

**MINUTES OF THE MEETING
OF THE
LEGISLATIVE COMMITTEE ON PUBLIC LANDS
(Nevada Revised Statutes 218.5363)
November 1, 2001
Winnemucca, Nevada**

The second meeting of the Legislative Committee on Public Lands (Nevada Revised Statutes [NRS] 218.5363) during the 2001-2002 interim was held on Thursday, November 1, 2001, in the Winnemucca Convention Center, West Hall, 50 West Winnemucca Boulevard, Winnemucca, Nevada. Pages 2 and 3 contain the "Meeting Notice and Agenda" for this meeting.

COMMITTEE MEMBERS PRESENT:

Assemblyman John W. Marvel, Acting Chairman
Senator Mike McGinness (alternate)
Assemblyman Tom Collins
Assemblyman P.M. "Roy" Neighbors
Peter J. Goicoechea, Eureka County Commissioner

COMMITTEE MEMBERS EXCUSED:

Senator Dean A. Rhoads, Chairman
Senator Terry Care
Senator Mark A. James

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Linda Eissmann, Senior Research Analyst, Research Division
Michael J. Stewart, Senior Research Analyst, Research Division
R. René Yeckley, Principal Deputy Legislative Counsel, Legal Division
Christine Kuhl, Senior Research Secretary, Research 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: Thursday, November 1, 2001
10 a.m.

Place of Meeting: Winnemucca Convention Center
West Hall
50 West Winnemucca Boulevard
Winnemucca, Nevada

A G E N D A

I. Opening Remarks and Introductions

*II. Reports to the Committee

- A. Update of Public Lands Issues in Humboldt and Pershing Counties
Alex “Buster” Duferrena, Humboldt County Commissioner
Roger Mancebo, Pershing County Commissioner
- B. Status of Black Rock National Conservation Area Resource Management Plan and Environmental Impact Statement
Terry Reed, Winnemucca Field Manager, Bureau of Land Management (BLM), Department of the Interior
Mark Farman, Public Lands Planner, Division of State Lands, State Department of Conservation and Natural Resources (SDCNR)
- C. Briefing of the Title Transfer of the Humboldt Project
Bennie Hodges, Manager, Pershing County Water Conservation District
- D. Rehabilitation and Recovery of Fire Damaged Areas
Steve Robinson, State Forester, Nevada Division of Forestry, SDCNR
Meg Jensen, Deputy State Director for Natural Resources, Lands, and Planning, BLM
- E. Status of BLM Wild Horse and Burro Management Strategy
Meg Jensen, Deputy State Director for Natural Resources, Lands, and Planning
Catherine Barcomb, Administrator, Nevada’s Commission for the Protection of Wild Horses
- F. Update on Nevada’s Public Land Policy
Pamela B. Wilcox, Administrator, Division of State Lands
Mark Farman, Public Lands Planner, Division of State Lands
- G. Briefing of the Status of the Governor’s Sage Grouse Conservation Plan
Representative, Governor’s Sage Grouse Committee
- H. Status of Federal 3809 Surface Management Regulations for Locatable Mineral Operations (43 *Code of Federal Regulations* 3809)
Dave Gaskin, Chief, Mining Regulation and Reclamation, Nevada’s Division of Environmental Protection, SDNCR
Tom Leshendok, Deputy State Director for Minerals, BLM
- I. Economic Overview and Update of Mining and Exploration Activities
Alan R. Coyner, Administrator, Nevada’s Commission on Mineral Resources
Russ Fields, President, Nevada Mining Association

***III Discussion of a Possible Bill Draft Request to Amend the Statute that Restricts the Issuance of Certain Stockwatering Permits and Certificates (*Nevada Revised Statutes 533.503*)**

IV. Public Comment

***V. 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

OPENING REMARKS AND INTRODUCTIONS

Acting Chairman Marvel called the meeting to order at 10:10 a.m., welcomed those in attendance, introduced the Committee members and staff, and noted a quorum was present. He explained the Committee travels throughout the state during the interim periods to hear testimony regarding public lands in Nevada and its rural areas.

A packet of information containing materials pertinent to the meeting was provided by Linda Eissmann, Senior Research Analyst, Research Division, Legislative Counsel Bureau (LCB), Carson City (Exhibit A).

REPORTS TO THE COMMITTEE

Update of Public Lands Issues in Humboldt and Pershing Counties

Alex "Buster" Duferrena and Roger Mancebo

Alex "Buster" Duferrena, Humboldt County Commissioner, Winnemucca, spoke concerning the amount of acreage burned by fires in Humboldt County. He noted that of Humboldt County's 6,200,000 acres, 837,000 burned in the last ten years and another large fire is a concern. Chairman Marvel remarked that this was a problem not only for Humboldt and Pershing Counties, but for Washoe County as well.

Roger Mancebo, Pershing County Commissioner, Lovelock, commented on the lack of rain in Pershing County. He noted during this fire season, less acreage was burned than in the previous two years due to the well-prepared fire system of the Bureau of Land Management (BLM), United States Department of the Interior (DOI). He also revealed that Pershing County's main issue to address this year is the sage grouse, which is of concern to the ranching, farming, and mining industries. Chairman Marvel agreed with Mr. Mancebo that this is a major concern and noted many industries would be affected if the sage grouse were listed as a threatened or endangered species. Consequently, the Committee plans to make every effort to assist in prevention of a listing. He also explained that Governor Kenny C. Guinn was expected to make a formal presentation of a sage grouse strategy in the coming days. Chairman Marvel noted the following agencies were involved in formulating a plan, which will address conservation and improvement of sage grouse habitat:

- The Bureau of Land Management;
- United States Forest Service (USFS), United States Department of Agriculture (USDA);
- United States Fish and Wildlife Service (USFWS), DOI; and
- Nevada's Division of Wildlife (NDOW), State Department of Conservation and Natural Resources (SDCNR).

Turning to a different topic, Mr. Duferrena offered an invitation to visit the recently completed Pershing County Events Center. Chairman Marvel expressed interest and noted, time permitting, he would visit the center.

Mr. Goicoechea questioned Mr. Duferrena regarding the acreage burned in Humboldt County, specifically the amount of acreage affected by multiple burns. Mr. Duferrena stated that information regarding multiple burns was not available. However, Mr. Mancebo commented that Pershing County experienced very little re-burn due to good management practices and noted the largest "enemy" is the lack of moisture.

Assemblyman Collins emphasized that grazing should be an alternative in the management of fuel load. Responding to Assemblyman Collins' remarks, Mr. Duferrena noted one of the biggest challenges is to get water onto the acreage.

Status of Black Rock National Conservation Area Resource Management Plan and Environmental Impact Statement

Robert V. Abbey

Robert V. Abbey, Nevada State Director, Nevada State Office, BLM, DOI, Reno, expressed his appreciation for the opportunity to update the Committee on actions and programs occurring on public lands in Nevada. He introduced BLM staff members who would be testifying on agenda topics.

Terry Reed

Terry Reed, Winnemucca Field Manager, BLM, Winnemucca, provided a document titled "RAC NCA Subgroup Members List (9-24-04)" (Exhibit B) and addressed the Black Rock National Conservation Area (NCA). Information presented included the following:

- Public meetings were held to provide information regarding the NCA and related maps depicting area boundaries and roads.
- Because field offices in Winnemucca and Cedarville, California, jointly administer the NCA, the Cedarville office was contacted to develop an approach to accomplish unified management of the area.
- Development of a preparation plan, which is required for further planning and funding approval.
- A Community Partnership course was held that included approximately 35 participants interested in becoming actively involved in the planning process.
- Implementation of signage around most accessible perimeters of the Wilderness Areas.

In response to Chairman Marvel, Mr. Reed responded there are 750,000 acres designated as Wilderness Areas and 750,000 acres of NCA, with some overlap between the two. The total designation is 1.2 million acres. He explained that legislation containing a technical amendment to address confusion in the original legislation was passed by the United States Congress and is awaiting signature by President George W. Bush.

Continuing discussion of the public involvement process, Mr. Reed reported BLM met with two resource advisory councils (RACs): (1) Northeastern California; and (2) Northwestern Nevada. It was determined that the best approach for the RACs was to form a subgroup that included members from both RACs. Invitations and press releases were utilized to encourage participation in this diverse subgroup. (Please see Exhibit B for a list of members.)

Mr. Reed explained that at the request of Governor Guinn, Nevada's Division of State Lands (NDSL), SDCNR, has formed a State Black Rock Team (herein referred to as "the Team") to provide coordination amongst state agencies involved in planning activities. (Additional information is contained in a document titled "The State Black Rock Team," provided by Mark Farman, Public Lands Planner, NDSL [Exhibit C]). Mr. Reed indicated a contractor has been retained to assist in development of a management plan, public outreach, construction of a Web site, and printing of the final plan. He reported the planning process must be completed by December 2003. Mr. Reed explained that there are interim guidelines for management of the Wilderness Areas, as well as existing management plans that will be utilized by the Team. Additionally, public involvement has been encouraged during all stages of planning. Landowners adjacent to or within the NCA were invited to a meeting to address issues including access and how adjoining or surrounding Wilderness Areas will affect residents.

Mr. Reed informed the Committee there would be nation-to-nation consultations with any interested Native American Tribes, as well as meetings with the USFWS to address threatened and endangered species. He also explained that a recovery plan related to the Lahontan Cutthroat Trout in a number of streams in the eastern and northern portions of the area is ongoing.

In response to Chairman Marvel, Mr. Reed estimated there are approximately 5,000 acres of private land within the

NCA and a similar amount around the perimeter, with approximately 40 to 50 owners of record.

Senator McGinness made reference to a letter dated February 14, 2001, to Gale A. Norton, Secretary of the Interior, from Governor Guinn, contained in Exhibit C. He asked if the 19,000 acres that included livestock permittees, valid mining claims, and private landowners was a correct estimation. Mr. Reed responded he would verify the figure and present the information to the Committee.

Chairman Marvel questioned if the privately held lands would be “traded out” or become managed inholdings, to which Mr. Reed explained each case would be addressed separately, depending on the individual landowner’s requirements. He noted the BLM must provide reasonable access to the inholdings and/or provide opportunities to exchange or purchase the property. Addressing Chairman Marvel’s inquiry, Mr. Abbey, previously identified, commented that no inholdings for acquisition have been identified and as dialogue proceeds with the landowners any issues regarding land use will be addressed.

Mr. Reed expressed his opinion that lands outside of the designated Wilderness Area co-existing with ranches and other activities compliment the NCA designation since these activities are “spin-offs” of the main focus, the High Rock Canyon Emigrant Trail, and are part of the historic picture. General discussion ensued relating to activities on the California Trail that may tie into the High Rock Canyon Emigrant Trail.

Turning to a new topic, Mr. Reed discussed another activity — a science symposium scheduled in the first quarter of 2002. The symposium is intended to draw academic experts with current research and scientific information that would be helpful in development of the NCA management plan. Continuing, Mr. Reed explained the planning process, utilizing a large graphic illustration, which included the following:

- Notice of Intent;
- Scoping;
- Issue development;
- Public information;
- Draft plan;
- Environmental Impact Statement (EIS) and comment period;
- Comment workshops;
- Consultation with tribes and other agencies;
- Analysis of comments;
- Development of the proposed plan;
- Final EIS;
- Governor’s consistency review and comment period;
- Issuance of Record of Decision, which includes a protest period; and
- Finalize Decision after all issues are resolved.

Continuing, Mr. Reed utilized a map to illustrate the Wilderness Areas and the NCA, and he noted the areas with recent technical amendments and boundary adjustments. Concern was expressed with regard to Wilderness Study

Areas (WSAs) designated in the 1980s that were released as a result of legislation; some are included in the NCA, while others are no longer under consideration for designation as a Wilderness Area.

Chairman Marvel voiced his concern about WSAs that were never considered for designation as a Wilderness Area by the U.S. Congress. Further, he inquired if U.S. Representative James V. Hansen (R-Utah) was still involved with the WSA topic, noting it had been a priority. Mr. Abbey responded that Representative Hansen had led some discussions relative to introducing a “sunset bill” for BLM-managed WSAs, explaining that the bill was introduced but did not receive a hearing.

Vice Chairman of the Legislative Committee on Public Lands’ Wilderness and Wilderness Study Areas Subcommittee, Assemblyman Neighbors requested Mr. Abbey’s attendance at the Subcommittee’s November 19, 2001, meeting. He asked Mr. Abbey to provide clarification on federal policy issues regarding WSAs, particularly those areas that do not qualify as wilderness due to a disturbance and have not been restored to multiple-use. Mr. Abbey responded that the BLM was looking forward to working with the Subcommittee regarding wilderness designations and releases for other uses. He anticipates that over the next two to three years a consensus could be reached with regard to making recommendations to the U.S. Congress for designation of WSAs as Wilderness Areas. He informed Assemblyman Neighbors that a representative from BLM would be at every meeting of the Subcommittee to provide insight and information pertaining to WSAs and the Wilderness Area designation process. He also noted that it requires a Congressional action to release to multiple-use an area previously designated as a WSA. Until that occurs, the BLM must protect and manage each WSA as if it were a Wilderness Area.

Assemblyman Neighbors noted that meetings of the Legislative Committee on Public Lands and the Wilderness and Wilderness Study Areas Subcommittee are “very important” because resultant Bill Draft Requests (BDRs) must be submitted to the Legal Division of the LCB by September 2002. He encouraged participation and attendance at the Subcommittee’s meetings and noted the scheduled meeting dates, as follows:

- November 19, 2001, in Las Vegas;
- December 6, 2001, in Pioche;
- February 15, 2002, in Tonopah;
- March 7, 2002, in Reno;
- May 3, 2002, in Ely; and
- July 12, 2002, in Carson City.

Returning to an earlier discussion, Mr. Goicoechea questioned if it would have been more beneficial to have developed the Team and the RAC subgroup prior to designation of the Black Rock NCA. Mr. Abbey clarified that the RACs were in place prior to the designation and indicated the BLM had been working with various groups interested in the Black Rock Canyon Recreation Plan. He further noted that for the past three to four years, the Western Governors’ Association has been utilizing a philosophy called “Enlibra” (discussed later in the testimony of Mark Farman). Additionally, federal agencies have been discussing development of collaboration and cooperation at the local level utilizing community-based planning. He remarked that the easy method would be for BLM to produce the plan, but the correct approach is to bring in everyone who would like to participate, therefore resulting in a better plan.

Mr. Reed commented that the original legislation withdrew all of the land in the NCA and Wilderness Areas from mineral acts, including the Mineral Materials Act. Further, it required the BLM to maintain the existing road system. He noted these provisions were changed by a technical amendment, which authorized BLM to use sand and gravel or mineral materials for road maintenance.

Responding to an inquiry from Chairman Marvel, Mr. Reed estimated there are between 50 to 100 miles of county roads either within or on the boundaries of the NCA. A benefit of the designation is the opportunity to develop a

comprehensive transportation plan, which would identify roads to ensure the appropriate agency is maintaining those roads for public access.

Mark Farman

Mark Farman, Public Lands Planner, NDSL, SDCNR, Carson City, provided a document titled “The State Black Rock Team” (Exhibit C) and presented the Committee with an overview of the Team. He explained that after the NCA legislation was passed, Pamela B. Wilcox, Administrator, NDSL, SDCNR, Carson City, and the Governor’s office produced the letter contained in Exhibit C, which led to the establishment of the Team. The purpose of the Team is to assist the BLM Planning Team, which is responsible for completion of the work.

In response to a question from Chairman Marvel, Mr. Farman responded he did not know if the Team had been given legal status. Mr. Abbey, previously identified, interjected that some designations throughout the United States have included specific authority to create a citizens’ committee; this legislation does not. However, because it was known that involvement by willing participants would be necessary, the RACs were utilized because they hold legal standing as advisory boards to the BLM. He indicated the subgroup composed has the best legal standing that could be achieved within the specific legislation.

Continuing his query regarding the Team, Chairman Marvel asked if the Nevada Association of Counties agreed with the approach. Mr. Farman replied in the affirmative and continued his presentation by endorsing members of the Team, explaining their expertise and contributions to the Team’s project. Mr. Farman’s area of focus is the socio-economic group.

Briefing of the Title Transfer of the Humboldt Project

Bennie Hodges

Bennie Hodges, Manager, Pershing County Water Conservation District (herein referred to as “the District”), Lovelock, shared background information on the Humboldt Project, explaining it includes acreage in the Humboldt Sink, Rye Patch Reservoir, and Community Pasture in Lander County. He asserted that by virtue of assuming its management 25 years ago, the Humboldt Project was “purchased” and transfers of the land titles should occur.

He continued to explain the District’s make-up, which includes two types of grounds: (1) private lands purchased specifically for the project; and (2) withdrawn lands (federally managed lands, mostly BLM). The District’s constituents are seeking title to the private lands in Rye Patch Reservoir and 30,000 acres in Lander County, north of Battle Mountain. During the last five years, the District has been following guidelines of the Bureau of Reclamation (BOR), DOI, for title transfer by holding scoping sessions to address public concerns and use of the land.

Mr. Hodges noted the following concessions have been reached:

- Lander County will receive 1,100 acres in Community Pasture for a sewage treatment plant, industrial park, primitive campground area, hiking, access corridor to the Humboldt River for recreation, title to the rodeo and livestock event center grounds, and maintenance shop.
- A conceptual agreement has been signed with the state to address concerns related to the management of lands by the Division of State Parks (NDSP), SDCNR, within Rye Patch State Recreation Area and a pool for fisheries at Rye Patch Reservoir.
- Ownership of the withdrawn lands in the Humboldt Sink and Rye Patch Reservoir would go to the state.
- Ownership of the acquired lands would go to the District, although the land in the Rye Patch State Recreation Area associated with the state park would continue to be managed by NDSP.

Chairman Marvel related previous problems experienced with the BOR and NDOW and asked if the BOR had expressed a willingness to negotiate. In response, R. Michael Turnipseed, Director, SDCNR, Carson City, explained that negotiations had taken place, which resulted in an agreement on the number of acres allocated to State Parks and

NDOW.

Additionally, Mr. Hodges, identified previously, explained that BOR would assist in obtaining the legislation and conveyances necessary for the transfer.

Mr. Turnipseed noted the next issue to be addressed is placement of water to the lands. The District will maintain grazing rights to approximately 6,000 acres until the state can resolve the water issues.

Chairman Marvel questioned how long it would be before legislation would be enacted; specifically, if it could occur during the current Congressional period. Mr. Hodges did not anticipate any action until next year. Mr. Hodges explained that U.S. Senator Harry Reid (D-Nevada) and the BOR are meeting to decide on the legislation's wording and Senator Reid will introduce the legislation.

Rehabilitation and Recovery of Fire Damaged Areas

Pete Anderson

Pete Anderson, Deputy State Forester, Nevada Division of Forestry (NDF), SDCNR, Carson City, appeared on behalf of Steven Robinson, State Forester, NDF, SDCNR, Carson City.

Mr. Anderson provided the Committee with an update on the Seed Bank Program and explained that 20,000 pounds of seed will be utilized this year, which is an increase over last year. The NDF is applying for a number of grants to obtain additional staff members and equipment to ensure the Seed Bank Program progresses. Additionally, the USFS Nursery Program has received tentative approval of a \$400,000 grant. The grant will fund the position of Seed Bank Coordinator and provide new equipment and storage facilities in either Carlin or Winnemucca.

Chairman Marvel asked if there were problems obtaining seeds. Mr. Anderson replied that there had been some fires in the native planting sources, but overall the NDF has been able to meet demands.

Gary Zanino

Gary Zanino, Northern Regional Manager, Winnemucca Office, NDF, SDCNR, Winnemucca, spoke regarding private land rehabilitation in Elko, Eureka, Humboldt, Lander, and White Pine Counties. He explained that NDF is assisting nine separate landowners by providing rangeland drills, 4-wheel drive quad seeders, seed, or a combination of the items on 2,240 acres of private lands damaged this fire season. The state has jurisdiction to rehabilitate private lands damaged during fire suppression activities such as dosser lines, hand lines, and staging areas. Nine areas are undergoing rehabilitation, totaling 84 miles of dosser lines on 201 acres. There is also work being conducted to create an interagency Seed Bank in the northeast portion of the state. Additionally, on behalf of the Natural Resource Conservation Service, Mr. Zanino reported 19 private landowners are carrying out reseeding activities with the Natural Resource Conservation Service to affect emergency watershed protection on 8,600 acres in the same geographical area.

Responding to questions from Chairman Marvel, Mr. Zanino explained that:

- A cooperative effort between the BLM and the USFS has resulted in defensible space and fuel reduction projects;
- Implementation of a maintenance program for green strips is essential to ensure their ability to suppress fire; and
- The Nevada Association of Counties is acting as a clearinghouse between the state and the counties, which has resulted in the resolution of significant budget issues in eight northern counties.

Mr. Anderson, previously identified, interjected that Elko County did not pay their share of the cost allocation, which resulted in a \$113,000 deficit for Fiscal Year 2001-2002. He was of the opinion that if county revenues do not change, a quarter of Elko County's firefighting workforce would be lost.

Meg Jensen

Meg Jensen, Deputy State Director for Natural Resources, Lands, and Planning, BLM, DOI, Reno, provided a folder marked "Nevada Bureau of Land Management" (Exhibit D), which includes statistics on rangeland rehabilitation for fires that occurred in 1999, 2000, and 2001. She noted that a substantial funding increase appropriated in 2000 by the U.S. Congress allowed BLM to improve suppression resources.

Turning to the subject of rangeland rehabilitation, she reported that 650,000 acres of BLM land burned this year. However, she noted the good news for 2001 is that 93 percent of BLM fires were contained before they burned 100 acres. In response to an earlier question regarding land subject to multiple fires, Ms. Jensen explained that BLM has been conducting mapping for the northern part of the state and concluded there are a substantial number of areas where lightening strikes resulted in cheatgrass burns on areas with previously unburned vegetation. She noted 10 percent of BLM lands have been subject to reburn over the last 20 years.

Chairman Marvel inquired if aerial seeding is more effective than drill seeding. Ms. Jensen responded that it depends on the habitat, noting at higher elevations aerial seeding is very successful, whereas drill seeding is effective in lower elevations, although more labor intensive.

In response to Assemblyman Neighbors, Ms. Jensen informed the Committee that aerial seeding is usually conducted during winter months.

Assemblyman Collins asked if there is a relationship between power link corridors and an increased number of lightening strikes resulting in fires. A second question involved an interest in cloud seeding in coordination with aerial or drilling seeding. Chairman Marvel mentioned the Desert Research Institute (DRI), University and Community College System of Nevada, has received funding for cloud seeding, which has been performed since the 1960s. Ms. Jensen said she knew of no coordination between cloud seeding and aerial or drilling seeding efforts.

Mr. Abbey, previously identified, interjected that although BLM has worked closely with DRI for many years, there has been no coordination between cloud seeding and rehabilitation. Regarding the inquiry about lightening strikes and utility lines, Mr. Abbey was aware of theories, but explained there is no documentation that leads to conclusive evidence in support of the correlation.

In addition to the statement made by Ms. Jensen regarding the status that 93 percent of BLM fires were contained before 100 acres burned, Mr. Abbey credited the increased efforts of volunteer fire teams.

Responding to questions from Chairman Marvel, Mr. Abbey replied that:

- The BLM was dependant on the conservation camp firefighters and will continue to rely upon them in the future; and
- It would take several years before any change in fire patterns would be seen if grazing practices were revised and implemented. He further noted that grazing is not the total answer, but it is a tool to utilize in achieving goals and reducing fuels on public lands.

Robert Vaught

Robert Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, USDA, Reno, introduced a number of new USFS employees that would be testifying and attending future meetings on behalf of the Humboldt-Toiyabe National Forest. Concerning the grazing issue, Mr. Vaught opined that good grazing practices and good fire management go hand-in-hand.

In response to Chairman Marvel, Mr. Vaught noted that controlled burns were ongoing. Mr. Abbey, previously identified, interjected that the BLM performs prescribed fires throughout the state.

Assemblyman Collins inquired as to what arrangements are made when burning a grazing allotment, specifically, is

an alternate allotment provided and how soon can livestock be returned to burned areas. Mr. Vaught responded by explaining each situation is different and depends on the circumstances, but good cooperation is the key to success. Mr. Abbey, previously identified, responded that the BLM is sensitive with regard to prescribed fires that would close allotments; all alternatives for the permittee are reviewed to lessen the burden. He added that wildland fires over the last three years have impacted many alternative grazing areas. Additionally, it has been standard practice for BLM to restrict grazing on burned allotments for two years to allow for range recovery. While studies have shown that in some areas grazing could resume in less than two years, drought conditions over the last three years have affected rehabilitation efforts due to the lack of moisture.

In response to Chairman Marvel, Mr. Vaught explained the USFS has not opened any unutilized allotments due to a lack of funding and workforce; therefore, the USFS cannot meet its responsibilities to permittees. He revealed that the USFS currently has one-third the funding and workforce that it had ten years ago.

Jose Noriega

Jose Noriega, District Ranger, Santa Rosa Ranger District, USFS, USDA, Winnemucca, reported one allotment existed within the Santa Rosa District upon which a BLM permittee ran cattle on last year. Further, there is one allotment currently vacant that may be opened to a BLM permittee as a result of the Upper Willow wildfire.

Mr. Noriega submitted a document titled "Upper Willow Wildlife Humboldt-Toiyabe National Forest, Santa Rosa Ranger District" (Exhibit E), without further testimony.

Update on Nevada's Public Land Policy

Pamela B. Wilcox

Pamela B. Wilcox, previously identified, reviewed Senate Bill 40 (Chapter 587, *Nevada Revised Statutes* 1983), which was passed during the 1983 Legislative Session, and explained the bill attempted to take advantage of the "consistency language" in the Federal Lands Policy and Management Act of 1976 (FLPMA) (contained within Exhibit D) by having the state proactively develop policies and plans for federally managed lands. She explained that since then, Nevada has developed a plan for its federally managed lands and individual plans for Nevada's 17 counties. During the late 1980s and early 1990s, funding was not available and, consequently, no action was taken on the plans; however, in the last few years, actions have resumed. In conclusion, Ms. Wilcox introduced Mark Farman, previously identified, extolling his expertise with regard to public land policies.

Mark Farman

Mark Farman, previously identified, provided the following information relative to public land policies (Exhibit F):

1. A brochure titled "Enlibra: A New Shared Doctrine for Environmental Management, Questions and Answers, Developed by the Western Governors' Association in December 1997";
2. A PowerPoint presentation titled "Public Land Policy Update"; and
3. A document titled "Summary of Public Workshop Comments."

Mr. Farman presented a Microsoft PowerPoint presentation, and made reference to the "Enlibra" brochure and "Summary of Public Workshop Comments." Please refer to Exhibit F for details of the presentation. An update of the Public Land Policy in the following areas was provided:

- Purpose;
- Approach and Schedule;
- Enlibra Principles;

- Enlibra Case Studies;
- General Agreements;
- Controversy;
- Ideas from Workshops; and
- Possible Funding Sources.

Assemblyman Neighbors made reference to public land sales and questioned how current policies conflict with proposed use of funds from public land sales. Ms. Wilcox, previously identified, noted the proposal would require new legislation because current legislation allows funds from public land sales to be used statewide, while Clark County supports the use of such funds to remain in the county that generates the sales. Ms. Wilcox made reference to the Southern Nevada Public Lands Management Act of 1998, noting it was passed specifically for the state of Nevada and provides for the sale of identified BLM lands in Clark County. She further noted the proceeds can be used throughout the state for a variety of functions, including: (1) administrative costs; (2) statewide land acquisition; (3) parks, trails, and natural areas in collaboration with local governments in Clark County; (4) facility improvements at the federal facilities in Clark County; and (5) the multiple species habitat conservation plan. In contrast, Ms. Wilcox stated that the Valles Caldera Preservation Act, also known as the “Baca Ranch Bill” (Public Law No. 106-248), allows the BLM to sell selected federal lands in the West; 85 percent of the proceeds must remain in Nevada. However, the funds can only be used to acquire land within specially designated areas or directly adjacent to such areas.

Mr. Farman concluded by asking for input from Committee members and other interested parties with regard to Nevada’s Public Land Policy. Ms. Wilcox reiterated the request for input.

Turning to a new topic, Ms. Jensen, previously identified, commented that by protecting sage grouse habitats, the pigmy rabbit habitats would also be protected. She noted that pigmy rabbits are confirmed in 14 locations around the state in “decadent sagebrush communities.”

Addressing another topic, Assemblyman Collins asked Ms. Wilcox if she had been contacted regarding federal involvement with the petroglyphs in Clark County. Ms. Wilcox replied that she was not in attendance of the Committee’s September 28, 2001, meeting where this topic was discussed and had not been contacted by Terri Robertson, Chairman, Friends of Sloan Petroglyph Site, and President of the Tule Springs Preservation Committee.

Mr. Farman responded to a inquiry from Assemblyman Collins and agreed that coordinated right-of-way planning for citing of power lines and gas pipelines is necessary since 87 percent of Nevada’s public lands are federally managed. He indicated that the implementation of a mill tax has not been researched at this time.

Senator McGinness commented that power lines and power plants are taxed on a property tax basis and are centrally assessed, which allows revenue to be returned to counties.

Status of BLM Wild Horse and Burro Management Strategy

Meg Jensen and Catherine Barcomb

Meg Jensen, previously identified, reported the BLM has completed the first year of the Wild Horse and Burro Program. She made reference to BLM’s “Revised Tactical Plan” and select statistics contained in Exhibit D, as follows:

- Fiscal Year 2001 — 6,400 animals were removed from Nevada rangelands and 145 adopted through three

adoption events in Nevada;

- Fiscal Year 2002 — Anticipate removing 7,600 animals from rangeland in Nevada;
- Fiscal Year 2003 — Goal is to remove 5,000 animals from rangeland; and
- Fiscal Year 2004 — Goal is to remove 6,000 animals from rangeland.

Ms. Jensen explained two additional aspects of the wild horse and burro management strategy: (1) the creation of the National Wild Horse and Burro Foundation, a charitable, nonprofit organization with an emphasis on adoptions; and (2) work with Nevada Prison Industries to establish a holding facility and training program. She also revealed there is interest in a National Wild Horse and Burro Center in Nevada.

Catherine Barcomb, Administrator, Nevada's Commission for the Preservation of Wild Horses, SDCNR, Carson City, was of the opinion that the National Wild Horse and Burro Center would be "up and running" very soon. In response to an inquiry made by Mr. Goicoechea, Ms. Jensen explained the center is an interagency, intergovernmental effort, with provided funding from private donations and agency contributions.

In response to an inquiry made by Chairman Marvel, Ms. Jensen responded that the appropriate management level for Nevada is between 13,000 and 14,000 animals.

Mr. Goicoechea asked for clarification regarding horses in sanctuary. Ms. Jensen replied that two sanctuaries exist and a third is "in the works." Horses that are adoptable are adopted out and those that are too old are sent to sanctuaries in the Midwest. A goal of the program is to leave a good mix of ages in the herd management areas because it improves herd health.

Ms. Barcomb provided a document titled "Wild Foal Program" (Exhibit G) and explained that the Silver Springs Conservation Camp, a women's detainment facility, will be assisting the BLM by providing specialized care to foals. As this and other prison programs become more established, another objective is to develop a prison program to train dogs to assist the blind.

Briefing of the Status of the Governor's Sage Grouse Conservation Plan

San Stiver

San Stiver, Staff Biologist, NDOW, SDCNR, Carson City, stated his primary assignment includes conservation of pigmy rabbits and sage grouse. He explained there has been a steep decline in sage grouse population over the past 20 years, not only in Nevada but also throughout the country. The decline prompted several organizations to petition for the listing of sage grouse under provisions of the Endangered Species Act. In Douglas, Esmeralda, Lyon, and Mineral Counties there appears to be a distinct subspecies of sage grouse that could be listed individually, separate from any proposed national listing. Last year, Governor Guinn formed a team of diverse stakeholders within Nevada to address sage grouse and its decline. The team's goal was to develop a conservation strategy that would proactively attempt to halt the decline of sage grouse and eliminate or minimize the chance of a listing. He explained that because the sage grouse is present in most of the Western states, each state has its own conservation plan tied to its particular needs. Mr. Stiver noted the Governor would be announcing the Sage Grouse Conservation Strategy for Nevada on November 6, 2001.

Chairman Marvel inquired as to the activities being conducted in other states. Mr. Stiver responded that a National Framework Team is monitoring the output and progress of each state to ensure all are working toward a common end result, such as conservation agreements for all populations of sage grouse. He noted activities in other Western states as follows:

- Colorado has completed eight local conservation plans and implemented approximately six plans;
- Idaho and Utah are drafting plans utilizing local working groups;

- Oregon is drafting a conservation plan;
- Washington has declared the sage grouse as a state endangered species;
- Wyoming has formed a statewide group to develop a conservation plan; and
- There are no sage grouse in Arizona or New Mexico.

Continuing his testimony, Mr. Stiver revealed the goal of the Governor's Sage Grouse Team is to create a healthy and self-sustaining sage grouse population that is well distributed throughout the species' historic range. This can be achieved by maintaining and restoring ecologically diverse sagebrush ecosystems and implementing scientifically sound management practices.

Six local-area planning groups in Nevada will be meeting on November 28, 2001, to discuss Nevada's sage grouse conservation plan. The groups are:

1. Elko County (has completed a conservation plan);
2. Modoc County, California, and Washoe County (birds travel over the state's borders);
3. Churchill, Humboldt, and Pershing Counties;
4. Douglas, Esmeralda, Lyon, Mineral, and Storey Counties;
5. Eureka and Lander Counties; and
6. Lincoln and White Pine Counties.

Mr. Stiver informed the Committee that a proposed timeline for planning includes an April 2002 meeting to review progress. It is anticipated that all conservation plans will be completed by 2003, at which time the local plans will be combined into a statewide plan and implemented.

Status of Federal 3809 Surface Management Regulations for Locatable Mineral Operations (43 *Code of Federal Regulations* 3809)

Tom Leshendok and Dave Gaskin

Tom Leshendok, Deputy State Director for Minerals, BLM, DOI, Reno, directed the Committee's attention to a PowerPoint presentation titled "43 CFR 3809," contained in Exhibit D. He explained the document outlines amended rules for surface management of exploration and mining operations on public lands.

Dave Gaskin, Chief, Mining Regulation and Reclamation, Nevada's Division of Environmental Protection, SDNCR, Carson City, announced the BLM has issued its final rules, 43 *Code of Federal Regulations* [CFR] 3809 (herein referred to as "3809"). He noted the following state agencies are reviewing the new code:

- The Office of the Attorney General;
- Nevada's Division of Environmental Protection, SDCNR; and
- Nevada's Division of Minerals, Department of Business and Industry.

Mr. Gaskin reported that the state of Nevada's lawsuit against BLM was stayed until November 1, 2001, resulting in a collaborative effort between the state and the U.S. Department of Justice to file a 30-day extension to review the new rules and recommend how to proceed. He was of the opinion the BLM is addressing the more serious concerns

in the latest rules.

Mr. Goicoechea asked when the comment period would be held. Mr. Leshendok explained the rules are “final rules,” published on October 30, 2001, and took effect December 31, 2001. Mr. Gaskin noted that along with the final rules, new proposed rules that are almost identical to the final rules were published, which allows a further comment period and discussion for additional changes required for 3809. Further, Mr. Leshendok stated that new issues were raised relating to cooperative agreements and performance standards, which invited more public comment. He pointed out that the final rules have several major differences from the existing rules, as outlined on page 4 of the PowerPoint presentation contained in Exhibit D.

Mr. Goicoechea addressed issues related to small mining operations on five acres or less and the bonding required for a “hole in the ground.” Mr. Leshendok explained the DOI retained the regulation that requires bonding for all mining operations (notices and plans) regardless of size. This means that anything above casual use, for example, walking on public lands or picking up rocks, will require a bond. At the present time, the five-acre limitation only applies to exploration.

Assemblyman Neighbors asked a hypothetical question: if a small operator went into an area that had been previously disturbed in the early 1900s, would he be required to bond for the previous damage or just new damage that might occur? Mr. Leshendok responded by explaining that bond requirements apply only to new operations, not prior damage. Additionally, for notices that were in existence prior to the new regulations, there is a two-year period before bonding will be required.

In response to Assemblyman Neighbors, Mr. Leshendok reported the new 3809 regulations are consistent with both the Mining Law of 1872 and FLPMA.

Chairman Marvel questioned if the regulations address the mill site acreage, to which Mr. Leshendok responded that they do not. However, there has been a decision made by the BLM Solicitor regarding mill sites specific to the situation in Southern California. A final answer is expected in the near future. Inquiring further, Assemblyman Marvel asked what would be considered reasonable acreage for a mill site. Mr. Leshendok reported it is evaluated on a site-by-site basis.

Russ Fields

Russ Fields, President, Nevada Mining Association (NMA), addressed the 3809 regulations and explained there has not been enough time to “digest” the new rule or how it will affect NMA’s members; however, NMA does plan to participate in the comment period. Mr. Fields was of the opinion that based on previous testimony and materials provided by BLM, there appears to be cause for some optimism with the new rules.

Chairman Marvel asked if the bonding requirements would cause problems for small operators. Mr. Fields replied it is a concern, but Nevada’s Division of Minerals’ “bond pool” provides assistance for small miners to qualify for bonds.

Assemblyman Neighbors inquired about the affect of new rules on “patented” mining claims. Mr. Leshendok explained the rules have no effect on private lands because BLM does not regulate such lands. Inquiring further, Assemblyman Neighbors asked if those who have ten or less claims could still file for a waiver. For ten claims or less there is an exemption for individuals, but it is independent of surface disturbance bonding requirements, replied Mr. Leshendok.

Mr. Goicoechea asked if the 3809 regulations covered the levels of bonding required, to which Mr. Leshendok responded new bonding requirements had been set and will apply to all operations. Mr. Gaskin interjected that it has been an ongoing process to improve bonds and the state has undertaken a joint process with federal land managers to determine bond adequacy. Mr. Leshendok noted the new regulations might “speed up” the bonding process. Mr. Goicoechea opined that in the “ten claims or less” situation, an exemption could be filed with the recorder-auditor and meet the assessment standard.

Chairman Marvel inquired if mining bankruptcies had resulted in a smaller bond pool. Mr. Leshendok reported that although it is a time-consuming process, BLM and the state of Nevada are pursuing collection of bonds.

Alan R. Coyner

Alan R. Coyner, Administrator, Nevada's Commission on Mineral Resources, Carson City, explained the current status of the State Bond Pool includes 14 participants with bonds ranging from \$1,000 to \$269,000, for a total of \$1.1 million. In terms of deposits and cash, the pool is at 80 percent of being fully funded (\$900,000) against the liability. The bond pool has been in existence for over 11 years. He further explained that the Commission on Mineral Resources has formed a subcommittee to oversee the State Bond Pool. The subcommittee was scheduled to meet on November 1, 2001, to make a determination as to whether the State Bond Pool should be changed and if that would require legislative action.

Mr. Coyner responded to Chairman Marvel that the bond pool is limited to \$1 million per participant; however, according to legislative intent, is held to bonding what is typically considered small mining operations. If hazardous materials were associated with the mining operations, such as chemicals used at the mill, it would be covered under the bonding currently in place. Mr. Leshendok interjected that BLM regulations allow use of the State Bond Pool as a legitimate bonding mechanism, and BLM is using it to cover mining operations on public lands.

Regarding legitimacy in obtaining a bond, every effort is made to be as thorough as possible in analyzing risk, even to the point of asking for higher deposits and collateral against equipment and other assets. A company's financial statements and business plans are examined, their history is reviewed, and visits are made to the property. He opined that bonding is getting more expensive, which increases the costs to the mining operations.

Mr. Fields interjected that bonding is becoming a significant issue and is under study by the Commission on Mineral Resources. He reminded the Committee that the legislative intent of the State Bond Pool was to relieve the burden on the small miner.

Assemblyman Collins asked if a mining bond is similar to those purchased by a contractor in Nevada or was it rated differently. Mr. Fields answered and clarified that it was a performance bond similar to a contractor's performance bond. He noted the reason it is harder to obtain is, unlike a contractor who can demonstrate that he has completed his job, a mining operation may still have water and/or vegetation issues following closure. He was of the opinion that commercial sureties do not like uncertainty.

In response to questions from Chairman Marvel and Assemblyman Neighbors, Mr. Leshendok commented that:

- Relative to the moratorium on patents, no reference is made in CFR 3809;
- Regarding the status of the moratorium on patents, it was included in the DOI appropriations bill, which is pending in Congress; however, it is unknown if the bill has passed; and
- The DOI is prohibited from funding the processing of applications during the moratorium.

Economic Overview and Update of Mining and Exploration Activities

Alan R. Coyner, identified previously, provided two documents titled "Major Mines of Nevada" and "Nevada Exploration Survey 2000" (Exhibit H). Mr. Coyner discussed information contained in "Nevada Exploration Survey 2000" and noted of the 144 companies surveyed, only 33 responded. Highlights of his presentation are contained in the Executive Summary and survey questions are listed on the last page of the report.

Mr. Coyner explained that in many categories, exploration declines were shown from 1999 to 2000, and an additional 23 percent decrease is projected for 2001. These decreases have affected revenues and resulted in increased fees to continue funding the Commission on Mineral Resources. General discussion ensued regarding fees and taxes, and the portion of each retained by the Commission.

Chairman Marvel questioned if Mr. Coyner was able to track the amount of exploration expenditures lost to overseas activity. Mr. Coyner replied that approximately 75 percent is going overseas.

Mr. Coyner concluded his presentation with comments related to the “Optimism Index” (graph 10, Exhibit H), which reflects a current pessimistic attitude toward exploration. He noted the next survey would be conducted in March 2002.

Chairman Marvel questioned if there was a decrease in mining employment in recent years. Mr. Coyner verified shrinkage in employment and drew attention to a brochure entitled “Major Mines of Nevada 2000” (Exhibit H) that included a section titled “Economic Impact of Mining in Nevada — 2000.”

Assemblyman Neighbors asked if the industry had taken advantage of the passage of Assembly Bill 661 (Chapter 604, *Statutes of Nevada 2002*) that revises and repeals various provisions concerning utilities and energy. Mr. Coyner responded by noting the Public Utilities Commission of Nevada is in the process of developing the regulation and many of the major mines are participating in the regulatory development process.

Russ Fields

Russ Fields, President, Nevada Mining Association, presented a document, both in hard copy and a slide show, titled “Economic Overview of the Nevada Mining Industry 2000” (Exhibit I). Please refer to Exhibit I for details of the presentation.

In response to Chairman Marvel, Mr. Fields noted he would obtain the worldwide gold inventory figures for the Committee, as well as associated “dumping” by major countries and the effect it may have had on the price of gold.

Assemblyman Collins expressed his opinion that mining was the largest industry in Nevada for those in the rural areas, rivaling gaming on a statewide basis.

Discussion of a Possible Bill Draft Request to Amend the Statute that Restricts the Issuance of Certain Stockwatering Permits and Certificates (*Nevada Revised Statutes 533.503*)

R. René Yeckley

R. René Yeckley, Principal Deputy Legislative Counsel, Legal Division, LCB, Carson City, reminded the Committee of the circumstances that led to the BDR. She explained that as the result of the Nevada Supreme Court Opinion, *United States v. State Engineer*, 117 Nev. Adv. Op. No. 49 (2001), which provides an interpretation of NRS 533.503, it was determined that the BLM is a qualified applicant for a stockwatering permit. Specifically, the BLM had filed nine applications with the State Engineer to acquire stockwatering permits on federal lands. Relying on an opinion from the Attorney General’s Office, the State Engineer denied the applications on the grounds that NRS 533.503 prohibits the State Engineer from issuing such a permit because the BLM is not a person entitled to graze livestock on public lands. The Ninth Judicial District Court upheld the decision of the State Engineer and denied BLM’s appeal for judicial review. The Nevada Supreme Court Opinion reversed and remanded the case to district court with instructions to grant the petitions for judicial review. Ms. Yeckley continued to explain that at the request of the Legislative Committee on Public Lands, the Legal Division of LCB explored possible language that would be constitutionally defensible in light of the opinion. The following three guidelines were used for the analysis of possible language:

1. Cannot discriminate against the Federal Government;
2. Do not treat the Federal Government worse than others in similar circumstances; and
3. Not substantially interfere with the activities of the Federal Government.

In conclusion, Ms. Yeckley referred to “Draft Amendment of NRS 533.503” contained in Exhibit A. She read portions of the BDR and provided a brief explanation for the selected verbiage.

R. Michael Turnipseed

In response to Chairman Marvel, R. Michael Turnipseed, previously identified, responded he had read the draft amendment. Responding to a question about discussing the BDR with the Office of the Attorney General, Mr.

Turnipseed explained the opportunity had not presented itself.

Mr. Turnipseed commented that misinformation may have been provided to the bill drafter relating to Section 1(b) where it is stated that a permittee has “legal custody of the livestock for which the permit is sought.”

Joseph C. Guild, III

With regard to the BDR, Joseph C. Guild, III, President, Nevada Cattlemen’s Association, Reno, was not aware of any situation in which an assignment of legal custody of livestock to an association occurs in Nevada. He speculated that what the bill drafter attempted to propose was the ability to move cattle and care for the cattle; for example, a custodial relationship and management. He speculated the answer might be found in the by-laws of the associations, the relationship amongst the parties in those associations, and their rights when cattle are running in common on association allotments. Relating to the proposed BDR, Mr. Guild explained an additional review of the Opinion was necessary before he could support the draft.

Chairman Marvel assured Mr. Guild that the Committee would not take any action on the draft amendment without further input from interested parties.

Mr. Guild added it would benefit both the BLM and livestock associations to resolve the issue to enable more stockwatering projects to begin. Mr. Guild expressed his willingness to assist the Legislature in whatever efforts were deemed appropriate to resolve this issue.

Mr. Turnipseed concurred with Mr. Guild, noting a backlog of water improvement projects on public lands exists as a result of recent fires. Mr. Turnipseed concluded his statements by expressing concern regarding the definition of public range in Nevada as it relates to lease-permittee property owners.

Mr. Goicoechea expressed reservation regarding the BDR’s language surrounding “public range.” He noted the BDR should contain language such as:

- adjudicated permit;
- animal unit months;
- allotments;
- right to graze livestock (versus who owns the livestock); and
- individual permittees (versus associations).

Discussion followed between Mr. Turnipseed and Mr. Guild regarding the pros and cons of running cattle in common.

Chairman Marvel asked Robert Abbey to join the discussion and inquired as to whether he had read the draft amendment.

Robert V. Abbey

Robert V. Abbey, previously identified, responded to a question regarding BLM’s management activities for grazing livestock on public lands. He verified that in most cases the BLM authorizes one permittee to graze on an allotment, but there are some allotments that are being shared by more than one permittee. Additionally, Mr. Abbey indicated he did not want to wait until the next Legislative Session to address and resolve the “stockwatering permit” issue; Nevada needs water development projects on public lands. Further, Mr. Abbey remarked he was not aware of a request by Senator Dean A. Rhoads to Gale Norton, Secretary of the Interior, regarding the use of joint applications.

Mr. Goicoechea agreed with Mr. Abbey regarding the need for an expedient resolution to the stockwater issue and suggested it might be appropriate for the Committee to make a similar request to Ms. Norton as well.

Chairman Marvel asked Mr. Turnipseed about the status of the nine stockwater applications discussed in the Supreme Court Opinion identified earlier (*United States v. State Engineer*, 117 Nev. Adv. Op. No. 49 [2001]). Mr. Turnipseed explained the applications were remanded to the Ninth Judicial District Court with instructions and there has been no action to date.

PUBLIC COMMENT

Due to the late hour, Chairman Marvel instructed the audience that public comment would be limited to five minutes for each speaker. He also requested that groups addressing the same topic select a spokesman to speak.

Cliff Gardner

Cliff Gardner, as a rancher from Ruby Valley, objected to the limitation on public comment.

Jose Noriega

Jose Noriega, previously identified, presented a document titled “Humboldt-Toiyabe National Forest Santa Rosa Ranger District” (Exhibit J), and touched briefly on management of the primary resource areas in that district. He requested the Committee review the document at a later time.

Dave Roden

Dave Roden, Marketing and Sales Manager, Winnemucca Convention and Visitors Authority, Winnemucca, expressed concern for equal access to public lands.

Thomas Jefferson

Thomas Jefferson identified himself as a concerned citizen from Elko. He questioned Nevada’s status, and asked “are we a territory or a state?” He was of the opinion that the *United States Constitution* does not provide the Federal Government authority over any land in Nevada.

O.Q. “Chris” Johnson

O.Q. “Chris” Johnson, Chairman, Nevada Committee for Full Statehood, Elko, spoke on the objectives of the committee: “The Nevada Committee for Full Statehood desires an end to all federal management of lands and forests with control to go exclusively to the state of Nevada and the 17 counties where it originally belonged.” He continued by asserting that the *United States Constitution* does not “contain any authorization for the Federal Government of the United States to own, hold, or exert its dominion over any public lands.” He urged the Nevada Legislature to “exclude the Federal Government of the United States from having any say in management of these lands in the state of Nevada.”

Daniel Hansen

Daniel Hansen, President, Independent American Party, Sparks, greeted the Committee and acknowledged that they were an “honorable board,” but “were making a fundamental mistake.” Mr. Hansen requested placement on the agenda for subsequent meetings, “because we see here today the preponderance of testimony comes from the bureaucrats, and I think that the bureaucrats, the servants of the people, should be at the end of the session instead of at the beginning and dominate everything.”

Cliff Gardner

Cliff Gardner, previously identified, spoke on preserving and enhancing the Sage Grouse throughout Nevada. He also referred to Governor Guinn’s sage grouse plan, and is of the opinion that this particular planning effort will result in further reduction of the species. As a representative of the newly formed Nevada Live Stock Association,

Mr. Gardner “demanded” that any “management schemes” relative to sage grouse management, be adopted as a new regulation under the authority of Nevada’s “Administrative Procedure Act, Chapter 233B.” Please see Exhibit K for Mr. Gardner’s complete testimony.

Janine Hansen

Janine Hansen, President, Nevada Families Eagle Forum, Sparks, explained she has been a citizen lobbyist in the Nevada State Legislature since 1971. She requested to be placed on the agenda at a future meeting. Ms. Hansen presented a report titled “Chairman’s Final Report Hearing on the Jarbidge Road, Elko County, Nevada Subcommittee on Forests and Forest Health” (Exhibit L). She asserted the report provides “history of what Congress has done with regards [sic] to public lands.” Ms. Hansen expressed her opinion that the Federal Government has usurped authority over Nevada’s public lands. She encouraged the Committee members to “recognize that you have much more authority as a state legislator than you image.”

David Holmgren

David Holmgren, Chairman, Nevada Live Stock Association, Hawthorn, submitted a membership application form for the Nevada Live Stock Association (Exhibit M) from which he read the purpose of the organization. He reported the Association held its first meeting in September 2001 and estimated that it represents several million acres in Nevada.

With regard to rangeland health, Mr. Holmgren expressed his opinion that by allowing livestock producers to graze on public lands, millions of dollars could be saved.

In conclusion, Mr. Holmgren requested to be placed on the agenda to provide input regarding water legislation.

There being no further business to come before the Committee, Chairman Marvel thanked the speakers and adjourned the meeting at 6:15 p.m.

Exhibit N 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, Senior Research Analyst, Research Division, Legislative Counsel Bureau.

Exhibit B is a document titled “RAC NCA Subgroup Members List (9-24-04),” provided by Terry Reed, Winnemucca Field Manager, Bureau of Land Management (BLM), Department of the Interior.

Exhibit C is a document titled “The State Black Rock Team,” provided by Mark Farman, Public Lands Planner, Nevada’s Division of State Lands (NDSL), State Department of Conservation and Natural Resources (SDCNR).

Exhibit D is a packet of information marked “Nevada Bureau of Land Management,” provided by Meg Jensen Deputy State Director for Natural Resources, Lands, and Planning, BLM. The packet includes materials relative to:

- Surface Management of Exploration and Mining Operations on Public Lands, 43 CFR 3809;
- Wild Horse and Burrow Program Status;
- Hardrock Mining Rule Provision;
- Rangeland Rehabilitation for 2001 Fires; and
- The “Federal Land Policy and Management Act of 1976” as amended.

Exhibit E is a document titled “Upper Willow Wildlife Humboldt-Toiyabe National Forest, Santa Rosa Ranger District,” dated November 1, 2001, an was provided by Jose Noriega, District Ranger, Santa Rosa Ranger District, U.S. Forest Service (USFS), U.S. Department of Agriculture (USDA).

Exhibit F, provided by Mark Farman, Public Lands Planner, NDSL, SDCNR, consists of the following:

1. A brochure titled “Enlibra: A New Shared Doctrine for Environmental Management, Questions and Answers, developed by the Western Governors’ Association in December 1997”;
2. A Microsoft PowerPoint presentation titled “Public Land Policy Update”; and
3. A document titled “Summary of Public Workshop Comments,” dated March 2001.

Exhibit G is a document titled “Wild Foal Program,” provided by Catherine Barcomb, Administrator, Nevada’s Commission for the Protection of Wild Horses.

Exhibit H consists of an informational brochure titled “Major Mines of Nevada” and a report titled “Nevada Exploration Survey 2000,” dated September 2001, provided by Alan R. Coyner, Administrator, Nevada’s Commission on Mineral Resources.

Exhibit I is a document titled “Economic Overview of the Nevada Mining Industry 2000,” provided by Russ Fields, President, Nevada Mining Association.

Exhibit J is a document titled “Humboldt-Toiyabe National Forest Santa Rosa Ranger District,” dated November 1, 2001, provided by Jose Noriega, District Ranger, Santa Rosa Ranger District, USFS, USDA.

Exhibit K is the testimony of Cliff Gardner, Rancher, Ruby Valley.

Exhibit L is a document titled “Chairman’s Final Report Hearing on the Jarbidge Road, Elko County, Nevada Subcommittee on Forests and Forest Health,” provided by Janine Hansen, President, Nevada Families Eagle Forum.

Exhibit M is an application form titled “Nevada Live Stock Association Membership Application,” provided by David Holmgren.

Exhibit N 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. You may contact the library at (775) 684-6827.

LIST OF ACRONYMS

BDR	Bill Draft Request
BLM	Bureau of Land Management, DOI
BOR	Bureau of Reclamation, DOI
CFR	<i>Code of Federal Regulations</i>
EIS	Environmental Impact Statement
DOI	United States Department of the Interior
DRI	Desert Research Institute
FLPMA	Federal Lands Policy and Management Act of 1976
LCB	Legislative Counsel Bureau
NCA	National Conservation Area
NDF	Nevada's Division of Forestry, SDCNR
NDOW	Nevada's Division of Wildlife, SDCNR
NDSL	Nevada's Division of State Lands, SDCNR
NDSP	Nevada's Division of State Parks, SDCNR
NMA	Nevada Mining Association
NRS	<i>Nevada Revised Statutes</i>
RAC	Resource Advisory Council
SDCNR	State Department of Conservation and Natural Resources
the "District"	Pershing County Water Conservation District
the "Team"	State Black Rock Team
USDA	United States Department of Agriculture
USFS	Forest Service, USDA
USFWS	Fish and Wildlife Service, DOI
WSA	Wilderness Study Area
3809	43 <i>Code of Federal Regulations</i> 3809