



**MINUTES OF THE MEETING
OF THE
LEGISLATIVE COMMITTEE ON PUBLIC LANDS'
WILDERNESS AND WILDERNESS STUDY AREAS SUBCOMMITTEE
November 19, 2001
Las Vegas, Nevada**

The first meeting of the Legislative Committee on Public Lands' Wilderness and Wilderness Study Areas Subcommittee during the 2001-2002 interim was held on Monday, November 19, 2001, at the Grant Sawyer State Office Building, Room 4401, 555 East Washington Avenue, Las Vegas, Nevada, and videoconferenced to the Legislative Building, Room 3137, 401 South Carson Street, Carson City, Nevada. Pages 3, 4, and 5 contain the "Meeting Notice and Agenda" for this meeting.

SUBCOMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Senator Dean A. Rhoads, Chairman
Assemblyman P.M. "Roy" Neighbors, Vice Chairman
Senator Mark E. Amodei
Assemblyman David D. Brown
Assemblyman Jerry V. Claborn (alternate)

SUBCOMMITTEE MEMBER EXCUSED:

Senator Dina Titus
Assemblywoman Debbie Smith

OTHER LEGISLATOR PRESENT IN LAS VEGAS:

Assemblyman Tom Collins

ADDITIONAL LEGISLATORS PRESENT CARSON CITY:

None

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT IN LAS VEGAS:

Scott Young, Principal Research Analyst, Research Division
R. René Yeckley, Principal Deputy Legislative Counsel, Legal Division
Christine Kuhl, Senior Research Secretary, Research Division

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT IN CARSON CITY:

Gabriela Anguiano, Technician, Technical Services Unit, Research Division

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

MEETING NOTICE AND AGENDA

REVISED MEETING NOTICE AND AGENDA

Name of Organization: Legislative Committee on Public Lands' Wilderness and
Wilderness Areas Subcommittee

Date and Time of Meeting: Monday, November 19, 2001
8:30 a.m.

Place of Meeting: Grant Sawyer State Office Building
Room 4401
555 East Washington Avenue
Las Vegas, Nevada

Note: Some members of the Subcommittee may be attending the meeting and other persons may observe the meeting and provide testimony, through a simultaneous videoconference conducted at the following location:

Legislative Building
Room 3137
401 South Carson Street
Carson City, Nevada

If you cannot attend the meeting, you can listen to it live over the Internet. The address for the legislative Web site is <http://www.leg.state.nv.us>. For audio broadcasts, click on the link "Listen to Meetings Live on the Internet."

A G E N D A

- I. Opening Remarks and Introductions by Chairman Dean A. Rhoads
- *II. Review of Subcommittee Budget and Proposed Work Plan and Discussion of Subcommittee Activities and Meetings during the 2001-2002 Legislative Interim
Scott Young, Staff Director, Wilderness and Wilderness Areas Subcommittee
- *III. Presentations to the Subcommittee
 - A. Overview of the Wilderness Act of 1964
Paul Brink, California Wilderness Coordinator, Bureau of Land Management (BLM), United States Department of the Interior
Steve Smith, Nevada Wilderness Coordinator, BLM
 - B. Overview of the Federal Lands Policy Management Act of 1976
Paul Brink, California Wilderness Coordinator
Steve Smith, Nevada Wilderness Coordinator
 - C. Update of Current Status of Wilderness and Wilderness Study Areas in Nevada

Meg Jenson, Deputy State Director for Natural Resources, Lands, and Planning,
BLM

D. Discussion of Criteria and Guidelines Used to Establish Wilderness and Wilderness Study Areas

Meg Jenson, Deputy State Director for Natural Resources, Lands, and Planning

E. Discussion of Criteria and Guidelines Utilized by BLM for Recommendation of Wilderness and Wilderness Study Areas Designation

Meg Jenson, Deputy State Director for Natural Resources, Lands, and Planning

F. Discussion of Criteria and Guidelines Utilized by Nevada for Recommendations to BLM for Wilderness and Wilderness Study Areas Designation

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

IV. Public Comment

*V. Continuation of Presentations to the Subcommittee

A. Discussion of Interim Management and Activities on Wilderness and Wilderness Study Areas:

Allowable Activities

Permitted Activities (Grazing Allotments, Permitted Recreation, and Wildlife Improvements)

Mineral Claims

Access to Private Lands

Meg Jenson, Deputy State Director for Natural Resources, Lands, and Planning

B. Discussion of Wilderness Designation Process:

Working with Stakeholders

Working with Congressional Delegation

Mapping of Proposed Boundaries

Introduction of Bills in United States Congress

Jo Simpson, Chief, Office of Communications,

Nevada Office, BLM

C. Discussion of Post-Designation Issues:

Planning Process

Signing Boundaries

Differences in Management After Designation

Public Information

Terry Reed, Winnemucca Field Manager, BLM

D. Overview of the Centennial Plan (Utility Transmission Line Project)

Jack Byrom, Director of Strategic Business Development, Nevada Power Company

Judy Stokey, Director of Public Policy, Nevada Power Company

*VI. Possible Work Session on Preceding Agenda Items

*Denotes items on which the Subcommittee may take action.

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

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

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**OPENING REMARKS AND INTRODUCTIONS
BY CHAIRMAN DEAN A. RHOADS**

Chairman Rhoads called the meeting to order and requested the Subcommittee members and staff introduce themselves.

Next, Chairman Rhoads explained that Wilderness Study Areas (WSAs) were created in 1964, with passage of the Wilderness Act (herein referred to as “the Act”) by the U.S. Congress. In Nevada, 110 WSAs were originally recommended, consisting of approximately five million acres. In 1991, the Bureau of Land Management (BLM), United States Department of the Interior (DOI) recommended to Congress 11 areas for designation as Wilderness Areas, consisting of approximately 800,000 acres. Congress has not taken action on this recommendation. In Nevada, there currently are 99 WSAs, consisting of approximately 4.3 million acres managed as Wilderness Areas.

For the past 20 years, the Legislative Committee on Public Lands has addressed the WSA issue, noted Chairman Rhoads. However, this is the first interim during which a study has been devoted to the topic entirely. The scope of the study is to work with land management agencies and the public to reach a compromise and develop recommendations for presentation to Nevada’s congressional delegation.

Chairman Rhoads noted Nevada’s Congressional Delegation has made it clear that no legislation will be introduced unless such a compromise is presented.

**REVIEW OF SUBCOMMITTEE BUDGET AND PROPOSED WORK PLAN AND DISCUSSION OF
SUBCOMMITTEE ACTIVITIES AND MEETINGS DURING THE 2001-2002 LEGISLATIVE INTERIM**

Scott Young

In response to Chairman Rhoads’ request, Scott Young, Principal Research Analyst, Legislative Counsel Bureau, Carson City, informed those present that the Subcommittee was allocated funding to conduct six meetings. Mr. Young noted the meeting dates and locations are listed on the Subcommittee’s Web site, available at: www.leg.state.nv.us/Session/71st2001/Interim/StatCom/Wilderness/.

Mr. Young provided a Memorandum addressed to the Subcommittee members dated November 19, 2001, (Exhibit A) and noted that maps contained therein would be referenced throughout the day.

PRESENTATIONS TO THE SUBCOMMITTEE

Please note: Many of the following items were taken out of the order listed on the Agenda.

Jo Simpson

Jo Simpson, Chief, Office of Communications, Nevada State Office, BLM, Reno, informed the Subcommittee there is “considerable flexibility” in the management of Wilderness Areas. She noted that BLM would like to resolve the wilderness designation issue and applauded the efforts of the Legislature for forming the Subcommittee. She noted that BLM values public input in the Wilderness Area designation process, and supports designation of areas where appropriate and release of inappropriate areas.

Ms. Simpson provided a folder marked “Nevada Bureau of Land Management,” (Exhibit B) and explained it contains documents and maps that will be referenced during BLM presentations throughout the meeting.

Concluding, Ms. Simpson introduced Roger Farschon, Ecologist, Surprise Field Office, BLM, Cedarville, California.

Overview of the Wilderness Act of 1964

Roger Farschon

Roger Farschon, previously identified, informed the Subcommittee that the Act addresses federal lands managed by the U.S. Forest Service (USFS), Department of Agriculture, and the National Park Service, DOI.

He discussed the following items contained in the Act:

- Congressional Intent and Policy for Establishing Wilderness;
- Definition of Wilderness;
- Uses of Wilderness;
- The “Ten Prohibitions” Within Wilderness; and
- Exceptions to the Prohibitions and Special Management Provisions.

Mr. Farschon read from a document titled “Wilderness Act of 1964 and Federal Lands Policy Management Act of 1976,” which addresses the aforementioned areas (Exhibit B-5). Please refer to the document for detailed information.

Overview of the Federal Lands Policy Management Act of 1976

Roger Farschon

Roger Farschon, previously identified, informed the Subcommittee that the Federal Land Policy and Management Act of 1976 (FLPMA) addresses federal lands managed by the BLM. He discussed Title VI of FLPMA, “Designated Management Areas,” which contains the following categories:

- Bureau of Land Management wilderness study;
- Presidential recommendations for designation as wilderness; and
- Status of lands during period of review and determination.

Mr. Farschon read from a document titled “Wilderness Act of 1964 and Federal Lands Policy Management Act of 1976,” which contains information regarding the aforementioned areas (Exhibit B-5). Please refer to the document for detailed information.

In response to Chairman Rhoads, Ms. Simpson explained that in 1976, the BLM recommended 110 WSAs, of which 11 areas have been Congressionally designated, resulting in ten Wilderness Areas.

Mr. Farschon provided the following characteristics of three different designations:

1. Wilderness Area

- Congressionally designated as outlined in the Act;
- Managed by criteria outlined in the Act; and
- Generally the most restrictive of the three designations.

3. National Conservation Area

- Congressionally designated;
- Managed by an individually designed management plan; and
- Generally under multiple use management.

3. National Recreation Area

- Congressionally designated;
- Managed by an individually designed management plan; and
- Designated for use where the primary focus is public recreation.

Update of Current Status of Wilderness and Wilderness Study Areas in Nevada and Discussion of Criteria and Guidelines Used to Establish Wilderness and Wilderness Study Areas

Steve Smith

Steve Smith, Nevada Wilderness Coordinator, Nevada State Office, BLM, Reno, read from a document titled “Wilderness Review Process and Current Status, Bureau of Land Management” (Exhibit B-4). Please refer to the document for an outline of his presentation. Mr. Smith also referred to a map titled “State of Nevada, Wilderness Status Map, June 12, 2001” (Exhibit B-2).

Discussion of Interim Management and Activities on Wilderness and Wilderness Study Areas: Allowable Activities, Permitted Activities (Grazing Allotments, Permitted Recreation, and Wildlife Improvements), Mineral Claims, and Access to Private Lands

(Please note: At the request of the Chairman, Agenda Item V.1 was taken out of order.)

Meg Jensen

Meg Jensen, Deputy State Director for Natural Resources, Lands, and Planning, Nevada State Office, BLM, Reno, provided an overview of allowable and nonallowable activities in WSAs. She referenced a document titled “Wilderness Interim Management Policy, Bureau of Land Management” (Exhibit B-7), which provides an outline of her presentation. Her discussion of the policy highlighted the following:

- Purpose of the Interim Management Policy;
- Allowable and restricted activities; and
- Management of Wilderness Areas.

Continuing, Ms. Jensen discussed the process utilized by the BLM with regard to requests for allowable uses within WSAs. The process includes:

- Evaluation of use to determine if it meets nonimpairment standard (i.e., uses that are temporary in nature and do not impair the wilderness values of the area);
- Determination of minimum tool requirement to perform activity (this is not a requirement for WSAs; however, because it is required for Wilderness Areas, it is generally utilized for WSAs);
- Conducting an environmental analysis; and
- Providing a 30-day public comment period.

Shaaron Netherton

Shaaron Netherton, Executive Director, Friends of Nevada Wilderness, Reno, explained the group is a grassroots organization, which was created in 1985 and is not affiliated with any national organization. She submitted a document titled “Wilderness and Wilderness Study Area Reference Manual” (Exhibit C) and noted the content areas as follows:

- The Wilderness Act;
- Nevada Legislation;

- Wildlife;
- Grazing/Other;
- Bureau of Land Management WSA;
- Mojave Proposal; and
- A document titled “New Poll Shows Vast Majority of Nevadans Support Conservationists’ Wilderness Proposal for Southern Nevada.” She asserted this document reveals that Nevadans statewide support Wilderness Areas.

Chairman Rhoads thanked Ms. Netherton for the informative reference binder and background information. He also questioned if she was aware of any conflicts with regard to placement of new power lines within WSAs or areas deemed suitable for Wilderness Area designation. Ms. Netherton acknowledged that power lines are not permitted within WSAs, but noted that Friends of Nevada Wilderness is working with power companies on proposals for placement of power lines in suitable areas. She explained that, to her knowledge, the only current conflict is with regard to a “very small corner” of the Sunrise Mountain Instant Study Area (ISA).

Concluding her presentation, Ms. Netherton stated she was of the opinion U.S. Senators John Ensign (R-NV) and Harry Reid (D-NV) recognize the need for power corridors and will draft legislation accordingly. She also informed the Subcommittee that Friends of Nevada Wilderness has been involved in the development of wilderness legislation expected to be introduced by Senators Ensign and Reid.

Discussion of Criteria and Guidelines Utilized by Nevada for Recommendations to BLM for Wilderness and Wilderness Study Areas Designation

Pamela B. Wilcox

Pamela B. Wilcox, Administrator, Nevada’s Division of State Lands (NDSL), State Department of Conservation and Natural Resources, Carson City, began her presentation by responding to an inquiry made by Chairman Rhoads; she noted the State of Nevada has been involved in the wilderness process “since the beginning.” Ms. Wilcox provided and read from a document titled “Summary of State Input into the BLM’s Nevada Wilderness Study” (Exhibit D), which explains in the 1980s, NDSL and other pertinent state agencies were involved in a process to form a consensus regarding suitability of each WSA for designation as wilderness. The document also contains information regarding SDCNR’s position, principles, and factors to consider in evaluating and proposing WSA, utilized during this undertaking. Please refer to the document for specific details of her presentation.

Chairman Rhoads inquired if any studies had been conducted with regard to the economic impacts on rural counties in which Wilderness Areas exist. He noted that if Wilderness Areas are associated with negative economic impacts, the counties have potential to become bankrupt. Jo Simpson, previously identified, stated she would follow-up on the inquiry and provide any information to the Subcommittee.

In addition to her prepared testimony contained in Exhibit D, Ms. Wilcox expressed her opinion that it is possible to reach a consensus on WSAs, as demonstrated by the multiple state agencies that did so in all cases in the 1980s. She noted that it is important for all parties to respect and trust one another, and understand the guidelines and concerns of each group in order to develop a common process for consensus. She further noted the state of Nevada did not support the Wilderness Area designations contained in the Black Rock Desert – High Rock Canyon National Conservation Area (NCA). Additionally, Ms. Wilcox noted she does not see a need to reinventory the state and is opposed to it because the findings would not be significant enough to warrant an undertaking of such large proportions.

In response to Chairman Rhoads, she informed the Subcommittee that the Division of State Lands has been involved in the development of wilderness legislation expected to be introduced by Senators Ensign and Reid.

Assemblyman Neighbors noted the Table Mountain area has been chained off and roads closed due to designation as a Wilderness Area. He expressed his displeasure with regard to this action. In response, Ms. Wilcox noted the Division of State Lands “felt strongly” that existing roads should not be closed in order to create Wilderness Areas, but Congress specifically mandated that Wilderness Areas are to be roadless.

PUBLIC COMMENT

Janine Hansen

Janine Hansen, President, Nevada Families Eagle Forum, Sparks, expressed appreciation for the opportunity to address the Subcommittee and thanked Chairman Rhoads for arranging to have the meeting videoconferenced to Carson City. She noted that she intended to direct her remarks to testimony provided thus far.

First, Ms. Hansen commented on the testimony provided by Ms. Wilcox, specifically the point that the state of Nevada did not support the Wilderness Area designations contained in the Black Rock Desert – High Rock Canyon NCA. Ms. Hansen noted 16 county commissions also opposed the designation. Ms. Hansen was of the opinion this demonstrates the BLM and USFS, and essentially the Federal Government, have “completely denied the people of Nevada their guaranteed right, guaranteed in the *U.S. Constitution*, their right of a republican form of government. . . ” and that “. . . the BLM and the Forest Service are not accountable to the people of the state of Nevada.”

Continuing, she explained she would like to review some of the statements made during the meeting, which stood out as being “very important.” She commented that, “It was stated by the BLM that . . . all these rules should only apply to federally owned lands.” She referred to a document titled “Chairman’s Final Report — Hearing on the Jarbidge Road, Elko County, Nevada — Subcommittee on Forests and Forest Health” (Exhibit E), and noted the conclusion therein is “establishment of jurisdiction depends on the proper use of public lands.” She further stated the term “public lands” has a lawful definition but in recent years this term has been widely misused by the government to encompass all lands for which the Federal Government has a management responsibility.

Ms. Hansen continued with a discussion of land management plans, indicating the public had no real input on these plans. She expressed particular concern regarding the issue of fire suppression, and noted this has been a significant problem in Nevada and other states like New Mexico where there was a huge fire in the Los Alamos area. She noted grazing and logging could significantly reduce fire potential and damage. Ms. Hansen then maintained when there was a fire this year between Verdi and Reno, certain areas were Wilderness Areas and the BLM refused to allow bulldozers and other equipment in there to stop the fires.

She continued by stating the BLM and USFS have repeatedly stated that they have a mandate to do these things. However, she maintained the real mandate is in the Constitution of the United States, and in Article 1, Section 8, Clause 17 — it says that any land controlled in the state by the Federal Government must be purchased with the consent of the state legislature.

Chairman Rhoads remarked that the issue at hand is wilderness and requested Ms. Hansen address the topic, not the *Constitution*.

Continuing further, Ms. Hansen addressed the remarks made by Shaaron Netherton, during her testimony. Ms. Hansen expressed her opinion that it is important to question the poll to which Ms. Netherton referred “because I suspect that almost none of the people involved in being questioned by this poll have any idea of what it really meant. And when I say any idea of what it really means, I would suggest to you that they have no idea what the incredible economic problems are from Wilderness Area.”

Further, Ms. Hansen addressed the topic of roads as discussed by Pamela Wilcox and expressed concern that roads have been closed, in spite of the fact that the federal legislation did not permit this. She questioned why this continues to happen and why there is not considerable objection from the Nevada State Legislature.

Commenting on the state of the economy, Ms. Hansen remarked that only about 1 percent of the land in Lincoln County is privately owned and that during the last Session of the Legislature, Gabbs was unincorporated. She observed several rural counties have experienced a loss of population and the state must subsidize basic needs like education, fire protection, and schools in these areas. Ms. Hansen maintained the reason is that the land, which should belong to the people, is now controlled by the government and the people are not given the basic rights they need to survive economically on the land.

In conclusion, Ms. Hansen encouraged the Subcommittee to look at alternative options that have not been examined in the past and to assert the authority of the state legislature. In particular, she recommended looking into the

proceedings of the hearing Representative Chenoweth-Hage conducted, which documented Federal Government misuse and usurpation of the land.

John T. Moran, Jr.

John T. Moran, Jr., Chairman, Board of Wildlife Commissioners, SDCNR, Carson City, submitted a document titled “Nevada Board of Wildlife Commissioners Resolution – Wilderness Designation in Southern Nevada” (Exhibit F). Mr. Moran explained the Resolution is a result of the wilderness designations within the Black Rock Desert – High Rock Canyon NCA, which were enacted with little public input and participation. He explained the Resolution addresses proposed areas for wilderness designation in Clark County and is intended to be in the best interest of the areas’ citizens, habitat, and wildlife. He noted that the Commission is prepared to make recommendations relative to other areas in the state if the Subcommittee so desires. Mr. Moran requested the Subcommittee review the recommendation of the Wildlife Commission and contact him with questions or for additional information.

Juanita Clark

Juanita Clark with the Charleston Neighborhood Preservation Group, Las Vegas, welcomed the Subcommittee to southern Nevada and provided a document titled “The Declaration of Independence (First fifty-six words from the second paragraph), by Dorothy Orr” (Exhibit G).

Ms. Clark noted that her group is in “complete concurrence” with Ms. Hansen and Mr. Moran, (previously identified) and read Exhibit G, which is the first fifty-six words of the *Declaration of Independence*, verbatim.

Terrie Robertson

Terrie Robertson, President, Friends of Sloan Petroglyph Site, Las Vegas, informed the Subcommittee that the Northern McCullough Mountain Range, the area she would address, is not an area recommended by the BLM for designation as a Wilderness Area. However, she noted the area meets the BLM’s “Criteria Considered in Developing the Wilderness Recommendation – Wilderness Characteristics,” as follows:

- Naturalness;
- Solitude;
- Primitive and Unconfined Recreation;
- Special Features;
- Diversity in the National Wilderness Preservation System; and
- Energy and Resource Values.

She requested the Subcommittee support designation of the Northern McCullough Mountain Range as a Wilderness Area.

John Wallen

John Wallen with the Nevada Wilderness Project, Reno, explained the group has conducted citizen-lead inventory projects of WSAs using BLM and Federal Government criteria as well as Global Positioning Satellite units for surveying land. This research is used to determine the actual impacts on the land, in an effort to avoid ideology or theology about wilderness or anti-wilderness sentiments. The group desires to make decisions about Wilderness Areas that are beneficial for all Nevadans. He also noted the Nevada Wilderness Project has made some determinations with regard to suitable areas for wilderness designation and is available to brief the Subcommittee on its findings.

Continuing, Mr. Wallen explained that he wanted to correct what, “I believe is a modest bit of information, and maybe it’s inadvertent, but when we speak of wilderness, I think it’s very important to speak of wilderness as a multiple use. Wilderness is not outside of the multiple use doctrine, but is, in fact, part of it.”

In closing, Mr. Wallen expressed his opinion that the greatest opportunity to protect Nevada is in sitting down face-to-face to deal with specifics, rather than larger concerns based on misinformation and fear.

Brian O'Donnell

Brian O'Donnell with the Wilderness Society, Las Vegas, explained the group is a national conservation group comprised of 1,000 members in Nevada and approximately 200,000 members nationwide. He indicated Nevada ranks second among the western states for designated Wilderness Areas, with Utah having the least amount of such designated lands. Only 2 percent of Nevada's lands are designated as Wilderness Areas; however, 15 percent of California's lands are so designated.

Mr. O'Donnell offered to provide information on the economic benefits of wilderness, as outlined in a report compiled by Wilderness Society Economist, Pete Morton, Ph.D.

Continuing, he noted that the word "pristine" does not appear in the Act; consequently, an area does not have to be "pristine" to be designated as wilderness. Further, purity is not a necessary qualifying factor for designation, as sponsors and proponents of the Wilderness Act clarified in testimony before the U.S. Congress. Therefore, the Wilderness Society would like to see a broader interpretation of the Wilderness Act to include areas that will protect wildlife habitat and watersheds, and not disqualify an area because humans have "touched" it in some way.

In conclusion, he noted the organization has a wilderness designation proposal for the Mojave Desert region and is nearing completion on a statewide proposal.

Charles Musser

Charles Musser, Las Vegas, identified himself as a concerned Nevada citizen and provided a document titled "Environmental Terrorist" (Exhibit H). He expressed concern that Nevada is under attack by environmental groups such as the "Earth Liberation Front," who has damaged BLM properties in the Reno area. He opined that eco-terrorists must be punished.

Additionally, Mr. Musser proposed the idea that WSAs not ultimately designated as Wilderness Areas become Nevada trust lands for recreational purposes "controlled by the state of Nevada in a proper and logical manner." Use of these areas, he proposed, would be designated by the state.

Further, he expressed a desire to see roads remain open within Wilderness Areas, so Nevada's aging population can continue to utilize and enjoy the areas.

In conclusion, Mr. Musser noted the Quail Springs Shooting Range has "always" been a shooting area. He expressed his opinion that the area provides an environmental safeguard. It offers a controlled area for discharge of firearms, as opposed to a non-designated area, which can lead to stray bullets and abandoned personal items used for target practice (e.g., a refrigerator).

Jeremy Garncarz

Jeremy Garncarz with the Friends of Nevada Wilderness, Las Vegas, explained he works in Las Vegas and spends time talking to people throughout southern Nevada and performing outreach education. In his interactions, Mr. Garncarz has learned most people care about the remaining wild places in the area and want to see them protected. Further, these people are excited about being involved in the public process for wilderness designation and he encourages their participation. He noted in southern Nevada, Mount Charleston (at 8,800 feet) is the only designated Wilderness Area.

Continuing, Mr. Garncarz agreed with a prior speaker (Mr. Musser) that access is important, but noted in some WSAs the farthest one can travel in a vehicle is 2.5 miles. To the best of his knowledge, there are no proposals that seek closure of existing roads.

Concluding his remarks, Mr. Garncarz expressed willingness to work with the Subcommittee and offered to serve as a local contact and provide desired information.

M. K. (Ike) Yochum

M. K. (Ike) Yochum, Vice Chairman, Independent American Party of Nevada, Carson City, spoke on behalf of the organization, which, he stated, has over 18,000 registered voters. He was of the opinion Nevada can manage its own affairs and does not require help from the BLM or the USFS. He also opined the Subcommittee should consider the Constitutional aspects of the wilderness issue.

John Hiatt

John Hiatt, Conservation Chair with the Red Rock Audubon Society, Las Vegas, noted that in the past 30 to 50 years, Clark County has seen unprecedented growth and is now the fastest growing county in the United States. He explained that in order to preserve the public lands as Nevadans know them today, positive action must be taken. To this end, he expressed strong support for wilderness designation under the Act, noting it is the best mechanism to protect these lands. He explained that large species, such as the big horn sheep and elk, require massive, unregimented areas for sustenance and expressed the opinion that wilderness can provide this habitat. Mr. Hiatt urged participants to keep an open mind with regard to wilderness designation and remember that it took approximately 30 years for the Act to reach fruition. With this in mind, it is an option available now, versus other types of federal legislation that could take a generation or more to pass. By utilizing wilderness designation, long lasting impacts for preservation can be readily achieved.

Clint Bentley

Clint Bentley with the Nevada Land Users Coalition, Las Vegas, provided a document titled “A Petition To The Honorable Senator Harry Reid And The Honorable Senator John Ensign Of The Great State Of Nevada” [sic] (Exhibit I).

Mr. Bentley read from Exhibit I, which contains the following information:

- Organizations involved in the Nevada Land Users Coalition;
- Proposed areas to be released from WSA status and reasons for such action;
- Identification of areas to be designated as Wilderness Areas; and
- Proposed allowable activities in Wilderness Areas.

In response to Chairman Rhoads, Mr. Bentley indicated he intended to participate in the wilderness designation process.

Hermie Hyatt

Hermie Hyatt noted she would be speaking as a biologist, although she is also the President of the Red Rock Audubon Society, Las Vegas. She stated the WSAs are part of the multi-species habitat conservation plan for Clark County, and if they are not designated as Wilderness Areas they will be open for development as urban areas. To prevent this, she expressed a desire to see all WSAs, as well as additional areas, designated as Wilderness Areas.

Leon E. Catlett

Leon E. Catlett, Las Vegas, identified himself as a concerned Nevadan and expressed his opinion that federal agencies tend to have a “bad record” with regard to property management. Specifically, he noted the Endangered Species Plan inhibits the way lands are utilized. He questioned why several miles in California are fenced to preserve Desert Tortoise habitat, but in Nevada an individual can adopt the reptile from the Desert Tortoise Adoption Group. He remarked the two activities seem contradictory.

Additionally, Mr. Catlett agreed with an idea expressed earlier during the public comment period that the WSAs be put into a state trust. He expressed the opinion that under this option the Nevada Legislature could control the land, which would allow for land management by people who live in and use the area.

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CONTINUATION OF PRESENTATIONS TO THE SUBCOMMITTEE

Discussion of Wilderness Designation Process: Working with Stakeholders, Working with Congressional Delegation, Mapping of Proposed Boundaries, Introduction of Bills in United States Congress

Jo Simpson

Jo Simpson, previously identified, clarified that wilderness designation applies only to public lands, not private in-holdings. However, private in-holdings can be exchanged for other federal lands and turned into Wilderness Areas. Ms. Simpson stressed the importance of participation by all interested parties in the wilderness designation process.

Continuing, Ms. Simpson informed the Subcommittee that Lincoln County is examining wilderness within the county and the Tri-County Group (Lincoln, Nye, and White Pine Counties) is exploring wilderness as a group. The Cooperative Extension has been enlisted to facilitate meetings in this regard.

Turning to the subject of mapping, Ms. Simpson emphasized the importance of drawing accurate and consensus-based boundaries for Wilderness Areas. She noted once a map is referenced in wilderness designation legislation, the BLM has little flexibility to adjust boundaries. She asserted the use of Geographic Information Systems could be utilized to achieve this goal. Ms. Simpson also emphasized the importance of reaching a consensus with regard to specification of allowable activities within a Wilderness Area, and again reiterated that once legislation is enacted, the BLM has no flexibility, and can allow only those activities specified in the bill.

In conclusion, Ms. Simpson again emphasized the importance of participation by all interested parties in the wilderness designation process.

Discussion of Post-Designation Issues: Planning Process, Signing Boundaries, Differences in Management After Designation, Public Information

Terry Reed

Terry Reed, Winnemucca Field Manager, BLM, Winnemucca, provided information regarding post-designation activities, based on those that occurred following the designation of the Black Rock Desert – High Rock Canyon NCA and Wilderness Areas therein. Like Ms. Simpson, he emphasized wilderness boundaries are in effect at the time legislation is passed (based on reference maps), as are provisions for allowable activities.

Mr. Reed explained that subsequent to designation, the following information is available to the public:

- Meetings;
- Presentations;
- Maps;
- Publications;
- Mailings; and
- Updated Web site.

After designation, the following activities are conducted:

- Coordination with agencies and local governments;
- Signing boundaries;
- Visitor contacts;
- Law enforcement;
- Management under the Act and regulations;

- Commencement of boundary descriptions to submit to Congress;
 - Submittal of corrections for map errors to Congress; and
 - Recognition of valid existing rights and access for private property owners.
- Planning process per legislation, which includes:
 - Access and means for operation and maintenance activities;
 - Livestock grazing;
 - Wildlife management; and
 - Mining claim actions.
 - Identification of differences in management after designation, which includes:
 - Purpose of wilderness;
 - Minimum tool; and
 - Provisions for administrative and emergency actions (examples include: weed control, fire, search and rescue, restoration, and enhance purpose).

In response to Chairman Rhoads, Mr. Reed explained fire suppression and rehabilitation is allowed in Wilderness Areas, but the “minimum tool necessary” requirement is applied. He also explained Payments in Lieu of Taxes (commonly referred to as PILT) continue in such areas because, regardless of designation, the land is still managed by the Federal Government.

Senator Amodei remarked that Wilderness Area designation has the potential to place in jeopardy access to private property. He asserted language to provide use of historical roads, whether documented or undocumented, for this access should be included in the Subcommittee’s recommendation to Congress. He requested Mr. Young monitor this issue throughout the 2001-2002 Interim.

Overview of the Centennial Plan (Utility Transmission Line Project)

Judy Stokey and Jack Byrom

Judy Stokey, Director of Public Policy, Sierra Pacific Resources (Nevada Power Company and Sierra Pacific Power Company), Reno, explained that during the 2001 Legislative Session, it was recognized that building electric generation facilities and transmission lines is essential to meet the West’s energy demands. To meet this demand, Sierra Pacific Resources has proposed the Centennial Plan, which would provide the transmission capacity needed to distribute power generated by proposed new facilities. Ms. Stokey introduced Jack Byrom, Director of Strategic Business Development, Nevada Power Company, Las Vegas, who explained the project. The two representatives provided a packet of information to the Subcommittee members. (Exhibit J).

Mr. Byrom explained that with regard to the energy problem in the West, supply is not keeping up with demand. He noted conservation efforts are only part of the solution, as growth in energy demand has increased by 3,000 megawatts annually and continues to grow. In addition to new users, individual customer use has increased 8 percent. This has resulted in both Sierra Pacific and Nevada Power Companies being forced to purchase 50 percent of their energy from the western market.

Mr. Byrom stated the Centennial Plan is the alternative with the least cost impact to meet these growing energy needs. The project would provide approximately 100 miles of high-capacity transmission lines and connect existing and new generation facilities within Nevada. The lines would also connect to neighboring states. He noted 80 percent of the project would be constructed on BLM managed lands and a use permit is currently being processed. Nevada Power has conducted over 30 meetings and workshops regarding the plan and will continue to hold community meetings throughout the Las Vegas Valley. He noted that based on community input, a preferred northwest route has been established.

He explained the portion of the Centennial Plan relevant to the Subcommittee is the proposed line that would run through the Sunrise Mountain ISA. Nevada Power is working with Nevada's Congressional Delegation to support release of the utility corridors located within the ISA. He further noted the BLM has been cooperative, fair, and professional in processing applications.

In conclusion, Mr. Byrom expressed a desire to establish a "sunset clause," that would establish a termination date by which the WSAs must be completed or the lands would revert to general use.

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POSSIBLE WORK SESSION ON PRECEDING AGENDA ITEMS

There being no further business to come before the Subcommittee, Chairman Rhoads thanked the speakers and adjourned the meeting at 12:50 p.m.

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

Respectfully submitted,

Christine Kuhl
Senior Research Secretary

Scott Young
Principal Research Analyst

APPROVED BY:

Senator Dean A. Rhoads
Chairman

Date: _____

LIST OF EXHIBITS

Exhibit A is a memorandum titled "Meeting Materials," submitted by Scott Young, Principal Research Analyst, Research Division, Legislative Counsel Bureau, dated November 19, 2001, which describes the information contained in the packet provided to the Subcommittee.

Exhibit B is a folder marked "Nevada Bureau of Land Management," provided by Jo Simpson, Chief, Office of Communications, Nevada Office, Bureau of Land Management, U.S. Department of the Interior, which consists of the following:

1. A map titled "State of Nevada, Wilderness Status Map, May 1992";
2. A map titled "State of Nevada, Wilderness Status Map, June 12, 2001";
3. A document titled "Public Lands Wilderness in Nevada";
4. A document titled "Wilderness Review Process and Current Status";
5. A document titled "Wilderness Act of 1964 and Federal Land Policy Management Act of 1976";
6. A document titled "Congressional Grazing Guidelines for Wilderness"; and

7. A document titled “Wilderness Interim Management Policy, Bureau of Land Management.”

Exhibit C is a manual titled “Wilderness and Wilderness Study Area Reference Manual,” provided by Sharron Netherton, Executive Director, Friends of Nevada Wilderness.

Exhibit D is a document titled “Summary of State Input into the BLM’s Nevada Wilderness Study,” provided by Pamela B. Wilcox, Administrator, Division of State Lands, State Department of Conservation and Natural Resources (SDCNR).

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

Exhibit F is a resolution titled “Nevada Board of Wildlife Commissioners Resolution —Wilderness Designation in Southern Nevada,” provided by John T. Moran, Chairman, Nevada Board of Wildlife Commissioners, SDCNR.

Exhibit G is a document titled “The Declaration of Independence (First fifty-six words from the second paragraph), by Dorothy Orr” provided during the public comment period by Juanita Clark, Charleston Neighborhood Preservation Group.

Exhibit H is a handout titled “Environmental Terrorist,” provided by Charles Musser.

Exhibit I is a document titled “A Petition To The Honorable Senator Harry Reid And The Honorable Senator John Ensign Of The Great State Of Nevada,” [sic] provided by Clint Bentley, Nevada Land Users Coalition.

Exhibit J is a packet of information provided by Judy Stokey, Director of Public Policy, Sierra Pacific Resources (Nevada Power Company and Sierra Pacific Power Company) and Jack Byrom, Director of Strategic Business Development, Nevada Power Company, which consists of the following:

1. A pamphlet titled “Nevada Power and The Centennial Plan”;
2. A document titled “The Nevada Power Centennial Plan, presented to The Nevada Legislative Committee on Public Lands and Wilderness & Wilderness Study Areas”;
3. A letter dated May 23, 2001, to Walt Higgins, CEO, Sierra Pacific Resources, from Governor Kenny Guinn;
4. A document titled “Centennial Projects Frequently Asked Questions”; and
5. A map titled “Harry Allen – Northwest Preferred Route.”

Exhibit K 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

BLM	Bureau of Land Management, United States Department of the Interior
DOI	United States Department of the Interior
FLPMA	Federal Land Policy and Management Act of 1976
ISA	Instant Study Area
NCA	National Conservation Area
NDSL	Nevada’s Division of State Lands, SDCNR
SDCNR	State Department of Conservation and Natural Resources
The Act	The Wilderness Act of 1964
USFS	U.S. Forest Service, U.S. Department of Agriculture
WSA(s)	Wilderness Study Area(s)