WORK SESSION DOCUMENT

SUBCOMMITTEE ON PUBLIC LANDS OF THE JOINT INTERIM STANDING COMMITTEE ON NATURAL RESOURCES

Nevada Revised Statutes [NRS] 218E.510

August 23, 2024

INTRODUCTION

The Chair and Legislative Counsel Bureau (LCB) staff of the Subcommittee on Public Lands of the Joint Interim Standing Committee on Natural Resources (JISCNR) have prepared this "Work Session Document" (WSD) to assist the Subcommittee in determining which legislative measures it will recommend the JISCNR request for the 2025 Session of the Nevada Legislature as well as other actions the Subcommittee may endorse. The WSD contains a summary of recommendations presented during public hearings, through communication with individual Subcommittee members, or through correspondence submitted to the Subcommittee members or staff.

The members of the Subcommittee do not necessarily support or oppose the recommendations in this WSD. Subcommittee staff has compiled and organized the proposals so that Subcommittee members can review them and decide whether they want to accept, reject, modify, or take no action on the recommendations. The WSD groups the proposals by topic, and they are not preferentially ordered.

Pursuant to NRS 218D.160 and 218E.525, the JISCNR is limited to 14 legislative measures, at least 4 of which must relate to matters relating to public lands based on the recommendations of the Subcommittee on Public Lands.

The Subcommittee may vote to: (1) send as many statements or letters of recommendation or support as it chooses; and (2) include statements in the Committee's final report. Subcommittee members are advised that LCB staff, at the direction of the Chair, may coordinate with interested parties to obtain additional information for drafting purposes or for information to be included in the Committee's final report.

RECOMMENDATIONS

A. WATER

1. Request the drafting of a bill that revises various provisions of water law that would encourage water conservation. This includes, but is not limited to: (1) revising NRS 533.024 to include the encouragement of the efficient use of water as a matter of State policy; (2) adding language to NRS related to filing conservation plans with the State Engineer; (3) revising NRS 533.0241 to require the State Engineer to treat water conserved under a conservation plan as appropriated water; and (4) excluding water conserved under a conservation plan from the abandonment provisions of NRS 533.060 and 534.090.

   Recommended by Kyle Roerink, Executive Director, Great Basin Water Network. See Attachment A-1.

2. Request the drafting of a bill to: (1) remove the minimum charge and establish a maximum charge for a special assessment levied upon certain designated basins where groundwater use is predominately for agricultural purposes; (2) limit the use of the special assessments to activities that are directly related to the groundwater basin; and (3) require annual reporting on the expenditures and activities funded by the special assessments.

   Recommended by Jeff Fontaine, Executive Director, Central Nevada Regional Water Authority [CNRWA] and Humboldt River Basin Water Authority. See Attachment A-2.

3. Request the drafting of a bill to appropriate $1 million to the Division of Water Resources of the State Department of Conservation and Natural Resources to support the Nevada State Engineer and the Nevada Water Initiative.

   Recommended by Jaina Moan, External Affairs Director, Northern Nevada Field Office, The Nature Conservancy. See Attachment A-3.

4. Request the drafting of a bill to authorize a board of county commissioners to establish a groundwater board for areas designated as a groundwater basin in need of further administration by the State Engineer pursuant to the provisions of NRS 534.030.

   Recommended by Jeff Fontaine, Executive Director, CNRWA. See Attachment A-4.

B. PUBLIC LANDS

5. Request the drafting of a resolution on land use planning to encourage: (1) locally led efforts; (2) coordination between federal, state, and local governments; and (3) multiple use of public lands while providing for the sustainability of these lands economically, socially, and environmentally.

   Recommended by Jake Tibbitts, Natural Resources Manager, Eureka County. See Attachment B-5.

6. Request the drafting of a resolution declaring "Smart from the Start" solar development as the State policy for Nevada.

   Recommended by Jesse Hill, Chair, Humboldt County Board of Commissioners. See Attachment B-6.

7. Send a letter to Congress expressing support for congressional action, such as the Historic Routes Preservation Act, to provide clarity on a protocol to address *Revised Statute 2477* rights-of-way.

   Recommended by Jake Tibbitts, Natural Resources Manager, Eureka County. See Attachment B-5.

8. Send a letter to the Bureau of Land Management expressing support for the Nevada Greater Sage-grouse Conservation Plan and its Conservation Credit System in managing greater sage-grouse in Nevada.

   Recommended by Jake Tibbitts, Natural Resources Manager, Eureka County. See Attachment B-5.

ATTACHMENT A-1

RECOMMENDATION FOR THE JOINT INTERIM STANDING COMMITTEE ON NATURAL RESOURCES

SUBMISSION DEADLINE: WEDNESDAY, JULY 31, 2024, AT 5 P.M.

You may use this form to submit your recommendation. Save this form on your local device, complete it and save it again, and then send it as an attachment to NRInterim@lcb.state.nv.us with a cc to Jann.Stinnesbeck@lcb.state.nv.us).

Name:	Kyle Roerink
Contact Information:	kyleroerink@greatbasinwater.org
Date:	July 31, 2024
Organization: (if applicable)	Great Basin Water Network
Recommendation: Please provide a detailed description of the recommendation.	FOR THE RECOMMENDATION SECTION OF THE BDR FORM: Nevada enjoys a long and rich history of ranching and farming, which significantly contributes to the culture and well-being of the State's residents. However, Nevada's limited water resources which support these ranching and farming operations are significantly over-appropriated and over-pumped, and as a result many groundwater basins in the State are in decline. Current Nevada law, which is grounded in beneficial use, with a use it or lose it rule, lacks sufficient legal and financial incentives for rural water conservation and similarly lacks protections for rural water users who conserve, which has resulted in a disincentive for conservation and a related incentive for the abandonment of ranching and farming practices altogether. Legislation is needed that: (1) promotes more efficient rural water use around the State by encouraging conservation measures and discouraging the transfer of conserved water to additional alternative uses; (2) includes a robust, holistic, scientifically sound definition of conservation or conserved water, designed to achieve conservation for environmental purposes; (3) protects the property interests of rural water rights holders who conserve a portion of their water right; (4) encourages the continuation of water-efficient ranching and farming operations; and (5) protects rural communities and ecosystems by continuing to prohibit the transfer of conserved water and mandating that it be left in place for the benefit of the public and preventing proposals to buy, dry, and export conserved water from the rural areas where it is needed.
***Nevada Revised Statutes* (NRS) Revisions:** Does the recommendation revise one or more current NRS? If "Yes," please provide the reference to the NRS citation(s) affected by the recommendation.	NRS 533: NRS 533.009 (recommended addition: "perfected water right" means a water right that has been finalized through the issuance of: 1. A certificate of appropriation; or 2. A court decree.) NRS 533.024 (recommended addition of "(f) to encourage the efficient use of water to conserve the State's scarce water resources"). NRS 533.0241 (recommended addition of "(3) for the purposes of calculating the amount of water reserved in a basin, the State Engineer shall treat conserved water subject to a conservation plan on file pursuant to NRS 533.0244 as appropriated water."). Addition of NRS 533.0244. Notice of Conservation Plan. Legislative declaration; requirements; duration. 1. The Legislature finds that voluntary water conservation practices and projects can advance the policy of the state of Nevada to promote and encourage the conservation, development, augmentation and utilization of the water resources of this state. The legislature deems it appropriate, therefore, to encourage and support voluntary water conservation practices and projects. 2. For purposes of this section, "water conservation practice" means any practice, improvement, project or management program that results in the diversion of less than the authorized quantity of water while maintaining the full beneficial use(s) authorized by the water right. Water conservation practices include, but are not limited to, practices that result in reductions in consumptive use such as crop rotation or conversion, reductions in conveyance losses through improved irrigation practices, and reductions in surface and seepage losses occurring at the place of use. 3. For the purposes of this section, "conserved water" means the quantity of water that is no longer diverted as a result of a water conservation practice. 4. The Legislature hereby finds and declares that it is the policy of this State to encourage the conservation and efficient use of the State's scarce water resources by exempting conserved water which is subject to a Water Conservation Plan on file with the State Engineer from the forfeiture or abandonment provisions of NRS 533.060. 5. A person holding a perfected water right may file with the State Engineer a Notice of Water Conservation Plan. Such Notice and accompanying Plan shall include the following: a. The name and address of the person who owns the water right that(s) included in the water conservation plan. b. A description of all water rights and claims subject to or addressed by the water conservation plan, including permit or certificate numbers. c. The place and purpose of the use of the identified water rights. d. A description of any water conservation practices that have been or will be implemented as part of the water conservation plan. e. A statement that the water conservation plan is voluntary and temporary in nature. f. A statement that the water conservation plan is intended to result in the temporary reduction in the use of water or a reduction in the diversion of water. g. A statement that the activities described in the water conservation plan will contribute to the practical and economical management, conservation, and use of water of this State. h. A statement that the person who holds the valid water right that is subject to the water conservation plan does not intend to forfeit or abandon such water right during the term of the water conservation plan. 6. On filing a Notice of Water Conservation Plan, the conservation of water pursuant to the plan does not constitute an abandonment or forfeiture of the amount of water conserved. 7. For the purpose of adjudication procedures and findings made pursuant to NRS 533.087 through 533.320, a Water Conservation Plan on file with the State Engineer will be treated as proof of appropriation of the conserved water from the date of the filing of the Water Conservation Plan. The State Engineer may still require that proof of appropriation be filed for use that occurred prior to such a filing. 8. A Water Conservation Plan shall designate a duration of up to ten years. The person or entity filing the water conservation plan notice may file a subsequent notice for some or all of the water rights and claims before expiration of the designated time and may file subsequent Water Conservation Plan notices for one or more periods of up to ten years each." NRS 533.060. Right to use limited to amount necessary; loss or abandonment of rights; no acquisition of prescriptive right; reservation of rights by State. (recommended addition of subsection: "the abandonment provisions of this section do not apply to conserved water subject to a Water Conservation Plan on file with the State Engineer.")
Background Information: Please attach or link to any background information as needed. Sufficient detail will assist staff to better understand the intent of the recommendation. This may include model legislation or laws or bills from other states to name a few.	Arizona HB 2056 (2021) - Conservation Plans: https://legiscan.com/AZ/bill/HB2056/2021. Arizona Form: https://infoshare.azwater.gov/docushare/dsweb/Get/SWDoc-65046/Water%20Conservation%20Plan%20Notice.pdf. Idaho Idaho Stat. Ann. 42-250 (2003) (Definitions).

CONSERVATION BDR MATERIAL:

FOR THE RECOMMENDATION SECTION OF THE BDR FORM:

Nevada has a long history of ranching and farming, which contributes to the culture and well-being of the State's residents. However, Nevada's limited water resources which support these ranching and farming operations are significantly over-appropriated and over-pumped, and as a result many groundwater basins in the State are in decline. Current Nevada law, which is grounded in beneficial use, with a use it or lose it rule, lacks sufficient legal and financial incentives for rural water conservation and similarly lacks protections for rural water users who conserve, which has resulted in a disincentive for conservation and a related incentive for the abandonment of ranching and farming practices altogether. Legislation is needed that: (1) promotes more efficient rural water use around the State by encouraging conservation measures and discouraging the transfer of conserved water to additional alternative uses; (2) includes a robust, holistic, scientifically sound definition of conservation or conserved water, designed to achieve conservation for environmental purposes; (3) protects the property interests of rural water rights holders who conserve a portion of their water right; (4) encourages the continuation of water-efficient ranching and farming operations; and (5) protects rural communities and ecosystems by continuing to prohibit the transfer of conserved water and mandating that it be left in place for the benefit of the public and preventing proposals to buy, dry, and export conserved water from the rural areas where it is needed.

FOR THE NRS REVISIONS SECTION OF THE BDR FORM:

NRS 533:

NRS 533.009 (recommended addition: "perfected water right" means a water right that has been finalized through the issuance of: 1. A certificate of appropriation; or 2. A court decree.)

NRS 533.024 (recommended addition of "(f) to encourage the efficient use of water to conserve the State's scarce water resources").

NRS 533.0241 (recommended addition of "(3) for the purposes of calculating the amount of water reserved in a basin, the State Engineer shall treat conserved water subject to a conservation plan on file pursuant to NRS 533.0244 as appropriated water.").

Addition of NRS 533.0244. Notice of Conservation Plan. Legislative declaration; requirements; duration.

1. The Legislature finds that voluntary water conservation practices and projects can advance the policy of the state of Nevada to promote and encourage the conservation, development, augmentation and utilization of the water resources of this state. The legislature deems it appropriate, therefore, to encourage and support voluntary water conservation practices and projects.
2. For purposes of this section, "water conservation practice" means any practice, improvement, project or management program that results in the diversion of less than the authorized quantity of water while maintaining the full beneficial use(s) authorized by

the water right. Water conservation practices include, but are not limited to, practices that result in reductions in consumptive use such as crop rotation or conversion, reductions in conveyance losses through improved irrigation practices, and reductions in surface and seepage losses occurring at the place of use.

3. For the purposes of this section, "conserved water" means the quantity of water that is no longer diverted as a result of a water conservation practice.
4. The Legislature hereby finds and declares that it is the policy of this State to encourage the conservation and efficient use of the State's scarce water resources by exempting conserved water which is subject to a Water Conservation Plan on file with the State Engineer from the forfeiture or abandonment provisions of NRS 533.060.
5. A person holding a perfected water right may file with the State Engineer a Notice of Water Conservation Plan. Such Notice and accompanying Plan shall include the following:
    a. The name and address of the person who owns the water right that(s) included in the water conservation plan.
    b. A description of all water rights and claims subject to or addressed by the water conservation plan, including permit or certificate numbers.
    c. The place and purpose of the use of the identified water rights.
    d. A description of any water conservation practices that have been or will be implemented as part of the water conservation plan.
    e. A statement that the water conservation plan is voluntary and temporary in nature.
    f. A statement that the water conservation plan is intended to result in the temporary reduction in the use of water or a reduction in the diversion of water.
    g. A statement that the activities described in the water conservation plan will contribute to the practical and economical management, conservation, and use of water of this State.
    h. A statement that the person who holds the valid water right that is subject to the water conservation plan does not intend to forfeit or abandon such water right during the term of the water conservation plan.
6. On filing a Notice of Water Conservation Plan, the conservation of water pursuant to the plan does not constitute an abandonment or forfeiture of the amount of water conserved.
7. For the purpose of adjudication procedures and findings made pursuant to NRS 533.087 through 533.320, a Water Conservation Plan on file with the State Engineer will be treated as proof of appropriation of the conserved water from the date of the filing of the Water Conservation Plan. The State Engineer may still require that proof of appropriation be filed for use that occurred prior to such a filing.
8. A Water Conservation Plan shall designate a duration of up to ten years. The person or entity filing the water conservation plan notice may file a subsequent notice for some or all of the water rights and claims before expiration of the designated time and may file subsequent Water Conservation Plan notices for one or more periods of up to ten years each."

NRS 533.060. Right to use limited to amount necessary; loss or abandonment of rights; no acquisition of prescriptive right; reservation of rights by State. (recommended addition of subsection: "the abandonment provisions of this section do not apply to conserved water subject to a Water Conservation Plan on file with the State Engineer.")

NRS 533.100(1) (recommended addition of (d) requiring the State Engineer to take into account Water Conservation Plans on file with the Office of the State Engineer).

NRS 533.115(1) (recommended addition of (m) requiring the form to request information regarding any Water Conservation Plan on file with the Office of the State Engineer).

NRS 533.250 (recommended addition of "including but not limited to a Water Conservation Plan filed pursuant to NRS 533.0244").

NRS 533.395 (potential changes to the way that proof of beneficial use is treated/provision for water subject to Water Conservation Plan).

NRS 533.400 (potential changes to the way that proof of beneficial use is treated/provision for water subject to Water Conservation Plan).

NRS 534:

NRS 534.090 Forfeiture and abandonment of rights. (recommended addition of subsection: "the forfeiture and abandonment provisions of this section do not apply to conserved water subject to a Water Conservation Plan on file with the State Engineer.").

Consider addition of provision for Water Conservation Plans in NRS 534.110 and NRS 534.120.

FOR THE BACKGROUND INFORMATION SECTION OF THE BDR FORM:

Arizona

HB 2056 (2021) - Conservation Plans: https://legiscan.com/AZ/bill/HB2056/2021.

Arizona Form: https://infoshare.azwater.gov/docushare/dsweb/Get/SWDoc-65046/Water%20Conservation%20Plan%20Notice.pdf.

Idaho

Idaho Stat. Ann. 42-250 (2003) (Definitions).

ATTACHMENT A-2

RECOMMENDATION FOR THE JOINT INTERIM STANDING COMMITTEE ON NATURAL RESOURCES

SUBMISSION DEADLINE: WEDNESDAY, JULY 31, 2024, AT 5 P.M.

You may use this form to submit your recommendation. Save this form on your local device, complete it and save it again, and then send it as an attachment to NRInterim@lcb.state.nv.us with a cc to Jann.Stinnesbeck@lcb.state.nv.us).

Name:	Jeff Fontaine
Contact Information:	ccjfontaine@gmail.com (775) 443-7667
Date:	July 31, 2024
Organization: (if applicable)	Central Nevada Regional Water Authority and Humboldt River Basin Water Authority
Recommendation: Please provide a detailed description of the recommendation.	CNRWA and HRBWA recommend that the Committee request the drafting of a bill to; remove the minimum charge and establish a maximum charge for a special assessment levied upon certain designated basins where ground water use is predominately for agricultural purposes, limit the use of the special assessments to activities that are directly related to the groundwater basin, and require annual reporting on the expenditures and activities funded by the special assessments.
***Nevada Revised Statutes* (NRS) Revisions:** Does the recommendation revise one or more current NRS? If "Yes," please provide the reference to the NRS citation(s) affected by the recommendation.	NRS 534.040
Background Information: Please attach or link to any background information as needed. Sufficient detail will assist staff to better understand the intent of the recommendation. This may include model legislation or laws or bills from other states to name a few.	Water Basin funds are assessments levied on local property owners and irrigators by the State Engineer to fund the management of specific streams and groundwater basins. The minimum charge of the assessment against each water user is $1.00 and there is no cap. In previous Legislative Sessions, water basin account revenues were used to supplant general fund appropriations resulting in reduced services provided by the Division of Water Resources in ground water basins where the assessments were levied. The recommendation will ensure transparency and accountability for how assessments are levied and used.

ATTACHMENT A-3

THE NATURE CONSERVANCY

Northern Nevada Office
One East First Street, #1007
Reno, NV 89501

Tel 775-322-4990
Fax 775-322-5132

Southern Nevada Office
8215 S. Eastern Avenue, Ste. 225
Las Vegas, NV 89123

Tel 702-737-8744
Fax 702-737-5787

July 31, 2024

Senator Julie Pazina, Chair
Joint Interim Standing Committee on Natural Resources
Submitted via email to NRInterim@lcb.state.nv.us

Subject: Recommendations for the Joint Interim Standing Committee on Natural Resources from The Nature Conservancy in Nevada

Dear Chair Pazina and Members of the Committee,

For 40 years, The Nature Conservancy (TNC) has been working in Nevada with a mission to conserve the lands and waters on which all life depends. We appreciate the opportunity to provide recommendations for the Joint Interim Standing Committee on Natural Resources. Below we provide recommendations associated with water and lands that can affect our natural resources in Nevada.

Recommendations on water resources

As you've heard often, Nevada is the driest state in the United States, and so it needs to manage its limited water supplies wisely to ensure livelihoods for people and nature into the future. The state is very fortunate to have groundwater that supplements its limited surface water supplies, supplying domestic use, ranching, agriculture, mining, business, industry, hunting, fishing, and recreation. This groundwater is also essential for Nevada's natural environment, supporting groundwater-dependent ecosystems (GDEs) that rely on groundwater for all or part of their structure and function. These ecosystems are critical for plants, fish, and wildlife, and also provide valuable ecosystem services to people, such as water purification, water retention, and climate regulation.

The Nevada Indicators of Groundwater Dependent Ecosystems database revealed that over 10 percent of Nevada's land is likely covered with GDEs, and Nevada has over 25,000 springs (Saito et al. 2020). When we assessed stressors and threats to these GDEs, we found that 39% of the over 6,500 wells we analyzed had significantly declining groundwater levels over 1984-2021, indicating that groundwater overuse is already having impacts in Nevada. In addition, all of Nevada is projected to have more droughts in the future, which will exacerbate other stressors and threats GDEs are facing (Saito et al. 2022a).

We therefore have the following recommendations in relation to using the best available science for rendering decisions concerning available surface water and groundwater:

- **We recommend a BDR for legislation enabling the development of a program to voluntarily retire groundwater rights in Nevada.** A strategy for managing and sustaining GDEs in Nevada is to enact policies to reduce excessive groundwater withdrawals and over-appropriation (Saito and Munn 2023). According to NDWR (2023), over half of Nevada's 256 hydrographic areas (administrative groundwater units) are over-appropriated (36 by over 350%), and 23% are over-pumped. Saito et al. (2022a) found that 20% of Nevada GDEs are in over-pumped hydrographic areas, and at least 40% of each GDE type (i.e., springs, wetlands, phreatophyte communities, rivers and streams, and lakes and

playas) are in hydrographic areas that are over-appropriated.

We recommend legislation that would enable the establishment of a voluntary groundwater rights retirement program in Nevada that would be aimed at permanently reducing consumptive use of groundwater. Such a program could prioritize reducing groundwater use in places with declining groundwater levels, especially when there are conflicts with existing water users or impacts to GDEs. Voluntary groundwater rights retirement programs have successfully been used in states like Kansas and Colorado for decades to provide incentives for agricultural water users to reduce groundwater use permanently to resolve declining groundwater levels[1]. Nevada has piloted such a program through the Nevada Water Conservation and Infrastructure Initiative (NWCII) using $21 million of American Rescue Plan Act funds. The state can use lessons learned from that program as well as programs in other states to craft a robust program through regulations, but a program and account for receiving funds to retire groundwater rights needs to first be established legislatively.

In 2023, Senate Bill 176 proposed the establishment of a groundwater rights retirement program and had support from a broad group of stakeholders, but did not pass. Language in that bill could be a good starting point for a bill for the 2025 Legislative Session. We recommend that legislation for 2025 be prepared as a stand-alone bill rather than being part of a bill that has other initiatives included. Although there continues to be broad stakeholder support for the development of legislation on groundwater rights retirement because many water stakeholders recognize the unsustainability of current overappropriation and overpumping, the contentiousness of water issues could make it more difficult to maintain agreement on legislation that contains multiple water initiatives.

We also recommend that funding be included to establish the program in the Department of Conservation and Natural Resources. As with SB 176, we recommend that the program guidelines be established in regulation to enable sufficient time and interaction with stakeholders to craft a strong and robust program that will effectively reduce overuse of groundwater. Such interaction will require staff time and travel to ensure development of a strong tool that considers diverse perspectives. We suggest that at least $275,000 be attached to the bill to cover staff time and travel for establishing regulations. In addition, $2-3 million would also provide seed money for establishing match for federal funds that could be used to retire groundwater rights.

Thus, **our specific recommendation is to use language from SB 176 as a starting point to enable the development of a program to voluntarily retire groundwater rights in Nevada that 1) permanently reduces consumptive use of groundwater and makes retired groundwater rights unavailable for any future consumptive use or appropriation; 2) prioritizes retiring groundwater in over-pumped hydrographic areas where groundwater tables are declining or there are impacts to natural resources; and 3) is enabled through a stand-alone bill that includes funding to establish the program**.

To ensure that we take advantage of the opportunity to learn from the ongoing water rights retirement process through the NWCII program, we would also like to see reporting of the process, outcomes, and lessons learned from the NWCII program done to help inform stakeholders, legislators, and others about groundwater rights retirement in Nevada. Thus, **we also recommend that a report be prepared on the NWCII program to retire groundwater rights** that:

1) Summarizes how the NWCII funds were used (i.e., how much groundwater was retired and where).

[1] See handouts for Agenda Item VII for May 10, 2024 meeting of the Interim Natural Resources Committee

2) What process was used to identify willing sellers by each of the entities that were allocated funds.
3) What lessons were learned as the processes were implemented.
4) What recommendations these entities might have for a permanent voluntary groundwater rights retirement program in Nevada.

- **We recommend that the Interim Natural Resources Committee issue a BDR to support additional funding for the Nevada State Engineer to use the best available science in rendering decisions**. We recognize that the Joint Interim Standing Committee on Natural Resources is not a financial committee, but we are recommending that the Committee submit a BDR to support the Division of Water Resources to ensure their capability to use the best available science. At their current funding levels, their capacity to do so is limited. To ensure the Division of Water Resources is able to use the best available science, we recommend specifically providing funding for the following:

    - **Nevada Water Initiative to update groundwater basin budgets in the 256 hydrographic areas in Nevada**: Most of the water budget information used to establish the perennial yield in the hydrographic areas is 50-70 years old, and better approaches, technologies, and data are now available. Using American Rescue Plan Act Funds, the Nevada Division of Water Resources (NDWR) has begun a statewide reassessment of water budgets, but this funding is not enough to complete the work. NDWR should be provided with sufficient funding to finish updating these budgets with the assistance of the Desert Research Institute and the United States Geological Survey and enable the State Engineer to work with the best available science for managing the State's groundwater. We support updating groundwater basin budgets with sound science to enable long-term sustainability of vital water resources.

    - **Collection of data and monitoring of water resources and ecosystems across the state**: For the State Engineer to adequately manage water in Nevada with the best available science, more information about water availability and use over time is needed throughout Nevada. Monitoring of hydrologic and ecologic data at appropriate spatial and temporal scales are essential to maintain sustainable water resources (Saito et al. 2021). For example, there are limited data available on potential impacts to springs from groundwater withdrawals. In our recent assessment of stressors and threats to groundwater-dependent ecosystems in Nevada, we found that only 197 out of over 25,000 springs in Nevada were within 0.5 mile of a well with at least 5 years of groundwater level measurements from 2002 to 2021 (Saito et al. 2022b). These springs are often sites of endemic taxa, as well as sources of surface water for streams, rivers, and lakes (Cantonati et al. 2020), and even small decreases in water availability can result in significant impacts.

    - **Staff positions to complete basin adjudications**: Only one of 256 hydrographic areas (administrative groundwater units) in Nevada has been adjudicated, leaving uncertainty in the remaining hydrographic areas about how much groundwater is really available for use. The legislature passed SB 270 in 2017 that requires claims for vested water rights be filed by December 31, 2027, but the assessment of those claims can be very time consuming because of their historic nature, with most being related to water use over a century ago. A lack of full adjudication in a hydrographic area places an increased burden on water right owners, the State Engineer, and other groups working towards sustainable water management.

    - **Digitization of records and data at the Division of Water Resources**: The Division of Water Resources has many original paper-file documents that need to be preserved because

the history of these water rights needs to be acknowledged as the Division goes forward in making decisions. Digitizing paper documents would not only preserve them and provide back-ups/duplicate versions of the records, but it would also make them publicly available to all Nevadans and reduce the need for people in rural locations to make long trips to Carson City or Las Vegas to review them.

- **We recommend a BDR for a Legislative Resolution to support enhancing safeguards to protect groundwater, sensitive ecosystems and communities in the area around Ash Meadows National Wildlife Refuge, Amargosa Valley, Nevada.**

  We appreciate the Committee hearing a presentation about the threats to the groundwater resources and species at Ash Meadows National Wildlife Refuge from proposed lithium exploration and mining at their meeting on June 10, 2024.

  One cannot overstate the importance of Ash Meadows National Wildlife Refuge (NWR). It is a unique ecological treasure, a recognized global biodiversity hotspot, and is home to the highest density of endemic species (found only at Ash Meadows and no place else) in the United States. The springs and groundwater resources are a critical part of the Amargosa River, an underground river that flows from Oasis Valley in Nevada to Badwater Basin in Death Valley National Park. Along the way, the Amargosa River appears on the surface as springs and pools which support an incredibly rich web of life in one of the hottest, driest places on Earth.

  TNC is deeply invested in the conservation and protection of this place. In fact, Ash Meadows NWR was established on June 18, 1984 through a collaboration between The Nature Conservancy, US Bureau of Land Management (BLM), and the US Fish and Wildlife Service to protect and restore the many rare plants and animals found there. There are 12 species listed under the Endangered Species Act as threatened or endangered living at the Refuge and the property includes a parcel managed by the National Park Service to preserve the endangered Devils Hole pupfish.

  Although TNC typically does not publicly opposed projects, TNC issued a statement in opposition to a proposed lithium exploration activity bordering the Refuge in July 2023 (https://www.nature.org/en-us/newsroom/nevada-statement-lithium-ash-meadows/). We took this action because of the potential catastrophic consequences that could result from exploratory drilling occurring so close to the springs and pools in the Refuge. These serious concerns were informed by a review of well logs that had been drilled in the area and a case study of an artesian flow that resulted in an area of similar hydrology within the Amargosa Basin.

  TNC supports efforts to better buffer Ash Meadows NWR from threats to the groundwater resources and associated species. The local communities, tribes, and conservation groups have proposed a mineral withdrawal for the area around Ash Meadows. To better understand the need for and the resources that would be affected by a mineral withdrawal, TNC commissioned two additional studies. One study modeled the potential groundwater withdrawals and hydrologic impacts from a proposed lithium extraction project and the second study assessed the potential mineral commodities that would be affected by such a mineral withdrawal.

  The hydrologic modeling indicates that mining activities near Ash Meadows could significantly and dramatically impact the groundwater flows that feed the springs in the refuge. For example, the model estimated a 20% reduction overall of spring discharge and evapotranspiration at Ash Meadows NWR if mine dewatering of 1,500 gallons per minute were to occur east of the Gravity Fault. The minerals assessment identified lithium, crushed stone, sand and gravel, and metallics as potential mineral commodities, with 3,000 existing mining claims within the boundary of the proposed mineral

withdrawal study area. The goals of these studies were to provide the scientific background information to support the efforts to protect the springs and the species that depend on them at Ash Meadows NWR. We are happy to share the technical memos with the Committee on request.

TNC is not alone in its concern for the threats to water resources and species at Ash Meadows NWR from mineral exploration and development. Ash Meadows is an important environmental, cultural, and economic resource for the local communities and Tribes. The Timbisha Shoshone Tribe, Nye County Commission, Amargosa Valley Town Board, Beatty Town Board, Amargosa Conservancy and other conservation organizations have all sent letters or resolutions to the Department of Interior expressing support for a mineral withdrawal surrounding the Refuge.

Given the importance of this ecological resource to the natural heritage and rural communities of Nevada, we appreciate the Interim Committee's consideration of a BDR request for a legislative resolution to support enhancing safeguards to protect groundwater, sensitive ecosystems, and communities in the area around Ash Meadows National Wildlife Refuge, Amargosa Valley, Nevada and Death Valley National Park.

Thank you for the opportunity to provide comments, and please do not hesitate to contact Jaina Moan, Nevada External Affairs Director (jaina.moan@tnc.org) if you need further information.

Sincerely,

Mauricia M. M. Baca
State Director

cc: Jann Stinnesbeck, Principal Policy Analyst, Legislative Counsel Bureau
Jaina Moan, TNC Nevada External Affairs Director
Laurel Saito, TNC Nevada Water Strategy Director

encs. Recommendation forms

References:

Cantonati M, et al. 2020. Characteristics, main impacts, and stewardship of natural and artificial freshwater environments: Consequences for biodiversity conservation. Water 12: 260. doi: 10.3390/w12010260.

Lowell N, Kelly RP. 2016. Evaluating agency use of "best available science" under the United States Endangered Species Act. Biological Conservation 196:53-59.

Murphy DD, Weiland PS. 2011. The route to best science in implementation of the Endangered Species Act's consultation mandate: The benefits of structured effects analysis. Environmental Management 47:161-172.

[NDWR] Nevada Division of Water Resources. 2023. Basin Status Map Series. Available at https://water.nv.gov/documents/2023%20Basin%20Status%20Map%20Series.pdf.

Saito L, Byer S, Badik K, McGwire K, Provencher L, Minor B. 2020. Mapping indicators of groundwater dependent ecosystems in Nevada: Important resources for a water-limited state. Journal of Nevada Water Resources Association, Winter 2020: 48-72. Available at http://www.nvwra.org/journal. DOI: 10.22542/jnwra/2020/1/3

Saito L, Christian B, Diffley J, Richter H, Rohde MM, Morisson SA. 2021. Managing groundwater to ensure ecosystem function. Groundwater 59(3): 322-333. doi: 10.1111/gwat.13089. Available at https://ngwa.onlinelibrary.wiley.com/doi/10.1111/gwat.13089.

Saito L, Byer S, Badik K, Provencher L, McEvoy D. 2022a. Stressor and threat assessment of Nevada groundwater dependent ecosystems. Reno: The Nature Conservancy. Available at https://www.groundwaterresourcehub.org/where-we-work/nevada/nevada-gde-stressor-threat/.

Saito L, Freed Z, Byer S, Schindel M. 2022b. The vulnerability of springs and phreatophyte communities to groundwater level declines in Oregon and Nevada, 2002-2021. Frontiers in Environmental Science 10:1007134. https://doi.org/10.3389/fenvs.2022.1007114

Saito L, Munn L. 2023. Strategies for Managing and Sustaining Groundwater Dependent Ecosystems in Nevada. Reno: The Nature Conservancy.

RECOMMENDATION FOR THE JOINT INTERIM STANDING COMMITTEE ON NATURAL RESOURCES

SUBMISSION DEADLINE: WEDNESDAY, JULY 31, 2024, AT 5 P.M.

You may use this form to submit your recommendation. Save this form on your local device, complete it and save it again, and then send it as an attachment to NRInterim@lcb.state.nv.us with a cc to Jann.Stinnesbeck@lcb.state.nv.us).

Name:	Laurel Saito and Jaina Moan
Contact Information:	laurel.saito@tnc.org, jaina.moan@tnc.org
Date:	July 31, 2024
Organization: (if applicable)	The Nature Conservancy
Recommendation: Please provide a detailed description of the recommendation.	We recommend that the Interim Natural Resources Committee issue a BDR to support additional funding for the Nevada State Engineer to use the best available science in rendering decisions. To ensure the Division of Water Resources is able to use the best available science, we recommendation specifically providing funding for the following: 1. Nevada Water Initiative to update groundwater basin budgets in the 256 hydrographic areas in Nevada. 2. Collection of data and monitoring onfwater resources and ecosystems across the state. 3. Staff positions to complete basin adjudications 4. Digitization of records and data
***Nevada Revised Statutes* (NRS) Revisions:** Does the recommendation revise one or more current NRS? If "Yes," please provide the reference to the NRS citation(s) affected by the recommendation.	We are not proposing to change any NRS with this recommendation. We recognize that the Joint Interim Standing Committee on Natural Resources is not a financial committee, but we are recommending that the Committee submit a BDR to support the Division of Water Resources to ensure that they have the capacity to use the best available science. At their current funding levels, their capacity to do so is limited.
Background Information: Please attach or link to any background information as needed. Sufficient detail will assist staff to better understand the intent of the recommendation. This may include model legislation or laws or bills from other states to name a few.	See cover letter for additional rationale and information about the funding needs.

ATTACHMENT A-4

RECOMMENDATION FOR THE JOINT INTERIM STANDING COMMITTEE ON NATURAL RESOURCES

SUBMISSION DEADLINE: WEDNESDAY, JULY 31, 2024, AT 5 P.M.

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Name:	Jeff Fontaine
Contact Information:	ccjfontaine@gmail.com (775) 443-7667
Date:	July 31, 2024
Organization: (if applicable)	Central Nevada Regional Water Authority
Recommendation: Please provide a detailed description of the recommendation.	CNRWA recommends that the Committee request the drafting of a bill to authorize a board of county commissioners to establish a groundwater board for areas designated as a groundwater basin in need of further administration by the State Engineer pursuant to the provisions of NRS 534.030.
***Nevada Revised Statutes* (NRS) Revisions:** Does the recommendation revise one or more current NRS? If "Yes," please provide the reference to the NRS citation(s) affected by the recommendation.	NRS 534.035
Background Information: Please attach or link to any background information as needed. Sufficient detail will assist staff to better understand the intent of the recommendation. This may include model legislation or laws or bills from other states to name a few.	About half of Nevada's 256 groundwater basins are over appropriated including 62 that are over pumped. The consequences of not proactively addressing over appropriated groundwater basins and bringing over pumped groundwater basins into balance can be devastating to local communities. There is a need for robust community involvement in addressing local water issues. Groundwater boards could play an important role in protecting their county's water resources by bringing stakeholders together and developing local solutions to address their unique needs. Local groundwater boards will be most effective if they are authorized in NRS and there is a directive for consultation, collaboration and communication between the boards and the State Engineer.

ATTACHMENT B-5

Eureka County

EUREKA COUNTY BOARD OF COMMISSIONERS

Rich McKay, Chairman ⌖ Marty Plaskett, Vice Chair ⌖ Vacant, Member

PO Box 540, 10 South Main Street, Eureka, Nevada 89316

Phone: (775) 237-7211 ⌖ Fax: (775) 237-4610 ⌖ www.co.eureka.nv.us

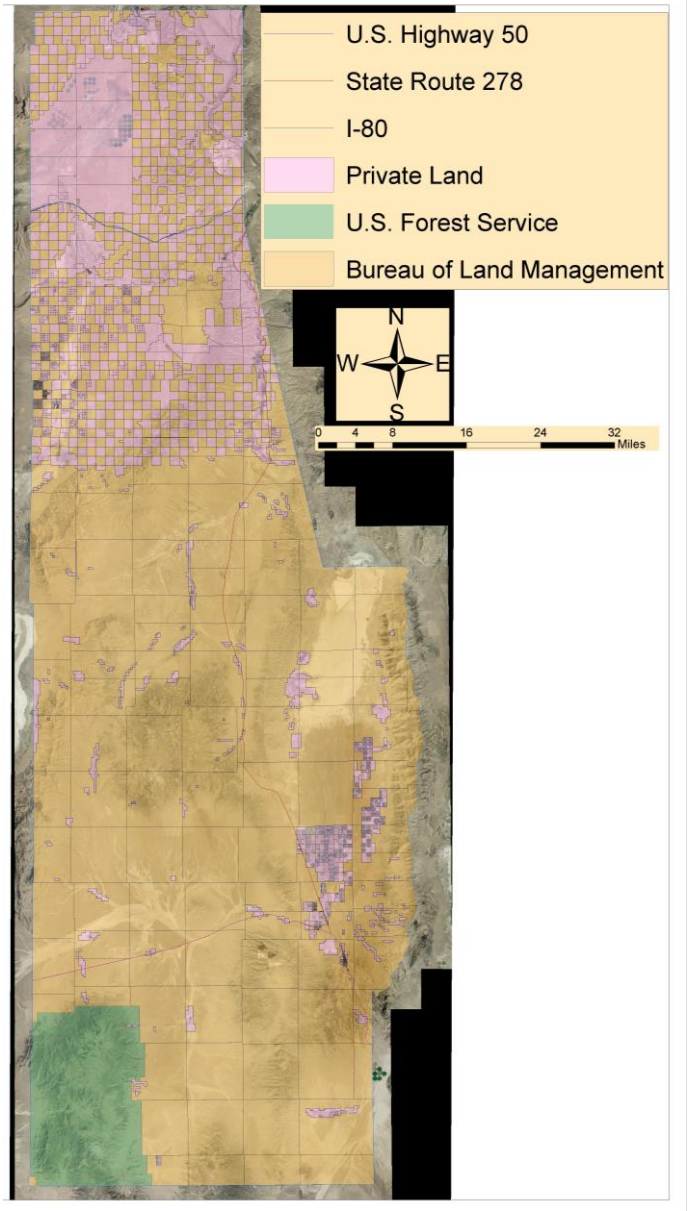
July 2024

Subcommittee on Public Lands of the Joint Interim Standing Committee on Natural Resources

Eureka County Update and Requests

For more information, please contact:

Jake Tibbitts, Eureka County Natural Resources Manager, jtibbitts@eurekacountynv.gov



**Map created by Jake Tibbitts with publicly available data sources.*

BACKGROUND

Like Nevada as a whole, Eureka County is composed of a large federal land holding. Eighty-one percent of Eureka County's land area is made up of federally administered land, primarily Bureau of Land Management and Forest Service. Eureka County is primarily driven by mining, farming, and ranching. Nearly all of Eureka County's employment is in the natural resources sector and the community's viability is largely dependent on activities conducted on or in concert with federally managed lands.

OVERARCHING ISSUES

- Private land makes up only 13% of Eureka County's total land area. Dependency on federally administered land can limit and create uncertainty for our long-term socio-economic stability and viability but also provides many opportunities for coordination and partnership with diverse entities.
- Lack of effort by the federal land management agencies to adequately coordinate their land management activities and decisions with the local plans, policies, and desires of Eureka County works to undermine sound land management and often creates adversarial relationships between the agency, the County, and proponents of projects on public land within the County.
- Regulations, legislation, policies, or projects that (1) reduce access to public lands, (2) minimize sustainable multiple-use of public land and (2) increase our dependence on federal dollars undermine local efforts to bring socio-economic stability and balance.
- Government programs aimed at offsetting the economic limitations of large federal land holdings (e.g. PILT and SRS) do not address the impacts to the core social and economic values that we must overcome. Further, revenue derived from resource use and extraction from public lands is not always justly shared with affected counties in which the lands and resources are located.
- Eureka County is fully supportive of any project that comes into the County if it is done right and in a sustainable way—socially, environmentally, and economically. We work hard to ensure that any project will be done in a way that is not too disruptive to the current character, social climate, and natural resources of Eureka County.
- Non-participatory opposition to local, coordinated land planning and management is undermining application of good stewardship to Federal lands. Directed, malicious opposition by some groups is compromising the health, safety and welfare of local citizens throughout our county (and the west), reducing the overall socio-economic viability of the affected communities, and undermining coordinated resource management from diverse interests.

REQUESTED ACTIONS

1. **Empower, recognize, trust, and rely on locally led efforts to address public lands issues and projects.**

   Counties and conservation districts are well positioned to work across diverse interests and landowners and land users to make the compromises necessary for sustainable management of the public lands and resources local communities are so dependent on.

   The legislature has mandated planning and land use regulation at the local level through various statutes including NRS 278 and has specifically included mandates and empowerment for natural resources planning and use, which includes wildlife. NRS 278.020 empowers counties with regulation of improvement of land taking into account "potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment." NRS 278 has many other locations speaking towards and even mandating inclusion of conservation elements and policies related to natural resources and wildlife habitat in local land use plans. NRS 278.243 empowers a "city or county whose governing body has adopted a master plan pursuant to NRS 278.220" to "represent its own interests with respect to land and appurtenant resources that are located within the city or county and are affected by policies and activities involving the use of federal land."

   Also, each and every county in the state is covered by at least one conservation district (CD) (NRS 548). Every county and incorporated city has appointed supervisors on the CD covering their boundaries (NRS 548.283). In NRS 548.105 the legislature has already "hereby declared, as a matter of legislative determination, that persons in local communities are best able to provide basic leadership and direction for the planning and accomplishment of the conservation and development of renewable natural resources through organization and operation of conservation districts." The CDs are specifically identified in existing law to address identified issues on the "basis assets" of "renewable natural resources…being affected by the ever-increasing demands of farm and ranch operations and by changes in land use from agricultural to nonagricultural uses, such as, but not limited to, residential and commercial developments, highways and airports" (NRS 548.095) and "conservation, protection, and controlled development of these renewable natural resources are necessary at such rate and such levels of quality as will meet the needs of the people of this State" (NRS 548.095) and "that the consequences of failing to plan for and accomplish the conservation and controlled development of the renewable resources of the State of Nevada are to handicap economic development and cause degeneration of environmental conditions important to future generations" (NRS 548.100). The Legislature has declared in NRS 548.113 "that conservation districts may be recognized as having special expertise regarding local conditions, conservation of renewable natural resources and the coordination of local programs which makes conservation districts uniquely suitable to serve as cooperating agencies for the purpose of the National Environmental Policy Act…any other federal laws regarding land management, and to provide local government coordination for the purposes of the

Federal Land Policy and Management Act…and any other federal laws regarding land management." These existing mechanisms of conservation districts should be relied on and bolstered.

We welcome and value a strong working relationship with federal and state resource agencies and wish to continue work in a coordinated way with these agencies. This is the reason Eureka County requested and advocated for passage of SB 157 in the 2015 Session. SB 157 amended NRS 277 to create and enact the State and Local Government Cooperation Act (NRS 277.187 through 277.188). This Act has the stated purpose "to encourage communication, cooperation and coordinated working relationships between state agencies and local governments." It continues with requirements for state agencies and counties to inform each other of their respective plans that may affect the other's jurisdiction, solicit and consider comments on the plan and determine if the plan will be inconsistent or incompatible with the others plan, and consider whether consistency or compatibility can be reached. Counties and NDOW should commit to this process already in statute and work within the already established intent of "communication, cooperation and a coordinated working relationship."

Further, every county in the State has an Advisory Board to Manage Wildlife (NRS 501) with and mandate to "solicit and evaluate local opinion and advise the [Wildlife] Commission on matters relating to the management of wildlife." This advisement could extend to county commissions and county planning commissions, other state agencies, and federal agencies.

We wish to reiterate that we welcome and value a strong working relationship with state and federal land and resource management agencies and wish to work in a coordinated way to improve resource management and address impacts to land and resources. We commit to this effort to find common ground towards this goal and wish for the Legislature to empower this local focus and community self-determination.

2. **Engage federal agencies and local governments in understanding how proper government-to-government coordination is not only required by law but is necessary for relationship building and sustainable management of our federally administered land resources—economically, socially, and environmentally. Consider establishing State policy (1) outlining expected coordination by federal land management agencies with the State and its local governments and (2) requesting consistency to the maximum extent possible with State and local government plans, policies, proposals, and controls.**

Congress has mandated time and time again that federal agencies coordinate their decision making with state and local governments. This mandate is repeated in the National Environmental Policy Act, the National Forest Management Act, the Federal Land Policy and Management Act, the Rangeland Renewable Resources Act and in numerous BLM and USFS rules and regulations. However, since agency personnel often do not know, understand, or apply what is required through this coordination obligation there is a failure to reach consistency, confusion runs rampant, distrust abounds, and even hostility between federal agency staff and local government arises. We believe that federal agencies should enter to formal coordination protocols with local governments that include and describe in

detail the process for coordination with local governments at every stage of the agency planning and decision processes especially regarding how to address inconsistencies with local land use plans, policies and laws.

Although coordination includes collaboration and consultation, coordination by definition is *not* synonymous with collaboration or consultation. Coordination by definition is "of the same order or degree; equal in rank or importance" (Merriam-Webster Dictionary). Therefore, coordination implies active participation of the local government at a level higher than afforded the general public. Only a local governmental entity, elected by the people and accountable to it, is able to incorporate and legitimize the compromises necessary for sustainable management of the lands that the community is so dependent on. Regular, principled coordination is the only way to put to rest past conflicts and allay fears about community viability threats down the road in addition to reducing the need for appeal and judicial review of agency management decisions. In the end we believe that including and properly defining coordination will work now to build and strengthen the foundation for the long-term while making the necessary management decisions at the necessary scale—the local scale.

The coordination and consistency requirements are imperative in providing the healthy tension and balance that gives necessary recognition, consideration, and incorporation of State and local interests. Help from the State Legislature to "remind" the federal land management agencies of their obligations is extremely important to all of Nevada to achieve consistency to the maximum extent possible with our plans, policies, and desires. This also would help build strong working relationships.

Please consider establishing State policy (1) outlining expected coordination by federal land management agencies with the State and its local governments and (2) requesting consistency to the maximum extent possible with State and local government plans, policies, proposals, and controls.

We suggest amending NRS Chapter 328 (Federal Lands) with something like:

1. ***The Legislature hereby declares the public policy of this State is for federal agencies to coordinate all their land use planning and management actions which affect any land or resources in this State with any relevant State agency and local government, including conservation districts, and that such coordination should result in efforts to achieve consistency, to the maximum extent possible, with State and local plans, policies, procedures, and controls.***
2. ***The Legislature hereby declares the public policy of this State is for federal agencies to develop formal coordination and consistency protocols with State agencies and local governments which should, at a minimum, include the following:***
    a. ***Early notification (prior to public notice) to the State agency or local government of all actions or plans of the federal agency that will affect the State or local citizens.***
    b. ***Opportunity for meaningful input by the State agency or local government with substantial weight and meaning applied by the federal agency to the input.***
    c. ***Federal agency be apprised of the State agency or local government policies, plans, and controls.***

d. Federal agency solicit State agency or local government interpretation of these policies, plans, and controls.

e. Federal agency adequately consider the State agency or local government policies, plans, or controls when working on federal agency policies, plans, or management actions.

f. Federal agency, through all practicable effort, make federal agency policies, plans, or actions consistent with the State agency or local government policies, plans, and controls.

g. When inconsistencies arise, federal agency should meet with State agency or local government in order to work towards consistency.

h. When consistency cannot be reached, federal agency must specifically justify and explain in writing why consistency could not be reached and any proposed effort to work towards consistency.

3. The Legislature hereby declares the Land Use Planning Advisory Council [NRS 321.740 through 321. 755] *as a forum for assistance to federal agencies and local governments in developing coordination and consistency protocols in accordance with subsection 2.*

3. **Bring land management, including land use planning, close to home. Only support planning, legislation, regulation, and policies that maximize multiple-use of public lands while providing for the sustainability of these lands economically, socially, and environmentally.**

We believe that any planning process, legislation or regulation must include and describe in detail the process for coordination with local governments especially regarding how to address inconsistencies with local land use plans, policies and laws.

Bureau of Land Management (BLM) regulations and the Federal Land Policy and Management Act (FLPMA) require that BLM's land use planning occur at a local or regional scale. Many of BLM's recent resource management plan amendments (RMPAs) including for utility-scale solar and greater sage grouse unlawfully incorporate a scale of planning for hundreds of millions of acres in a single land use plan that diminishes state and local coordination and disenfranchises those most directly affected. We ask the subcommittee to join various counties' and other western states' efforts to push back on these efforts and help bring land use planning back to the local level.

4. **Ensure Greater Sage-Grouse and habitats are conserved and managed according to the State's Plan and in coordination with local government plans, policies, and actions - Keep GSG conservation and management as close to home as possible.**

Unfortunately, the Bureau of Land Management's most recent Draft Greater Sage Grouse Resource Management Plan Amendment still has many inconsistencies with and still does not find alignment with the State Plan. Please help ensure the Nevada Greater Sage-grouse Conservation Plan and associated Conservation Credit System (CCS) are the standard in which Greater Sage-grouse (GRSG) are

managed in Nevada. The Nevada Plan and CCS must be fully implemented on federally-administered lands to ensure its effectiveness or let us know where the State must make any adjustments.

5. **Oppose any legislation, regulation, or administrative action that would allow, without support of the affected local governments, government agencies acquiring private agricultural lands or water, or removing multiple-use from public lands, or otherwise limiting or restricting working lands, for special or set-aside land designations.**

With the initiatives to "protect" or "conserve" benchmark acreages of land and water (i.e., Public Lands Rule, "30 by 30" or America the Beautiful, AJR 3 from the 2021 Session), it is imperative to define the meaning behind those terms. The National Geographic Society notes that "Conservation is similar to preservation, but while both relate to the protection of nature, they strive to accomplish this task in different ways. Conservation seeks the sustainable use of nature by humans, for activities such as hunting, logging, or mining, while preservation means protecting nature from human use."[1] Conservation seeks to manage lands and resources to provide for the three legs of sustainability – economic, environmental, and social. Preservation strictly limits human access and management and strives to "let nature be." As stated by the National Parks Service, "Put simply, conservation seeks the proper use of nature, while preservation seeks the protection of nature from use."[2]

We urge use and understanding of "conservation" as outlined by the USDA Natural Resource Conservation Service (NRCS)[3] whereas:

- "'Conservation' is often used vaguely, is frequently confused with other ideas. Sometimes the word is applied to projects that are not conservation. On the other hand, we may limit it too strictly by thinking only of what it means in a particular situation.
- Conservation does not mean non-use … Resources, as we know, are things which people plan to use for satisfying their needs. Something that is conserved for no use would cease to be a resource. Thus conservation is always concerned with an aspect of use.
- Some people believe that this aspect is keeping use constant over time. Conservation does not only mean keeping use constant over time…In special cases conservation does keep the use of a resource constant at the present level...But conservation cannot be restricted to such special cases.
- Conservation is concerned with the WHEN of use. Conservation, then, may increase use of a resource above the present level, may keep it constant, or may slow down the decrease.
- Conservation may be achieved in several ways… by reducing present use, which means [to forego] some present returns in order to realize greater future returns; or…conserve resources by expending present effort or costs without reducing present use—sometimes

[1] National Geographic Society Encyclopedia Entries https://www.nationalgeographic.org/encyclopedia/conservation/
[2] https://www.nps.gov/teachers/classrooms/conservation-preservation-and-the-national-park-service.htm
[3] https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/technical/econ/references/?cid=nrcs143_009757

even with increases in it. Sometimes [there is] a choice; sometimes only one is possible; sometimes [there is use of] both."

In working towards goals of conserving certain benchmark percentages of Nevada's lands and waters, there must be focus on these definitions of conservation which recognize the ecologic and socioeconomic reality that land and resource preservation will never provide the benefits to our society that true conservation – proper use – can and does.

There is a continuum between maximum resource use and preservation. We often see analyses look at multiple uses as being limited to two scenarios – use that is damaging to the resource or protection of the resource by limiting or eliminating use. Conservation efforts must recognize management that uses grazing, fuel management, timber harvest, or other management to provide resource benefits by using or managing the resource. It is important to not become stuck on the paradigm of resource protection in spite of use.

Top-down decrees and land-use restrictions such as many of those proposed in the "30 by 30" initiative alienate rural Nevadans and Americans who otherwise support healthy lands, waters, and wildlife. Rather than antagonize local and rural communities, work should be done with local and tribal governments and the private sectors with a local-driven focus built on proven models. Locally led conservation works if given the capacity. The focus must be on landscape conservation using incentives rather than heavy-handed regulation and set-aside restricted areas that are unsupported at the local levels.

Active and adaptive management of lands with a conservation bias instead of a protection bias has been shown to be better for healthy lands and waters and provides benefits to all resources and communities. As such, we subscribe to the ideal of Aldo Leopold and his view of conservation as distinct and often opposed to protectionism. As he wrote in the Sand County Almanac, "There is only one soil, one flora, one fauna, and one people, and hence only one conservation problem. Economic and esthetic land uses can and must be integrated…on the same acre." Leopold cautioned against "fixing the pump without fixing the well." We believe the same. For any natural resource issue to be solved, it must have economic solutions. Land "healing" or "restoration" must be attached to land "profitability" to work.

Working landscapes, actively and properly managed, are what will help us address the issues. Crucial to this vision is keeping private agricultural lands profitable. Much of the prime and invaluable wildlife and riparian habitat in the State is under private control. Many of these private agricultural lands are tied to ranching operations conducted on or in concert with federal administered lands. Anytime restrictions are placed upon the federally administered land, it only increases the possibility of land degradation on or subdivision of private lands—these restrictions do not solve the resource issues on a regional or global scale.

The biggest threat facing lands in the west are fire – both too much and too little. Many of our land health issues have arisen due to disruption of the historical fire cycles resulting in single-age, monotypic, non-diverse stands of vegetation such as decadent sagebrush and other woody species increases reducing herbaceous (grass and forb) diversity. Protected areas and hands off management results in either catastrophic fire or transition across an ecological threshold to a lower ecological state. These threats will never be reduced and will actually be increased by the addition of more acres to reserved or protected status.

There should instead be efforts to work with landowners and land users to incentivize conservation and focus on the 3 legs of the balanced sustainability stool - ecological, economic, and social. Many land protection initiatives like "30 by 30" or the recent Public Lands Rule create a lopsided stool that will eventually fall by putting too much emphasis in removing the management of man and recognizing economic uses as part of the solution.

Further, many scientists have increasingly discovered and shown that many areas we now call wilderness were managed and manipulated by human activities for thousands of years. Isolating dynamic, non-static ecosystems with hard boundaries in the name of protecting them simply does not work as is unfounded. Very recently, the paper by Ellis et al. (2021),[4] published in *Proceedings of the National Academic of Sciences of the United States of America* (PNAS), titled *People have shaped most of terrestrial nature for at least 12,000 years,* found that 72.5% of Earth's land has been shaped by human societies since as far back as 10,000 BC, including more than 95% of temperate lands. The paper also found that high biodiversity areas are compatible with, and in some cases a result of, people living in and managing these landscapes. The authors concluded, and we agree, "land use history confirms that empowering the environmental stewardship of Indigenous peoples and local communities will be critical to conserving biodiversity across the planet." Yet, many efforts to establish land "protections" seek to remove active influences of man with a false narrative of protecting remaining "untouched lands." Often, the rhetoric supporting this false narrative is also rampant.

Land users and managers operate at reduced capability in areas with mostly hands-off protection designations. They cannot implement sound management actions with respect to fire suppression, fuels reduction, recreational opportunity, livestock management, firewood cutting, mineral and energy exploration, and many other activities that when done right in a balanced way are clearly in the local, state, and national interest. Also, as Congress has passed laws to protect the environment, including the National Environmental Policy Act and the Federal Land Policy and Management Act, and as multiple-use on public lands has become more and more important to the American public, the outdated methods of set aside "protected" areas is out of touch with modern day realities.

[4] https://www.pnas.org/content/118/17/e2023483118. Also see https://www.newscientist.com/article/2274704-untouched-nature-was-almost-as-rare-12000-years-ago-as-it-is-now/.

We wish to be clear that we too want to address the issues identified as being "solved" through initiatives like the Public Lands Rule or "30 by 30." The way to do this is by working together with voluntary, incentive-based conservation measures that do not disenfranchise and offend rural communities and those dependent on and making a living from natural resource use.

6. **Provide funding support to the Attorney General's office to assist counties in the State to formally, and finally validate R.S. 2477 rights-of-way (i.e., Quiet Title Act) and/or seek Congressional action to assist in putting this issue to rest.**

Federal agencies continue to make it clear that they will not recognize current and historic rights-of-way on federal lands (i.e., R.S. 2477 rights-of-way) unless these rights-of-way are adjudicated in federal court (based on a recent 10th Circuit decision). This concerns us because the 10th Circuit decision that the federal agencies reference explicitly states, "this case does not involve ***county use or management*** of R.S. 2477 rights of way that ***do not conflict with a federal management regime*** on federal public lands...R.S. 2477 rights of way are in consistent use throughout the West and nothing herein purports to speak to or address the right to the continued existence and use of such roads as to which a conflict has not arisen." So, as long as there is no conflict with the "federal management regime" then there is no need for adjudication or determination of certain rights-of-way in any federal court and nothing should hold any county back from using and maintaining these roads. What we have found is that often, the federal agencies do not adequately, justifiably, and specifically state how certain rights-of-way that have been closed to travel conflict with their "management regime" narrowly defined through Federal law and regulation. The recent Greater Sage-Grouse Land Use Plan Amendments and recent Travel Management Plans of USFS have highlighted these issues that could have been avoided if title were validated and finalized.

If a final solution is not pursued now in Nevada, the controversy and arguing will continue to repeat over and over again, all at the expense of continued and historic access and multiple uses. SB 456 was passed in the 2015 Session that strengthened the provisions in NRS 405 to protect against travel restrictions and road closures. It also included direction to SLUPAC, NACO, and the Attorney General to "work cooperatively to develop, maintain and assist in the implementation of a legal protocol whereby a county may perfect its rights to and finalize title to an accessory road or a public road." SB 456 also urged the Attorney General "to take a leadership role in pursuing actions on behalf of the State and its counties in formalizing and finalizing title to accessory roads and public roads in this State…." SLUPAC has worked with NACO and the Attorney General on this effort, but this effort is hamstrung by lack of capacity. Formalizing and finalizing title to these rights-of-way is critical for the State and its local governments to have leverage and standing regarding issues of access to federally administered lands.

We ask that adequate funding be appropriated towards this effort and that this Subcommittee request a BDR seeking this appropriation. We request this Subcommittee support efforts to finalize title to all

accessory roads and public roads in Nevada to bring an end to ongoing controversy surrounding these adjudicated roads.

We do recognize the time and public resources required to go through a federal court adjudication of these roads can be excessive and the process cumbersome and protracted. We believe that resolution of this issue through Congress may also be a path to take. The Historic Routes Preservation Act (or similar) has sought to provide the clarity needed to move forward with a consistent and concise protocol to finally address RS 2477 rights of way in a manner beneficial to the State of Nevada, our counties, and other western states with clouded or unclear title on these important roads. The Subcommittee could also make a Congressional solution to RS 2477 title like The Historic Routes Preservation Act proposed in past Congresses (or similar) to provide direction on a consistent and concise protocol to finally address RS 2477 rights of way outside of Quiet Title Act litigation in a manner beneficial to the State of Nevada, our counties, and other western states with clouded or unclear title on these important roads.

7. **Work with federal land management agencies, primarily BLM, to review federal water rights filings to ensure agencies are not holding projects and uses hostage through assertion of water rights that would not be found valid if formally adjudicated through Nevada Water Law. Work to have federal policies removed which require water rights or water use in exchange for permits, leases, or other land improvements. Bolster State Engineer capacity to complete adjudications to settle these water rights issues.**

   There are dozens of filings by the federal agencies, primarily BLM, in our area for water rights. The Nevada law (NRS 533.503) that prohibits obtaining stockwatering rights by entities that do not hold a "legal or proprietary interest" in the livestock has reduced the filing by the agencies for stockwater rights. However, BLM has filed many Public Water Reserves (PWR 107 – based on Presidential Order 107 in 1926) ***and*** many vested claims asserting an appropriation and priority based on the Treaty of Guadalupe Hidalgo of 1848. Based on case law and other adjudications in Nevada, it is certain that most of these claims would be found invalid if adjudication were completed. Unfortunately, the State Engineer has not had the capacity to complete many adjudications.

   What has been occurring is BLM asserting their un-adjudicated claims as "rights" and requiring certain projects to develop mitigation outside of the involvement of the State Engineer and asserting seniority over other vested claims or permits (i.e., stockwater and irrigation) on federally administered lands precluding maintenance efforts and access of others of these waters. Often, BLM asserts that PWR 107 claims are for watering wild horses when these rights, if valid, are only for domestic and livestock watering purposes. Recent specific examples of this are with the General Moly Mt. Hope Project and livestock watering/wild horse conflicts in Antelope Valley.

   Federal agencies must also stop asserting rights on waters where it is obvious their claims would not stand if adjudicated.

Further, federal agencies, are following informal "policies" and attempting to acquire or extort water rights from private individuals for projects on USFS and BLM administered lands. Further, even when the federal agencies do not acquire a water right, they are requiring water for other uses regardless of there being an underlying water right for those particular uses. This has taken place in Nevada on livestock water rights and federal agencies have in effect placed moratoria on water development and improvement projects unless water rights or water use are signed over to them. As an example, the current BLM Cooperative Rangeland Improvement Agreement form (Form 4120-6) has language as follows:

> 12. Any water right acquired o n or after August 21, 1995 to use water on public lands associated with this improvement will be held in the name of the United States, if permitted under State Law. Co-application or joint ownership by permittees or lessees of water rights for purposes of livestock water will be allowed where State Law permits the practice.
>
> 13. Any water developed, improved, or impounded under this cooperative agreement will be available for wildlife and free roaming wild horse and burro use and other authorized public use to the extent that such use is consistent with the multiple-use management objectives for the area.

This is all occurring at the expense of rangeland resources, ranching operations, and economies. There is a need to protect those uses of federally administered lands that rely on privately held water rights by prohibiting federal agencies from extorting water rights in trade for a permit, lease, or other land improvement. Of course we recognize that wildlife and wild horses will drink from the water developments on federal managed land. This developed water benefits all animals on these lands. But to require the water to be available to wildlife and horses, especially groundwater through a pumped well (in which Nevada water law does not provide customary access like a spring under NRS 533.367) is nothing more than a federal water grab.

We ask the Subcommittee to:

i. Send a letter to BLM and US Forest Service request of them to do what is right and review all of their water rights filings statewide and withdraw those vested claims that are questionable or unjustified. Include in the letter a request of the federal agencies to rescind and abandon their policies requiring water rights or water use in exchange for permits, leases, or other land improvements. BLM specifically should be requested to review all of their PWR 107 claims statewide and withdraw (or vacate) those that do not meet the primary purpose or minimal need of PWR 107. A copy of the letter should go to the national leadership of both agencies (Secretaries and Under Secretaries, at a minimum).

ii. Send a letter to the State Engineer regarding adjudications with claimed PWRs 107 and request the State Engineer do more analysis on important factors than just water flows to determine the validity of PWR 107 claims. Note in the letter that a determination on the validity of any claimed PWR 107 is not just simply a reservation of an amount of water. Valid PWRs are land reservations reserving either the 40 acre land subdivision in which the PWR spring lies, in cases

of surveyed land, or one-quarter of a mile of land around every PWR spring, in cases of unsurveyed land. The approach by the State Engineer in making determinations on PWRs through simple flow rate analysis has major implications on the multiple-uses of public land and in effect locks up thousands of acres of public land from many multiple uses including non-metalliferous mining, oil and gas exploration and development, rights of way, and range improvements, among other uses. Note that the State Engineer must complete the necessary field work or evidence review to justify whether-or-not PWRs are valid. There must be field investigations and a thorough investigation of the other pre-existing water rights that exist on many of the same water sources. Further, there must be a review and analyses of General Land Office (GLO) records, BLM Master Title Plats and other Plat maps, existing rights and infrastructure recorded through deeds, etc. to justifiably conclude that either the 40 acre land subdivision in which the PWR spring lies, in cases of surveyed land, or one-quarter of a mile of land around every PWR spring, in cases of unsurveyed land, were actually "vacant" or "unappropriated" as required in the 1926 Executive Order. Such analyses would find many claimed PWRs do not meet this standard.

8. **Ensure that tax revenues from mineral proceeds derived from taxes imposed by the State are justly shared with the County in which the non-renewable resource was extracted and where impacts exist. Oppose efforts to impose federal mineral leases and royalties (as opposed to current locatable claiming and no federal royalty).**

While times have been good for mining counties over the past few years, with the decline in gold prices around mid-2013 through 2015, we saw precipitous declines in mineral net-proceeds at levels similar to the late 1990s and early 2000s. Keep in mind that gold prices during this same time frame (late-1990s) was less than $400/oz. Current gold prices are testing record high and bouncing around $2300/oz. This highlights the volatility of mining and the proverbial "boom or bust." Eureka County is no stranger to this roller coaster. We have planned and budgeted in a way to minimize impacts to our necessary services and operations when gold prices drop. However, minerals proceeds during good times are the way in which we fund capital improvements to keep our communities strong and vibrant well into the future. We are concerned that changes to the mining taxing structure would result in our inability to fund necessary projects and improvements even when mining is booming. Currently, under the net-proceeds of minerals taxing scheme, 60% of all net-proceeds from Eureka County already accrue to the State in addition to any other "normal" state taxes on mining that other businesses pay. Simply, the State already receives 60% of the mineral net-proceeds generated in Eureka County.

There are also current pushes in Congress to amend the mining law and shift mining from a mineral location (claims) system to a mineral leasing system (similar to oil and gas) with a federal royalty imposed (currently, there is no federal royalty on minerals extracted from federally managed land). This is a dangerous proposition. Undoubtedly, a federal lease and royalty system would create a negative fiscal impact on the State and counties. A federal lease or royalty would decrease the amount collected through Net Proceeds of Minerals Tax. The federal government would simply divert funding

that is kept in the State and counties. Further, marginal mining projects would not be able to pencil to a profit if they had to pay for a federal lease – adding to the already tenuous boom and bust.

As mentioned, there are already marginal small mining projects in the State and Eureka County with the current taxing structure. Additional tax burdens could simply put small operations out of business. Potentially, only big business (large mines with large public service impacts) may survive. The State should be creating a culture of promoting small business and not creating survival only if you are a Titan. Right now, the bulk of the proposed mining projects coming on-line in or adjacent to Eureka County, are small and economically marginal. These marginal projects don't walk away with piles of proceeds. They make modest gains and provide innumerable direct, indirect, and induced benefits to local Nevada economies. Our experience is that these smaller mines become more invested in local communities and have more impetus for neighborly behavior and solid relationships with communities.

Any reductions in mining proceeds to counties, through the State or federal government, would almost guarantee that general citizens of these counties that are not at the current maximum tax levy will receive a local tax increase to make up the shortfall, by default, increasing taxes on general Nevada citizens, let alone mining.

9. **Support efforts to streamline permitting of activities on federally administered land at both the State and federal level while conserving natural resources and protecting local engagement.**

   A lot of permitting red tape can be reduced and should occur. However, this should not come at the expense of local government and citizen involvement. Permitting reform and streamlining efforts should only focus on what is truly overly bureaucratic, cumbersome, and redundant but should not result in "corner cutting" of necessary natural resource and community protection and local government coordination and consultation.

10. **Strongly oppose any effort that would allow permanent retirement of grazing permits on federally administered land.**

    Loss of grazing land has a direct and induced negative impact upon the economy and social glue of all rural Nevada that can and has been quantified. There have been efforts in Congress to pass legislation allowing for retirement of grazing permits. Further, many BLM RMP's in the West including the Sage Grouse RMPA has language to permit retirement of grazing permits.

    Our local ranchers face ever-increasing uncertainty as to the future of their livestock grazing permits on these lands administered by the BLM and U.S. Forest Service. Through no fault of their own, these families risk tremendous social and financial losses of their grazing permits due to being assailed with lawsuits by extreme special interest groups whose stated purpose is to eliminate livestock grazing from public lands. These lawsuits consume considerable agency resources, further delaying the required NEPA analyses and perpetuating the cycle of missed deadlines and litigation. Grazing permit

retirement authorizations magnify this already tenuous situation and opens ranching operations to the threat and intimidation of increased litigation intending to make "willing sellers" out of every ranching family on the range. Ranchers and our rural economies should be protected from such shakedowns.

The continued success and viability of our local livestock operations holds great implications for the landscapes and rural economies of the entire west. Failed operations lead to the fragmentation of private and public lands and the loss of wildlife habitat and socioeconomic stability. Communities like ours that depend on the continued presence of ranchers with permits to graze on federally administered lands are already experiencing the hardships that accompany the loss of grazing permits or reduction in permitted livestock numbers.

Livestock grazing does not equate to negative impact. Much recent sophisticated rangeland research has shown that proper livestock grazing actually helps reach certain objectives such as weed control, fire reduction and habitat improvement. It's not the cow, but the how. If grazing permit retirement authorization were to happen, these ecological benefits of livestock grazing would also become unavailable to the land management agencies. Resulting hazardous fuel buildup and decline in land condition would ensue.

11. **Pursue efforts with BLM, USFS, and grazing permittees to ensure that 1) management decisions are based upon the best rangeland science; 2) flexibility is built into grazing permits to allow for adaptive management as issues and concerns arise; and 3) that the quality and quantity of data collected can support all decisions made based on clear and measurable resource objectives.**

We continue to be concerned about unjustified and arbitrary restrictions of livestock grazing in certain areas due to perceived adverse impacts of livestock grazing. There are two illustrative examples of how we have experienced this happening. First, when a vegetation treatment takes place in a grazing allotment (i.e., fuels reduction or wildlife enhancement), these projects are usually small in area compared to the entire allotment. However, the entire allotment is often closed to grazing for two years or more to allow for vegetative objectives to be met. The problem is that the objectives stated are often so vague or arbitrary (i.e., immeasurable) that the closures continue for many more years because the objectives, according to BLM, are not met. Further, a small treatment (or burn) often takes place and the allotment is closed to grazing for two years and just before the two years of grazing closure are about up, another small treatment (or burn) occurs in the same allotment starting another grazing closure for two more years. Second, more and more allotments are receiving livestock grazing closures because of drought and/or during the hot months of the year because of subjective determinations of adverse impacts on vegetation, primarily riparian impacts. Our concern is that the monitoring data and background information going into making these restrictive decisions are often based on flawed and subjective observations and not based on current rangeland science.

There is a general misuse of and reliance on the US Drought Monitor (USDM) in justifying grazing restrictions. Borrowing from definitions from the Society for Range Management, the various BLM Drought Management EAs define drought as:

- A prolonged chronic shortage of water, as compared to the norm, often associated with high temperatures and winds during spring, summer, and fall.
- A period without precipitation during which the soil water content is reduced to such an extent that plants suffer from lack of water.

An area can be in drought because of lack of snow and streamflow but well-timed precipitation events often result in normal to above normal vegetation conditions. Simply put, the rangeland forage in many areas across the state is normal to above normal due to spring and summer rains and the second definition of drought (vegetation conditions) is not occurring. We have seen specific examples of ranchers being forced into so-called "voluntary" grazing reductions or Full Force and Effect decisions based on the area being in drought while the rangeland conditions on the ground do not support that conclusion.

In regards to forage availability and rangeland condition, timing of precipitation is much more important that total precipitation. Studies from University of Idaho concluded that precipitation in only two months, May and June, explained 72% of forage species (crested wheatgrass) annual variability and including April would explain nearly all of the variation (Shape, Sanders, and Rimbey 1992). Other perennial grasses would exhibit the same. This means that overall, the area may be in drought based simply on annual precipitation, but good storms at the right time of the year can provide ample and even excess forage. We have documented rainfall at the right times, in most of the right places, growing normal to above normal vegetation even while springs and streams are dry.

The USDM has the disclaimer "Additional indicators are often needed in the West, where winter snowfall in the mountains has a strong bearing on water supplies... [t]he U.S. Drought Monitor provides a consistent big-picture look at drought conditions in the United States. Although it is based on many types of data, including observations from local experts across the country, we don't recommend using it to infer specifics about local conditions." The technical reference for the USDM highlights that water supply indicators such as snowpack, streamflow, groundwater levels, and reservoir levels have heavy weightings in determining severity of drought. We are not disputing that we are often in drought conditions in Nevada. Often these drought conditions are driven by an overall lack of moisture, primarily snow, to recharge our springs, streams, and groundwater supplies. Again, it is imperative to consider that forage and rangeland health is primarily driven by late spring and early summer rain events, not snow.

A metric that has not been actively used when taking broad scale assessments of forage availability and rangeland condition is the Vegetation Drought Response Index (VegDRI) (http://vegdri.unl.edu/Home.aspx). In fact, the BLM Drought EAs state that the USDM will be used alone only to identify areas of water shortage. Yet, the EAs also state that the USDM and the Vegetation Drought Response Index (VegDRI) would be consulted in tandem to be the first step in "determine drought afflicted areas and vegetation condition as it pertains to drought stress" (p. 4). We contend that BLM is often purposefully choosing to overlook the VegDRI as the first step in determining where to focus site-specific monitoring because the vegetation conditions exhibited

according to VegDRI do not highlight severe or extreme drought as does the USDM. As previously mentioned, the USDM is primarily for making broad scale assessments on water supply and determining federal drought assistance. Any vegetation information going into the USDM is also "outweighed" by the other water specific indicators. According to the VegDRI references, "VegDRI maps are produced every two weeks and provide regional to sub-county scale information about drought's effects on vegetation….The VegDRI calculations integrate satellite-based observations of vegetation conditions, climate data, and other biophysical information such as land cover/land use type, soil characteristics, and ecological setting. The VegDRI maps that are produced deliver continuous geographic coverage over large areas, and have inherently finer spatial detail (1-km2 resolution) than other commonly available drought indicators such as the U.S. Drought Monitor." There is also a misuse of the US Drought Monitor in justifying grazing restrictions. An area can be in drought because of lack of snow and streamflow but well-timed precipitation events often result in normal vegetation conditions. These examples above place ranchers in the often untenable position of not being able to provide for the needs of their livestock at the right time of the year. Also, in some examples, these restrictions could be seen as a taking since the grazing season-of-use is not in line with the permitted use of the water right appurtenant to riparian areas.

We have found that under the above circumstances, any real resource burden is often shifted to private lands. Much of the prime and invaluable wildlife and riparian habitat in the State is under private control. Anytime grazing restrictions are placed upon the federally administered land, it only increases the possibility of land degradation on private lands—these restrictions do not solve the resource issues on a regional or global scale.

We ask the Subcommittee for assistance in exhorting federal land management agencies to quit misusing drought as an umbrella excuse to reduce grazing in situations where drought is truly not impacting rangeland conditions and to avoid unjustified, arbitrary and subjective grazing restrictions on federally administered lands. We ask the Subcommittee to assist with the following:

1) Help ensure agencies separate hydrologic and vegetative drought and do no rely on USDM for drought determinations regarding vegetation. Instead, properly use VegDRI and incorporate other indices such as those being researched by DRI and Dr. Justin Huntington.
2) Federal agencies in coordination with grazing permittees must ensure that management decisions are based upon the best rangeland science, that flexibility is built into grazing permits to allow for adaptive management as issues and concerns arise, and that that quality and quantity of data collected can support all decisions made;
3) Before imposing grazing restrictions or seeking changes in livestock stocking rates or seasons of permitted use, federal agencies in coordination with grazing permittees must identify and implement all economically and technically feasible livestock distribution, forage production enhancement, weed control programs, prescribed grazing systems, off-site water development by the water rights holder, shrub and pinyon/juniper control, livestock salting/supplementing plans, and establishment of riparian pastures and herding; and

4) Federal agencies in coordination with grazing permittees must assure that all grazing management actions and strategies fully consider impact on property rights of inholders and adjacent private land owners and consider the potential impacts of such actions on grazing animal health and productivity.

12. **Promote and support efforts to obtain and manage wild horse and burro herds at Appropriate Management Levels (AML). This would include supporting "The Path Forward for Management of BLM's Wild Horses & Burros" and the federal funding to reach AML while avoiding unconditional sale and lethal management.**

    Nevada's rangelands continues to take more than its fair share of the adverse impact of wild horse and burro population numbers that far exceed what the resources can sustain for healthy horses and healthy, working rangelands. We cannot continue on the path we are on. It is imperative that something be done now to conserve and restore the health of these rangelands negatively affected by excess horses.

    We request the Subcommittee take formal action to support "The Path Forward for Management of BLM's Wild Horses & Burros" and make a recommendation that both BLM and Congress move forward with providing the funding and capacity to fully implement it in order to achieve AML in 10 years.

    In the past, Eureka County Board of Commissioners has requested BLM be given the full-suite of tools authorized in the Wild and Free Roaming Horses and Burros Act of 1971, as amended. This would include unconditional sale and lethal management. Our local plans and policies call for implementing the Wild and Free Roaming Horses and Burros Act of 1971, as amended. BLM and Congress have lacked the fortitude to accept and work towards implementation of your most difficult but necessary recommendations - fully use all tools authorized under the Wild and Free Roaming Horses and Burros Act of 1971, as amended, and sell or humanely euthanize excess horses that are unadoptable.

    However, the Eureka County Board of Commissioners fully and firmly stands behind the "The Path Forward for Management of BLM's Wild Horses & Burros" and has formally and unanimously voted on at least three separate occasions to support the proposal. While we have policy stating support of full implementation of the Act, we have a strong bias towards solutions that bring excess horses to levels conducive to rangeland health without using unconditional sale and lethal management. We will always support management options which bring excess herd to AML in a timely way while avoiding unconditional sale and lethal management. "The Path Forward for Management of BLM's Wild Horses & Burros" is the only proposal we have seen that takes this approach and actually models the ability to reach AML.

13. **Support expansion of current efforts by a diverse group of agencies and individuals (e.g., Nevada P-J Partnership) to implement landscape scale projects utilizing pinyon-juniper woodland biomass in a**

way that benefits energy production, rangeland health, wildlife habitat, hydrologic function, and economic stability.

One of the primary natural resource issues throughout much of the Great Basin is the vast encroachment of pinyon-juniper woodlands (P-J) into sagebrush ecological sites. Dr. Robin Tausch estimates that P-J have increased beyond areas of native occupation by 125 to 625 percent since 1860 in the Intermountain West and presently occupy nearly 45 million acres. This shift to P-J woodland dominance within sagebrush ecosystems has significant impacts on soil resources, plant community structure and composition, forage quality and quantity, water and nutrient cycles, wildlife habitat, biodiversity, and fire severity and frequency. It is argued that the geographic range inhabited by sage grouse has declined substantially in recent decades. Encroachment of P-J woodlands into sagebrush ecological sites has reduced available habitat for sage grouse and other wildlife species and forage for livestock and wild horses. The BLM, USFS, NRCS and NDOW have recognized the impact of P-J encroachment on wildlife habitat and rangeland health.

Pinion-juniper woodlands are a tremendous renewable resource available to Nevada and there are novel and innovative approaches and opportunities to use the biomass created in these encroaching and infilling P-J communities to create energy and other economic benefits ecological problem of P-J encroachment. Please support expansion of current efforts by a diverse group of agencies and individuals (e.g., Nevada P-J Partnership) to implement landscape scale projects utilizing pinyon-juniper woodland biomass in a way that benefits energy production, rangeland health, wildlife habitat, hydrologic function, and economic stability.

CONCLUSION

The issues that we have highlighted above are not unique to just Eureka County. We welcome the opportunity to actively pursue solutions to these issues with you. Please do not hesitate to contact us if you have any questions or would like to discuss further.

ATTACHMENT B-6

Jesse Hill, Chair
Tom Hoss, Vice Chair
Ken Tipton, Commissioner
Ron Cerri, Commissioner
Tom Hoss, Commissioner
Mark Evatz, Commissioner

Humboldt County Courthouse
50 West Fifth Street Room 205
Winnemucca, Nevada 89445

Humboldt County, Nevada

VIA ELECTRONIC TRANSMISSION: NRInterim@lcb.nv.state.us; Jann.Stinnesbeck@lcb.nv.state.us

July 2024
Subcommittee on Public Lands of the Joint Interim Standing Committee on Natural Resources
Humboldt County Requests

RE: Recommendations for the Subcommittee on Public Lands of the Joint Interim Standing Committee on Natural Resources

Dear Senator Pazina,

The Humboldt County Board of Commissioners ("Humboldt County") appreciates the opportunity to submit recommendations to the Committee for its consideration. Humboldt County (like Nevada generally) is dominated by federal lands, which make up almost 82% of our County's land mass. These Federal lands are managed by the Bureau of Land Management (BLM) (responsible for managing 71% of all lands within the County) the U.S. Fish and Wildlife Service (managing over 6% of lands within the County) and the U.S. Forest Service (with stewardship of almost 5% of lands within the County.) A mere 17.7% of County lands are privately owned. As a result, in Humboldt County natural resource and public lands issues have profound effects on our economy, on public health and safety, and on our community character and valued way of life.

Due to the shifting priorities of the current administration in Washington, the historic agricultural, mining, and recreational foundation of Humboldt County's economy and lifestyle is under threat. We urgently call on our Legislature to adopt clear, timely statutes and policies that defend balanced, sustainable natural resource uses, maintain multiple-use working landscapes, and keep decision-making local and closely coordinated with county governments who understand and represent the needs of local Nevadans. To this end, we here join and incorporate Eureka County's recommendation letter (see attached) in its entirety. Below, we reiterate some of the key requests from the Eureka County letter. We also add one additional request for the Committee's consideration.

Key requests from the Eureka County letter:

- ❖ Consider establishing State policy (1) outlining expected coordination by federal land management agencies with the State and its local governments and (2) requesting consistency to the maximum extent possible with State and local government plans, policies, proposals, and controls.

- ❖ Consider adopting a resolution opposing federal "landscape scale" or "west-wide" planning efforts and supporting federal land use planning developed locally at the field office level.

- ❖ Seek to ensure that the Nevada Greater Sage-grouse Conservation Plan and associated Conservation Credit System (CCS) are the standard by which Greater Sage-grouse (GRSG) are managed in Nevada.

- ❖ Consider adopting a resolution opposing restrictive (non multiple-use) federal land designations that do not have the support of local communities.

- ❖ Provide funding support to the Attorney General's office to assist counties in the State to formally validate R.S. 2477 rights-of-way (e.g. through the Quiet Title Act) and/or seek Congressional action to achieve a similar result.

- ❖ Ensure, through coordination with the State Engineer, as well as with the BLM and Forest Service, that all federal water claims are valid and justified under Nevada state law.

- ❖ Ensure that tax revenues from mineral proceeds derived from taxes imposed by the State are justly shared with the County in which the resource was extracted. Formally oppose federal proposals to impose a mineral lease and royalty payment structure.

- ❖ Oppose any effort that would allow permanent retirement of grazing permits on federally administered land.

- ❖ Formally support "The Path Forward for Management of BLM's Wild Horses & Burros" and seek federal funding for its implementation.

Additional Recommendation Advanced by Humboldt County

1) Adopt "Smart from the Start" Solar Development as a State Policy.

Nevada is currently the epicenter of a solar development boom. While solar energy is an important newcomer to the BLM's public lands portfolio, it is profoundly impacting rural Nevada in ways that require better planning. Not only does solar development industrialize huge swaths of the natural landscape, but these huge industrial developments eliminate all other uses in their footprint—such as livestock grazing, mining, and recreation—and effect air, water, wildlife, and viewsheds far outside their footprint. As

renewable energy development on the public lands rapidly expands, Nevada must take clear steps to ensure that solar projects are mindfully sited and do not harm rural communities, essential resources, wildlife, or the natural landscapes which all Nevadans enjoy. To this end, Humboldt County, the Nevada Association of Counties (NACO), and several partner counties together with the Nature Conservancy developed the "Western Alliance Smart from the Start" alternative as a proposed alternative during the BLM's Utility-Scale Solar PEIS / RMPA planning process. Among its stipulations, the Smart from the Start approach would ensure that solar development on public lands do not encroach on rural communities, source water protection areas, important wildlife habitat, and are located on verified "disturbed" lands, thereby ensuring that intact, valuable habitat is not being unnecessarily industrialized when lower quality areas are available. Notably, the State of Utah (an early adopter and supporter of the Nevada-based Smart from the Start alternative) is updating its State Resource Management Plan to incorporate Smart from the Start planning for solar development. We request that the State of Nevada similarly adopt a state policy supporting Smart from the Start solar development as described below:

Western Alliance

Smart from the Start Alternative

I. The *Western Alliance Smart from the Start* alternative requires (in addition to programmatic resource-based exclusions) that solar development only occurs on public lands within ten (10) miles of existing or authorized utility transmission lines that are both "disturbed" and "low conflict" such that—

A. "Disturbed lands" are either:

1. Lands verified as having heavy anthropogenic disturbance (such as abandoned or reclaimed mining sites or lands that have been identified by a state or local land use plan as brownfields for redevelopment) or;
2. Lands verified as having greater than 40% invasive annuals and on which the ecological site description (ESD) and associated state and transition model (STM)/disturbance response group do not have a restoration pathway back to non-invasive vegetative communities.

B. "Low conflict lands" are lands that:

1. Are neither in "core" nor "growth" sagebrush areas (according to the USFWS Sagebrush Conservation Design), and;
2. Are set back by at least a mile-wide buffer zone from agricultural uses, homes, source water protection areas, important wildlife habitat (e.g. GRSG PHMA and GHMA), and cultural or historical resources, and;
3. Do not include lands identified in an applicable resource management plan (RMP) as suitable for disposal if disposal criteria include meeting local public purposes (including community expansion, recreation, and economic development), and;
4. Do not include important habitat connectivity zones or migration corridors, and;

5. Either do not have valid preexisting rights, permitted uses, or public access routes, or, if these are present, impacts to them are minimized and mitigated, and;
6. Are identified through consultation and coordination with relevant local and state government agencies as being appropriate for utility scale renewable energy development.

II. The *Western Alliance Smart from the Start* alternative will include a provision stating that lands mapped as being open to solar development (i.e. are mapped as "disturbed" and "low conflict") may be based on modeling and that specific project proposals must be reviewed on a case-by-case basis to ensure the proposed site meets all the above criteria. To summarize, under the *Western Alliance Smart from the Start* alternative, solar development land allocation maps provide an educated guess at which lands are open to solar development, but mapped designations must be confirmed by on-the-ground disturbance verification and coordination with local and state government agencies to confirm "low impact" status.

In conclusion, Humboldt County appreciates the opportunity to make the above proposals to the Committee. If we can answer any questions or be of further assistance, please do not hesitate to reach out to County Manager Don Kalkoske.

Sincerely,

Jesse Hill

Jesse Hill, Chairman

Humboldt County Board of Commissioners

CC: Jann Stinnesbeck, Principal Policy Analyst at Nevada Legislative Counsel Bureau

EUREKA COUNTY BOARD OF COMMISSIONERS

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July 2024
Subcommittee on Public Lands of the Joint Interim Standing Committee on Natural Resources
Eureka County Update and Requests

For more information, please contact:
Jake Tibbitts, Eureka County Natural Resources Manager, jtibbitts@eurekacountynv.gov

BACKGROUND

Like Nevada as a whole, Eureka County is composed of a large federal land holding. Eighty-one percent of Eureka County's land area is made up of federally administered land, primarily Bureau of Land Management and Forest Service. Eureka County is primarily driven by mining, farming, and ranching. Nearly all of Eureka County's employment is in the natural resources sector and the community's viability is largely dependent on activities conducted on or in concert with federally managed lands.

OVERARCHING ISSUES

- Private land makes up only 13% of Eureka County's total land area. Dependency on federally administered land can limit and create uncertainty for our long-term socio-economic stability and viability but also provides many opportunities for coordination and partnership with diverse entities.
- Lack of effort by the federal land management agencies to adequately coordinate their land management activities and decisions with the local plans, policies, and desires of Eureka County works to undermine sound land management and often creates adversarial relationships between the agency, the County, and proponents of projects on public land within the County.
- Regulations, legislation, policies, or projects that (1) reduce access to public lands, (2) minimize sustainable multiple-use of public land and (2) increase our dependence on federal dollars undermine local efforts to bring socio-economic stability and balance.

- Government programs aimed at offsetting the economic limitations of large federal land holdings (e.g. PILT and SRS) do not address the impacts to the core social and economic values that we must overcome. Further, revenue derived from resource use and extraction from public lands is not always justly shared with affected counties in which the lands and resources are located.
- Eureka County is fully supportive of any project that comes into the County if it is done right and in a sustainable way—socially, environmentally, and economically. We work hard to ensure that any project will be done in a way that is not too disruptive to the current character, social climate, and natural resources of Eureka County.
- Non-participatory opposition to local, coordinated land planning and management is undermining application of good stewardship to Federal lands. Directed, malicious opposition by some groups is compromising the health, safety and welfare of local citizens throughout our county (and the west), reducing the overall socio-economic viability of the affected communities, and undermining coordinated resource management from diverse interests.

REQUESTED ACTIONS

1. **Empower, recognize, trust, and rely on locally led efforts to address public lands issues and projects.**

   Counties and conservation districts are well positioned to work across diverse interests and landowners and land users to make the compromises necessary for sustainable management of the public lands and resources local communities are so dependent on.

   The legislature has mandated planning and land use regulation at the local level through various statutes including NRS 278 and has specifically included mandates and empowerment for natural resources planning and use, which includes wildlife. NRS 278.020 empowers counties with regulation of improvement of land taking into account "potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment." NRS 278 has many other locations speaking towards and even mandating inclusion of conservation elements and policies related to natural resources and wildlife habitat in local land use plans. NRS 278.243 empowers a "city or county whose governing body has adopted a master plan pursuant to NRS 278.220" to "represent its own interests with respect to land and appurtenant resources that are located within the city or county and are affected by policies and activities involving the use of federal land."

   Also, each and every county in the state is covered by at least one conservation district (CD) (NRS 548). Every county and incorporated city has appointed supervisors on the CD covering their boundaries (NRS 548.283). In NRS 548.105 the legislature has already "hereby declared, as a matter of legislative determination, that persons in local

communities are best able to provide basic leadership and direction for the planning and accomplishment of the conservation and development of renewable natural resources through organization and operation of conservation districts." The CDs are specifically identified in existing law to address identified issues on the "basis assets" of "renewable natural resources…being affected by the ever-increasing demands of farm and ranch operations and by changes in land use from agricultural to nonagricultural uses, such as, but not limited to, residential and commercial developments, highways and airports" (NRS 548.095) and "conservation, protection, and controlled development of these renewable natural resources are necessary at such rate and such levels of quality as will meet the needs of the people of this State" (NRS 548.095) and "that the consequences of failing to plan for and accomplish the conservation and controlled development of the renewable resources of the State of Nevada are to handicap economic development and cause degeneration of environmental conditions important to future generations" (NRS 548.100). The Legislature has declared in NRS 548.113 "that conservation districts may be recognized as having special expertise regarding local conditions, conservation of renewable natural resources and the coordination of local programs which makes conservation districts uniquely suitable to serve as cooperating agencies for the purpose of the National Environmental Policy Act…any other federal laws regarding land management, and to provide local government coordination for the purposes of the Federal Land Policy and Management Act…and any other federal laws regarding land management." These existing mechanisms of conservation districts should be relied on and bolstered.

We welcome and value a strong working relationship with federal and state resource agencies and wish to continue work in a coordinated way with these agencies. This is the reason Eureka County requested and advocated for passage of SB 157 in the 2015 Session. SB 157 amended NRS 277 to create and enact the State and Local Government Cooperation Act (NRS 277.187 through 277.188). This Act has the stated purpose "to encourage communication, cooperation and coordinated working relationships between state agencies and local governments." It continues with requirements for state agencies and counties to inform each other of their respective plans that may affect the other's jurisdiction, solicit and consider comments on the plan and determine if the plan will be inconsistent or incompatible with the others plan, and consider whether consistency or compatibility can be reached. Counties and NDOW should commit to this process already in statute and work within the already established intent of "communication, cooperation and a coordinated working relationship."

Further, every county in the State has an Advisory Board to Manage Wildlife (NRS 501) with and mandate to "solicit and evaluate local opinion and advise the [Wildlife]

Commission on matters relating to the management of wildlife." This advisement could extend to county commissions and county planning commissions, other state agencies, and federal agencies.

We wish to reiterate that we welcome and value a strong working relationship with state and federal land and resource management agencies and wish to work in a coordinated way to improve resource management and address impacts to land and resources. We commit to this effort to find common ground towards this goal and wish for the Legislature to empower this local focus and community self-determination.

2. **Engage federal agencies and local governments in understanding how proper government-to-government coordination is not only required by law but is necessary for relationship building and sustainable management of our federally administered land resources—economically, socially, and environmentally. Consider establishing State policy (1) outlining expected coordination by federal land management agencies with the State and its local governments and (2) requesting consistency to the maximum extent possible with State and local government plans, policies, proposals, and controls.**

   Congress has mandated time and time again that federal agencies coordinate their decision making with state and local governments. This mandate is repeated in the National Environmental Policy Act, the National Forest Management Act, the Federal Land Policy and Management Act, the Rangeland Renewable Resources Act and in numerous BLM and USFS rules and regulations. However, since agency personnel often do not know, understand, or apply what is required through this coordination obligation there is a failure to reach consistency, confusion runs rampant, distrust abounds, and even hostility between federal agency staff and local government arises. We believe that federal agencies should enter to formal coordination protocols with local governments that include and describe in detail the process for coordination with local governments at every stage of the agency planning and decision processes especially regarding how to address inconsistencies with local land use plans, policies and laws.

   Although coordination includes collaboration and consultation, coordination by definition is *not* synonymous with collaboration or consultation. Coordination by definition is "of the same order or degree; equal in rank or importance" (Merriam-Webster Dictionary). Therefore, coordination implies active participation of the local government at a level higher than afforded the general public. Only a local governmental entity, elected by the people and accountable to it, is able to incorporate and legitimize the compromises necessary for sustainable management of the lands that the community is so dependent

on. Regular, principled coordination is the only way to put to rest past conflicts and allay fears about community viability threats down the road in addition to reducing the need for appeal and judicial review of agency management decisions. In the end we believe that including and properly defining coordination will work now to build and strengthen the foundation for the long-term while making the necessary management decisions at the necessary scale—the local scale.

The coordination and consistency requirements are imperative in providing the healthy tension and balance that gives necessary recognition, consideration, and incorporation of State and local interests. Help from the State Legislature to "remind" the federal land management agencies of their obligations is extremely important to all of Nevada to achieve consistency to the maximum extent possible with our plans, policies, and desires. This also would help build strong working relationships.

Please consider establishing State policy (1) outlining expected coordination by federal land management agencies with the State and its local governments and (2) requesting consistency to the maximum extent possible with State and local government plans, policies, proposals, and controls.

We suggest amending NRS Chapter 328 (Federal Lands) with something like:

1. ***The Legislature hereby declares the public policy of this State is for federal agencies to coordinate all their land use planning and management actions which affect any land or resources in this State with any relevant State agency and local government, including conservation districts, and that such coordination should result in efforts to achieve consistency, to the maximum extent possible, with State and local plans, policies, procedures, and controls.***
2. ***The Legislature hereby declares the public policy of this State is for federal agencies to develop formal coordination and consistency protocols with State agencies and local governments which should, at a minimum, include the following:***
    a. ***Early notification (prior to public notice) to the State agency or local government of all actions or plans of the federal agency that will affect the State or local citizens.***
    b. ***Opportunity for meaningful input by the State agency or local government with substantial weight and meaning applied by the federal agency to the input.***
    c. ***Federal agency be apprised of the State agency or local government policies, plans, and controls.***
    d. ***Federal agency solicit State agency or local government interpretation of these policies, plans, and controls.***

e. Federal agency adequately consider the State agency or local government policies, plans, or controls when working on federal agency policies, plans, or management actions.

f. Federal agency, through all practicable effort, make federal agency policies, plans, or actions consistent with the State agency or local government policies, plans, and controls.

g. When inconsistencies arise, federal agency should meet with State agency or local government in order to work towards consistency.

h. When consistency cannot be reached, federal agency must specifically justify and explain in writing why consistency could not be reached and any proposed effort to work towards consistency.

3. The Legislature hereby declares the Land Use Planning Advisory Council [NRS 321.740 through 321. 755] *as a forum for assistance to federal agencies and local governments in developing coordination and consistency protocols in accordance with subsection 2.*

3. **Bring land management, including land use planning, close to home. Only support planning, legislation, regulation, and policies that maximize multiple-use of public lands while providing for the sustainability of these lands economically, socially, and environmentally.**

We believe that any planning process, legislation or regulation must include and describe in detail the process for coordination with local governments especially regarding how to address inconsistencies with local land use plans, policies and laws.

Bureau of Land Management (BLM) regulations and the Federal Land Policy and Management Act (FLPMA) require that BLM's land use planning occur at a local or regional scale. Many of BLM's recent resource management plan amendments (RMPAs) including for utility-scale solar and greater sage grouse unlawfully incorporate a scale of planning for hundreds of millions of acres in a single land use plan that diminishes state and local coordination and disenfranchises those most directly affected. We ask the subcommittee to join various counties' and other western states' efforts to push back on these efforts and help bring land use planning back to the local level.

4. **Ensure Greater Sage-Grouse and habitats are conserved and managed according to the State's Plan and in coordination with local government plans, policies, and actions - Keep GSG conservation and management as close to home as possible.**

Unfortunately, the Bureau of Land Management's most recent Draft Greater Sage Grouse Resource Management Plan Amendment still has many inconsistencies with and still does not find alignment with the State Plan. Please help ensure the Nevada Greater Sage-grouse Conservation Plan and associated Conservation Credit System (CCS) are the standard in which Greater Sage-

grouse (GRSG) are managed in Nevada. The Nevada Plan and CCS must be fully implemented on federally-administered lands to ensure its effectiveness or let us know where the State must make any adjustments.

5. **Oppose any legislation, regulation, or administrative action that would allow, without support of the affected local governments, government agencies acquiring private agricultural lands or water, or removing multiple-use from public lands, or otherwise limiting or restricting working lands, for special or set-aside land designations.**

With the initiatives to "protect" or "conserve" benchmark acreages of land and water (i.e., Public Lands Rule, "30 by 30" or America the Beautiful, AJR 3 from the 2021 Session), it is imperative to define the meaning behind those terms. The National Geographic Society notes that "Conservation is similar to preservation, but while both relate to the protection of nature, they strive to accomplish this task in different ways. Conservation seeks the sustainable use of nature by humans, for activities such as hunting, logging, or mining, while preservation means protecting nature from human use."[1] Conservation seeks to manage lands and resources to provide for the three legs of sustainability – economic, environmental, and social. Preservation strictly limits human access and management and strives to "let nature be." As stated by the National Parks Service, "Put simply, conservation seeks the proper use of nature, while preservation seeks the protection of nature from use."[2]

We urge use and understanding of "conservation" as outlined by the USDA Natural Resource Conservation Service (NRCS)[3] whereas:

- "'Conservation' is often used vaguely, is frequently confused with other ideas. Sometimes the word is applied to projects that are not conservation. On the other hand, we may limit it too strictly by thinking only of what it means in a particular situation.
- Conservation does not mean non-use … Resources, as we know, are things which people plan to use for satisfying their needs. Something that is conserved for no use would cease to be a resource. Thus conservation is always concerned with an aspect of use.
- Some people believe that this aspect is keeping use constant over time. Conservation does not only mean keeping use constant over time…In special cases conservation does keep the use of a resource constant at the present level...But conservation cannot be restricted to such special cases.

[1] National Geographic Society Encyclopedia Entries
https://www.nationalgeographic.org/encyclopedia/conservation/
[2] https://www.nps.gov/teachers/classrooms/conservation-preservation-and-the-national-park-service.htm
[3] https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/technical/econ/references/?cid=nrcs143_009757

- Conservation is concerned with the WHEN of use. Conservation, then, may increase use of a resource above the present level, may keep it constant, or may slow down the decrease.
- Conservation may be achieved in several ways… by reducing present use, which means [to forego] some present returns in order to realize greater future returns; or…conserve resources by expending present effort or costs without reducing present use—sometimes even with increases in it. Sometimes [there is] a choice; sometimes only one is possible; sometimes [there is use of] both."

In working towards goals of conserving certain benchmark percentages of Nevada's lands and waters, there must be focus on these definitions of conservation which recognize the ecologic and socioeconomic reality that land and resource preservation will never provide the benefits to our society that true conservation – proper use – can and does.

There is a continuum between maximum resource use and preservation. We often see analyses look at multiple uses as being limited to two scenarios – use that is damaging to the resource or protection of the resource by limiting or eliminating use. Conservation efforts must recognize management that uses grazing, fuel management, timber harvest, or other management to provide resource benefits by using or managing the resource. It is important to not become stuck on the paradigm of resource protection in spite of use.

Top-down decrees and land-use restrictions such as many of those proposed in the "30 by 30" initiative alienate rural Nevadans and Americans who otherwise support healthy lands, waters, and wildlife. Rather than antagonize local and rural communities, work should be done with local and tribal governments and the private sectors with a local-driven focus built on proven models. Locally led conservation works if given the capacity. The focus must be on landscape conservation using incentives rather than heavy-handed regulation and set-aside restricted areas that are unsupported at the local levels.

Active and adaptive management of lands with a conservation bias instead of a protection bias has been shown to be better for healthy lands and waters and provides benefits to all resources and communities. As such, we subscribe to the ideal of Aldo Leopold and his view of conservation as distinct and often opposed to protectionism. As he wrote in the Sand County Almanac, "There is only one soil, one flora, one fauna, and one people, and hence only one conservation problem. Economic and esthetic land uses can and must be integrated…on the same acre." Leopold cautioned against "fixing the pump without fixing the well." We believe the same. For any natural resource issue to

be solved, it must have economic solutions. Land "healing" or "restoration" must be attached to land "profitability" to work.

Working landscapes, actively and properly managed, are what will help us address the issues. Crucial to this vision is keeping private agricultural lands profitable. Much of the prime and invaluable wildlife and riparian habitat in the State is under private control. Many of these private agricultural lands are tied to ranching operations conducted on or in concert with federal administered lands. Anytime restrictions are placed upon the federally administered land, it only increases the possibility of land degradation on or subdivision of private lands—these restrictions do not solve the resource issues on a regional or global scale.

The biggest threat facing lands in the west are fire – both too much and too little. Many of our land health issues have arisen due to disruption of the historical fire cycles resulting in single-age, monotypic, non-diverse stands of vegetation such as decadent sagebrush and other woody species increases reducing herbaceous (grass and forb) diversity. Protected areas and hands off management results in either catastrophic fire or transition across an ecological threshold to a lower ecological state. These threats will never be reduced and will actually be increased by the addition of more acres to reserved or protected status.

There should instead be efforts to work with landowners and land users to incentivize conservation and focus on the 3 legs of the balanced sustainability stool - ecological, economic, and social. Many land protection initiatives like "30 by 30" or the recent Public Lands Rule create a lopsided stool that will eventually fall by putting too much emphasis in removing the management of man and recognizing economic uses as part of the solution.

Further, many scientists have increasingly discovered and shown that many areas we now call wilderness were managed and manipulated by human activities for thousands of years. Isolating dynamic, non-static ecosystems with hard boundaries in the name of protecting them simply does not work as is unfounded. Very recently, the paper by Ellis et al. (2021),[4] published in *Proceedings of the National Academic of Sciences of the United States of America* (PNAS), titled *People have shaped most of terrestrial nature for at least 12,000 years,* found that 72.5% of Earth's land has been shaped by human societies since as far back as 10,000 BC, including more than 95% of temperate lands. The paper also found that high biodiversity areas are compatible with, and in some cases

[4] https://www.pnas.org/content/118/17/e2023483118. Also see https://www.newscientist.com/article/2274704-untouched-nature-was-almost-as-rare-12000-years-ago-as-it-is-now/.

a result of, people living in and managing these landscapes. The authors concluded, and we agree, "land use history confirms that empowering the environmental stewardship of Indigenous peoples and local communities will be critical to conserving biodiversity across the planet." Yet, many efforts to establish land "protections" seek to remove active influences of man with a false narrative of protecting remaining "untouched lands." Often, the rhetoric supporting this false narrative is also rampant.

Land users and managers operate at reduced capability in areas with mostly hands-off protection designations. They cannot implement sound management actions with respect to fire suppression, fuels reduction, recreational opportunity, livestock management, firewood cutting, mineral and energy exploration, and many other activities that when done right in a balanced way are clearly in the local, state, and national interest. Also, as Congress has passed laws to protect the environment, including the National Environmental Policy Act and the Federal Land Policy and Management Act, and as multiple-use on public lands has become more and more important to the American public, the outdated methods of set aside "protected" areas is out of touch with modern day realities.

We wish to be clear that we too want to address the issues identified as being "solved" through initiatives like the Public Lands Rule or "30 by 30." The way to do this is by working together with voluntary, incentive-based conservation measures that do not disenfranchise and offend rural communities and those dependent on and making a living from natural resource use.

6. **Provide funding support to the Attorney General's office to assist counties in the State to formally, and finally validate R.S. 2477 rights-of-way (i.e., Quiet Title Act) and/or seek Congressional action to assist in putting this issue to rest.**

Federal agencies continue to make it clear that they will not recognize current and historic rights-of-way on federal lands (i.e., R.S. 2477 rights-of-way) unless these rights-of-way are adjudicated in federal court (based on a recent 10th Circuit decision). This concerns us because the 10th Circuit decision that the federal agencies reference explicitly states, "this case does not involve ***county use or management*** of R.S. 2477 rights of way that ***do not conflict with a federal management regime*** on federal public lands...R.S. 2477 rights of way are in consistent use throughout the West and nothing herein purports to speak to or address the right to the continued existence and use of such roads as to which a conflict has not arisen." So, as long as there is no conflict with the "federal management regime" then there is no need for adjudication or determination of certain rights-of-way in any federal court and nothing should hold any county back from using and maintaining these

roads. What we have found is that often, the federal agencies do not adequately, justifiably, and specifically state how certain rights-of-way that have been closed to travel conflict with their "management regime" narrowly defined through Federal law and regulation. The recent Greater Sage-Grouse Land Use Plan Amendments and recent Travel Management Plans of USFS have highlighted these issues that could have been avoided if title were validated and finalized.

If a final solution is not pursued now in Nevada, the controversy and arguing will continue to repeat over and over again, all at the expense of continued and historic access and multiple uses. SB 456 was passed in the 2015 Session that strengthened the provisions in NRS 405 to protect against travel restrictions and road closures. It also included direction to SLUPAC, NACO, and the Attorney General to "work cooperatively to develop, maintain and assist in the implementation of a legal protocol whereby a county may perfect its rights to and finalize title to an accessory road or a public road." SB 456 also urged the Attorney General "to take a leadership role in pursuing actions on behalf of the State and its counties in formalizing and finalizing title to accessory roads and public roads in this State…." SLUPAC has worked with NACO and the Attorney General on this effort, but this effort is hamstrung by lack of capacity. Formalizing and finalizing title to these rights-of-way is critical for the State and its local governments to have leverage and standing regarding issues of access to federally administered lands.

We ask that adequate funding be appropriated towards this effort and that this Subcommittee request a BDR seeking this appropriation. We request this Subcommittee support efforts to finalize title to all accessory roads and public roads in Nevada to bring an end to ongoing controversy surrounding these adjudicated roads.

We do recognize the time and public resources required to go through a federal court adjudication of these roads can be excessive and the process cumbersome and protracted. We believe that resolution of this issue through Congress may also be a path to take. The Historic Routes Preservation Act (or similar) has sought to provide the clarity needed to move forward with a consistent and concise protocol to finally address RS 2477 rights of way in a manner beneficial to the State of Nevada, our counties, and other western states with clouded or unclear title on these important roads. The Subcommittee could also make a Congressional solution to RS 2477 title like The Historic Routes Preservation Act proposed in past Congresses (or similar) to provide direction on a consistent and concise protocol to finally address RS 2477 rights of way outside of Quiet Title Act litigation in a manner beneficial to the State of Nevada, our counties, and other western states with clouded or unclear title on these important roads.

7. **Work with federal land management agencies, primarily BLM, to review federal water rights filings to ensure agencies are not holding projects and uses hostage through assertion of water rights that would not be found valid if formally adjudicated through Nevada Water Law. Work to have federal policies removed which require water rights or water use in exchange for permits, leases, or other land improvements. Bolster State Engineer capacity to complete adjudications to settle these water rights issues.**

   There are dozens of filings by the federal agencies, primarily BLM, in our area for water rights. The Nevada law (NRS 533.503) that prohibits obtaining stockwatering rights by entities that do not hold a "legal or proprietary interest" in the livestock has reduced the filing by the agencies for stockwater rights. However, BLM has filed many Public Water Reserves (PWR 107 – based on Presidential Order 107 in 1926) ***and*** many vested claims asserting an appropriation and priority based on the Treaty of Guadalupe Hidalgo of 1848. Based on case law and other adjudications in Nevada, it is certain that most of these claims would be found invalid if adjudication were completed. Unfortunately, the State Engineer has not had the capacity to complete many adjudications.

   What has been occurring is BLM asserting their un-adjudicated claims as "rights" and requiring certain projects to develop mitigation outside of the involvement of the State Engineer and asserting seniority over other vested claims or permits (i.e., stockwater and irrigation) on federally administered lands precluding maintenance efforts and access of others of these waters. Often, BLM asserts that PWR 107 claims are for watering wild horses when these rights, if valid, are only for domestic and livestock watering purposes. Recent specific examples of this are with the General Moly Mt. Hope Project and livestock watering/wild horse conflicts in Antelope Valley.

   Federal agencies must also stop asserting rights on waters where it is obvious their claims would not stand if adjudicated.

   Further, federal agencies, are following informal "policies" and attempting to acquire or extort water rights from private individuals for projects on USFS and BLM administered lands. Further, even when the federal agencies do not acquire a water right, they are requiring water for other uses regardless of there being an underlying water right for those particular uses. This has taken place in Nevada on livestock water rights and federal agencies have in effect placed moratoria on water development and improvement projects unless water rights or water use are signed over to them. As an example, the current BLM Cooperative Rangeland Improvement Agreement form (Form 4120-6) has language as follows:

12. Any water right acquired o n or after August 21, 1995 to use water on public lands associated with this improvement will be held in the name of the United States, if permitted under State Law. Co-application or joint ownership by permittees or lessees of water rights for purposes of livestock water will be allowed where State Law permits the practice.

13. Any water developed, improved, or impounded under this cooperative agreement will be available for wildlife and free roaming wild horse and burro use and other authorized public use to the extent that such use is consistent with the multiple-use management objectives for the area.

This is all occurring at the expense of rangeland resources, ranching operations, and economies. There is a need to protect those uses of federally administered lands that rely on privately held water rights by prohibiting federal agencies from extorting water rights in trade for a permit, lease, or other land improvement. Of course we recognize that wildlife and wild horses will drink from the water developments on federal managed land. This developed water benefits all animals on these lands. But to require the water to be available to wildlife and horses, especially groundwater through a pumped well (in which Nevada water law does not provide customary access like a spring under NRS 533.367) is nothing more than a federal water grab.

We ask the Subcommittee to:

i. Send a letter to BLM and US Forest Service request of them to do what is right and review all of their water rights filings statewide and withdraw those vested claims that are questionable or unjustified. Include in the letter a request of the federal agencies to rescind and abandon their policies requiring water rights or water use in exchange for permits, leases, or other land improvements. BLM specifically should be requested to review all of their PWR 107 claims statewide and withdraw (or vacate) those that do not meet the primary purpose or minimal need of PWR 107. A copy of the letter should go to the national leadership of both agencies (Secretaries and Under Secretaries, at a minimum).

ii. Send a letter to the State Engineer regarding adjudications with claimed PWRs 107 and request the State Engineer do more analysis on important factors than just water flows to determine the validity of PWR 107 claims. Note in the letter that a determination on the validity of any claimed PWR 107 is not just simply a reservation of an amount of water. Valid PWRs are land reservations reserving either the 40 acre land subdivision in which the PWR spring lies, in cases of surveyed land, or one-quarter of a mile of land around every PWR spring, in cases of unsurveyed land. The approach by the State Engineer in making

determinations on PWRs through simple flow rate analysis has major implications on the multiple-uses of public land and in effect locks up thousands of acres of public land from many multiple uses including non-metalliferous mining, oil and gas exploration and development, rights of way, and range improvements, among other uses. Note that the State Engineer must complete the necessary field work or evidence review to justify whether-or-not PWRs are valid. There must be field investigations and a thorough investigation of the other pre-existing water rights that exist on many of the same water sources. Further, there must be a review and analyses of General Land Office (GLO) records, BLM Master Title Plats and other Plat maps, existing rights and infrastructure recorded through deeds, etc. to justifiably conclude that either the 40 acre land subdivision in which the PWR spring lies, in cases of surveyed land, or one-quarter of a mile of land around every PWR spring, in cases of unsurveyed land, were actually "vacant" or "unappropriated" as required in the 1926 Executive Order. Such analyses would find many claimed PWRs do not meet this standard.

8. **Ensure that tax revenues from mineral proceeds derived from taxes imposed by the State are justly shared with the County in which the non-renewable resource was extracted and where impacts exist. Oppose efforts to impose federal mineral leases and royalties (as opposed to current locatable claiming and no federal royalty).**

While times have been good for mining counties over the past few years, with the decline in gold prices around mid-2013 through 2015, we saw precipitous declines in mineral net-proceeds at levels similar to the late 1990s and early 2000s. Keep in mind that gold prices during this same time frame (late-1990s) was less than $400/oz. Current gold prices are testing record high and bouncing around $2300/oz. This highlights the volatility of mining and the proverbial "boom or bust." Eureka County is no stranger to this roller coaster. We have planned and budgeted in a way to minimize impacts to our necessary services and operations when gold prices drop. However, minerals proceeds during good times are the way in which we fund capital improvements to keep our communities strong and vibrant well into the future. We are concerned that changes to the mining taxing structure would result in our inability to fund necessary projects and improvements even when mining is booming. Currently, under the net-proceeds of minerals taxing scheme, 60% of all net-proceeds from Eureka County already accrue to the State in addition to any other "normal" state taxes on mining that other businesses pay. Simply, the State already receives 60% of the mineral net-proceeds generated in Eureka County.

There are also current pushes in Congress to amend the mining law and shift mining from a mineral location (claims) system to a mineral leasing system (similar to oil and gas) with a federal royalty imposed (currently, there is no federal royalty on minerals extracted from federally managed land). This is a dangerous proposition. Undoubtedly, a federal lease and royalty system would create a negative fiscal impact on the State and counties. A federal lease or royalty would

decrease the amount collected through Net Proceeds of Minerals Tax. The federal government would simply divert funding that is kept in the State and counties. Further, marginal mining projects would not be able to pencil to a profit if they had to pay for a federal lease – adding to the already tenuous boom and bust.

As mentioned, there are already marginal small mining projects in the State and Eureka County with the current taxing structure. Additional tax burdens could simply put small operations out of business. Potentially, only big business (large mines with large public service impacts) may survive. The State should be creating a culture of promoting small business and not creating survival only if you are a Titan. Right now, the bulk of the proposed mining projects coming on-line in or adjacent to Eureka County, are small and economically marginal. These marginal projects don't walk away with piles of proceeds. They make modest gains and provide innumerable direct, indirect, and induced benefits to local Nevada economies. Our experience is that these smaller mines become more invested in local communities and have more impetus for neighborly behavior and solid relationships with communities.

Any reductions in mining proceeds to counties, through the State or federal government, would almost guarantee that general citizens of these counties that are not at the current maximum tax levy will receive a local tax increase to make up the shortfall, by default, increasing taxes on general Nevada citizens, let alone mining.

9. **Support efforts to streamline permitting of activities on federally administered land at both the State and federal level while conserving natural resources and protecting local engagement.**

   A lot of permitting red tape can be reduced and should occur. However, this should not come at the expense of local government and citizen involvement. Permitting reform and streamlining efforts should only focus on what is truly overly bureaucratic, cumbersome, and redundant but should not result in "corner cutting" of necessary natural resource and community protection and local government coordination and consultation.

10. **Strongly oppose any effort that would allow permanent retirement of grazing permits on federally administered land.**

    Loss of grazing land has a direct and induced negative impact upon the economy and social glue of all rural Nevada that can and has been quantified. There have been efforts in Congress to pass legislation allowing for retirement of grazing permits. Further, many BLM RMP's in the West including the Sage Grouse RMPA has language to permit retirement of grazing permits.

    Our local ranchers face ever-increasing uncertainty as to the future of their livestock grazing permits on these lands administered by the BLM and U.S. Forest Service. Through no fault of their own, these families risk tremendous social and financial losses of their grazing permits due to being assailed with lawsuits by extreme special interest groups whose stated purpose is to

eliminate livestock grazing from public lands. These lawsuits consume considerable agency resources, further delaying the required NEPA analyses and perpetuating the cycle of missed deadlines and litigation. Grazing permit retirement authorizations magnify this already tenuous situation and opens ranching operations to the threat and intimidation of increased litigation intending to make "willing sellers" out of every ranching family on the range. Ranchers and our rural economies should be protected from such shakedowns.

The continued success and viability of our local livestock operations holds great implications for the landscapes and rural economies of the entire west. Failed operations lead to the fragmentation of private and public lands and the loss of wildlife habitat and socioeconomic stability. Communities like ours that depend on the continued presence of ranchers with permits to graze on federally administered lands are already experiencing the hardships that accompany the loss of grazing permits or reduction in permitted livestock numbers.

Livestock grazing does not equate to negative impact. Much recent sophisticated rangeland research has shown that proper livestock grazing actually helps reach certain objectives such as weed control, fire reduction and habitat improvement. It's not the cow, but the how. If grazing permit retirement authorization were to happen, these ecological benefits of livestock grazing would also become unavailable to the land management agencies. Resulting hazardous fuel buildup and decline in land condition would ensue.

11. **Pursue efforts with BLM, USFS, and grazing permittees to ensure that 1) management decisions are based upon the best rangeland science; 2) flexibility is built into grazing permits to allow for adaptive management as issues and concerns arise; and 3) that the quality and quantity of data collected can support all decisions made based on clear and measurable resource objectives.**

We continue to be concerned about unjustified and arbitrary restrictions of livestock grazing in certain areas due to perceived adverse impacts of livestock grazing. There are two illustrative examples of how we have experienced this happening. First, when a vegetation treatment takes place in a grazing allotment (i.e., fuels reduction or wildlife enhancement), these projects are usually small in area compared to the entire allotment. However, the entire allotment is often closed to grazing for two years or more to allow for vegetative objectives to be met. The problem is that the objectives stated are often so vague or arbitrary (i.e., immeasurable) that the closures continue for many more years because the objectives, according to BLM, are not met. Further, a small treatment (or burn) often takes place and the allotment is closed to grazing for two years and just before the two years of grazing closure are about up, another small treatment (or burn) occurs in the same allotment starting another grazing closure for two more years. Second, more and more allotments are receiving livestock grazing closures because of drought and/or during the hot months of the year because of subjective determinations of adverse impacts on vegetation, primarily riparian impacts. Our concern is that the monitoring data and background information going into making these restrictive decisions are often based on flawed and subjective observations and not based on current rangeland science.

There is a general misuse of and reliance on the US Drought Monitor (USDM) in justifying grazing restrictions. Borrowing from definitions from the Society for Range Management, the various BLM Drought Management EAs define drought as:

- A prolonged chronic shortage of water, as compared to the norm, often associated with high temperatures and winds during spring, summer, and fall.
- A period without precipitation during which the soil water content is reduced to such an extent that plants suffer from lack of water.

An area can be in drought because of lack of snow and streamflow but well-timed precipitation events often result in normal to above normal vegetation conditions. Simply put, the rangeland forage in many areas across the state is normal to above normal due to spring and summer rains and the second definition of drought (vegetation conditions) is not occurring. We have seen specific examples of ranchers being forced into so-called "voluntary" grazing reductions or Full Force and Effect decisions based on the area being in drought while the rangeland conditions on the ground do not support that conclusion.

In regards to forage availability and rangeland condition, timing of precipitation is much more important that total precipitation. Studies from University of Idaho concluded that precipitation in only two months, May and June, explained 72% of forage species (crested wheatgrass) annual variability and including April would explain nearly all of the variation (Shape, Sanders, and Rimbey 1992). Other perennial grasses would exhibit the same. This means that overall, the area may be in drought based simply on annual precipitation, but good storms at the right time of the year can provide ample and even excess forage. We have documented rainfall at the right times, in most of the right places, growing normal to above normal vegetation even while springs and streams are dry.

The USDM has the disclaimer "Additional indicators are often needed in the West, where winter snowfall in the mountains has a strong bearing on water supplies... [t]he U.S. Drought Monitor provides a consistent big-picture look at drought conditions in the United States. Although it is based on many types of data, including observations from local experts across the country, we don't recommend using it to infer specifics about local conditions." The technical reference for the USDM highlights that water supply indicators such as snowpack, streamflow, groundwater levels, and reservoir levels have heavy weightings in determining severity of drought. We are not disputing that we are often in drought conditions in Nevada. Often these drought conditions are driven by an overall lack of moisture, primarily snow, to recharge our springs, streams, and groundwater supplies. Again, it is imperative to consider that forage and rangeland health is primarily driven by late spring and early summer rain events, not snow.

A metric that has not been actively used when taking broad scale assessments of forage availability and rangeland condition is the Vegetation Drought Response Index (VegDRI)

(http://vegdri.unl.edu/Home.aspx). In fact, the BLM Drought EAs state that the USDM will be used alone only to identify areas of water shortage. Yet, the EAs also state that the USDM and the Vegetation Drought Response Index (VegDRI) would be consulted in tandem to be the first step in "determine drought afflicted areas and vegetation condition as it pertains to drought stress" (p. 4). We contend that BLM is often purposefully choosing to overlook the VegDRI as the first step in determining where to focus site-specific monitoring because the vegetation conditions exhibited according to VegDRI do not highlight severe or extreme drought as does the USDM. As previously mentioned, the USDM is primarily for making broad scale assessments on water supply and determining federal drought assistance. Any vegetation information going into the USDM is also "outweighed" by the other water specific indicators. According to the VegDRI references, "VegDRI maps are produced every two weeks and provide regional to sub-county scale information about drought's effects on vegetation….The VegDRI calculations integrate satellite-based observations of vegetation conditions, climate data, and other biophysical information such as land cover/land use type, soil characteristics, and ecological setting. The VegDRI maps that are produced deliver continuous geographic coverage over large areas, and have inherently finer spatial detail (1-km2 resolution) than other commonly available drought indicators such as the U.S. Drought Monitor." There is also a misuse of the US Drought Monitor in justifying grazing restrictions. An area can be in drought because of lack of snow and streamflow but well-timed precipitation events often result in normal vegetation conditions. These examples above place ranchers in the often untenable position of not being able to provide for the needs of their livestock at the right time of the year. Also, in some examples, these restrictions could be seen as a taking since the grazing season-of-use is not in line with the permitted use of the water right appurtenant to riparian areas.

We have found that under the above circumstances, any real resource burden is often shifted to private lands. Much of the prime and invaluable wildlife and riparian habitat in the State is under private control. Anytime grazing restrictions are placed upon the federally administered land, it only increases the possibility of land degradation on private lands—these restrictions do not solve the resource issues on a regional or global scale.

We ask the Subcommittee for assistance in exhorting federal land management agencies to quit misusing drought as an umbrella excuse to reduce grazing in situations where drought is truly not impacting rangeland conditions and to avoid unjustified, arbitrary and subjective grazing restrictions on federally administered lands. We ask the Subcommittee to assist with the following:

1) Help ensure agencies separate hydrologic and vegetative drought and do no rely on USDM for drought determinations regarding vegetation. Instead, properly use VegDRI and incorporate other indices such as those being researched by DRI and Dr. Justin Huntington.
2) Federal agencies in coordination with grazing permittees must ensure that management decisions are based upon the best rangeland science, that flexibility is built into grazing

permits to allow for adaptive management as issues and concerns arise, and that that quality and quantity of data collected can support all decisions made;

3) Before imposing grazing restrictions or seeking changes in livestock stocking rates or seasons of permitted use, federal agencies in coordination with grazing permittees must identify and implement all economically and technically feasible livestock distribution, forage production enhancement, weed control programs, prescribed grazing systems, off-site water development by the water rights holder, shrub and pinyon/juniper control, livestock salting/supplementing plans, and establishment of riparian pastures and herding; and
4) Federal agencies in coordination with grazing permittees must assure that all grazing management actions and strategies fully consider impact on property rights of inholders and adjacent private land owners and consider the potential impacts of such actions on grazing animal health and productivity.

12. **Promote and support efforts to obtain and manage wild horse and burro herds at Appropriate Management Levels (AML). This would include supporting "The Path Forward for Management of BLM's Wild Horses & Burros" and the federal funding to reach AML while avoiding unconditional sale and lethal management.**

Nevada's rangelands continues to take more than its fair share of the adverse impact of wild horse and burro population numbers that far exceed what the resources can sustain for healthy horses and healthy, working rangelands. We cannot continue on the path we are on. It is imperative that something be done now to conserve and restore the health of these rangelands negatively affected by excess horses.

We request the Subcommittee take formal action to support "The Path Forward for Management of BLM's Wild Horses & Burros" and make a recommendation that both BLM and Congress move forward with providing the funding and capacity to fully implement it in order to achieve AML in 10 years.

In the past, Eureka County Board of Commissioners has requested BLM be given the full-suite of tools authorized in the Wild and Free Roaming Horses and Burros Act of 1971, as amended. This would include unconditional sale and lethal management. Our local plans and policies call for implementing the Wild and Free Roaming Horses and Burros Act of 1971, as amended. BLM and Congress have lacked the fortitude to accept and work towards implementation of your most difficult but necessary recommendations - fully use all tools authorized under the Wild and Free Roaming Horses and Burros Act of 1971, as amended, and sell or humanely euthanize excess horses that are unadoptable.

However, the Eureka County Board of Commissioners fully and firmly stands behind the "The Path Forward for Management of BLM's Wild Horses & Burros" and has formally and unanimously voted on at least three separate occasions to support the proposal. While we have policy stating support of full implementation of the Act, we have a strong bias towards solutions that bring excess horses to levels conducive to rangeland health without using unconditional sale and lethal management. We will always support management options which bring excess herd to AML in a timely way while avoiding unconditional sale and lethal management. "The Path Forward for Management of BLM's Wild Horses & Burros" is the only proposal we have seen that takes this approach and actually models the ability to reach AML.

13. **Support expansion of current efforts by a diverse group of agencies and individuals (e.g., Nevada P-J Partnership) to implement landscape scale projects utilizing pinyon-juniper woodland biomass in a way that benefits energy production, rangeland health, wildlife habitat, hydrologic function, and economic stability**.

    One of the primary natural resource issues throughout much of the Great Basin is the vast encroachment of pinyon-juniper woodlands (P-J) into sagebrush ecological sites. Dr. Robin Tausch estimates that P-J have increased beyond areas of native occupation by 125 to 625 percent since 1860 in the Intermountain West and presently occupy nearly 45 million acres. This shift to P-J woodland dominance within sagebrush ecosystems has significant impacts on soil resources, plant community structure and composition, forage quality and quantity, water and nutrient cycles, wildlife habitat, biodiversity, and fire severity and frequency. It is argued that the geographic range inhabited by sage grouse has declined substantially in recent decades. Encroachment of P-J woodlands into sagebrush ecological sites has reduced available habitat for sage grouse and other wildlife species and forage for livestock and wild horses. The BLM, USFS, NRCS and NDOW have recognized the impact of P-J encroachment on wildlife habitat and rangeland health.

    Pinion-juniper woodlands are a tremendous renewable resource available to Nevada and there are novel and innovative approaches and opportunities to use the biomass created in these encroaching and infilling P-J communities to create energy and other economic benefits ecological problem of P-J encroachment. Please support expansion of current efforts by a diverse group of agencies and individuals (e.g., Nevada P-J Partnership) to implement landscape scale projects utilizing pinyon-juniper woodland biomass in a way that benefits energy production, rangeland health, wildlife habitat, hydrologic function, and economic stability.

CONCLUSION

The issues that we have highlighted above are not unique to just Eureka County. We welcome the opportunity to actively pursue solutions to these issues with you. Please do not hesitate to contact us if you have any questions or would like to discuss further.