

**MINUTES OF THE MEETING OF THE  
LEGISLATIVE COMMITTEE ON PUBLIC LANDS  
(Nevada Revised Statutes 218.5363)  
June 21, 2002  
Fallon, Nevada**

The seventh meeting of the Legislative Committee on Public Lands (*Nevada Revised Statutes* [NRS] 218.5363) during the 2001-2002 interim was held on Friday, June 21, 2002, in the Churchill County Administration Building, Commission Chambers, 155 North Taylor Street, Fallon, 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 Mike McGinness  
Assemblyman Marcia de Braga (alternate)  
Peter J. Goicoechea, Eureka County Commissioner

**COMMITTEE MEMBERS EXCUSED:**

Assemblyman Tom Collins  
Assemblyman P.M. "Roy" Neighbors

**LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Linda Eissmann, 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: Friday, June 21, 2002  
10 a.m.

Place of Meeting: Churchill County Administration Building  
Commission Chambers  
155 North Taylor Street  
Fallon, Nevada

**A G E N D A**

- I. Opening Remarks and Introductions
- \*II. Approval of the Minutes of the Meeting of Nevada's Legislative Committee on Public Lands' Subcommittee to Develop a Bill Draft Request Regarding Issuance of Stockwater

Permits by the State Engineer, Held May 7, 2002, in Las Vegas, Nevada

\*III. Reports to the Committee

- A. Overview of Public Lands Issues in Churchill, Eureka, and Lander Counties
  - Member, Churchill County Board of Commissioners
  - Jon Hutchings, Natural Resources Manager, Eureka County
  - Jim Baumann, Chairman, Eureka County Public Lands Advisory Commission
  - Jerry Smith, Battle Mountain Field Manager, Bureau of Land Management (BLM), Department of the Interior (DOI)
  - Laurence Crabtree, Austin District Ranger, Humboldt-Toiyabe National Forest, U.S. Forest Service (USFS), Department of Agriculture (USDA)
  - Robert Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, USDA
- B. Report of the Status of the 2002 Federal Farm Bill (H.R. 2646)
  - Peggy Hughes, State Resource Conservationist, Natural Resources Conservation Service, USDA
- C. Status of the Stillwater National Wildlife Refuge Complex Comprehensive Conservation Plan
  - Kim Hanson, Refuge Manager, Stillwater National Wildlife Refuge Complex, U.S. Fish and Wildlife Service, DOI
- D. Update on the Governor's Sage Grouse Conservation Planning Team and Discussion of County Concerns
  - Gregg Tanner, Game Program Chief, Division of Wildlife, State Department of Conservation and Natural Resources (SDCNR)
  - Doug Busselman, Executive Vice President, Nevada Farm Bureau
  - Jon Hutchings, Natural Resources Manager, Eureka County
  - Jeanette Dahl, Director, Lahontan Valley Environmental Alliance
- E. Overview of the Anticipated 2002 Fire Season
  - Pete Anderson, Deputy State Forester, Division of Forestry, SDCNR
  - Mike Dondero, Fire Management Officer, Humboldt-Toiyabe National Forest, USFS, USDA
  - Kevin Hull, Fire Management Officer, BLM, DOI
- F. Report of the Nevada Native Seed Program
  - Steve Robinson, State Forester, Nevada Division of Forestry, SDCNR
- G. Update of the State Weed Plan and Discussion of Weed Management Activities in Nevada
  - Dawn Rafferty, Noxious Weeds Program Coordinator, State Department of Agriculture (SDA)
- H. Discussion of the Time Frames for Obtaining Certain Mining Permits in Nevada
  - Alan R. Coyner, Administrator, Nevada Division of Minerals, Nevada's Commission on Mineral Resources
  - Russ Fields, President, Nevada Mining Association
  - David Gaskin, Chief, Bureau of Mining Regulation and Reclamation, Division of Environmental Protection, SDCNR
- I. Report of the State Reclamation Bond Pool for Mining
  - Alan R. Coyner, Administrator, Division of Minerals, Nevada's Commission on Mineral Resources
- J. Review of Certain Federal Regulations commonly known as Rangeland Reform '94
  - Meg Jensen, Deputy State Director for Resources, Lands, and Planning, BLM, DOI
  - Gene Kolkman, Field Manager, Ely District, BLM, DOI
  - Don Henderson, Deputy Director, SDA
- K. Continued Discussion about a Bill Draft Request Regarding Issuance of Stockwater Permits by the State Engineer
  - R. René Yeckley, Principal Deputy Legislative Counsel, Legal Division, Legislative Counsel Bureau

#### 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 Central Parkway; and Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was faxed for posting to the following Fallon, Nevada, location: Churchill County Administration Building, Commission Chambers, 155 North Taylor Street. 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).

### **OPENING REMARKS AND INTRODUCTIONS**

Chairman Rhoads called the meeting to order at 10:10 a.m., welcomed those in attendance, and noted a quorum was present. He requested Committee and staff members introduce themselves.

Linda Eissmann, Senior Research Analyst, Legislative Counsel Bureau (LCB), Carson City, provided the Committee members a packet of information as listed on the Memorandum contained therein (Exhibit A).

### **APPROVAL OF THE MINUTES OF THE MEETING OF NEVADA'S LEGISLATIVE COMMITTEE ON PUBLIC LANDS' SUBCOMMITTEE TO DEVELOP A BILL DRAFT REQUEST REGARDING ISSUANCE OF STOCKWATER PERMITS BY THE STATE ENGINEER, HELD MAY 7, 2002, IN LAS VEGAS, NEVADA**

Noting that no vote was necessary to approve the subcommittee minutes, Chairman Rhoads announced he intended to sign the above-referenced minutes unless a Committee member objected.

### **REPORTS TO THE COMMITTEE**

#### **Overview of Public Lands Issues in Churchill, Eureka, and Lander Counties**

##### ***Norman Frey***

Norman Frey, Member, Churchill County Board of Commissioners, Fallon, welcomed the Committee to Fallon. Mr. Frey listed the public lands issues that affect the community and related concerns, as follows:

- noxious weeds on rangelands (mainly tall whitetop and cheat grass), which create a fire hazard and impede grazing.
- sage grouse, which affects grazing.
- accountability of federal employees following the "Lynx Case" in Washington.
- water issues, specifically that state water law is not allowed to work freely in federal reclamation projects.

In closing, Mr. Frey urged the Committee to ensure that any future legislation affecting water provides benefits to all Nevadans and is applied uniformly.

##### ***Jon Hutchings***

Jon Hutchings, Natural Resources Manager, Eureka County, Department of Natural Resources, Eureka, provided a copy of his remarks, titled "County Update, Fallon, June 21, 2002" (Exhibit B). Please refer to Exhibit B for details regarding his presentation, which addressed the following:

- fire;

- weeds;
- pests (banks mites and Mormon crickets);
- feral horses;
- livestock; and
- wildlife (elk and sage grouse).

Discussion ensued regarding the process to obtain a pesticide use permit. The Committee agreed that staff would investigate the issue and Chairman Rhoads would send a letter to the proper agency, if necessary.

### ***Jerry Smith***

Jerry Smith, Battle Mountain Field Manager, Battle Mountain Field Office, Bureau of Land Management (BLM), Department of the Interior (DOI), Battle Mountain, provided a copy of his remarks, titled “Presentation by: Battle Mountain Field Office (BMFO), Jerry Smith, Field Manager” (Exhibit C). Please refer to Exhibit C for details regarding his presentation, which addressed the following:

- Fire Management
  - wildland urban interface
  - fireland use plan amendment
  - rural fire assistance
- Non-Renewable Resources
  - recreation
  - land and realty
    - Austin Airport
    - Kingston Airstrip
    - Monarch Mill withdrawal
    - Homestake Mine land sale
    - Falcon to Gonder 345 kV power transmission line
  - minerals
    - McCoy/Cove Mine
    - Phoenix Project
    - Cortez Gold Mines
    - Elder Creek Mine
    - Ruby Hill Mine
    - Norse-Windfall Mine
    - Atlas Mine
  - geothermal
  - mineral materials
- Renewable Resources
  - grazing

- standard and guideline assessments
  - underwood boundary fence
  - cooperative weed control
  - drought
- wild horses
- gathers
  - adoptions
- wildlife habitat
- sage grouse conservation planning
  - Central Nevada Elk Management Plan

### ***Chuck Pope***

Chuck Pope, Assistant Manager, Nonrenewable Resources, Carson City Field Office, BLM, Carson City, discussed BLM issues that affect Churchill County.

Mr. Pope explained in 1996 the U.S. Congress authorized a recreation fee demonstration program for the Sand Mountain Recreation Area. Beginning in Fall 2002, usage fees will be collected at the facility. Although fees have not been set, the proposed fees are \$15 weekly and between \$30 and \$45 annually. Mr. Pope informed the Committee that public response to the fees has been favorable and many users have noted the need for law enforcement in the area. The BLM is cooperating with the Churchill County Sheriff's Office to develop an agreement for enforcement of federal regulations in the area. One hundred percent of the fees collected at the facility will be invested at the site in the following areas:

- facility improvements;
- maintenance;
- public health and safety;
- resource protection; and
- visitor services.

Additionally, Mr. Pope provided the following information:

- \$20,000 has been provided to the Fallon-Churchill Fire Department for purchase of safety equipment and radios to enhance wildfire-fighting capabilities adjacent to public lands.
- There is a problem with trash on public lands, especially in urban inter-face areas. He explained that volunteer clean-up efforts have been successful in Fallon and noted the effort would serve as a good model for other counties. Mr. Pope thanked Eleanor Lockwood, Director of Planning, Churchill County, and Rick Whipple, Code Enforcement Officer, Churchill County for their participation in the clean-up activities. Assemblyman Marvel noted that the use of inmate work camps could also be used for clean-up efforts on public lands.
- As a response to the President's National Energy Policy, BLM has developed an implementation plan policy to streamline energy development on public lands. In an effort to expedite pending geothermal lease applications, the Carson City Field Office has developed an environmental assessment.
- The BLM is working with the Navy to prepare environmental impact statements for various land withdrawals at the Fallon Naval Air Station.

### ***Robert Vaught***

Robert Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, U.S. Forest Service (USFS), Department of Agriculture (USDA), Reno, informed the Committee that he is at the Committee's service to the extent possible and was in attendance to listen to concerns and provide comments. Mr. Vaught informed those present that he would be available the entire day if anyone needed to speak with him. Mr. Vaught introduced Laurence Crabtree, District Ranger, Austin Ranger District, Humboldt-Toiyabe National Forest, USFS, Austin, and explained that Mr. Crabtree is responsible for lands in Lander County and coordinates efforts with Churchill and Eureka County. Mr. Vaught also introduced Randy Sharp,

Resources Staff Officer, Humboldt-Toiyabe National Forest, USFS, Sparks, who is responsible for fish, range, and wildlife management.

### *Laurence Crabtree*

Laurence Crabtree, previously identified, explained his most important role as a district ranger is to be involved with state and local activities. He regularly participates in local meetings and planning efforts. Recently, Mr. Crabtree accepted an appointment from the Lander County Board of Commissioners to serve as the Director of the Lander County Economic Development Authority.

With regard to activities on the USFS lands in central Nevada, Mr. Crabtree provided the following information:

- National Fire Plan
  - A patrol engine has been added to the area and is an inter-agency effort between the BLM and the USFS.
  - Two permanent staff members have been added to the area: (1) an engine operator; and (2) a fire prevention coordinator.
  - Efforts for defensible fuel treatment strategies for Austin and Kingston are being coordinated with the BLM. These strategies include providing training and equipment for volunteer fire fighters in central Nevada. He noted that volunteer fire fighters are an important part of the fire suppression effort in the area.
  
- Research
  - It is essential that USFS decisions be based on current and sound science.
  - The Reno Field Office of the USFS' Rocky Mountain Research Station directs research activities. Research involves universities from the United States and includes the University of Nevada, Reno.
  - Areas of concern include: (1) the effects of wildfires; (2) expansion of the Pinyon Juniper; (3) impacts of roads; and (4) watershed health.
  - A long-term demonstration area has been established in the Upper Reese River and some burning has been conducted in conjunction with studies.
  
- Central Nevada Elk Planning

Mr. Crabtree informed the Committee he is a member of the elk planning steering committee, and the process of developing a recommendation is often contentious and difficult. However, the committee plans to develop a consensus to protect existing land uses, address other land values, and respond to desires to expand the herd.

- Sage Grouse
  - The USFS is an active participant in the Central Area Planning Group, which includes Eureka, Lander, and Nye Counties.
  - The group is working to meet the deadlines and expectations for the plan, as set by Nevada's Governor Kenny C. Guinn.

### **Report of the Status of the 2002 Federal Farm Bill (H.R. 2646)**

#### *Peggy Hughes*

Peggy Hughes, State Resource Conservationist, Natural Resources Conservation Service, USDA, Reno, provided a document titled "Farm Security and Rural Investment Act of 2002" (Exhibit D). Ms. Hughes informed the Committee that the Farm Security and Rural Investment Act of 2002 was signed into law on May 13, 2002, and rules and regulations are required to be completed by August 12, 2002. Please refer to Exhibit D for details regarding her presentation, which addressed the following:

- The Farm Security and Rural Investment Act of 2002 provides the following:
  - emphasis on conservation of private working lands;
  - continuation of past conservation gains;
  - a portfolio of tools for more conservation technical assistance, cost sharing, and land retirement;
  - new conservation programs; and
  - confidentiality of farmer and rancher case file data.
- With regard to Nevada, the Act will provide the following:
  - resource conservation and development programs;
  - voluntary conservation programs; and
  - new programs.
- With regard to Nevada’s farmers and ranchers, the Act will provide the following:
  - more financial and technical assistance;
  - privacy of client files; and
  - voluntary conservation programs, including:
    - The Environmental Quality Incentives Program;
    - The Agricultural Management Assistance Program;
    - The Wildlife Habitat Incentives Program;
    - The Conservation Reserve Program; and
    - Grassland Reserve Program.
- The Environmental Quality Incentives Program has been changed to provide the following:
  - a streamlined program;
  - promotion of agricultural production and environmental quality as compatible goals;
  - optimized environmental benefits; and
  - increased financial assistance to install conservation practices.
- Major changes to the Environmental Quality Incentives Program include the following:
  - cost share amounts may increase for limited or beginning farmers to 90 percent, other operators limited to a maximum of 75 percent;
  - cost share limit increased from \$50,000 to \$450,000 for individuals;
  - eligible for payment in the first year of contract;
  - eliminated cap on large confined livestock operations;
  - reduces contract length;
  - eliminated “bidding down” of cost share rates;

- eliminated conservation priority areas; and
- includes ground and surface water conservation provisions.
- The Environmental Quality Incentives Program ground and surface water conservation provisions provide for the following:
  - cost share payments, incentive payments, and loans to: (1) convert to less water intensive crops or dryland farming; (2) enhance irrigation efficiencies; and (3) improve irrigation systems;
  - improved storage of water;
  - mitigation of effects of drought; and
  - net savings in water resources in the agricultural operation.
- Nevada is one of fifteen states to receive funding for the Agricultural Management Assistance Program, which provides the following:
  - cost sharing to construct or improve small water management structures or irrigation systems;
  - plant trees for windbreak or to improve water quality;
  - mitigate risk through production or marketing diversification, or resource conservation practices for:
    - organic farming, pest management, and soil erosion control;
    - develop plans to create marketing opportunities;
    - enter into futures, hedging, or options contracts; and
    - enter into agricultural trade options.
  - contract payment limit is \$50,000 annually with a \$150,000 limit.
- The Wildlife Habitat Incentives Program has been reauthorized and provides for the following:
  - protects and restores habitat on private and tribal lands;
  - cost share payments up to 75 percent for five to ten year contracts;
  - potential use in Nevada to implement sage grouse plans; and
  - additional wildlife biologist staff in field.
- The Conservation Reserve Program provides for the following:
  - rewards producer for good stewardship and provides for incentives to do more;
  - enroll lands to carry out level of conservation work based on a tier system; and
  - based upon a national per-acre rental rate or appropriate rate for 2001 crop year that ensures regional equity.
- Within the Conservation Reserve Program there is a provision for the Grassland Reserve Program, which intends to retire 2 million acres of restored or improved grazing, range, and pasturelands.

### **Status of the Stillwater National Wildlife Refuge Complex Comprehensive Conservation Plan**

#### ***Kim Hanson***

Kim Hanson, Refuge Manager and Project Leader, Stillwater National Wildlife Refuge Complex, U.S. Fish and Wildlife Service (USFWS), DOI, Fallon, explained the complex includes the: (1) Stillwater National Wildlife Refuge; (2) Stillwater

Wildlife Management Area; (3) Fallon National Wildlife Refuge; and (4) Anaho Island National Wildlife Refuge. Mr. Hanson provided the following documents: (1) "Water Rights Acquisitions for Lahontan Valley Wetlands, June 2002"; and (2) "Briefing Statement" (Exhibit E).

Mr. Hanson discussed the Stillwater National Wildlife Refuge Complex Comprehensive Conservation Plan and proposed boundary revisions. He informed the Committee that the environmental impact statement and proposed refuge boundary recommendation to Congress have been completed. Please refer to Exhibit E - 2 for a detailed account of Mr. Hanson's testimony, which included: (1) background and current status; (2) issues and concerns; and (3) main message.

Responding to inquiries posed by Chairman Rhoads, Mr. Hanson explained: (1) the plan includes "considerable improvements" for public use facilities but does not guarantee funding will be allocated; and (2) generally, "days of use" has increased.

In conclusion, Mr. Hansen discussed water rights acquisitions for the Lahontan Valley Wetlands. Please refer to Exhibit E - 1 for a detailed account of Mr. Hanson's testimony on this topic.

### ***Update on the Governor's Sage Grouse Conservation Planning Team and Discussion of County Concerns***

#### ***Gregg Tanner***

Gregg Tanner, Game Program Chief, Nevada's Division of Wildlife (NDOW), State Department of Conservation and Natural Resources (SDCNR), Carson City, provided an update on the Governor's Sage Grouse Conservation Planning Team.

Mr. Tanner began with a brief history of the sage grouse issue and explained that over the last 20 to 30 years Western states have experienced a significant reduction in sage grouse population and habitat. These circumstances have prompted several environmental groups to consider petitioning the USFWS to list sage grouse in Nevada and other Western states under the authority of the Endangered Species Act of 1973 (ESA). Consequently, in September 2001, the Governor's Sage Grouse Conservation Planning Team was formed. The team is working to produce a conservation plan containing guidelines for habitat protection, species management, and local area conservation plan development and implementation.

Continuing, Mr. Tanner informed the Committee that local planning efforts are required to be completed by December 2002. These efforts are being addressed on a regional basis and have been divided into the following areas:

- Washoe-Modoc Planning Group — Washoe County (Nevada) and Modoc County (California);
- Bi-State Planning Group — Carson City, Douglas, Esmeralda, Lyon, Mineral, and Storey Counties (Nevada); and Mono County (California);
- North-Central Planning Group — Churchill, Humboldt, and Pershing Counties (Nevada);
- South-Central Planning Group — Eureka, Lander, and Nye Counties (Nevada);
- Northeast Nevada Stewardship Group — Elko County (Nevada); and
- Lincoln/White Pine Planning Group — Lincoln and White Pine Counties (Nevada).

In conclusion, Mr. Tanner noted the local plans would be consolidated into a statewide plan, scheduled for competition in December 2003.

In response to Vice Chairman Marvel's inquiry about funding, Mr. Tanner explained all local efforts are funded at the local level. However, he noted that during the 1999-2000 Legislative Interim, the Legislative Committee on Public Lands awarded a grant to the Northeast Nevada Stewardship Group to help conserve and improve diminishing habitat for sage grouse.

Vice Chairman Marvel noted the grant was awarded from the appropriation made by Section 6 of Senate Bill 560 (Chapter 544, *Statutes of Nevada 1999*) and suggested the Committee consider requesting a similar grant program in its recommendations in order to provide funding for local planning efforts.

#### ***Doug Busselman***

Doug Busselman, Executive Vice President, Nevada Farm Bureau, Sparks, explained that representatives of the Nevada Farm Bureau are working with each of the regional planning groups in the state to develop productive, proactive local plans. The goal is to develop local plans with a balanced solution. He was of the opinion that local groups have been “very good” in developing these plans and maintaining a common vision for the goal.

### ***Jon Hutchings***

Jon Hutchings, previously identified, informed the Committee that representatives from Churchill, Eureka, Lander, and White Pine Counties met on June 13, 2002, to discuss local sage grouse planning efforts. The following three questions were addressed at this meeting:

1. Are private citizens and local governments adequately represented in sage grouse conservation planning?
2. What is the appropriate level of involvement of county government in land use planning?
3. Why are county land use plans important to the ongoing sage grouse conservation planning effort?

Mr. Hutchings provided a document titled “Questions Posed to County Groups Involved in Sage Grouse Conservation Planning, Summary of June 13, 2002, meeting of representatives from Churchill, Lander, Eureka, and White Pine Counties” (Exhibit F). Please refer to Exhibit F for additional information.

Chairman Rhoads requested Mr. Hutchings work with Ms. Eissmann, previously identified, to prepare a Committee letter to Nevada’s counties in an effort to: (1) explain the impacts of an ESA listing; (2) the benefits to counties for participating in planning efforts; and (3) encouraging participation.

In response to questions posed by Vice Chairman Marvel, Mr. Tanner, previously identified, explained that there is not a lot of knowledge about how to successfully reestablish sagebrush. However, utilizing the available knowledge and technology, efforts to reestablish sagebrush where destroyed by wildfires are being made. Further, he explained that over the past three years, almost 3 million acres of sagebrush in Nevada have been lost to wildfires, of which approximately 70 percent was sage grouse habitat.

### ***Floyd Rathbun***

Floyd Rathbun, Range Consultant, Fallon, informed the Committee that the Lahontan Valley Environmental Alliance, formed by the Churchill County Board of Commissioners, had been charged with preparing a countywide sage grouse plan prior to the formation of the Governor’s Sage Grouse Conservation Team. However, the group is participating in the North-Central Planning Group, which consists of Churchill, Humboldt, and Pershing Counties, and is encouraged that local planning efforts will be fully recognized by the Governor.

Continuing, Mr. Rathbun explained that the North-Central Planning Group has some questions with regard to the technical aspects of the Nevada Sage Grouse Conservation Strategy. Further, he was of the opinion that the BLM and the USFS must “speed up” the state vegetation inventory so the counties can prepare a technically sound conservation plan.

In conclusion, Mr. Rathbun noted that NDOW has indicated the agency will edit any local conservation plan that does not meet the specified requirements. As a result, the Lahontan Valley Environmental Alliance may consider withdrawing from the North-Central Planning Group.

In response to Mr. Rathbun, Mr. Tanner, previously identified, noted it is important that everyone work together as a group to prevent a listing under the ESA. Mr. Busselman, previously identified, indicated there has been unanimous support that the state plan will be a compilation of local plans as submitted, not an edited version of each. He pointed out the primary importance is that each group understands what must be included in the plan in order to meet USFWS requirements, not necessarily the format by which to address each item. Mr. Rathbun indicated the North-Central Planning Group would appreciate any deficiency be brought to the group’s attention so it could be addressed at the local level.

## **Overview of the Anticipated 2002 Fire Season**

### ***Chairman Rhoads***

Chairman Rhoads requested those present observe a moment of silence for the firefighters who lost their lives fighting the Cannon Fire near Walker, California, on the California-Nevada stateline.

### ***Pete Anderson***

Pete Anderson, Deputy State Forester, Nevada's Division of Forestry (NDF), SDCNR, Carson City, thanked Chairman Rhoads for the moment of silence. He noted the business is "very dangerous," as everyone was reminded that week, and the firefighters will never be forgotten.

Mr. Anderson explained there are eight fire districts in Nevada. Four of these districts are entire counties (Elko, Eureka, Storey, and White Pine) and the others are portions of counties (Clark, Carson City, Douglas, and Washoe). The fire districts are undergoing significant transitions — the western counties are developing rapidly, experiencing a strong tax base, and taking back many aspects of emergency response, whereas the eastern counties are experiencing weak economies and difficulty maintaining adequate training levels. He noted that the cost of fighting wildfires is significant and will continue to grow. However, Mr. Anderson explained that the National Fire Plan has provided resources in a timely fashion.

In conclusion, Mr. Anderson explained that the Nevada Fire Board is a coordinated effort to comprehensively manage wildland fires on a year-round basis. The Nevada Fire Board consists of the following:

- Bureau of Land Management;
- U.S. Forest Service;
- National Park Service, DOI
- Nevada Division of Forestry; and
- Rural/Volunteer Fire Assistance Program.

Mr. Anderson introduced the following speakers, noting they are also members of the Nevada Fire Board:

- Bob Ashworth, Fire Program Coordinator, NDF, Carson City;
- Mike Dondero, Fire Management Officer, Humboldt-Toiyabe National Forest, USFS, Sparks; and
- Kevin Hull, Fire Management Officer, BLM, Reno.

### ***Bob Ashworth***

Bob Ashworth, previously identified, provided a folder marked "Interagency Overview of Anticipated 2002 Fire Season," which contains a Microsoft PowerPoint document titled "2002 Wildland Fire Briefing, June 21, 2002" (Exhibit G). Please refer to Exhibit G for additional information regarding Mr. Ashworth's presentation, during which he discussed the following:

- map illustrating 2002 fire potential;
- year-to-date 2002 wildfire occurrence information;
- conditions for 2002 fire season;
- map illustrating percent of average precipitation for May 2001, through May 2002;
- map illustrating U.S. seasonal drought outlook for June 2002, through September 2002;
- map illustrating temperature and precipitation predictions for June through August 2002;
- fuel conditions in Clark, Elko, Eureka, Lander, Pershing, and White Pine Counties;
- agency preparedness and resources;
- training programs; and
- equipment rental agreements.

Discussion ensued with regard to equipment rental agreements. Mr. Dondero, previously identified, explained that a contractor must be assigned to an incident in order to receive compensation. Additionally, he explained there are two compensation scales, one for "stand-by" status (parked and waiting for an assignment) and another for "active" status

(received assignment and working).

Senator Care noted that Exhibit G indicates the year-to-date human-caused fires have been twice the size of lightning-caused fires and questioned the reasons. Mr. Ashworth explained the primary reason is due to the location where the fire is ignited in relation to access of acreage in the surrounding area. He noted that human-caused fires are generally located on slopes and lightning-caused fires are generally at peaks.

In response to a second question posed by Senator Care, Mr. Ashworth explained that acreage burned by wildfires has doubled since the previous year because an increased accumulation of drought trends and fuels contribute to more erratic burning conditions and increased fire intensity.

### ***Mike Dondero***

Mike Dondero, previously identified, was of the opinion that the biggest challenge of the 2002 fire season would be competing for resources with other Western states.

In response to an inquiry posed by Chairman Rhoads, Mr. Dondero explained that jurisdiction is disregarded when responding to initial attack on a wildfire. For example, if the NDF were the closest agency to a fire on BLM land, the NDF would respond. Boundary lines would not be addressed until it came time to pay for suppression efforts. Additionally, the incident commander is the most qualified individual on the scene, regardless of jurisdiction.

### ***Kevin Hull***

Kevin Hull, previously identified, emphasized that an important aspect of the 2002 fire season is utilizing the inter-agency initial attack capabilities available in the state.

## **Report of the Nevada Native Seed Program**

### ***Steve Robinson***

Steve Robinson, State Forester, NDF, Carson City, explained there is a lack of native seed available in Nevada. Support for the Nevada Native Seed Program came from Governor Kenny C. Guinn and the Nevada Legislature, who encouraged the NDF to seek funding sources for such a program. As a result, the USFS provided a grant that can be utilized for three years. Among other items, the grant provides funding for the purchase of equipment.

In conclusion, Mr. Robinson explained the Nevada Native Seed Program would increase the availability of a wider range of native seeds in Nevada and encourage seed production in the state. An implementation plan is currently under development and reseeding efforts are expected to begin in Fall 2002.

### ***Don Henderson***

Don Henderson, Deputy Director, State Department of Agriculture (SDA), Carson City, explained that the Nevada Native Seed Program is intended to solve wildland issues and provide diversification for Nevada's agricultural industry. He informed the Committee that the BLM would contract with Nevada native seed producers, which provides the following advantages:

- Native seed grown in Nevada is better adapted to the environment than seed produced out-of-state.
- The producer will be assured of a stable price and not be subject to the fluctuations that can occur when selling to a seed wholesaler. Contracts will be for approximately three years in duration.

Continuing, Mr. Henderson explained that an inter-agency-working group has developed a list of priority plant species for production and collection in Nevada, many of which are not commercially available. The group is in the process of distributing the list to the following:

- Bureau of Land Management field offices in Nevada;
- University of Nevada, Reno, Cooperative Extension offices; and
- seed producers.

In conclusion, Mr. Henderson explained that in addition to other items, the grant provides funding for the following two positions: (1) Seedbank Coordinator with the NDF; and (2) Seed testing certification employee with the SDA. He was hopeful that once established, the seed testing position will be self-funded by the testing fees paid by seed producers.

## **Update of the State Weed Plan and Discussion of Weed Management Activities in Nevada**

### ***Dawn Rafferty***

Dawn Rafferty, Noxious Weeds Program Coordinator, SDA, Reno, provided a pamphlet titled "Nevada's Weed Free Forage Certification Program" and a Microsoft PowerPoint document titled "Nevada's Noxious Weed Program" (Exhibit H).

Ms. Rafferty explained that Nevada's Noxious Weed Programs was completed in December 2000, and updated in December 2001. It is a five-year action plan to address the following:

- weed management;
- prevention of new infestations;
- education and awareness;
- coordination, cooperation, and partnerships; and
- research.

Continuing, Ms. Rafferty explained that the Nevada Weed Action Committee Web site is available at: <http://www.agri.state.nv.us/nwac>. The following information is available on the Web site:

- county contacts;
- weed laws;
- state weed plan;
- noxious weeds list, photographs, and information;
- state weed map and information for submittals;
- activities/calendar of events;
- links to national and other states' Web sites; and
- information on the weed free forage program.

Next, Ms. Rafferty provided information about Nevada's Weed Free Forage Certification Program. She explained that in 2001, eight agricultural producers participated in the program and approximately 2,800 acres were certified as weed free. For 2002, it is expected that 12 agricultural producers will participate in the program, including some producers in Arizona near the Nevada border. Nine local inspectors have been contracted to inspect for weed free status and colored twine is being used on bales to designate them as weed free.

Ms. Rafferty explained the following groups are implementing weed control efforts throughout the state:

- Alpine/Upper Carson River Cooperative Weed Management Area (CWMA);
- Humboldt River Watershed CWMA;
- Conservation Districts;

- Tri-County Weed Group (Lincoln, Nye, and White Pine Counties);
- the BLM;
- the USFS;
- the National Park Service; and
- Dyer's Woad Pull (volunteer group in Spring Creek).

In conclusion, Ms. Rafferty noted the program goals, as follows:

- Obtain state funding for weed control in each county;
- Increase formation of CWMAs or weed districts;
- Make the issue a priority with legislators and public; and
- Conduct interstate efforts with neighboring states (Arizona, California, Idaho, Oregon, and Utah).

Chairman Rhoads suggested the Committee support a Bill Draft Request (BDR) to provide funding for the Noxious Weed Program and requested the SDA work with Committee staff to develop language.

### ***Don Henderson***

Don Henderson, previously identified, expressed willingness to work with Committee staff in this regard and provide a progress report at the Committee's final meeting, scheduled for August 16, 2002.

### **Discussion of the Time Frames for Obtaining Certain Mining Permits in Nevada**

#### ***Alan R. Coyner***

Alan R. Coyner, Administrator, Nevada Division of Minerals, Nevada's Commission on Mineral Resources, Carson City, provided the following items:

1. A memorandum dated June 21, 2002, to Nevada's Legislative Commission on Public Lands [sic], from Alan R. Coyner, the subject of which is "Time Frames for Obtaining Certain Mining Permits in Nevada"; and
2. A publication titled "Commission on Mineral Resources, Division of Minerals, Nevada Exploration Survey 2001, by Doug Driesner, Director of Mining Services, and Alan R. Coyner, Administrator, June 2002" (Exhibit I).

Mr. Coyner explained that Exhibit I - 1 is a summary of the information contained in Exhibit I - 2. Please refer to Exhibit I - 1 for a detailed account of Mr. Coyner's presentation, which provides data on permitting time for exploration notices and plans of operation. Mr. Coyner anticipated that permitting times would increase as a result of bonding requirements.

#### ***Russell A. Fields***

Russell A. Fields, President, Nevada Mining Association, Reno, provided a copy of his remarks titled "Remarks of Russ Fields, President, Nevada Mining Association" (Exhibit J). Please refer to Exhibit J for a detailed account of Mr. Fields' presentation, which addressed the reasons why mine permitting time frames are lengthy and provided possible solutions.

Assemblyman Marvel questioned if foreign countries require mining operations meet environmental standards similar to those in the United States. In response, Mr. Fields explained that in order to receive funding, the World Bank Organization requires mining companies to meet environmental standards and in many cases Nevada is used as a model.

#### ***David Gaskin***

David Gaskin, Chief, Bureau of Mining Regulation and Reclamation, Division of Environmental Protection, SDCNR,

Carson City, provided the following information.

The permits required by the state of Nevada for mining include the following:

- Special Publication L-6;
- Various federal, state, and local agencies; and
- Some long-term processes.

The role of the Bureau of Mining Regulation and Reclamation is to provide the following:

- regulation — water pollution control permits;
- reclamation — reclamation permits and bonding; and
- closure — chemical stabilization of mining operations.

Water pollution control permits address the following:

- water quality issues;
- design, construction, operation, and closure; and
- chemical stabilization.

Reclamation permits address the following:

- physical stabilization;
- post-mining land use; and
- financial assurance.

Continuing, Mr. Gaskin discussed Nevada's permitting timeframes for the following areas:

- Water pollution control:
  - administrative review — 30 days;
  - technical review — 90 days;
  - public comment period — 30 days;
  - notice of decision — 15 days;
  - appeal period — 15 days; and
  - the public comment and appeal periods are the only time frames that cannot be extended or reduced.
- Reclamation permit for privately owned lands:
  - completeness review — 15 days;
  - technical review, draft permit — 60 days;
  - public comment period — 30 days;

- issue or deny final permit — 15 days; and
- permit effective upon posting of surety bond.
- Reclamation permit for public or mixed lands (Nevada’s time frames are noted, but may be expended by requirements of or petitions based on the National Environmental Protection Act of 1969 [NEPA]):
  - completeness review — 15 days (NEPA has no time limit);
  - technical review, draft permit — 15 days (NEPA has no time limit);
  - public comment period — 30 days (same as NEPA);
  - issue or deny final permit — 15 days; and
  - permit effective upon posting of surety bond.

In conclusion, Mr. Gaskin noted that the following actions have been implemented in order to improve the process:

- accessible staff — in person, phone, or electronic-mail;
- internet Web site — <http://www.ndep.state.nv.us>;
- guidance documents;
- cooperation and information sharing with the Nevada Mining Association;
- cooperation and communication with the federal land managers; and
- the importance of certainty in the permitting process.

### **Report of the State Reclamation Bond Pool for Mining**

#### ***Alan R. Coyner***

Alan R. Coyner, previously identified, provided a document titled “Nevada Reclamation Bond Pool” (Exhibit K). Please refer to Exhibit K for a detailed account of Mr. Coyner’s testimony, which addressed the following:

- Bond Pool Mission Statement;
- Bond Pool Program Description;
- Bond Pool Status as of June 2002; and
- Proposed amendments to Bond Pool Regulations.

### **Review of Certain Federal Regulations commonly known as Rangeland Reform ‘94**

#### ***Chairman Rhoads***

Chairman Rhoads informed the Committee he had met with Tom Fulton, Deputy Assistant Secretary, Land and Minerals Management, BLM, Washington, D.C., to discuss stockwater permit issues and ownership of range improvements (currently, any improvements made on public lands are held in the name of the United States).

Chairman Rhoads explained that Mr. Fulton indicated Secretary of the Interior Gale A. Norton does not support either regulation and intends to change both either through regulation or policy interpretation. Chairman Rhoads characterized the meeting as “very positive” and noted Mr. Fulton was “sincere.” Additionally, the Office of the Solicitor, DOI, telephoned Chairman Rhoads to discuss the topics. However, Chairman Rhoads expressed belief that the Committee should move forward with the stockwater BDR (discussed during later testimony).

### ***Meg Jensen***

Meg Jensen, Deputy State Director for Resources, Lands, and Planning, BLM, Reno, directed the Committee's attention to a folder labeled "Nevada Bureau of Land Management" (Exhibit L) and explained the contents, as follows:

1. The document titled "Range Reform '94, Chronology," shows the history of the process BLM went through with Range Reform '94;
2. The untitled chart is a comparison of key elements before and after Range Reform '94;
3. The document titled "Cattle grazing works with fire rehab efforts" is for informational purposes; and
4. The document titled "Sheep put hooves to the burned turf" is an early report of the study, which was presented to the Committee at an earlier meeting.

Ms. Jensen briefly reviewed the chronology of Range Reform '94, as listed in Exhibit L – 1, and noted the process moved rapidly. Next, she directed attention to the comparison chart of key elements before and after Range Reform '94 (Exhibit L – 2) and provided a summary of the changes to the following elements:

- advisory groups;
- public participation;
- consultation, coordination, cooperation, and requirements;
- range improvement title under cooperative agreements;
- range improvement title under range improvement permit;
- range improvement fund;
- water rights;
- reduction phase-in;
- mandatory qualification;
- grazing fee;
- leased livestock surcharge;
- preference definition;
- permitted use; and
- standards and guidelines.

Chairman Rhoads expressed that individuals who participated in the public comment period were disappointed with the range reform regulations because their comments and suggestions were seemingly disregarded. As a result, many of the participants will not engage in similar processes in the future.

### ***Don Henderson***

Don Henderson, previously identified, informed the Committee he is forming a working group to examine the regulations and discuss possible changes. He noted it might be a lengthy process.

### **Continued Discussion about a Bill Draft Request Regarding Issuance of Stockwater Permits by the State Engineer**

## **R. René Yeckley**

R. René Yeckley, Principal Deputy Legislative Counsel, Legal Division, LCB, Carson City, explained that since the Committee's last meeting, the Legal Division has made changes to the draft amendment to *Nevada Revised Statutes* (NRS) 533.503, commonly known as the "stockwater statute."

Ms. Yeckley submitted a document titled "Draft Amendment to NRS 533.503" (Exhibit N - 1) and provided a detailed summary of the draft amendment, as follows:

### ➤ Subsection 1 of Section 1:

Generally, this subsection prohibits the State Engineer from issuing stockwater permits on the public range, unless the applicant for such a permit, or in the case of a joint applicant, at least one of the applicants: (1) is entitled to place the livestock on the public range for which the permit is sought AND either: (1) owns, leases or otherwise possesses a legal or proprietary interest in the livestock for which the permit is sought; OR (2) has received from such a person who has a legal or proprietary interest in the livestock, authorization to possess physical custody of the livestock and authorization to care for, control, and maintain the livestock.

Since the Committee's last meeting, the draft was amended to require that each applicant for a joint permit must agree to contribute to the development of the water right for which the permit is sought.

### ➤ Subsection 3 of Section 1:

This is a new provision. Subsection 3 allows the State Engineer to waive the requirements in Subsections 1 and 2 for an applicant if: (1) the applicant is legally entitled to maintain on the public grazing lands, a grass bank or forage band for the temporary use and benefit of livestock grazers who have been displaced from their usual allotments because of a drought or fire; and (2) if the applicant seeks the permit or certificate for the purpose of watering the livestock of such grazers who use the grass bank or forage bank. Further, the State Engineer must find that waiving the requirement in this situation is in the best interest of the state.

Ms. Yeckley noted it was brought to her attention earlier in the meeting that the reference to a displaced grazer as a result of drought or fire must be broadened to include a grazer who is displaced because his allotment is in need of rehabilitation.

### ➤ Subsection 5 of Section 1:

Subsection 5 was amended since the Committee's last meeting to exclude state lands and tribal lands from the type of lands subject to the draft amendment. Thus, the draft amendment would apply to federally managed lands.

### ➤ Section 2:

This is the effective date of the draft amendment and has remained unchanged. Thus, the draft amendment would apply prospectively to permits or certificates issued after the effective date of the bill.

Ms. Yeckley informed the Committee that the Legal Division has been working closely with deputies from the Office of the Attorney General who litigated the "stockwater case" (*United States v. State Engineer*, 117 Nev. Adv. Op. No. 49 [2001]) and would be charged with defending any future legislation in this regard. She noted that due to scheduling conflicts, these deputies were unable to attend the meeting. However, Ms. Yeckley submitted a copy of an electronic mail message she received from Marta Adams, Senior Deputy Attorney General, Office of the Attorney General, Carson City, the subject of which is "Proposed legislation re: stockwater permits" (N - 2), which supports the draft amendment.

In conclusion, Ms. Yeckley offered to address questions and reminded the Committee that representatives of the BLM and the SDCNR were present to provide input.

Following Ms. Yeckley's presentation, the following discussion of the draft amendment ensued.

Meg Jensen, previously identified, noted that, as Ms. Yeckley indicated, Subsection 3 of Section 1 should perhaps be broadened to include a grazer who is displaced because his allotment will be rehabilitated under the provisions of the Great Basis Restoration Act. Commissioner Goicoechea questioned if this would invite federal agencies to suspend annual unit months (AUMs) and have them incorporated into forage banks.

Ms. Yeckley responded to Commissioner Goicoechea that the provision contained in Subsection 3 of Section 1, which

directs the State Engineer to determine that waiving the requirement in this situation is in the best interest of the state might address Commissioner Goicoechea's concern.

In response, Ms. Jensen noted Commissioner Goicoechea's concern is "legitimate" and explained that much discussion on how to set up grass banks is underway. She was of the opinion that the BLM would not retire AUMs merely for the purpose of establishing a grass bank. She noted that one example of how to establish a grass bank would be to acquire land in an exchange for this purpose, but policy has not yet been addressed.

Mr. Vaught, previously identified, informed the Committee he had received information earlier in the morning that the USFS does not support the draft amendment. He explained the reason might be because the USFS has for many decades had a policy that the Federal Government holds water title to water developments on USFS lands. Mr. Vaught was of the opinion it is a difference of perspective and the USFS understands that from a permittee's perspective it would be better for him to have the rights as a part of their ownership. However, the USFS is concerned that the draft amendment would complicate management if a cooperative relationship did not exist between the two parties. Consequently, the USFS has requested they be removed from the bill. However, the USFS is open to further discussion. Mr. Vaught indicated he would provide this information to the Committee in writing.

In response to Mr. Vaught, Chairman Rhoads noted there is no incentive for a rancher to invest in a water improvement in the state of Nevada. He further noted that water improvements provide resources for not only the livestock, but also wildlife in the area.

Assemblyman de Braga echoed Chairman Rhoads' sentiments and expressed belief that ranchers should receive compensation for water developments.

Senator Care requested Mr. Vaught obtain a detailed explanation from the USFS as to the reasons why the draft amendment is unacceptable.

Commissioner Goicoechea noted that the majority of water utilized for livestock on USFS lands in northern Nevada is surface water with vested rights. Consequently, he was of the opinion that it will "be an issue." Continuing, Commissioner Goicoechea revealed that in his 30 years of operating on USFS land, his experience has been positive and the USFS participated in water developments.

Senator McGinness reminded those present that the legislation is a draft and there will be many opportunities for discussion and changes. He was of the opinion that the USFS should remain in the draft in order to keep all parties involved and working toward a compromise.

Chairman Rhoads noted the Committee would not take action on the draft until its final meeting/work session.

R. Michael Turnipseed, P.E., Director, SDCNR, Carson City, sought clarification of the intent of the following language, contained in the draft amendment (Exhibit N - 1):

If the application is for a joint permit, each applicant for the permit agrees to contribute to the development of the water right for which the permit is sought.

Mr. Turnipseed explained there are two fees associated with obtaining a stockwater permit: (1) \$250 application fee; and (2) \$50 permit fee. He questioned if the intent of the language is to ensure the joint applicants share the cost of these fees or the water development, or both.

Chairman Rhoads noted that if a joint application was truly a fifty/fifty partnership, the parties should absorb both the fees and development costs equally. Further clarification in this regard will be incorporated into the draft amendment.

Hugh Ricci, P.E., State Engineer, Division of Water Resources, SDCNR, Carson City, explained that before any action can be taken on a joint stockwater application, there must be an agreement between the applicants with regard to funding of the development. He was of the opinion that the details of the agreement between the parties appear to be irrelevant to the bill.

C. Joseph Guild, III, Past President, Nevada Cattlemen's Association, Reno, explained he has been unable to determine the legal basis for the USFS' position that water developments on USFS lands must be held by the Federal Government. He encouraged the Committee to request the USFS provide information with regard to the legal basis for this position. Further, Mr. Guild expressed concern that if the legislation is passed, the USFS might seek declaratory relief in federal court, which would result in the absence of good management practices on the land.

Mr. Ricci, previously identified, referred to Section 3, Subsections 1 and 2 of the draft amendment (Exhibit N - 1). Mr. Ricci explained that the mechanism by which the State Engineer is able to determine if a waiver is in the best interest of the state must be established, e.g., the land use plan or other document. Chairman Rhoads concurred with Mr. Ricci and requested he submit suggested language to address this concern.

-  
-  
**PUBLIC COMMENT**

***Stephanie Licht***

Stephanie Licht, Spring Creek, informed the Committee she is involved with a group that seeks a strong policy with regard to economic activities on public lands be supported by the state of Nevada. She noted that because the rural counties face distance and access issues, most economic benefits are tied to natural resources. Ms. Licht informed the Committee she is preparing a presentation, which she intends to present to Nevada's legislators. The presentation will demonstrate the following: (1) the existence of vast amounts of public lands in Nevada; (2) the existence of little private land available for economic endeavors in Nevada's rural counties; and (3) the need for economic activities on public lands in rural Nevada.

Continuing, Ms. Licht noted that over the past 19 years, Nevada has lost 16 percent of its AUMs on the public lands, which has had a negative fiscal impact on the rural counties. She informed the Committee that there is a possibility the Governor's Task Force on Tax Policy in Nevada may include in a recommendation in support of this effort and Ms. Licht encouraged the Committee to support the effort as well.

Ms. Licht provided seven documents relative to her comments (Exhibit O). Please refer to the "List of Exhibits" for more details.

Senator Care informed Ms. Licht that the Legislative Committee for Local Government Taxes and Finance makes decisions with regard to local tax distribution. He suggested she attend a meeting and present her suggestion during the public comment.

***Assemblyman John C. Carpenter***

Assemblyman John C. Carpenter, Assembly District No. 33, Elko, made two points regarding sage grouse. First, he was of the opinion that it is important for Elko County to continue to "rush ahead" with the planning and implementation process because it provides information, which other working groups may utilize. Second, Assemblyman Carpenter addressed "stubble height" and asserted that the BLM must obtain authority to make adjustments to stubble height guidelines, rather than to expect one height be correct and achievable for all habitat regions.

***Meg Jensen***

Meg Jensen, previously identified, explained that the stubble height guidelines to which Assemblyman Carpenter had referred are included in the guidelines for sage grouse conservation, adopted by the Western Association of Fish and Wildlife Agencies (a consortium of Western state and federal agencies). The guidelines were provided to the BLM as recommended guidelines and include a 7-inch stubble height guideline. The BLM provided the guidelines to its field offices with a suggestion that they be used as an advisory guideline until the Governor's Sage Grouse Plan is released.

***Jackie Holmgren***

Jackie Holmgren from Hawthorne identified herself as: (1) Rancher, Rawhide Ranch; (2) Mineral County Representative, Committee for Full Statehood; and (3) Secretary, Nevada Live Stock Association. She provided four documents (Exhibit P). Please refer to the "List of Exhibits" for details.

Ms. Holmgren informed those present that she and her husband, David Holmgren, have been involved in "almost a war" with the BLM for "a long time" and have been utilizing the BLM grievance process. She explained the Rawhide Ranch allotment is a water-based allotment. Ms. Holmgren was of the opinion that for the BLM to restrict the use of water on the allotment constitutes a "takings" case and she is "sticking up for Nevada's water law."

Continuing, Ms. Holmgren expressed belief that the intended changes to Rangeland Reform demonstrate the "yo-yo policy" utilized by the BLM and Nevada's agricultural industry will continue to be depleted with this type of management.

She did not agree with the arguments made in the letter from Gary D. Woodbury, Elko County District Attorney (Exhibit M) and spoke against the stockwater bill draft and grass banks.

***David Holmgren***

David Holmgren, Rancher, Rawhide Ranch; and Chairman, Nevada Live Stock Association, Hawthorn, spoke regarding water rights. He was of the opinion that the Federal Government “came with guns to get the cattle; they’re gonna be coming with guns to get the water.”

***Chairman Rhoads***

Chairman Rhoads recapped that staff would address the following:

1. Evaluate the circumstances with regard to the time period to obtain a pesticide use permit, and if necessary, draft a Committee letter to Robert V. Abbey, Nevada State Director, Nevada State Office, BLM, addressing this issue.
2. Include in the Committee’s work session document a BDR to obtain funding for grants to be awarded by Nevada’s Legislative Committee on Public Lands for a number of purposes (similar to the provisions set forth in Senate Bill 560 [Chapter 544, *Statutes of Nevada 1999*])
3. Along with Mr. Hutchings, previously identified, prepare a Committee letter to Nevada’s counties with regard to sage grouse in an effort to: (1) explain the impacts of an ESA listing; (2) espouse the benefits to counties for participating in planning efforts; and (3) encouraging participation.

There being no further business to come before the Committee, Chairman Rhoads thanked the speakers and adjourned the meeting at 4:25 p.m.

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

Respectfully submitted,

Christine Kuhl  
Senior Research Secretary

Linda Eissmann  
Senior Research Analyst

APPROVED BY:

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

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

**LIST OF EXHIBITS**

Exhibit A, provided by Linda Eissmann, Senior Research Analyst, Legislative Counsel Bureau (LCB), Carson City, is a packet of information as listed on the Memorandum contained therein.

Exhibit B, provided by Jon Hutchings, Natural Resources Manager, Eureka County, Department of Natural Resources, Eureka, is a copy of his remarks, titled “County Update, Fallon, June 21, 2002.”

Exhibit C, provided by Jerry Smith, Battle Mountain Field Manager, Battle Mountain Field Office, Bureau of Land Management (BLM), United States Department of the Interior (DOI), Battle Mountain, is a copy of his remarks, titled “Presentation by: Battle Mountain Field Office (BMFO), Jerry Smith, Field Manager.”

Exhibit D, provided by Peggy Hughes, State Resource Conservationist, National Resources Conservation Service, U.S. Department of Agriculture, Reno, is a document titled "Farm Security and Rural Investment Act of 2002."

Exhibit E, provided by Kim Hanson, Refuge Manager, Stillwater National Wildlife Refuge Complex, U.S. Fish and Wildlife Service, DOI, Fallon, consists of the following documents:

1. "Water Rights Acquisitions for Lahontan Valley Wetlands, June 2002"; and
2. "Briefing Statement."

Exhibit F, provided by Jon Hutchings, Natural Resources Manager, Eureka County, Eureka, is a document titled "Questions Posed to County Groups Involved in Sage Grouse Conservation Planning, Summary of June 13, 2002, meeting of representatives from Churchill, Lander, Eureka, and White Pine Counties."

Exhibit G, provided by Bob Ashworth, Fire Program Coordinator, Nevada Division of Forestry, State Department of Conservation and Natural Resources (SDCNR), Carson City, is a folder marked "Interagency Overview of Anticipated 2002 Fire Season," which contains a Microsoft PowerPoint document titled "2002 Wildland Fire Briefing, June 21, 2002."

Exhibit H, provided by Dawn Rafferty, Noxious Weeds Program Coordinator, SDCNR, Carson City, consists of the following:

1. A pamphlet titled "Nevada's Weed Free Forage Certification Program"; and
2. A Microsoft PowerPoint document titled "Nevada's Noxious Weed Program."

Exhibit I, provided by Alan R. Coyner, Administrator, Nevada Division of Minerals, Nevada's Commission on Mineral Resources, Carson City, consists of the following:

1. A memorandum dated June 21, 2002, to Nevada's Legislative Commission on Public Lands [sic], from Alan R. Coyner, the subject of which is "Time Frames for Obtaining Certain Mining Permits in Nevada"; and
2. A publication titled "Commission on Mineral Resources, Division of Minerals, Nevada Exploration Survey 2001, by Doug Driesner, Director of Mining Services, and Alan R. Coyner, Administrator, June 2002."

Exhibit J, provided by Russell A. Fields, President, Nevada Mining Association, Reno, is a copy of his remarks titled "Remarks of Russ Fields, President, Nevada Mining Association."

Exhibit K, provided by Alan R. Coyner, previously identified, is a document titled "Nevada Reclamation Bond Pool."

Exhibit L, provided by Meg Jensen, Deputy State Director for Lands, Resources, and Planning, BLM, Reno, is a folder labeled "Nevada Bureau of Land Management," which contains the following items:

1. A document titled "Range Reform '94, Chronology;"
2. An untitled chart, which shows "Element," "Before Range Reform '94," and "After Range Reform '94";
3. A document titled "Cattle grazing works with fire rehab efforts"; and
4. A document titled "Sheep put hooves to the burned turf."

Exhibit M, submitted by Chairman Rhoads, is a letter from Gary D. Woodbury, Elko County District Attorney, to the Elko County Commission, dated May 30, 2002, the subject of which is "Impoundment of Indian cattle."

Exhibit N, provided by R. René Yeckley, Principal Deputy Legislative Counsel, Legal Division, LCB, Carson City, consists of the following:

1. A document titled "Draft Amendment to NRS 533.503"; and
2. A copy of an electronic mail message from Marta Adams, Senior Deputy Attorney General, Office of the Attorney General, Carson City, the subject of which is "Proposed legislation re: stockwater permits."

Exhibit O, provided by Stephanie Licht, Spring Creek, consists of the following items:

1. A map titled “Public Lands Managed by the Bureau of Land Management (BLM)”;
2. A document titled “The Bureau of Land Management Facts”;
3. A Microsoft PowerPoint document titled “Nevada Public Land Grazing Trend Report and Economic Analysis, Don Henderson, Rangeland Resource Specialist, Deputy Director, Nevada Department of Agriculture”;
4. A printout of a Web page titled “National Association of Counties”;
5. A document titled “Rural Nevada Data,” prepared by Thomas R. Harris, Ph.D., Director, University Center for Economic Development, and Professor, Department of Applied Economics and Statistics, University of Nevada, Reno;
6. A document titled “Brief Rural Nevada Statistics,” prepared by Thomas R. Harris, Ph.D., Director, University Center for Economic Development, and Professor, Department of Applied Economics and Statistics, University of Nevada, Reno; and
7. A document titled “Reviving Nevada’s Economy,” compiled by Stephanie Licht, June 17, 2002, with technical assistance provided by Guy Rocha, Assistant Administrator for State Library and Archives (State Archivist), Department of Cultural Affairs.

Exhibit P, provided by Jackie Holmgren, Rancher, Rawhide Ranch; Mineral County Representative, Committee for Full Statehood; and Secretary, Nevada Live Stock Association; Hawthorn, consists of the following items:

1. A press release dated June 21, 2002, “JUDGE DEALS A BLOW TO BLM GRANTS RANCHER A STAY”;
2. An “APPEAL AND MOTION FOR STAY OF FINAL DECISION 4160 (NV-032),” dated April 27, 2002, In The Matter Of: The Pilot-Table Mountain Allotment, David & Jackie Holmgren, d/b/a Rawhide Ranch”;
3. An “APPEAL AND MOTION FOR STAY OF FINAL DECISION 4120 (NV-032),” dated April 29, 2002, In The Matter Of: The Pilot-Table Mountain Allotment, David & Jackie Holmgren, d/b/a Rawhide Ranch”; and
4. A videotape titled “The Prestige, Powers, and Responsibilities of Elected Peace Officers (THE SHERIFF).”

Exhibit Q 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**

AUM(s)	Animal Unit Months
BDR	Bill Draft Request
BLM	Bureau of Land Management, United States Department of the Interior
CWMA	Cooperative Weed Management Area
DOI	United States Department of the Interior
ESA	Endangered Species Act of 1973
LCB	Legislative Counsel Bureau
NDF	Nevada’s Division of Forestry, State Department of Conservation and Natural Resources
NDOW	Nevada’s Division of Wildlife, State Department of Conservation and Natural Resources
NEPA	National Environmental Protection Act of 1969

NRS	<i>Nevada Revised Statutes</i>
SDCNR	State Department of Conservation and Natural Resources
SDA	State Department of Agriculture
USDA	United States Department of Agriculture
USFS	United States Forest Service, United States Department of Agriculture
USFWS	U.S. Fish and Wildlife Service, United States Department of the Interior