



# **NEVADA LEGISLATURE SUBCOMMITTEE ON PUBLIC LANDS OF THE JOINT INTERIM STANDING COMMITTEE ON NATURAL RESOURCES**

**(Section 13.5 of Assembly Bill 443, Chapter 392, *Statutes of Nevada 2021*)**

## **MINUTES**

**April 15, 2022**

The first meeting of the Subcommittee on Public Lands of the Joint Interim Standing Committee on Natural Resources for the 2021–2022 Interim was held on Friday, April 15, 2022, at 9 a.m. in the Main Room of the Bristlecone Convention Center, 150 Sixth Street, Ely, Nevada.

The agenda, minutes, meeting materials, and audio recording of the meeting are available on the Subcommittee's [meeting page](#). The audio recording may also be found at <https://www.leg.state.nv.us/Video/>. Copies of the audio record can be obtained through the Publications Office of the Legislative Counsel Bureau ([publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us) or 775/684-6835).

### **SUBCOMMITTEE MEMBERS PRESENT IN ELY:**

Senator Melanie Scheible, Vice Chair  
Senator Pete Goicoechea  
Assemblywoman Alexis Hansen  
Assemblyman Howard Watts III (Alternate for Assemblywoman Maggie Carlton)  
Justin Jones, Clark County Commissioner

### **SUBCOMMITTEE MEMBERS ABSENT:**

Assemblywoman Maggie Carlton, Chair (Excused)  
Clifford Banuelos, Tribal-State Environmental Liaison, Inter-Tribal Council of Nevada, Inc.  
(Excused)

### **LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Jann Stinnesbeck, Senior Policy Analyst, Research Division  
Maria Aguayo, Research Policy Assistant, Research Division  
Allan Amburn, Senior Deputy Legislative Counsel, Legal Division

Brian Van Geel, Technical Communication Systems Specialist II, Broadcast and Production Services (BPS)  
Brad Zehner, Technical Communication Systems Specialist II, BPS  
Mark Vorderbruggen, Lieutenant, Legislative Police  
Jim Pitts, Session Police Officer, Legislative Police

*Items taken out of sequence during the meeting have been placed in agenda order.*  
[Indicates a summary of comments.]

## **AGENDA ITEM I—OPENING REMARKS**

### ***Vice Chair Scheible:***

This is the first meeting of the Subcommittee on Public Lands of the Joint Interim Standing Committee on Natural Resources for the 2021–2022 Interim. I am chairing today because, unfortunately, Assemblywoman Carlton is not able to be here. She has appointed an alternate, Assemblyman Watts, who chairs the Joint Interim Standing Committee on Natural Resources, and we are very happy to have him with us. I would also like to note that Mr. Banuelos, who is our tribal government representative, was unable to be here.

We have a packed agenda and room today. This meeting is not being livestreamed, but it is being recorded. It is fantastic to see so many people here. I hope that all of you will join us in conversations about mining, agriculture, and local issues impacting public lands.

## **AGENDA ITEM II—PUBLIC COMMENT**

[Vice Chair Scheible called for public comment; however, no testimony was presented.]

Prior to the meeting, the following testimony was submitted by:

- Christine Saunders, M.S.W., Policy Director, Progressive Leadership Alliance of Nevada ([Agenda Item II A](#)); and
- Rebekah Stetson, Chair, Coalition for Healthy Nevada Lands, Wildlife, and Free-Roaming Horses ([Agenda Item II B](#)).

## **AGENDA ITEM III—PRESENTATION ON MINING IN NEVADA**

### ***Vice Chair Scheible:***

We will move to our first presentation today on mining. Welcome Ms. Bailey-Lundahl, Ms. Hilton, and Ms. Faga.

### ***Nikki Bailey-Lundahl, Government Affairs Manager, Nevada Mining Association (NVMA):***

Thank you for being in Ely today.

Who is NVMA ([Agenda Item III A](#))? The NVMA's mission is to unite, educate, advocate for, and serve as the public voice of Nevada's modern mining industry. We have over 500 member companies representing every part of the mining supply chain throughout the state: operators, exploration, suppliers, and individuals. Mining is essential to everyday life. Every American born in 2020 will require 3.19 million pounds of minerals, metals, and fuels in their lifetime. Obviously, we know there is mining in Nevada, but 10 percent of all the nonfuel mineral production in the United States comes from Nevada. The state produces 20 essential minerals critical to our daily lives and 15 of Nevada's 17 counties have active mine operations in them. The mining supply chain has a presence in all 17 counties.

Why is mining so important? It produces 20 essential minerals, and it is in 225 mines throughout the state. A lot of conversations have been had about the green supply chain.

Lithium and copper are both in the State of Nevada. The only active lithium mine site is Albemarle in Silver Peak, but right here in Ely is KGHM Robinson, which is the oldest copper mine in the State of Nevada. Hopefully you will have the opportunity to talk with Tim Crowley, Vice President of Government and Community Relations at Lithium Americas, and others like him. When we think about lithium, Nevada is on the brink of being the world hub of lithium development and that is not just mining; that is cathodes, batteries, and recycling. All that is being developed in the state. It is exciting for our state to be a part of that.

I know a lot of you have been on mine sites before, if not all of you, so I will be quick on some of these things. The mining cycle starts with exploration, goes to permitting, development, extraction, and then reclamation. It is important to understand that process and how long it takes for everything to start. We are highly regulated, and the permitting process is extensive to make sure that everything is done correctly.

Why is hard rock mining in Nevada different from other types of mining? I spend a lot of time talking to people in other states and when they think of mining, they think of coal mining. We are very different. Hard rock requires an advanced scientific process to yield commercially sellable materials. The process essentially turns dirt into minerals by extracting microscopic particles from excavated material. Most Nevada-mined minerals are commodities. Prices are fixed by the international market. Our fees and taxes are borne by the company and not passed on to a buyer. We support 37,000 families across the supply chain and pay the highest salaries with robust benefit packages. Mining disturbs about one-fourth of 1 percent of all Nevada land.

Reclamation is important to us. Modern mining is dedicated to sustainability. Before a single shovel hits the Nevada soil, a plan for how we will return it to public use in the same or similar condition is required. We sit on over \$3 billion in reclamation bonding to cover the costs of unexpected and unlikely mine closures. All that money must be put before a shovel even goes in the ground.

We are not mining with a pickax any longer. Current mine operators fund government agencies and create in-house programs dedicated to closing abandoned mine sites and reclaiming land from historic mine operations. Mines must comply with stringent state and federal requirements to protect human health and the environment. Especially critical is the protection of our scarce surface and ground water resources. We are a major participant in the Nevada Conservation Credit System to preserve the sage grouse habitat. We have also developed a document specific to the industry to protect and preserve golden eagles. Like I said, we work with federal and state regulations, submit a reclamation plan, provide bonding, monitor air and water quality to ensure compliance, and then fund projects to clean up the mistakes of the past.

The government agencies with mining oversight are listed on slide 13. If you were to visit our office in Reno, the regulation form on the bottom of the slide spans the whole length of our wall in our conference room. We comply with many regulations throughout the state.

Nevada mine operators have a strong relationship with local tribal communities. We have regular meetings with tribes to discuss the opportunities to engage. We at NVMA have created cultural resource documents to aid operators as well as a subcommittee to talk about tribal relationships within our community.

Regarding partnering education and mining, Assembly Bill 495 was passed in 2021 and every dollar generated by the new tax will be earmarked for education starting in 2023. It redistributes our dollars from the already existing net proceeds of minerals.

Our people are so important to us. They make this industry special. Like I said before, we provide for 37,000 families across the entire State of Nevada. I know a lot of you heard from them throughout the last legislative session. Our average salary starts at \$94,000 and that includes benefits such as health care, not just for the employees but also for their families, and retirement. That is important to us.

People come from all over the world to look at Nevada's safety when it comes to mining. We have one of the lowest workplace injury rates in Nevada. In 2020, Nevada mines worked over 27 million hours. That is something we are so proud of.

Public outreach is also something that NVMA and the entirety of our industry works hard on. We work with local chapters of the Boys and Girls Club of America and groups like the Eddy House in northern Nevada to help the community as much as we can.

Regarding the Coronavirus Disease of 2019 (COVID-19), we are not wearing masks today, but just a month ago, we were working hard within the industry to dedicate millions of dollars and thousands of hours to community service annually. We were the largest contributor to Nevada's COVID-19 Task Force; we sent personal protective equipment to first responders and food and resources to local tribal communities as well. Some of us have cattle so we were able to donate that to people who needed meat during the COVID lockdown. That was important to us. We are always thinking a little bit outside the box when we can.

***Amanda Hilton, General Manager of United States Operations, Robinson Nevada Mining Company, KGHM:***

The Robinson Mine, which is located about ten miles from where we sit today, is operated by KGHM. My husband and I are both fourth-generation White Pine County residents and I want to take this opportunity to welcome all of you to Ely. I appreciate the opportunity to talk to you about the Robinson Mine ([Agenda Item III B](#)). I have been an employee there for over 17 years and this is a property that I am very passionate about.

[The presentation for [Agenda Item III B](#) is on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. For copies, contact the Library at (775) 684-6827 or <https://www.leg.state.nv.us/Division/Research/About/Contact>.]

Robinson produces a copper concentrate. From our mine site, we truck that concentrate to Wendover, Utah. In Wendover, it gets loaded on rail cars and it either goes to the smelter in Salt Lake City, Utah, or it gets railed to the Port of Vancouver, Washington, where it gets shipped around the world.

As Ms. Bailey-Lundahl mentioned, we are the oldest operating copper mine in the state. Mining began in this district in 1867 and open pit copper mining began in 1906. Senator Goicoechea spent some time at the Robinson Mine; I do not think it was that long ago, but I know he worked there. Robinson is subject to copper price fluctuations, and I am proud of the fact that we have been in continuous operation since 2004. Since 1906, we have produced 5.8 billion pounds of copper and 3.8 million ounces of gold. Our total surface disturbance is 9,730 acres, which includes 2,208 acres on Bureau of Land Management (BLM) land and the rest is on private land. The pictures on slide 4 depict the difference in

the equipment that is being used at Robinson, from the early days to just last year. We commissioned a new shovel, and we painted it White Pine High School bobcat blue and white, and we brought all of our athletes from the high school out so they could see our shovel.

We are the primary private employer in White Pine County. We employ over 600 full-time employees and 45 full-time contractors. That equates to 15 percent of our County's direct employment. We also indirectly employ hundreds of White Pine County residents as they support the mine and the families who work at the mine. Our starting wages are \$26.86 per hour, and we provide high-quality health insurance and 401(k) at the date of hire. The consistent employment levels at Robinson have resulted in one of the lowest unemployment rates in the state for White Pine County. The graph on slide 5 shows what unemployment at the state level did compared to unemployment in White Pine County. For those of us who live in White Pine County today and are in the audience, we can all attest to how difficult it is to find employees today. Our unemployment rate is sitting at about 2 percent.

Robinson is also a major contributor to events within the County. Last year, we contributed about \$150,000 in cash. All our employees are eligible for 12 hours of paid volunteer time per year. If all our employees took advantage of that benefit, we would have the equivalent of two and a half full-time volunteers in our small community. One of the things I am very proud of that happened recently is we made a \$500,000 contribution to a future early learning center in Ely. This will provide daycare services for children 6 weeks to 5 years old. This will be operated by the Boys & Girls Club of Truckee Meadows, and we will be repurposing an old White Pine County School District building. We are also very involved in all the schools within the community and Great Basin College (GBC). We sponsor an electrical instrumentation and diesel mechanic program at the College. We are very involved with science fairs, career days, and anything we can do to support our teachers and the education system within the community.

Recent major permitting actions include an environmental assessment (EA) that was finalized on February 25, 2021. This was with the U.S. Fish and Wildlife Service, U.S. Department of the Interior, regarding a golden eagle take permit. On September 9, 2021, we finalized an environmental impact statement (EIS) with BLM. This EIS will allow us to resume mining in the Liberty East Pit, construct a new King Waste Rock facility for the Liberty Pit, and to expand our tailing storage facility.

We take our reclamation very seriously. As a legacy mine, we have things from the past that we have had to take care of, such as the disturbances that were done before any regulations. We have continued to go above and beyond. In three years, we were recognized twice by our regulators for the reclamation work we have been doing on legacy disturbances. The example on slide 9 is our Lane City Waste Rock Facility. We have taken care of all those waste rock facilities, even though we did not have a requirement to do so. We know it is the right thing to do and that is how we do business.

***Samantha Faga, Corporate Responsibility Specialist, Kinross Gold Corporation:***

Thank you for having me. I have worked for Kinross Round Mountain for almost ten years. I am born and raised a native Las Vegas resident. I went to school at Cimarron-Memorial High School. I am one of the few in mining, so I am always the only Las Vegas resident in the room when it comes to anything with mining. That is why I like talking about mining so much and sharing our story because I did not know mining existed. I did not know the opportunities that were there for me, so that is why I love getting our story out there.

All mining companies in Nevada are going to have similar values. For Kinross Nevada ([Agenda Item III C](#)), our core values for our employees are putting people first, safety, and things like that, but for our community, our guiding principles are to: (1) act ethically and transparently; (2) be great in our host communities; (3) make positive contributions; and (4) always be continuously improving ourselves. We do that through something called our grievance mechanism. We obviously have a complaint policy, but we also have a grievance policy, and complaints and grievances are very different in how we react to them. We want to make sure that our community stakeholders always know they have resources and a pipeline to report those grievances, whether it be socially or environmentally; they can come and talk to us. Transparency is huge for our Kinross mines. That is why we do tours, if you ever want to come out and visit. Our guiding principles are the core of everything we do in Round Mountain and at Kinross Nevada.

Slide 3 is our 2020 benefits. I am still working on our 2021 benefits, and I can share those with you at the next meeting. We fluctuate, depending on mine cycle, between high-700s and mid- to high-800s in employees for our Round Mountain mine. We have a Bald Mountain mine location that averages anywhere from the 600s to mid-700s for employees. We employ 153 contractors. In 2020, we had about 42,050 beneficiaries in community programs. I can break down what that looks like. Finally, we had \$368 million in spending in Nevada.

Round Mountain gave \$100,000 for COVID relief within Nye County. That went straight to the grants committee of the Economic Development Association, and they were able to give those out. One of the stipulations was that those small businesses did not have to pay back that grant funding. We wanted to make sure that we could help our communities thrive. We know that in rural Nevada, it is hard to open a business or find real estate to open a business, and once you shut down it is almost impossible to open back up. We really wanted to make sure that Nye County—and we also extended that to Lander County as well—got to continue to thrive.

Within our community of Round Mountain, our employee stakeholders are one of our most important stakeholders. We run and operate a daycare service, which costs \$2.50 an hour. For me, this is powerful because that means we have more women in the workforce. We have more women miners leading the way. Normally in these small rural communities, men go to work and women stay home. We have been operating that daycare facility since the late 1980s. We also have a general store, which is great for our small community, miners, and ranchers. We also let the local churches and nonprofits come to our general store; we give them an annual credit, and they get to shop for their food pantries. We also have a golf course.

We are big on education in Round Mountain and for Kinross Nevada. Being from Las Vegas and not knowing the mining opportunities out there—how impactful they are and how much they can change people's lives—we want to make sure we get out and we educate our youth, even if they do not want to be miners. We want to make sure they have all the tools necessary, because my story was not one of ease, success, or privilege and I love to share that and give opportunities to students who do not have that across the state.

One of the big things we do in Round Mountain is help fund the Jobs for Nevada's Graduates (J4NG) program. We help on a statewide level because it is such an amazing program. We have 30 students, faculty members, and members of the J4NG program staff coming up next week for a mine tour, and then we have two other local J4NG field trips the following week. Round Mountain does not qualify for the grant funding. Our school has very few resources; even though we are the single largest employer in Nye County, we see very little

of that at our school. The mine has funded the J4NG program for Round Mountain. We pay the salary for the teacher and then we have what is called the receipt program. Every month, the students gather up all the receipts from our general store; they total it for us, and we give them half a percent of all the net profits for the general store for that month. We cut two checks; we give one to the school and one to J4NG. The principal does not have a "slush fund." I guess in some schools the principal gets "fun" money; our principal does not, so we make sure that she has those funds to do employee incentives, student-driven activities—the fun parts of school. For the J4NG program, the money is used to buy supplies. They also know they can come to us if they need anything. For the Round Mountain School, we also fund a welding program. The Round Mountain School currently has three electives for their students and the mine funds two of them: the agriculture science program, which is the welding program—we provide all the supplies for that—and the J4NG program. We also do sponsorships for the conference every year for all the J4NG students across the state and we do outreach. We go into the schools. Our big push right now is getting down to Las Vegas and talking to the students there more. I spoke to the students at Basic High School a couple of months ago. I gave them all my contact information to help them figure out how to get into mining. I love it when students say, "I do not know," as mining is a great industry because you can make good money, get tuition reimbursement, and figure it out and do well for yourself.

We also have our maintenance training cooperative partnership with GBC. A lot of the mines in northern Nevada participate in this—Sandvik Mining and Rock Technology, Komatsu Mining Corporation, and Nevada Gold Mines—but we keep it local. We try to keep it to Tonopah, Eureka, Western Shoshone, and our Round Mountain students. The students apply through GBC for this maintenance training cooperative; the disciplines are electrical, diesel mechanic, millwright, and welding. It is 18 months of schooling. We offer them an internship through that summer, and the starting wage is about \$24 an hour so they get to make some money through the summer. We pay their tuition throughout those 18 months. If they would like to come back to Kinross Nevada after they are done, we welcome them, but there is no contract obligation where they must come back to us.

We also offer paid internships and summer employment to our local youth. We have a Western Shoshone scholarship program where we work closely with our Yomba and Duckwater tribes. Our goal is to make that program bigger and better by providing more scholarships and opportunities all the way to graduate schooling. You do not have to be fresh out of high school. If someone is 35 or 52 years old and wants to go back to school, they can apply to that Western Shoshone scholarship.

We have two approaches at Kinross. We have a local benefit footprint with our two mines, and we have a Kinross Nevada approach that started last year where we want to do outreach across the state. We do a lot of cool things, whether it be through education, interacting with students, or helping fund food pantries because we know food insecurity is a real thing. One of the exciting pieces that we are doing this year is giving a sponsorship to the women's correctional facility so the women can go back to school and better themselves. If you did not know this about the mining industry, we want people who have had a hard go at life. We want those second-chancers. We want people who did not know that they were worth anything else and we can say, "You are worth something. You are worth a good livable wage, a house, a great truck, a 401(k), and benefits." We really are about improving people's quality of life.

On a statewide approach, we want to make sure that we are extending those efforts. We fund a professorship at the University of Nevada, Reno (UNR), and we have a scholarship and lecture series at the University of Nevada, Las Vegas (UNLV). We did a cool thing last

year with Habitat for Humanity; we helped build a house for a veteran. This year, in Las Vegas, we are going to work with Fox5 and do a playground build. Those are neat things; it is great to get out there and do those big pieces, but we are also about utilizing our human capital. We have a great workforce that can go out to our community. For our Austin School in Lander County, they were going to take the students out of their school and put them in portables because their heating system was broken. We all know that means that that school would become dilapidated and an eyesore in the community and those students would never be back in that facility. We sent our workforce in, bought all the materials—it was over \$30,000 by the time it was all said and done—and we fixed the heating system so those students could stay in that facility and not get moved to portables. With outreach for Kinross Nevada, we are really straying away from that big-check-on-Twitter-post kind of outreach. You can stand in front of a big check with some students, but do we know them? How can I help them after that big check? When I write that big check, am I following through and paying attention to where those dollars are going? That is what we are about at Kinross. We want to make sure the impact is really going where the need is.

The Tonopah Historic Mining Park Foundation Summer Community Soirée is great because we have partnered with other members in the mining community outside of Kinross Nevada. Mining can make such a great impact, so why not work together? For this summer soiree, I worked with Ann Carpenter, a contractor who works for Coeur Rochester. She is an exploration geologist and is the Chair of the Tonopah Historic Mining Park Foundation. We opened up to the community to learn about mining and this all goes back to transparency. We wanted to share with the community what we are doing in mining and what our hopeful future looks like. We also turned it into a fundraiser for the Mining Park, so we were able to raise over \$10,000. We are going to do that again this year. It will be a night event with a band. We would love to have you come out and ask us some questions.

We have our 360 Internship where we work with the NVMA. We bring in an intern, pay the entirety of that internship, the intern spends a portion of that time with us, and then they go to the BLM. We house the intern for the entirety of the internship and, again, provide the funding. We do this because we need our miners to understand everything, not just mining or safety. They must understand our environmental impact, state regulations, and federal regulations. We need well-rounded miners and that is something this internship helps provide. It is an amazing program, and we are excited to do it again this year.

We worked with the NVMA this year and teamed up with NV Careers and Nevada Partners Inc. for an outreach event in Las Vegas. We were looking for someone like myself who had not heard about mining and needed an opportunity to change their lives and better themselves. Over 60 people came to the event, and we hired 11 people. We provided housing for six months because it is hard to transition to mining. We hired one gentleman knowing that he did not have a driver's license and that he had been incarcerated before coming to us. He was the best fit for the job—he had an amazing résumé, worked really hard, and is an amazing human being. He is working towards his driver's license, and because he got that housing for six months, he was able to save his paycheck and buy a nice new vehicle. He never thought he was worthy of something like that, and the mining industry did that. We are going to continue doing those recruiting events and hiring on through Las Vegas because we need the residents there to have the opportunities that mining has to offer.

I want to share a bit of my story. When I started at Round Mountain, I was on government assistance. My husband and I had gone to UNLV; I worked for the City of Henderson, and he was a full-ride scholarship athlete—we did everything right, but it was like the world kept

hitting us. We could not catch a break no matter how hard we worked or how many jobs we held down. We both come from lives where there was domestic violence and drug abuse and we wanted better for our kids, but we could not find that anywhere, no matter how much education I got or how much we tried. We went into mining and mining said, "You are worth it." I was beaten down when I started in mining and thought I was worth nothing. Nobody in mining saw that. They built me up, gave me a career, and gave me a platform and a voice—and the same with my husband. If you do not know about mining or the opportunities that we have to offer, I would love to give more faces like this to our industry. That is why this outreach is more important. The big checks are great, they do really great things, but getting out into our community, sharing our stories, and utilizing our human capital is my biggest goal while I am in the industry.

Thank you so much for your time.

***Vice Chair Scheible:***

Thank you to all three of you for those presentations. I will open it up to the Subcommittee for questions.

***Senator Goicoechea:***

The real impact we are seeing, especially now with the big increase in mining in these rural communities, is housing. How many housing units do you have available at Hadley and how does the mine subsidize that or is it just wide open? Who pays the rent?

***Ms. Faga:***

We have about 80 company houses and about 500 mobile home units—very few stick-built homes. Because Round Mountain knows housing is hard, we offer a seven-on/seven-off schedule for our employees who do not want to work at the mine. They come in pulling a travel trailer and can go back to Las Vegas or Reno. We offer a geographical stipend, which is an average of about \$250 a paycheck to help with housing and the cost of living in rural Nevada. We do have property in south Hadley where we are actively trying to find contractors to come out and build housing. It has been a bit difficult getting someone to invest because we only project five years of mine life and investors do not like that. We work with our employees on resources, but it is a struggle for us. If I said we were perfect, I would be lying to you. The geographical stipend does help. Unfortunately, company housing is for our salaried supervisors. We are still working to find good ways to provide housing for our average, everyday worker; we want them to come out and live in rural Nevada. I do not have a perfect answer for you because we are still looking for it.

***Senator Goicoechea:***

Regarding the manufactured homes, do you provide the lot, or do they have to buy the lot from the mining company to put their home there?

***Ms. Faga:***

In the late 1980s to early 1990s, we offered to move the residents from the subdivision in the old town of Round Mountain. Some of the lots were purchased and some are rented out. They are owned by the mine, and they pay a small rental fee for those lots. The other lots have been acquired through the town, but I am not sure if the town requires a rental fee for those. For the lots that we have left in Hadley, there is a small monthly fee that residents pay to have their doublewides.

***Assemblywoman Hansen:***

I was thrilled with the presentations, and you are wonderful spokespeople for the industry. Ms. Bailey-Lundahl, I wanted to address the bonding process for reclamation that you mentioned. Is the genesis of the bonding because there was reclamation that was not taken care of and this is to give assurance to the communities that, if something were to happen and the company fails, that money is held to help with that reclamation effort? Was the genesis to take care of those sorts of things?

***Ms. Bailey-Lundahl:***

Yes, the genesis was to ensure that the money would be there so when the mine closed, the reclamation could begin and if something was to happen within the cycle of the mine and the mine went under, that money was still available to put the land back to the way it was to the best ability after that happened. We looked at the mistakes of the past and looked to the future and wanted to make it better, so that is why that reclamation bonding is so important to us and why we do it.

***Assemblywoman Hansen:***

Do we have any idea when that bonding process started? Was that 40 or 50 years ago?

***Ms. Bailey-Lundahl:***

To the best of my knowledge—and I can get you the actual answer—I believe it was started in the late 70s or early 80s.

***Assemblywoman Hansen:***

That is what I was guessing. It seems like we turned the corner in repairing and owning some of the problems that had been part of our past. Thank you.

***Assemblyman Watts:***

Thank you all for the presentations. The first question I had builds on my colleague Assemblywoman Hansen's question. You mentioned in your presentation that in this modern era those type of closures are rare. Not to put you on the record for a specific answer, but do you have any recollection of any recent times when we have had to utilize that program in the industry here in Nevada?

***Ms. Bailey-Lundahl:***

I would say not in the last many years of my knowledge but, once again, I can get you the specific last time if we have used them. Sorry about that.

***Assemblyman Watts:***

No problem. That is why I wanted to make it less of a quiz question. In the time you have been involved in the industry, are you aware of it?

***Ms. Bailey-Lundahl:***

No.

***Assemblyman Watts:***

I wanted to ask about the sustainability initiatives that the industry has undertaken. I believe we have discussed, at some point, some of the ways the operations are being worked on, looking at moving to zero emissions equipment, et cetera. Would any of you be willing to expand a little bit more on some of the initiatives you are taking to reduce your environmental footprint, including carbon footprint?

***Ms. Hilton:***

One initiative that we are directly involved with at Robinson Mine is reducing our emissions by at least 20 percent in the next five years. We are aggressively looking at options, specifically looking at solar power and other ways we can reduce our overall consumption of electricity. I think it is a great opportunity to take land that has already been disturbed and repurpose it with something like solar power, so that is something we are looking at in the short term and also the long term. Decades from now when we close, what can we do to best utilize this land?

***Ms. Faga:***

I know that at Kinross, we have lots of efforts coming down. I do not feel educated enough to speak to you about them, but I would love to share and get all that documentation for you.

***Assemblyman Watts:***

Thank you. I appreciate that and some of those efforts. I think it is important for folks to know some of those things that are being taken on.

I also wanted to ask about water, which is a big issue on everyone's minds. I know there have been some partnerships where dewatering is needed, and that has helped provide water to agriculture. Do any of you have anything that you would like to share about some of the practices around water within the industry?

***Ms. Bailey-Lundahl:***

When we talk about pit lakes and other issues, we must cover the evaporation within our valid water rights. Now, I am not a water expert, but I do know that. And if there are any issues with variable water quality, it must be treated and we take that very seriously. Places like the Sleeper Gold Mine, when it comes to pit lakes, is now a trout reservoir that you can, I believe, legally fish in and is a form of reclamation area and something that we have worked on. In the urban course, one of the first things I do on the mine tour when we leave the office is drive by the Sparks Marina Park Lake. That is a great example of a pit lake that is now used as a community everything for Sparks. Water is very important to us, and I think Ms. Hilton can speak to that as well.

***Ms. Hilton:***

At the Robinson Mine, dewatering is very important, specifically in our Ruth pit. With all the dewatering we do, our first priority is to utilize and recycle that water. The second thing we do is we have a pipeline that goes off the mine site—it is right off Highway 50—and we are able to send that water into the town of Ely. It does not go into the water system, but it goes through Steptoe Valley, and it ultimately ends up at some agricultural areas. We have a comprehensive water monitoring network throughout the area. We have a regional

groundwater model, and we make sure we have very transparent communications with our stakeholders about the impacts of dewatering. We are working on making sure we put that water to the best use possible, and we will be happy to talk to you more about that specific dewatering network that we have.

***Assemblyman Watts:***

Great, thank you. I know that we have The Nature Conservancy in the audience who I am sure is happy to hear about some of the thoughts around renewable energy development as part of reclamation and appreciates the Association's and industry's efforts to help facilitate that as part of the long-range planning.

***Vice Chair Scheible:***

I have a question, but I am not sure who could answer it best. What is the process for mining lithium?

***Ms. Bailey-Lundahl:***

I am not the expert in lithium, but I do know a little bit about it. There are different types of lithium mining throughout the state and the world. There is hard rock lithium mining, and that focus is in Australia. There is brine lithium mining that is part of the Albemarle Mine in Silver Peak, Nevada. Then, there is clay lithium mining, which is in the new soon-to-be developed Thacker Pass project. There are a lot of different ideas and new ways of looking at it. Even in California, throughout the Salton Sea, they are looking into different ways to mine lithium in different parts of the country.

***Vice Chair Scheible:***

Is Nevada a great place for mining lithium because of the amount of lithium here, the accessibility, or a combination? Or is it something else?

***Ms. Bailey-Lundahl:***

I believe it is a combination, but Nevada has the largest known deposit within the country, if not the world. The deposit at Thacker Pass is above ground within that clay deposit and, because of that, it is mined a little differently.

***Vice Chair Scheible:***

That completely answers my question. I was looking for a broad overview because I have visited the Kinross mine and Round Mountain and I am curious what a lithium mine is like. Thank you for that.

***Assemblywoman Hansen:***

Since you brought up lithium, I am a lithium nerd. I had the distinction of having the only two lithium mines in Nevada in my districts—although redistricting took one of them away. For the record, Ioneer has one in Esmeralda County. This is important to Esmeralda County, as is Thacker Pass Lithium Mine to Humboldt County. The mine site takes up about 800 acres. It is near Dyer, Nevada, and it is on Rhyolite Ridge. I have gone to several of the community meetings and have been impressed. That lithium deposit has almost the same amount of boron, so it is like two for one. Again, it is going to be a dig type of lithium.

What I was impressed with at the last presentation they did, is that Tiehm's buckwheat has been a controversy around the mine site, about 10 acres, and it had disappeared. There were some concerns that it had been disturbed by the operations, but, lo and behold, it was squirrels, gophers, or something like that. I think Diamond Valley, Nevada, knows a lot about these critters. Ioneer took it upon themselves to get some of the Tiehm's buckwheat to develop the seed. They put \$1 million into a project through UNR, and they are growing the seed and replanting it there. They are partnering well with the community on the Tiehm's buckwheat issues. I just wanted to put them in the mix as we talked about lithium.

***Vice Chair Scheible:***

That is super helpful.

I am not seeing any more questions. Thank you, again, for your presentations.

**AGENDA ITEM IV—PRESENTATION ON RANCHING AND FARMING IN NEVADA**

***Vice Chair Scheible:***

We are going to have a couple presentations on ranching and farming in Nevada. We will hear first from the Nevada Cattlemen's Association and then from the Nevada Farm Bureau.

***Dave Baker, Baker Ranches Inc., First Vice President, Nevada Cattlemen's Association:***

Thank you for this opportunity. My instructions were to give you an idea about what ranching is like in this part of the state so that is what I am going to try to do ([Agenda Item IV A](#)). I am Vice President of the Nevada Cattlemen's Association and. We have a ranch about 65 miles southeast of here on the Utah/Nevada border. A lot of our range, and private land for that matter, is in Utah. We have a cow-calf operation and a warmup feed lot, which means we feed the calves up to about 800 to 900 pounds and then they are sold to a finishing feed lot. We also sell dairy hay and horse hay. It is a family operation, and as with most Nevada ranches, it relies on both public and private land.

Slide 3 is an aerial photo of the ranch. You can see that in the foreground is a pivot, in the center is our feed lot with the ranching headquarters, and up above is some of our irrigated pasture and the town of Baker, Nevada. In the summertime, our cows are on irrigated pasture, for the most part, on private land. We run a small herd up on the BLM allotment on the mountain. Slide 4 is another aerial photo. It shows more of the pivots. These pivots are on a gravity fed system and utilize the water that comes off the mountain up there. That is Wheeler Peak and Great Basin National Park in the background.

Slide 5 is some of our private property. We have several ranches in the valley. That is an old hay derrick, and I think we have another one of those still standing. In the summer, like I said, our cows are on private ground. In the fall, we will wean the calves, pregnancy test the cows, and make up our winter herds. We have five winter herds ranging in size from 200 to 450 pounds that go out on the BLM winter ranges. In the fall, I will make a survey of our ranges to see what we have and then talk to the BLM about what looks reasonable. Due to drought, we have cut way back. We sold a bunch of cows, and we are feeding a bunch of cows—all our three-year-olds. It is rough out there right now.

Our BLM winter ranges are on a free pasture system so that we are on the same pasture in the spring every third year. The pastures get two years of rest during the growing season. We take our herds out; the first herds go out in October and then the last herd will go in December. The later herds are on the aftermath of the fields until that time. I have always had a great relationship with both the Utah and Nevada BLM. Our cows will calve out there on the BLM ranges in March. Our first calf heifers—the ones that are pregnant with their first calf—we keep them in, feed them through the winter, take care of them, and help them calve.

Slide 6 is a picture of summer pasture and slide 7 is towards the fall. Slide 8 looks like our southern self-operation; that is in Utah. Of course, we share all of it with wildlife. The deer on slide 9 got a little close for my wife's horse's comfort, but she got the picture anyway. That horse knew that was not a cow. Slides 10, 11, and 12 are the next generations in training, having a good time.

Starting on slide 14 are pictures of heifers and their calves. We synchronize the estrus and then artificially inseminate the heifers in May. The calves are bunched up to calve in the first part of February. We are susceptible to weather, and it can turn into a lot of work in a hurry. We often have to pick up the calves when they get cold and heat them up. We have various methods of heating up, such as on slide 16, the calves are under a heat lamp. We will bring them in, warm them up, and usually feed them with some colostrum. Then we will take them back out to the heifer and hopefully she recognizes and accepts her calf. Often, they do not, and we have to put them in a corral and lock them up together for a while. The cows on slide 18 are out on about a 200-acre pasture. As you can see, we love our animals. With those heifers, we are with them day and night. Often, we have to put them in a corral and help with the delivery.

Slide 20 is a picture of us taking one of the herds out to the BLM pasture. Those are usually one- or two-day drives. We herd them all out. Some days are colder than others. We always keep enough hay for emergencies in case we have to bring the cows in. If there is too much snow out on the winter ranges, the grass can get covered up, but that has only happened twice in the last 30 years and each time it has been a white Christmas snow and we have had to feed them into March. Typically, we will keep the hay and then, when we get close to March 1, we will sell that hay. You have to make a trail to bring them in sometimes. Slide 23 is a throwback picture. That is my grandfather in the winter of '48 or '49. I have never seen snow that bad, thankfully, but I have heard lots of stories about it. That was the winter of Operation Haylift, when they hauled hay out in airplanes and dropped it for the sheep and the cattle.

We have to haul water to our cows in most places out on the winter ranges. We have three semis running every day right now and it is that way most of the winter. The troughs, shown in slides 24 and 25, are 8-foot water troughs and we move them from place to place, which helps us, and then we rotate from year to year. We have certain places we put them, so that gives us good utilization and distribution. Slide 26 shows how we move the troughs and yes, I have a corgi for a cow dog. It proves I have a good sense of humor. The truck on slide 27 is the first water truck I ever remember riding in. It still runs. We do not haul water in it, but we use it for stationary storage and there is a hose that hooks to a float to the trough. It is not zero emissions. Slide 28 is a permanent trough; we are breaking ice on it here. We have two systems like this. It is on a pipeline. The well is down in the bottom of the valley and the water is piped up to underground storage tanks in 10,000 gallons and then the pipeline spider off those to several of these troughs. We have two of those. They are good systems, but they do take some maintenance. I estimate we have over 40 miles of pipeline and, of course, hundreds of miles of fence. Once you get the ice off these, unless it

gets really cold, if there is enough cattle drinking, then they are not a big problem, but you have to break the ice every day. The portable troughs freeze easier. Slide 31 is my wife pitching ice off those. That can turn into quite a job. If you do not give the water hauler good instructions, they sometimes pile the ice right in front of where they need to drive. Slide 33 is what happens when you get a bad storm. The cows turn their tails to the wind and go somewhere else, and you are left with a big icebreaking job.

We also have a lot of springs; we call that live water. Most of these must be developed and that entails finding a place where there is some vegetation that shows sign of groundwater. Then you dig a trench and hopefully you find water and you put in a bunch of drain rock and perforated pipe. Next, you pipe and that goes into a collection box and then the pipeline comes out of the collection box into a trough like the one on slide 34. Most of the ones on the winter ranges are pretty reliable. It depends on the length of the pipeline, how much vegetation is around the headbox, and how secure those are. Sometimes you have to take compressed air or propane and blow it back up the pipeline to unplug the pipeline into the headbox. Of course, all of those are shared with wildlife. That spring is a favorite of the bighorn sheep. That is where I have seen them most. Slide 36 is a picture of cleaning the moss out of one of those troughs; it is called Splinter Spring. Unlike the miners, we have not retired our pickaxe. Most of the pipelines we fix by hand just because it is a long way out there to take a backhoe and whatnot. The older pipelines are old black plastic pipe; they break a lot and take a lot of maintenance.

We had a 12,000-acre fire on Mount Moriah, and it washed out our pipeline. We spliced this piece of pipeline in, shown on slide 38. We hung that on the rock. We were on top of a six-foot stepladder to do that. The next time we came up, there had been another storm and that is how much fill had washed into that place next to the rock. You cannot see it here, but the road went up right there and you could pass, it is that wide. It was a tremendous amount of material.

Slides 39 and 40 show us replacing a buried tank. We have 18 buried tanks and most of them are 10,000 gallons. We replaced this one with a 20,000 gallon tank. You haul water in with the water trucks and you fill those up and then there is a pipe that goes to a freezeproof trough in the south facing hill that floats underwater so it remains open. That saves you a lot of work, but the disadvantage of them is that if you arrive with a thirsty herd of cows, they cannot all get a drink as fast as they want, so you have to put portables next to it for when you arrive and then you can move them. I patched up the trough in slide 41 to get by this year but that needs to be replaced. The tank is up by the truck there; you can see the top of it. Slide 42 is an example of one of the wells we have down in the valleys. We have several of those. That is where you can get water. There is a generator in that shed, a well behind it, and a submersible pump that goes into the trough. We often haul water out of that trough and load the water truck there.

As I mentioned, we have a mountain permit with BLM. It is also a three-pasture system. We also have a small U.S. Forest Service (USFS) permit. That is on the winter range, though, and it is part of a BLM permit. This is a nice place to work but it is a lot of work for a few cows. It is easy to get 85 to 90 percent of the cows home. It is the 10 or 15 percent that are a lot of work in the fall. We come off that range by October 1. Slide 46 is a picture of us replacing a trough on a spring up there. We had to drag it about three miles. We took turns and rested our horses as needed. I also have a border collie—you must have a border collie to train a corgi. This spring is a favorite of the elk. The governor's tag elk was taken from the saddle right up above this, one year. Slide 50 is another throwback picture. That is my grandfather, my two brothers, and me. I am in competition for the ugly sweater contest

there. Slide 51 is my grandmother running the dump rake. I just thought that was a neat picture.

Any questions?

***Vice Chair Scheible:***

That was great, thank you. I am sure our members have questions.

***Commissioner Jones:***

I appreciate the presentation and some of the history. I had the opportunity to tour your ranches back in 2019. I understand the water issues in my role as a Southern Nevada Water Authority (SNWA) Director. As you know, we killed off the pipeline after that, which I am very happy about but, as I understand, the water issues continue. Can you speak to the status of water issues in that area—in particular, the efforts by Utah to appropriate water—and detriment to your ranching operations?

***Mr. Baker:***

That never ends. Utah has applications in the next two valleys to the east and modeling shows that it will definitely affect our water again. The farming on meadows—I mentioned being on irrigated meadows in the summer, and one of them about 15 miles south is where our biggest bunch of cows graze—is all spring fed. There is a pumping operation there and those springs are being damaged, and we are working on that. We are in litigation over that. The modeling shows that the Utah counties' plans will damage it further and we are doing our best to counter that.

***Assemblywoman Hansen:***

Thank you, Mr. Baker, for being here. I am curious about the elevation of the ranch. I see a lot of deep snow. I am familiar with the area, but I am curious about the elevation.

***Mr. Baker:***

We are at about 5,300 feet in elevation in Baker.

***Assemblywoman Hansen:***

How long has your family had this ranch in the family?

***Mr. Baker:***

Since the late 1950s. My grandfather worked there. They had land in Delta, Utah, and my grandfather and his brothers had a dance band during the Great Depression, so they played for dances out in Baker. My grandfather liked it out there and worked there in the summer. He spent one winter in a dugout up in a canyon called Lucky Boy pounding on rocks and we have been in agriculture ever since. When he got the opportunity, he sold the land in Utah and bought a ranch in Nevada and when they came to the Silver Creek Ranch—that is the first one they bought—the night they got there, a neighbor came along and said that the Baker Ranch was going to come up for lease and they should try to make a deal. They never unpacked their bags at Silver Creek. Granddad told grandma not to unpack her bags.

***Assemblywoman Hansen:***

My apologies, I assumed because your last name is Baker—

***Mr. Baker:***

It is, but the town was named Baker when my family moved there.

***Assemblywoman Hansen:***

Well, that is nice to have a town that is kind of named after you but not really.

Can you tell us about some of the wildlife we saw on your presentation. Do you tend to see a lot of wildlife? I think we tend to see wildlife around ranches. It is always nice to hear what kind of wildlife you see there at that elevation.

***Mr. Baker:***

Every year, they do a bird count. They count the birds everywhere, even in this valley. Our ranch always wins. We have the most species and the most birds. We also have antelope, deer, some elk, and geese. Bighorn sheep love that spring I showed you, as do the antelope. We love to have live water and the antelope utilize that. Thankfully, we do not have horses. To the south of us, there are some ranges with horses that have been severely damaged. We take good care of all the wildlife. We have quite a few red foxes also, which are not actually native, but somebody had them decades ago and they escaped, and they are fun to watch. We also have coyotes, of course.

***Assemblywoman Hansen:***

Thank you for providing some great habitat.

***Assemblyman Watts:***

It is good to see you, Mr. Baker. Regarding water issues, you mentioned at the beginning that, because of some tough conditions, you have sold off and reduced the size of your herd. Could you give us a little bit more detail about where your operation was and how you have had to trim it down?

***Mr. Baker:***

Last summer we weaned our calves very early. We weaned the first bunch of calves right at the end of July. Then, as soon as the cows settled down, we went through and checked the teeth on all of them that were over seven years old and sold all the ones with what we call "broken mouth" cows. That was quite a few that we cut back. Then, like I said, we are feeding all our three-year-old cows, which means my brother, Tom, does not have as much hay to sell and, of course, we did not raise as much hay because we were short of water. It has been a tremendous economic hit and a hit to our morale, also.

***Assemblyman Watts:***

Something else I was going to ask about was the impact, because you do grow hay, so not only is it impacting the range and the water that is available for you to put out for your cows, but it is also impacting what you can grow both to feed and then to sell. I appreciate you sharing some of that.

You mentioned how you have seen that some of the springs have been damaged and have been declining. Could you share a little bit more about that?

**Mr. Baker:**

Last summer, on our mountain pasture—it is on the north end—we had to bring the cows off because a lot of the springs dried up early. There were a few that did not dry up and we had some cows up there into September, but we had to bring home most of the cows in July.

**Assemblyman Watts:**

The last thing I wanted to ask you about is water conservation. You have already discussed how you are always adapting to changing conditions and trying to do the best you can with limited resources. Can you talk about some of the things that your operation has done to try to conserve water and operate?

**Mr. Baker:**

We have refitted all our circle sprinklers, or most of them, to add twice as many drops and instead of spraying from this high up, the drops break from essentially dragging on the ground so there is nowhere near as much evaporation. It makes a huge difference on the productivity given for a gallon of water. Everywhere, water is the limiting factor and, obviously, whether it is hauling water to cows or the farming, that is what limits us in all things. We hope we have a better year next year. This one is much better than the last two years, but it is not good.

**Assemblyman Watts:**

Thank you, Mr. Baker. You mentioned that you get your calves started and then you send them off to be finished. Could you talk about that? I think there have been some other conversations around how we can help promote local agriculture. There was some funding that we approved to try to increase state meat processing, so could you talk about your decision-making around that and share any thoughts about how we can have cattle that get raised, processed, and feed folks in Nevada?

**Mr. Baker:**

The old saying is, "It is cheaper to take the cow to the corn than the corn to the cow." That is why most of the cattle in Nevada get shipped out. In our feed lot, they are fed a little bit of corn, but mostly hay, silage, and stuff like that. For the last two to three months of a beef cow's life—what is called finishing—that ration is about 70 percent energy, which is some kind of grain. To finish them and take them to harvest, you need to have the corn, unless you are shooting for a niche market—which would be grass-fed beef or something like that—then there is a lot of opportunity. I have relatives from back East who think we are insane because we have this beautiful valley in the range and the way we take care of our animals but, on a commercial scale, we do not have a good way to market that. There are a lot of people working on that and I think that may change. You could put your phone up to the label on some products and find out where it is from, and if we can get to that point with food... I was at a cobank event in California and Walter Robb, who was a co-chief executive officer of Whole Foods, was one of the speakers, and he said that people care more about their food right now than they ever have. Of course, we have the cheapest, safest food in the world but there is plenty of room for improvement and people care. If we can get to that, that is a great marketing niche. Of course, people are exploiting it and it is working but it is not quite our scale yet.

***Assemblyman Watts:***

Thanks for sharing those insights.

***Senator Goicoechea:***

As a cattleman and a representative of the Nevada Cattlemen's Association, what do you see as far as market trends or what is your opinion regarding the impacts to the industry in the short term with this drought? We are talking about \$350 hay and no grass.

***Mr. Baker:***

I have neighbors who spent \$700,000 on hay to keep their cattle. The forecast is for the cattle market to come up some because the numbers are down, and demand has stayed strong throughout this downturn, but we cannot keep doing that. We compromised; we sold cattle and are feeding cows. Like I said, some cows are going to be worth more but now the price of hay is up so high. We just keep waiting for the price of cattle to come up, but it has not much. It is hurting a lot of people.

***Senator Goicoechea:***

I just wanted to make sure we got out there just how serious this is moving forward, not only in the livestock industry and here in Nevada, but across the nation. I think we are rapidly approaching an all-time low for cow numbers. Given the price in the grocery store when you are talking \$20 a pound for a steak, people are not buying it. The bottom line is premium cuts are going to get scarce and the demands for ground beef are going to get tough because the other products are so high given inflation. I appreciate that, and I wanted to see if you agree that the livestock industry is in trouble.

***Mr. Baker:***

Yeah, our options around the West are showing significantly larger numbers than typical throughout the summer and the fall.

***Vice Chair Scheible:***

Could you give us a sense of the scale of Baker Ranches' operations and whether that is large or small in comparison to most Nevada ranches? Are there a couple of very large cattle ranches in Nevada and then a couple of smaller ones? Do we have ranches of all sizes? What is the landscape?

***Mr. Baker:***

We have ranches of all sizes in Nevada. Our ranch is larger than average but there are quite a few that are much larger. We typically wean 1,700 calves every year; however, it will be quite a bit fewer this year. We sell enough hay that we could load a truck every day of the year.

***Vice Chair Scheible:***

Are you seeing the impact of the drought and economic climate hit the larger or smaller ranches harder?

**Mr. Baker:**

I think it is universal. Our precipitation is so light and spotting in Nevada. Northern Nevada fared a little better than we did for a while. The drought is impacting all of Nevada without a doubt; it might rain north of Wells, Nevada, and nowhere near Elko County. It is dispersed that way. The national cow average I think is about 25 head, and that is because people have other sources of income; we have that in Nevada, too. It affects them quite a bit differently if they have another source of income but have a few cows.

**Vice Chair Scheible:**

Thank you, that helps me get a sense for it, at least. Because this is the Subcommittee on Public Lands and you mentioned that you pasture some of your cows on public lands, could you tell us whether those public lands tend to be shared with recreation, like hunting and hiking; whether they are more remote public lands; and whether there is conflict there

**Mr. Baker:**

We live a long way from anywhere but most definitely there is recreation out there. We see a lot of hunting like the bighorn sheep in that spring. Those tags are rare, but I have known of two people who have taken bighorn sheep near there. We have some four-wheelers. Lots of people will come out from the Wasatch Front to hunt rabbits in the winter. I thought that was crazy the first time I realized that and then I thought about getting out and, if I lived there, I would do that too. Of course, we have the Great Basin National Park right there so there is a lot of hunting and exploring.

**Vice Chair Scheible:**

That is all allowed in that area?

**Mr. Baker:**

All of our range is multiple use, yes.

**Senator Goicoechea:**

Public domain is one thing, but if it is a wilderness area then there are sign boards put up stating that you cannot actually be there, but again, that is not established by the permittee, that is the federal agency. I wanted to make sure that we got that clear on the record.

**Vice Chair Scheible:**

I am not hearing any other questions so thank you, Mr. Baker, for giving us that insight. We will invite Mr. Busselman up to talk a little bit about the Nevada Farm Bureau.

**Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation:**

Thank you, Vice Chair. I am also joined by Bevan Lister who is the President of the Nevada Farm Bureau. He is a farmer and serves as a County Commissioner in Lincoln County.

I wanted to first start out with an overview of the Nevada Farm Bureau Federation ([Agenda Item IV B](#)). The Nevada Farm Bureau is a general farm organization. We are not specific to any one commodity. We cover the whole gamut and are a federated structure.

We have 11 county farm bureaus in the State of Nevada. Our members join the county farm bureau and then the county farm bureaus are members of the Nevada Farm Bureau Federation. We are then members of the American Farm Bureau Federation. There are 51 state farm bureaus in the United States, and we are one of those. Besides the 50 states, Puerto Rico is also a state farm bureau.

When I work with the Nevada Legislature and in the other activities that I do on public policy, I am guided by our [policy book](#), which is developed on an annual basis with our members' input. When I represent the Farm Bureau in the legislative or other processes, that representation comes from our grassroots Farm Bureau members who are involved in developing what our issues are and what we are going to be going with.

The Nevada Farm Bureau began in 1919. On February 25, 1919, Assembly Bill 110 was introduced during the 29<sup>th</sup> Session of the Nevada Legislature. When AB 110 was passed and became law, the bill authorized county farm bureaus to be formed in the State of Nevada. These county farm bureaus were then responsible for the overview of the county cooperative extension budget and to work with the state director for cooperative extension in coordinating their local extension programs and budgets.

Nevada ranks 43<sup>rd</sup> in the nation of the cash receipts for all commodities that are produced in the United States. That total for the state is \$668,594,000 in cash receipts. In the sequence of the country, we are behind Maine and ahead of West Virginia, as far as where we fit within that scheme of things. California ranks as the number one state in agriculture production, based on information from the Economic Research Service of the U.S. Department of Agriculture (USDA). Nevada agricultural producers fit in a unique niche, as has been discussed here, in that we have limitations on the amount of water as well as the private lands that are necessary for an effective agricultural production sector. Livestock production is the primary source of Nevada's agriculture production. Two-thirds of the state's agricultural production comes from various forms of livestock, whether it be cattle and calves, dairy products, or sheep; those are the primary areas.

On a statewide overview, in January 2022 we had 244,000 head of beef cattle, 31,000 head of dairy cows, and about 60,000 head of sheep. These numbers are based off the USDA National Agricultural Statistics Service. Clark County is the number one pork producing county in Nevada; roughly 2,500 hogs are raised in the state.

On a crop basis, primarily, most of the cash that is raised comes from hay production, but we also have other crops such as wheat, vegetables, potatoes, onions, garlic, et cetera. Slide 6 shows the way the counties stack up across the state, with Humboldt County as the number one agricultural county in the state. It is interesting to note that the top five counties account for two-thirds of the state's overall total. For those of you visiting White Pine County, it accounts for 5 percent of the state's agricultural sales. As a side note, White Pine ranks second in the state for sheep, goats, and wool sales, and the number one county in the state for those products is Churchill County. Most of that is because of developments that have taken place over the past several years with goats and milking goats becoming a very significant contributor to that type of production; that is what pushes Churchill County into that number one slot.

Water matters to Nevada agriculture. The list of counties on slide 8 identifies the number of irrigated acres in each of the counties across the state. The duties on most agricultural production is around four-acre feet of water—there are some that are a little bit less and others that are a little bit more—but you are looking at about four-acre feet of water for

each of those acres being irrigated. That is where Nevada agriculture can be as productive as they are, based on having the water they need in order to produce a crop.

From a Nevada Farm Bureau standpoint, in our policy book, water matters very much to Nevada agriculture and to Nevada Farm Bureau policy. We are aware that when Assembly Bill 356 (2021) was passed, this Subcommittee got the assignment of an interim study concerning water conservation in the state. With that in mind, I wanted to share our organization's policy on water conservation as it applies to water. The Nevada Farm Bureau supports appropriate management of agricultural irrigation and conservation measures, which makes sure that we are providing for the proper management of water resources, and we have the long-term ability to maintain production and use of that water. Agricultural irrigation use should not exceed the duties associated with water rights. That is a very important aspect of our policy and where we are coming from in those conversations. We also believe that attention needs to be directed at addressing the over-appropriated groundwater basins with solutions oriented to bring water rights and water being pumped into balance with those perennial yields that Nevada water law is based on. Ongoing monitoring reports need to be shared with the water right owners in the groundwater basin to assist in better understanding the conditions and the status of the groundwater they are dealing with.

On the issue of conservation and irrigation efficiency, as has been discussed here already, we believe that agricultural water right owners are addressing those types of concerns without the need for government involvement because of the cost of the economic self-interest that producers have in protecting their resources on a long-term basis. Agriculture has lasted in Nevada as long as it has because of their flexibility as well as their long-term view and vision that they operate with. Another thing I would like to call attention to is that, during the 2017 Session, Assembly Bill 209 was passed. That was a very helpful tool for conservation activity across the board in Nevada. The passage of that legislation amended *Nevada Revised Statutes* (NRS) 534.090 and the provisions dealing with the forfeiture of water rights that might not be completely put to use. The bill changed state law to provide that, in drought condition, water rights could be protected from forfeiture even if it is not pumped. It is not a "use it or lose it" situation because of that law.

Earlier this week, I attended two different public workshops for the Division of Water Resources, State Department of Conservation and Natural Resources (DCNR), that the state engineer had in Smith and Yerington, Nevada, and the state engineer was very emphatic in communicating with the water right owners in those areas that if they wish to do what they can to conserve water, they are not putting their water rights in jeopardy by holding back and not pumping as much as they would otherwise. While we are the largest water right owners in the state because of the way our system is developed, I believe it is essential that we understand that agriculture is doing what it can because it is in their interest to make sure that they are not over-pumping or that they are not doing harm to their own wells. It is not cheap to dig deeper, and it is certainly not very effective if your well and system are not going to be sustainable. We also want to make clear that, from our policy standpoint, we understand the right to use water is a property right which should not be taken away from an owner without due process and just compensation at the highest valued use.

That concludes my presentation. Thanks again for giving us the opportunity to participate in this hearing and we look forward to working with you as the interim process continues.

***Bevan Lister, President, Nevada Farm Bureau Federation:***

I appreciate what Mr. Busselman has put together and hope his information was informative for you. I have a couple of things I would like to add. A chord I heard several years ago from a high school student really struck me and has stuck with me. He said that agriculture is the foundation of every stable society. Keeping that in mind, hungry people are not stable. They tend to get unhappy quickly. Nevada's farmers and ranchers provide food, forage, fuel, and fiber for a hungry world. Our farmer ranch families help to build our communities. I love the pictures that Mr. Baker had in his presentation of his family and of the generations coming up. The challenge for agriculture across the state and nation is that we are a dwindling breed. One of our more illustrious friends here in eastern Nevada commented years ago that to be involved in agriculture was a genetic mutation. It is not much of a living, but it is a fabulous way of life. Those of us who have been struck with the mutation could not imagine living any other way. That being said, there are a whole bunch of issues that plague and push agriculture. Most of our kids do not come back to agriculture simply because they do not want to work that hard. They make more money doing something else in a less remote place. Nevada's agricultural environment is challenging. It is the driest state in the union, but it does have some compensations. We have some niche markets and some things that we can do. The best alfalfa hay produced in the world is produced in Nevada. For many years, we had a standing offer for producers here to go to China to try to teach them how to grow high-quality alfalfa.

There has been some discussion and Mr. Busselman touched a lot on this idea of water conservation. I am going to give a little bit of history. You are very involved with the laws of the state, the legislation, and things that we have in place to deal with water. A lot of years ago, water law was developed, purposefully and needfully, in two separate chapters: one for groundwater, one for surface water. They are two separate—although connected—resources, and the management of those appropriations has to be done carefully but there is no science to support the idea that somehow they can be combined. It is imperative that we continue to treat them as separate resources with the recognized connections, because those connections will be different for every square foot in the state of Nevada. We cannot generalize that.

Most of our communities, state, and agriculture were founded on surface water. We took the streams, creeks, and springs for our livestock and developed them. We planted crops and we grew communities. Flood irrigation was the only method available. It was not until much later that efficient pumping systems allowed for bringing water out of the ground and broader use of groundwater resources, but in the early days, that groundwater was also pumped into a ditch and flood irrigated on a field. Most flood irrigation systems operate on about a 40 to 50 percent efficiency for the use of the water. In the last 50 to 70 years, we have transformed the industry from surface water and flood irrigation to highly efficient, center pivot irrigation systems, sprinkler irrigation systems, and drip systems. Much higher equipment cost to put in place, but much more efficient use of the water resource. In that context and in my educational history, there was a lot of work done with improving efficiency of flood irrigation. Those processes have helped us better use water immensely over the last 60 years. In the question of conservation, agriculture is doing its part and has done its part because we had to. With increasing power costs, you cannot afford to irrigate with water at 40 or 50 percent efficiency. It does not make sense. Economics demanded change. Are there still further places that we could go? Probably. Every year, research is being done on different ways to apply that water in the most efficient manner to get the best amount of crop value for the water that is put on.

I am going to shift gears for a second with a couple more points. Irrigated cropland in the State of Nevada is the very best wildlife habitat in the state. If you do not believe me, just talk to the sportsmen who sit around the edges of my field every year. Coupled with that, our managed grazing lands—with their diverse and distributed water resources—greatly enhance those rangelands for all forms of wildlife. Everybody is interested. Everybody wants to see the birds, deer, and antelope, but those are under conditions where those rangelands are managed. Wilderness areas, national parks, conservation areas, and monuments are all nonmanaged lands. There are no grazers out there moving water resources around. Cattle are not there. Those lands are destined to be weak patches and to get burned with fires because there is no management. That is just a personal philosophy.

Regarding drought, as Mr. Baker mentioned and Senator Goicoechea pointed out, because livestock is our biggest tag commodity, the biggest challenge is that most of that is done on grazing lands. Drought effects forage production. The grass, shrubs, and browse are not there for the cattle or sheep to eat. That is why herds must be reduced. Livestock gets moved around and we can use water hauls and things like that to change our distribution patterns and to better use what forage is available, but some areas of the state are pretty dry, and forage is pretty tight right now. Deer, antelope, elk, and livestock all share that forage, of course, with our best friends the wild horses. That extensive pressure on a dry resource is a challenge. The livestock are the only ones out there that are being managed, so keep that in mind. They have someone who cares, moves, and provides resources for them.

Mr. Baker showed you some of the wonderful things we do in our operations, farms, and ranches. It is not for the faint of heart and it is a lot of work. For the most part, it is a family deal. The kids learn from a very young age that you get up in the morning and you go to work. We provide not only food, fuel, forage, and fiber, we provide an upcoming generation of solid, hardworking, and dedicated young people. Thank you.

***Vice Chair Scheible:***

I want to thank you both for your presentations and for mentioning the policy book. I found it very easily on the Nevada Farm Bureau Federation website.

Members, are there any questions?

***Commissioner Jones:***

With regards to water, I appreciate the presentation. Southern Nevada and the Colorado River are facing the largest crisis in history with Lake Mead and Lake Powell at crisis levels in which Glen Canyon Dam may cease operations in the next year. You mentioned the farm bureaus in other states. Is there communication or coordination with the farm bureaus in the other states along the Colorado River? Obviously, agriculture is the largest user of Colorado River water, so what is the Nevada Farm Bureau doing to coordinate with those other users along the Colorado River to make sure we have water in the Colorado River?

***Mr. Busselman:***

Yes, we do coordinate, not only with the farm bureaus in the southern part of Arizona and California, but also with the northern areas as well. I know there are concerns across the board regarding how they go about managing their resources in their respective states and how that affects the Colorado River as well as how the Colorado River status affects

farming. Arizona is certainly going to be looking at some very tough times ahead based on the levels of water going through Lake Mead.

But yes, we do coordinate. We get regular presentations in each of the states on different kinds of activities that are going on, so I would say we are working on those things, and we are engaged at the national level as well.

***Commissioner Jones:***

Obviously, the Colorado River Drought Contingency Plan (DCP) is in effect right now and the Bureau of Reclamation declared a shortage going into the 2026 renegotiation of the Colorado River Compact. Does the Farm Bureau take positions nationally and at the state level as to what ought to happen regarding DCP and Colorado River Compact renegotiations?

***Mr. Busselman:***

I know that other states are probably more active in that than Nevada because Nevada agriculture does not have quite the same connections on use of water, but yes, they do participate in those and give input along the way through public comment, primarily.

***Assemblyman Watts:***

Thank you for the presentation and I certainly appreciate your remarks, Mr. Lister, about the active management and the role that agriculture plays with livestock every single day, although I do think that Nevada's Department of Wildlife (NDOW) and our sportsmen groups might disagree that that is the only population being managed.

Mr. Busselman, you had a slide that went through the number of operators and the number of acres in production. Generally, are those numbers going up or down? Are we seeing more acreage or less acreage in production over time? Are we seeing more or fewer operators?

***Mr. Busselman:***

I have been in Nevada since 1988 and over the course of that time, for the most part, the number of agricultural producers has remained stable. There was a spike in the agriculture census prior to the last one that was done. The primary number of agricultural producers in Nevada is small. When there has been growth, it has been in the number of smaller producers. The larger to midsized operations are probably closer to being self-contained. Every agricultural operation relies somewhat on off-farm income, but the ones that are in it full time, so to speak, have been stable across the board. The numbers for the middle and the small ones have been up and down over time; the small numbers—up to about \$5,000 or \$10,000 worth of revenue per year—vary over the course of how that has unfolded. For the most part, it is stable across the spectrum.

***Assemblyman Watts:***

Would you say the same for the amount of acreage?

***Mr. Busselman:***

I would say there has been a strong stability. I do not think there has been a lot of influx. Some of the smaller operations that have had 5 to 20 acres have varied. The two limiting factors that Nevada agriculture contends with is water and the fact that there are not a lot

of private land acres available. You must have both in order to make that work in a farming operation, but it has been pretty stable.

**Mr. Lister:**

The limiting factor primarily is water, but we do have basins in the state where water, land, and processes are available for that land to be put into production. Unfortunately, we must battle with state agencies that disagree with agriculture or disagree with putting that land into production. That is just for your information, and I would love to discuss that further with you at another time.

I apologize on your earlier comment. No negative to NDOW, but those populations are managed by harvest, not actively managed as far as location and movement like livestock is—that is what I meant.

**Assemblyman Watts:**

Back to the number one issue: water. Mr. Lister, I would love to get some more information about that issue you just brought up. In the position statement, you mentioned that you support solutions to make sure that over appropriated and over pumped basins are brought into sustainability. Can you speak to what solutions you support, either that are existing or if you have any proposals?

**Mr. Busselman:**

Our general concept would be that those issues need to be dealt with locally and have cooperation at the local level to come up with plans that work in their respective areas. From a standpoint of our policy, the only real tool that is currently available in Nevada law deals with curtailment as a tool to bring about those balances, but in our perspective, we are mostly supporting local activities to figure out how that might be brought about.

**Assemblyman Watts:**

Would that be either existing or modified groundwater management plan process?

**Mr. Busselman:**

Yes, that is one of the things that could be done. During the last drought, some local groups worked together—at Mason Valley, for example—to figure out how they might be able to reduce and conserve water to maintain their water levels and those kinds of things. Again, I think the best solutions would be locally developed, but we will have to see how that goes. We still support the principles of the current law, and we are not advocating that current law be changed to figure out those corrections.

**Assemblyman Watts:**

Understood, thank you. You mentioned some of the conservation initiatives that have already been undertaken and the economic necessity. We have also heard about the slim to none margins that can exist in the industry. You discussed government policies around conservation, but is there anything else you can see in terms of incentives or support to help agriculture with conservation, understanding some of the difficult economic situations that you can find yourselves in?

**Mr. Busselman:**

I think there are some incentives available in terms of support programs and conservation programs through the USDA's Natural Resources Conservation Service and other federal agencies that bring funding into the mix to help streamline some of those conservation measures on a cost-sharing basis. I think the other options are when producers have the ability or interest in selling out or doing other things, there probably are mechanisms within that activity that could be used to allow for voluntary retirement with compensation of water rights to bring about those adjustments.

**Assemblyman Watts:**

One last thing. You mentioned that AB 209 (2017) provides some flexibility in "use it or lose it" during times of drought. Do you feel that law provides all the flexibility that the industry needs to be able to conserve water?

**Mr. Busselman:**

Yes, we believe the current law provides for the mechanisms that are necessary for the conservation as well as the proper management of groundwater and surface water going into the future. We do not advocate any spectacular changes. We believe that we have gotten where we are because of the strength and the quality of Nevada water law, and we are not interested in making massive changes to tweak things or bring about short-term solutions. I think that in the long term, we must look at how we bring about proper management with those engaged who are managing their water. I understand that Nevada water is, in fact, the people's water, but in terms of the management of those waters for use that are owned by water right users, we believe that that is the group that needs to be involved in bringing about those solutions.

**Mr. Lister:**

The only thing I would add is that, if there needs to be an investment, I would look to an investment in Nevada extension with more of a directive to actually benefit production agriculture with an emphasis on finding either new varieties of crops that are less water dependent or demanding and/or better application techniques.

**Assemblyman Watts:**

I appreciate the responses, especially that last bit. That reminds me of the point around finding niche markets. I understand that cattle operations are the largest portion of Nevada agriculture, but there are some incredible operations and stories to tell, both within that sector and others. I toured some agricultural operations in Fallon, Nevada, recently, including the largest teff cultivation and processing operation in the United States—drought-hearty plants filling a niche market. I look forward to working with you to tell some of those stories and address some of the issues that have been brought up. Thank you.

**Vice Chair Scheible:**

Thank you both for your presentation.

## **AGENDA ITEM V—DISCUSSION CONCERNING ISSUES RELATED TO PUBLIC LANDS AND NATURAL RESOURCES**

### ***Vice Chair Scheible:***

We are going to hear from counties in Nevada about updates, their public lands, and related issues.

[Agenda Items V A through E were taken out of order.]

### **A. EUREKA COUNTY**

#### ***Jake Tibbitts, Natural Resources Manager, Eureka County Department of Natural Resources:***

I provided a substantial packet ([Agenda Item V A](#)).

A little background on myself—I am a farm and ranch kid from eastern Idaho. I have lived in Nevada for 14 years in Eureka County and I have started my family in Eureka County. I love Nevada so much. That is why I am getting a little emotional about this, because I am not a native Nevadan, but I love Nevada. I love our public lands and natural resources. I live every day, in both my personal life and my professional life, doing the best I can for the resources and the people of the state. Eureka County has really built up a model of sustainable use, advocating for the use of those resources in a sustainable way so we can ensure that our rural economy continues to thrive, and I really live by that. My wife is a fourth-generation Nevadan, so my kids are fifth-generation Nevadans. My wife has Basque heritage on one side of her family and Swiss Italian heritage on the other. When they first came to Nevada—on my wife’s mother’s side of the family—they started in Eureka County, and they were the Carbonari that came to that area where they were harvesting the pinyon and juniper trees and creating the charcoal to be used at the mines for smelting. I have a deep connection to Nevada and really love it.

Eureka County is very similar to many of the other rural counties, but we may be blessed with a few more private acres than some other counties. Because of acts like the Desert Land Act, the Carey Act, and the Homestead Act, and some of these other things, people took advantage of that a bit more in Eureka County, and we have 13 percent private land. Most of our land mass is managed by BLM—I think about 79 percent—and we do have that portion of USFS as well. In the packet, you will see a little map there. It is kind of hard to read unless you blow it up, but it gives you a perspective. Most of our private land exists on the north end of Eureka County and that is because the railway corridor goes through there. If you have not heard about it before, that created a checkerboard situation where every other section of land was granted to the railroad because they did not know exactly where that would go through. Then, it was to support the railway as it went through. For 20 miles on each side of the railway is this checkerboard situation, so most of our private land is on that Interstate 80 (I-80) corridor.

If you look up Eureka County on Wikipedia or in the census, you will see that we have less than half a person per square mile in Eureka County; we have way more cows and sheep than we have people. We are a natural resources economy, and 99 percent, if not all, of our reliance is in the resource sector, whether it is mining, agriculture, or recreational uses. A lot of hunting and outdoor recreation takes place in Eureka County, and it is a great spot.

Currently, the valuation of our tax structure in the County is primarily from the mining industry. Whether it is the personal property, the sales and use taxes, or the net proceeds of minerals tax, 95 percent or more of that currently comes from mining. We have been through our share of busts—we have the booms and the busts—where we must rely on those renewable resource industries, such as our agriculture industries, when we have those bust periods. I often talk about mining being “the butter” but agriculture being “the bread.” It is nice to have a little bit of butter on your bread every once in a while, but when you need it, you really want to be able to rely on that bread.

An interesting statistic about Eureka County is that mining is not just about mining in this state, but also about agriculture. Mining is closely related to agriculture for many different reasons. There were some questions about water earlier where, many times, the mine’s water management dewateres the groundwater to access a pit or a resource that is under water and then they “dispose” of that, but they use it for agricultural uses. That is done quite a bit; it is called “in lieu uses.” There are also many agricultural enterprises in the state that have been purchased by mining companies for multiple reasons: (1) they need the water; (2) they need a space to put in mitigation measures that they are required to do, whether it is for sage grouse or other things; and (3) they need insulation from impacting neighbors. If they own the land and the resources, then they are only impacting themselves. The last time I checked our assessor’s numbers, about 60 percent of all the private land in Eureka County is owned by a mining company. If you look at just the land that is considered agricultural land, it is more than 70 percent. That is a concern. We have a great partnership with the mining industry, but we are thinking long-term down the road, and mining by its very nature is temporary. Temporary may be a hundred years or more—mining has been going on in this state for a long period of time—but that is a resource that eventually will no longer be there when it is mined. We get concerned about what happens to lands that are owned by mining companies when there is no longer a resource to mine. What do they do with that? What do they do with the water, land, grazing privileges, or whatever they have? That is something we are planning for and are working with the mining industry to try to address.

Typically, when you come to these meetings, you hear the same themes. You can pick any specific issue—whether it is water, wild horses, sage grouse, Mormon crickets, or whatever—and spend more than one meeting talking about that one topic. I am happy to answer any questions and get into the details on any of those specific topics if you would like, but I would like to focus more on the generalities of how we can continue to work on these issues so they do not become problems. How do we find common ground among diverse interests? How do we give communities self-determination to make their own futures? That is the important thing. I could tick off all the issues we worked on; you have heard many of them today:

- Wild horses and burros;
- Sage grouse;
- Threatened and endangered species;
- Wildfire;
- Grazing;
- Public lands access;

- Land restoration;
- Water—Diamond Valley is kind of a “poster child” of water mismanagement in the past and we are trying to grapple with that now;
- Recreation—we are seeing more of that taking place; and
- Renewable energy—we are seeing that more in earnest and the approaches to create these Greenlink projects like NV Energy is doing. One of those will be right on this Highway 50 corridor starting just west of Ely, Nevada, and connecting all the way over to Yerington, Nevada, following U.S. Route 50. There are concerns about opening some of these pristine public lands that are multiple use lands. What are the impacts of those current uses?

Those are all things that we are trying to work on. I like to cast them as “issues” not as “problems” because “problems” infer there is a solution, but I think with “issues” there is middle ground that is not the perfect solution for any individual group. Common ground is something to work toward.

One of the main things that we really advocate for is keeping our public lands as multiple use lands and as working landscape. You will see that Eureka County is a good example of the fact that not all projects or public land uses are created equal. Even though these are multiple use lands, you will see that we value ensuring that they are done in a balanced way, considering the environmental side, the economic side, as well as the social side of things. There are a lot of tools available right now; Congress or the Nevada Legislature does not need to give us a new tool. As Mr. Busselman said earlier, it is not necessarily about making tweaks, but using the tools we have available to us, whether it is water or anything else, and providing the capacity to local communities to help solve some of these issues with which they are dealing. We want to focus on trying to empower and bolster local communities to be able to fix some of these things at the local level or, at least, to create a better situation.

One of the primary things that Eureka County prides itself on is its great relationship with federal land management agencies. That does not mean we do not disagree at times, because we often disagree, but we have built up a great working relationship over the years. I like to say Eureka County is the “Goicoechea Dynasty.” Senator Goicoechea was, before term limits, a county commissioner for about 16 years, and his son, J.J., is in his last term as county commissioner. They have provided a lot of leadership on public lands and natural resource issues over the years. I am a beneficiary of the legacy they have built. Senator Goicoechea was the first to stand up a natural resource manager for Eureka County; not every county has one. I feel very fortunate to be the Natural Resources Manager for Eureka County, and I would advocate for assisting counties to have this position. I think if every county, especially those that have natural resource economies, had somebody in my position, it would really leverage rural Nevada to have a better role with federal agencies in land management decisions. Congress has mandated that the federal agencies coordinate their work with the state and local governments and that they strive for consistency. We understand that you may not always reach consistency, but the process of getting together and striving for that consistency with the state and local land use plans and policies builds that relationship. Eureka County is very proud of the relationship we have built with our federal agencies. We value that, even knowing that there are many times we may disagree, but we know we can work toward trying to find consistency to the maximum extent possible.

Some controversial things that we continue to see surround water, access, and management of species like sage grouse. There are tools right now to help address and empower local communities, such as streamlined permitting. We try to follow all the state and federal rules on the ground. The National Environmental Policy Act (NEPA) is a great law; it provides a lot of opportunity to take a hard look at those environmental impacts. It should also be a tool to ensure you are doing the right thing, but it should not take ten years to get a project done on the ground. A lot of these restoration projects, like the targeted grazing at the Winecup Gamble Ranch or people in agencies trying to put good work on the ground, are getting held up because some of that has been weaponized.

We bring up water rights disputes to this Subcommittee every interim. Our water law was passed in this state in the early 1900s when the Nevada Legislature outlined a process to adjudicate water rights. I believe the intent was to get that done shortly after the water code was put into place. Yet here we are 120 years later and very few adjudications have taken place in this state. That creates a tremendous amount of conflict because the people who put that water to use back in the late 1800s, early 1900s, and their predecessors—the people, things, and landscape has changed. The water may not be the same as it was back then. This causes a lot of insecurity about where people stand with their water rights. I am speaking about these waters that are considered “vested” rights that were put in place prior to 1905, and most of our surface water, if not all, on the BLM and private lands was used prior to 1905, but very few of those have been adjudicated. People have a claim of what they believe that was, but it has never been through the process to determine exactly what their right is. We are facing that conflict right now with the federal government over public water reserves that the BLM is claiming. We are in the Diamond Valley adjudication right now. We just got out of three weeks of hearings and the BLM has claimed 66 springs in Diamond Valley as public water reserves. The adjudication is the process of settling all of that, so we are finally getting there, but I can cite you so many examples of where, because somebody’s water rights have not been determined—meaning they have not been adjudicated—that it just breeds a whole bunch of conflict. Every session, you provide more tools to the state engineer, staffing up a drought planning section and maybe giving them some more capacity to do various things, but in my opinion and in the County’s opinion, the Legislature has not done much to help stand up the adjudication side of things to finally get that done once and for all. A few years ago, more staff were provided in the adjudication section. The state engineer, honestly, is doing all he can to keep up what is being done. Adjudication would be a short-term investment. It takes a long time to get an adjudication done, but once those waters are adjudicated, you are done with it. It would be helpful for the Legislature to provide that capacity to get vested water rights and public water reserves adjudicated statewide so we can move on from that conflict. I think that is so important.

We continue to see some conflict crop up regarding access on public lands. The Legislature recognizes that in NRS as well. The rights to roads that exist on public land are often called “RS 2477” roads; that is Revised Statute 2477, and it was a child of the Mining Law of 1866. There are quiet title processes and various things that are now outlined to move through the process of resolving access issues. The Legislature provided a mandate for the attorney general to work with the counties and the State Land Use Planning Advisory Council (SLUPAC) to develop a protocol to finally put that issue to rest, but again, it is an unfunded mandate. There has been no capacity to get that completed. These rights-of-way on the land either exist or they do not, and the only way to settle that is through a quiet title process that has been established. By getting that done and behind us, everybody would know whose rights are what and it would help tremendously on land use planning access so everybody would know where we stand.

The greater sage-grouse is one of those eternal projects that we continue to work on. The state has done a tremendous job in standing up the Sagebrush Ecosystem Council of DCNR and the Sagebrush Ecosystem Technical Team and provided some capacity to develop the Nevada Conservation Credit System. The last amendments the BLM went through were to seek alignment with the state plans, and those resulted in the BLM and USFS land use plan amendments that focused on working with the states to implement state plans and policies for greater sage-grouse management. Now that has been overturned and we have reverted to a prior plan, which are considered the 2015 plans. It is all a big, tortured mess. We hope the Legislature can continue to provide the capacity for the state to manage the greater sage-grouse, which are a nonlisted species. The wildlife species itself is not under federal management, but habitats are a different story. It is important that we keep that as a state-managed species. The Nevada Greater Sage-Grouse Conservation Plan is a great plan. The program is great, but it needs some help to continue to move forward. I hope the state will try to bring that management as close to home by fully empowering the state plan and trying to get the federal agencies to ensure alignment with the state plan.

We have Charles Donohue, Administrator, Division of State Lands, DCNR, and State Land Registrar; and Scott Carey, Senior Planner, State Land Use Planning Agency, Division of State Lands, DCNR, in the room as well. I always promote the SLUPAC as a great resource and tool. Senator Goicoechea served on that, at one point. As a reminder, it has a representative from every county in the state. It is governor-appointed but based on the selections that a county commission puts forward, so the counties have a lot of say on who they want to be on SLUPAC. It is a great forum to vet various issues. We can stay informed of what is going on, but it is also a way to work with our federal partners and land management agencies, both within the state and at the federal level, to find this common ground I talk about. I think SLUPAC is often overlooked as a resource. Because of Assemblyman Watts, last session we were proud to add representation from our tribal partners on there as well. The Nevada Association of Counties (NACO) serves in an ex officio role on there as well; it is such a broad group statewide, and I think we could empower them to work on some of these public land and natural resource issues.

The final thing I want to talk about is related to targeted grazing, greater sage-grouse, water, or whatever it is, and that is to focus on "outcomes" rather than "outputs." That is not a new term; it has been used quite a bit in the business world. Focusing on outcomes moves away from managing towards these "widgets." I use grazing as an example. Our grazing permits are very black and white; they are very structured. Because of the changes in climate, drought, et cetera, sometimes that management does not make sense even on a year-to-year basis. Having the flexibility to make changes is outcomes-based management. You are worried about the outcome—what is on the ground at the end—not the output. With output, you are focused on the minutiae. It is based on trying to get results on the ground but sometimes it can work against getting good results. Whether it is targeted grazing, wildfire management, or greater sage-grouse, it should be about results and outcomes. The BLM at the national level, and even the state and USFS, are doing a great job recognizing that and trying to get some programmatic NEPA and other things done so we can be adaptive and flexible on those outcomes. I think outcomes bring us all to the center—finding the common ground between people from dispersed interests who want to see good results on the ground. There are a lot of things right now that our federal partners are doing to focus on those outcomes, and we should do whatever we can to support them in that effort.

I am happy to discuss any specific topic with you or take any questions.

***Vice Chair Scheible:***

Thank you, Mr. Tibbitts. Do we have any questions from members of the Subcommittee?

***Senator Goicoechea:***

Do you have to have an EA to treat on public lands?

***Mr. Tibbitts:***

Yes, a [recent EA](#) was published. The USDA Animal and Plant Health Inspection Service (APHIS) manages that program, and an EA just went out for a public comment period a couple months ago. It analyzes the various treatments for Mormon crickets and empowers those treatments to take place. Our local BLM and USFS offices must file a "pesticide use proposal," which must be approved and signed. There is agreement with the BLM and the USDA as to where those treatments on public land can take place, and the State Department of Agriculture manages getting those treatments done on public land. On private land, people can buy any product off the shelf and use it according to the label; nothing restricts their use as long as they are following the label on their private land.

***Senator Goicoechea:***

We would rather treat them on the public land than in your backyard.

***Mr. Tibbitts:***

One more point on that. We have a Mormon cricket program, and we are working on that. We tend to have our silos—we have the State Department of Agriculture and the federal agency, but when you talk about funding and resources, there are a lot of private land people who would put some skin in the game. They would pay or cost share for treatments on BLM because they know that by treating out there, it keeps the crickets from coming onto their meadows, pivots, or gardens. I think much better coordination can take place. It is a small program. Jeff Knight, State Entomologist, Division of Plant Health and Compliance, State Department of Agriculture, is an army of one and he gets some summer kids to help him. It is a big state and there are billions of Mormon crickets statewide. There is no way they can do it all, but I think there could be a better coordinated approach between the state, federal government, counties, and local private landowners to better manage the best treatments. I think we could come up with some funding to do that with what we already have.

***Assemblyman Watts:***

Thanks, Mr. Tibbitts, for the presentation. I appreciate you giving us a bigger picture overview and allowing us to digest the dissertation at our own pace. I appreciate a lot of the points you made. I think there is a lot of opportunity to explore some of these different partnership opportunities in terms of resourcing these things and having everybody contribute and put some skin in the game. For example, I agree with your comment on being able to have natural resource managers in our different local governments. I think that is invaluable. If there is some way we can help provide some incentive that can then be matched to help make sure that is an option that more local governments can take advantage of, I think that is a powerful possibility while also thinking about how we can resource the Division of Water Resources, for example, to take on adjudications. There are a lot of conversations about changes to water law, but I think there is a general recognition that we need to resource the state to do what it is tasked with carrying out right now and it

has been stretched thin. We need to figure out ways we can bring in the private sector as well. Contrary to what some people might think, I do not think everything is solved with a fee or tax. We should try to get some voluntary collaborations and philanthropy to help address some of these issues. Thank you for bringing some of those concepts up, and I hope we can get a broad group of people together to figure out how we can cobble together the federal, state, local, and private support to move the needle on some of these initiatives because the need is there and it is quite large, particularly in the state of Nevada. At the state legislative level, we also have to take on education, health care, and other things, so I think we are going to need a collaborative approach in order to step up the resources to meet the need we have here in the state.

***Mr. Tibbitts:***

I agree. The knee-jerk reaction is often standing up a new program, which dilutes the programs we already have. Looking at the programs we have—I did not even mention our Conservation Districts Program. They are the boots on the ground, the unsung heroes; there is little known about what they do, but they are doing tremendous work with the limited resources they have. They can build those relationships to do a lot of stuff. There are already some great things in play that I think we could synergize and provide the capacity for, rather than trying to stand up new programs to address these things.

***Vice Chair Scheible:***

I have one topic I wanted to touch on that you mentioned at the beginning about reclaiming land used for mining in the future. I was hoping you could give us a better picture of how much land that is in Eureka County.

***Mr. Tibbitts:***

I could not give you the acreage, but Eureka County is a mining county. Much of the Carlin Trend at the north end of Eureka County is in the county. We have the Cortez Gold Mine. There are thousands of acres. We have stood behind the concepts of the "smart from the start" planning that The Nature Conservancy has been promoting. As Chair of SLUPAC representing Eureka County, we endorsed that concept. When you are talking reclamation, there is also the brownfield type of uses for those. There have been hundreds of millions, if not billions, of dollars spent to get power to these sites, shops, and infrastructure. It has been called the "Gold Belt Coalition" or the "I-80 Coalition." In some cases, you may not want to reclaim some of these mines back to some condition they were in before, but instead, keep them as an industrial site and site some of our renewables there because, often, the power grid is already going to these areas. Reclamation is multifaceted and, in some places, you may not want that. Looking at that whole perspective, the I-80 corridor would be a great location for that because there are a lot of industrial uses along I-80, such as mining uses and secondary land uses. It makes sense when mining is done to collocate some of these other uses with mines rather than building a new solar field out in intact sagebrush habitat.

***Vice Chair Scheible:***

What has been the barrier, or is there one, to doing that now?

***Mr. Tibbitts:***

I am not going to say it is a barrier, but I think there is no incentive to do that. There may be more incentives to take other land that has nothing on it and turn it into a new

alternative or renewable energy site and it costs less. We need to come up with incentives to drive the development in these areas where it is conducive. I hate to see the continued fragmentation of ranges, grazing allotments, and sagebrush habitat. Smarter planning needs to be done. The water scenario fits into that because we have many over appropriated and over pumped basins in the state. Using Diamond Valley as an example, the Greenlink North Project is proposed to come through and there is already a major transmission line there. There are 26,000 acres of private land under irrigation in Diamond Valley right now. If we were to keep everything status quo and balance Diamond Valley tomorrow, there are roughly 200 pivots there. For every five of those you see, three of them must go away. That is land that has been actively worked and irrigated and the water just goes away. Maybe those are opportunities for renewable energy siting and things like that. There are tremendous opportunities to help balance some of these basins and move on to secondary land uses. We must do something with those lands. In some cases, it may be best to move to some of these other industrial type uses rather than letting them turn to weeds and rodents.

***Vice Chair Scheible:***

That makes a lot of sense to me. It sounds like the conversation we have had around recycling and plastic, that it is cheaper to produce new plastic and create new products instead of recycling recyclable materials. It sounds like the same thing with land. Land that can be reused for a different purpose is being left behind and instead we are going to untouched places to develop new projects.

Thank you for that. I am not seeing any other comments.

***B. WHITE PINE COUNTY***

***Vice Chair Scheible:***

We will move to our next presentation from our host county, White Pine.

***Laurie L. Carson, Commissioner, White Pine County Board of Commissioners:***

On behalf of White Pine County, I sincerely want to welcome you and thank you for having your Subcommittee meeting here. I have the pleasure of introducing our natural resource consultant, Jeremy Drew.

Before we get started with our presentation, I want to give a brief overview of the County itself. White Pine County was established by the Nevada Legislature in 1869, separated from Lander County. From our 2020 Census, White Pine County has a population of around 10,400, with approximately 4,200 living in the city of Ely, Nevada, which also is our county seat. The Ely Shoshone Indian Reservation is on the south side of Ely with an approximate land area of 105 acres. Our outlying communities include the towns of McGill, Ruth, and Lund, Nevada. Baker, Cherry Creek, and Preston, Nevada are unincorporated areas. Our county has a total area of 8,897 square miles. Public lands comprise 95.7 percent of the county, and within that percentage is approximately 500,000 acres of designated wilderness. In August 2011, we were fortunate to have a ribbon cutting in Spring Valley for the only wind farm in Nevada. We are home to the Ward Charcoal Ovens State Historic Park and Cave Lake State Park. Roughly 60 miles southeast of Ely is Great Basin National Park, home to Lehman Caves and Wheeler Peak, Nevada's tallest independent mountain at 13,065 feet. White Pine County is also home to the Ely State Prison, a maximum-security prison, and the location of Nevada's death row for men in the state execution chamber. Our major employers are the mines, federal agencies, state agencies, hospitality, and the

county itself. We have two active mines; both are going through the process of expansions. KGHM Robinson Mine is located by Ruth, and you heard their presentation earlier. They talked a lot about lithium, but they also mine copper. We also have Kinross Bald Mountain Mine, which is a large gold mine located in White Pine County, but it is closer to Elko County. Our community and visitors alike enjoy the lifestyle and the beauty of White Pine County.

I lived in Las Vegas since 1962 and I had never heard of Ely until I started dating a gentleman and then I ended up moving to Ely. He had lived up here before and we bought a hay farm in 2001 and I changed residency in 2002. I went from owning a small insurance construction company to having a hay farm. I was approached in 2006 to run for the Board of Commissioners and I was elected in 2007. So far, I guess, they have been happy with the job that I have been doing. I am very proud of and humbled by that. I have a unique opportunity to look at some of these things in dual ways after living in Las Vegas for such a long time.

***Jeremy Drew, Principal Resource Specialist, Resource Concepts, Inc., representing White Pine County:***

Thanks for being in beautiful White Pine County in Ely today. I hope your drive out was as safe and beautiful as it was for me. Resource Concepts, Inc. is certainly proud to represent White Pine County on public land and natural resource issues. As a native Nevadan who grew up enjoying and taking advantage of public lands and natural resources and, ultimately, giving back and helping to conserve those and now being able to share those opportunities with my kids, this is a dream job for me. We appreciate being able to be here with folks like Commissioner Carson.

I provide monthly updates to the White Pine County Board of Commissioners on natural resource and public land issues. For our presentation ([Agenda Item V B](#)) we categorized those into the big issues we have been facing in recent months and what we see coming up ahead. I am guided by the County's *Public Lands Policy Plan*, that was adopted by the White Pine County Board of Commissioners in 2016. It needs a couple of minor updates, but the plan has been fantastic from the County's perspective in guiding our comments, whether it is a programmatic or a project-level issue that we are working on.

***Commissioner Carson:***

We are going to talk about transmission lines. We are in the process of installing four transmission lines in White Pine County. There is one existing line; that is the On-Line, which also at one time used to be called the "Southwest Intertie Project-South (SWIP)." Now we are working on the SWIP North, which will be running from the Ely North and coming down from Idaho. We are also going to have the TransCanyon Cross-Tie Transmission project, which will be coming across from Fillmore, Utah, and it is supposed to be able to strengthen the connection between PacifiCorp and NV Energy. The Notice of Intent (NOI) is expected this month. We also have the Greenlink from Ely West; the NEPA is pending, and it will travel from Ely to Yerington. That line will follow the 50-state route. That NOI has been pushed back until May. All these transmission lines are going to connect with the KGHM Robinson Mine, which first became part of the SWIP Ely South. Needless to say, there is increased interest associated with these power lines coming in.

The one thing that is new and a little bit different will be the water pump storage. There has been a lot of interest concerns. It has been around for several years now, and they are going through the Federal Energy Regulatory Commission (FERC) process. We are a

cooperating agency with that. The pump storage is going to be a closed storage. It will be over in Steptoe Valley where U.S. Route 93 runs from Ely to McGill and they are going to tie into the Gonder Substation, which is just off to the east of that if you are headed north. There will be two reservoirs: (1) an upper reservoir with a height of 165 feet with a surface area of 65 acres; and (2) a lower reservoir with a surface area of 85 acres; the embankment height on that will be 123 feet, and the active storage volume of this will be 4,107-acre feet. There is a concern. The County leased some water rights we have in Steptoe Valley, which is at least being put to beneficial use, but they have a long way to go. They are in the process and have their draft application in now. The maximum amount they will be allowed to pump will be 8,688-acre feet. The tunnels where this will be closed will be 20 feet in diameter, which probably helps as far as the viewshed. Our community is very concerned about what they are going to do with the 123 embankment height and how that will look. It will be facing U.S. 93 in Steptoe Valley as you head up to either Wendover, Utah, or go west to Wells, Nevada. U.S. 93 is a major corridor. There are a total of ten new applications for both solar and wind.

**Mr. Drew:**

For a visual representation, the map on slide 4 is out of the Ely Resource Management Plan (RMP) and you can see how the four corridors that Commissioner Carson just talked about intersect squarely at the Robinson Summit Substation. That is the bullseye in terms of the crosshair for transmission. We fully anticipate that we will have—hopefully not 48 applications—but I know there are already 10 applications for wind and solar along that east-west corridor and that is certainly something that is going to keep us busy. The County is talking about updating its *Public Lands Policy Plan*, because when it was adopted, as far back as 2016, we did not have a renewable energy section. That is something we are going to do locally to start getting in front of the renewable energy application crush we are anticipating.

**Commissioner Carson:**

The BLM's range-wide planning effort is underway. "Range-wide" means all western states that have sage grouse. I echo Mr. Tibbitts' comment when he called it a "tortured mess." That is all that I am going to say about that.

**Mr. Drew:**

Earlier, I mentioned the four corridors convening on Robinson Substation. That is right in the middle of all the sage grouse habitat. If you look across the County, there are not a whole lot of places that do not have some sort of sage grouse habitat mapped one way or the other. That is one other use, so we have to figure the sage grouse thing out because it is going to dictate a lot of what happens on public lands and the multiple uses out here. When it comes to renewable energy, quite frankly, if we do not get our planning right, we are going to have a wreck.

White Pine County obviously supports wild horses here. It is a value of this community and of our visitors, but the recent levels are not sustainable, particularly with the drought conditions. The County fully supports what BLM and USFS are trying to do locally. They are doing a fantastic job. Every herd management area in this County has the NEPA done to get the gathers done that need to happen. We are running into a competition for funding because it is such a dire situation throughout the state. We fully support Congressional appropriations to get the gathers done on an accelerated level. As the map on slide 8 will show, we have portions of three herd management areas within the County. I received

these numbers from BLM yesterday. Currently, the Antelope Complex is 438 percent above high appropriate management level (AML), the Triple B Complex is 239 percent above high AML, and the Pancake Complex (at least the BLM portion) is 143 percent above AML, and that is with the benefit of a very successful recent gather. To say we are having concerns and issues with horses is an understatement. I will not go into the details as to all the problems associated with this, but we have provided a [web link for the video](#) "Out of Balance—The West's Wild Horses" that was produced with a lot of footage coming out of White Pine County.

***Commissioner Carson:***

Regarding the wild horses, a letter was written by the Coalition for Healthy Nevada Lands, Wildlife, and Free-Roaming Horses ([Agenda Item II B](#)), which we support. That letter is regarding H.R. 6635 (Wild Horse and Burro Protection Act of 2022) of the 117<sup>th</sup> Congress. I do not want to take anything away and make it any harder for our federal entities to be able to do what has been set out for them to do with the Act.

***Mr. Drew:***

Water has been a topic of conversation, obviously. The withdrawal of the municipal applications from SNWA has allowed a lot of County projects to move forward. There are a lot of water applications in line for 2030, and in some cases more years, that have freed up and recently received permits. We are seeing more of that water being used locally. The County continuously monitors the White Pine County Natural Resources Advisory Committee every month. We pull the state engineer report and look over all the applications so we know if there is something that we need to address through protest, comment, or otherwise.

Slide 11 gives you a geographic context of the Pine Valley Water Supply Project. The red crosshairs on the map are all well sites that would be pumping out of Pine Valley and Beaver County and that water would be heading south into Iron County and Cedar City, Utah. This has caused concern because of the drawdown, specifically with the potential impacts to the adjacent Snake Valley, which straddles both the Nevada and Utah state lines. Some of the lines on this map, which we do not necessarily agree with, are the stated area of drawdown or concern that was represented in the EIS. We believe that area is much larger. They built a child model with a regional model and—not to get into too much depth—the model they based all this on conveniently cut off right at the state line. Obviously, we have some concerns with that given the relation with basins within White Pine County and the proximity with Great Basin National Park, as well as folks like Baker Ranches.

Regarding watershed restoration as it relates to wildfire and fuels reduction, we can work with a lot of BLM and USFS districts throughout the state, and in some cases out of state. I will tell you firsthand that Ely and White Pine County are tremendously lucky to have a very proactive USFS and BLM here. They have resource management plans that allow them to plan and treat at a watershed scale—a very large scale—and both entities have been tremendously active in reducing fuels, implementing fuels reduction projects, and implementing safe droughts and wildlife improvement projects. I cannot tell you how much the County appreciates and supports these continued efforts. There is a large, planned restoration and treatment unit at Majors Junction. The next time you come to Ely, it might look something like south Steptoe Valley. Some folks will see these plans and the acreages associated with them and fear that we are doing a clear cut or a complete removal, but that is not the case. The BLM and USFS are very good at treating in a mosaic pattern to make sure resources are balanced and cultural resources are protected or avoided. It is mimicking

what a natural fire regime might look like. It is a fire surrogate. The County is very supportive. We did a [series of videos](#) over the summer as background on why this is needed throughout the state, or at least where the pinyon and juniper woodlands are. I am certain that the BLM will be addressing it, as well as the USFS after us.

***Commissioner Carson:***

I wanted to expand on how fortunate White Pine County is to have the relationship we have with our federal and state entities. They engage us, come to the table, attend our natural resource meetings, give us updates, and are willing to answer any questions our advisory board has. They are extremely proactive regarding fuels reduction. Both BLM and USFS are working together to make our county safer in regard to fire. They cut up and thin the wood and stack it by the road so our community can easily access that firewood, which is a huge help. Personally, I appreciate this. Since I have lived in Ely, I have yet to live on a road that is not dirt for less than a mile. I have a lot of natural resources around me. Fire is very costly to the land and wildlife, and we support our federal and state entities and their efforts.

***Mr. Drew:***

I will wrap up on a couple of other issues and themes that tie across all these categories. For us in White Pine County, access is of paramount importance, whether it is for recreation or supporting multiple use. Access is almost the first thing I comment on, whether it is a renewable energy project or some other programmatic issue or program. We talked earlier about the two key expansions going on at the mines, both Robinson and Bald Mountain, and the counties involved in those. We talked about some of the special land withdrawals and designations. While the NASA proposal in north Railroad Valley is not in White Pine County, we are the closest population center so that has a socioeconomic effect if that were to go through, even though it is in Nye County. Then, obviously, we will keep a very close eye on any sort of special designations as it relates to the America the Beautiful project (originally the 30x30 initiative) or the BLM's Nevada RMP Modernization Project update because of how important access is and how much this county supports multiple use and making sure our citizens and visitors have a place to work and recreate.

Bottom line, in all our points today, local governments need to be involved and I think you have seen that. There are some phenomenal local government resources that I encourage you all to work with when you need ideas. Again, I cannot thank you enough for hearing our perspective, for being here today, and for being the "boots on the ground" in this community. Thank you.

***Commissioner Carson:***

As a personal note, coming from where I lived in Las Vegas for such a long time and always enjoying the outdoor recreation; going to Lake Mead, whether we were fishing or boating; going to Mount Charleston, whether we were camping or hiking; and deer hunting outside of Austin, Nevada—not one time did I ever think, "I have access to public land." I was not familiar with the term or the importance of what that means to be able to do what we do. It was not until I started living my life up here and then becoming a commissioner, that I realized the absolute need for access, whether it is for recreation or the lifestyle. It is a key to our tourism and our economic development. This is something that we watch closely and truly care about.

We will open it up to any questions. Thank you so much for allowing us this opportunity to present.

***Vice Chair Scheible:***

Thank you both for being here and presenting to us.

Are there questions from members?

***Senator Goicoechea:***

The Pan Gold Mine project out there—I think Calibre Mining Corp. has changed its name—has a new expansion that I think they call Gold Rock. I did not see it listed in your presentation. Is that in White Pine County?

***Mr. Drew:***

It will be on our list, Senator.

***Vice Chair Scheible:***

I want to ask about those multiple herd management areas (HMA). Are those geographically designated, designated by herd, or both?

***Mr. Drew:***

Those HMAs were designated, I believe, by the BLM's RMP. I believe they combined what used to be herd areas that were originally designated when the Wild Free-Roaming Horses and Burros Act went in. At that point they were formally dictated and set up in the RMP and there were some herd areas that dropped out. The primary reason for that, especially in the southern part of the district, like in Lincoln County, is that there was not enough feed and water to support robust herds.

***Vice Chair Scheible:***

If the herds disappear, does the management area disappear and vice versa? If the horses move into another area, the management area does not automatically expand to that section, too; you now just have horses outside of their HMA, correct?

***Mr. Drew:***

That is correct. When the BLM made the RMP, they looked at the resources available to the horses and designated those HMAs based on where there was adequate food, forage, and water resources. Technically, if the horses move outside of those areas, they are supposed to be removed, and I think the Act says "immediately." That certainly has not happened, and we have had cases—again, this tends to happen a little bit more on the Lincoln County side—where horses that are not in a designated HMA but are having a robust population expansion end up on highways and everything else. A lot of times it gets to a case where it is a safety concern and there is an emergency gather that happens.

***Vice Chair Scheible.***

Thank you for clarifying that.

***Assemblyman Watts:***

I want to thank you for the presentation and for all the work you are doing. Also, thank you, Mr. Drew, for your service to the state as a member of the Board of Wildlife Commissioners in the past.

I want to emphasize that, in the past, when there were concerns about projects and basins straddling the Nevada-Utah border, Utah was very diligent. We had the past Lincoln County land bill that required both states to sign off on projects that would impact those basins and, ultimately, they did not sign off on some of those projects that would have impacted Snake Valley. To your point around some of the modeling arbitrarily cutting off at state lines, I think it is important that our neighbors to the east follow the same approach as they look at developing their water resources along that border and there should be some consultation and sign-off from Nevada before they would pursue those projects.

***Vice Chair Scheible:***

Thank you, Assemblyman Watts. I agree with you.

***Senator Goicoechea:***

I am going to move back to the subject of wild horses again. My statement is to comply with the Act. Clearly, it was defined with the passage of the Wild Free-Roaming Horses and Burros Act. It said you will establish HMAs. They had to hold the number of horses that was present with the passage of the Act. If the horses moved outside an HMA, they were to be removed. We can live with the wild horses in this state if we live with the Act. I just want to reemphasize that.

***Vice Chair Scheible:***

Thank you both, again. We really appreciate your time and your presentation.

***C. ELKO COUNTY***

***Vice Chair Scheible:***

Now we will hear from Elko County.

***Rex Steninger, Commissioner, Elko County Board of Commissioners:***

Thank you for the invitation to speak. We have a few problems in Elko County, and it is great to have an opportunity to come speak to a body like yours that can hopefully help us out a little bit. With me is Curtis Moore, our Natural Resources Director; he was an attorney with the Elko County District Attorney's Office when we hired him. He specializes in conflict resolutions, so we are a pretty good team. We stir up the conflicts and he resolves them. I plan to comment on a couple of my biggest concerns facing Elko County and then I am going to turn it over to Mr. Moore to highlight a couple others.

We had a few ranchers come to the Elko County Board of Commissioners in February and plead with us to do something about the feral horse problem driving them out of business and destroying our ranges for wildlife. They explained they have ranges that they have not been able to use since 1984—that is 38 years without being able to use their ranges. They also have an allotment that is supposed to have 200 horses on it, but it currently has about 2,000 horses. A rancher showed us evidence of where the horses had pushed down a brand

new barbed wired fence that he had built to protect his meadows, and horses got in there and destroyed his hay crop. We must do something about this. Not only are they threatening the livelihood of the ranches and destroying the habitat for wildlife, but if we do not do something soon, we will be witnessing these horses slowly dying of hunger and thirst. Our Board is completely sympathetic to their plight, but all we can do is write letters to the BLM and our Congressional Delegation and hope that they read them and do something. That is why I am so thankful for the opportunity to speak to you today. I feel you are in a much better position to do something than we are at county levels. In our constitutional republic, the states have been established as equal sovereigns to the federal government, so the state can demand that something be done about this, and I truly hope you find some way to do that.

The other main problem I would like to address is the effort to withdraw millions of acres of Elko County from mineral exploration in a misguided effort to protect the sage hen and sage grouse. I say “misguided” because mineral exploration and mining are no threat to the sage hen. On top of that, the sage grouse does not need protection. It has thrived in the Great Basin since settlement. In the beginning, there were no sage grouse in northern Nevada. The early explorers to this region kept detailed journals of what they found and there is no mention of sage grouse and very little mention of any other game at all. In fact, Peter Skene Ogden—who is accredited as being the first explorer into northern Nevada—and his crew of hardy mountain men nearly starved to death. They ended up having to eat their horses to get out of here. The sage hen migrated in after the settlers cultivated the land and began grazing livestock. By the middle of the last century, they were so plentiful that a lot of the old timers will tell you stories that when they took flight, they darkened the sky. The stories you hear about the declining populations are a trick. They are comparing today’s population to the peak nearly 60 years ago, but if you compare today’s population to what Peter Skene Ogden found, it tells a completely different story. Studies have been done on what has caused the recent decline, and they show one of the main factors is the predation from the raven, which is another federally protected bird. The sage hen saga is very peculiar. It is an invasive species to northern Nevada that is said to need protection. Its primary threat is another federally protected bird, and on top of that, we all go out and hunt and kill it for sport every fall. We would appreciate any help you could offer us and the mining industry to hold off this ridiculous plan for the mineral withdrawal. Thank you and I will now turn things over to Mr. Moore.

***Curtis Moore, Natural Resources Director, Elko County:***

I appreciate you having me. One of the first concerns I want to touch on is the Mormon crickets. The state has a Mormon cricket plan, and if you have ever seen a big infestation, they are huge and when they get on the road, they are slick and they are always exciting to watch. Last year in Elko County we had a large hatch in some areas and the crickets got into a couple of hayfields and tore them up. As we have heard today, hay is in demand this year, so any hay fields that are lost are a big loss to the economy in the area. The crickets are hatched on private land, and Elko County is 73 percent public land. The state currently has a plan to spray and bait certain areas to mitigate this a little bit. It is a small, underfunded program, so one of the easiest things I am going to ask you to do today is increase the funding for that plan so they do not have to be reactive and hit just the worst areas but rather they can be proactive and manage some of those areas beforehand. Jeff Knight, State Entomologist, does a really good job. The chemicals he uses are narrowly tailored to deal with these crickets. They cannot poison most other things and nothing with a spinal cord. If you could give him the resources that he needs to take care of this, you would have some good outcomes.

Wildfires are the second thing I want to bring up. Again, Elko County is 73 percent public land so anywhere you are, you are not far from it. This is a map of land ownership and wildfires from 2000 to 2018 ([Agenda Item V C](#)). Overlaid on it, as you can see, are the biggest wildfires, and the most wildfires are on public land. This destroys habitat for antelope, deer, elk, sage grouse, and all those things that make public land interesting for people to recreate on it and makes it much worse for them. Something about the way these lands are being managed is not working, and I do not have all the answers for that. In 2015 or 2016, Nevada's Division of Forestry (NDF), DCNR, started to leave more of the firefighting to counties; counties formed the fire districts and started building up their own wildland firefighting capabilities. Now, NDF is starting to get back in the game. In the last two years, Elko County spent \$4.8 million. We have earmarked \$6.8 million for this year for the Elko County Fire Protection District. We have very capable firefighters with a very good plan. We would rather see you give the fire district some extra funds to build up its capabilities than build a redundant system run by two different governments on the same ground. We spend about \$800,000 a year for the Wildland Fire Protection Program (WFPP), and we would rather you pay that for us and leave us that extra \$800,000 to fight fires where we are.

The spread of cheatgrass is a big factor in these fires. Cheatgrass is a nonnative annual grass, and it contributes to the fine fuel load. When you touch it to a spark, it lights fast and then can light other things that need a little more heat on fire. Anything that I mention, if you want a source for it, I have those and I am happy to send them to you. There are a few ways to deal with cheatgrass. One of those ways is spraying herbicide widely. People are not super into that for obvious reasons. Another way is mowing. Again, that requires a lot of people on tractors doing a lot of mowing. Elko County's preferred solution is using cows. Cows are very conscientious workers; you do not have to pay them a lot, and they mostly take care of themselves. Targeted grazing is one of our favorite ways to deal with this. The difference between targeted grazing and standard permitted grazing is that permitted grazing has a use limit, whereas targeted grazing starts out with a goal and then you figure out how to achieve that using cattle. You put them on cheatgrass either in the spring before it has gone to seed or in the fall to chew up those seeds. There is a lot of science behind it and a lot of work that goes into it. There are good programs, so if you could work on encouraging that, especially on public lands, that would help us out a lot.

I have complained at you quite a bit, but I have some actions here that I would like to see you take:

- Make more resources available to county fire districts. There are good firefighters doing good work, and we would love to see them be able to do more;
- Include targeted grazing within state land use plans and lobby for Congress to make more land available for programs that allow it. There has been some litigation on these programs recently, but this litigation is focused more on the finer points of administrative law, not really on the science behind targeted grazing. Targeted grazing is a good tool and something I think the state should push. It is super scientifically sound; and
- Make fire mitigation a strong component of land use plans. When I talk about land use plans during any sort of environmental assessment process, they must go through what is called a consistency review to make sure that what they are doing either matches with the land use plan or articulates why what they are doing is better than the state land use plan. It gives the state a better chance to say, "This is what we want to see you do, so explain why you are not doing it."

The thing I want to add to the subject of sage grouse is the current efforts for this mineral withdrawal would not do much to help the sage grouse. Raven predation is a huge threat to them. The concern around mining is how noise pollution is going to affect the sage grouse. There is a lot of prime sage grouse habitat around mines. Just recently, the EIS for the Mountain Home Air Force Base expansion to make room for low level fighter jet flights concluded that low flying jets are not going to have an impact on sage grouse. Low flying jets are much louder than a mine a mile away. It is not penciling out for me, and I think that is something that we should look at.

Everybody today is going to talk to you about wild horses. As Commissioner Steninger said, on our way down today, we passed some land that has not been grazed in 38 years. That was three years before I was born. The last time cattle were on this land was the year *The Karate Kid* and Prince's *Purple Rain* album came out. It has been a while since cattle have been on this land. I was not able to get it to you guys on time, but within the last couple of days, the BLM's Wild Horse and Burro Program posted a picture of the southern part of the Ruby Lake National Wildlife Refuge; on one side is where the wild horses have been fenced out, and on the other side is where the wild horses are, which has been decimated. Unlike cattle, where we have time to put them on and take them off, we can send a cowboy out to move them every day, and we can intensively manage them, we cannot do that with wild horses. The way they use the land is entirely different from how cattle use the land. They need to be managed more closely. Most of our BLM offices have a plan to get horses down to AML and then maintain them there using birth control and other methods. They do not have the funding; Congress has not given them the money to do that. There are a number of plans, chief among them "The Path Forward for Management of BLM's Wild Horses and Burros." I am sure you have encountered that. There are other plans. If you could look into those, endorse them, and push Congress to allocate enough funds to carry out these plans, it would be good for the rangeland. Wild horses can be detrimental to actual native species. They can push bighorn sheep off their springs, cause harm to sage grouse, and push backwards a lot of these things that we are trying to do on the range if they are not managed.

Again, some actions we would like you to take are to:

- Urge Congress to adopt The Path Forward and fund those things. There is some interesting case law surrounding the status of wild horses. They are protected. They are not exactly wildlife, but they are treated like wildlife and there is some ambiguity and wiggle room in that case law. We would love to see you explore it and see what opportunities there are to make them more effectively managed; and
- Direct NDOW to study and document the effect of wild horses on sensitive species like California bighorn sheep and other species that they run into.

Lastly, and this is going to sound weird, so I want you to understand that I grew up at a pack station and we packed people on horses and mules in the back country. We adopted dozens of Mustangs, trained them, and used them in the back country. I love these animals and more than anybody else, I do not like to see them hurt. There is a huge effort to ban helicopter roundups; nobody likes to see the wrecks that happen with helicopter roundups, but those wrecks are a result of bad stockmanship—they are not because of the helicopters. There are operations in Elko County that use helicopters to move cattle. They move them gently, effectively, and without any of the health effects that come with moving stock badly. I suggest that rather than banning helicopter roundups, we require pilots to be better stockmen and get some training on how to do that. I suggest that you oppose helicopter

bans and encourage more training of the pilots because pilots generally are not great cowboys; it is not what they do, and it is not something that occurs to them.

If you have any questions, I am happy to answer them. I would also love to extend an invitation. If you have any questions about any of these things and want to come up and visit, Elko County pays me to talk about this stuff and it is my very favorite thing to talk about, so please come on up. I would love to show you where the horses and crickets are, some wildfire stuff, and anything you would like to see, such as recreation opportunities. It is all there, and I would love for you to come up and see it.

***Senator Goicoechea:***

You have quite a few reports of crickets then, at this point?

***Mr. Moore:***

Yes. Early in the season, people see things hopping and say they are Mormon crickets, which may or may not end up being Mormon crickets. Some Mormon cricket infestations wander off into the wilderness and never cause any problems, but we are getting some reports. It is a dry year, which means there is more likely to be a hatch. It has been about seven years since our last good hatch, so it is getting more and more likely. So yes, we are getting more reports.

***Senator Goicoechea:***

I do not know if we have EAs in place in Elko County for treatment of the crickets on public lands. I think the state program must stay focused with the brand bait on private lands, unless we have an EA. I have received reports out of Humboldt County. I put some tracks on Route 892 going up Newark Valley. There are some big infestations in pockets. I do not know what this little cold snap did to them, but I believe we will see crickets.

What did your fire protection program cost you this year?

***Mr. Moore:***

The WFPP cost us about \$800,000 last year, but I can get you more specific numbers.

***Assemblyman Watts:***

I would love to get some more resources to work on crickets and other issues. I would also appreciate any thoughts you have on where we get the revenue to do that. That is not just directed to you, but in general. We have a lot of different needs we must balance at the state. I know a lot of people are interested in all the federal money that has come in. A lot of it is only short-term; there are numerous restrictions and limits on it, and we have a lot of different needs in the communities. We need help figuring out how to find and get you those dollars.

I have a question about targeted grazing. Feel free to also provide some follow-up information about that to us. I know some pilot programs have been done, so I would like to get a better understanding of where things stand and whether it is BLM or other agencies that those plans need to be incorporated into. I know for some things, instead of doing a project-by-project impact assessment, you can do a programmatic assessment. It would be helpful to figure out what is on the horizon that could help expand the use of that program so we could then weigh in in support of the program.

**Mr. Moore:**

Last year, the BLM put together a program on the Winecup Gamble Ranch, which was heavily litigated and based on finer points of administrative law rather than the science behind targeted grazing. The USFS right now is working, at least in Elko County, on three or four different pilot project sites. There are also a couple of virtual fencing projects that tie into that that are also sort of in that same vein. A couple of years ago, the BLM did a programmatic EA looking at cutting in different fuel breaks in a lot of different places, and in a lot of these programmatic EISs, they have a hierarchy of ways to deal with cheatgrass and other things. We always advocate for them to move targeted grazing up to a preferred level, rather than be after mowing, if that is something that you could incorporate. I know that at least the agencies in our areas are starting to look more at some of their older plans. I think you are going to see a lot of statewide planning initiatives, and this would be a good time to move into that.

**Commissioner Steninger:**

Assemblyman Watts, you asked for suggestions on where you could find the money, and Mr. Moore hinted at it earlier, but I would suggest you take it from the NDF firefighting. We do not need them; they abandoned us. In 2015, we passed two different taxes in Elko County to fund our own fire district, and now we see the NDF building back up and showing up with fires with fancy new trucks and all that. That is one idea.

**Assemblywoman Hansen:**

Thank you for being here. I have a little sliver of Elko County now, thanks to redistricting, so I am honored to have that wonderful county in my district. Mr. Moore, you made the comment when we were talking about wild horses, and if my math is right, I think it is about 40 years that BLM has been given a charge to get the horses in the manageable numbers, and here we are, 40 years later, and the numbers are still growing. You mentioned they do have some programs that they are thinking about utilizing but it is funding—and I do not doubt that—but I am wondering if it is more, because to me the very foundational issue is, if the birth control works, that would be great, but where do we put these horses? That is the controversy. It is the elephant in the room—or the “horse” in the room—and until we can finally have those discussions about what we do with those horses, 40 years is going to become 50 years, then 60 years, and our ranges are going to continue to be denuded and not used for the property that those landowners are entitled to. Is there some suggestion other than funding that we could utilize or offer as you come to us for some solutions with the federal government?

**Mr. Moore:**

There are several solutions. The Wild Free-Roaming Horses and Burros Act (Pub. L. 92-195) is weird. Any other wildlife is held in trust by the state for the people of that state, so states can deal with that wildlife as they see fit and as their agencies who are the experts in their areas see fit. There are exceptions, obviously, like the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), or when a species gets to a certain level, they have federal protections and there are goals for how to increase that. The Wild Free-Roaming Horses and Burros Act protects horses without deciding anything about their ownership or about how they should be managed, other than they need to be at an AML. You could treat them like wildlife and try to get Congress to pass an amendment to that Act giving states the authority to manage them within a certain range. Or you could treat them like livestock if you are not going to treat them like wildlife; you could move them around for however long. Like Mr. Baker said, he turns out on the same spring pasture every three years. You could

move those horses around and treat them like a horse herd. As I said, I like these animals, and they make good horses if we treat them like a horse herd and try to make them better horses. The Wild Free-Roaming Horses and Burros Act does not do either of those things. It protects them and then sort of “flips the bird” to every other conservation goal. Fixing that would go a long way.

***Assemblywoman Hansen:***

Thank you for coming here and offering some solutions and not just talking about the problems.

***Senator Goicoechea:***

I think the point we are all missing here, folks, is to comply with the Wild Free-Roaming Horses and Burros Act. It says you will maintain those horses at AML. We are at 300 to 500 percent. It is not an issue at that point. We need to comply with the Act.

***Vice Chair Scheible:***

I want to echo sentiments thanking you for taking time out of your day and coming all the way to Ely to present to us. This has been informative, and we appreciate your time.

***D. LINCOLN COUNTY***

***Bevan Lister, Commissioner, Lincoln County Board of Commissioners:***

Lincoln County, as far as I know, did not receive any information or request to be here or present. I do not have anything prepared, but I can share a few items with you if you wish.

***Vice Chair Scheible:***

Yes, please go ahead. It is my understanding that our staff reached out to somebody at Lincoln County. Perhaps we had the wrong contact person, but we would love to hear from you today and will follow up to include Lincoln County in a future meeting, if there is another meeting that is convenient for you. Since you are here right now, I do not want to send you back without having a chance to hear a little bit more about what is happening in Lincoln County with your natural resources.

***Commissioner Lister:***

I am happy to share to the group while I am here. Lincoln County is 6.8 million acres of land surface area, which is somewhere over 10,000 square miles. The population estimates for several years have kept us at about 5,200 to 5,300 residents. In the COVID census, we only have 4,200 people now, but who is going to question an online census with no certification or validation? We have one square mile for every resident and half of it is still leftover, if it could be that way. Currently, about 1.8 percent of the county is private land or taxable base for ad valorem tax for funding county services. It is a tremendous challenge to fund those services.

In 2004, the Lincoln County Conservation, Recreation, and Development Act was created. The upshot of it was that Lincoln County got about 750,000 acres of additional wilderness designated—wilderness that, even before the Act, was not proposed as wilderness but we got it anyway—and a promise to dispose of 90,000 acres into private ownership. In 20 years, the BLM has disposed of just about 500 acres. I am not even going to mention

how many acres in that same time frame have been disposed of in the Las Vegas Valley, but in understanding that the land in Lincoln County does not bring as much money as that in the Las Vegas Valley, it is obvious where BLM puts the resources.

For the most part, Lincoln County is a playground for Clark County. On a weekly basis, we see hundreds of people who come to the County to recreate. It is a continual barrage of folks, which is not a complaint. We accept them and are glad to have them, but we must provide services for them with no money coming into the County to provide those services. In that discussion, transportation and our roads are a challenge.

My fifth great grandfather ranged cattle in eastern Lincoln County in the early 1850s. They were centered in southern Utah but brought cattle over into the upper end of Clover Creek back then. Families later immigrated to the area. Lincoln County was created in 1866 shortly after the state was created, and we had this little ranch community down in the south end called Las Vegas. In 1909, the Nevada Legislature separated Clark County from Lincoln County. The difference that has happened since then has been dramatic. The area with a tough environment in the desert has grown millions of people and a beautiful pristine place up in the mountains has not and that is, I guess, where societal choices come into play.

Lincoln County has been there and has had industry, mines, ranches, and roads. We did not feel like we had to ask permission from any federal agency back then to create roads, so now we come to a time where we cannot maintain roads because we do not have rights-of-way to those roads. Several years ago, Lincoln County got in a twist because they got a little bit off from the disturbed area and, in a negotiation with the BLM, they signed a maintenance contract to go out and maintain the roads at certain times a year and within certain parameters. That has been somewhat effective but very limiting. The challenge is still the legal status of those roads, and at some point, we need the state to take a role in negotiating a place with us with the federal agencies on establishing legal status of those roads.

You have heard about sage grouse, but the challenge in most of our federal public land issues is the continual “yo-yo” of regulations. I think sage grouse is the epitome where we have a land use plan, but it gets challenged in court; then we write another one by court order and then that one is challenged in court; then we go back to the first one that is still under a court challenge, but it has limitations; ultimately, we do not know where we stand. This happens on almost every avenue of land management, and it must come to a stop. There must be some certainty for the counties, our industries, and the people so they can count on what the rules are when they go out on the land.

Historically, Lincoln County has a very robust mining community. That was the reason for the founding of the area. Currently, the only active mining we have is a perlite pit and a little bit of sand and gravel. A company tried to open another sand and gravel operation but got tremendous pushback from other state agencies and some from the U.S. Fish and Wildlife Service, but I think that has been resolved; theoretically, it could be in tortoise habitat, but not really—who knows because the rules are always changing, but that is another story. The possibility for mining, I think, is very good but for some reason, Lincoln County has not attracted recent attention. We believe there is hope for the future.

Our ranching and grazing community has been very stable. As I said in my earlier presentation, agriculture is the stable foundation. Our ranchers and farmers have done a tremendous job of going forward with business over the years and trying to make their lives better. The challenge is in the reduction in grazing. Every time a land use plan comes

through, there is almost always a reduction in grazing associated with it. That diminishes the value of those lands. For those of you who may or may not know, most of the ranches in Lincoln County and in and around the state have a section of private land and then a grazing permit on public land. The combination of the two make a viable operation. When one of those parts goes away or is limited, the viability of the operation comes in question. If you lose half your grazing permit, suddenly you cannot afford to maintain the ranch and farm where you are growing your hay to feed the cattle in the winter. So, what do you do? You sell it for houses because that is where the money is at. It is a tremendous challenge when we face these continual reductions in grazing permits and at the same time watch feral horse populations, elk populations, and other nonindigenous species grow, yet our grazers and cattle producers lose out.

About 12 or 15 years ago, the BLM brought a proposal to segregate about 200,000 acres in Lincoln County for solar energy zones. After a lot of discussion and pushback, they pared that down to about 50,000 acres for solar energy zones, which is well and fine, but that is land that is going to come out of some grazer's permit because they are not going to go on the mountain side where there is not much to graze on. They are going to put solar energy fields up in the best grazing land because it is easier to get to and is most friendly to the renewable energy company. There are issues, challenges, and some potential conflicts there that will affect our ranching community.

We have tremendous wildlife resources. We have people from all over the state and all over the nation who come to visit us. We have fabulous mule deer and elk populations and a very robust and growing antelope population with a plethora of other species that enjoy the high mountain country we live in. We welcome those folks and invite them to come back or even buy a place and stay and add to the tax base, but we are severely limited by our ability to provide services because of the tax base and severely limited in the amount of land that we have available for people to move into when we have less than 2 percent private land in our County. I have talked to folks back east involved with the NACO and they look at me dumbfounded. They cannot understand how we could even have a government with a tax base like that. It sure is hard to keep deputies on the streets.

Regarding recreating, I have had good conversations with Robbie McAboy, Ely District Manager, of the Ely District Office, BLM, as well as Jon Raby, Nevada State Director, BLM. We see more and more of these multidistrict recreation events at races or trail rides that encompass a larger part of the state, and the challenge is trying to reconcile the different land use plans and have that event try to meet everybody's rules. We have some hope in this new statewide planning effort that some of these issues will be reconciled and we will be able to have these events go through a direct planning process, but that is yet to be seen. At this point, I am not even sure we have funding or direction for the statewide plan.

Public land involves more than just federal public land. We have a tremendous amount of state land in the county—five major state parks, one minor state park, as well as several U.S. Fish and Wildlife agency properties that create some challenges. Our state agencies that own and manage lands do not have much regard for local government. There is very little communication with us, if any, and they pretty much do whatever they want and do not contribute. These were private lands that have now gone into public ownership, so there is no tax base. Lands that were once producing ranches now produce weeds, reeds, and duck ponds. The livestock and the family running that business is gone. They create a challenge for us.

I am going to leave it at that and answer any questions.

***Vice Chair Scheible:***

That was a great presentation, and we appreciate it. I think you helped give us an insight into Lincoln County in particular. Members, are there any questions?

***Commissioner Jones:***

I appreciate your presentation. I want to follow up on the issue of disposal. About half the lands have been disposed in the entire state are in my commission district, so you are welcome. Since I have my spreadsheet here—because I have done a lot of analysis on this, and this is just for the parks, trails, and natural areas portion of the Southern Nevada Public Land Management Act (SNPLMA)—Lincoln County has received around \$18,919,134. That is money that is going from Clark County to Lincoln County. Clark County has gotten \$305 on a per capita basis and Lincoln County has gotten \$4,205 per capita. For our White Pine County folks, they have gotten \$6,310 per capita. I want to say that I appreciate your concerns. I would be happy to work with BLM, but also, you are welcome.

***Vice Chair Scheible:***

Members, are there any other questions or comments?

***Assemblywoman Hansen:***

Thank you for being here and doing that presentation off the cuff, Commissioner Lister. My family is from Lincoln County in the late 1800s. You mentioned that grazing permits will be pulled, and you mentioned renewables, but what are the other reasons that sometimes they can no longer have a grazing permit for that allotment next to their ranch? I am wondering what other circumstances they take besides renewables.

***Commissioner Lister:***

The land use plan passed in the Ely District in 1992 reduced all the grazing permits by 30 percent on average—some of them a little more or less—and in the grazing part of it, the reason was for forage availability. Lack of forage is why the permits were reduced. In another section of the plan, it noted that 30 percent of forage was being reserved for wildlife. In one section it says, “we are going to reduce your livestock grazing by 30 percent, at least, or more because there is not forage available,” but in another section it says, “we are going to increase the amount of forage available for wildlife.” Management purposes are reasons that permits get reduced. In that same context, if a solar energy field were to go in, especially if it were in one specific use area, then it would be very likely that that permit would be reduced because there would be a lack of forage. The forage available would be less, so there would not be the animal unit month calculated to support the same grazing. There are numerous reasons that permits get reduced. Philosophically, it is almost always political, but it is what it is.

***Assemblyman Watts:***

Regarding communication with the state, I appreciate that, and I hope you can follow up with us so we can figure out some ways to improve that communication. I think this Subcommittee is an example because we reached out to Lincoln County to make sure that you were available to present, so whatever we can do to tune up the communication between the state and the county, we should do. We have the Division of State Lands of the State Department of Conservation and Natural Resources here, and we want to continue to

build really strong communication and partnerships between the local, state, and federal government. We look forward to finding ways to tighten that up.

Regarding state lands and parks, you mentioned Lincoln County is a getaway for a lot of people in southern Nevada. I, frankly, am someone who likes recreating in Lincoln County, and I am glad we did not cram 2 million people into Lincoln County so you all, as residents, can enjoy the open spaces and quieter communities.

I would also note that there are some wildlife management areas within Lincoln County, and I know that any lands that are acquired by NDOW are exempt, and they do continue to pay property taxes. I know you may have some issues with the state parks. I think it is worth noting that anywhere where there is a wildlife management area or lands owned by NDOW that NDOW is a taxpayer in the county that it is a resident in.

***Senator Goicoechea:***

A comment on that—NDOW pays property tax only if the property was on the tax roll, and they pay it at the rate it was at the point they purchased. Not every wildlife area, if it is withdrawn from, let us say, the federal government, they do not pay taxes.

***Commissioner Lister:***

Commissioner Jones, I did not mean to diminish the contributions made by SNPLMA to the County. Not at all. We very much appreciate the access to those trails and recreation funds, and they have done tremendous work in the County. I meant to compare the amount of land sold as far as disposals. It is severely limiting to us to have such a small amount of private land and that is the only point I was trying to make. I thank you and it is a great contribution to certain aspects of the County.

***Vice Chair Scheible:***

We appreciate you being here and joining us today. Thank you.

***E. NYE COUNTY***

***Vice Chair Scheible:***

Next, we have Ms. Wichman from Nye County.

***Lorinda Wichman, Director, Nye County Natural Resources Office:***

Good afternoon. It is nice to talk to all of you. Since moving to Nevada in 1999, I spent three years working for a water rights outfit that did vested water rights. Mr. Tibbitts is correct that if we could get the adjudications served, that would be a big help to all of Nevada. After that, I went to work for Round Mountain Gold as its regional governmental representative for governmental outreach and affairs and also as its technical services administrator. After four years in that mining industry, I was asked by the general manager to run for county commissioner, so I am blaming Round Mountain for getting me into politics. They supported me and have been a wonderful community member and a neighbor. They have been awesome the whole time I have lived in Nye County. Recently, after terming out of office after 12 years of being a county commissioner, I applied and competed for the job of natural resources director for Nye County and that is the position I am in now. The only thing that has made that possible for me to do are the members of your audience right here, the people I am surrounded by. People like Mr. Drew, Mr. Tibbitts, and

Mr. Moore—all of them have been extremely wonderful to work for. If I had not had their support in the 12 years as county commissioner, I would not have been able to do what I have done or gained the education that I have received. I am the first full-time natural resources director in Nye County since 2004. There were others who put in part time, and they had one commissioner who helped them with everything else all the way through, so that is how I learned—through on-the-job training.

I have a few items I would like to bring up with you and tell you about my county. Every county in Nevada is unique, as we all know, and they all have their own bragging points, issues, and challenges they must battle. In Nye County, our battle is 2 percent private property in the third largest county in the United States, in the lower 48 states. It is over 18,159 square miles. Even within our county, every community is unique. They all have their own climate zones. Every community you go to is so far flung from the last community that your climate changes. Two days ago, I got into my vehicle to go to work at 19 degrees. I drove to Pahrump, Nevada, and had to strip off my clothes because it was 93 degrees. That is a big difference. It is easier for me to come to Ely than it is to go to Pahrump. It is four hours to Pahrump.

There are several things I have been working on for the last year in Nye County. Some have more results than others, and some I am still working on. The biggest push throughout this last year has been a lands bill. I am sure all of you are aware of the expansion of the Naval Air Station Fallon. It is expanding into Nye County—85,000 acres. The last documents I read on the expansion that were turned in—the last time they had a budget cycle for the defense authorization bill—I was very happy to see Douglas, Pershing, Lander, and Eureka Counties listed and the mitigation they were going to do for these counties, but when it got to Nye County, it said “no significant impact.” When I got this job, I was intent on mitigation measures and making people understand—anybody who would listen to me—the accumulative impacts to Nye County by the people who are using Nye County. I am extremely proud, and I am a patriot. I love the fact that Nye County is home to Nellis Air Force Base, the Nevada National Security Site, the Nevada Test and Training Range, and now we can boast about having part of the Fallon training and testing range as well.

Not only that, during this last year, National Aeronautics and Space Administration (NASA) decided that they wanted 23,000 acres in Railroad Valley, which is also Nye County. Those 23,000 acres just happen to be located right over 500 active lithium claims, taking the largest group of those claims completely out of commission. I have been on the phone with NASA. We talk on a regular basis every month and quite frankly, I have no problem talking about this. They have refused to give Nye County a cooperating agency status. As far as I am aware, that is the first time in history any agency has ever denied cooperating agency status to another governmental local, state, or federal agency. I tried to point out to them that there were a lot of things we could do to help them with what they were trying to achieve, but if you do not have cooperating agency status, you also do not have a nondisclosure agreement (NDA). I pointed that out to them twice.

Currently, we meet with them once a month and those meetings are absolutely a waste of time. They are simply checking off a box. Nye County offered to change code to protect the things they want protected in that 23,000 acres and—here is the irony—they have been in the same position calibrating their satellites with a tripod. They go out every so often, the technicians set up a tripod perfectly, and they set it up to calibrate their satellites—they are within 150 feet from a working oil well that has been there since 1993. What is the change now? The only thing I have been able to get out of them is they want to maintain the topography of the playa, which I can understand. They also explained that they have historical data that they have collected since 1993 and they want to be able to use that data

to measure the changes for like climates, such as the climate changes and the effects on our atmosphere. These are perfectly logical things to do but they have been doing that since 1993, so why do they now need 23,000 acres? It is amazing to me that they placed those 23,000 acres they want withheld right over top of some of the richest lithium deposits in Nye County. They were fearful of the evaporative process of extracting lithium, and with conversations with all three of the claim holders out there, so many new technologies are available that evaporative ponds for lithium extraction are just not doable any longer. There is a more economical way to do that extraction that does not change the topography. That is one of my frustrations, so if you have an opportunity to support what Nye County is trying to do with them and for them, please help away.

This also brought about—between the Naval Air Station Fallon, NASA, and the expansion of the Nellis Air Force Base, which is coming in another 15,000 acres that they are removing from our multiple use—one more attempt at a lands bill for Nye County. This has not been attempted in any great measure for there has never been a successful one in Nye County because former commissioners, prior to my time being on the board, had bought into another county's lands bill, which was going to be fine, and they were watching it go through. In the middle of the night at about 11 p.m. in one of their legislative sessions, they slipped some wilderness in on Nye County without any consensus. It left a nasty taste there. All that set aside, I have taken the last year to consult with the tribal governments and the Friends of Nevada Wilderness. I have been to every county and presented what we want to do. We took all the past attempts that had ever been made or suggested in Nye County and put them together as a land package along with the cumulative impacts of the military and the U.S. Department of Energy on Nye County in a congressionally ordered report that was done in 1991, and we have asked for them to update that. Through our staff and efforts, we have updated that as much as we can looking at the inflation rates, but this is a projection. I want the Naval Air Station Fallon, Nellis Air Force Base, NASA, and anyone else from the U.S. Department of the Interior or the U.S. Department of Energy to recognize that when they take things out of multiple use for Nye County, they are restricting our ability to move forward.

Currently, 2 percent of the entire land base, private property, is paying ad valorem taxes. The rest of our revenue comes from recreation and the mining industry, which contributes to our tax system through the proceeds of the mines, and they do other things out of the kindness of their heart. The multiple use is hard to measure when you ask what that means to a county on a regular annual basis for money. Everybody does studies on recreation, hunting, off-road vehicle groups, and races from Reno to Vegas and what they bring into the communities. There is very little of that that can be studied and measured. You must make assumptions that absolutely everybody argues about. There is no consensus there. I am extremely excited to learn that the Nevada off-road vehicle organization is trying to put some of that together so we have something that is more of a scientific-based study, and we will learn more about that in the future. By the way, do you know what they power satellites with? Lithium-ion batteries. I like the irony; I had to point that out. I am also currently tracking 49 applications for solar arrays in Nye County.

If I had an ask of this group it would be for the Public Utilities Commission of Nevada (PUCN) to simply put a statement up on their website that said, "Make sure you know where you are going to get your water to run your project." This would not only save those applicants a \$1,500 application fee to take 9,000 acres out of the middle of Amargosa Valley to put up solar, but it would also save me from spending my time tracking those 48 solar projects that have been proposed. There is no water in Amargosa Valley. They are going to have to buy it from someone who owns it. There is also no water in Basin 162 in Pahrump. We have a very tight local groundwater management plan for that basin and there is no

wiggle room. For those arrays, even though most of that water would only be used for their construction and they would reduce the amount of water they use to a more reasonable amount, those basins do not have it. Basin 230 in Amargosa is now currently looking at hearings on Order 1330 from the Division of Water Resources. That is another subject; I am not going to go into that one.

I am extremely proud of the fact that, since I have been on board, we pulled in NDF and the Tonopah Conservation District, and the Secure Rural Schools Resource Advisory Committee has contributed money with USFS and BLM, and we are all working together to do a fire fuel reduction program in one of our mountain towns, which is working out well. We also had some county property in the middle of that town, and the county put up the money and the NDF crews have gone out there and cleaned that up. It is a very exciting project, one that I can point to that has more success. We started that project when I came on in April of last year and we have already had some stuff moving. The NDF is up there cleaning private property. Networking with these other agencies has worked well. You should encourage those partnerships. You have no idea who can help you, who has common interests, and all those little bits and pieces of funding that you can get add up. Our property owners in Belmont, Nevada, are not going to have to pay for having their own property cleaned up. I am extremely proud of that project.

I have told you about the lands bill. We welcome any support you could offer us on the Nye County Economic Development and Conservation Bill. On May 1, 2022, it will go to the Congressional Delegation. That lands bill has more support from all the stakeholders and the communities than any other lands bill that has ever touched Nye County, and I am proud of that as well. It is the only place where I can get something into legislation that says, "Recognize Nye County. There is a significant impact." It is pointed out in there.

I am proud to have the job that I have right now. I am having the time of my life, and if there is anything on the other side that I can do to help any of you, please let me know.

***Vice Chair Scheible:***

Thank you. That was informative.

Any questions from Subcommittee members?

***Commissioner Jones:***

Ms. Wichman, I appreciate your service to Nye County. My commission district bumps up against Nye County. I have Rough Hat Clark County Solar Project and Yellow Pine Solar Project in my district, and I know the opposition the Nye County Board of Commissioners has made to Rough Hat in Nye County. For the 49 projects you are tracking, how do we do a better job statewide of articulating to federal lands managers what it means for us, as the ones who live here—understanding, obviously, that the bulk of the land is in federal government hands—on how that affects us in our local jurisdictions?

***Ms. Wichman:***

There is only one way in the world you will ever get those people on board with what you are trying to do and every single bit of it depends on personal relationships. We have tried to put the information out there so industries are getting it because you cannot depend on individuals being able to find what is required on the county, state, and federal level. That is not what they put first. They start going through the steps. They know they must go to the

PUCN, that is the first place they are putting in their applications. I have implored the local jurisdiction of BLM, the local jurisdiction for USFS, park and wildlife service, and the Division of Water Resources to please put this information on their websites. This is where the people are going to find the application they need to file, and they will search on the Internet to figure out where it goes. If those agencies could put a statement up on their website that says, "This is your challenge in this area if this is what you are applying for." It would be helpful if the first thing that pops up when someone opens the PUCN website is a notice that states, "If you are interested in solar arrays in Nye County, here are your challenges. Call the county first; they will help you." Those kinds of notices would be very helpful. I swear the only thing that has helped me through this career has been those interpersonal communications. It is about who you know.

***Commissioner Jones:***

I appreciate that response. This is not a question, but I am 100 percent supporter of renewable energy. I would like for these projects being sited in our state to go to our state, as opposed to being sold off through power purchase agreements to the state of California.

I know how disposal of public lands is done in Clark County. I understand that Nye County, as with many other rural counties, has an even larger proportion of their lands in federal government hands. Can you give me a little primer on disposal of BLM lands in Nye County?

***Ms. Wichman:***

Nye County is fast enough that there are four separate RMPs that we are dictated in our guidance for working with federal agencies. We share the 1998 RMP with Clark County. Clark County uses SNPLMA, and some of the other counties have joined that as well. Part of our lands bill is asking for us to be included. That 1998 RMP did not include any disposal areas in Nye County. The only places that were identified as disposal lands were community landlocked BLM or USFS areas, so it would be little plots of land—half a dozen acres or whatever—in the middle of a town that for some reason was owned by the federal government. As you know, we have not been able to get any updates to that RMP. One was proposed and Nye County invested heavily in the cost recovery to have that go through, and then they stopped the process. There was no refund of our cost recovery and then we submitted to them a request for a focused plan amendment so that we could work within that structure and put up all the money for the cost recovery and that also failed to go anywhere. Part of our lands bill is trying to force these amendments to the RMP. As you know, Jon Raby, State Director for the BLM in Nevada, is trying to do a statewide, all-encompassing RMP, trying to get his arm around 19 of them that need to be updated. That is a huge undertaking, but we are really hoping that this legislation will provide him with some guidance for Nye County.

***Commissioner Jones:***

Thank you, I appreciate that.

***Vice Chair Scheible:***

Thank you for joining us. We really appreciate it.

## **AGENDA ITEM VI—PRESENTATION FROM THE LOCAL BUREAU OF LAND MANAGEMENT**

### ***Vice Chair Scheible:***

We will move on to presentations from our federal partners, starting with the BLM.

### ***Robbie McAboy, Ely District Manager, Ely District Office, BLM:***

Thank you for inviting the Ely District to provide an update on some of our mini projects currently underway in our district. I have been the district manager in Ely for about a year and a half. My career in public lands management is approaching 30 years of service and I have worked for two separate agencies. A copy of the manager's report has been provided ([Agenda Item VI](#)) and that is the basis of the information I will be sharing today. I have with me Jared Bybee, Field Manager for the Bristlecone Field Office, BLM, and Chris Hanefeld, Public Affairs Officer, BLM.

Over the past few years, interest and energy development on the Ely District has increased. We currently have several projects at various stages in the NEPA process and I will provide a quick overview of a few of them. I will start with the TransCanyon Cross-Tie Project. The Cross-Tie 500 kV transmission line, as proposed by TransCanyon LLC, crosses multiple BLM jurisdictions and USFS system lands as it leaves Mona, Utah, and ends at the Robinson Summit Substation here in Ely. The Utah BLM Fillmore Field Office is serving as project lead. The transmission line is proposed to be located within existing utility corridors. The driver behind this project is to strengthen the interconnection between PacifiCorp and NV Energy's transmission systems while supporting interregional power transfers. Doing so furthers the administration's priorities by facilitating access between renewable sources of energy, primarily wind in Wyoming and wind or solar in Utah and eastern Nevada. The NOI for this project is expected to be published in the *Federal Register* this month. The schedule currently identifies the record of decision being signed in April of 2024.

The TransWest Express (TWE) Transmission Project is also an interregional transmission system designed to facilitate the efficient, effective delivery of clean energy across the western power grid. The TWE project extends across four states from south central Wyoming to southern Nevada. The TWE project includes approximately 732 miles of high voltage transmission lines, two terminals located in Wyoming and Utah, and two substations located in Utah and Nevada. The system will be capable of transmitting 3,000 megawatts (MW) of electric energy and will facilitate the installation and transmission of up to 4,000 MW of renewable energy capacity. This project has been approved and the record of decision was signed in December of 2016 and a right-of-way grant was issued in June of 2017. Since then, TransWest has been working on completing requirements for issuance of a notice to proceed. There are two other transmission lines, SWIP North and Greenlink North, that the Ely District is involved with. The Elko District is lead on SWIP North and the BLM Nevada State Office is lead on Greenlink North. A component of Greenlink North includes expansion of the Robinson Summit Substation to accommodate these developments.

While one of the primary functions of the transmission lines is to support renewable energy development, we are also processing renewable energy projects. The most notable is the White Pine Pumped Storage Project. This is a closed loop hydropower facility located seven miles northeast of Ely. This proposal is the first of its kind in more than 30 years. The license application is being processed by FERC and BLM has cooperating agency status. This project consists of two reservoirs at different elevations that have the potential to generate

1,000 MW of energy per hour for up to eight hours when in use. Power is generated when water from the upper reservoir, proposed in Duck Creek Range, is released and travels through a 20-foot diameter tunnel passing through an underground turbine. The water is then captured and stored in the lower reservoir, proposed in Steptoe Valley, before being pumped back to the upper reservoir. To generate this amount of power, both reservoirs will need to have the capacity to hold 5,000-acre feet of water. Loss through evaporation is anticipated to be around 600-acre feet annually. Four production wells will be required for the initial fill, which will take about a year to 18 months, and then one well for continued operation. Environmental analysis is scheduled for completion in 2024, construction is proposed to start in 2025, and the system is expected to be operational by 2030.

One of the many responsibilities of the Division of Fire and Aviation Management, National Park Service, U.S. Department of the Interior, is to plan for and implement fuel reduction activities and habitat restoration projects. These landscape scale fuel reduction projects restore watershed health and improve wildlife habitat while reducing catastrophic wildfire risk. Treatment methods typically include hand thinning, chaining, mastication, and prescribed fire use followed by aerial and/or ground seeding. The District often partners with other federal agencies and state agencies, Native American tribes, and private landowners. A few highlights from our fuels management program are:

- We completed masticating and established pinyon-juniper on 550 acres of public lands in the Johnson Spring Basin. The acreage was aurally seeded in January and that treatment was part of a multiyear Egan and Johnson Basin Restoration Project that will ultimately treat over 24,000 acres of an almost 85,000-acre project;
- We also finished the second mastication project on 433 acres near the Kern Mountain Range, and it was also aurally seeded in January. That treatment is also part of a landscape scale Kern Mountain Landscape Restoration Project that will ultimately treat over 12,500 acres; and
- Last year, we completed more than 36,800 acres of fuel reduction projects and expect to do more this year.

The last item I will touch on is mining. Mining has been, and continues to be, vital to Nevada's economy and the Ely District continues to support mining developments. On March 31, 2022, the Bristlecone Field Office published an NOI in the *Federal Register* on a proposal to expand the Bald Mountain Mine North Operations Area located about 60 miles northwest of Ely.

That concludes the update for the Ely District. Thank you for the opportunity to speak. Jared and I are available to answer questions that you may have regarding the topics I spoke on and included in the manager's report or other projects that you are aware of occurring on the Ely District. Thank you.

***Vice Chair Scheible:***

Thank you. Are there any questions from members?

***Senator Goicoechea:***

Regarding the Johnson Springs rehab where you aerial seeded, has livestock grazing been reduced there or are you going to go ahead and see what happens?

***Jared Bybee, Bristlecone Field Manager, Bristlecone Field Office, BLM:***

We have grazing agreements in place to avoid the area while it is being rehabbed after the treatments.

***Senator Goicoechea:***

I was looking at the report. Is Western Oil Exploration Company still trying to drill that well in Pancake?

***Mr. Bybee:***

Yes, Western Oil Exploration Company is still trying to drill that well. Right now, they are in sage grouse timing restrictions. They are in what is called "diligent drilling," which means that they were in the process of drilling even though the term of their lease had expired while they were drilling, so they have an opportunity to finish to the depth of that hole under their application for permit to drill. The sage grouse timing restrictions are lifted for that location on June 15, and they plan to commence drilling after that.

***Assemblywoman Hansen:***

Thank you for being here and for your patience. I had a question about masticating. Do you do it in house? Does BLM buy the equipment and train somebody to do it, or do you contract out for that?

***Mr. Bybee:***

We do both. We have our own machinery, but it does take a lot to maintain it because, as you can imagine, masticating trees is hard on the equipment. We do that more site-specific on smaller projects, but for our larger projects, we most definitely contract out that type of work.

***Vice Chair Scheible:***

I am browsing through the report right now and at the very end there is an interesting special legislation about an archaeological initiative in Lincoln County. Could you tell us a little bit more about archaeology on BLM lands?

***Mr. Bybee:***

The Lincoln County Archaeological Initiative is a subset of the legislation from the Lincoln County Conservation, Recreation, and Development Act and also the Lincoln County Lands Act. That is a specific program to study, protect, and enhance archaeological resources in Lincoln County.

***Vice Chair Scheible:***

Does the BLM work on a lot of archaeological projects? I am seeing nodding heads behind you. It is something that makes complete sense that I do not think we have talked about very much in my short time at the Legislature, but I think it is interesting to think about.

**Mr. Bybee:**

For the Lincoln County Archaeological Initiative, the chair is actually an archaeologist for the Basin and Range National Monument. Everything we do requires a cultural inventory and requires concurrence with the state historical preservation officer, so we do a tremendous amount of archaeological work.

**Vice Chair Scheible:**

That is great to hear. Thank you. Again, we appreciate your patience through this meeting and thank you for being here.

## **AGENDA ITEM VII—PRESENTATION FROM THE LOCAL UNITED STATES FOREST SERVICE**

**Vice Chair Scheible:**

We will hear next from the local USFS.

***Jose Noriega, District Ranger, Ely Ranger District, Humboldt-Toiyabe National Forest, USFS:***

I was born and raised here in 1969. I have spent most of my life in Ely off and on when I did not go somewhere else for my career, and I came back here. I have been a district ranger in Nevada parks for 21 years now and I have been the District Ranger in Ely now for 12 years. I will retire in Ely in 4 years and 117 days. I plan to stay here and provide some consistency.

Today, I am going to provide some testimony ([Agenda Item VII A](#)) and update you regarding some of the things going on in the Ely Ranger District. I am going to focus on fuels, vegetation treatments, the recreation program, SNPLMA projects in my district, and shared stewardship. At the end of that, we will have time for some questions. Like I said, I am not your typical district ranger, so we can open it up and you can ask me any question you want, and I guarantee I will answer it.

The Ely District has approximately 1 million acres on five mountain ranges. Most of our acreage is in White Pine County but we do have about 25 percent of that in Nye County and about 40,000 acres in Lincoln County. We have about 20 permanent employees on average each year and approximately 15 seasonal employees each year.

Regarding vegetation and fuels, we are continuing to implement a lot of pinyon-juniper treatments to restore habitats for sage grouse, mule deer, and other wildlife species. Over the past two years, we have treated about 2,470 acres specifically for wildlife, and we are planning this year to treat approximately 5,400 acres, most of that with funding through SNPLMA and other funds provided through NDOW. Since 2020, we have treated over 11,370 acres to reduce fuels, mostly within the wildland urban interface near private lands. In 2022, we have plans to treat at least another 2,500 acres, specifically for fuels. A lot of those are on the backside of Ward Mountain to protect this urban interface here in Ely.

We are also aggressively managing noxious weeds in the district. We currently have two projects through SNPLMA that are treating noxious weeds aggressively across boundaries. We implemented one of those, that is still ongoing, where those treatments are occurring on an all-lands approach. We applied for the grant, we are administering it, and

the money is going out to do treatments mostly through tricounty and Eastern Nevada Landscape Coalition.

We continue to maintain a significant shelf stock of NEPA-ready projects to implement treatments in our district. We are currently partnering with NDOW, the program through SNPLMA, Ely BLM, NDF, Eastern Nevada Landscape Coalition, White Pine County Conservation District, private landowners, the county, and others—those partnerships have been very critical and very supportive. It has worked well, working with all the partners in the county.

Regarding recreations and trails, the Ely District has been focusing on improving our developed recreation facilities and our trails to improve recreational opportunities for the public. Our goal is to provide improved campground trails and facilities and at the same time reduce our long-term maintenance costs, which are a concern, so that is a major factor we are considering as we rebuild these facilities. We have relied heavily, like I said earlier, on SNPLMA funding. We also have applied to and have been very successful through the Commission on Off-Highway Vehicles (OHV), DCNR, and our partners through a shared stewardship approach. I am going to give you some examples of some of those. In the developed recreation, we have used the SNPLMA funding to complete the reconstruction on the Ward Mountain, Timber Creek, and the Bird Creek campgrounds. The East Creek campground is almost done, the Timber Creek Horse campground is in progress, and we just sent for contracting. We have a long-term plan for SNPLMA recreation. It happens to be the 4-year-and-117-day plan and matches up with my retirement date. In the longer-term plan, we are looking at Kalamazoo and the White River campgrounds, as well as reconstructing the old Timber Creek Girl Scout Camp in Timber Creek, which is a popular site that has a lot of public interest. On the trail side, we work with a lot of our partners and groups to get things done. We have worked closely with Friends of Nevada Wilderness and the Back Country Horsemen of Nevada regarding maintenance and improvements to our own nonmotorized and wilderness trails. We have been awarded a \$2 million grant through SNPLMA to reconstruct and expand the Ward Mountain bike trail right here outside of town. We are working with numerous partners on that one. It has been very positive, and we hope to get a lot of things done. We previously received grant funding from the Commission on OHV to reconstruct the southern end of the Ranger Trail, which is a popular OHV trail in the Duck Creek Basin. In Round 19 of SNPLMA, we have applied for funding. We have three that are tied to recreation. The Kalamazoo campground is being considered in Round 19. We had some floods following a fire out in the Mount Moriah trail system and it significantly damaged a lot of our nonmotorized trails and access roads. We are planning on reconstructing the roads, trailheads, and all the trails in that entire mountain range system, if that is funded.

I do not know how many of you know what shared stewardship is or if you have had much contact with it. There has been a lot of press. The governor and the agency signed the fire and fuel shared stewardship several years ago and, just recently in March, the governor and the agency signed a recreation shared stewardship. Out here we practice some “redneck shared stewardship.” It is good being in a rural area like this where I know the community and have the interests of the community at heart. We can do a lot of things already even without that agreement and a shared stewardship approach. In March, Colin Robertson, Administrator, Division of Outdoor Recreation, DCNR, came out here and met with my agency, as well as BLM and all the partners in the community. We talked about tourism and recreation in the county, and it was a very productive meeting. Since then, we are going to schedule a follow-up meeting locally to talk more with the partners in a more one-on-one informal setting. That is where I like to do my business, in one-on-one informal meeting and working with people.

We also submitted a bunch of projects under SNPLMA. A few of those include the South Schells Restoration Project and the Illipah Restoration Project, as well as the noxious weed treatment phase two. The South Schells covers both private and USFS lands from Kalamazoo all the way to Connor Pass on the Schell Creek range. We are looking to work with all the partners out there to accomplish fuels, treatments, and wildlife habitat improvements at a landscape scale. Illipah is another one of my pet projects. It is a joint project with the Ely BLM. We will do some things across BLM and USFS boundaries. We have submitted it and it is still in the running, so hopefully we will get some funding. It does all kinds of activities. Part of that project is a little pet project for me where the permittee landowner and water rights holder in the basin has approached us and wants to transplant beaver back into that watershed. That is part of our thing, to restore beaver and to use a natural process to restore the watershed conditions out there.

Other partners I want to mention in relation to the fuels and wildlife is NDOW. They have been awesome to work with. I will share some examples on the shared stewardship approach that we have already been doing with them. They can come up with some funding to do some treatments on us to improve wildlife habitat. We have completed the NEPA and the surveys, and they issue the contract to do it on USFS lands and then they administer that contract and implement on USFS. That relinquishing of all the control and getting away from that and really getting down to the point of having conversations and working together. You heard—for instance, White Pine County made a comment—about how things work out here and such. That is part of it, getting away from some of the traditional ways we have done business out here.

Another example is road maintenance. Our funding for road maintenance is not there anymore; roads wash out and things happen, and we have private landowners who cannot access their private land, permittees cannot get to their improvements, and so forth. People come to me, and instead of going through a big bureaucratic process, we talk about it, and I will issue them an email or a letter and we set the site boards. If they have the resources, they go out and do the improvements to fix the road because I cannot get my road crew out here to do it. We just do not have the capacity or the funding to do it. Same thing with the county. Martin Troutt of the White Pine County Road Department knows my cell phone number; we are on speed dial with each other. When the White Pine County Road Department needs some help, has a question, or wants to do something, they call me, and we get it done in a very expedited manner.

Instead of a PowerPoint, I provided you a handout ([Agenda Item VII B](#)). I like photos and I think they tell the whole story.

I will open it up for any questions about my testimony or anything else you want to ask me about.

***Vice Chair Scheible:***

Subcommittee members, who wants to go first?

***Assemblyman Watts:***

Thanks for the presentation. I appreciated and enjoyed it. I have to start off by tipping my hat off to you as well as all the other partners for working so well together. It is great to see some of your local government partners behind you nodding their heads. I hope we can take some lessons from that approach and replicate that in other areas and other districts.

I want to ask you how the U.S. National Park Service fits in. We have Great Basin National Park. We know that parks in Utah and other places have been sending people over to Great Basin, which is fantastic. I want people to experience it, stay, and invest some money in our rural outdoor recreation economy, but I also know that some of those accommodations are filling up. You talked about Mount Moriah, which is just to the north, and Ward Mountain. Great Basin has gotten up there and now it seems to me like the USFS can be a good release valve for folks heading out to Great Basin. Could you speak a little bit about conversations or your partnership with the Park Service and that approach?

**Mr. Noriega:**

Because of the 2006 Lands Act, the USFS no longer has any lands that touch right next to Great Basin. I think BLM does a lot more of that cross-boundary cooperation with the U.S. National Park Service; however, you did hit some of it exactly on. Mount Moriah is very important with that, whether it is formal or informal partnerships, because it is the area where people can escape the increasing crowds at Great Basin. They can get away and see some environments where they will not, at this point, run into crowds. It is that more remote but close to the Great Basin environment. The campgrounds are the same type of thing, whether it be people cannot get a site at Cave Lake or at the Park Service. Generally, you can get a site at our campgrounds. Ely provides the opportunity for people in the urban area to get out of that environment, which could be very stressful. Out here they can get into an environment where they do not have to have a reservation to get a campsite and they can go out and not see another person on a trail. We are looking to provide facilities where people can come out and do that in Ely. We have been lucky to have access to funds like SNPLMA because without that we would not be able to do these upgrades on campgrounds. Now, if you want to pull a recreational vehicle (RV) up here and stay and want full hookups and concrete pass and all that, I am not going to have that for you. I am not going to have a flush toilet, but I will have the cleanest smelling vaulted toilets you will ever see. That is all part of keeping it within a realm we can manage for maintenance because SNPLMA does not pay for the maintenance long-term, so we have to be able to manage it. My objective is to manage those sites within the fees that we collect at those sites and not dip into the appropriated dollars to manage them.

**Vice Chair Scheible:**

When you talk about those sites or facilities you manage in the Ely District, approximately how many are there?

**Mr. Noriega:**

I am assuming you mean campgrounds. Primarily, the facilities the USFS manages for recreational use are campgrounds. We have Kalamazoo, White River, East Creek, Timber Creek, Bird Creek, and Ward Mountain.

**Vice Chair Scheible:**

Which one is the best?

**Mr. Noriega:**

Whenever anyone asks me that, I have to ask you, "What are you looking for? Do you want a higher elevation, more alpine setting with aspens, or are you looking close to town with easy access? What kind of vehicle are you driving? What size RV area?" I can answer all those questions, but I must ask a person those questions before I can tell you the best

choice. My favorite site of all those is the Timber Creek campground, but the road is a little rough getting there.

***Vice Chair Scheible:***

Obviously, there is camping and hiking on the USFS lands, but is there also hunting and fishing?

***Mr. Noriega:***

Yes, USFS lands are like BLM, so most all the uses are out there: hunting, fishing, hiking, OHV use, all of that. In our array of SNPLMA projects, we are trying to provide opportunities in all of those different segments of every interest out there.

***Vice Chair Scheible:***

Is the idea to allow people to be able to engage in any of those recreation activities anywhere or to keep them somewhat separate so there is an area people can go where there will not be any OHVs?

***Mr. Noriega:***

Not completely, but we do have some segregation. For example, wilderness by nature is going to be where we emphasize the nonmotorized and the horseback opportunities and hiking. The mountain bike trail system is a trail system that is being designed in a specific area for mountain bikers with that objective, so we do not allow motorcycles or OHVs on it. Managing the other way, though—with some of our OHV trails for the Ranger Trail—they are designed for OHVs but they are also appropriate for mountain bikers. They are totally good with riding on them acknowledging that they may be running into the other uses out there.

***Vice Chair Scheible:***

That makes sense. Do you have many, or any, problems with people coming out to participate in these activities who are unprepared and then, I am guessing, either the USFS, the county, or somebody must foot the bill for rescuing people?

***Mr. Noriega:***

Yes, we definitely do. Sometimes it even happens with people who come prepared. The counties take the brunt of that, especially when it goes to emergency services and search and rescue. They are affected most by those costs. The agencies also help. I have a very public service approach to the way I do things. For example, because my cell phone number is out there, I got a call at 9 a.m. on Sunday morning from a guy who went into the Timber Creek campground and busted through the snow. It got cold and he and his wife stayed in their Jeep and their battery ran down. I got my personal vehicle and I drove out there and jump-started them and got them back on their way. That type of stuff happens quite a bit and we do what we can to help but, like I said, the biggest financial impact is on the counties out here.

***Senator Goicoechea:***

Do you have problems with OHV vehicles that are traveling off trail and blazing their own roads? I know some of the other districts do, but I would like that on the record.

***Mr. Noriega:***

We absolutely do. We have problems with OHVs in the wilderness and we address those. Lately, we have had a lot more problems, too, with the antler hunting seasons, with people going out on OHVs and doing that. We also get a lot of visitors who do not spend a lot of time in these high mountain environments, and they bring OHVs that they are used to riding on sand dunes. They will go mud bogging in meadows and they will do hill climbs and all of that. I will be honest with you, when that happens, we will issue citations. I am an OHV person myself and I get out there and I like to ride. It is important to me on the flip side of it, and that is why we are looking at these OHV trail opportunities, to provide people the opportunity, but we also expect that they behave themselves while they are out here.

***Senator Goicoechea:***

Are you staying ahead of it in this district?

***Mr. Noriega:***

I think we have made some progress, but it is something you must keep after all the time. I know for your situation with the USFS in Elko losing their law enforcement officer, that really creates a challenge. Not everyone out there is able to do law enforcement. I did have a ticket book and I did what I could to stem that tide. It worries me right now, though, because even though I think we are holding our own here, it is going to get worse because everyone out there has OHVs now. We must be diligent about not only our law enforcement people being out there, but my other employees being out there as a presence in the field, so people see them and either ask questions about what is appropriate or at least have a second thought about doing inappropriate things.

***Vice Chair Scheible:***

Thank you, we appreciate your recreation, camping, and conservation recommendations and all your hard work for the USFS and for everybody in this community.

**AGENDA ITEM VIII—PUBLIC COMMENT**

[Vice Chair Scheible called for public comment; however, no testimony was presented.]

***Vice Chair Scheible:***

That concludes our meeting. Our next meeting will be on Monday, May 23, 2022, in Boulder City, Nevada. This meeting is adjourned.

## **AGENDA ITEM IX—ADJOURNMENT**

There being no further business to come before the Subcommittee, the meeting was adjourned at 3:35 p.m.

Respectfully submitted,

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Maria Aguayo  
Research Policy Assistant

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Jann Stinnesbeck  
Senior Policy Analyst

APPROVED BY:

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Assemblywoman Maggie Carlton, Chair

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

## MEETING MATERIALS

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
<a href="#">Agenda Item II A</a>	Christine Saunders, M.S.W., Policy Director, Progressive Leadership Alliance of Nevada	Public comment
<a href="#">Agenda Item II B</a>	Rebekah Stetson, Chair, Coalition for Healthy Nevada Lands, Wildlife and Free-Roaming Horses	Public comment
<a href="#">Agenda Item III A</a>	Nikki Bailey-Lundahl, Government Affairs Manager, Nevada Mining Association	PowerPoint presentation
<a href="#">Agenda Item III B</a>	Amanda Hilton, General Manager of United States Operations, Robinson Nevada Mining Company, KGHM	Information about presentation
<a href="#">Agenda Item III C</a>	Samantha Faga, Corporate Responsibility Specialist, Kinross Gold Corporation	PowerPoint presentation
<a href="#">Agenda Item IV A</a>	Dave Baker, Baker Ranches Inc., First Vice President, Nevada Cattlemen's Association	PowerPoint presentation
<a href="#">Agenda Item IV B</a>	Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation	PowerPoint presentation
<a href="#">Agenda Item V A</a>	Jake Tibbitts, Natural Resources Manager, Eureka County Department of Natural Resources	Informational packet

<b>AGENDA ITEM</b>	<b>PRESENTER/ENTITY</b>	<b>DESCRIPTION</b>
<a href="#"><u>Agenda Item V B</u></a>	Laurie L. Carson, Commissioner, White Pine County Board of Commissioners; and Jeremy Drew, Principal Resource Specialist, Resource Concepts, Inc., representing White Pine County	PowerPoint presentation
<a href="#"><u>Agenda Item V C</u></a>	Curtis Moore, Natural Resources Director, Elko County	Map
<a href="#"><u>Agenda Item VI</u></a>	Robbie McAboy, Ely District Manager, Ely District Office, Bureau of Land Management	Report
<a href="#"><u>Agenda Item VII A</u></a>	Jose Noriega, District Ranger, Ely Ranger District, Humboldt-Toiyabe National Forest, U.S. Forest Service (USFS)	Testimony
<a href="#"><u>Agenda Item VII B</u></a>	Jose Noriega, District Ranger, Ely Ranger District, Humboldt-Toiyabe National Forest, USFS	Handout

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