



**MINUTES OF THE MEETING  
OF THE  
LEGISLATIVE COMMITTEE ON PUBLIC LANDS  
(*Nevada Revised Statutes 218.5363*)  
September 28, 2001  
Las Vegas, Nevada**

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The first meeting of the Legislative Committee on Public Lands (*Nevada Revised Statutes* [NRS] 218.5363) during the 2001-2002 interim was held on Friday, September 28, 2001, in the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada. Pages 2 and 3 contain the “Meeting Notice and Agenda” for this meeting.

**COMMITTEE MEMBERS PRESENT:**

Senator Dean A. Rhoads, Chairman  
Assemblyman John W. Marvel, Vice Chairman  
Senator Terry Care  
Senator Mark A. James  
Assemblyman Tom Collins  
Assemblyman P.M. “Roy” Neighbors  
Peter J. Goicoechea, Eureka County Commissioner

**ADDITIONAL LEGISLATORS PRESENT:**

Assemblyman Jerry D. Claborn

**LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Linda Eissmann, Senior Research Analyst, Research Division  
Christine Kuhl, Senior Research Secretary, Research Division  
J. Randall Stephenson, Senior Deputy Legislative Counsel, Legal Division  
Michael J. Stewart, Senior Research Analyst, Research Division  
R. René Yeckley, Principal Deputy Legislative Counsel, Legal Division

All place names mentioned in these minutes are in Nevada unless otherwise noted.

**MEETING NOTICE AND AGENDA**

Name of Organization: Nevada’s Legislative Committee on Public Lands  
(*Nevada Revised Statutes 218.5363*)

Date and Time of Meeting: Friday, September 28, 2001  
9:30 a.m.

Place of Meeting: Grant Sawyer State Office Building  
Room 4412  
555 East Washington Avenue  
Las Vegas, Nevada

## A G E N D A

- \*I. Election of Chairman and Vice Chairman
- II. Opening Remarks and Introductions
- \*III. Approval of Committee Stationery and Business Cards
- \*IV. Approval of the Minutes of the Meeting Held on October 6, 2000, in Yerington, Nevada
- \*V. Review of Committee Budget and Proposed Work Plan and Discussion of Committee Activities and Meetings in Nevada and Washington, D.C., during the 2001-2002 Legislative Interim  
Michael J. Stewart, Staff Director, Legislative Committee on Public Lands
- \*VI. Reports to the Committee
  - \*A. Brief Overview of State Public Lands Legislation Approved during the 2001 Legislative Session and Pertinent Federal Legislation Currently Under Consideration by the 107<sup>th</sup> United States Congress  
Linda Eissmann, Staff Director, Legislative Committee on Public Lands  
Michael J. Stewart, Staff Director, Legislative Committee on Public Lands
  - \*B. Overview of Public Lands Issues in Clark County  
Mark Morse, Las Vegas Field Manager, Bureau of Land Management (BLM), United States Department of the Interior (DOI)  
Alan Pinkerton, Assistant Planning Manager for Natural Resources, Clark County Department of Comprehensive Planning  
Katherine MacDougall, Assistant Director, Clark County Department of Air Quality Management
  - \*C. Update of U.S. Forest Service (USFS) Activities in Nevada  
Karen Shimamoto, Deputy Forest Supervisor, Humboldt-Toiyabe National Forest, USFS
  - \*D. Overview of 2001 Fire Season and Fire Activity in Nevada  
Kevin Hull, Fire Management Officer, BLM, DOI  
Mike Dondero, Fire Management Officer, Humboldt-Toiyabe National Forest, USFS  
Pete Anderson, Deputy State Forester, Nevada's Division of Forestry, State Department of Conservation and Natural Resources (SDCNR)  
Meg Jensen, Deputy State Director for Natural Resources, Lands, and Planning, BLM, DOI
  - \*E. Update of Natural Resource Process and Status of Report Overview  
Ed Skudlarek, Natural Resource Planner, SDCNR
  - \*F. Update of "Stockwater Case" — *United States v. State Engineer*, 117 Nev. Adv. Op.

No. 49 (2001)

R. Michael Turnipseed, Director, SDCNR  
Hugh Ricci, State Engineer, Division of Water Resources, SDCNR  
Robert V. Abbey, Nevada State Director, BLM, DOI

- \*G. Overview of Federal Mining Regulations — “3809” Surface Management Regulations for Locatable Mineral Operations (43 *Code of Federal Regulations* 3809)  
Tom Leshendok, Deputy State Director for Minerals, BLM, DOI  
Dave Gaskin, Chief, Mining Regulation and Reclamation, Nevada’s Division of Environmental Protection, SDCNR

## VII. Public Comment

### \*VIII. Possible Work Session on Preceding Agenda Items

\*Denotes items on which the committee may take action.

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Research Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call Christine Kuhl at (775) 684-6825 as soon as possible.

Notice of this meeting was posted in the following Carson City, Nevada, locations: Blasdel Building, 209 East Musser Street; Capitol Press Corps, Basement, Capitol Building; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Nevada State Library, 100 Stewart Street. Notice of this meeting was faxed for posting to the following Las Vegas, Nevada, locations: Clark County Office, 500 South Grand Central Parkway; and Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was posted on the Internet through the Nevada Legislature’s Web site at: [www.leg.state.nv.us](http://www.leg.state.nv.us).

## ELECTION OF CHAIRMAN AND VICE CHAIRMAN

ASSEMBLYMAN MARVEL MOVED TO APPOINT SENATOR RHOADS TO THE POSITION OF COMMITTEE CHAIRMAN. ASSEMBLYMAN NEIGHBORS SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

MR. GOICOECHEA MOVED TO APPOINT ASSEMBLYMAN MARVEL TO THE POSITION OF COMMITTEE VICE CHAIRMAN. ASSEMBLYMAN COLLINS SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

## OPENING REMARKS AND INTRODUCTIONS

### *Chairman Rhoads*

Chairman Rhoads explained that he had intended to provide the Committee with information he was to obtain during meetings with President George W. Bush and various federal officials. However, due to the tragic events that occurred on September 11, 2001, the meetings were canceled. He also explained that there would be new staff working with the Committee this interim and requested they introduce themselves, as follows.

### *Linda Eissmann*

In response to Chairman Rhoads, Linda Eissmann, Senior Research Analyst, Research Division, LCB, introduced herself and provided the following information about her background and education:

- Served as Committee Policy Analyst to the Assembly Committee on Natural Resources, Agriculture, and Mining during the 1999 and 2001 Legislative Sessions;
- Twelve years’ experience working for the Nevada Division of State Parks providing contract management, grants

administration, and planning;

- Bachelors of Science in Geography; and
- Masters of Science in Geology and Remote Sensing.

### ***R. René Yeckley***

In response to Chairman Rhoads, R. René Yeckley, Principal Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau (LCB) explained she has been employed by LCB for almost five years and has worked on the following committees:

- Advisory Board on Prison Industry;
- Assembly Committee on Judiciary;
- Commission on School Safety and Juvenile Violence; and
- Subcommittee of the Legislative Commission to Study the Limitations on Damages that May Be Awarded Against the State and Its Political Subdivisions.

### ***Chairman Rhoads***

Chairman Rhoads noted that Michael J. Stewart, Senior Research Analyst, Research Division, LCB, was being phased out as Committee Staff Director, but would accompany the Committee to the next meeting and the first Washington, D.C. tour. Additionally, J. Randall Stephenson, Senior Deputy Legislative Counsel, Legal Division, would no longer be working with the Committee but would remain with LCB. He also noted that Christine Kuhl, Senior Research Secretary, Research Division, LCB, had been assigned as Committee Secretary for a second consecutive interim.

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## **APPROVAL OF COMMITTEE STATIONERY AND BUSINESS CARDS**

### ***Michael J. Stewart***

Michael J. Stewart, previously identified, directed the Committee's attention to a packet of information, which contains meeting materials prepared by Ms. Eissmann and Mr. Stewart (Exhibit A). Included in Exhibit A are State Printing Office samples from the previous legislative interim for Committee business cards and letterhead. Mr. Stewart noted that the price of one ream of letterhead has decreased, to \$92, and the cost of 250 business cards is \$165. Funding for these items is contained in the Committee's budget.

### ***Chairman Rhoads***

Chairman Rhoads related that when traveling he frequently provides acquaintances with a Committee business card because it has a map that delineates Nevada's federally managed areas. He noted that many individuals are surprised to learn that 87 percent of Nevada is managed by the Federal Government.

Discussion ensued regarding ordering letterhead and business cards, and the Committee agreed that Ms. Kuhl would poll the members to determine their business card needs and coordinate purchasing arrangements.

Chairman Rhoads realized he had neglected to introduce two new members of the Committee: Assemblyman Tom Collins (Clark County Assembly District No. 1) and Eureka County Commissioner, Peter J. Goicoechea. Chairman Rhoads noted that in the past, Assemblyman Collins has been a supporter of the Committee and often personally funded traveling great distances to observe meetings; although he represents an urban area, Mr. Collins

supports public lands issues. Chairman Rhoads next noted that Mr. Goicoechea “knows his issues and does his homework.” He invited Mr. Goicoechea to provide information regarding his background.

*Mr. Goicoechea*

Mr. Goicoechea noted he is a native Nevadan, a rancher in central Nevada, and currently serving his fourth term as a Eureka County Commissioner. Mr. Goicoechea explained he was “brought up” with public lands issues and is thankful for the appointment.

Chairman Rhoads then called for a vote on the purchase of Committee letterhead and business cards.

ASSEMBLYMAN MARVEL MOVED TO APPROVE THE PURCHASE OF COMMITTEE LETTERHEAD AND BUSINESS CARDS. ASSEMBLYMAN NEIGHBORS SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

**APPROVAL OF THE MINUTES OF THE MEETINGS HELD  
ON OCTOBER 6, 2000, IN YERINGTON, NEVADA**

ASSEMBLYMAN MARVEL MOVED TO APPROVE THE MINUTES FROM THE MEETINGS HELD ON OCTOBER 6, 2000, IN YERINGTON, NEVADA. ASSEMBLYMAN NEIGHBORS SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

**REVIEW OF COMMITTEE BUDGET AND PROPOSED WORK PLAN AND DISCUSSION OF  
COMMITTEE ACTIVITIES AND MEETINGS  
IN NEVADA AND WASHINGTON, D.C., DURING THE  
2001-2002 LEGISLATIVE INTERIM**

*Chairman Rhoads*

Chairman Rhoads invited Mr. Stewart to address the Committee and provide a review of planned Committee activities and meetings in Nevada and Washington, D.C., during the 2001-2002 Interim. Mr. Stewart explained he had asked Ms. Eissmann to cover the topic.

*Linda Eissmann*

Ms. Eissmann, previously identified, directed the Committee’s attention to the “Approved Budget and Proposed Work Plan” contained in Exhibit A. She reviewed the document and noted the slight increase, as compared to the 1999-2000 Legislative Interim, which is attributed to increased costs of printing and traveling. Next, Ms. Eissmann reviewed the proposed timetable of meetings and noted the September 1, 2002, deadline for submission of Bill Draft Requests (BDR) to the LCB Legal Division. In conclusion, Ms. Eissmann reviewed the powers and duties of the Committee, as well as issues monitored and discussed.

**REPORTS TO THE COMMITTEE**

**A Brief Overview of State Public Lands Legislation Approved during the 2001 Legislative Session and Pertinent Federal Legislation Currently Under Consideration by the 107<sup>th</sup> United States Congress**

*Linda Eissmann*

Ms. Eissmann, previously identified, directed the Committee’s attention to a document titled “Public Lands and Natural Resources Legislation of the 2001 Session,” contained in Exhibit A. She provided a brief overview of the document.

Chairman Rhoads thanked Ms. Eissman and noted that Assemblyman Claborn supported many of the bills to which she had referred. Chairman Rhoads recognized that Mr. Claborn was in attendance of the meeting.

### *Michael J. Stewart*

Responding to an inquiry from Chairman Rhoads, Mr. Stewart, previously identified, directed the Committee's attention to a document titled "Listing of Major Public Lands Legislation Currently Under Consideration in the 107<sup>th</sup> Congress," contained in Exhibit A. He provided a brief overview of the document.

In response to Chairman Rhoads, Mr. Stewart explained that the "Domenici Bill" (U.S. Senator Pete V. Domenici [R-NM]), S.1129 from the 106<sup>th</sup> Session of Congress, known as the "Federal Land Transaction Facilitation Act" was unsuccessful. However, Senator Domenici introduced S.1892, the "Federal Land Transaction Facilitation Act of 2000 (FLTFA)," also referred to as the "Valles Caldera Preservation Act." This measure went through numerous revisions and was ultimately enacted on July 25, 2000, as Public Law No. 106.248. The provisions of S.1892 are very similar to, although not identical with, S.1129.

## **Overview of Public Lands Issues in Clark County**

### *Mark Morse*

Mark Morse, Las Vegas Field Manager, Bureau of Land Management (BLM), United States Department of the Interior, explained that in Clark County the BLM is involved at varying degrees with the development of 15 energy projects. Several of these projects are on private land, with ancillary and right-of-way affects on BLM. The majority of these projects are water-cooled/natural gas fueled generation facilities, two are wind projects, and one is expansion of the Kern River Pipeline.

Next, Mr. Morse updated the Committee on the status of land sales in Clark County under the Southern Nevada Public Lands Management Act of 1998 (SNPLMA). The BLM holds two sales per year under SNPLMA. In May 2001, almost 3,000 acres were sold, generating \$47 million. Several small tracts, expected to generate \$10 to \$15 million, will be sold on November 1, 2001. There are approximately 25,000 acres remaining to be sold.

Responding to Assemblyman Marvel, Mr. Morse explained that in North Las Vegas, there are approximately 7,500 acres to be sold. He further noted that all areas to be sold within the SNPLMA boundary are selected by joint selection with local governments. Therefore, the remaining areas in North Las Vegas will not be sold until North Las Vegas officials request their sale.

Senator Care questioned if there is a minimum parcel size for these land sales.

In response to Senator Care, Alan Pinkerton, Manager of Environmental Planning, Clark County Comprehensive Planning Department, explained that local jurisdictions work with the individual who has proposed a project and/or who wants to sell land to identify parcel configuration and size. These sales can be small or large, but in an effort to ensure the sale meets community development needs, are based on input from citizens and local governments.

In response to Chairman Rhoads, Mr. Morse explained that under FLTFA, any land designated for disposal prior to July 2000 could be sold. In Nevada, there are 160,000 acres identified by their respective counties for sale. Local county commissioners will be involved in the statewide identification of lands and may request withdrawal of lands from the list. Additionally, the BLM will not seek to purchase land without input from county commissioners.

Mr. Goicoechea noted that the counties were largely unaware that this was to be the process for FLTFA sales and suggested the BLM renew its efforts to communicate with counties about the process so counties could be active participants. He further suggested the BLM revisit the statewide list in order to include additional county identified land.

Turning to what he termed "another big ticket item for BLM," Mr. Morse addressed activities at the Red Rock National Conservation Area (NCA). He first explained that a memorial at Red Rock NCA for the September 11, 2001, tragedy would be dedicated on September 29, 2001. The Friends of Red Rock and the Red Rock Interpretive

Association spearheaded the project. Next, he informed the Committee that the exhibits and visitor's center at Red Rock NCA are undergoing a redesign to accommodate the 400,000 visitors to the visitor's center and one million visitors to the NCA annually. Additionally, a site assessment is being conducted to determine the feasibility of construction of a 200 bed overnight facility to accommodate environmental education students. Currently, 12,000 to 15,000 students participate in environmental education programs at Red Rock NCA annually. Overnight accommodations would make the educational program available to a larger population.

In response to Assemblyman Collins, Mr. Morse explained that BLM is currently in discussions with Nevada's Department of Transportation (NDOT) to develop a partnership to fence areas within Red Rock NCA to endure highway safety from wandering wild horses and burros.

Assemblyman Neighbors noted there is a similar safety issue near the Panaca Summit, but NDOT has provided "little or no help" with its resolve.

Continuing his presentation, Mr. Morse explained that the Ivanpah Bill directed the BLM to sell 6,600 acres to Clark County for construction of an airport between Jean and Primm. The sale is anticipated for May 2002, at which time an environmental impact study will be conducted.

In conclusion, Mr. Morse provided brief comments regarding the following:

- The Multi Species Habitat Conservation Plan has received \$4 million from SNPLMA land sales.
- Abandoned mines near highly populated and recreation areas in Clark County are top priority for closure. The mining industry is working to backfill abandoned mines after BLM has reviewed the site.
- A draft plan for natural resource management on the Nellis Air Force Base is completed and a final version is expected by February 2002. This plan will set the appropriate management level for wild horses on the Nellis range.
- In an effort to enhance public knowledge and coordinate federal management of the nearly 700 million acres of public land surrounding Las Vegas, a partnership of federal land management agencies and a private, non-profit organization called Outside Las Vegas, has been formed.

### ***Alan Pinkerton***

Alan Pinkerton, previously identified, discussed the following topics: (1) The Multi Species Habitat Conservation Plan, submitted to the U.S. Fish and Wildlife Service (USFWS); (2) SNPLMA; (3) Possible introduction of a Clark County Public Lands Bill; and (4) Lake Mead algae bloom. Please refer to Exhibit B for a written statement of his remarks.

In response to Assemblyman Collins, Mr. Pinkerton explained there is no emphasis to close livestock grazing in Clark County.

### ***Katherine MacDougall***

Katherine MacDougall, Assistant Director, Clark County Department of Air Quality Management, discussed the air quality status in Clark County. She explained that the department is working closely with public management agencies to prepare an implementation plan to solve the "PM10 problem" (particulate matter) in the Las Vegas Valley (hydrographic basin 212). On January 1, 2001, two rules regarding this area took effect. The first, known as the "Section 90 Rule," mandated that all vacant land be stable to withstand wind and not produce dust when wind blows. The second rule, known as the "Section 91 Rule," mandates that all unpaved roads with greater than 150 daily trips be paved.

Regarding the Section 90 Rule, the department is working with the local BLM field office to address the problem on vacant land. She noted that of the approximately 170 BLM parcels inspected, approximately 80 percent are stable. These parcels range in size from 5 to 600 acres. She further remarked that the BLM has responded well to the

inspection of these areas and in some cases has posted signs and fenced unstable areas. She identified the use of off-road vehicles as the primary cause of unstable land. Ms. MacDougall informed the Committee that the BLM has created an Air Quality Manager position and is in the hiring process.

Regarding the Section 91 Rule, Ms. MacDougall explained that in order for the BLM to use federal funds to pave identified roads and comply with local regulations, an Environmental Impact Statement must be completed.

In response to Chairman Rhoads, Ms. MacDougall noted that a PM10 Plan was submitted to the U.S. Environmental Protection Agency (EPA). The plan was developed in conjunction with the EPA and she anticipates avoiding noncompliance sanctions. However, if the plan were not deemed complete by June 2002, the first sanction would be a requirement for a 2 to 10 offset. This means that for every ton of additional PM10 emitted by stationary sources, a two-ton reduction would have to occur elsewhere. Secondly, if the plan is not complete by December 2002, the EPA may impose sanctions to remove all federal funds utilized in Clark County, and the EPA would impose a federally developed plan, thereby excluding the local planning efforts.

## **Update of U.S. Forest Service (USFS) Activities in Nevada**

### ***Karen Shimamoto***

Karen Shimamoto, Deputy Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, discussed the following topics:

- The Roadless Rule;
- Forest Planning Regulations;
- Roads Management Policy;
- State and Private Forestry Program;
- Spring Mountain National Recreation Area;
- Wilderness Study Areas;
- SNPLMA;
- Threatened and Endangered Species; and
- Land Management Issues.

Please refer to Exhibit C for a written statement of Ms. Shimamoto's remarks.

Regarding the "Advanced Notice of Public Rulemaking" comment period for roadless areas on USFS lands, Assemblyman Neighbors and Chairman Rhoads posed the following questions, respectively: (1) What was the content and geographic origin of the comments; and (2) What is the evaluation process, i.e., does a letter from the Governor receive the same consideration as a letter from the public? Ms. Shimamoto agreed to research the inquiries and provide the Committee with the information.

## **Update of "Stockwater Case" — *United States v. State Engineer*, 117 Nev. Adv. Op. No. 49 (2001)**

Please note: Robert V. Abbey, Nevada State Director, BLM, was unable to attend the meeting as scheduled.

### ***R. Michael Turnipseed***

R. Michael Turnipseed, Director, State Department of Conservation and Natural Resources (SDCNR), reviewed the history of the "Stockwater Case," *United States v. State Engineer*, 117 Nev. Adv. Op. No. 49 (2001), which is contained in the Opinion of the Supreme Court of Nevada. A copy of the Opinion is contained in Exhibit A.

Next, Mr. Turnipseed referred to a document titled "Water in the West," *A Range Publication* (Exhibit D). He read the following quote, made in 1993, by Bruce Babbitt, former U.S. Secretary of the Interior: "We must control the water, then we will control the West." He noted that the Opinion of the Supreme Court of Nevada authorizes BLM to hold stockwatering rights.

## ***Hugh Ricci***

Hugh Ricci, State Engineer, Division of Water Resources, SDCNR, explained that the Nevada Supreme Court reversed the order of the Ninth Judicial District Court (Douglas County), denying the petition for judicial review and remanded the matter to the district court with instructions to grant the petition. To date, Mr. Ricci had not received direction from the district court.

Continuing, Mr. Ricci explained he had discussed the issue with Brad Hines, Range Lead, BLM, who revealed the BLM is willing to move forward with all water applications, but would encourage joint filings with permittees. According to Mr. Ricci, Mr. Hines further noted that permittees must provide their share of the associated funding.

In response to Chairman Rhoads, Mr. Ricci noted that the State Engineer's office has approximately 450 pending stockwater permit applications, of which 100 are in the name of BLM and 24 are in the names of BLM and a joint applicant(s).

Mr. Turnipseed noted that after conferring with the Attorney General's office, it has been concluded that an appeal to the Supreme Court of the United States would most likely be unsuccessful because the Opinion of the Supreme Court of Nevada was based on the "plain meaning of the language," not a constitutional or federal issue.

Chairman Rhoads reflected that in his 20-plus years in politics, he has noticed the Federal Government has made numerous attempts to secure water rights in the West. He questioned why this occurs. Responding to Chairman Rhoads, Jo Simpson, Chief, Office of Communications, BLM, explained she was not prepared to speak to the issue, but stated, "I understand your concerns." She indicated that water rights are connected with land management.

Senator James noted that during the 1993 Legislative Interim, he served as Chairman to the Study on Use, Allocation and Management of Water, Senate Bill (S.B.) 327 (Chapter 655, *Statutes of Nevada 1993*), and during the 1995 Session was a proponent of S.B. 96, which became *Nevada Revised Statutes* (NRS) 533.503. He explained that the intent of the legislation was to prevent the Federal Government from individually owning stockwater rights because it does not have livestock to water. However, in an unprecedented manner, the attempt of the Legislature had been completely thwarted.

Continuing, Senator James read the following quotes from the Opinion:

A statute which did not ban the BLM from applying for stockwatering permits in its own name, but set limits or guidelines for the issuance of such permits would be preferable from a constitutional perspective.

If NRS 533.503 is construed to prohibit the BLM from applying for livestock watering rights jointly with the entity who is 'entitled to place the livestock on the public lands,' then such a restriction, together with the restrictive interpretation of public lands, violates the Supremacy Clause of the *United States Constitution*.

Senator James suggested that the wording of these sections could be reversed, thereby providing a remedy to the situation. He proposed the Committee develop a BDR that provides provisions for the following:

1. All federal agencies can acquire joint stockwatering permits, i.e., do not limit it to the BLM;
2. Anyone who owns land upon which livestock may graze or has legal grazing rights, can acquire a stockwatering permit jointly with the user;
3. Anyone who owns land upon which livestock may graze or has legal grazing rights, can acquire a stockwatering permit individually, except the Federal Government.

Senator James asserted that the contents of number three can be justified in that the provision would allow the State Engineer to maintain control over management of the state's water resources and does not discriminate against only the BLM.

Dialogue ensued regarding the percentages of ownership among joint stockwater permit holders.

Senator James urged the Federal Government to work with the State Engineer to resolve this issue.

In response to Mr. Goicoechea, Mr. Ricci explained that the Federal Government does hold water rights in Nevada for various other uses.

Chairman Rhoads requested that staff prepare a BDR containing the suggestions of Senator James and present it to the Committee at its next meeting.

## **Overview of 2001 Fire Season and Fire Activity in Nevada**

### ***Mike Dondero***

Mike Dondero, Fire Management Officer, Humboldt-Toiyabe National Forest, USFS, explained that federal and state public lands management agencies work together to address Nevada's wildland fires and indicated a group presentation had been prepared on the topic. A document titled "Interagency Overview of the 2001 Fire Season" (Exhibit E) was presented by all speakers in this section. Mr. Dondero directed the Committee's attention to Exhibit E and noted the maps contained therein, which illustrate county-by-county the location of wildland fires from 1999 to 2001.

According to Mr. Dondero, the fuels and conditions during the 2001 fire season had never been hotter or dryer and "Nevada had not been this dry since 1860." However, fires burned less acreage this year than in the previous two years. He credited the Great Basin Restoration Initiative (GBRI), the Governor's Wildfire Conference, the Nevada Land Use Summit 2001, and the National Fire Plan for providing a proactive approach to wildland fire suppression.

### ***Pete Anderson***

Pete Anderson, Deputy State Forester, Nevada's Division of Forestry (NDF), SDCNR, provided the following statistics regarding wildfires on lands under jurisdiction of the NDF:

- 2001 Calendar Year (to date): 154 fires — 31,710 acres burned
- 2000 Calendar Year: 104 fires — 6,657 acres burned
- 1999 Calendar Year: 73 fires — 161,722 acres burned

Of the 2001 fires, 54 fires were caused by humans and burned 722 acres, and 100 were caused by lightning and burned 30,988 acres. The estimated suppression cost to date is \$1,117,894.

Mr. Anderson stated that the results of wildfires have significant economic and natural resource impacts, and it is imperative to continue to support cooperative relationships. He credited volunteer fire departments and county road departments for their suppression efforts, and noted that anyone who has the equipment and has received training can help with firefighting.

### ***Kevin Hull***

Kevin Hull, Fire Management Officer, BLM, provided the following statistics regarding wildfires on lands under jurisdiction of the BLM:

- 2001 Calendar Year (to date): 641 fires — 481,201 acres burned
- 2000 Calendar Year: 702 fires — 660,175 acres burned

- 1999 Calendar Year: 943 fires — 1,692,879 acres burned

Of the 2001 fires, 90 fires were caused by humans and burned 6,626 acres, and 561 were caused by lightning and burned 268,118 acres. The estimated suppression cost to date is \$24 million. Mr. Hull explained that the BLM can request “severity funding” to receive additional funds to supplement basic suppression programs.

In response to Chairman Rhoads, Mr. Hull clarified that the BLM does allow firefighting efforts at night, at the discretion of the Incident Commander. Further, Mr. Dondero noted that the USFS also fights fires at night.

### ***Mike Dondero***

Mike Dondero, previously identified, provided the following statistics regarding wildfires on lands under jurisdiction of the USFS:

- 2001 Calendar Year (to date): 323 fires — 61,778 acres burned
- 2000 Calendar Year: 308 fires — 27,825 acres burned
- 1999 Calendar Year: 237 fires — 15,564 acres burned

Of the 2001 fires, 65 fires were caused by humans and burned 52,215 acres, and 167 were caused by lightning and burned 9,567 acres. The estimated suppression cost to date is \$31 million.

Mr. Dondero noted that the estimated suppression cost for the above mentioned agencies does not represent fire suppression efforts solely on land managed by the respective agency, but represent agency costs for participation in all fire suppression efforts, including interagency efforts. He emphasized that interagency support is essential for fire suppression and also credited volunteer firefighters, especially in rural areas, for their initial attack efforts.

In response to Assemblyman Marvel, Mr. Dondero explained that the Incident Commander is charged with making the decision regarding starting a “backfire” or a “burn out.” Mr. Hull, previously identified, added that it is the policy of the BLM to minimize loss of native vegetation, which results in a minimum use of the backfire technique.

Mr. Goicoechea commended the interagency fire suppression efforts during the 2001 fire season and noted that of the few fires that occurred in Eureka County, the initial suppression efforts were successful.

Mr. Dondero requested the Committee view the map titled “2001 Wildland Urban Interface Initiative and Fuel Treatment Projects,” contained in Exhibit E, which illustrates all upcoming fuels treatment projects. He noted that prevention efforts, especially in urban interface areas, significantly reduce suppression costs by reducing fuels.

Mr. Anderson, previously identified, directed the Committee’s attention to a document titled “National Fire Plan (NFP) Program 2001 Initiatives Serving Nevada Communities and the Land,” contained in Exhibit E. He noted that funding for “hazardous fuels reduction” and “hazardous fuels cost share incentives” combined is almost \$1 million. Mr. Anderson also noted that historically, funding for volunteer fire assistance programs has been approximately \$20,000 annually. This area received a significant increase, which will help provide new tools and personal protection equipment.

### ***Meg Jensen***

Meg Jensen, Deputy State Director for Natural Resources, Lands, and Planning, BLM, spoke about fire rehabilitation efforts and projects conducted as part of the GBRI.

She informed the Committee that BLM is developing a rehabilitation plan for approximately 250,000 acres that burned during the 2001 fire season. The estimated cost is \$16 million.

Turning to past rehabilitation efforts, Ms. Jensen explained that in areas where precipitation is 12 inches or higher, restoration efforts have been successful. However, in areas that receive less than 12 inches of precipitation,

germination has not been good, but noted the seeds in these areas are viable for approximately 12 more months.

Ms. Jensen informed the Committee that BLM is focusing efforts on the production of a native seed supply development; however, the growers are experiencing difficulty obtaining seeds.

Regarding cheatgrass, Ms. Jensen provided the following information:

- At the Carson City and Winnemucca field offices, cheatgrass has been treated with herbicide and will receive a fall seeding. Success of the program will be evaluated;
- In Elko, sheep grazing is being used and studied to control cheatgrass; and
- The BLM is participating with a consortium of researchers from the University of Nevada, Reno, in a multi-year project to determine long-term methods that will be most successful for controlling cheatgrass. Approximately \$5 million has been secured for the project.

## **Update of Natural Resource Process and Status of Report Overview**

### ***Ed Skudlarek***

Ed Skudlarek, Natural Resource Planner, SDCNR, provided a document titled “Nevada Natural Resources Plan” and a printout of the Nevada Natural Resource Plan Web page directory (Exhibit F).

He began his presentation by describing “The Basic NRP” (Natural Resource Plan) and explained that in December 2000, the State Planning Team reviewed the proposed scope of work and desired outcomes of the NRP. In doing so, two assumptions were challenged: (1) data gathering, report preparation, issue assessment, and coordination; and (2) collaborative planning. The result was a change in the scope of work and scale of outputs, as follows:

- By June 2002 — finish input tasks and produce related reports on resource statutes, issues, agency plans, and resource status.
- From June 2002 through June 2003 — work on process tasks:
  - Identify agency involvement in the issues and determine which need more attention;
  - Prioritize the issues that need more attention and define related problems; and
  - Identify and evaluate alternative approaches to address and resolve priority issues.
- By June 2003 — forward recommendations to address priority issues.

Mr. Skudlarek explained that the SDCNR is providing access to information through the Nevada Natural Resource Plan Web site. Topics available online include technical reports and working documents.

Next, he discussed the “Nevada Natural Resources Status Report: Public Review Draft, June 2001” and explained the goals:

- Illustrate, from a statewide and regional perspective, the natural resource and environmental conditions utilizing data and information provided by agencies, professional conservation organizations, and research scientists;
- Prepare a single comprehensive report on the state of the environment in Nevada; and
- Build awareness of Nevada’s natural resource issues.

In conclusion, Mr. Skudlarek noted that the NRP Status Report is a cooperative effort and the final version will be released by December 2001.

## **Overview of Federal Mining Regulations — “3809” Surface Management Regulations for Locatable Mineral Operations (43 Code of Federal Regulations 3809)**

### ***Jo Simpson***

Jo Simpson, Chief, Office of Communications, BLM, addressed the Committee in place of Tom Leshendok, Deputy State Director for Minerals, BLM, who was unable to attend. Ms. Simpson explained that the Federal Mining Regulations had not been published to date, but are in the final stages. She offered to address the Committee once the regulations are finalized. She noted that the date by which all mines must comply with bonding regulations has been extended to November 20, 2001.

Assemblyman Neighbors expressed concern about how the new bonding requirements would affect small mines, to which Ms. Simpson deferred to Dave Gaskin, Chief, Mining Regulation and Reclamation, Nevada’s Division of Environmental Protection, SDCNR.

Dave Gaskin, previously identified, responded to Assemblyman Neighbors and explained that under the “3809” regulations, the major change with regard to bonding is that bonding must be posted for notice level activity under five acres. The regulation is in place but may be modified when the final revisions are published.

Assemblyman Neighbors commented that the regulation would destroy the small miner in Nevada.

## **PUBLIC COMMENT**

### ***Cliven D. Bundy***

Cliven D. Bundy, identified himself as a rancher and resident of Clark County, near Mesquite. Mr. Bundy is a rancher and represents the Nevada Committee for Full Statehood, the Nevada Live Stock Association, and “part” of the residents of Mesquite.

Mr. Bundy asserted that Nevada was created as a state sovereignty, and stated, “I think the United States government has plenty of things do just to protect our nation and I think the state of Nevada should be taking care of their own land.”

With regard to federal land sales, he opined that there is “something wrong with the whole process” and the city should be asking the Legislature to approve the land sales. He also asserted that the money should remain with the people who reside in the area in which the land was sold, rather than benefit the Federal Government.

### ***Terri Robertson***

Terri Robertson identified herself as Chairman of the Friends of Sloan Petroglyph Site and President of the Tule Springs Preservation Committee. She provided information regarding the Sloan Petroglyph Site and the Tule Springs Preservation Committee (Exhibit G).

Ms. Robertson first addressed the Sloan Petroglyph Site, which she explained is “one of the most internationally known archaeological and palentological sites in the world.” There is the possibility that two BLM land transfers may occur, which would threaten this area. She asserted that the land disposal lines must be redrawn.

Additionally, Ms. Robertson discussed the Tule Springs Preservation Committee, which is an advisory group to the Floyd R. Lamb State Park. She explained that funding is needed to conduct preservation activities in the park. She noted that U.S. Senator Harry Reid has requested input from interested parties to assist in the identification of areas to include in future federal legislation for a proposed Clark County Wilderness Bill that may be introduced during this congressional session. She suggested that this would be an opportunity for the state of Nevada to receive funding for the park and requested the Committee write a letter to Senator Reid in this regard.

## WORK SESSION

ASSEMBLYMAN MARVEL MOVED TO PROVIDE PERMISSION FOR THE LEGAL DIVISION TO WORK WITH CHAIRMAN RHOADS, SENATOR JAMES, R. MICHAEL TURNIPSEED, AND HUGH RICCI TO DEVELOP A BDR REGARDING THE STOCKWATER ISSUE. ASSEMBLYMAN NEIGHBORS SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

The Committee agreed that the BDR should be available for discussion at the next Committee meeting.

Next, discussion ensued regarding sending a letter from the Committee The Honorable George W. Bush, President of the United States, regarding water resource management. The Committee referred to two proposed versions pertaining to this discussion, provided by Linda Eissmann, previously identified (Exhibit H).

ASSEMBLYMAN MARVEL MOVED TO PROVIDE PERMISSION FOR CHAIRMAN RHOADS TO DRAFT A LETTER TO THE PRESIDENT OF THE UNITED STATES AND THE SECRETARY OF THE INTERIOR REGARDING WATER RESOURCE MANAGEMENT. ASSEMBLYMAN NEIGHBORS SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

The Committee agreed that the letter should be sent prior to the next scheduled meeting.

Chairman Rhoads noted that a document titled "United States General Accounting Office, Report to the Honorable George Miller, House of Representatives, September 2001, BLM and the Forest Service, Federal Taxpayers Could Benefit More From Land Sales" had been provided for the record by Philene E. O'Keefe, Government Relations Assistant, Wadhams & Akridge (Exhibit I).

There being no further business to come before the Committee, Chairman Rhoads thanked the speakers and adjourned the meeting at 3 p.m.

Exhibit J is the "Attendance Record" for this meeting.

Respectfully submitted,

Christine Kuhl  
Senior Research Secretary

Linda Eissmann  
Senior Research Analyst

APPROVED BY:

\_\_\_\_\_  
Senator Dean A. Rhoads  
Chairman

Date: \_\_\_\_\_

## LIST OF EXHIBITS

Exhibit A is a packet of information prepared for the Committee meeting that was provided by Linda Eissmann and Michael J. Stewart, Senior Research Analysts, Research Division, Legislative Counsel Bureau (LCB).

Exhibit B, provided by Alan Pinkerton, Manager of Environmental Planning, Clark County Comprehensive Planning Department, is a written statement of presented testimony.

Exhibit C, provided by Karen Shimamoto, Deputy Forest Supervisor, Humboldt-Toiyabe National Forest, United States Forest Service (USFS), is a written statement of presented testimony.

Exhibit D, provided by R. Michael Turnipseed, Director, State Department of Conservation and Natural Resources (SDCNR), is a document titled “Water in the West,” *A Range Publication*.

Exhibit E is a document titled “Interagency Overview of the 2001 Fire Season,” provided by Pete Anderson, Deputy State Forester, Nevada’s Division of Forestry, SDCNR; Mike Dondero, Fire Management Officer, Humboldt-Toiyabe National Forest, USFS; Kevin Hull, Fire Management Officer, Bureau of Land Management, Department of the Interior; and Meg Jensen, Deputy State Director for Natural Resources, Lands, and Planning, BLM, DOI.

Exhibit F is a document titled, “Nevada Natural Resources Plan” and a printout of the Nevada Natural Resource Plan Web page directory, provided by Ed Skudlarek, Natural Resource Planner, SDCNR.

Exhibit G is information regarding the Sloan Petroglyph Site and the Tule Springs Preservation Committee, provided by Terri Robertson during the public comment period.

Exhibit H, provided by Linda Eissmann, Senior Research Analyst, Research Division, LCB, are two draft versions of a Committee letter to the Honorable George W. Bush, President of the United States.

Exhibit I, provided for the record by Philene E. O’Keefe, Government Relations Assistant, Wadhams & Akridge, is a document titled “United States General Accounting Office, Report to the Honorable George Miller, House of Representatives, September 2001, BLM and the Forest Service, Federal Taxpayers Could Benefit More From Land Sales.”

Exhibit J is the “Attendance Record” for this meeting.

Copies of the materials distributed in the meeting are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. The library may be contacted at (775) 684-6827.

## LIST OF ACRONYMS

BDR	Bill Draft Request
BLM	Bureau of Land Management, DOI
DOI	United States Department of the Interior
EPA	United States Environmental Protection Agency
FLTFA	Federal Land Transaction Facilitation Act of 2000
GBRI	Great Basin Restoration Initiative
LCB	Legislative Counsel Bureau
NCA	National Conservation Area

NDF	Nevada's Division of Forestry
NDOT	Nevada's Department of Transportation
NRS	<i>Nevada Revised Statutes</i>
NRP	Natural Resource Plan
S.B.	Senate Bill
SDCNR	State Department of Conservation and Natural Resources
SNPLMA	Southern Nevada Public Lands Management Act of 1998
USFS	Forest Service, United States Department of Agriculture
USFWS	Fish and Wildlife Service, DOI
WSA	Wilderness Study Area