

**MINUTES OF THE MEETING OF THE
LEGISLATIVE COMMITTEE ON PUBLIC LANDS
(Nevada Revised Statutes 218.5363)
August 16, 2002
Elko, Nevada**

The eighth and final meeting of the Legislative Committee on Public Lands (*Nevada Revised Statutes* [NRS] 218.5363) during the 2001-2002 interim was held on Friday, August 16, 2002, in the Elko Convention Center and Visitors Authority, Gold Room, 700 Moren Way, Elko, 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
Assemblyman Tom Collins
Assemblyman P.M. "Roy" Neighbors
Peter J. Goicoechea, Eureka County Commissioner

OTHER LEGISLATORS PRESENT:

Assemblyman John C. Carpenter

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, August 16, 2002
9 a.m.

Place of Meeting: Elko Convention Center and Visitors Authority
Gold Room
700 Moren Way
Elko, Nevada

A G E N D A

- I. Opening Remarks and Introductions
- *II. Approval of the Minutes of the Meetings held on May 17, 2002, in Las Vegas and June 21, 2002, in Fallon, Nevada
- *III. Reports to the Committee

A. Overview of Public Lands Issues in Elko County

Brad Roberts, Chairman, Elko County Board of Commissioners

Helen Hankins, Elko Field Manager, Bureau of Land Management (BLM), United States Department of the Interior

Bill VanBruggen, District Ranger, Mountain City-Jarbridge and Ruby Mountain Ranger Districts, Humboldt-Toiyabe National Forest, U.S. Forest Service, U.S. Department of Agriculture

B. Status Report of the Implementation of the Federal Land Transaction Facilitation Act of 2000 (also known as the "Baca Bill") and Discussion of the Purchase of Private Land in Rural Nevada with Funds Available from the Southern Nevada Public Land Management Act of 1998

Jean Rivers-Council, Acting State Director, Nevada BLM

C. Overview of the Upcoming Bond Question in the November 2002 General Election to Issue General Obligation Bonds in Support of Conservation and Natural Resource Projects in Nevada (Assembly Bill 9 of the 17th Special Session)

Pamela B. Wilcox, Administrator, Division of State Lands, State Department of Conservation and Natural Resources

D. Discussion of the Issuance of Permits and Licenses to Guides and Outfitters in Nevada

Nevada State Assemblyman Marcia de Braga

IV. Public Comment

*V.

WORK SESSION

Committee Discussion and Final Recommendations

Note: During this portion of the meeting, the Committee members will discuss and take final action on certain recommendations proposed at this and other meetings held during the 2001-2002 Legislative Interim. These proposals are outlined in a document from which the members will be working when determining final recommendations. A copy of this "Work Session Document" may be obtained from Linda Eissmann, Committee Staff Director, Research Division, Legislative Counsel Bureau, Carson City; telephone: (775) 684-6825 (toll-free from Las Vegas: 486-2626; toll-free from other areas of Nevada: 1-800-992-0973) or by connecting to the Web page for Nevada's Legislative Committee on Public Lands at: www.leg.state.nv.us/Session/71st2001/Interim/StatCom/Lands.

*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 Elko, Nevada, location: Elko Convention Center and Visitors Authority, Gold Room, 700 Moren Way. Notice of this meeting was posted on the Internet through the Nevada Legislature's Web site at: www.leg.state.nv.us.

OPENING REMARKS AND INTRODUCTIONS

Chairman Rhoads called the meeting to order at 9:09 a.m., welcomed those in attendance, and noted a quorum was present. He requested Committee and staff members introduce themselves and those present sign-in on the attendance roster.

APPROVAL OF THE MINUTES OF THE MEETINGS HELD ON MAY 17, 2002, IN LAS VEGAS AND JUNE 21, 2002, IN FALLON, NEVADA

ASSEMBLYMAN MARVEL MOVED TO APPROVE THE MINUTES OF THE MEETINGS HELD MAY 17, 2002, IN LAS VEGAS AND JUNE 21, 2002, IN FALLON, NEVADA. THE MOTION WAS SECONDED BY SENATOR CARE AND PASSED UNANIMOUSLY BY ALL MEMBERS PRESENT.

REPORTS TO THE COMMITTEE

Overview of Public Lands Issues in Elko County

Brad Roberts

Brad Roberts, Chairman, Elko County Board of Commissioners, Elko, discussed the following acts and regulations that affect public lands and the economy in Elko County:

- The Endangered Species Act of 1973;
- 3809 Regulations;
- Animal Unit Months; and
- Wilderness Study Areas.

Please refer to Exhibit A for a detailed account of Mr. Roberts' testimony.

Following Mr. Roberts' presentation, brief discussion ensued regarding the purchase of private lands in rural counties for the purpose of becoming public lands under the Southern Nevada Public Lands Management Act of 1998 (SNPLMA). Chairman Rhoads reminded the Committee that under the SNPLMA counties must concur with nominated lands for purchase.

Mr. Roberts informed the Committee that Elko County has taken a position that it will not approve a land transfer that would result in a net loss to the county. He noted that a consideration in this regard is to place a portion of the funds generated through such a sale in a trust that would annually generate an amount equal to the taxes which would have been collected by the county if the land had remained in private ownership.

Helen Hankins

Helen Hankins, Field Manager, Elko Field Office, Bureau of Land Management (BLM), United States Department of the Interior (DOI), Elko, provided a packet of information (Exhibit B). Please refer to the "List of Exhibits" for details. She noted that the Elko Field Office manages land in Elko, Eureka, and Lander Counties.

Ms. Hankins discussed the following topics and provided the following information:

➤ California National Historic Trails Interpretive Center

- Building and Wayside Design Task Order and Exhibit Design Task Order signed in mid-July 2002;
- Center manager reported for duty August 11, 2002;
- National Environmental Protection Act of 1969 (NEPA) contract signed for NEPA work for center and first 12 waysides; and
- Survey completed for land and easement donation.

Ms. Hankins thanked the Nevada Legislature and the citizens of Elko for their support of the California National Historic Trails Interpretive Center. She noted that the legislative measure that established state funding for the project specified a June 2003 deadline for a federal contribution of \$6 million (Senate Bill 329, Chapter 577, *Statutes of Nevada 1999*). Ms. Hankins anticipated that due to budget constraints, by this date the federal appropriations for the project would be \$4.5 million. She respectfully requested a review of the legislation and appropriate action to rectify the situation, noting it may be a simple language change.

➤ Mining and Realty

- The final Environmental Impact Statement (EIS) and Record of Decision for the SOAPA Project (expansion of Newmont Gold's quarry pit) was issued July 26, 2002;
- The final EIS for the Leeville Project (a Newmont Gold project in the Carlin Trend area) was completed July 26, 2002;
- The Environmental Analysis (EA) for the Pete Project was issued for public comment in July 2002;
- State and DOI officials are scheduled to meet and discuss bonding concerns that have resulted due to the 3809 Regulations; and
- The Indian Creek and Maggie Creek Land Exchanges are scheduled for completion by October 2003.

➤ Range and Wild Horse Management

- There are more Animal Unit Months (AUMs) available in the Elko District than are being utilized by the permittees;
- The policy regulating length of time for closure of AUMs impacted by burns can be determined on a case-by-case basis and are not held to a specified amount of time;
- Emergency wild horse gathers have been completed on the Little Humboldt and Rock Creek Allotments, resulting in the removal of 1,500 horses. The Rock Creek Allotment will be gathered to appropriate management level (AML) within the next two years;
- A Land Use Plan Amendment is being initiated to establish herd management areas for the Little Humboldt, Rock Creek, and Owyhee Herd Areas;
- The BLM has set a goal to reach AML by 2005; and
- Completion of 20 range improvement projects is anticipated by September 30, 2002.

➤ Fire Management

- A Fire Plan Amendment to increase ability to conduct fuels management and an EA is schedule to be sent to the public in August 2002; and

- Approximately 2,400 acres have burned this year in about 100 incidents. Most have been contained to one to two acres.
- Restoration and Rehabilitation
 - Fire rehabilitation from damage caused by the 1999 to 2001 fire seasons is near completion; and
 - A five-year plan for restoration of the Elko district has been defined under the Great Basin Restoration Program.

Mickey Yarbrow

Mickey Yarbrow, Chairman, Lander County Board of Commissioners, Battle Mountain, provided the following information:

- He expressed appreciation for legislative funding for the following Lander County projects: (1) Austin historical society; (2) Battle Mountain Wastewater Treatment Facility; and (3) Kingston water system.
- There is an “economic downturn” in Lander County.
- The Phoenix Project, which is an historic mine formerly operated by Battle Mountain Gold Company and recently acquired by Newmont Mining, is expected to be operational in 2006. Newmont has proposed a 20-year, multi-metal mining operation, to include remediation of the old mine. The BLM has completed an EIS, but the U.S. Environmental Protection Agency (EPA) has challenged it. Mr. Yarbrow requested the Committee support the project and inquire about its status while in Washington, D.C.
- Mr. Yarbrow also requested the Committee’s support of the Humboldt Title Transfer Project.
- The Army Corp of Engineers is working on a flood control project in Battle Mountain, which may result in lower flood insurance rates for area residents.

Chairman Rhoads noted that the Committee would address the Phoenix Project and issues affecting the Humboldt Project Title Transfer with the appropriate agencies during its upcoming trip to Washington, D.C.

Robert Vaught

Robert Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, U.S. Forest Service (USFS), U.S. Department of Agriculture (USDA), Reno, informed the Committee that the USFS would not support SNPLMA land purchases unless the county passes a resolution in support of the acquisition. He also agreed with Commissioner Roberts that economic deterioration of rural communities is a travesty and spoke in support of efforts to improve this condition.

Mr. Vaught introduced Bill VanBruggen, District Ranger, Jarbidge and Ruby Mountain Ranger Districts, and Acting District Ranger, Mountain City Ranger District, Humboldt-Toiyabe National Forest, USFS, USDA, Elko. Mr. Vaught informed the Committee that Mr. VanBruggen has held the ranger position for one year.

Bill VanBruggen

Bill VanBruggen, previously identified, discussed the following management and planning activities underway on National Forest System lands in northeastern Nevada:

- Cooperative efforts to address area wildfires and develop a community fire plan for Shantytown;
- Federal Highways Administration road project to realign and pave the west end of Harrison Pass Road;
- Forest-wide road analysis;
- Updating the Elko County Roads Agreement;
- Jarbidge Canyon EIS;
- Ruby Mountain Heli-Ski EA;

- Lamoille Road EA; and
- Lamoille Canyon Watershed Analysis.

Please refer to Exhibit C for a detailed account of Mr. VanBruggen's testimony.

In response to an inquiry posed by Assemblyman Marvel, Mr. VanBruggen informed the Committee that the "honor camps" are utilized whenever possible to conduct projects on National Forest lands.

Assemblyman Collins noted that he was "impressed" that the improvements on Harrison Pass Road are being conducted by a local contractor. He expressed desire to see future projects be awarded to local contractors. Additionally, Assemblyman Collins explained that the signage for the turn on to Harrison Pass Road off Highway 6 is "not the best" and requested it be addressed (noting he realized it is not a Forest Service issue).

In response to Assemblyman Collins, Mr. Vaught, previously identified, assured the Committee that every attempt is made to inform Nevada contractors about the bidding process for federal projects and, whenever possible, local contractors are selected. He noted that in this case, the Federal Highway Administration selected the contractor. With regard to the signage issue, Mr. Vaught offered to contact the Federal Highway Administration and inform the agency of the problem. Additionally, Mr. Vaught explained that every effort is being made to obtain funding for road projects in northeastern Nevada.

Status Report of the Implementation of the Federal Land Transaction Facilitation Act of 2000 (also known as the "Baca Bill") and Discussion of the Purchase of Private Land in Rural Nevada with Funds Available from the Southern Nevada Public Land Management Act of 1998

Jean Rivers-Council

Jean Rivers-Council, Acting State Director, Nevada BLM, Reno, noted that when Robert V. Abbey, State Director, Nevada BLM, is not serving his tour in Washington, D.C., she serves as the Associate State Director, Nevada BLM. She provided a packet of information (Exhibit D). Please refer to the "List of Exhibits" for details.

Ms. Rivers-Council informed the Committee that she and Mr. Abbey strongly support the sale of lands identified for disposal through the land use planning process. She explained that these lands often provide opportunities for community growth and economic development. Ms. Rivers-Council noted that Nevada's field managers were challenged to develop a five-year plan (referred to as a "Legacy Plan") to offer 100,000 acres for disposal at the rate of 20,000 acres annually. Additionally, she explained that the preferred method of land disposal is through sale, but some land exchanges will be processed when it "makes sense." Continuing, Ms. Rivers-Council discussed implementation of the following acts:

- Federal Land Transaction Facilitation Act of 2000 (also known as the "Baca Bill")
 - A sale under the act will soon be conducted in Douglas County. It is expected to generate funds significant enough to be utilized to offset the cost of processing sales in more rural areas where revenues may not cover the costs associated with the land sales.
 - Field managers will be meeting with county commissioners to determine what lands the counties would like to identify for disposal. As part of a Legacy Plan, no sales will move forward without input from the respective county commissioners.
 - Sale property must have been identified for disposal in a Land Use Plan as of July 25, 2000, which was the day the act was signed. There are 1 million acres in Nevada that meet the criteria.
 - To date, 1,300 acres have been sold, which generated \$386,000.
 - BLM Nevada intends to use the Baca Bill largely for sales authority. Acquisition authority under this act is limited to private lands in areas with special federal designation, such as National Conservation and Wilderness Areas, and lands within the Park, Forest, and Fish and Wildlife Services. In Nevada, such areas contain few private in-holdings.
- Lincoln County Land Act of 2000

- Authorized the sale of 13,500 acres of land in the county.
 - Three parcels totaling 65,000 acres were offered for sale.
 - The smallest of the parcels was 112 acres. It sold for approximately \$110,000, which was 16 percent more than the appraised value.
 - A lawsuit has impeded the sales process and all sales have been halted pending the outcome of litigation.
- Southern Nevada Public Lands Management Act of 1998 (SNPLMA)
- The Secretary of the Interior has approved two rounds of expenditures and the third round of expenditures is pending approval.
 - Lands purchased through the SNPLMA reduce the limited tax base of rural counties.
 - Approximately 30 percent of the expenditures from rounds one and two, and more than half of the expenditures from round three were identified for the following purposes:
 - acquisition of environmentally sensitive land in Nevada, with priority given to Clark County;
 - capital improvements at Lake Mead National Recreation Area, Desert National Wildlife Refuge, Spring Mountain National Recreation Area, Red Rock Canyon National Conservation Area, and other areas administered by the BLM in Clark County;
 - development of the Clark County Multi-Species Habitat Conservation Plan; and
 - development of parks, trails, and natural areas in Clark County pursuant to a cooperative agreement with a unit of local government.

Overview of the Upcoming Bond Question in the November 2002 General Election to Issue General Obligation Bonds in Support of Conservation and Natural Resource Projects in Nevada (Assembly Bill 9 of the 17th Special Session)

Pamela B. Wilcox

Pamela B. Wilcox, Administrator, Division of State Lands, State Department of Conservation and Natural Resources (SDCNR), Carson City, noted that Linda Eissmann, Senior Research Analyst, Research Division, Legislative Counsel Bureau (LCB), Carson City, provided the following documents for reference (Exhibit E):

1. A copy of “Ballot Question #1 – Proposal to Issue Bonds for Conservation and Resource Protection – Assembly Bill No. 9 of the 17th Special Session”; and
2. A bill summary, prepared by the Research Division, Legislative Counsel Bureau, titled “Assembly Bill 9.”

Ms. Wilcox explained that the bond would create the Fund to Protect Natural Resources in the State General Fund to be administered by the Director of the SDCNR. The measure directs that the bond money be allocated as follows:

- \$27 million to the Division of State Parks for property acquisition or capital improvements and renovations;
- \$27.5 million to the Division of Wildlife for property acquisition, facility development and renovation, or habitat improvements;
- \$10 million to Clark County for development of a regional wetlands park at the Las Vegas Wash;
- \$25 million to the Las Vegas Springs Preserve in Clark County for planning and developing the preserve, providing wildlife habitat, and constructing support facilities;
- \$35 million to the Department of Cultural Affairs (formerly the Department of Museums, Library and Arts) to establish a museum at the Las Vegas Springs Preserve;

- \$10 million to Washoe County for enhancement and restoration of the Truckee River corridor; and
- \$65.5 million to the Division of State Lands to provide grants for state agencies, counties, municipalities, or qualifying private nonprofit organizations for various programs. The programs include recreational trails, urban parks and greenbelts, habitat conservation plans, open spaces, and general natural resource protection projects. Of this amount, \$10 million is identified for enhancing and restoring the Carson River corridor and \$5 million is identified for developing the Lake Tahoe Path System. Additionally, \$15 million is to be used for contracts or agreements under which nonprofit conservation organizations may acquire land and water for public benefit and natural resource projects. The measure provides that all grants issued by the Division of State Lands, and any reallocations of these grant funds, must be approved by the Nevada Legislature's Interim Finance Committee.

With regard to the funding to be provided for grants administered by the Division of State Lands, Ms. Wilcox provided a chart titled "Division of State Lands, Question 1 (AB 9) – Subsection 7 Grant Program" (Exhibit F). This chart provides detailed information regarding the use of such funds. Please refer to Exhibit F for a detailed account of fund recipients and project descriptions.

In summary, Ms. Wilcox expressed support for the measure and noted the bond program would be a new undertaking for the Division of State Lands.

PUBLIC COMMENT

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Jackie A. Holmgren

Jackie A. Holmgren, Rancher Representative to the Nevada Committee for Full Statehood and Independent American Party Candidate for Assembly District 36, Hawthorne, addressed stockwater rights under *Nevada Revised Statutes* (NRS) 533.503. Please refer to Exhibit G for a detailed account of Ms. Holmgren's testimony.

Assemblyman Collins noted that the language for the bill draft regarding NRS 533.503, currently under consideration by the Committee, is a general proposal to be presented to the 2003 Nevada Legislature. He informed those present that during the Legislative Session there would be hearings on the measure and additional opportunities to provide input.

O.Q. "Chris" Johnson

O.Q. "Chris" Johnson, Chairman, Nevada Committee for Full Statehood, Sparks, addressed stockwater rights under NRS 533.503. Please refer to Exhibit H for a detailed account of Mr. Johnson's testimony.

David G. Holmgren

David G. Holmgren, Chairman, Nevada Live Stock Association, Rancher Representative to the Nevada Committee for Full Statehood, and Independent American Party Candidate for Governor, Hawthorne, addressed stockwater rights in Nevada and read a statement of Nevada State Senator Joe Neal regarding Nevada's water law. Please refer to Exhibit I for a detailed account of Mr. Holmgren's testimony.

Jacques Etchegoyhen

Jacques Etchegoyhen from Minden explained that for 32 years he worked for a ranching family that began its operation six years prior to Nevada becoming a state. Additionally, he serves as State Director of the Nevada Land Conservancy and has been a Douglas County Commissioner for eight years.

He explained that Douglas County has an active policy of requiring developers to provide for conservation easements. There are currently 8,000 acres as easements in the county.

Additionally, Mr. Etchegoyhen addressed the sale of BLM land in Douglas County under the Baca Bill as described in the earlier testimony of Ms. Rivers-Council. He expressed enthusiasm for the use of the sale proceeds to fund the program in other rural counties.

In conclusion, Mr. Etchegoyhen noted that these programs would protect important habitat and western culture.

Juan Guzman

Juan Guzman, Open Space Manager, Carson City, provided and read into the record a letter from the managers of Carson City and Douglas and Washoe Counties, to Senator Dean Rhoads, dated August 13, 2002, the subject of which is the formation of a tri-county alliance to implement the Southern Nevada Public Lands Management Act (Exhibit J). Please refer to Exhibit J for additional information.

George Parman

George Parman, Member, Committee for Full Statehood and Nevada Live Stock Association, Eureka, posed a question regarding the office of State Brand Inspector. Chairman Rhoads explained that the issue was out of the Committee's purview, but referred him to the State Department of Agriculture.

Thomas Jefferson

Thomas Jefferson, Member, Committee for Full Statehood and Independent American Party Candidate for Elko County Recorder, Elko, addressed the Committee's proposed bill draft regarding stockwater. Please refer to Exhibit K for a detailed account of his testimony.

Stephanie Licht

Stephanie Licht, Legislative Consultant, Spring Creek, provided a document titled "Reviving Nevada's Economy" (Exhibit L). Ms. Licht reminded those present that she had given a presentation at the Committee's June 21, 2002, meeting in Fallon that focused on the efforts of a collaborative group aimed at developing and advocating a statewide economic policy focused on activities on public lands, and reviving rural area economies.

Ms. Licht updated the Committee on the group's progress, noting that she planned to give a presentation to the Governor's Task Force on Tax Policy and to the Legislative Committee for Local Government Taxes and Finance. The presentation will address the cumulative effects that State government decisions have on rural economies in Nevada, and how urban and rural communities contrast in terms of economic stability. Please refer to Exhibit L for detailed information regarding Ms. Licht's presentation.

Bebe Adams

Bebe Adams, Representative, Barrick Goldstrike Mines, Elko, informed the Committee that Barrick Goldstrike Mines is in favor of Ballot Question #1 and urges the Committee to support the measure.

Roy Niebling

Roy Niebling, Member, Nevada Committee For Full Statehood, Elko, submitted a letter from Cliven D. Bundy, to Honorable Legislators, dated August 16, 2002, the subject of which is "Comments on Draft Amend NRS 553.303" (Exhibit M). Mr. Niebling read the letter into the record. Please refer to Exhibit M for additional information.

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WORK SESSION

Committee Discussion and Final Recommendations — Bills and Resolutions

Item 1

Request the drafting of a bill to revise NRS 533.503 regarding restrictions on the issuance of stockwater permits and certificates of appropriation on public lands, to: (1) establish criteria for obtaining a stockwater permit that is related to the ownership of the livestock to be watered; and (2) specifically provide for the issuance of joint permits including joint permits between a livestock operator and the Federal Government.

Chairman Dean A. Rhoads

Chairman Rhoads explained that if no action were taken with regard to this item, all future stockwater permits would be issued in the name of the Federal Government. He emphasized the importance of reaching a solution on the issue. Chairman Rhoads requested R. René Yeckley, Principal Deputy Legislative Counsel, Legal Division, LCB, Carson City,

address the topic.

R. René Yeckley

R. René Yeckley, previously identified, provided a document titled “Draft Amendment to NRS 533.503” (Exhibit S) and noted that the changes made since the Committee’s last meeting were underlined. Ms. Yeckley reviewed these changes. Please refer to Exhibit S for detailed information.

Mike Baughman

Mike Baughman, Executive Director, Humboldt River Basin Water Authority, Carson City, provided a document titled “Humboldt River Basin Water Authority, Suggested Amendments to Bill Draft Request Concerning NRS 533.503” (Exhibit T) and reviewed the three points contained therein. Please refer to Exhibit T for detailed information.

Mr. Baughman noted the intent of the suggested amendments were to ensure that private interest in stockwater rights on public lands are protected. Additionally, he expressed a willingness to participate in further refinement of the bill during the 2003 Legislative Session.

R. René Yeckley

At the request of Chairman Rhoads, Ms. Yeckley responded to Mr. Baughman’s concerns. She noted that the following two factors were considered when preparing the draft amendment:

1. It must not violate the supremacy clause of the *United States Constitution*; and
2. Emphasis was placed on the dissenting and concurring opinion of Justice Nancy Becker, noting that the more the draft deviates from her analysis, the less it can be relied upon.

Senator Terry Care

Senator Care was of the opinion that the work of Ms. Yeckley and the Subcommittee to Develop a Bill Draft Request Regarding Issuance of Stockwater Permits by the State Engineer had produced a sufficient document. He noted the goal was to introduce a bill draft request (BDR) to the 2003 Nevada Legislature and reiterated comments made earlier that there would be sufficient time to allow for participation of all parties in the process of refining of the language.

Commissioner Peter J. Goicoechea

Commissioner Goicoechea explained that he desired legal counsel, prior to submission of the BDR, review the concerns of the Humboldt River Basin Water Authority.

Assemblyman Tom Collins

Assemblyman Collins noted there was plenty of time to refine the BDR prior to the Legislature convening in February and opined that if the Committee supported the BDR unanimously, it would have more strength when considered by the legislature.

Commissioner Peter J. Goicoechea

Commissioner Goicoechea explained that he would support the current version of the draft amendment if the Committee would have legal counsel review the requests of the Humboldt River Basin Water Authority and include the language regarding “adjudicated grazing allotments” if it was determined to be feasible.

SENATOR CARE MOVED TO REQUEST THE DRAFTING OF A BILL AS OUTLINED IN ITEM 3, WITH THE PROVISION THAT THE LANGUAGE PROPOSED BY THE HUMBOLDT RIVER BASIN WATER AUTHORITY BE ADDED IF DETERMINED BY LEGAL COUNSEL TO BE FEASIBLE. THE MOTION WAS SECONDED BY ASSEMBLYMAN MARVEL AND CARRIED UNANIMOUSLY.

Item 2

Request the drafting of a resolution urging the Department of the Interior to revise the federal regulation found in Code of Federal Regulations, Title 43, Chapter II, Section 4120.3-9. Specifically, urging the Department to strike the last sentence, which reads: "To the extent allowed by the law of the State within which the land is located, any such water right shall be acquired, perfected, maintained, and administered in the name of the United States."

Chairman Dean A. Rhoads

Chairman Rhoads noted that the resolution should also be sent to the Solicitor.

ASSEMBLYMAN MARVEL MOVED TO REQUEST THE DRAFTING OF A RESOLUTION AS OUTLINED IN ITEM 2. THE MOTION WAS SECONDED BY ASSEMBLYMAN NEIGHBORS AND CARRIED UNANIMOUSLY.

Item 3

Request the drafting of a bill to provide for the administration of a program by the State Department of Agriculture (SDA) to provide grants for local treatment and control of invasive species of weeds that are not native to Nevada. This measure shall include an appropriation to fund the grant program, and contain language similar to that found in Senate Bill 13 of the 2001 Legislative Session (indefinitely postponed).

Don Henderson

Don Henderson, Assistant Director, SDA, Carson City, explained that in order to implement and sustain a "bona fied" State weed program, the SDA is seeking \$2 million in annual funding for Fiscal Years 2003 and 2004. Mr. Henderson noted that he realized Nevada is experiencing budgetary limitations, and explained any funding will help.

ASSEMBLYMAN MARVEL MOVED TO REQUEST THE DRAFTING OF A BILL AS OUTLINED IN ITEM 3, ADDING A PROVISION TO ALLOW FOR \$2 MILLION IN ANNUAL FUNDING FOR FISCAL YEARS 2003 AND 2004. THE MOTION WAS SECONDED BY ASSEMBLYMAN COLLINS AND CARRIED UNANIMOUSLY.

Item 4

Request the drafting of a bill to make an appropriation to Nevada's Legislative Committee on Public Lands for the purpose of awarding grants to applicants for public lands and natural resource projects. This measure shall contain language similar to that found in Section 6 of S.B. 560 of the 1999 Legislative Session (Chapter 544, Statutes of Nevada 1999), and S.B. 162 of the 2001 Legislative Session (indefinitely postponed).

Chairman Dean A. Rhoads

Chairman Rhoads noted that the amount to be requested for the grants should be \$250,000.

ASSEMBLYMAN NEIGHBORS MOVED TO REQUEST THE DRAFTING OF A BILL AS OUTLINED IN ITEM 4, ADDING A PROVISION TO ALLOW FOR \$250,000 IN FUNDING. THE MOTION WAS SECONDED BY ASSEMBLYMAN MARVEL AND CARRIED UNANIMOUSLY.

Item Not Appearing on Agenda

ASSEMBLYMAN MARVEL MOVED TO REQUEST THE DRAFTING OF A BILL TO CHANGE THE DEADLINE FOR A FEDERAL CONTRIBUTION OF \$6 MILLION FOR THE CALIFORNIA NATIONAL HISTORIC TRAILS INTERPRETIVE CENTER FROM JUNE 30, 2003, TO JUNE 30, 2005. THE MOTION WAS SECONDED BY ASSEMBLYMAN COLLINS AND CARRIED UNANIMOUSLY.

Committee Discussion and Final Recommendations — Committee Letters

Item 5

Send a Committee letter to members of Nevada's Congressional Delegation, expressing support for the Clark County

Conservation of Public Land and Natural Resources Act of 2002 (S. 2612/H.R. 5200) sponsored in Congress by Senators Harry Reid (D-Nevada) and John Ensign (R-Nevada), and Representative Jim Gibbons (R-Nevada).

ASSEMBLYMAN COLLINS MOVED TO SEND A COMMITTEE LETTER AS OUTLINED IN ITEM 5. THE MOTION WAS SECONDED BY SENATOR CARE AND CARRIED UNANIMOUSLY.

Item 6

Send a Committee letter to members of Nevada's Congressional Delegation, expressing support for S. 1601/H.R. 2937, to convey certain public land in Clark County for use as a shooting range.

SENATOR CARE MOVED TO SEND A COMMITTEE LETTER AS OUTLINED IN ITEM 6. THE MOTION WAS SECONDED BY ASSEMBLYMAN COLLINS AND CARRIED UNANIMOUSLY.

Item 7

Send a Committee letter to the President of the United States, the Secretary of the DOI, select Congressional representatives, and others, in support of S. 454, to take Payments in Lieu of Taxes (PILT) out of the annual congressional appropriations process and make full PILT payments automatic. The measure was introduced by U.S. Senator Jeff Bingaman (D-New Mexico). The short title of the measure is the "PILT and Refuge Sharing Permanent Funding Act."

ASSEMBLYMAN NEIGHBORS MOVED TO SEND A COMMITTEE LETTER AS OUTLINED IN ITEM 7. THE MOTION WAS SECONDED BY SENATOR CARE AND CARRIED UNANIMOUSLY.

Item 8

Send a Committee letter to the President of the United States, the Secretaries of Agriculture and Interior, select Congressional representatives, and others, expressing support, in concept, for H.R. 3962, which would limit the authority of the Federal Government to acquire land for certain federal agencies in counties in which 50 percent or more of the total acreage is owned by the Federal Government. The measure was introduced by Representative John E. Peterson (R-Pennsylvania). The short title of the measure is the "Good Neighbor Act of 2002."

COMMISSIONER GOICOECHEA MOVED TO SEND A COMMITTEE LETTER AS OUTLINED IN ITEM 8. THE MOTION WAS SECONDED BY SENATOR CARE AND CARRIED UNANIMOUSLY.

Item 9

Send a Committee letter to the President of the United States, the Federal Emergency Management Agency, and members of Nevada's Congressional Delegation, expressing support, in concept, for S. 2528, which would establish a National Drought Council within the Federal Emergency Management Agency, to improve national drought preparedness, mitigation, and response efforts, and for other purposes. The measure was introduced by Senator Pete V. Domenici (R-New Mexico). The short title of the measure is the "Drought Preparedness Act of 2002."

SENATOR CARE MOVED TO SEND A COMMITTEE LETTER AS OUTLINED IN ITEM 9. THE MOTION WAS SECONDED BY ASSEMBLYMAN MARVEL AND CARRIED UNANIMOUSLY.

Item 10

Send a Committee letter to the President of the United States, the Secretary of the DOI, select Congressional representatives, and others, requesting that Nevada's BLM operations receive funding which is at least equal to or greater than other states.

ASSEMBLYMAN NEIGHBORS MOVED TO SEND A COMMITTEE LETTER AS OUTLINED IN ITEM 10. THE MOTION WAS SECONDED BY SENATOR CARE AND CARRIED UNANIMOUSLY.

Item 11

Send a Committee letter to the SDA, Nevada Weed Action Committee, the BLM, and other relevant entities, expressing

appreciation and support for their ongoing efforts to rid Nevada of noxious weeds and invasive species.

ASSEMBLYMAN NEIGHBORS MOVED TO SEND A COMMITTEE LETTER AS OUTLINED IN ITEM 11. THE MOTION WAS SECONDED BY COMMISSIONER GOICOECHEA AND CARRIED UNANIMOUSLY.

Item 12

Send a Committee letter to Robert V. Abbey, State Director, Nevada BLM, and Robert Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, expressing appreciation for their willingness to appear before Nevada's Legislative Committee on Public Lands and for the regular attendance at the Committee's meetings by their respective agencies.

ASSEMBLYMAN NEIGHBORS MOVED TO SEND A COMMITTEE LETTER AS OUTLINED IN ITEM 12. THE MOTION WAS SECONDED BY ASSEMBLYMAN MARVEL AND CARRIED UNANIMOUSLY.

Item 13

Send a Committee letter to Steve Robinson, Nevada State Forester; Robert V. Abbey, State Director, Nevada BLM; and Robert Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, expressing appreciation for their coordination for fire suppression, fire prevention, and range rehabilitation efforts.

ASSEMBLYMAN MARVEL MOVED TO SEND A COMMITTEE LETTER AS OUTLINED IN ITEM 13. THE MOTION WAS SECONDED BY SENATOR CARE AND CARRIED UNANIMOUSLY.

Item 14

Send a Committee letter to Betsy Macfarlan and cooperative partners of the Great Basin Landscape Coalition expressing support for the Great Basin Restoration Initiative and its efforts to promote restoration and maintenance of the biological and ecological conditions of the Great Basin in eastern Nevada.

COMMISSIONER GOICOECHEA MOVED TO SEND A COMMITTEE LETTER AS OUTLINED IN ITEM 14. THE MOTION WAS SECONDED BY SENATOR CARE AND CARRIED UNANIMOUSLY.

Item 15

Send a Committee letter to Senators Ensign and Reid, Representative Gibbons, the BLM, and the USFS, encouraging any efforts to obtain federal funding for facilities development, resource inventory, planning, and compliance activities for the select harvest of Pinion Juniper in Lincoln County and eastern Nevada.

ASSEMBLYMAN NEIGHBORS MOVED TO SEND A COMMITTEE LETTER AS OUTLINED IN ITEM 15. THE MOTION WAS SECONDED BY ASSEMBLYMAN COLLINS AND CARRIED UNANIMOUSLY.

Item Not Appearing on Agenda

Assemblyman John C. Carpenter

Assemblyman Carpenter requested the Committee adopt a resolution to support amending both the Federal Land Transaction Facilitation Act of 2000 (Baca Bill) and the Southern Nevada Public Lands Management Act of 1998 (SNPLMA) to allow use of funding generated from land sales under the acts be used for water improvements and land restoration projects on existing federal lands in Nevada.

ASSEMBLYMAN NEIGHBORS MOVED TO REQUEST THE DRAFTING OF A RESOLUTION TO SUPPORT AMENDING BOTH THE FEDERAL LAND TRANSACTION FACILITATION ACT OF 1999 AND THE SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT ACT OF 1998 TO ALLOW FUNDING GENERATED FROM LAND SALES UNDER THE ACTS TO BE USED FOR WATER IMPROVEMENTS AND LAND RESTORATION PROJECTS ON EXISTING FEDERAL LANDS IN NEVADA. THE MOTION WAS SECONDED BY ASSEMBLYMAN COLLINS AND

CARRIED UNANIMOUSLY.

Item Not Appearing on Agenda

Assemblyman John C. Carpenter

Assemblyman Carpenter requested that the members of the Nevada Sage Grouse Conservation Team should be commended for their efforts in the development of a proactive approach to keeping the sage grouse from being listed as a threatened or endangered species.

ASSEMBLYMAN MARVEL MOVED TO SEND A COMMITTEE LETTER TO GOVERNOR KENNY C. GUINN AND MEMBERS OF NEVADA'S SAGE GROUSE CONSERVATION TEAM TO COMMEND THEM FOR THEIR EFFORTS IN THE DEVELOPMENT OF A PROACTIVE APPROACH TO KEEPING THE SAGE GROUSE FROM BEING LISTED AS A THREATENED OR ENDANGERED SPECIES. THE MOTION WAS SECONDED BY ASSEMBLYMAN NEIGHBORS AND CARRIED UNANIMOUSLY.

Chairman Dean A. Rhoads

Chairman Rhoads thanked the Committee members for their participation and attendance during the interim, and extended appreciation to the staff members for their work.

Assemblyman P.M. "Roy" Neighbors

Assemblyman Neighbors noted this was his last committee meeting as a member of the Nevada Legislature, because he is not running for re-election. He thanked the Committee members and staff for their work throughout the years of his service as a legislator.

There being no further business to come before the Committee, Chairman Rhoads thanked the speakers and adjourned the meeting at 1 p.m.

Exhibit U 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 Brad Roberts, Chairman, Elko County Board of Commissioners, Elko, is a copy of his testimony.

Exhibit B, provided by Helen Hankins, Elko Field Manager, Bureau of Land Management (BLM), United States Department of the Interior, Elko, consists of the following:

1. A document “Weed Treatment Update FY02”;
2. A document titled “Field manager’s Report – Elko Field Office”;
3. A brochure titled “California Trail”;
4. A brochure titled “Adventures on the Edge”; and
5. A brochure titled “California National Historic Trail Interpretive Center.”

Exhibit C, provided by Bill VanBruggen, District Ranger, Mountain City-Jarbridge and Ruby Mountain Ranger Districts, Humboldt-Toiyabe National Forest, U.S. Forest Service, U.S. Department of Agriculture, Elko, is a copy of his testimony.

Exhibit D, provided by Jean Rivers-Council, Acting State Director, Nevada BLM, Reno, consists of the following:

1. A report titled “Annual Report, Southern Nevada Public Land Management Act”;
2. A chart titled “Properties Approved by the Secretary of Interior for Acquisition (Rounds 1 & 2)”;
3. A chart titled “Land Sale Laws – Allowable Expenditures”;
4. A document titled “Federal Land Transaction Facilitation Act of 2000 (Baca Bill, Title II)”;
5. A document titled “Southern Nevada Public Lands Management Act”;
6. A document titled “Questions and Answers, Federal Land Transaction Facilitation Act”; and
7. A document titled “Briefing Paper, August 12, 2002, Subject: Southern Nevada Public Land Management Act of 1998 and Federal Land Transaction Facilitation Act Implementation.”

Exhibit E, provided by Linda Eissmann, Senior Research Analyst, Research Division, Legislative Counsel Bureau (LCB), Carson City, consists of the following:

3. A copy of “Ballot Question #1 – Proposal to Issue Bonds for Conservation and Resource Protection – Assembly Bill No. 9 of the 17th Special Session”; and
4. A bill summary, prepared by the Research Division, Legislative Counsel Bureau, titled “Assembly Bill 9.”

Exhibit F, provided by Pamela B. Wilcox, Administrator, Division of State Lands, State Department of Conservation and Natural Resources, Carson City, is a chart titled “Division of State Lands, Question 1 (AB 9) – Subsection 7 Grant Program.”

Exhibit G, provided by Jackie Holmgren, Rancher Representative to the Nevada Committee for Full Statehood and Independent American Party Candidate for Assembly District 36, Hawthorne, is a copy of her testimony.

Exhibit H, provided by O.Q. “Chris” Johnson, Chairman, Nevada Committee for Full Statehood, Sparks, is a document titled “Amending NRS 533.503.”

Exhibit I, provided by David G. Holmgren, Chairman, Nevada Live Stock Association and Independent American Party Candidate for Governor, Hawthorne, is a copy of his testimony and a document titled “Statement of Joe Neal, Democratic Candidate for Governor.”

Exhibit J, provided by Juan Guzman, Open Space Manager, Carson City, is a letter from the managers of Carson City and Douglas and Washoe Counties, to Senator Dean Rhoads, dated August 13, 2002, the subject of which is the formation of a tri-county alliance to implement the Southern Nevada Public Lands Management Act.

Exhibit K, provided by Thomas Jefferson, Member, Committee for Full Statehood, Elko, is a copy of his testimony.

Exhibit L, provided by Stephanie Licht, Legislative Consultant, Spring Creek, is a document titled “Reviving Nevada’s Economy.”

Exhibit M, submitted by Roy Niebling, Member, Nevada Committee For Full Statehood, Elko, is a letter from Cliven D.

Bundy, to Honorable Legislators, dated August 16, 2002, the subject of which is “Comments on Draft Amend NRS 553.303.”

Exhibit N, provided by Linda Eissmann, previously identified, is a packet of information as listed in the Memorandum contained therein.

Exhibit O, provided by Chairman Rhoads, is a letter from Tim Carlson, President, Carlson & Associates, to Senator Dean A. Rhoads, dated August 13, 2002, the subject of which is federal, state, and local agencies working with the renewable energy industry on projects on public lands.

Exhibit P, provided by Linda Eissmann, previously identified, is a sample letter regarding local sage grouse conservation planning that was sent to all County Commission Chairman (except Clark County) at the request of the Committee.

Exhibit Q, provided by Chairman Rhoads, is a letter he wrote to Mike Baughman, Executive Director, Humboldt River Basin Water Authority, dated August 14, 2002, the subject of which is the stockwater bill draft under consideration by the Committee.

Exhibit R, provided by Linda Eissmann, previously identified, is the Committee’s “Work Session Document.”

Exhibit S, provided by R. René Yeckley, Principal Deputy Legislative Counsel, Legal Division, LCB, Carson City, is a document titled “Draft Amendment to NRS 533.503.”

Exhibit T, provided by Mike Baughman, Executive Director, Humboldt River Basin Water Authority, Carson City, is a document titled “Humboldt River Basin Water Authority, Suggested Amendments to Bill Draft Request Concerning NRS 533.503.”

Exhibit U 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

| | |
|-----------|---|
| AML | Appropriate Management Level |
| AUM(s) | Animal Unit Month(s) |
| Baca Bill | Federal Land Transaction Facilitation Act of 2000 |
| BDR | Bill Draft Request |
| BLM | Bureau of Land Management, United States Department of the Interior |
| DOI | United States Department of the Interior |
| EA | Environmental Analysis |
| EPA | U.S. Environmental Protection Agency |
| EIS | Environmental Impact Statement |
| LCB | Legislative Counsel Bureau |
| NEPA | National Environmental Protection Act of 1969 |
| NRS | <i>Nevada Revised Statutes</i> |
| SDA | State Department of Agriculture |
| SDCNR | State Department of Conservation and Natural Resources |

| | |
|--------|---|
| SNPLMA | Southern Nevada Public Lands Management Act of 1998 |
| USDA | United States Department of Agriculture |
| USFS | United States Forest Service, United States Department of Agriculture |