. Rathbun referenced an article in the Fall 2004 issue of *Range* magazine titled "Silencing the Lambs," by Tim Findley. Mr. Rathbun provided limited copies of the magazine to the Committee. This article may be viewed on *Range* magazine's Web site at <http://www.rangemagazine.com/archives/fall2004/silencingthelambs.htm>.

Since the Committee's March meeting, Mr. Rathbun shared he participated in a presentation to USFS staff regarding veterinary research relative to disease transmission from domestic sheep to the Bighorn Sheep that concluded the presence of domestic sheep does not cause a catastrophic reduction of Bighorn Sheep. Mr. Rathbun opined the USFS has refused to incorporate the best available scientific data into its decision-making process. (Please see [Exhibit Q](#).)

WORK SESSION

Committee Discussion and Final Recommendations

Please note: During Agenda Item V, Reports to Committee, Assemblyman Collins left for a prior commitment. Mr. Collins was absent for the remainder of the meeting. Therefore, Assemblyman Carpenter served as the alternate for Mr. Collins for the balance of the agenda.

WORK SESSION DOCUMENT

August 27, 2004

Legislative Committee on Public Lands
(*Nevada Revised Statutes* 218.5363)

The following "Work Session Document" has been prepared by the Chairman and staff of Nevada's Legislative Committee on Public Lands. It is designed to assist the Committee members in developing statements and determining recommendations to be forwarded to the 2005 Session of the Nevada Legislature. Each item in this document may be the subject of further discussion, refinement, or action.

The recommendations contained herein do not necessarily have the support or opposition of the Committee. Rather, these possible actions are compiled and organized so the members may review them to decide if they should be adopted, changed, rejected, or further considered. The members of the Committee may vote to send as many Committee statements or letters as they choose; however, pursuant to NRS 218.2429, the Committee is limited to ten bill draft requests (BDRs), including requests for the drafting of legislative resolutions.¹ For purposes

¹ On June 11, 2004, the Legislative Committee on Public Lands' Subcommittee to Study Wilderness Areas and Wilderness Study Areas (S.C.R. 7, File No. 63, *Statutes of Nevada* 2003) voted to allocate one BDR for the purposes of crafting a legislative resolution concerning wilderness and wilderness study areas. Any BDR requested by the Subcommittee is subtracted from the ten BDRs allocated to the Legislative Committee on Public Lands. Therefore, if the Subcommittee's report is adopted by the full Committee on August 27, 2004, the Legislative Committee on Public Lands will be entitled to nine additional requests for legislation.

of this Work Session Document, the recommendations have been grouped by possible Committee action and are not preferentially ordered. Additionally, although possible actions may be identified within each recommendation, the Committee may choose to recommend any of the following actions: (1) draft legislation; (2) draft a resolution; (3) draft a letter; or (4) include a statement in the final report.

The source of each recommendation is noted in parentheses. Please note that specific sponsors of the recommendations may not be provided if the proposals were raised and discussed by numerous individuals and entities during the course of the Committee's meetings. It should also be noted that some of the recommendations may contain an unknown fiscal impact. Committee members should be advised that Legislative Counsel Bureau staff will coordinate with the interested parties to obtain detailed fiscal estimates, where appropriate, for inclusion in the final report.

As in the past, the Committee members will use a consent calendar to quickly approve those recommendations, as determined by the Chairman, that need no further consideration or clarification beyond what is set forth in the recommendation summary. Items on the consent calendar primarily include Committee letters and statements of a more general nature. Any Committee member may request that items on the consent calendar be removed for further discussion and consideration.

Finally, please note that specific details of approved requests for legislation or Committee statements may need to be clarified by Committee staff prior to drafting. Supporting documents for some recommendations may be obtained by contacting Michael J. Stewart, Principal Research Analyst, Research Division, LCB, Carson City, at 775/684-6825. All place names referred to in this document are in Nevada unless otherwise noted.

- Chairman Rhoads called attention to the "Work Session Document" ([Exhibit R](#)) and advised he was recommending ten BDRs from the Legislative Committee on Public Lands for consideration by the 2005 Nevada Legislature. He explained that one of the ten BDRs would be utilized for the Wilderness Study Subcommittee's resolution approved earlier in the meeting. *(The referenced Committee action is on page 3 of these summary minutes.)*

Senator Rhoads suggested Recommendation Nos. 3, 5, 6, 7, 8, 9, 11, 12, and 13 be considered by the Committee for the remaining nine BDRs. He emphasized if there were concerns regarding any of the BDRs, further discussion would be taken on the applicable recommendation(s).

RECOMMENDATIONS FOR LEGISLATIVE MEASURES

Bills and Resolutions

RECOMMENDATION NO. 6

Request the drafting of a bill providing for the registration of OHVs in Nevada. According to testimony, the registration of OHVs would: (1) serve to provide proof of OHV ownership; (2) fund OHV facilities and infrastructure in Nevada; (3) enhance tourism and access to rural communities; (4) increase the use of public lands; (5) provide for the enactment of certain traffic laws specific to OHV use; and (6) provide for the collection of sales tax revenue on certain OHV purchases. Additional details concerning this proposal will be addressed by proponents during the Committee's discussion of this recommendation.

- Chairman Rhoads called for Recommendation No. 6 out of order. He introduced a letter ([Exhibit T](#)) from Karen Boeger, a Reno resident, expressing concern and offering input regarding potential OHV legislation.
- John Glenn, owner, Performance Yamaha, Elko, Nevada, provided statistics on OHV sales in Nevada that he gathered from industry magazines. He declared he has advocated OHV registration since 1996. Mr. Glenn pointed out that as a business owner and user of OHVs, he can offer perspectives on both sides of the issue. He also voiced concern that Nevada is losing taxes to out-of-state sales.
- Assemblyman Marvel commented on the loss of tax revenues for the State and the economic losses to in-state OHV business owners to out-of-state sales.
- Mr. Glenn commented, based on data from manufacturers, Nevada dealers are losing approximately 38 percent, or about \$27 million, in annual sales to out-of-state dealers. He also pointed out that tracking stolen units and developing a trails system, which would offer another avenue to promote tourism, would be another benefit from a registration program for OHVs in the State.
- Mr. Marvel noted there was a bill presented in the Senate Committee on Transportation during the 2003 Legislative Session [S.B. 117] that would have required the registration and titling of OHVs.
- Mr. Glenn opined that it was not a bill that people could support; however, he noted it did bring interested parties with varying viewpoints on the matter together to discuss options for resolving the divisiveness over OHV registration.
- Senator Care noted he served on the Senate Committee on Transportation during the 2003 Session and no resolution was achieved to the tensions among groups regarding that session's proposed bill. However, he stated that valid points have been raised on the OHV issue during the 2003-2004 interim that warranted another attempt at

legislation on the issue for the 2005 Session, as long as all the stakeholders work together to present bill draft language that is agreeable to the various groups.

- Senator Amodei stated he also was a member of the Senate Committee on Transportation during the 2003 Session and expressed agreement with Senator Care's testimony that all stakeholders must work together to reach agreement on bill draft language.
- Assemblyman Marvel mentioned testimony during the Committee's July 2004 meeting held in Eureka indicated that OHV groups with opposing opinions were finding areas of agreement on OHV issues. Therefore, Mr. Marvel said the 2005 Session may be the opportune time to present new legislation on this contentious issue.
- Chairman Rhoads called for a motion on Recommendation No. 6. Prior to a vote on the motion, further discussion ensued.

SENATOR AMODEI MOVED FOR THE APPROVAL OF
RECOMMENDATION NO. 6. ASSEMBLYMAN MARVEL SECONDED
THE MOTION.

- Assemblyman Carpenter acknowledged the value of this recommendation, but expressed concern that it would lack support among many OHV users unless diligent efforts are made to persuade opponents to see the benefits of the proposed legislation.
- Assemblyman Marvel voiced strong support for this recommendation.
- Assemblyman Claborn expressed opposition to the recommendation.
- Mr. Carpenter averred that he would vote for the recommendation so that it could be considered by the 2005 Legislature; however, he asked who would take responsibility to inform opponents of the benefits that would be derived from OHV registration in order to build a consensus of support for the proposed measure.
- Senator Rhoads noted that Mr. Glenn would be one of the stakeholders to inform opponents as well as Gary Clinard, President, Dunes and Trails ATV Club, Las Vegas, who has been actively involved in working toward consensus on this issue.
- Steve Robinson, Advisor on Wildlife, Conservation and Rural Nevada Issues, Office of Nevada Governor Kenny C. Guinn, Carson City, reiterated the support of the Governor's Office that he relayed to the Committee at its July 2004 meeting to assess options and approaches to resolving the controversy surrounding OHV use in Nevada. He stated the Governor would support a minimal approach—one that does not result in overregulation.

- The Committee **APPROVED THE FOLLOWING ACTION:**

UPON THE CALL OF THE CHAIR, THE COMMITTEE VOTED TO APPROVE RECOMMENDATION NO. 6. ASSEMBLYMAN CLABORN WAS OPPOSED. THE MOTION CARRIED.

RECOMMENDATION NO. 5

Request the drafting of a bill changing the language in NRS 533.438 and 533.4385 to replace the word “tax” with the word “fee” throughout both statutes and increase the amount of that fee (in NRS 533.438, subsection 1) from \$6 to \$10.

(Recommended by the Lincoln County Water District and the Humboldt River Basin Water Authority)

- Chairman Rhoads took Recommendation No. 5 out of order.
- Senator Care declared he had two concerns regarding Recommendation No. 5: (1) replacing the word “tax” with the word “fee,” as a tax means to generate revenue, but a fee traditionally means funds generated to administer a program; and (2) increasing the amount from \$6 to \$10.
- Commissioner Perkins responded to Senator Care’s first concern noting the entities that would be affected by the change in statute from the word “tax” to the word “fee” are tax exempt, and the reason for this proposal is to avoid any potential future confusion.
- Chairman Rhoads acknowledged Commissioner Perkins’ explanation of the proposed word change in this recommendation and called on Mike Baughman to address the fee increase.
- Mike L. Baughman, President, Intertech Services Corporation, Carson City, representing the Humboldt River Basin Water Authority, stated the Consumer Price Index (CPI) was applied to calculate the increase from \$6 to \$10 from when the fee was originally enacted in 1991.
- Assemblyman Goicoechea called attention to Assembly Bill 229 of the 2003 Session that attempted to raise the rate from \$6 to \$60. He explained the rationale for proposing the word change from “tax” to “fee” was because the issue pertains only to boards of county commissioners.
- Senator Care suggested the word change may present a legal challenge and asked what the revenue is used for—administering a program or revenue generation.
- Senator Rhoads shared that any time water crosses a county line, payment must be made to that county.

- Mr. Goicoechea stated the increase approximates an impact fee, and the current statute allows for mitigation plans that could be brought into place between the exporter and the importer. He explained there are specific guidelines in statute that address how the funds generated from cross-county water transfers are to be used, such as for economic development and education.
- Assemblyman Marvel offered agreement with Senator Care's concern over the word change if the fees collected go into the State General Fund of the receiving entity.
- J. Randall Stephenson, Senior Deputy Legislative Counsel, Legal Division, LCB, clarified Senator Care's concern regarding how the fees may be used by stating that subsection 5 of NRS 533.438 specifies the following:

All money collected from a tax imposed pursuant to this section must be deposited in a trust fund for the county. The principal and interest of the trust fund may be used by the county only for the purposes of economic development, health care and education.

- Chairman Rhoads called for a motion on Recommendation Nos. 3, 5, 7, 8, 9, 11, 12, and 13.
- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN MARVEL MOVED FOR THE APPROVAL OF RECOMMENDATION NOS. 3, 5, 7, 8, 9, 11, 12, AND 13. THE MOTION WAS SECONDED BY ASSEMBLYMAN CLABORN AND PASSED UNANIMOUSLY.

RECOMMENDATION NO. 1

Request the drafting of a bill to amend provisions in NRS 504.165 concerning the fund for the prevention and mitigation of damage caused by elk or game animals not native to this State (i.e., "Elk Damage Compensation Program") by giving more latitude to the Nevada Department of Wildlife (NDOW) to spend money in the fund for elk management matters. Testimony indicated that money in the fund is increasing at a greater rate than it is being spent and the additional funds could be used, if authorized in NRS, to enhance elk management practices in Nevada.

(Discussed by Terry Crawforth, Director, NDOW, and Committee members)

- No Committee discussion or action was taken on Recommendation No. 1.

RECOMMENDATION NO. 2

Request the drafting of a bill to add language in Chapter 501, 503, and/or Chapter 504 of NRS to prohibit the private ranching or raising of deer and elk in Nevada (commonly referred to as “game farms”). This may involve changing the definition of “alternative livestock” in NRS 501.003. Testimony indicated a concern that the raising of deer and elk may increase incidences of disease among those animals.

(Recommended by Terry Crawforth, Director, NDOW)

- No Committee discussion or action was taken on Recommendation No. 2.

RECOMMENDATION NO. 3

Request the drafting of a bill amending provisions in NRS 502.142 and 504.165 to permit the issuance of special incentive elk tags to a private landowner as part of the payment to that landowner for the mitigation of damage caused by elk.

*(Recommended by Assemblyman John Carpenter
and discussed by several Committee members)*

- There was no discussion on this recommendation; however, Committee action was taken on it after discussion on Recommendation No. 5 *(page 15 of these minutes)*.

RECOMMENDATION NO. 4

Request the drafting of a bill amending the appropriate provisions in NRS 504.155 through 504.185 (and other statutes as deemed necessary by the Committee and staff) to transfer the land assessment responsibilities set forth under the “Elk Damage Compensation Program” from NDOW to the State Department of Agriculture (SDA).

(Recommended by Brent Eldridge, Rancher, White Pine County)

- No Committee discussion or action was taken on Recommendation No. 4.

RECOMMENDATION NO. 7

Request the drafting of a bill to amend NRS 218.5367 by adding a new paragraph to subsection 1 clarifying the authority of the Legislative Committee on Public Lands to review and comment on any matter relating to the use and management of public lands that is specified by the Chairman of the Committee or by a majority of the members of the Committee. The Chairman noted that the scope and number of issues relating to public lands that the Committee considers has expanded significantly in the years since the Committee was established. Express language clarifying the authority of the Committee to consider these issues could assist the Committee in future meetings.

(Recommended by Chairman Rhoads)

- There was no discussion on this recommendation; however, Committee action was taken on it after discussion on Recommendation No. 5 (*page 15 of these minutes*).

RECOMMENDATION NO. 8

Request the drafting of a bill which would provide for the automatic protection of cultural and historic resources on lands owned by the State of Nevada. According to testimony on this proposal, land transferred, leased, or sold out of federal ownership is considered (under Title 36 *Code of Federal Regulations* Section 800.5) to have an “adverse effect” on any historic properties involved in the transfer unless “adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property’s historic significance” are in place. Proponents recommended using the State of California’s law as a model when developing such language for lands transferred or conveyed to the state from the Federal Government.

*(Recommended by the Bennie Hodges and Laura Schroeder,
Pershing County Water Conservation District)*

- There was no discussion on this recommendation; however, Committee action was taken on it after discussion on Recommendation No. 5 (*page 15 of these minutes*).

RECOMMENDATION NO. 9

Request the drafting of a legislative resolution creating an interim study for the 2005-2006 legislative interim to examine the issue of noxious weeds in Nevada. The study would, in part, examine long-term programmatic changes and goals for Nevada’s weed program, examine and analyze the current structure and practices of state and county weed programs, and help identify sustainable funding sources for noxious weed control and abatement efforts. The interim study would report its findings and recommendations to the 2007 Session of the Nevada Legislature.

(Recommended by Dr. Wayne S. Johnson, Extension Coordinator, University of Nevada, Reno, Cooperative Extension Service and discussed by Chairman Rhoads and the State Department of Agriculture)

- There was no discussion on this recommendation; however, Michael J. Stewart, previously identified, introduced a document ([Exhibit V](#)) related to it.
- Committee action was taken on this recommendation after discussion on Recommendation No. 5 (*page 15 of these minutes*).

RECOMMENDATION NO. 10

Request the drafting of a bill creating a fund in NRS (chapter and section to be determined) to be administered by a five-member committee appointed from members of the Nevada Weed Action Committee. This five-member committee would have the authority to manage the fund, approve all grants and expenditures from the fund, and ensure that State and regional weed issues are effectively coordinated and addressed at the local level. Money in the fund would support five positions within the SDA (four weed management specialists and one project manager), each addressing noxious weed concerns in five different geographic areas in the State.

NOTE: The Legislative Committee on Public Lands will discuss possible sources of funding and other details relating to this recommendation at its meeting on August 27, 2004.

(Recommended by Ken Thompson, Advisor to the Tonopah Conservation District)

- Chairman Rhoads shared that Ken Thompson, Advisor to the Tonopah Conservation District, Fallon, proposed to raise money to fund the five positions addressed in Recommendation No. 10 by assessing a car registration fee. However, the Committee was advised by LCB Legal Staff that fees collected by the Nevada Department of Motor Vehicles may be used only for Nevada's highways. Senator Rhoads praised Mr. Thompson for his diligent efforts to find a funding source for noxious weed programs in the State, and offered support in identifying other possible avenues of funding.
- Ken Thompson (identified in the preceding paragraph) thanked Senator Rhoads for his support and offered several other possible options such as receiving a portion of revenue generated from public land sales, and perhaps a voluntary \$1 assessment on vehicle registrations where individuals could indicate their desire to have it go toward the State's noxious weed program.
- No Committee action was taken on Recommendation No. 10.

RECOMMENDATION NO. 11

Request the drafting of a legislative resolution expressing concern regarding the possible listing of the Sage Grouse on the national endangered species list; recognizing the efforts of the various federal, state, and local agencies and other organizations in comprehensively and aggressively studying the Sage Grouse issue; and encouraging the U.S. Fish and Wildlife Service and the Department of Interior not to accept recent petitions calling for the designation of the Sage Grouse as an endangered species.

- There was no discussion on this recommendation; however, Committee action was taken on it after discussion on Recommendation No. 5 (*page 15 of these minutes.*).

RECOMMENDATION NO. 12

Request the drafting of a legislative resolution creating an interim study for the 2005-2006 legislative interim concerning groundwater management, issues regarding the interbasin transfer of water, and other general water issues, especially those concerning Nevada's rural counties. The interim study will, among other things, examine and identify funding sources for rural counties for needed water studies and evaluate the interactions between water experts and scientists and local governments. The resolution will also provide for a technical advisory committee consisting of the State Engineer, various water experts representing water purveyors and water authorities throughout the state, local government representatives, and others as determined by the interim study subcommittee.

(Recommended for discussion purposes by Chairman Rhoads)

- There was no discussion on this recommendation; however, Committee action was taken on it after discussion on Recommendation No. 5 (*page 15 of these minutes.*).

RECOMMENDATION NO. 13

Request the drafting of a bill to amend NRS 586.270 requiring the Director of the SDA to deposit \$20 of the annual pesticide registration fee into a separate account for the purpose of funding a position within the Department to serve as an overall coordinator of weed control volunteers at the county level and provide needed assistance to the various County Weed Management Associations throughout the State.

AND

Send a committee letter to Don Henderson, Director, SDA, requesting his assistance in amending subsection 1 of the *Nevada Administration Code* 586.011 to increase the annual pesticide registration fee from \$60 to \$80. Testimony indicated this increase would raise approximately \$80,000 for the Department.

(Recommended for discussion purposes by Chairman Rhoads)

- There was no discussion on this recommendation; however, Michael J. Stewart, previously identified, introduced a document ([Exhibit W](#)) related to Recommendation No. 13.
- Committee action was taken on this recommendation after discussion on Recommendation No. 5 (*page 15 of these minutes.*).

POSSIBLE SUBCOMMITTEE LETTERS OR STATEMENTS

- Chairman Rhoads asked the Committee members to address Recommendation Nos. 14 through 18, 20 through 37, and 39, 40, 42, and 43 on a consent calendar ([Exhibit S](#)), which was utilized to assist the Committee in quickly taking action on these selected items. He stated Recommendation No. 19 would be incorporated into Recommendation

No. 38 and that Recommendation No. 41 needed amending. Committee members had the option to remove any of the recommendations from the list for further discussion.

Action Items for Committee Discussion

RECOMMENDATION NO. 16

Send a committee letter to the State offices of the BLM and the USFS, the Boards of Commissioners in Lincoln, Nye, and White Pine Counties, and the Lincoln County Trails Coalition supporting the concept and development of the “Southeastern Nevada Trail System and Related Infrastructure” for OHVs as presented at the Committee’s meeting in Caliente, Nevada, on January 22, 2004. Include in the letter language supporting the efforts of these groups in securing “Question 1” bond money for the development of the trails system.

*(Recommended by Paul Johnson, White Pine County Commissioner,
the Lincoln County Trails Coalition, and Gary Clinard,
Dunes and Trails ATV Club, Las Vegas)*

- Chairman Rhoads took Recommendation No. 16 out of order.
- Assemblyman Carpenter expressed support for this recommendation but asked that Elko County also be included in the letter.
- Chairman Rhoads acknowledged Assemblyman Carpenter’s request to amend Recommendation No. 16 by including Elko County in the letter.
- Senator Care questioned whether Recommendation No. 16 should be acted on since the Committee voted earlier to request a BDR for Recommendation No. 6, which provides for the registration of OHVs in Nevada. He suggested that sending a letter as requested in Recommendation No. 16 would be premature until the language of the bill draft request for Recommendation No. 6 is known. Another concern Senator Care expressed was using “Question 1” bond money for the development of the trails system as he understood those funds were to stay in Clark County.
- Pamela B. Wilcox, Administrator, Nevada’s Division of State Lands, SDCNR, Carson City, explained the Division administers the funds through a program of grants that go primarily to local governments, but also to nonprofit and State agencies for a variety of purposes—one of which is recreational trails.
- Senator Care asked Ms. Wilcox if Recommendation No. 16 would conflict with the BDR approved for Recommendation No. 6. Ms. Wilcox responded that she did not see a connection between them as Recommendation No. 6 dealt with the registration and regulation of OHVs, where Recommendation No. 16 seeks to develop new trails, improve existing trails, and eventually advertise Nevada’s trails system to encourage outdoor recreation in the State, as well as direct OHVs off sensitive public lands.

- Committee action on this recommendation was taken after discussion on Recommendation No. 15 (page 23 of these minutes).

RECOMMENDATION NO. 20

Send a committee letter to Nevada’s Congressional Delegation, the Chairmen of the Senate Committee on Energy and Natural Resources and the House Committee on Resources, the Department of the Interior, and the BLM requesting support for legislation and policies that provide for a “no net loss” of private land in federal land exchanges and purchases. Include in the letter commentary concerning recent efforts by Senator Craig Thomas (R-Wyoming) to address this matter in S. 1038 of the 108th Congress.

(Recommended by Chairman Rhoads)

- Chairman Rhoads took Recommendation No. 20 out of order. He introduced a letter ([Exhibit U](#)) from Steven D. Hartman, Vice President, Nevada Land and Resource Company (NLRC), LLC, Carson City, and called attention to the fact that it was written more in support of Pershing County’s surveying efforts and consolidation of “checkerboard lands” than as a statement against Senator Craig Thomas’ efforts regarding “no net loss” of private lands as referenced in Recommendation No. 20.
- Michael J. Stewart, previously identified, concurred that Mr. Hartman’s letter references the recommendation and also includes a comment regarding Senator Thomas’ proposed legislation on “no net loss”; however, the focus of Mr. Hartman’s letter addresses issues identified in Recommendation No. 30, with an “understood” reference to Pershing County’s surveying efforts of “checkerboard lands” as covered in Recommendation No. 31.
- Committee action on this recommendation was taken after discussion on Recommendation No. 15 (page 23 of these minutes).

RECOMMENDATION NO. 30

Send a committee letter to Nevada’s Congressional Delegation expressing support for any existing or future “checkerboard land” consolidation bill.

(Recommended by Don Pattalock, Nevada Land and Resource Company)

- Chairman Rhoads took Recommendation No. 30 out of order. It was previously addressed under Recommendation No. 20 by Senator Rhoads and Michael J. Stewart, identified previously. (Please see [Exhibit U](#).)
- Committee action on this recommendation was taken after discussion on Recommendation No. 15 (page 23 of these minutes).

RECOMMENDATION NO. 31

Send a committee letter to the Board of County Commissioners in Churchill, Elko, Eureka, Humboldt, Lander, Lyon, Pershing, and Washoe Counties (those counties containing some “checkerboard land” patterns) expressing support of the NLRC’s efforts to survey, obtain legal descriptions of, and ensure legal access to county roads that cross checkerboard lands. Include in the letter language encouraging the counties to assist the NLRC in these efforts.

(Recommended by Don Pattalock, Nevada Land and Resource Company)

- Chairman Rhoads took Recommendation No. 31 out of order. Preliminary remarks regarding this recommendation were made by Senator Rhoads and Michael J. Stewart, previously identified, under Recommendation No. 20, page 21, of these minutes. (Please see [Exhibit U](#).)
- Hugh Ricci, State Engineer, Division of Water Resources, SDCNR, Carson City, expressed concern regarding increased fencing of “checkerboard lands” by private landowners as more of these lands are sold, and noted these barriers are preventing ranchers’ grazing animals from accessing natural springs.
- Assemblyman Carpenter acknowledged Mr. Ricci’s concern and opined that as more of the “checkerboard lands” are sold other complicated issues will arise.
- Senator Care asked for clarification of what the letter requested in Recommendation No. 31 is seeking to accomplish.
- Don Pattalock, Chief Geologist, NLRC, Carson City, explained the goal of the letter is to find a less expensive means of surveying county roads that cross “checkerboard lands” while ensuring that the surveying method is legally acceptable to record so that the NLRC may grant an easement deed to a county for a county road. Mr. Pattalock stated that strict surveying rules must be followed to qualify for a legal survey. He added that the NLRC has found that no one has the funds to pay for the surveying and that GPS technology is under consideration.
- Assemblyman Marvel asked if GPS surveying has ever been tested in court.
- Mr. Pattalock stated he was not aware of any court cases involving GPS surveying and added that he was informed by staff at a title company in Winnemucca, Nevada, that GPS surveying could not be insured at this time.
- Committee action on this recommendation was taken after discussion on Recommendation No. 15 (page 23 of these minutes).

RECOMMENDATION NO. 15

Send a committee letter to Nevada's Congressional Delegation, the BLM, and the White House Office of Intergovernmental Relations expressing support for the development of renewable energy on public lands and encouraging Congress and the Bush administration to extend tax credits for solar and geothermal energy development.

(Recommended by Paul Johnson, White Pine County Commissioner)

- Chairman Rhoads took Recommendation No. 15 out of order.
- Michael J. Stewart, previously identified, stated that Senator Amodei (who was not present during discussion on Recommendation No. 15) asked that wind energy also be mentioned in the letter for this recommendation. Mr. Stewart noted that some federal tax credits are already extended for wind energy, but it could also be mentioned in the letter upon approval by the Committee.
- Chairman Rhoads acknowledged Senator Amodei's request as conveyed through Mr. Stewart.
- Tom Baker, Legislative Affairs Officer, USFS, USDA, Sparks, Nevada, suggested that the letter also mention biomass as one of the renewable energy resources for federal tax credits.
- Chairman Rhoads called for a motion on Recommendation Nos. 14, 15, 16, 17, 18, 20, 21, 22, 23, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, and 43.
- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN MARVEL MOVED FOR THE APPROVAL OF RECOMMENDATION NOS. 14, 15, 16, 17, 18, 20, 21, 22, 23, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, AND 43, AND TO AMEND THE LETTERS CALLED FOR IN RECOMMENDATION NOS. 15 AND 16 BY REFERENCING SUPPORT FOR WIND ENERGY AND INCLUDING ELKO COUNTY IN THOSE RECOMMENDATIONS, RESPECTIVELY. THE MOTION WAS SECONDED BY SENATOR CARE AND PASSED UNANIMOUSLY.

RECOMMENDATION NO. 24

Send a committee letter to Nevada's Congressional Delegation and the Department of the Interior expressing support for the Lincoln County Conservation, Recreation, and Development Act (LCCRDA) of 2004.

(Requested by Tim Perkins, Lincoln County Commissioner, and Shelley Wadsworth, Planning Coordinator, Lincoln County)

- Chairman Rhoads took Recommendation No. 24 out of order.
- Senator Care noted his support for the concept of the LCCRDA legislation, but asked that any letter to the Congressional Delegation on this matter encourage responsiveness to the protection of the environment, which, he opined, can be negatively impacted by the reallocation of right-of-ways.
- Senator Rhoads acknowledged Senator Cares's request to incorporate a reference to environmental concerns in the letter as called for in Recommendation No. 24.
- Chairman Rhoads called for a motion on Recommendation No. 24.
- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR CARE MOVED TO AMEND, BY INCLUDING A REFERENCE TO ENVIRONMENTAL PROTECTION, AND APPROVE SENDING THE LETTER AS OTHERWISE CALLED FOR IN RECOMMENDATION NO. 24. THE MOTION WAS SECONDED BY ASSEMBLYMAN MARVEL AND PASSED UNANIMOUSLY.

RECOMMENDATION NO. 29

Send a committee letter to the Department of the Interior and the U.S. Fish and Wildlife Service encouraging the Department and the agency to “delist” or rescind the endangered species listing of the Sierra Nevada Bighorn Sheep. Include in the letter a request for further study of the economic impacts of this listing and specifically reference the concerns noted by Floyd Rathbun, Certified Range Management Consultant, as set forth in his prepared statement to the Legislative Committee on Public Lands on March 26, 2004.

(Recommended by Floyd Rathbun, Certified Range Management Consultant)

- Chairman Rhoads took Recommendation No. 29 out of order.
- Senator Care expressed concern about the recommendation to delist the Sierra Nevada Bighorn Sheep from endangered species protective status. He said at Lake Mead in Clark County this animal is considered “masterful” by his constituents.
- Assemblyman Marvel asked where Sierra Nevada Bighorn Sheep are located and if the Bighorn Sheep at Lake Mead are the same species as the Sierra Nevada Bighorn Sheep.
- Floyd W. Rathbun, previously identified, stated the Sierra Nevada Bighorn Sheep is the same species as the Bighorn Sheep in the Lake Mead area of southern Nevada. He said the listing process itself failed to follow what the endangered species act calls for in utilizing the best available scientific data, and that delisting them would actually be beneficial because it would provide more management and habitat improvement opportunities for the species.

- Chairman Rhoads called for a motion on Recommendation No. 29.
- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN MARVEL MOVED FOR THE APPROVAL OF RECOMMENDATION NO. 29. THE MOTION WAS SECONDED BY ASSEMBLYMAN CARPENTER. SENATOR CARE WAS OPPOSED. THE MOTION CARRIED.

RECOMMENDATION NO. 19

Send a committee letter to the Department of the Interior and the BLM encouraging the Department and the agency to seek creative ways to reduce the costs of environmental assessments and studies associated with the purchase and sale of federal land. Testimony throughout the legislative interim indicated that the costs to purchase smaller parcels of federal land are prohibitive and often the cost of the required environmental analysis is greater than the value of the land.

(Recommended by Assemblyman Carpenter)

- Chairman Rhoads took Recommendation No. 19 out of order.
- The Committee decided to incorporate Recommendation No. 19 into Recommendation No. 38.

RECOMMENDATION NO. 38

Send a committee letter to Nevada's Congressional Delegation urging them to consider an amendment to the SNPLMA or any other similar bill affecting Nevada currently or in the future, which would allow the BLM to use money from land sales under the Act for the purposes of funding statewide Sage Grouse protection efforts, wild horse gathers, general range enhancements, and for noxious weed abatement and control throughout Nevada. Currently, only weed control efforts in Clark County can benefit from funds received under SNPLMA land sales.

- Chairman Rhoads took Recommendation No. 38 out of order.
- Michael J. Stewart, previously identified, explained that staff was recommending incorporating Recommendation No. 19 into No. 38 as a simpler means of addressing the concerns in No. 19 by including a reference to funding for land sale options in the letter requested in Recommendation No. 38 so that SNPLMA could be amended.
- Chairman Rhoads called for a motion on Recommendation No. 38, noting the decision to include Recommendation No. 19 in No. 38.
- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN MARVEL MOVED TO AMEND AND APPROVE RECOMMENDATION NO. 38 BY INCORPORATING RECOMMENDATION NO. 19 INTO RECOMMENDATION NO. 38 BY INCLUDING A REFERENCE TO FUNDING FOR LAND SALE OPTIONS. THE MOTION WAS SECONDED BY ASSEMBLYMAN CARPENTER AND PASSED UNANIMOUSLY.

RECOMMENDATION NO. 41

Include a statement in the final report expressing the Committee's concerns regarding the increased number of last-minute legal challenges to land sales under the various federal land management acts impacting Nevada. Testimony indicated there are many instances where legal challenges are mounted to halt land actions after years of preparation, sometimes resulting in the land sale process reverting back to the initial stages of development.

- Chairman Rhoads took Recommendation No. 41 out of order. He asked that a letter relaying the concern identified in Recommendation No. 41 be sent to the Director of the BLM, the Secretary of the Interior, and Nevada's Congressional Delegation in addition to including a statement in the Committee's final report regarding this issue.
- Chairman Rhoads called for a motion on Recommendation No. 41.
- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN CARPENTER MOVED TO AMEND AND APPROVE RECOMMENDATION NO. 41 BY ALSO SENDING A LETTER TO THE DIRECTOR OF THE BLM, THE SECRETARY OF THE INTERIOR, AND NEVADA'S CONGRESSIONAL DELEGATION REGARDING LAST MINUTE LEGAL CHALLENGES TO LAND SALES AS EXPRESSED IN RECOMMENDATION NO. 41. THE MOTION WAS SECONDED BY ASSEMBLYMAN MARVEL AND PASSED UNANIMOUSLY.

RECOMMENDATION NO. 42

Send a committee letter to the Department of Energy (DOE) concerning the Caliente Railroad Corridor for Yucca Mountain. Include in the letter a statement urging the DOE to ensure, if the construction of the railroad is approved, that current land uses remain unchanged. Relay the concerns of some ranchers in the corridor who believe they were not properly notified of the DOE's action and who fear the loss of economic livelihood due to the potential alteration of grazing patterns.

(Recommended for discussion purposes by Chairman Rhoads)

- Chairman Rhoads took Recommendation No. 42 out of order.

- Senator Care expressed opposition to Recommendation No. 42 because of an Opinion issued by the United States Federal Court of Appeals on July 9, 2004, regarding the EPA's 10,000-year safety standard on radiation containment; therefore, he opined the letter would be unnecessary since the Caliente Railroad Corridor will not be built.
- Assemblyman Marvel declared he would prefer that a letter be sent to the DOE regarding the Caliente Railroad Corridor to confirm the Committee's position on a railroad corridor to Yucca Mountain if at a future date one does happen to be slated for construction.
- Chairman Rhoads called for a motion on Recommendation No. 42.
- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN MARVEL MOVED FOR THE APPROVAL OF RECOMMENDATION NO. 42. THE MOTION WAS SECONDED BY ASSEMBLYMAN CARPENTER. SENATOR CARE WAS OPPOSED. THE MOTION CARRIED.

RECOMMENDATION NO. 14

Send a committee letter to the Board of County Commissioners in White Pine and Lincoln Counties, the USFS, BLM, and NDF, expressing support for the "fuels for schools initiative," which uses pinion-juniper biomass to provide energy and heat for certain schools in the White Pine County School District. Include in the letter a statement encouraging the program's expansion into Lincoln County and other areas of Nevada where pinion-juniper are abundant.

(Recommended by Paul Johnson, White Pine County Commissioner)

- There was no discussion on Recommendation No. 14. Committee action on this recommendation was taken after discussion on Recommendation No. 15 (page 23 of these minutes).

RECOMMENDATION NO. 17

Send a committee letter to the Eastern Nevada Landscape Coalition expressing support for the Coalition and complimenting their efforts in land management analysis, environmental protection, resource development, and public education. Send a copy of this letter to Nevada's Congressional Delegation, the state offices of the BLM and the USFS, and the Boards of Commissioners in White Pine and Lincoln Counties.

(Requested by Chairman Rhoads)

- There was no discussion on Recommendation No. 17. Committee action on this recommendation was taken after discussion on Recommendation No. 15 (page 23 of these minutes).

RECOMMENDATION NO. 18

Send a committee letter to NDOW encouraging the Department to send information, letters, brochures, handouts and other informational items to ranchers and farmers throughout Nevada describing the wildlife mitigation and compensation programs offered by NDOW for landowners who experience property loss or damage due to wildlife.

*(Proposed by Brent Eldridge and Kathleen Irlbeck/Bertrand, Ranchers,
White Pine County)*

- There was no discussion on Recommendation No. 18. Committee action on this recommendation was taken after discussion on Recommendation No. 15 (page 23 of these minutes).

RECOMMENDATION NO. 21

Send a committee letter to each of Nevada's Boards of County Commissioners, the Nevada Association of Counties, and the Nevada League of Cities encouraging the various local governments to continue working closely with the BLM and Nevada's Division of State Lands in identifying lands that might be suitable for disposal (sale into the private sector or for purchase by local government). Stress the importance of this action on facilitating land sales that will ultimately increase the tax base of rural counties and enhance rural economies.

(Recommended by Chairman Rhoads)

- There was no discussion on Recommendation No. 21. Committee action on this recommendation was taken after discussion on Recommendation No. 15 (page 23 of these minutes).

RECOMMENDATION NO. 22

Send a committee letter to Nevada's Congressional Delegation, the Chairmen of the Senate Committee on Energy and Natural Resources and the House Committee on Resources, the Department of the Interior, and the BLM explaining the delicate and rather tenuous wild horse situation in Nevada and requesting that federal funding for wild horses and burros to the states be proportional to the actual number of wild horses and burros in each of those states.

- There was no discussion on Recommendation No. 22. Committee action on this recommendation was taken after discussion on Recommendation No. 15 (page 23 of these minutes).

RECOMMENDATION NO. 23

Send a committee letter to Nevada's Congressional Delegation, the Chairmen of the Senate Committee on Energy and Natural Resources and the House Committee on Resources, and the Chairmen of the appropriations committees in the U.S. Senate and House, encouraging the full funding of the Federal Payments in Lieu of Taxes program.

(Recommended by Tom Fransway, Humboldt County Commissioner)

- There was no discussion on Recommendation No. 23. Committee action on this recommendation was taken after discussion on Recommendation No. 15 (page 23 of these minutes).

RECOMMENDATION NO. 25

Send a committee letter to the FEMA expressing support for Lincoln County's grant request to FEMA to help fund emergency fuel reductions and underbrush clearing around the Mt. Wilson area.

(Recommended by Shelley Hartmann, Planning Coordinator, Lincoln County)

- There was no discussion on Recommendation No. 25. Committee action on this recommendation was taken after discussion on Recommendation No. 15 (page 23 of these minutes).

RECOMMENDATION NO. 26

Send a committee letter to FEMA expressing support for Lincoln County's request for a \$2 million grant to provide for "Pre-hazard Mitigation Flood Mapping" and map modernization in Lincoln County.

(Recommended by Shelley Hartmann, Planning Coordinator, Lincoln County)

- There was no discussion on Recommendation No. 26. Committee action on this recommendation was taken after discussion on Recommendation No. 15 (page 23 of these minutes).

RECOMMENDATION NO. 27

Send a committee letter to Congressman Jim Gibbons expressing the Committee's support for the "Lincoln County, Nevada, Pilot Project for the Purpose of Emergency Fuel Reduction, Public Safety and Environment Health" which, according to Shelley Hartman, Planning Coordinator, Lincoln County, involves a number of public/private partnerships to reduce an overabundance of pinion-juniper and other volatile fuels in eastern Nevada.

(Recommended by Shelley Hartmann, Planning Coordinator, Lincoln County)

- There was no discussion on Recommendation No. 27. Committee action on this recommendation was taken after discussion on Recommendation No. 15 (page 23 of these minutes).

RECOMMENDATION NO. 28

Send a committee letter to Nevada's County Commissions and City Councils in Nevada who have not yet partnered with the Nevada Fire Safe Council expressing support for the Council and encouraging their participation in the organization. Include in the letter language recommending the formation of Fire Safe Council "Chapters" in the communities where wildfire risk is especially high.

- There was no discussion on Recommendation No. 28. Committee action on this recommendation was taken after discussion on Recommendation No. 15 (page 23 of these minutes).

RECOMMENDATION NO. 32

Send a committee letter to the Wildfire Support Group, the BLM, and the USFS expressing support for the programs and activities of the Wildfire Support Group.

(Recommended by John McLain, Resource Concepts, Carson City)

- There was no discussion on Recommendation No. 32. Committee action on this recommendation was taken after discussion on Recommendation No. 15 (page 23 of these minutes).

RECOMMENDATION NO. 33

Send a committee letter to the USFS and the USFS' State and Private Forestry Program in Washington, D.C., encouraging the continued funding for noxious weeds and requesting that the State and Private Forestry Program explore ways to increase the funding that goes to the states for noxious weed control programs.

(Recommended by Chairman Rhoads for discussion purposes)

- There was no discussion on Recommendation No. 33. Committee action on this recommendation was taken after discussion on Recommendation No. 15 (page 23 of these minutes).

RECOMMENDATION NO. 34

Send a committee letter to the Northeastern Nevada Stewardship Group commending the Group's accomplishments in the areas of land use analysis, public education, and the study of wildlife and wildfire, and recognizing the broad interest of the Group in land management matters.

(Recommended by Chairman Rhoads)

- There was no discussion on Recommendation No. 34. Committee action on this recommendation was taken after discussion on Recommendation No. 15 (page 23 of these minutes).

RECOMMENDATION NO. 35

Send a committee letter to the Department of the Interior and the BLM requesting consideration of actively changing, upon the request of a grazing permit holder, the terms of the permit to allow for the grazing of horses. Also include in the letter a statement of support for the concept of allowing ranchers to contract with the BLM to run wild horses that have been gathered using existing grazing permits.

- There was no discussion on Recommendation No. 35. Committee action on this recommendation was taken after discussion on Recommendation No. 15 (page 23 of these minutes).

RECOMMENDATION NO. 36

Send a committee letter to the State Director of the BLM and to the Chairman of the Lander County Commission requesting an expeditious resolution of efforts to transfer the title of the Austin airport from the BLM to Lander County.

*(Recommended by Ray Salisbury, Chairman,
Lander County Board of Commissioners)*

- There was no discussion on Recommendation No. 36. Committee action on this recommendation was taken after discussion on Recommendation No. 15 (page 23 of these minutes).

RECOMMENDATION NO. 37

Send a committee letter to the State Director of the BLM requesting that the BLM Battle Mountain Field Office expeditiously revise its resource/land management plans to reevaluate “Desert Land Entry” lands in the region to determine if those lands might fit into requirements set forth under the Federal Land Transaction Facilitation Act of 2000 (commonly referred to as the “Baca bill”) for purposes of disposal.

(Recommended by Assemblyman Goicoechea)

- There was no discussion on Recommendation No. 37. Committee action on this recommendation was taken after discussion on Recommendation No. 15 (page 23 of these minutes).

RECOMMENDATION NO. 39

Send a committee letter to Gale Norton, Secretary of the Department of Interior, and Kathleen Clark, Director of the BLM, expressing the Committee's appreciation of the BLM's efforts and support of the Committee during the 2003-2004 legislative interim. Include in the letter a statement concerning BLM's consistent willingness to appear before the Committee and provide useful and helpful information to assist the Committee in its duties.

(Recommended by Chairman Rhoads)

- There was no discussion on Recommendation No. 39. Committee action on this recommendation was taken after discussion on Recommendation No. 15 (page 23 of these minutes).

RECOMMENDATION NO. 40

Send a committee letter Ann Veneman, Secretary of the USDA, and Dale Bosworth, Chief, USFS, expressing the Committee's appreciation of the USFS' efforts and support of the Committee during the 2003-2004 legislative interim. Include in the letter a statement concerning USFS' consistent willingness to appear before the Committee and provide useful and helpful information to assist the Committee in its duties.

(Recommended by Chairman Rhoads)

- There was no discussion on Recommendation No. 40. Committee action on this recommendation was taken after discussion on Recommendation No. 15 (page 23 of these minutes).

RECOMMENDATION NO. 43

Send a committee letter to Robert Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS; Al Stenenger, Range and Ranch Management Consultant, Western Range Service; Mike Lattin, Lattin Livestock, LLC; and Quinton J. Barr, Range and Ranch Management Consultant, Western Range Service, encouraging their continued cooperation in seeking a resolution to the concerns raised by Mr. Stenenger at the Committee's meetings in Reno on March 26, 2004, and in Wells on June 25, 2004, and thanking the parties for their willingness to work toward a solution regarding the grazing allotment monitoring practices of the USFS in Elko County.

(Recommended for discussion purposes by Chairman Rhoads)

- There was no discussion on Recommendation No. 43. Committee action on this recommendation was taken after discussion on Recommendation No. 15 (page 23 of these minutes).

NOTE:

- **The Legislative Committee on Public Lands may make additional recommendations based on discussions held and presentations made at its meeting in Carson City on August 27, 2004. Please see meeting agenda for discussion topics.**
- **The Chairman of the Committee may choose to raise other issues for discussion or Committee action during the work session.**
- **Committee staff may need to seek additional details or clarification on approved recommendations from Committee members and others prior to drafting BDRs or Committee letters/statements.**

DISCUSSION OF THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS' INFORMATIONAL TOUR OF WASHINGTON, D.C., ON OCTOBER 19 AND 20, 2004.

- Michael J. Stewart, previously identified, provided tour information updates and noted deadline reminders for travel arrangements regarding the Legislative Committee on Public Lands' October 19 and 20, 2004, informational tour to Washington, D.C.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 3:27 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 a draft report titled *Legislative Committee on Public Lands’ Wilderness and Wilderness Study Areas Subcommittee, Pre-Bulletin Not for Official Use, August 2004*, provided by Scott Young, Policy and Special Projects Analyst, Research Division, Legislative Counsel Bureau (LCB), Carson City.

[Exhibit C](#) consists of the following documents, provided by Scott Young, Policy and Special Projects Analyst, Research Division, LCB, Carson City: (1) a memorandum dated August 27, 2004, to Senator Dean A. Rhoads, Chairman, Legislative Committee on Public Lands; (2) a copy of Senate Concurrent Resolution No. 20, [File No. 82, *Statutes of Nevada 2003*]; (3) a copy of a letter dated June 28, 2004, to Donald O. Williams, Research Director, Research Division, LCB; and (4) a report titled *Wendover, Utah / West Wendover, Nevada, Annexation Study, September 2002*, which was prepared for the cities of West Wendover, Nevada, and Wendover, Utah, by Applied Development Economics, Inc., Berkley, California.

[Exhibit D](#) is the prepared testimony of Bob Milz, Member, Board of County Commissioners, Lyon County, Dayton, Nevada.

[Exhibit E](#) consists of the following documents, provided by Bob Milz, Member, Board of County Commissioners, Lyon County, Dayton: (1) a copy of the proposed Lyon County Lands Bill; (2) a news release titled “Lyon County Receives Rural Development Grant,” dated July 13, 2004; (3) a copy of a letter dated July 30, 2004, to Kathleen Clark[e] [Director, BLM, DOI] from Nevada Governor Kenny C. Guinn; (4) a copy of a letter dated July 30, 2004, to Congressman Jim Gibbons from Nevada Governor Kenny C. Guinn; (5) a copy of a letter dated July 30, 2004, to Senator Harry Reid from Nevada Governor Kenny C. Guinn; (6) a copy of a letter dated July 30, 2004, to Senator John Ensign from Nevada Governor Kenny C. Guinn; and (7) a copy of a letter dated December 11, 2003, to Stephen Snyder, County Manager, Lyon County, from Senator John Ensign.

[Exhibit F](#) consists of the following two documents, provided by Bob Milz, Member, Board of County Commissioners, Lyon County, Dayton: (1) an electronic mail to Mr. Milz from another Lyon County Commissioner concerning Walker River and Yerington, Nevada, Anaconda Mine issues; and (2) a *Reno Gazette-Journal* article titled “Arco [ARCO], BLM disagree on authority in cleanup.”

[Exhibit G](#) is a document titled “BLM-Carson City Field Office, Field Manager’s Report, August 26, 2004,” provided by Elaine Briggs, Associate Field Manager, Carson City Field Office, BLM, DOI, Carson City.

[Exhibit H](#) is the prepared testimony of Gary Schiff, District Ranger, Carson Ranger District, USFS, USDA, Carson City, and the following documents, which were provided by Mr. Schiff: (1) a one-page, color flier titled “The Elite Eight, Carson Ranger District, Priority Work for FY 2004”; (2) a map titled “North Washoe Fuels Project Overview”; (3) a color map titled “Map 7-1, Management Opportunities for Vegetation/Fuels and Wildlife Habitats”; (4) a color map titled “Map 7-2, Management Opportunities for Recreation, Access and Watershed”; and (5) a single page with four color photos of the Mt. Rose Summit Trailhead, Washoe County, Nevada.

[Exhibit I](#) is a Microsoft PowerPoint presentation titled “Fall 2004 Interagency Fire Management Overview,” provided by Pete Cannizzaro, Associate Fire Program Coordinator, NDF, SDCNR, Carson City.

[Exhibit J](#) is a Microsoft PowerPoint presentation titled “‘Waterfall Fire’ Rehabilitation Efforts and Long Term Recommendations,” provided by Juan F. Guzman, Open Space Manager, Carson City.

[Exhibit K](#) is a Microsoft PowerPoint presentation titled “Newlands Project 100 Years of Service,” provided by Ray Peterson, Secretary, Board of Directors, TCID, Fallon.

[Exhibit L](#) is a document titled “Water Right Acquisitions,” provided by Ray Peterson, Secretary, Board of Directors, TCID, Fallon.

[Exhibit M](#) is a Microsoft PowerPoint presentation titled “Carson Water Subconservancy District (CWSD) Who Are We?” provided by Edwin D. James, P.E., General Manager, CWSD, Carson City.

[Exhibit N](#) is a document titled “2004 Carson River Conference,” provided by Edwin D. James, P.E., General Manager, CWSD, Carson City.

[Exhibit O](#) is a Microsoft PowerPoint presentation titled “Legislative Committee on Public Lands,” provided by Hugh Ricci, P.E., State Engineer, Nevada Division of Water Resources, SDCNR, Carson City.

[Exhibit P](#) is a Microsoft PowerPoint presentation titled “Nevada Natural Heritage Program,” provided by Glenn H. Clemmer, Ph.D., Program Manager, Nevada Natural Heritage Program, SDCNR, Carson City.

[Exhibit Q](#) is the prepared testimony of Floyd W. Rathbun, Certified Range Management Consultant, Fallon.

[Exhibit R](#) is an 11-page document titled “Work Session Document,” provided by Michael J. Stewart, Principal Research Analyst, Research Division, LCB, Carson City.

[Exhibit S](#) is a five-page document titled “Consent Calendar for Work Session,” provided by Michael J. Stewart, Principal Research Analyst, Research Division, LCB, Carson City.

[Exhibit T](#) is a copy of an electronic letter from Karen Boeger, resident, Reno, dated August 26, 2004, to Senator Rhoads and members of the Legislative Committee on Public Lands regarding off-road vehicle registration. The document was provided by Michael J. Stewart, Principal Research Analyst, Research Division, LCB, Carson City.

[Exhibit U](#) is a letter dated August 27, 2004, to Senator Rhoads from Stephen D. Hartman, Vice President, NLRC, LLC, regarding consolidating the “checkerboard” lands in Nevada. The document was provided by Stephen D. Hartman, Vice President, NLRC, LLC, Carson City.

[Exhibit V](#) is a letter regarding Nevada weed control funding needs dated August 27, 2004, to Senator Rhoads from Don Henderson, Director, SDA, Reno, provided by Mr. Henderson.

[Exhibit W](#) consists of 21 pages regarding pesticide registration fees, provided by Dawn Rafferty, Noxious Weed Program Coordinator, 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](mailto:www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm) (www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm) or telephone: 775/684-6827.