



NEVADA LEGISLATURE SUBCOMMITTEE ON PUBLIC LANDS

(Nevada Revised Statutes [NRS] 218E.510)

DRAFT MINUTES

July 12, 2024

The second meeting of the Subcommittee on Public Lands for the 2023–2024 Interim was held on Friday, July 12, 2024, at 1 p.m. in the Eureka Opera House, 31 South Main Street, Eureka, Nevada.

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

SUBCOMMITTEE MEMBERS PRESENT IN EUREKA:

Senator Melanie Scheible, Chair
Assemblywoman Natha C. Anderson, Vice Chair
Senator Pete Goicoechea
Assemblyman Rich DeLong
Justin Jones, Clark County Commissioner
Marissa Weaselboy, Inter-Tribal Council of Nevada, Inc.

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Jann Stinnesbeck, Principal Policy Analyst, Research Division
Becky Peratt, Senior Policy Analyst, Research Division
Lisa Creamer, Senior Research Policy Assistant, Research Division
Erin Sturdivant, Senior Principal Deputy Legislative Counsel, Legal Division
Jeffrey Chronister, Deputy Legislative Counsel, Legal Division
Ryan Dombrowski, Technical Communications Specialist II, Broadcast and Production Services (BPS)
Brad Zehner, Technical Communications Specialist II, BPS
John Gould, Officer, Legislative Police
Pete Krall, Officer, Legislative Police
Val Kukatov, IT Professional I, Information Technology Services

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

AGENDA ITEM I—OPENING REMARKS

Chair Scheible:

[Chair Scheible called the meeting to order and asked the Secretary to call the roll. Roll call is reflected in Committee Members Present.]

Welcome everybody. You are a timely bunch, and we are happy to have you all here. I think I speak for the whole Committee when I also say we are happy to be here. Thank you to our friends in Eureka County for hosting us at the beautiful Eureka Opera House. I admit, this is my first time in the Opera House, and I am a little bit awestruck; I am admiring the architecture.

I want to thank all of you for making the trip out here. There is a specific and special reason we chose to have our meeting out here at the Eureka Opera House, and that is because our dear friend and colleague, Senator Goicoechea, hails from Eureka. We all made the journey here from Las Vegas, Carson City, or Reno for this one meeting. If you did not think of it on the way here, I hope you will think about it on the way back that Senator Goicoechea has been serving in the Nevada Legislature for 20 years, and for 20 years—over countless hours, days, and miles through thick and thin, thunder and rain, snow and crickets—he has made this journey from Eureka to Carson and to Las Vegas countless times so that he could be the great steward that he is for his community in Eureka and the State of Nevada. For us to make this journey one time to meet more Nevadans where they are, quite literally, and to see more parts of the State and bring meetings closer to people's homes is a very small effort on our part. It pales in comparison to the sacrifice that many of our rural Legislators and public servants in all parts of rural Nevada—and all parts of Nevada—make to be servants to their communities. I want to thank Senator Goicoechea for allowing us in Eureka County, first of all, and for all of the countless numbers of times that he has made that drive—that journey, that trip. So, thank you, Senator.

Senator Goicoechea:

Thank you and welcome to Eureka. We are glad to have the Committee here. We have had at least two Public Lands meetings here in Eureka County, but unfortunately, that has been over the last 40 years. I am dating it, but again, welcome. I appreciate you coming out here where we live, and I am sure you will hear issues today that maybe would have been glossed over or missed in Las Vegas or Carson. I appreciate it, and thank the Committee and staff. It is a long drive, I know, but what else [have] you got to do?

Chair Scheible:

He says, "I know," like he has not done it 500 times. It is a long drive. Hats off to you.

In addition to being in Senator Goicoechea's hometown, we are also welcoming a new member of our Committee today. Marissa Weaselboy is with us; she has recently been appointed. She is the Tribal Committee [Inter-Tribal Council of Nevada, Inc. (ITCN)] Representative for the Subcommittee on Public Lands. It is incredibly important to us to have tribal voices on this Committee. She was recently selected by the ITCN to represent their interests here on our Committee. She was selected by the ITCN then appointed by our Chair of Natural Resources. She was very gracious to accept her appointment and join us today for this meeting. She has a wealth of experience that she brings to the table. We are

very excited to have her—[we are] so grateful to you also for making the trip. I understand Ms. Weaselboy actually traveled back from Illinois last night, and she also made a long drive in the dark hours of the night. I will let her introduce herself—if you would like to tell the other Members of the [Subcommittee] and all our guests here a little bit about your interest in serving on the Subcommittee on Public Lands and your background.

Ms. Weaselboy:

Thank you for the introduction and for having the meeting here. I think it is important for Nevadans to see the whole of Nevada. And I say that coming from Yomba. A lot of people do not know where we are. A lot of people forget us, and sometimes we are even left off the map. I am actually an enrolled member of the Yomba Shoshone Tribe in Reese River Valley. It is a really, really small Tribe—really isolated, beautiful area, and that is where my people come from. I have my bachelor's and master's in anthropology from the University of Nevada, Reno (UNR), and I am currently getting my Ph.D. in geography from the University of Victoria. A big part of the work I do is being close to home. Nevada is my home, and I love it. And being in Illinois—I am so thankful to be back and not dealing with like 90 percent humidity. My main interest in serving on Public Lands is that a lot of my research is around public lands, of course. I did serve as a former Rangeland Specialist for the Pyramid Lake Paiute Tribe for close to four years. I helped start that program and do a rangeland inventory assessment, so I understand how important rangelands are overall. My research focuses a lot on land-based knowledges. The land overall is really, critically important to who I am as a Nevadan, and of course, as a native—I do not know if I can use those together—but as a tribally enrolled Nevadan. I am thankful to be here, and I am hoping to learn and help as much as possible with my varied educational background.

Chair Scheible:

We are so happy to have you. That will lead us into the beginning of our agenda.

AGENDA ITEM II—PUBLIC COMMENT

Chair Scheible:

We do start every meeting with public comment. There are two opportunities for public comment; one at the beginning of the meeting and one at the end of the meeting.

[Chair Scheible discussed guidelines for providing public comment.]

Clifford Banuelos, Tribal State Environmental Liaison, ITCN:

[I am] working with the Nevada Division of Environmental Protection and a member of the Te-Moak Tribe of Western Shoshone. The Nevada tribes met this past Tuesday with the United States Forest Service (USFS) and the Nevada Bureau of Land Management (BLM) to discuss commercial pine nut permitting in Nevada in the Humboldt-Toiyabe Forest, and there was high participation from both agencies and the Nevada tribal nations. After the meeting, tribal members in Elko County conveyed to me that fire fuels reduction implementation activities had occurred before that meeting on a mountain range rich in yielding pinyon pine trees—not in coordination with the tribes the agencies were supposed to be working with as part of their Priority Landscape Project. This communication/coordination issue can be remedied by the agency's hiring of qualified full-time tribal liaisons stationed at each area office. These liaisons should be working on shared stewardship agreements with the tribes and other agreements for, as we all know, both agencies have staffing challenges to manage the vast public lands in Nevada. The ITCN

urges both agencies to make the staffing of these full-time tribal liaisons a priority in order to avoid future conflict issues between the tribes and the land agencies that could delay land projects or cause litigation issues that could have been easily avoided by staffing qualified and effective tribal liaisons. Thank you for your time.

Gracian Uhalde, Nevada Grazing Board of District No. 4 (N-4 Grazing Board):

I am here representing my own ranch plus the N-4 State Grazing Board. We administer, or help, the BLM out [with] our permit holders when we count on the Grazing Board. Anyway, there are several hot button items these days, in my mind, [which] come to fruition here. We have two solar panels on a grazing allotment of ours, and it is in what they call "white sage," or "winterfat," technically, I guess. There are approximately 24,000-plus acres there, and both solar projects—Pantheon and Samantha—are going to take up about 2,700 acres each. Now, this 24,000-acres of winterfat is completely in the biggest monoculture of that plant species in the United States. So anyway, it is a great concern to us that they are going there. We made contact with both of them and showed them where that would work and leave that [grazing allotment of winterfat] out of it, but we do not know where they are going to end up. Pantheon seems to feel like mitigation can help everything. Winterfat cannot be replanted or anything that we know of yet; I know Wyoming has gotten close. But yes, that is a very critical concern. These renewable energy projects are keeping us running from here to there now with how things are going in the country. The biggest burden is trying to get everything done—your own work and everything else—and be on top of all these things. But it is going to make my heart sad if that winterfat monoculture gets eaten up by these two projects. I thank you folks very much for coming. And the Honorable Senator over there has been a great spokesman for our industry—and very thankful we have had him as long as we have. Thank you very much.

[Chair Scheible asked BPS to open the phone lines for public comment.]

Nicole Hayes, Conservation Scientist, American Wild Horse Conservation (AWHC):

The AWHC is the nation's leading wild horse conservation organization and operates humane wild horse management and habitat conservation programs in Nevada. I am commenting today on the ask by Eureka and Lander Counties to request increased federal funding for increased wild horse roundups. As a reminder, federal funding is taxpayer dollars. The BLM's plan—the Path Forward—requires mass gathers of horses from public lands where tens of thousands of animals would need to be placed in long-term holding. The BLM estimates that it costs \$48,000 to keep a horse in long-term holding over its lifetime, and at this moment, there are already 60,000 horses in long-term holding. Supporting mass gatherers of tens of thousands of animals is fiscally irresponsible and could create a financial disaster for the agency in the event of a recession.

Additionally, utilizing roundups as the only form of management could be halted due to lack of funding, further perpetuating the continuous cycle of ineffective management. Instead, requesting that the BLM implement robust fertility control now not only prevents population growth but ensures infrastructure to manage these herds long-term. Last year, the BLM delivered 720 fertility control treatments. On the Virginia Range, a team of volunteers delivered 1,178 treatments on one herd in the same time frame. Fertility control treatment is 96.8 percent less expensive than removing that same animal and caring for it in long-term holding. Five years of fertility control treatment is estimated to cost around \$1,300 per horse compared to almost \$50,000 to keep it in long-term holding. Taxpayers could potentially be spared hundreds of millions of dollars over the next five years if the

agency focused on fertility control over removal of wild horses. We actually recommend the BLM to implement robust, meaningful fertility control—ensure the infrastructure to manage these herds long-term. Thank you for your time.

Chair Scheible:

That brings us to the end of our public comment for the first part of the meeting. We will close Agenda Item II and move on to Agenda Item III.

AGENDA ITEM III—APPROVAL OF THE MINUTES FOR THE MEETING ON MARCH 22, 2024

Chair Scheible:

This is approval of the minutes from the March 22 meeting. You have a copy of those in your packet, members.

VICE CHAIR ANDERSON MOVED TO APPROVE THE MINUTES OF THE MEETING HELD ON MARCH 22, 2024.

ASSEMBLYMAN DELONG SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

AGENDA ITEM IV—COUNTY PRESENTATIONS ON ISSUES RELATED TO PUBLIC LANDS AND NATURAL RESOURCES

Chair Scheible:

We are going to start with county presentations on issues related to the public lands and natural resources. We will start with our representative from the Nevada Association of Counties (NACO).

A. REPRESENTATIVES OF THE NEVADA ASSOCIATION OF COUNTIES

Jacob Brinkerhoff, Natural Resource Manager, NACO:

As you are probably aware, our Association membership includes all 17 of Nevada's counties. You will hear from two of them today. We appreciate the invitation and the opportunity to provide the Committee with important county government and local community perspectives on public lands and the issues across the State.

A little personal background for those of you that do not know me—I have served as the Natural Resource Manager for NACO for a little over two years now. I have degrees in environmental science and public policy and a lifelong love for the outdoors. I arrived in Nevada around the same time I took this position and, in that time, have developed a deep appreciation for the diverse makeup of our counties and our vast public lands. As you know, Nevada is often on the forefront of national public lands issues. Our designation as the Silver State reminds us of the natural resource economy that Nevada was founded upon, and that has supported the national economy and security. As we enter a new era of resource needs and energy transition, Nevada is once again poised to be a leader in natural resources and public lands-based economy. As a result of this, our State has no shortage of

ecological, rangeland, and public land issues that our counties and our local communities must work to resolve.

I am grateful to have had access to very knowledgeable and experienced Nevada natural resource professionals from across the NACO membership—individuals like Jake Tibbetts from Eureka, Pam Harrington from Lander, and Megan Labadie from Nye, who will all be presenting to the Committee with important, specific local insights and perspectives to public land issues today—and later in August in the case of Megan. Megan sends her regrets. She was not able to make it to today's Committee hearing but does thank you all for letting her present to you in August.

Rural county government staff across Nevada are under increasing pressure to keep up with rampant increases in both new project proposals on public lands and unprecedented top-down rulemaking out of the federal land management agencies. Examples of this administrative and project impact analysis burden currently facing local governments include nearly 100 pending utility-scale solar applications across the State; half-a-dozen geothermal projects plus additional geothermal exploratory applications; various transmission line build-outs, including Greenlink West/Western Bounty, Greenlink North; and a host of smaller gen-tie lines. All of this project analysis is in addition to the need to monitor, comment, and engage as cooperating agencies with the federal agencies on the recently finalized Public Lands Rule, the Renewable Energy Rule, the Utility-Scale Solar Programmatic Environmental Impact Statement (EIS), the Greater Sage-grouse Land Use Plan Amendment, and numerous other federal rulemaking efforts.

I highlight all of this to draw the Committee's attention to the significant burden and challenges that rural counties face being constrained by budgets and staffing and yet still having to deliver the day-to-day services that our shared constituency expects. Counties must fulfill their charge of protecting public health, providing emergency response, ensuring public safety, and maintaining economic vitality. All of this must be accomplished with the large majority of public lands in Nevada—over 80 percent—federally owned, and some counties have over 95 percent of their land managed by the federal government. As the Committee is of course aware, neither the State nor the county receives tax revenues to fund these services from those public lands. Washington, D.C., led, top-down approaches to rulemaking and land use planning greatly exacerbate these types of challenges for rural local governments that are surrounded by and rely upon public lands.

With these challenges in mind, we very much welcome this Committee's interest in our public lands and in hearing from our members and appreciate any constructive efforts that can be made by the State Legislature to support local governments, rural economies, more localized approaches to land use planning, and a coordinated statewide rejection of federal mandates and overreach. Nevada Association of Counties' members believe that federal land decisions should be made as close to the resource as possible. The further removed these decisions are, we believe, the more political they become, and they rarely end up reflecting the interests of the communities and the State that the lands are located within and that are most affected by them.

The National Environmental Policy Act—or NEPA—and the Federal Land [Policy and] Management Act (FLPMA) both enshrined in law the importance of meaningful local coordination, integrating input from affected communities, and a respect for on the ground perspectives in land use planning. These critical underpinnings of environmental and land use management law are being subverted in Nevada by creeping federal overreach and trends towards large-scale centralized planning. The examples of centralized planning that I mentioned, and that we have seen recently, do not rely on a balanced analysis of the best

available science. The reality is the people living near public lands and on adjacent working lands have invaluable generational experience and knowledge regarding wise and sustainable land management. Further, the ecological sciences teach us that humans are part and parcel of nature. We align with and make the best decisions regarding natural resources when we are intimately involved with them on a daily basis.

My colleagues from Eureka, Lander, and Nye will provide the Committee with better and more detailed on-the-ground examples of federal land management impacts to their respective communities and local government operations. I will conclude by saying that NACO is very supportive of recommendations contained in the white paper forwarded by Eureka County (Agenda Item IV B) that will be left with Committee staff today. With that, I am happy to take questions or turn it over to Mr. Tibbetts, as pleases the Chair.

Chair Scheible:

Do members have questions right now? [There were none.] I will let you follow up with questions with everybody after all of the presentations.

B. REPRESENTATIVES OF EUREKA COUNTY

Chair Scheible:

Go ahead.

Jake Tibbitts, Natural Resources Manager, Eureka County:

Thank you, Madam Chair, members of the Committee. We welcome you to Eureka. To my right is the County Commission Vice Chair, Marty Plaskett, and he had to sharpen his elbows [to a] fine point this morning to keep me on track. So, if you see him jabbing me in the ribs, that is why he is here. Behind me is Rich McKay. He is the Chairman of the Eureka County Commission. We do welcome you here to the home of what I call the "Goicoechea Dynasty." While it was mentioned that our good Senator has served in the Legislature for 20 years, he served as a County Commissioner for 16 years, and he was the Chairman for most of those 16 years. A lot of the good things that have been put on track in Eureka County started with that Goicoechea Dynasty. We are very grateful for everything that Pete has done for Eureka. I will assert that many of the best parts, and many of the best people, of Nevada come from this part of Nevada—so might be a bit biased. I am an import to the area. I was not born and raised here, but I feel that Eureka is home and am very proud to be a member of this community.

I am grateful you have allowed me to present to this Committee two meetings in a row. I am grateful for that opportunity. Hopefully, I do not wear out my welcome in doing that. I did provide you, as Jacob mentioned, a document (Agenda Item IV B) that is 19 pages long; so if the Committee wants to settle in, I am going to read it word for word—make sure we get it all on the record. Marty is already elbowing me. No, it is meant to be more as a "leave behind." I am not going to belabor a lot of the points in there. But there are a lot of issues that we deal with in rural Nevada and some of these small counties, and sometimes it is hard to boil that down to anything less than 19 pages. So—wanted to get that information, make it part of the record, but it is not my presentation so you can breathe easy knowing I am not going to read that word for word.

On the first page of that document is this PDF map that I am showing on the screen. I want to give you a highlight of the land ownership patterns. We are very typical for many counties and, as Jacob mentioned, for the State as a whole. The federal land ownership is

over 80 percent in Eureka County. I guess we are blessed to be able to have more private lands for economic activity, but a lot of that is because of the railroad corridor at the north end of the County where you see all the pink checkerboard work—20 miles on each side of the railroad where every other section of ground was granted to the railroad; that became private land. That is why you see that checkerboard thing. We have the north part of the County, and then you see the big glob of pink towards the south-central part; that is Diamond Valley. That is where you are sitting here today—the Town of Eureka. So, we have those two separate centers.

Many of the same issues that you hear from other counties exist here as well. We are an agriculture and mining community. That is what we have always been reliant on. That is what built this community, and that is what continues to prop it up, and we are no stranger to the boom and bust that happens with mining. We have been very grateful for the last many years that things have been pretty stable with the mining industry. But not too long ago, when the other Goicoechea [J. J. Goicoechea] was our County Commission Chairman, and there was a downturn in gold prices—and we did not receive any net proceeds and mineral taxes for a couple of years during that time—and the County had to make hard decisions about hiring freezes, really tightening the belt. That is in very recent times, so we are no stranger to that. When there are those downturns in mining, we are almost solely reliant on our ag base, and pretty much all of our industry here is either done on public lands or in close connection with public lands—public land grazing and ranching—and a lot of our farming activity, as well. Even though it is on private land, there are connections to BLM land.

Quickly, I want to point out a few things. Again, all the stuff I mention today is in the packet—specific requests. One of the things we think the Committee could help with is—if you look at the packet on page 4, rolling over to page 5—our Recommendation 2. This is a big one [that] I think could be helpful. This is where we are asking the Committee, or the Legislature, to stand up public policy outlining the expected coordination by federal land management agencies with the State and its local governments and requesting consistency to the maximum extent possible with State and local governments' plans, policies, proposals, and controls. Those things are underpinned by federal law. The FLPMA mandates that. The BLM planning regulation mandates that. The Forest Service has various shades of that in their land use planning regulations, as well. What we find is there is often a disconnect in actually getting that done, and we think it would be helpful for the State to put formal policy on the books. It does not mandate any specific outcome from that. It would mandate and memorialize a process for good cooperative and coordinated working relationships with our federal partners.

You are going to hear presentations from all of the federal land management agencies that Eureka County works with. We have the Battle Mountain BLM, the Austin-Tonopah Ranger District, and the Ely Forest District Ranger here, as well. We believe we have a very good working relationship with these agencies. When I first came on board here 16 years ago—Senator Goicoechea, you talked about the other Public Lands Committee meeting being here, and it was like the second week I was on the job. It was almost to the date, 16 years ago, that this Committee met here in this Opera House. But we would come to the Committee over many interims talking about all the conflict we are embroiled in and asking for the Committee to help and get involved in some of this conflict. We found ways to work through conflict, to get to where it is more of, I call, a "healthy tension." There is often tension in these decisions. There are still disagreements, but we have moved on from conflict and [are] finding formal ways to work things out where you still may not agree in the long run, but you can continue to have a good working relationship. We value that

relationship we have built with our federal partners, and we think the State could help bolster that a bit through State public policy.

Our third recommendation [Recommendation 3] on page 6—Jacob talked about it a little bit. Part of the thing that we are seeing a lot of conflict actually crop up has nothing to do with our local offices. It is more of these land use planning efforts that are being dictated from D.C., essentially. We have the West-wide Solar Programmatic EIS, the Greater Sage-grouse EIS, and the Forest Service now has this National Old Growth Amendment where they are amending all the resource management plans west-wide or across the nation. What we are finding is it is very hard for local communities and the State to have a voice in those nationally led processes. We are drowned out with many of those national directives, so we do ask the Committee to help. Many of the western states are pulling together—in many counties in the West—for efforts to try to bring that land use planning at the federal level back as local as possible. I think that will help us get through some of these conflicts that we are seeing.

Related to that is the greater sage-grouse conservation effort. This is [Recommendation] 4 on page 6 of the packet. Many years ago, across multiple Department of Interior Secretaries as well as multiple Governors and multiple administrations in this State, the states West-wide were asked to step up to the plate and develop state plans to manage sage-grouse to avoid a listing of the sage-grouse under the Endangered Species Act. The State of Nevada stepped to the plate, established a Sagebrush Ecosystem Council (SEC), put in place all the varied interests at the table, had a lot of hard conversations, and came up, in my opinion, with a plan that is very balanced and actually manages the bird in a way that conserves the bird but also continues to allow community stability and economic outputs from the State.

In Eureka County's opinion, the State Plan [Nevada Greater Sage-grouse Conservation Plan] has never been allowed to work, never been allowed to prove itself. And that is what we have always advocated. We have gone through that effort and spent a lot of money, manpower, and time to do it. The State Plan needs to be implemented, and that way we can test it to see—are there adjustments that need to be made? Often, there are what is called the Conservation Credit System (CCS) that stood up with that, and that was a novel kind of first, cutting edge plan to offset impacts in sage-grouse habitat, and it is built in a way to actually create an uplift. For projects to go forward, they have to—through the CCS—provide an uplift to sage-grouse that is more than the impact that they are creating. The CCS is not the State Plan; it is a component of the State Plan, but the State Plan is much more than the CCS. We feel the State should step in and help push to allow the State Plan to be fully implemented with our federal partners so we can prove whether or not it works, and if there are any adjustments that can be made, we know what those adjustments are.

Another point I want to touch on is this on [page 7, Recommendation 5] of our document. We discussed quite a bit about our perspective of conservation and the different shades of conservation, what that means, and the definition behind it. We highlight a difference from what we believe of the definition[s] of “conservation” and “protectionism.” We subscribe to the definition of “conservation” as working lands that are used sustainably so that you can continue to provide both the needs of people and the environment now and the economy now but continue to have that sustainably in the future. It is not setting aside lands in spite of use; so we draw that distinction. There are quite a few efforts; we are seeing more in these set-aside protection type areas, and it does tie our hands on active management and adaptive management in many ways. When I was taking natural resource management courses, coming up through my education, [I] remember distinctly having a presentation about the different styles of management. It is something that I took to heart at the time—

that the easiest land management, the easiest natural resource management that you can impose is prohibition and restriction. It is the easiest because it does not take many people to manage it. It is a lot easier to say, "No," but it takes away a lot of opportunity for collaboration, working out solutions, and it can have a great influence on people that are making a living on those lands. So—ask you to look at those kinds of suggestions that we are requesting there.

I want to hit a couple more points that we think are important that we are continuing to see the can kicked down the road a bit on that we believe there are true solutions to. One of them is the clouded title of roads across public lands. Access to public lands is very important, and there are existing roads. I am not talking new roads or new anything out there. Existing access to our public lands—there is somewhat of a conflict about who controls that access. The State has statutes in place about what defines a county road, a public road, and what that all means. In the 2015 Legislative Session, the Legislature passed Senate Bill 456 that provided additional clarity there, and it actually mandated the Attorney General's Office to work with NACO and the State Land Use Planning Advisory Council to develop a consistent protocol across the State for every single county to go out and document county roads and public roads and then document a process to get those formalized and the title finalized on those. It is a heavy lift because of lack of capacity. It costs money, and it is something that we have never been able to move forward with.

Fortunately, there is streamlining that could happen in that process, and there are a couple of efforts in front of Congress right now. One of them is called the Historic Routes Preservation Act. It would actually amend the federal Quiet Title Act (*Revised Statute* [R.S.] 2477) to create better clarity on how any state or county can move forward with getting those claims, those roads out on public lands—the title finalized on that to determine once and for all which roads are county roads or State roads and which are not. That effort has to be done because a lot of the conflicts we are continuing to see come up is about access to mining operations, to grazing, to all these different things—these transportation planning efforts. It is a conflict avoidance issue if we could get that done. We would ask the Committee to help us in that regard, and one of that would be sending a letter to our Congressional Delegation asking their support to push the Historical Routes Preservation Act forward.

The last two things—I will cover them in tandem here. They both tend to bubble up as high-conflict issues sometimes. You have already heard public comment on wild horses. You will hear more, I believe, from Lander County about wild horses. We have a section in our document [Recommendation 12, page 18] about what we believe is a good solution to help address that issue, and that is endorsement of the Path Forward proposal. I know you have received public comment about that—asking you not to approve that recommendation—but ask you to look into that proposal a bit more. The Path Forward is what I would call "a very strange bedfellows coalition." It has wild horse advocacy groups, sportsmen's groups, wildlife groups, the livestock industry, and counties. Many others have all said, "Let us all agree on some assumptions we can move forward with, and let us come up with a plan that we believe we could all stand behind to address the wild horse overpopulation issues once and for all." That Path Forward Plan has actually been modeled to see how it could be successful. It does not impose any lethal management of wild horses. It does not impose any sales authority with wild horses. It provides a path forward. It does increase gathers, but it also creates a sustainable path where investments upfront can pay dividends in the end for helping to solve the impacts that these excess horses are having on our public lands.

The last point with that is grazing. We have quite a bit in the packet about grazing [Recommendations 10 and 11; pages 14 and 15, respectively]. That tends to be a topic [where] we see conflict come up over and over. That was something we continued to be involved with the local BLM offices in a lot of conflict over the years. I am thankful I am able to stand here and say we have built a good relationship with the BLM to be able to work through some of those issues. They are not always intractable type problems. If those things are data driven, you rely on the rangeland science and you try to find workable solutions. There are workable solutions, so we have a host of things that we would request the Subcommittee take action on related to grazing. I know I have spent quite a bit of time, Madam Chair, so I am happy to stand for any questions or go on any more detail if anybody would like.

Chair Scheible:

It sounds like we are ready to move on to our first round of questions.

Vice Chair Anderson:

I am a note taker, so I appreciate the very lengthy “one-pager.” The first thing I had a question about actually came from Recommendation 2 [page 4]. I do not know if this is something that you might need to address. I know Director Settelmeyer is also in the room. When you mention, under number two, “. . . understanding how proper government-to-government coordination is . . .,” it is that word “proper” where I feel legislation is coming from—how would you define that? Also, to expand on that a little bit—when you take a look at establishing State policies “. . . outlining expected coordination by federal land . . .,” what are the staffing responsibilities that you are looking at? I know a huge issue with many of our agencies is the staffing numbers.

Mr. Tibbitts:

The question on the coordination and proper coordination and what does that mean—coordination is subjective, right? What does that mean? We have spelled out what we believe coordination is—actually provided a dictionary definition of that. If you look at the antonym of “coordination,” it is “subordination.” Coordination is on the same level, working together to solve problems where you do not have somebody above—subordination type thing. That is what we believe it is about; recognizing there may still be disagreements but actually putting in the hard work to try to work out solutions. That is where the public policy is—getting that on the record. The federal government does not have to follow the State law related to this, but it would provide good public policy of what our State Legislature feels is proper coordination. We outline in that suggestion of what we believe it is, and it is under sub 2 in the blue italics [page 5]. There is the a, b, c, d, e, f, g, and h; those are what I would say are the definition of what we believe is proper coordination. If all of those things are followed—that is what we think it is about. It does not drive a specific outcome; it drives the process to try to get to some coordinated solution.

Vice Chair Anderson:

I appreciated that “healthy tension” comment, as well, during that whole thing. Thank you for clarifying the information that is in blue in our packet. When it comes to the staff and responsibilities—we have a hard time getting staff, so if you could go into that a little bit, Mr. Tibbetts.

Mr. Tibbitts:

We have help. The solution is always [that] more people is good to work on issues, but we do have the State Land Use Planning Advisory Council in place. That is a Governor-appointed council. There is one representative from every county. I think it is the only Governor-appointed council in the State that has somebody from every county on there, and they talk about land use issues. There are various powers and authorities to provide comments and resolutions and whatever else. That is staffed through the [Division of] State Lands, but the issue is we lost a very good staff member from there, and they are trying to find somebody to fill that role. But we do have help there. A lot of counties—we are very good about sharing, as well, and we have great folks in our State agencies. We have a good team, “starting five,” but maybe a no bench kind of thing. We do have folks between the counties, folks like Jacob and Pam Harrington and our various agency folks. I think we can all move the needle on this stuff in a coordinated way. It may not take a lot of new funding; it takes us all [being] willing to put in the time to do it.

Vice Chair Anderson:

I appreciate you bringing in the Governor's [Advisory Council] on that because that actually brings up my next question that has to do with Recommendation 6, which is providing funding support to the AG's Office “to assist counties in the State to formally, and finally validate . . .” et cetera, the right-of-way. Has this [Advisory Council] been part of that discussion, or have they brought in representatives of the AG's Office to work on this? Or is this something that would be necessary only through legislative action?

Mr. Tibbitts:

This a recurring request. If you look back at every interim, we have this. It made my 19-page document easier because some of it was cut and paste. We have had a lot of conversations, and in the 2015 Session when SB 456 was forward, there was a lot of conversation there. There was a fiscal note placed on it by the AG's Office at the time because of—it cost money—and the bill was, I will not say watered down, but it was adjusted so that it is a mandate with no time frame. It does say the State AGs “shall,” but it never mandates when; there is no drop-dead date to do it. That is how we were able to overcome [it]. You understand the fiscal note challenges. To be frank, that is what we did; it is still a mandate, but there are no teeth behind it as far as the deadline. So, until we have the funding to have that done, we continue to have this request. We understand there are a lot of priorities, and it is something we believe is important for federal land management to have this clarified once and for all and to allow us to all move on to better things rather than fight over who has the access. That is our request, but I could not tell you where the magic coffee can full of money is to pay for it.

Vice Chair Anderson:

I did not know this was an ongoing request, so thank you very much for that very thorough answer.

Chair Scheible:

I have a brief follow up. You mentioned the State Land Use Planning Agency and their staff. Is that also an Agency that some Goicoecheas may have served on?

Mr. Tibbitts:

That is part of the Goicoechea Dynasty.

Assemblyman DeLong:

I have a couple of questions. I think I will start with following up on Assemblywoman Anderson's discussion about the R.S. 2477 issue. You did clarify that it is a funding issue as it relates to the State side of things. Are you seeing a need [for] or proposing any policy changes at this point, or is it [that] we need to get it funded?

Mr. Tibbitts:

I think our priority would actually be to have Congress help us fix this issue. That would be an easy lift by the Committee if you felt it was worthwhile to send a letter to the Delegation supporting that. It does not mean that, if you read that Historic Routes Preservation Act—there have been a couple of versions over the last couple of Congresses—counties say, “That is our road,” and then we get it. There are all the points that it had to exist prior to when FLPMA was passed in 1976; R.S. 2477, [which] was a federal statute based on the 1866 General Mining Law, was repealed by FLPMA in 1976. But any valid existing right that existed on that date was protected. The problem is a lot of these rights—they are claimed, but they have never gone through a federal judicatory process. There has been a lot of litigation around it, and it has been determined that the only way to bring final title to this is through the federal Quiet Title Act, and it is cumbersome. That is where the Historic Routes Preservation Act does not mean that counties can—they still have to have all the documentation that the road was built for public use prior to 1976, but it streamlines the process there moving forward.

So that would be an “easy” [inaudible]. But the second part is, as I mentioned, the counties still have to have their ducks in a row to then follow the procedure that would be outlined by Congress. That is where there is help, and that is where the AG’s Office was mandated to help counties develop a protocol for them to go out and collect what data was necessary, and then how they can all package it up in a folder so it is available at the time. There is a two-pronged thing there.

Assemblyman DeLong:

I appreciate that clarification. I think to summarize it in fewer words, you are looking for funding to help the counties get the documentation in order at the State level, but we need to get the feds to act. And a letter from the Legislature was the vehicle you see as appropriate to try and push that. I appreciate all that. I think the next thing I would like to touch on is the State Plan for Sage-Grouse. You say that it is not being implemented. Are you saying that is from the State's perspective or the fact that the feds are not implementing the Plan and choosing their own way?

Mr. Tibbitts:

The State is doing all the State can to implement the Plan, but we are in a public land state with 85 percent of the land managed by the federal agencies, and in quantity, most of the sage-grouse habitat exists on federal land. The State cannot impose the State Plan on federal land without the feds allowing it. The State is using the CCS for projects on federal lands, but the State Plan is more than the just the CCS. The point is there are multiple land use planning efforts that BLM has made over the years, and there are various times where we have gotten close to alignment on a few things. From my perspective, the whole point of

the State Plan was to implement it, in total, to prove it could work. And until we can get to that point—so, it would be a federal thing.

Assemblyman DeLong:

I appreciate that. I wanted to make sure we got that on the record; that the real issue is the feds actually embracing the State Plan and implementing it. I think it gets to one of the points you made, which was that we are seeing federal land use planning happening at the federal level without State input, i.e., the district offices or the ranger districts are not doing the planning; it is happening in Washington. And when that happens, you lose the ability to get input from the State and the local.

Senator Goicoechea:

More of a comment than a question—I think this conversation with the R.S. 2477 roads is huge in the State of Nevada. I am going back in history again, pre-Dynasty. In 1971, Eureka County filed a map that incorporated every road in this County—every known track. And yet, case in point, as we came forward, there were landowners that did, in fact, come forward and sue and prevailed on some of those 2477 roads. So again, you filed a map. We thought we had it covered in 1971 and yet, ultimately, we lost in court. So again, there has to be a mechanism. I think Mr. Tibbitts is talking about what kind of act; it clearly needs to be a congressional act. But at some point, we need to clarify that a 2477 claim by a local jurisdiction, whether it be county or State is, in fact, a valid right-of-way, and it needs to be in the law. There are several pieces as we get on this agenda. You touched on the Path Forward with the horses, and it is going to take congressional action. That does not happen without legislative support, but it is a huge issue—2477s in rural Nevada. We have to get it cleaned up.

Vice Chair Anderson:

The dynasty-maker over here made me think of another question, especially when it came to R.S. 2477. Do those maps also include roads on a tribal land, that “yes” is federal, but is considered to be [a] tribal sovereign nation? Are those also part of those maps? Also, with all these discussions—have the tribal nations’ members or leadership been part of any of these discussions?

Mr. Tibbitts:

We do not have a reservation in Eureka County, but we work very closely with the Duckwater Tribe. Many of the students from Duckwater attend schools here. A lot of good friends down there. We do a lot of work with the Tribe, and Eureka is a hub for a lot of their banking and shopping—grocery, the Raine’s Market, and other things. The road that goes from Eureka to Duckwater is an R.S. 2477 road, but it has never been validated or formalized. A lot of the access roads that the tribes use to get around—whether it is to their traditional cultural sites—are public lands, and there is clouded title on those. As far as roads on any of the reservations itself, I do not know enough to speak about that. All I can say is roads getting to and from any public lands that are important for anybody—many of these are clouded title.

Assemblyman DeLong:

I appreciate the thorough discussion you guys have brought to the table. It has been helpful. I did have a question on your government coordination. I wanted to follow up on

that. Whether it be local with feds or State and local with the feds, are you thinking primarily from a planning perspective, an action and implementation perspective, or both?

Mr. Tibbitts:

It would be all and above. If you look at FLPMA—I am speaking specifically on BLM—there are statements, and it is in my very wordy document. It is a direct quote from FLPMA. It is that the land use planning and implementation—I am paraphrasing—that it all be done in coordination with state, local, and tribal governments. We want a good working relationship, and that is not only when you are in a planning effort, it is when you are in an implementation—whether you are in a NEPA process, whatever it is—having an opportunity to always be working together solves more issues than conflict does if you are not part of that process.

Chair Scheible:

Any other questions or follow-ups? [There were none.]

C. REPRESENTATIVES OF LANDER COUNTY

Chair Scheible:

We are going to have Lander County come up and give you a presentation as part of this agenda item. We will probably have questions for you, as well.

Pam Harrington, Natural Resource Officer, Lander County:

Before I launch into our shorter presentation, I have one request along the lines of the Goicoechea Dynasty. I bring a gift to Senator Goicoechea for all of his work that he has done in regard to the rural counties of Nevada. We are a sister county—Lander County—we are right next door. You can see our little logo up there. There is a map of our County—that long section is where we join Eureka. Our natural resources do not recognize political boundaries. They go from both Counties, from mines to pronghorn to sage-grouse. We all share that land. So, I bring you this gift. It is a rock.

Senator Goicoechea:

Okay. [As long as] it is not a \$2 rock, I am fine.

Ms. Harrington:

It is just a rock, but it signifies what a rock you have been to us in your steady hand at the Legislature.

Senator Goicoechea:

Well, thank you. The ten years I represented Lander in the Assembly, and Lander/Humboldt going east and west, were great. Commissioner Jones left, so I said, "I enjoyed it more than representing Clark because he is out of here!"

Ms. Harrington:

That is about the best thing I have done so far—working for Lander County. I am new to Lander County. Some of you might recognize my face. I worked for Trout Unlimited, and I was on the Mining Oversight and Accountability Commission for a little while last term. We

moved down from Idaho—my husband and I—and we built our home in Lander County with our own hands, and we found home. I am super happy to represent Lander, and it is the right thing to do. Thanks for having me. I will go through this quick presentation (Agenda Item IV C). [Due to copyright issues, the handout is on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. For copies, contact the Library at (775) 684-6827 or <https://www.leg.state.nv.us/Division/Research/About/Contact.>]

I started with our shield—our logo—and it says it all. You see the sun up top. We have a lot of solar up here, and that has been a new bounds for us. Agriculture, like Jake said, and mining—it makes up our County. I had to put a few statistics out there. If you do not know much about Lander, it is the same as the rest of Nevada; 85 percent of our County is public lands. We have 5,500 square miles and almost one person per square mile, and half a mule deer. It is a good statistic to know. I do not have much time here, so I had to pick out what I thought might be a couple of important topics to showcase. One is renewable energy and the other one is horses because we have issues in Lander like a lot of the other counties.

Starting with horses—these are not such good statistics. We have a lot of work to do. I think I skipped over something else I wanted to say. Those top issues—I was so glad to see a Committee member here, Ms. Weaselboy, because I did not point out tribal inclusion. That has been important to us, and [we are] glad this Committee has made that right. So, our horses—when I worked at Trout Unlimited, people told me, “Run away when somebody starts talking horses.” And here I am, saddled with that now, and I am happy to do it. It is important. You can see those statistics. We have way too many horses, and we do not have to beat that dead horse anymore. Sorry for that bad pun. At the end of June, I went out and started doing the work that we have to do to assess how our rangeland looks with the BLM. I am going to go forward a little bit here. For us to get a gather in Lander County—to start getting a handle on these horses—we have to have our paperwork in order. We are working on that with BLM. We have to do it, so hopefully we will get gathers in 2025. But this is what we found. We went out there—Sean and I; there is no more feed in this area right here [in this] picture [on page 5]. Key species of perennial grasses are gone, and nobody knows what to do about that. How can we fix a huge swath of rangeland where the perennial species of grasses are gone?

And here is an up-close look [on page 6]. Jake Tibbetts gave you the macro approach. He showed you all kinds of issues. I am going for the micro. We are going to look down in the dirt here. This is pedal-stooling. That is where that grass will never come back. Its roots are dead. And then there is root ball death—another good term for you guys to know. This is a phase of irreparable damage; this is crossing a threshold, and we have that going on in Lander. I know there are other places in Nevada, but I am talking Lander for now.

This [on page 7] is another picture I took. This is a cool unnamed spring. There are no cow tracks here; no cows are using this. This is all horses. You can see how degraded it is. I think even if you do not have a degree in environmental health—which is my degree by the way, I meant to say that earlier—but anyway, this needs to be fixed. Our BLM Office—it is called the Mount Lewis Office—and Lander are going to start working on this stuff once we get to appropriate management levels (AML) of horses. That is the good news that you are going to hear, I think in the next slide. And we flushed a sage-grouse here. There was a sage-grouse living in that nice, wet meadow, even though it needs a lot of work.

This is my last slide on horses. It is clear that BLM has an untenable task to keep these horses in check. You probably know every four years they double in population. The last gather we had was in 2011, and we are not the only ones that are in that situation. Other counties have gotten a little bit more action, but we are working on it. The BLM Office and

Sam back there—I think he is going to be on a panel. He is awesome to work with. I am working with Sam and his two, I call them “horse ladies,” that are working this. We are going to try and get a handle on this and do even better, and it is through collaboration. Hopefully, I will see you next year sometime with good news that we are making progress on this.

That was the one topic I had to make sure I got through with you because it is important for us. But here is the other one—renewable energy explosion. Like Jake Tibbetts mentioned—mining boom and bust. Well, we are in the boom now for solar farms. We are seeing so many come across our Planning Committee that we have to figure out what to do. This is new territory for us—acres and acres and acres and acres of solar fields. And then the transmission lines—you build it; they will come. That is the other side of it, so we [have] to find out if we can make a difference on where these transmission lines are going to be located. It is serious stuff. Wherever they build it, they are going to come—all of those solar panels. If they are in conflict with our wildlife natural resources, I hope we can make a difference and have some say there on where these things are going.

Real briefly, the geothermal impacts for water sources—we have streams that go dry after geothermal processes start. That is something else we are working on, and I do not want to whine, but we are stretched thin trying to deal with all this stuff. Jake, Jacob, and I did not start coordinating our presentations until after I submitted mine. And what I decided when I had submitted it was, if I was in your shoes, I would want to know one more thing. It is funny how it collates with what Jake had to tell you as well, and that is the mega plans. The mega plans that we are getting hit with are crazy, and the two examples I give you are the sage-grouse and solar energy plans. I am going to show you what they cover.

We already talked about it being driven by D.C., not local input. So here is this sage-grouse. Imagine this when you are reading this [BLM] Plan that is this big: It covers ten states; 121 million acres of public land; 69 million acres of greater sage-grouse habitat; 77 separate Resource Management Plan (RMP) amendments—does that not sound amazing?—and coordination with all those counties and tribes. Now, how can that be good for the bird? I cannot find it. I came in late to this process, so I do not have groupthink on this one, and I am not seeing it. I think we go back to our local Nevada Plan. That is what a lot of us would like to see happen. That is one example of the mega plans.

Here is the other one, and it is the Utility-Scale Solar Plan—another big mega plan. All BLM land in 11 western states is included in this—162 million acres. It is [an] easy little footprint to plan on, I think—coordination with 241 federally recognized tribes and all of the counties. How are we heard? Here is Lander County right here asking. We are not [heard]. We [are] drowned out in this big planning shuffle, and people have said it does not look like this is legal, that the BLM cannot plan at this scale. The FLPMA says “You need local planning,” and I think we all can see why. I wanted to point that out at the end of this presentation because I thought it was important. If I [were] in your shoes, I would want to know about this.

What do we have for tools as little counties? Well, we have you, and that is important. I want to thank you all for doing the work you do on this Committee. But we also have ordinances, special use permits (SUPs), master plans, and great county commissioners. But all of that—we are still grappling with it. This stuff is new. In Lander County, we do not have any ordinance about how you dispose of solar panels. We need it, and we are working on it. And we are all talking, thanks to NACO. They have put good trainings together for us in forums where we can all talk and figure out how the heck we are going to do it. But we are

doing our part. I think that is about it for me. If you have any questions, I will try and answer them. Thank you.

Chair Scheible:

I am sure we will have a few questions.

Senator Goicoechea:

In Eureka County's presentation, he talked about the Path Forward. I realize that is going to push it out. We are 20 years from getting anywhere with that. Has Lander County formally adopted that or supported that as a Commission?

Ms. Harrington:

We have not joined. We have not found a place to join yet. Our commissioners are looking at it to see what we can do. We are looking at doing things locally with our BLM Office to try and help. I mean, we cannot even get federal money to do things until we have our paperwork in order. That is like a triage step for us—getting the paperwork in order. But I think that we will be working more towards that Path Forward, and we wanted to work with our congressional staff to see if we can make sure money is flowing because, say we get a couple gathers next year, and then it is another 12 years before we get another. It is not going to work. We have to do this. I am very happy about Director Raby's ten-year plan that he is trying to pick this stuff off. He has done more in the last couple of years than has been done in a long time; so we do not want to be a naysayer to anything there. We want to be a positive force to try and keep that momentum going and ride that wave.

Senator Goicoechea:

Yes. I appreciate that, Pam. The thing is, we have a lot of counties, and some of them are going to take over, or whatever. But the bottom line is we are all looking for the same thing, and that is the Wild Horse and Burro Act, as amended. Let us get it enforced—use the tools that are in it. I do think this is going to take a consolidated effort through NACO and the counties. They need to come forward and get behind a plan, support it, or we will spend another—you know, we have been 50; we are going to be there another 50 if we do not get something moving.

Commissioner Jones:

I have a question for both of you, but particularly for the NACO representative, on solar developments. What do we do? Obviously, I am 100 percent supportive of more local involvement in decision-making when it comes to utility level scale of solar. How do we address the issue of cross jurisdictional solar projects? The Clark/Nye border is a good example of that, where the Nye County Commission wants to come before the Clark County Commission to talk about projects in Clark County and vice versa. How do we deal with that?

Jacob Brinkerhoff, Previously Identified:

I am familiar with the controversy there and the water concerns from Nye County. If we could develop a statewide plan, if the Utility-Scale Solar Plan was led by the State Director of the BLM instead of Washington, D.C., that would be a tremendous help in bringing stakeholders and local constituencies together to work on that. I think there is a lot more that Nevada could do in terms of rooftop solar and distributed generation. We do not have

to do everything utility scale. But yeah, I do not know how to solve the conflict between Nye and Clark off the top of my head right now.

Commissioner Jones:

I am not asking you to solve the problem, but is there anything in State statutory language or are we stuck with what the BLM's dictate is when it comes to these types of solar projects? Is there anything that we can do internally between counties, between jurisdictions, et cetera, to be on the same page or have a better united front when it comes to approval?

Mr. Brinkerhoff:

I know that NACO is working on legislation around this, primarily focused on notification to the counties early on. I do not know [whether] that legislation, at the current thinking, is dealing with cross jurisdictional issues like that. I am not sure, but we are happy to work with you on that.

Commissioner Jones:

Can I throw one more at you?

Mr. Brinkerhoff:

Sure.

Commissioner Jones:

What about cross-state jurisdictions? I have a proposed solar development in the California side of Sandy Valley, which the residents of Sandy Valley are not very excited about. So again, [is there] anything we can do, either State policy or working with the Federal Delegation, to address concerns when solar projects are across state boundaries but still have serious effects on communities that are on the other side of a state boundary?

Mr. Brinkerhoff:

Happy to work with you on it.

Commissioner Jones:

Fair enough.

Ms. Harrington:

I wanted to also mention the little bit of work I have been doing on this whole Solar EIS. I am saddened that solar rooftop and anything that could be close to the real needs of this continued energy need is discounted. We do not even talk about it. It is like it cannot be done. I do not know if that is true, but I do not know if you guys can help at all to look at solar rooftop and having things in place where the real increased needs are. So, I throw that one back at you—if you can help there. Instead of blanketing the desert with solar panels all the way as far as the eye can see and into places that have intact landscapes and grazing and pronghorn—I do not know why we do not look anymore at that. I think the answer is NV Energy does not want to. Yeah, I know. So, I said it. But if there is a way to look at not blanketing the desert with solar panels—I hope you can help.

Senator Goicoechea:

I want to answer that. We tried in 2015. It was called "Home Rule." We need to get a little farther. I am sorry.

Chair Scheible:

That is one approach.

Vice Chair Anderson:

I am actually going to go in a different way. Looking at your presentation, you bring up that there are staffing issues; cooperating agencies are stretched thin. No question in my mind that is happening. I am wondering, what exactly are your current staffing levels? How many people do you have reviewing this? And are there any openings at this time?

Ms. Harrington:

Thank you for that question because it is easy to answer. For Lander County—one person; for Humboldt County, they have a contractor; for White Pine County, they have a contractor. They are excellent people, and we all work together on things, which is very helpful in ways. But no, there is not a lot of staffing at all for this, and our planning staff in Lander is one person for the most part. We are trying to grapple with it as best we can. I do not even know about Nye. When you talk to Megan at your next meeting, she will have a lot to say, I am sure, because they are ground zero for solar. She has been helping us because we are learning more because they are coming at us now. I am thinking maybe a reason they are coming at us now is because we do not have our ducks in a row.

Vice Chair Anderson:

That is a different story. Thank you for that clarification, and I am not looking for a job, believe me, but one person—looking through this as well as hearing the public comment earlier today—you are looking at 5, 8, 10 large projects possibly. How many projects are you getting these applications for—and for one person to review, to look through all the maps?

Ms. Harrington:

Yeah, I am actually losing sleep. I have never had that in my career. It is because I care.

Vice Chair Anderson:

Thank you for caring.

Senator Goicoechea:

I thank you for the rock. They made me check my gun at the door, so I do have protection.

Ms. Harrington:

I will let my commissioners know that.

Chair Scheible:

I also had a couple of questions because you and the representative, Mr. Tibbetts, from Eureka County had both mentioned the Sage-Grouse Plan. I was wondering if you could give me a little bit more of a picture and understanding of where we are falling short or where the disconnect is that the Plan is not being implemented—as someone who understands there is a Plan globally but is not nearly as familiar as you or Mr. Tibbetts or half the people in this room with the actual details of that Plan.

Ms. Harrington:

I will defer to Jake because he is on the committee that is working on that and has worked on the Sage-Grouse Plan for years. He probably does have groupthink a little bit, but he is smarter than that. And that is why he will stand up for our State Plan instead of this big one. So, if you do not mind, I would like him to get into the details on the Sage-Grouse State Plan.

Chair Scheible:

I do not mind at all if he does not mind coming back. So that answers my follow-up question, which was that—and I am not trying to sow division or anything—I am trying to recognize that we do not want to treat all of rural Nevada as a monolith. But it sounds like Lander and Eureka, at least in this area, are united in their perspective. Is it fair to characterize [it] as frustration with the lack of implementation of the Plan?

Jake Tibbetts, Previously Identified:

I would venture to say that every county with sage-grouse habitat is aligned on this issue. The disconnect, I believe, is tied back to the top-down dictates from D.C., because you have what is called “national management direction,” and the plans have to fall within that management direction. There are maybe minor adjustments we can make state by state, but it is dictated on policy perspective from D.C. I will say there was a BLM Land Use Plan Amendment in 2019; the entire intent of that Plan was to find alignment with the states. That Plan was approved; a record of decision was signed by the BLM, and then it was preliminarily enjoined in the Idaho Federal Circuit Court. We are under that injunction right now. So, we reverted back to the 2015 BLM plans as the de facto management while that is all being worked out. Now we are in a new planning effort to amend the 2015 plans with all of that litigation not even all ironed out yet. It is literally what I would call, “regulatory whiplash” a bit—the pendulum. And that is where I believe Nevada's Plan—you know, we were not beholden to that—was trying to do what is right for Nevada. It is a nonpartisan Plan—it really is—across multiple Governor administrations and stuff. I think the disconnect is the more global perspective from D.C. does not always align with the states.

Chair Scheible:

Okay, that answers my question. I appreciate your follow-up and coming back up here. If I could ask Ms. Harrington one more question, because we did venture into the arena of the wild horses, and you mentioned a couple of times that Lander County needs to get its paperwork in order. Are you talking about counts of the horses, or is there additional paperwork that I am not aware of?

Ms. Harrington:

Yes, thanks for the question. I was not very clear on it because we are calling it “paperwork” now. It is the environmental assessment that the BLM has to put together. They go stale over time, so you have to do new monitoring, put that together to back up your environmental assessment that proves you need gathers, even though it is obvious. You have to have the proof because people will litigate, and they will litigate even though there is no more food out there. Sometimes horses are starving, dying, or our range is beyond fixing. That is what we are helping with—getting that environmental assessment together so they have what they need—the BLM has that—to ask for gathers because they cannot even put it up the flagpole until we have that together, which totally makes sense.

Chair Scheible:

Okay. Now I understand.

Senator Goicoechea:

You piqued my interest there. Did Lander County—at least there was talk that Lander County was going to file suit against the BLM.

Ms. Harrington:

Yeah, there was discussion about that, but they have changed their tact to see if we cannot get something done that is positive. I am very glad to say I have been a part of that. We can hopefully get something done together. It is not like our BLM Office are not great people, but this is an untenable thing, as you know. I wish we could throw money at it and fix things. That is my first goal. I was like, “Can we give them money?” They cannot even take our money. The federal government's like, “We cannot even do that.” So, we are trying to help in every way we can. And I will tell you guys this right now, Sam and I have put together probably seven different ways that we can work together into the future once we reach AML. We have to get the AML of horses down, so we are helping them to get the paperwork ready for that. And then, we hope to provide a template to other counties to work with their BLM offices to make this last and be sustainable. I am glad you asked me that question because it was not hard to answer since we are trying a new tact.

Senator Goicoechea:

Yes, and AML is a law under the Act, so we need to get there. I think this body can help push out longways as the law requires that we get to AML.

Chair Scheible:

That brings us to our conclusion of Item IV. Thank you all for being here and for your presentations.

With that, we will move onto Item V.

AGENDA ITEM V—PRESENTATION FROM THE BATTLE MOUNTAIN DISTRICT OFFICE OF THE BUREAU OF LAND MANAGEMENT

Chair Scheible:

This is a presentation from the Battle Mountain District Office (BMDO) of the BLM, and I believe we have Mr. Ault here.

Sam Ault, Field Manager, Mount Lewis Field Office, BMDO, BLM:

I am about two-thirds of the way through a detail as Field Manager for the Mount Lewis Field Office. I have worked in Battle Mountain, Nevada, for the BLM for nine years. I started there as an entry level Rangeland Management Specialist—General Schedule (GS)-5—if that means anything to anybody. I have made a career, started my family there, and lived there for near a decade. My regular day job when I am not Field Manager is a Supervisory Natural Resource Specialist. Underneath that position, I manage Range, Wildlife, and Wild Horse and Burro Programs for the Mount Lewis Field Office. Like Pam was mentioning, that is a Program that is near and dear to what I do on a day-to-day. I was given a broad mandate on what to present on today, so I decided to generally talk about the BMDO and some of our metrics and workload but probably will not be getting into any project-specific stuff unless there is interest to talk about those. The other thing I will note is that I know there is a lot of interest in the renewable energy program. The Mount Lewis Field Office has received a few applications for solar development, but we have not had to jump into it quite yet, not like the Tonopah Field Office. I am not the total expert on that quite yet. It is my next big learning curve to tackle.

Battle Mountain District overview—for anybody who does not know, the BLM is divided into six district offices in Nevada. The Battle Mountain District is the interior section of that. We are surrounded on all sides, except for the very southern portion, by other BLM Nevada districts. We manage 10.5 million surface acres of public lands. The Mount Lewis Field Office is 4.3 million acres, and the Tonopah Field Office manages 6.2 million acres. I do not have the exact percentages off the top of my head, but we manage most of the surface area within that area. Our major programs are Mining, Livestock Management, Wild Horse and Burro, and we have, obviously, a growing Renewable Energy Program. In support of these programs, BLM works through permitting processes, which include the NEPA process, the Endangered Species Act, and [it] also conducts monitoring, manages project implementation, and enforces compliance with decisions.

I would say the major program we have is Mining. The BMDO has a total of 82,087 mining claims, which is approximately 19 percent of the total mining claims in Nevada. There are 135 mining plans of operations, which is approximately 53 percent of Nevada. There are 433 mining notices within the BMDO, which is approximately 49 percent of Nevada. And we have \$1.5 billion associated with financial guarantees in the Battle Mountain District, which is approximately 43 percent. Those financial guarantees, by the way, are monies that the government secures to ensure that if mining operators go out of business, the reclamation for the disturbance is bonded. I would say that 43 percent of Nevada is a major indicator of how much our mining workload is.

Another major program for us is Livestock Management. We have 383,000 animal unit months (AUMs) that we permit out of the 2,076,000 in the State of Nevada. We are not the largest, for sure. We are about 25 percent of the State overall; 247,000 of those AUMs are in the Mount Lewis Field Office with 135,000 down in Tonopah. And that is due to, as the

farther you go south, the closer you get to the Mojave—less perennial forage for livestock. We manage 137 out of 1,070 permits in the State, so about 13 percent.

Our Wild Horse and Burro Program—the BMDO manages a mix of wild horse and burro herd management areas (HMAs). Generally, the burros occur down in the Tonopah Field Office, and the horses are up here in the Mount Lewis Field Office, but there are always exceptions to the rules. I apologize; as I was putting my notes together for this, I thought I had the metrics for both Tonopah and Mount Lewis for the Wild Horse and Burro Program, but I only had the Mount Lewis Field Office. I will be digging into those a little bit. We manage for a population. We refer to that as an animal [appropriate] management level—AML. This figure typically comes in a low value and a high value, so we are managing for a range. This is a population level that the BLM has determined to be appropriate in relation to other multiple uses. There are also wildlife and livestock, for example, [which] are competing for the same resources that wild horse and burros do. In and of themselves, wild horse and burros could probably occur in much higher numbers and still be in an ecological balance than what we have prescribed as the BLM, but we need to provide for multiple use; i.e., livestock and wildlife.

We have 12 HMAs in the Mount Lewis Field Office. Eleven of those are horse HMAs and one is a burro HMA. We have several HMAs that are identified as separate HMAs but are managed as a complex. Those ones that are largely grouped into a larger complex are typically very small. They could be 50 AML. The high AML for our Field Office is 1,869. Our total estimated population that we put together at the end of Calendar Year 2023 was 6,314 animals; that puts us at 337 percent over our high AML. Lander County greatly exceeds that in some HMAs. It is in the thousands of percent over AML, rather than the hundreds. Over the last 10 to 15 years, our big priority in the Mount Lewis Field Office was addressing the HMAs in Eureka County, and we have shifted our focus in the last two or three years towards Lander County.

I think we have discussed a lot of the challenges the BLM faces already. I am happy to field questions at the end. I will not go into that too much here, but I will say that in order for us to sustainably manage our wild horse and burro populations, we are going to have to work through adaptive management solutions. Historically, you would largely see gathers, and then populations would grow again, and then we would gather and ship them to long-term holding. A major bottleneck the BLM is facing is where we are going to additionally put horses in the long-term. Those are costs that are passed on to the taxpayer. In my opinion, a major thing that we need to do—as we are near or below high AML—is work with our partners to do treat and releases, or on-range darting, to help manage and prevent populations from getting to the point where we need to gather them. I think the Washington Office—or at the very least State office—policy aligns with that concept.

Renewable energy—we currently are working through 38 renewable project applications. I believe all of those are solar. In the Mount Lewis Field Office, we have nine applications, which come in at 7,700 megawatts. The Tonopah Field Office has 29 pending applications with 23,600 megawatts, which, for the Battle Mount District overall, is 38 applications with 31,300 megawatts. The Esmeralda 7 (E7) Project—are the furthest ones along. We are nearing public comment on the EIS for that Project. Everything else is still largely on hold due to variants, conflicts, basically with our land use plan for allowing solar to be in those areas. That is my prepared remarks for this. If there are any questions for me, I am happy to field them.

Chair Scheible:

If you would not mind providing those remarks to our staff before you leave so that we can include them in the official record, we would appreciate it.

Mr. Ault:

Absolutely. No problem.

Chair Scheible:

Questions from members of the Committee?

Vice Chair Anderson:

My first question is in consideration of what we just heard. How often—when you are looking through these applications and other attempts to do things—are you looking at multiuse, especially as was brought up in the last presentation? Number one. And then, number two, how often do you work with the counties with these very specific items?

Mr. Ault:

I will start with that second one first. It is very rare that the BLM gets to walk into a room and is not the punching bag, so it was very nice hearing the hard efforts [of] my predecessors in doing county coordination. From our perspective, on a local level, we are not going to be able to do much of anything without partners. We value and cherish that relationship. The second part of that is we are a multiple use Agency. The main way we review that is through the NEPA process, and nobody likes the NEPA process until the BLM is trying to implement something they do not want done, and then that is their opportunity to engage in comment. The BLM has to consider those comments and make a decision that that is reasonable and in the best balance for multiple use.

Vice Chair Anderson:

I think I understand what you are saying is that, "Yes, we consider it and it is very important for us to have multiple use." But, in particular with the roads, let us let us bring that into this discussion. Has that been a source of contention with BLM land—making sure the public roads continue to be public or the county roads continue to be county even if they are, in fact, on BLM land?

Mr. Ault:

The R.S. 2477 issue, specifically, is something we cannot make a final decision on. Jake is much more articulate on this issue than I am. But ultimately, the BLM does not have a travel management plan. We are not looking to close down most of these roads. There are a lot of reasons why the county would want an R.S. 2477, and I acknowledge that. It is not in my decision box to be able to decide whether or not to recognize that. I will say, as we are going through discussions on road improvements or expansions and widths of roads, those can come in conflict—and [for] a lot of reasons—with other resources we manage. One that I will probably say has the most conflict is cultural resources, so tribal consultation in Section 106 is important for us to go through. As we receive applications for improvements, we have to step through those boxes and analysis of multiple use.

Vice Chair Anderson:

I appreciate that analysis of it because I think this will be my last question; that is the analysis. As has been clearly stated at both our State and the local level, our staffing is small, and they are incredibly dedicated and are being asked to do 6,000 things. Our LCB staff alone is able to do this remotely and does an excellent job of it. I cannot even imagine trying to go through all the items that a small county has to do to approve solar and everything else. Is that ever part of your consideration of the application process, whether it is solar or mining or anything else, of what the impact would be on the employees of the State and local governments?

Mr. Ault:

I do not believe the employment level is a metric that we look at directly in a NEPA analysis, but I will tell you that this is our greatest limiting factor, as well. The Battle Mount District—I read through our metrics. Our staff levels, both in our ability to hire and retain and also on the general size of our table of organization (TO), is not reflected one-for-one to other districts in the State and other districts BLM-wide. Every district faces different challenges and has different resources; but for the Battle Mountain District, this is a severe limitation for us—staffing and long-term corporate knowledge on projects.

Vice Chair Anderson:

The long-term knowledge is the biggie, as our Committee is losing one of our strongest long-term knowledge individuals. I feel the BLM has been good to work with at the local level, but sometimes, once you get outside of other areas—"not so easy" is what I am hearing. But if you could possibly continue to consider what is happening with our county and State governments and our staffing levels because we both have the people like the Senator who is getting ready to retire and the fact that we do not have as many people with that knowledge [who] have been around for 25 years. I am sure you are experiencing that same thing—is what I am hearing you say. Is that correct?

Mr. Ault:

Yeah, that is true. I will also tell you that for every action we are permitting, there is a requirement for us to consult with State and local governments. It is an important thing that we do, for sure, because that is where we get a lot of our substantive comments—from State and local governments.

Senator Goicoechea:

I am going to shift right from that into cooperating agency status. Whether it be a county or the tribes, they request that. And there are cases [where] they are denied cooperating agency status. Do you want to fill us in on that a little bit? How can you deny somebody cooperating agency status?

Mr. Ault:

That is a good question. I will speak for the Battle Mountain District on this. I am not aware of us denying cooperating agency status, but I might be mistaken within our District. I am not sure the reasons if we had. I will state that for the record.

Senator Goicoechea:

Maybe I should clarify that. I am not sure—maybe a county has—but I know people that have been denied cooperating agency status. I think some counties have been denied as well.

Mr. Ault:

I am sure there is a potential for that.

Senator Goicoechea:

And then, a follow-up before you get into this—the Tonopah Field Office has all of Nye County, right?

Mr. Ault:

We have a little sliver of it in the Mount Lewis Field Office.

Senator Goicoechea:

You do not have Pahrump, Amargosa, Beatty?

Mr. Ault:

Correct.

Senator Goicoechea:

That [part] is all N-1?

Mr. Ault:

You are talking [about the] N-1 Grazing Board?

Senator Goicoechea:

No, N-1 is Elko. Grazing districts. I am trying to think. I thought N-6 had all of Nye County; it does not though?

Mr. Ault:

To clarify what we are talking about, the N-6 Grazing Board is what we manage, and it does not cover the entire District. N-1 cuts off about at the latitude of Tonopah. Below Tonopah, the Beatty area—I do not believe that is within a grazing district at all. There are unincorporated areas that never got grazing districts nationwide.

Senator Goicoechea:

I really need clarification now. That is interesting that Beatty, Amargosa, Pahrump are not in a grazing district.

Mr. Ault:

Maybe it will help clarify where you are going with this question—that this is the primary difference between grazing permits and grazing leases. Grazing leases that we have are outside of the grazing district. I am not sure if that helps get to it.

Senator Goicoechea:

Well, it does because as we talk solar permitting and/or any of those permitting—there is grazing occurring in those areas, so there are going to be impacts. How do they mesh?

Mr. Ault:

From a NEPA analysis perspective, there is not going to be—for a grazing reduction conversation—a difference between whether or not it is a permit release. [That is] my understanding of it, and I am fairly savvy with the Range Program. The main difference is where the grazing fees go. Within the N-6 Grazing District, a lot of those fees come back to the counties—to the range fund there. The leases—that is where they lose out on that. But as far as a reduction that would happen for a solar analysis, we would still do the same socioeconomic impact to the operators, and there would still be the same relative analysis for grazing—the actual reduction in the permit.

Senator Goicoechea:

But it would be out of your District. So, who does it?

Mr. Ault:

It would be in our District. I am the Mount Lewis Field Office on the northern half, but Beatty is the very tail end of our District. So, [it is] not a grazing district, but a BLM District. I will clarify also—there is a correlation between the grazing districts and the BLM districts. They were used largely as a template for the creation of the BLM districts.

Ms. Weaselboy:

Thank you, Sam. It is good to see you again. I come from a different perspective of looking at the evaluation of solar permitting and many projects, including extractive industry, coming from the tribal end. I know one of the main issues we have is staffing with the BMDO as a whole. I wanted to ask how many archaeologists you have on staff and what the plan is to staff more archaeologists because, like you mentioned, the cultural resource issue. Because there is no Native American coordinator (NAC) on the BMDO, we are having a lot of issues with getting meaningful and proper consultation out to tribes. I know that has been a big hold up, so I wanted to ask that question. I also wanted to ask—how is the BMDO trying to mitigate consultation with a lack of staff?

Mr. Ault:

This has been the primary workload I have been working through as Field Manager in the last couple of months—addressing cultural concerns and working to improve tribal coordination. We onboarded a brand-new archaeologist in the Mount Lewis Field Office and a brand-new archaeologist down in the Tonopah Field Office. We also have extended an offer to a new archaeologist for the Mount Lewis Field Office, and we will be onboarding them in the next months. I think the tribal liaison position has long been viewed by the Battle Mountain District as one of our critical positions, and it has been very difficult for us

to hire, but I think our district management team 100 percent acknowledges that is one of the core members of our leadership team. Without the tribal liaison, the government-to-government consultation process, as you know, defaults back to the field managers, of which we have two—or district manager, which would make a total of three people in our District that could do that, which makes having really meaningful tribal consultation very difficult. As far as the cultural [resource issue] goes, we have been very fortunate in the last few months in being able to rely on other districts for some of their capacity, and the State Office has provided a lot of support as well to work through some of these significant issues we have been working through.

Ms. Weaselboy:

Thank you for that clarification. I know we have been working a lot with the State Office, as well, and I can imagine their load is quite heavy. We definitely had stall outs in coordination and consultation, so I wanted to make that remark. There is definitely a difference between attempting meaningful consultation and following through, and that is where we stand with a lot of those issues and finding out what is happening. I do find out about a lot of these projects in a very roundabout way instead of coming directly to the tribes, maybe through ITCN as an agency to get that through. We do have a lot of concerns. In regard to meaningful consultation, we have a lot of folks who are not totally aware of tribes here in Nevada, and so we have had a lot of tribal consultation overreach from tribes who do not have anything to do with our area coming in and trying to speak for us. And then the check box is marked by the BLM saying, "Good enough." I wanted to make that remark because a lot of times the onus is put on tribes when I think the onus should definitely be put on the agencies, and it is severely lacking in that regard. But I do appreciate the attempt to work with—and again, I know we have been working through the State Office a lot, especially on E7 and on Native American Graves Protection and Repatriation Act (NAGPRA) related issues.

Mr. Ault:

I would be very open to doing consultation on proper consultation. A challenge for me is knowing what is too much and what is not enough and where tribes are interested in. If you can express that as these issues come up—I am very much interested in engaging in more meaningful consultation on how we do consultation.

Assemblyman DeLong:

I appreciate the discussion. We have had quite a bit of questions and comments about renewable energy generation. What we have not touched on is transmission, and I think the Greenlink Project is coming through the BMDO, principally the Tonopah Field Office. How is that going? What is the District's level of engagement in that? Do you have any insights on that?

Mr. Ault:

I am not very familiar with that. I know it does come within our District Office, but it is not a project I have had to step in on directly. So, as much as I would love to give you an update on that, I am not quite knowledgeable enough.

Assemblyman DeLong:

I understand.

Chair Scheible:

We have no further questions. Thank you for being here.

We will close Item V and move to Item VI.

AGENDA ITEM VI—PRESENTATION FROM THE AUSTIN-TONOPAH AND ELY RANGER DISTRICT OFFICES OF THE UNITED STATES FOREST SERVICE

Chair Scheible:

We have [Rangers Brown and] Noriega here from the Austin-Tonopah and Ely Ranger Districts of the U.S. Department of Agriculture (USDA).

Lance Brown, District Ranger, Austin-Tonopah Ranger District, United States Forest Service (USFS), USDA:

I appreciate the opportunity to present topics and program discussion on the District. I have been the District Ranger in Austin-Tonopah for seven years, actually, this week. I had started my career here in Nevada and have a total of 19 years of federal service in both [the] BLM and Forest Service. I would like to talk a little bit and share on programs and management priorities for the Austin-Tonopah Ranger District. Austin-Tonopah is about 2.1 million acres. It is the largest district in the lower 48 states, so it is a very large ranger district comparatively. That is two districts that were combined in the past. Our staffing level is about 50 percent on the District with two offices—a ranger station in Austin and a ranger station in Tonopah. We require coordination and support work from the zone or from other districts and from the Forest for project support. Our little staff that we have on the District is keeping the doors open and trying to administer programs as best as we can, for sure.

The key projects and programs I want to touch on—I will touch on the Greenlink North first. The BLM is the lead agency on this Project, and this Project is essentially a 235-mile transmission corridor for Robinson Summit, a little bit to the east of our present location clear to Churchill County. That Project crosses ten miles of National Forest, so that is where the Forest Service has a decision in this Project and has involvement. When we became involved, it was a little bit after the initial application to BLM. We came a little late to the table as we began engaging with the Project planning. One of the key first steps that the Forest Service did was a screening of a project with the application and worked hard to see a path forward for our Land and Resource Management Plan compliance and greater sage-grouse compliance. The current proposed route did not pass our screening process, and we denied that first application. We did work with BLM and the proponent—the applicant—and adjusting routes to find two alternatives to meet our plan of resource, plan compliance—one along Highway 50, as well as a colocation with an existing transmission line. The current status on that Project is that a draft EIS will likely be coming out for public review and comment in August. Again, that is a BLM lead agency. The Forest Service is a cooperating agency, and we are at the table with BLM in making those decisions.

Developed recreation and trails is the next topic, [with] a focus on key needs. Where our program is looking out for Austin-Tonopah is we have ten established campgrounds that were gated and [have] a need for refurbishing and improvements. The past several years, we have been seeking funding, and received funding, for improvements on those campgrounds. The Great American Outdoors Act as well as Title 2 Rural Schools Act funding [supports] some of that external funding for the project work. We have about

five campgrounds remaining to do the completed work. Our money that we originally secured in hopes [of] completing the entire Project was not sufficient, as we went through a period of COVID and then higher contract estimates and bids that have come in for implementation. We have had to scale back our ability to implement projects across the entire District. We are still seeking additional funds to continue to move forward there. [An] option and opportunity for continued maintenance and trying to manage our campgrounds across the District once they are to a standard is looking at requesting and having fees associated with daily rates. We only have one fee site on the District at this time, and we added a proposal in for modest fees for all of our campgrounds. What that affords us—ability—is when we collect those fees, we can use those fees across all our existing campgrounds that are fee sites for those improvements. It will be a great means for the District to be able to be sustainable with keeping those campgrounds to a standard over time.

I want to talk a little bit about trails. The District has a significant amount of trails within our three established wilderness areas. We have a 72-plus mile National Recreation Trail—the Toiyabe Crest Trail. These are good draws that we receive from recreationists and public use, and we strongly rely on our partners for maintenance and repair on our trail systems. We are not staffed anymore in the agency to continue to in-house—to perform that trail work. Our partners are extremely valuable to not only the District but other districts across the Forest. The Friends of Nevada Wilderness and Great Basin Institute (GBI) are two key partners there. We had challenges following our Tropical Storm Hilary last summer, where we had a lot of trails and roads severely damaged. We have trail crews out right now doing repairs in Table Mountain Wilderness, and they have done other work in both Arc Dome and Alta Toquima Wilderness, as well—so [we] enjoy our partners.

Tropical Storm Hilary took the hammer to our Forest road systems or roads that we have across the National Forest. We have about 2,000 miles of mixed jurisdiction roads, and we lost a lot of road systems on the southern part of the District around Highway 6 and north on a lot of our southern mountain ranges. I wanted to put a plug in and a kudos to Nye County and the Road Department. They helped and assisted with a lot of repairs at that time. Our Forest Service road crew—we have a road crew, and they cover the entire Forest. They cover seven districts through Nevada and part of eastern California—eastern Sierra there. With the significant damage that occurred in the Spring Mountains last summer, [which] is where our road crew ended up. We are finally getting to have of our Forest resources return and get back into central Nevada. This next week, we have a regional office engineer, road crew members, and equipment getting delivered to the District for some of those repairs.

Another comment I will add is how important our partners are with the counties for our maintenance and repairs. Since I have been on the District—since 2017—we have had several instances where it has been in Lander County or in Nye County for the most part. Eureka County administered areas within the District. It is the northern Monitors only, but we have had our partners with the County help with repairs. When we have had our Forest Service crews on the District in the past years, they have also done work on county roads as well—so looking at coordinating and trying to get the work done that is needed to provide safe passage. We will be looking to establish more formal agreements and a means to have a work schedule for roads and a means to share funds through an agreement in the Schedule A here in the near future. That is an effort we are currently working on with Nye County, and [we] look to do that with other counties, as well.

The Minerals Program is fairly large on the District. We have, at any point in time, 5 to 15 exploration projects that are going on at some level of administration or review and

analysis. This past couple of years, we have had increased interest in larger exploration, which is a little unusual. We currently have two projects that are long-term exploration projects—ten-year projects. It is a little outside of the norm of what we typically receive. We are utilizing third-party contractors with proponents to help support some of the analysis and help them with the Forest Service teams as we go through that NEPA process.

I want to talk a little about range management. The District is the largest district in the Forest Service here. We have large allotments, and we have a mix of active, vacant, and closed allotments on the District. I have, currently, one range management specialist to be able to cover all the administration for the entire District. Staffing—we are certainly not staffed to full capacity, which would be another three positions. The District took on a vacant allotment assessment starting in 2021, which was a real surprise—being able to get and have internal funding to support an analysis. We are currently in some of the final stages of the decision-making for the Monitor-Toquima Vacant Allotment Project. That is six vacant allotments, and in Monitor Valley, it is the Pine Creek Ranch. It is the first vacant allotment assessment we have been able to do here on the Humboldt-Toiyabe (HT) in quite some time.

[We] at Austin-Tonopah are certainly happy to bring that on and see how we might be able to get that back to a place where we can have authorized grazing. Right now, where we are at with the planning process—I will be specific here. We have gone through a decision, and we have received objections. We are currently reviewing the objections on those through our formal process, and we have a plan meeting scheduled for those objectors for a resolution; that is coming up in the near future—actually next week. We will sit through and work with those objectors to see what solutions may be available. Then we will look at trying to finalize a decision on that Project.

Another key need tied to range in the allotments, and making sure we are having our permittees on those allotments, is with the Lahontan cutthroat trout (LCT) habitat that we have on active allotments in Reese River Valley. We had a notice of intent to sue received on that. Then the Forest Service went through a process with permittees to have a biological opinion issued. That is legal means for compliance with the Endangered Species Act to authorize grazing within the LCT habitats. We have had cooperative permittees with implementing the monitoring and cooperating with those management actions there. That is that is something that we are proud of.

Wild horse and burros—next topic. The Austin-Tonopah Ranger District is, for Intermountain Region 4, the hub of where our wild horse territories are. The District has ten active territories. We have two of those territories that have a current existing analysis and AML set through an analysis and decision. Both of those decisions are joint management with the BLM. What a NEPA decision does for the Forest Service is a little different than with the BLM [in] that, once we have a decision for that AML set through analysis through the NEPA process, we are not required to do another analysis to implement a gather. Our objectives to reach numbers of horses are already established in the original environmental analysis (EA), so when we have a need once we hit a threshold over those AMLs, the Forest Service can proceed. We rely on the BLM, and they are the experts on the contracting and gathering. And with our proximity of our wild horse territories to the BLM HMAs, oftentimes they are gathered jointly, so we work together on those. We have two decisions on the Austin-Tonopah Ranger District that we can gather, right here, right now. The remaining eight territories—we have initiated a planning process to set AML on those through NEPA. We are collecting field data this year and looking at having a decision sometime this next year.

A couple quick topics here on wildlife management—things to highlight are our ongoing long-term work with Columbia spotted frog with various partners in the Toiyabe, and this is a long-standing project and program that has been in place 20-plus years and, with the partners, was able to prevent a potential listing there of a frog. That is a success I would like to share with the Committee today. Partners include the Nevada Division [Department] of Wildlife [NDOW], U.S. Fish and Wildlife Service, Nevada Natural Heritage Program, and BLM. There are other partners there and participants, as well.

The Forest Service is also looking at, potentially, at some point, being able to do restoration for the LCT as we look towards recovery within the Reese River sub-basin, and that is upper Arc Dome Wilderness area non-native trout removal and then native trout reestablishment. We do have ongoing coordination and planning with the Yomba Shoshone Tribe. We look forward to continuing to have discussions with that project there.

I would certainly like to maybe finish here on the Basin and Range Shared Stewardship. This is a project that is taken up on priorities across Nevada to look at collaboration across landscapes for resiliency and landscape management, fuels orientated—a good part of that. With the Basin and Range Shared Stewardship group, they kicked off a little later than some of the wildlife crisis priority areas in the northeast or the eastern Sierra. As this group is starting to be lifted up, we are certainly looking to increase our participation and collaboration with partners, and we have reached out to the counties and to the tribes for participation and encouraging increased participation from federal and State agencies. It is important to have folks there with the onset of those discussions and participate from the beginning. That concludes my comments, and I thank you for allowing me to share. (Agenda Item VI A)

Chair Scheible:

Let us go ahead and take questions for our Austin-Tonopah representative, Mr. Brown.

Ms. Weaselboy:

Thank you, Mr. Brown, for your presentation. I can definitely tell from this that you are quite busy and taking on a lot. My questions are in regards to the LCT restocking in the Reese River, which does flow through the Yomba Shoshone Tribe. For years now, maybe even a decade, this is something that the Tribe has opposed. In 2019, they did pass a resolution, and I think they even attached it in a letter to your Office about the opposition to it. I think part of this is due to the dismissal, and I think not following federal policy when it comes to tribal ecological knowledge and Indigenous knowledge incorporation into plans within the Forest Service. With tribal ecological knowledge, it could mean oral histories. It can mean old practices. But in the type of work that I do with revitalization, documentation, and preservation, there are many elders that are diasporic from the Yomba Tribe. There used to be many, many people there, but we have all moved out. Some of us have stayed—very little—but they have come to know—I do not know if it is necessarily the brown trout. We are not into speciation. We are into science in another way. But this brown fish has come to be known colloquially as the “Indian fish.” It has always been in our memory. It has always been in our usage, and nobody does remember—have a current memory or even from their grandparents—[of] LCT being in the region of Reese River. I would hope that is something taken into consideration, given that it is a part of official consultation under the National Historic Preservation Act, Section 106.

I also wanted to comment on the use of “coordination” versus “consultation.” The Forest Service is legally mandated, again by federal law, to consult with the Tribal Nation—not

coordinate with them. A coordination would essentially be coming in and telling them about your plans and saying, "How can we implement what you want or integrate it?" Essentially, the decision has already been made. I definitely want to go on record to say that the Yomba Shoshone Tribe has been in long-standing opposition to this. I would hope that maybe you have record of that documentation sent in 2019 about this.

Mr. Brown:

Thank you for sharing that, Ms. Weaselboy. I would respond that when we—the agency, the Forest Service—did the initial planning for that project, we did the formal consultation with tribes. We did initially have a support for that project. We certainly recognized concerns that were raised at a later time, and we are very respectful of that, for sure. But my hope is that the recovery of the LCT would have a benefit for other land uses, permittees, and activities within that watershed basin. That would be a real strong conservation objective that we would have. I would certainly hope to have ongoing conversations, and if that position still stands, would accept and recognize that from the Tribal Council.

Assemblyman DeLong:

I had a question on the Greenlink North discussion. What were the resources that were driving the alternative routes?

Mr. Brown:

Our resources that were considered with that screening process was greater sage-grouse. We have our 2015 Greater Sage-Grouse Plan, and our amendment to our Land and Resource Management Plan that we must comply [with]. That was the main issue and concern as it relates to our Land and Resource Management Plan for that initial screening. Other resources certainly were identified with our screening, including heritage resources, as well.

Vice Chair Anderson:

I want to continue on with one of the prior questions. As I am looking through your documentation, which I appreciate, you use at one point the word "coordination" and then there is "collaboration" and then there is "consultation" in places, as well. Are you required to utilize coordination, or is it collaboration that you are required to do when it comes to, in particular, tribal nations—but also other communities that could be impacted? What are you required to do? Is it collaboration, or is it simply coordinating?

Mr. Brown:

As it relates to the tribes, that is a formal consultation process. That is what is required—formal or informal—it is a consultation process. So, there is that. When I speak to coordination and collaboration that could also involve some of the informal aspects of our tribal communications. But, when I am looking at coordination and collaboration, I might see that with the Shared Stewardship group as working together on initial planning. That would be coordination and collaboration in my mind—some of the preplanning, sitting at the table, and working together.

Vice Chair Anderson:

So, it is sitting at a table and working together. I am going to go back to my world of agreements and contract language stuff. Is there a memorandum of understanding or

[other] memorandum to show that both parties are agreeing to this before it is actually presented at a federal level for possible funding? Or is it, "Yep, everybody is on board. We are going to move forward"? Is there a document that maybe a tribal leader will sign, or even a smaller community might sign, to show that they are in support of this, or is it done mostly by a handshake? How is it done?

Mr. Brown:

My experience with tribal consultation is, oftentimes there is a communication and information shared and a request to come back, and if there are issues or concerns, to be able to share that, and we could discuss and look at options for resolution. That is one option.

Vice Chair Anderson:

And I would hope that that is usually what has happened if somebody has had a problem. Another question I had based upon your documents—you state there are currently seven permanent employees and seven permanent employee vacancies. Does that mean you should have a staff of 14, and yet you only have a staff of 7? I would think "permanent vacancy" means over five years. Is that your responsibility to find those other individuals or is that the federal level, and are not enough people applying at this time with those vacancies?

Mr. Brown:

Permanent hiring, and even seasonal hiring, is a challenge. We have offered lots of opportunities for job announcements and hiring for these positions. Every one of those vacant positions has been offered, and oftentimes, there is not an applicant that applies for a rural duty station. There have been instances where we have been able to fill a position, but it is not a good fit for the employee. There is a variety of challenges there, but recruiting for and hiring in rural duty stations is certainly challenging.

Senator Goicoechea:

When you were responding to Assemblywoman Anderson, you said, "When dealing with the tribes, this is required." I would hope it is the same rules for everybody, whether an end-holder or a permittee. It sounded like, "Okay. We will deal with the tribes this way, but as a permittee or an end-holder in the forest, you might be treated differently." I hope we are all treated on the same page.

Mr. Brown:

We have government-to-government obligations and responsibility with tribes, so that is a little different process. However, our public and our permittees and our local partners are shared with projects when they are proposed and certainly have an opportunity to provide input and work with the Forest Service on those on those particular matters.

Senator Goicoechea:

I do not know if I like it, but thank you.

Chair Scheible:

I do not mean to pile on, but I am also a little bit concerned about the tribal consultation that you are not describing, and you have been in this role for seven years. That tells me you started in 2017, and your presentation said that, specifically, the project to bring more LCT up the river—a decision notice was issued in 2019. So that was since your tenure. First, let me ask, is there somebody else in the Office who is primarily responsible for the tribal consultations that you oversee, or is it something that you do yourself or along with others? I know it is a very small staff, but whose responsibility is it?

Mr. Brown:

Our line officers, or rangers, are the responsible parties for consulting with tribes on the districts. That would be myself for projects that are on Austin-Tonopah. We do have a tribal liaison for the Forest, so there are times when that tribal liaison is participating and helping on districts. But the consultation responsibility lies with the district ranger.

Chair Scheible:

Okay, so as the district ranger who does that consultation, I want to make sure that we are being clear that the consultation is not so much providing an opportunity for tribes to offer their comments, but it is proactively seeking their feedback on proposed projects before you enter the planning phases, right?

Mr. Brown:

Certainly, that is what our goal and objective is—to bring proposals and early opportunity for the Tribal Council to be aware of and be able to share any of the religious, heritage, or [other] concerns that they may have within a project area or that actual project.

Chair Scheible:

I am sure that rangers in Nevada and in Austin-Tonopah and the Ely Districts are far from the only rangers who deal with this responsibility of a tribal consultation. At the federal level, when you take these positions—or at some point in your career—do you receive training on tribal consultations?

Jose Noriega, District Ranger, Ely Ranger District, USFS, USDA:

We do receive training, but I am going to jump in and be very honest about some of the challenges on this. We have been around for a while in the units, but both on the tribal side and on the federal side, we tend to have people change positions. And every time we change positions, sometimes we go a different direction, and sometimes consistency is not always a say, and that is on both sides. So that is a challenge, especially when you are managing things long-term to have that consistency in what we are in agreement on or sometimes not in agreement on.

Chair Scheible:

The reason I am asking these questions is I am wondering if, as a State, we would benefit from bringing in facilitators or experts to strengthen our consultation process or if you think that would not be helpful.

Mr. Brown:

My preference is certainly to be able to visit directly with those tribal councils, their elders, informally or formally, to hear and learn about their support or concerns about a particular project or activity. I think being able to have a local relationship and have that—it is “consultation,” but—to have that coordination and communication is key.

Chair Scheible:

My next question comes from a lawyering perspective and a legislative perspective. We have all of these meetings in public on the record. We have a Secretary here who will provide minutes afterwards. How do you keep documentation of those informal conversations that you have with tribes within the Ranger District?

Mr. Brown:

Those notes are taken as presentations are given to tribal council, or our notes are taken for informal meetings, and those are captured, kept, and retained. Oftentimes, the correspondence that is sent to tribes, whether it is email or letter correspondence, is also kept as part of that record. There is documentation and tracking on the level of communication effort, contact effort, or meeting discussions regarding a particular activity.

Chair Scheible:

Thank you for that. Any other questions? I am not seeing any other questions. We appreciate you being here, and we will turn it over to your colleague now.

Mr. Noriega:

The Ely Ranger District is in east-central Nevada. I have been a District Ranger in the State of Nevada for 23 years. I have been on the Ely District now for 15 years. So, a little clarifying stuff—Senator Goicoechea, J. J., and Gracian Uhalde are not allowed to heckle me during my presentation. They will. Senator Goicoechea and my mother went to high school together, so I will sic her on you.

My testimony today is going to focus on management activities in the Ely Ranger District, and I am especially going to focus on projects associated with Southern Nevada Public Land Management Act (SNPLMA) funds and shared stewardship and partnerships. The Ely Ranger District is located in east-central Nevada. We have about a million acres. Most of it is in White Pine County, 25 percent in Nye, and about 40,000 acres in Lincoln County. We have about 20 permanent employees. I share some of them with Lance as zone employees. We have about ten seasonals, annually. Most recently, we employ about 15 to 20 Youth Conservation Corps (YCC) kids; I will share more about that a little bit later in my presentation.

At this point, put your seatbelt on because I know you are short on time. I have a bunch of projects. I am going to go through them very quickly. We are going to zip through this fast. Ellison Meadows is a restoration project in the White Pine Range. There is a whole slew of activities. It has been funded by SNPLMA. We have partners within NDOW and the livestock permittees.

The Multi-Jurisdictional Noxious and Invasive Weed Partnership—this is one of my pet projects that I got through and Anne Marie, my Range Specialist, gets to manage. As we did not need weed treatments for years on the Forest Service with SNPLMA, we were watching

these weeds on private, State, and BLM road right-of-ways below us; and I got frustrated. So, we applied for months—money through SNPLMA through the Forest Service—and got money to use on State, private, county, city, and BLM lands below us. We manage the money. We work with the Nevada Landscape Coalition (NLC), work with Tri-County, and we are inventorying and treating weeds on other jurisdictions across boundaries. It has been a good project, but I will be honest with you, we ran into labor challenges. We are finding people to be able to treat noxious weeds. We have made good progress, so that is nearly complete. The Ely District Noxious and Invasive Weeds is the latest phase of treatments on National Forest System lands. This is the first year that we are implementing on that one.

South Schells Restoration Project. That is a big one from Connors Summit, north to the Kalamazoo Road—200,000 acres—covers Forest Service, private, and State lands. There is a whole slew of different things we are doing from fuels reduction to wildlife habitat, aspen restoration, prescribed fire, riparian—the whole works. A lot of different restoration activities across the large area.

The Illipah Watershed Restoration—another SNPLMA project we have gotten. It is a joint project with Forest Service and BLM. I drug BLM in kicking and screaming on that one because I had pet projects on BLM land I wanted to do as part of it. Same thing—fuels reduction, wildlife habitat improvement—the whole works. [There are] two key items I want to focus on with that one. We are looking to transplant beaver into the watershed. Now, some of the ranchers in the group might go like this when I say “beaver.” But the number one biggest proponent of transplanting beaver is the rancher who has all the private land, all the water rights, and the allotments. He came to us. I like the idea, and I have done it before. So, we are going to try that as long as NDOW agrees with me, and we will put beaver in the watershed. The other pet project of mine is actually on BLM and private [land]. We want to dredge the upper end of the reservoir to increase capacity, improve the fisheries, and build islands out there for waterfowl and shorebirds.

Next project—Ely Ranger District Veg Treatments. That is my wildlife biologist. That is a very focused project treating Phase 1 and early Phase 2 pinyon juniper (PJ) to restore habitat for sage-grouse, mule deer, and other sagebrush dependent species. We also have the option in areas to lightly thin it to encourage pinenut production. We have done that off and on a couple of times throughout the years for about the past four years, and we are currently monitoring those places that we have treated to see how well it worked.

Ward Mountain Bike Trails—I talked earlier with the Commissioner over here about that. We have an existing mountain bike trail system on Ward Mountain. We want to expand it and improve it. We are funded to do that. We have entered an agreement with the International Mountain Bike Association to do the trail work. We are going to do the trailhead and road improvements, and we are going to upgrade that system significantly.

East Creek Campground—that project is almost done. It is in the Duck Creek Basin. If you are out in the Duck Creek Basin, take a visit, go take a look. It is an all-new campground—all new features.

Timber Creek Horse Campground—almost done on it, as well. We upgraded the loop on that Campground to specifically be able to cater to those who want to ride horses. Anyone can camp in there, but it has pipe rail horse corrals, hitching rails; it has everything that the horse person would need to be able to camp in that area.

Mount Moriah Trail System—we have worked with Friends of Nevada Wilderness on Mount Moriah where we had the fire and the floods. We are going to go in there and rebuild

that entire hiking/horseback trail system, including improving the access roads that blew out in the floods. The D6 Dozer went there today to improve the road in Mount Hamilton. We are going to restore access on those places and get it done. All of these are funded under SNPLMA.

The Ranger Off-Highway Vehicles (OHV) Trail—that is the northern portion of the OHV Trail going from Duck Creek up to Mattier Creek and the Schell Creek Range. The Trail Dozer showed up on-site out there. They will start on Monday and they are going to get that trail system going.

Most of our campgrounds have been reconstructed under SNPLMA. They are almost all brand-new. The Kalamazoo Campground is a small campground in Spring Valley—beautiful campground. I love the site—nice stream going through the middle of it—not crowded at all. We are going to reconstruct it to provide basic stuff on the site. No flush toilets, no water systems, but a nice restroom and nice sites to camp in. That will start next year.

My last pet project—the Youth Engagement in Natural Resource Management. Six years ago, the Ely Ranger District started finding money to hire YCC crews. We are having a heck of a time finding people to hire as seasonals and permanents. We have to get them in high school and get them interested. Six years ago, we started with a two-person crew with one crew leader. As of right now, we are employing at any one time between 15 and 20 kids between 15 and 18 years old. I have three crews running with three crew leads hired through GBI, and they are out doing everything we can imagine out there. Wednesday, one of those crews was out helping me seize an abandoned car off the Forest and get it off the Forest with all the other junk that was out there. They do fence work, facilities work, recreation work—get the whole gamut of all the different things that we do in natural resources. We are the largest YCC program in the Forest Service in the entire nation right now.

Shared Stewardship and Partnership—I have no official shared stewardship area yet; however, the Ely District has been doing shared stewardship for quite some time. There is a whole list of people that we have been working with here, and I need to apologize. I missed a group that should be on here—tribal governments, mostly with the Ely Shoshone and Duckwater Tribes. We have worked with them quite a bit and coordinated on different things going on out there. Beyond tribal consultation, [there are] opportunities there with the tribes. I missed them, and I apologize greatly.

The one I want to showcase that is going on right now—and definitely is tied to part of what you do. We have had a heck of a time finding firefighters. We have what is called the Arc Dome Wildland Fire Module that was previously occupied. It is about a ten-person crew. We had trouble staffing it last year—could not staff it. Well, Nevada's Division of Forestry (NDF) has had similar problems out in Ely—finding staffing to staff their crews. We worked with NDF, and we pushed our resources together, so NDF is providing the crew leads. We are providing most of the employees in the vehicles, as well as office space, and we are putting those crews together and coordinating to stand that crew out—first time ever in the State for a Wildlife Fire Module between NDF and us. That is the highlight of the shared stewardship stuff, and Senator Goicoechea did not even heckle me.

That is the end of my [remarks] (Agenda Item VI B-1). You also have a handout (Agenda Item VI B-2). I am not going to go through it side by side; however, you can ask questions. I like pictures, so I wanted to share a few items in the habitat restoration and recreation that we have finished.

Chair Scheible:

Are there questions?

Senator Goicoechea:

You knew this was coming, Jose. In the absence of anyone here from the [BLM's] Ely District Office, I know you were involved in the Legacy Baja Run because it skirted on the periphery of the Forest Service there. I was curious about that. How are they going to do the reclamation on some of those sites that truly were off the secondary county road? And to anyone here in the audience, if you happen to be traveling east on Highway 50 out here, Mile Marker 13—Green Springs Road—it says, "Road Closed." Drive up to that cattle guard and look to the west and see that Baja Run Track; that goes for hundreds of miles. We talk about white sage/winterfat. As you were involved in that agreement process, how are they going to reclaim it? My real question is, if that is legal, I do not know how you could ever deny anyone for any kind of an SUP or range improvement project, water development—if you can do that. I could not do that much damage with the bulldozer all summer, and it would have to be a good one. How are they going to reclaim that? I know you were involved with it. I do not want to put you on the spot, but we do not have anybody from the Department of Interior to answer.

Mr. Noriega:

I am always good on the spot. And even if they are not here—I speak for them sometimes anyway. There is a whole story behind that Legacy Race. When it first came forward during the spring of 2024—this spring—it initially went only to the BLM. The Forest Service also had routes mapped on us, as well, but they did not even send the proposal to us. I am going to be honest; I did not pay much attention to it because I did not believe it was going to ever be authorized given the dates fell within sage-grouse restrictions. [For] everyone else that has come in with those dates, the answer has always been, "No. You got to choose a different date." I had concerns on the Forest Service portion from a sage-grouse perspective [and] from a mule perspective because the route ran right through one of the most important fawning areas in Area 13 out there.

I also had concerns about both road reclamation and conflicts on the road. They told us they would not close any roads, and I did not believe they could do that and run a race. They also assured me they would do reclamation on the road. Well, like you said, with some of the things that could happen, you get out there in what we call the "bug dust," and there is no real easy way to reclaim the road if it gets that way. I was also assured that it was going to stay on existing roads, which it sounds like it may not have. When it came to the very end and the race was moving forward, I said for the Forest Service, "No." I did not authorize it. At least on most of the routes—there was a small area where it went onto the Forest—they were following a fence line that is a BLM/Forest Service boundary fence and it is not online, which meant that it crossed over on little sections of the Forest. I was okay with that as long as the BLM authorized it; that was their decision. I did not allow it where it went onto the interior of the White Pine Range through the mule deer [fawning] area and all the cross habitats. I cannot answer how the BLM is going to reclaim it, what they are going to do, or why the decision was made. That is going to be something that will have to come from either the State Office BLM or the Ely District.

Senator Goicoechea:

I appreciate that, but mostly this is for the public and the Committee to understand. There are several huge impacts. Number one, certified mail went out with the route, but you do

not mail that three days before the race is run and figure people are going to get them signed and get them picked up. I got my certified notice a full ten days after the race was run—that they were going to run the race—so there are a lot of holes in the program. I hope we continue to look at this. I know NDOW has to be concerned. That little loop went through at least ten major leks, and somehow that happened. I do not know. And we have chicks out there now, not only leks.

Mr. Noriega:

As a follow-up, I do not want to come across to say that I am against those things because we do manage for multiple use. But this is something we have not done much up here in the more central, northern portion of the State. It is something that we need more time to be able to look at and determine where it is appropriate to do it and to not do it. I do support motorized recreational activities, but what we typically see is more trail riding and stuff like that. Races pose a different challenge. We are going to need more time before we do decisions on anything like that.

Senator Goicoechea:

I completely concur with that. It is all about multiple use, and it is fine, but again, we are going to have to do it right. That little 700-mile loop out from Mesquite to Ely and out through here. That was a poor way to start. It caused resource damage; we will never recover. There is a road now where there have not been many vehicles on it in the last 200 years. It is a major black eye, and I urge any of you traveling east on 50, get there—that Green Springs Road—you drive off ten feet, look west, you will not miss it. It is plowed, and there are hundreds of miles of that. It is unfortunate. But anyway, I had to put you on the spot. I want to get it on the record. We missed it.

Ms. Weaselboy:

Thank you for your presentation, Ranger Noriega. My question is about the Revegetation Treatments Project. I wanted to ask if the thinning of the PJ is a pilot project.

Mr. Noriega:

It kind of is. I will give you a little background on some of our treatments. We have been doing a lot of treatments in PJ on the Ely District for quite a few years. About four years ago—and that is before any tribal concerns came up—I started to get a little bit nervous based on the amount that we were doing, so I pulled my staff back and said, “We need to find some areas,” because one of the challenges we are seeing in PJ in a lot of places without fire and with everything else going—some of our densities are increasing. The densities of trees are having an effect on the older trees. It is when we have rough times. It is one of the reasons we are seeing more trees dying, and I believe it is also affecting the cone crop. What I challenge my staff to do is, in areas where we have a lot more pinyon, is we identify areas to lightly thin below, more junipers being thinned, and a much greater density is left than what we had traditionally done in other locations. We did one area in the White Pines in association with Eastern Nevada Landscape Coalition so that they would be able to provide us data. We have done another area on the Ward Mountain area, right adjacent to tribal lands. I believe there was one other unit that slips my mind right now.

A story on the Ward Mountain one—my fuels staff set it up and, on the first day or two of the treatment, went out to inspect the site. Based on what she saw and viewed on the site, [she] felt we were taking too many trees based on what my concerns were. She actually

modified the contract on the site to leave more trees on that site, so we changed mid stride, right there, to adapt to meet the objectives that we were looking for.

Ms. Weaselboy:

To follow up—in my own ocular observations, which we know is sometimes used a lot in environmental, I have noticed that due to commercial picking—a lot of it is gathering and picking the tree, and within closest reach, which leads the top of the tree to heavily have the pinecones in that area, which is good for the pine nut bird. I am looking at it in different ways. One is it is stress response to drought that they are growing on top of the trees, but I think a lot of it has to do with the type of interaction that they are having with commercial pickers. This has drawn me to the conclusion—and I know this is well regarded and well researched within tribal ecological knowledge when it comes to ecological interaction and proven in scientific record—that what is preventing growth is not knocking off old branches or old decadent growth—I do not want to use “old growth” because I know that is going into a federal administrative use—but knocking off the old pinecones, the old branches, which helps in fire management overall. I would be curious to know if there could be another pilot project using these techniques that are still used today by many of our people and looking at that crop to do ocular estimates to see if there is a way to move forward with—instead of thinning them—but having more human interaction in order to help with the growth.

Mr. Noriega:

Okay, I am going to share this; I hate bureaucracy. I like to think outside the box, which is why my District has been nicknamed the “White Pine Mafia.” I am open to any ideas about looking at these things in different ways. I will share with you one thought, though. I am cautious about thinning branches off of trees because what we found in that circumstance—when we have done fuel breaks doing it—it opens each of those trees up to diseases, and we tend to see die-off longer term in the trees that we have thinned. Regardless of whether they are commercial picking areas or the noncommercial picking areas, I have seen that phenomenon with the trees with more of the cones up towards the top. When I go pine nut picking—I will be honest; this is a challenge as we do thinnings, to be able to share this with people—for me, some of the best picking trees with some of the biggest cones are those mid-level trees that have branches all the way to the ground. Not the oldest, but those mid-level ones. They are the easiest to reach. They produce the bigger cones and that type of stuff. Being able to show either a contractor or someone with a chainsaw how to look for those right trees to leave if you are doing it—thinning. If you are in a heavy mix of PJ, a lot of times what we will do is focus on the younger junipers and allow that extra space for the pinyons to do their thing.

Vice Chair Anderson:

First of all, thank you. Your enthusiasm for this comes through very well, and it makes me excited about it too. Taking a look at the youth engagement—since it has been happening for six years now—have you had students that have come back from being hired the summer before? Is this a high—everybody wants to be part of it—so now we have more people going into this idea going into a college recruitment type of idea? [I am] wondering about the return of employees.

Mr. Noriega:

We have a number of kids that this is their third year back now. We have more applicants, by far, than positions that we can even fund because I do not have enough vehicles and crew leads to lead them all. There is an ample opportunity. Some of the kids decide to go

down this route. I have several kids that want to be firefighters. I have two kids that actually want to spray weeds for a living. I am like, "Whoa." They are going through that; not everyone. But then [there are] those that decide not to go into natural resources. You know, I grew up old school. I still have a flip phone. My dad was hard on me. I learned to work, and I want to teach that to this younger generation coming up. Even if they do not go into natural resources, I hope to build a work ethic for whatever field they go into.

Vice Chair Anderson:

[I] appreciate that. And then, for both of you, do you work closely with Kacey KC and our fire management? You mentioned that in your presentation. I know that was something the Senator was worried about, as well, during our last session. Many times, we would talk about fire management. Are you in constant communication with our State fire management organization—with Kacey KC and others?

Mr. Noriega:

I do not deal a lot, directly, with Kacey KC—I have a little bit more recently based on this Arc Dome crew. I probably deal a lot more with the regional—I totally forgot his name; I went to high school with him. Anyway, I deal more regionally with them, and then my Fire Management Officer (FMO) deals a little more with them, and so forth.

Mr. Brown:

Yeah, very similar—we have our FMO [who] does coordinate with the fire side. Another new emphasis area with NDF that we are working with is the Shared Stewardship Project—project planning and opportunities there. That is an engagement we are having with our local resources, as well as regional with NDF.

Mr. Noriega:

I have to share this. So, I have all this enthusiasm for the next 2 years and 28 days, and then I will raise hell in different ways.

Chair Scheible:

All right, any other questions? [There were none.] That brings us to the conclusion of Item VI. We have one more left—Item VII.

**AGENDA ITEM VII—DISCUSSION ON RANGELAND CHALLENGES
SURROUNDING MULTIPLE USE OF PUBLIC LANDS**

Chair Scheible:

I have requested an encore from Ranger Noriega, Mr. Tibbetts, [and Mr. Ault]. I also have to invite up a local celebrity, Director Goicoechea—I am sure he will introduce himself—to talk to us a little bit more about multiple uses of public lands.

J. J. Goicoechea, Director, State Department of Agriculture:

I want to thank John for inviting me at the end of the day, standing between adjournment and the Owl Club. I did not do a formal presentation because I figured exactly what happened today was going to happen. So, I took notes of what these guys had talked about

in a few areas I wanted to hit on, and then maybe we can have a little more open dialogue between the four of us up here on some of those challenges.

A little bit on the Nevada Department of Agriculture—we are a cooperating agency. Almost everything you guys talked about today—to hear Mr. Tibbetts talk about some of those challenges, and my former counterpart from Lander County talk about those challenges—we are dealing with them, as well. Right now, on my desk today, waiting for signature, we have the LCT Grazing Flexibility comments on the BLM. We are waiting to get those signed. We are a cooperating agency on that—very concerned about how that was going to play out. It actually came out a lot better than we thought on some of those BLM grounds, so we are happy for that.

The West-wide Solar EIS—the planning and design features. We have a lot of concern, as I think all of you do. We know we are open for business; Nevada has a lot of sun. Where are we going to put those? Mr. Uhalde talked about that white sage/winterfat, and Senator Goicoechea talked about the off-road race in there. But if were to start putting 20,000, 30,000 acres of reflective panels up over the top of that white sage, it [would] have a huge impact on our wildlife habitat—Deputy Director McAdoo is here, and I am sure he is nodding his head on that—but also on our grazing operations. You may not be aware that the number one export production product in the State of Nevada, financially, is beef cow-calf. Now, granted that has a lot to do with the current market we are in. Sorry, Commissioner Plaskett, but you guys fell to number two in hay production because the hay market kind of collapsed, and the cow market came up. But that is a big part of what we do. Mr. Tibbetts talked about when mining is down, we rely on agriculture. Guys, we have to keep our agricultural base strong. That is the mission of the Nevada Department of Ag: “preserve, protect, and promote.”

When we talk about conservation, we talk about sustainability. That is what we are doing. We worry about those weeds that are going to come in following an off-road race. That is going to fall on us in these local jurisdictions, whether it is conservation districts or the counties. As we start seeing those weeds come back in, we are going to work with the BLM. We are going to have to work with the Forest Service. How are we going to do those treatments? The BLM did come out with a new decision. They are expanding the products that we are going to be able to use for herbicide on public lands. That is a huge win; that came out this week. Director Raby shared that with some of us, and I did see that in print today, as well. We are very happy about that.

I promised myself I would not talk about horses, but it came up a few times. So, I am going to talk about the Path Forward. To be completely transparent, I was one of the original people that started on that group with the Path Forward. At the time, I was a County Commissioner here in Eureka when we came up with that. I am honored that I still get to sit on that group, and I represent the State of Nevada—the Department of Agriculture—on that Path Forward today. We firmly believe that is the way we need to go. We are asking for increased fertility control. You heard public comment on that to start the meeting. We know it has to be everything. It has to be gathers. It has to be fertility control. It has to be increased capacity for off-range holding, and for a period of time—is it 20 years? Is it 25 years? Yes, it is, but that is the only way we are ever going to turn the tide on that. If we do not start—and I said this ten years ago, Jake? “If we do not start today, we are never going to get there.” We did not start. So now we are ten years farther down the road. We are running out of time. We are seeing ecological damage. You saw the pictures from Lander County. We are seeing it across the board. Jose's got horses, as well. You heard Lance talk about the horses they have, and the Elko District has plenty there, as well. We are working aggressively on that .

Sage-Grouse State Plan—I think Jake hit it right on the head. We commented extensively as an agency on that West-wide Sage-Grouse Plan. It was a lot of acres. We are still trying to tease out exactly what that is going to look like. We do have concerns with what may be coming out. If they would let the State Plan have the chance to work—make these proponents avoid, then minimize, and then mitigate, and couple that with that CCS—I think [we] would be farther ahead. I did chair the SEC for ten years. I know that Sage-Grouse Plan. I know it will work. I have a lot of faith in it. I have testified before many of you on the sage-grouse in the past. We need to give that a chance. Hopefully, we do not see an EIS come out that sets us back.

One more thing—because you guys mentioned crickets and driving across them. I am going to give you a prime example of some frustration with working with federal government and local and State government. There are a lot of Mormon crickets. Some of you have probably been getting phone calls in regard to those Mormon crickets. There are grasshoppers, as well. I know someone is staring at me from the back because they caught me downstairs about grasshoppers already. We are confined by an EIS, and additionally, an environmental assessment (EA) tied to that EIS on where we can treat, and how much we can treat, and when we can treat. Everyone knows we can treat on public land only for the protection of crop and rangeland, and we can treat one time a year. So, when we see multiple hatches, as we did this year—once the ground reaches 40 degrees, we get a hatch; it cools off below 40 degrees, they stop hatching; it warms up above 40 degrees, we get a hatch, and that cycle can continue. I am sure a lot of you remember what May and June was like. I know they are a distant memory now because we are in triple-digit heat. But we saw that cycle—40 degrees, then colder, 40 degrees, and then colder.

We have to figure out when we are going to do those treatments to get the most bang for our buck. We were trying to hit two or three of those hatches at a time. We did make a dent in places. I know it is not enough. But we—the Department of Agriculture in Nevada—did submit proposed language to the House Ag Appropriations. It is my understanding that an amendment was adopted and through. I asked for the language a little while ago, and I have not seen it yet. But we are working with our federal partners. We want to be able to use our products according to label, not according to the EA or EIS one time. If we truly do have an infestation, which is what we have now, we need to be able to treat those maybe two or three times. If that product does allow for that on private land, why are we not able to do that in other places? We will obviously do that in close coordination with NDOW; we do not want to have a negative impact on anything else that is out there. And it will not be collaboration, it will be coordination because a definition of “collaboration” is “a traitorous cooperation with the enemy.” Look up “collaboration.” I hate the word “collaboration.” Therefore, we will coordinate; we will not collaborate. I am trying to liven it up a little bit. We are at the end of the day.

Maybe we could talk a little bit about difficulties. We have all worked together, all four of us up here, on the permitting process over the years. One recent project—and we are all talking about the Lithium Loop and all the new renewables, and we have a mine down here, not very far out of Eureka; that is probably one of the best models for how to get something permitted. Sam and Jake—you guys have a lot of experience in that, as do I, so I think that is a prime example of how it was done. Cooperating agencies come to the table early in that process so that it does not get to the public, and we do not have all the rock throwing if we have to. Maybe we can start there, Jake, as an opportunity to do that. And I would like to hear from Sam, as well.

Jake Tibbetts, Previously Identified:

I am going to steal Sam's thunder, but I believe the BMDO has refined the process for mining permitting the way it should be refined, where you are not cutting corners; you are still doing all the hard work. We believe in that so much that the Biden Administration put together an intergovernmental working group to look at reforming the Mining Law. We had commented on that, but specifically, we had pointed out that BLM, at a nationwide scale, should adopt the NEPA process and permitting process the BMDO has done. They first established [it], and the State of Nevada BLM, I think, adopted it. In my previous testimony, [I] talked about some of the conflict we were always involved in. Where we have now moved to, at least a couple of the last mining permitting projects, [is being] able to get to the draft EIS stage at the public stage where we can put in a comment letter and say, "You have incorporated everything we have brought forward as a cooperating agency. We have nothing new to add." And that is a big step for Eureka County. That is because of the good, hard work that we have developed and the good relationship and the good process of working that out.

Sam Ault, Previously Identified:

I will say that Eureka County sets the standard for being a cooperating agency. I come up in the range world, Jake's a range guy, as well, so whenever I put anything out for a grazing action, even when it is not in Eureka County, I always know I am going to get thoughtful and meaningful comments, which is valuable to the federal government. It probably feels like oftentimes we are ignoring them, but we are thinking hard about what actions we are doing. That keeps us from complacency. I say for folks who feel like they are not getting heard by the federal government, at that standpoint, it is sometimes difficult for us to respond in ways that people find meaningful, but it does help us stop and think through our processes. I will say the State instruction memorandum (IM) that went out was developed through the Battle Mountain process, and that process was largely developed through working—not only with operators on the push and pull between them needing to get assurances that they are going to be able to implement their project in a timely manner, but also engaging in tribal consultations, State and local government, NEPA requirements. Honestly, those are the easy parts. The hard part is going to the Washington Office and getting folks to review it at that level. That is my thought process on that.

Director Goicoechea:

I think Sam hit on something we all need to keep in mind—meaningful comments. They are not form letters that come from our cooperating agencies. They are not, "I do not like this. I do not want to see progress. I do not want to see change." You must put meaningful dialogue in there, and as a State agency, what our job is—"What are our policies? What are our regulations, and where are they in conflict with a proposed action?" It is our job to call those out. Okay, we are going to put solar in white sage. Well, we do not want that there. Obviously, we cannot only say, "We do not want it there." We have to go back and say why we do not want it there. If we are dealing with the LCT—how do we come to an agreement on the timing of that grazing, what that stream bank is supposed to look like, what that shade is supposed to look like, how can we help with those water temperatures? It truly is a coordinated effort, so I think that is for those in the audience, as well.

If you are a cooperating agency, a grazing board, a member of the Central Committee, you need to put meaningful comments in there. It is expensive. It is expensive to be a private entity and have to do that, so you are looking at guys that probably have written a lot of comments and reviewed a lot of comments over the years—and there are not a lot of us in

the State—you do get overwhelmed. I would like to add [that] programmatic planning is very troublesome. There are two of us in the Department of Ag that pretty much review all of these. It is Administrator Brown and myself, and we get behind. I am not going to tell you that we do not. You go to bed at night, and all of a sudden you wake up and you remember something—you write it down. As a history lesson, the BLM tried Planning 2.0, and [it was] one of the only times the Congressional Review Act was successfully used as far as I can remember on our western rangeland; it overturned BLM Planning 2.0 in 2017. In order to do that, it has to pass the House, the Senate, and the President has to sign it. The reason why [is] they were trying to do this massive planning across the board, and we knew it was not going to work. Now we are seeing them try it—I think, “back door” Planning 2.0 with these large programmatic EIS; for Nevada, it is not going to work very well. We need that more State and local site-specific planning, which I would like to get Jose's opinion on. I do not want to commandeer this, but I do not know how else to get the meeting to continue to flow. So, I apologize, Madam Chair. What are we going to do on our Old-Growth Forest Initiative as we continue to work on thinning our junipers—thinning some of [those] younger pinyon and working with our fire threat? Because that is the next big comment that I see a lot of us weighing in on.

Mr. Noriega:

I knew he was going to get me in trouble here. I am going to probably speak out of turn on this. From a Ranger working on a rural district, this national level type of stuff that is coming out is wreaking havoc with our ability to do the right thing out on the ground. I am going to take the old-growth stuff, for example. “Old growth” applies to everything—PJ, white fir, aspen, everything. The definition of “old-growth PJ” is in only one research document. That is very concerning to me. In the old-growth stuff, a description of old growth describes PJ on low productive sites as anything over nine inches in diameter and more than, I think, 12 trees per acre. On productive sites, it is more than a 12-inch diameter and more than 15 trees per acre. Our thinning sites go down to 15 trees per acre. After we are done thinning, it falls in the old-growth category. There is old-growth PJ out there, but there is a difference between old-growth PJ and mature PJ. There are lots of opinions out there about what it should be, and unfortunately, none of our voices out here are being heard on this .

I am going to use white fir as the other example. Mature white fir can be a major problem. There is old-growth white fir, but white fir oftentimes occurs in close proximity to aspen. For 100 years, the agencies that put fires out—guess what aspen requires to regenerate? It is all one tree, those different colors in the fall that you see is all one tree, and to regenerate, oftentimes, aspen needs fire, and we have been putting fire out. When you put fire out, white fir takes over, and eventually, when white fir takes over for long enough, aspen disappears, and it does not come back. So, what happens when we designate old-growth white fir where it is interspersed with aspen? I cannot go light it on fire or cut the white fir out of it, and that is a problem. Oh, I am going to be in so much trouble. It is a failure by allowing some of this stuff to occur at the highest levels without more consultation or discussion about those challenges about describing what old growth is because, to be honest, I do not want to go burn, cut down, or treat in old growth. And oftentimes, I may not want to do it in mature either. So, there are my thoughts. Now I am in trouble. I am close enough to retirement; maybe I will make it.

Mr. Ault:

I think what Jose walked through is how difficult sometimes it is as federal land managers to look at a larger picture issue, because oftentimes we are having individual conversations

or thought process on managing for white [fir]. But managing for one thing is going to have effects on everything else around it. I wanted to bring a highlight to that. Every issue or action I have looked at in my career has had some level of trade-off.

Director Goicoechea:

I would like to note that the man to my right did not take the opportunity to speak. We affectionately call him “Mr. Filibuster,” normally; so this is truly one for the records that he did not wish to weigh in on that!

One other thing I wanted to get your guys’ opinion on from the Forest Service, BLM, and I know Eureka County has thoughts—and I would be remiss if I did not bring it up—is trespass/fences cut, gates left open, and range improvements being damaged. Senator Goicoechea mentioned a road race. I know there were right-of-way fences that may have been cut and need to be replaced. Fences along those lines. I am sure they are working on that. But when we get into hunting season, we get into recreation. We all love it and like to do it, but we do see impacts.

A lot of times we see cattle where they are not supposed to be. A flip to that is we see horses where they are not supposed to be. The BLM can do a gather and get something to AML, and then when they come back in the fall or winter, we have got horses where they are not supposed to be because we had fences cut or gates left open as hunters and recreationists go through there. I think that is one of the biggest challenges we have when 85 percent of our State is public land, as well. We are not going to tell you, “You cannot go out there and do it.” We need to do a better job of educating them on, “If it is shut, leave it shut; if it is open, leave it open.” And if you see livestock in there, try not to set your camp on the one water trough within several miles; you are going to have impacts on that, not only to that livestock, but also to the wildlife that utilize these limited resources, especially as we get into August, as hot and dry as it has been. I think, collectively, we need to do a better job.

So, thoughts from you guys or challenges maybe that you have seen or ideas that we can give the Committee on how do we do better outreach? I know NDOW does a lot of work with the agricultural community in the Hunt Book, and they say these exact things, but [it is] not only the hunters that are doing it. We are seeing much more outdoor recreation.

Mr. Tibbetts:

Now I have to say something. You know, COVID exacerbated our “loving our public lands to death” kind of thing because it was an opportunity for people to get out [and] get away, and we saw a lot of that. Me and my own family went up to Kingston to Groves Lake to fish and camp, and every camping spot in Mr. Brown's campground there was full, and every vehicle was a California plate or something—where people did the same thing. They are looking to get out and get fresh air and get away from people, and we saw that same explosion. We are seeing a lot of those conflicts cropping up around recreation. It is not only fence cutting or leaving gates open, but some of those conflicts across multiple uses. That is something we think about as we are promoting outdoor recreation. We now have the Outdoor Recreation Program, and promoting a lot of that stuff, and it needs to be done in a thoughtful way to allow public lands—they are the public’s lands—to be used by everybody but recognizing that there are impacts that come from that. There are ways to do that. It should not be a free for all out there.

Mr. Noriega:

It is a problem that we are seeing in recreation, and it has been getting worse since COVID. Again, I am old school. I still run a flip phone, but there is new technology that I am happy to use. I have frequent use of my wife's Facebook account, and this new generation likes to post the misdeeds they do on Facebook. They probably should not do that because I am watching, and other people are watching out there. We had an individual in the White Pines [who] did the same thing—went through tearing fences down and doing all kinds of crazy stuff, and he posted it on that site [where] you can view it and it disappears. Well, someone out there in the public took two cell phones and put them together and recorded it, and yeah, it cost him a lot of money by the time I was done with them. I do not have law enforcement, but you [will] be guaranteed in the next two years and 28 days, if I get a report that it is occurring out on my District, I personally am going to go out and deal with it and try and track them down.

I am going to possibly offend people either in the office or in this group right now, but I am going to make a statement. One of the challenges we are dealing with is we have a rural group that is exposed to the public lands a lot more, and we are seeing more and more of an urban group. Do not throw rocks at me—those urbanites in the room—but we are seeing more of an urban group that is coming out to the woods. I will use Vegas as the example. There are so many people on Mount Charleston, they are trying to get away from the woods. We are seeing more and more of that coming up to Ely. They go up to Success Summit with their utility terrain vehicles (UTVs), and they learn how to ride on the sand dunes; those meadows up on Success Summit are not sand dunes. They have to learn how to ride in different ways if they are going to come recreate on the National Forest out in these rural areas. All of us are going to have to figure out how to work together to address some of these issues because they are going to cross boundaries.

Mr. Ault:

I have nothing further to add on this topic.

Director Goicoechea:

I would like to hit on one more thing, if we can, and then I am sure you have questions for these guys. And I will excuse myself so I do not get in trouble. Conservation Public Land Rule—it was renamed. You guys heard me talk a little bit about conservation and agriculture—that sustainable use to make sure we have it for the next generation: “preserve, protect, and promote.” I would like to hear from these guys [on] what their organizations view as conservation and how we think that is going to fit into that multiple use mission. Personally, and as an agency, we are very concerned with that Public Lands Rule. Are we going to see large tracks that are now set aside or leased? And is there going to be a use that is not compliant with a use that is already on that land; i.e., livestock grazing or recreation? For example, if someone wants to enter into a lease for restoration and rehabilitation. I would like these guys to weigh in and provide you with some of their thoughts.

Mr. Tibbitts:

I already talked a little bit about conservation.

[A howling wind blew through the room.] Those were the Opera House ghosts up there!

This is becoming a new mantra of mine, and we have talked a lot about multiple use today. We often talk about multiple use lands. There is a question that comes up, and BLM says, "We are a multiple-use agency," and it is true. But if you read FLPMA—I am going to leave Jose out of it right now—the term "multiple use" is never used alone. The phrase is "multiple use and sustained yield." You can take FLPMA and search; get a digital copy and search the term "multiple use." That term is never on its own except in the definitions. Every time the term "multiple use" is used within FLPMA, it is married to its sister. No, that is weird. It is married to the term, "sustained yield." You look at the "sustained yield" definition, and that is "conservation." So, multiple use is never separated from conservation; it should not be, so I am starting to use the term "MUSY"—multiple use and sustained yield. And if you think of it that way, they are always together. Conservation is built into the mantra of land management. The grazing regulations are to be managed according to the fundamentals of range health, and wild horses are to be managed under a thriving natural ecological balance. Other uses out there cannot cause unnecessary or undue degradation. Literally, every use on public lands, at least permissive uses, are to be done in a sustained yield manner. That is conservation. We do not need to build new layers of conservation. Let us follow the standards we have had on the books since 1976 and fine tune those rather than laying over a whole new bureaucratic process on how we build conservation into these lands. Conservation is already built into every program out there.

Mr. Ault:

Discussion on sisters aside, I agree completely with Jake on what he said. That was where you stole my thunder because that is exactly how I have been thinking about this conservation discussion—sustained yield. That is the main thing. When you look at other federal agencies, there are spectrums of the balance between utilization of resources on the ground and conservation. The National Park Service is way more on the conservation and recreation side. And the BLM—we have been known to be called the "Bureau of Livestock and Mining." That is the pre-FLPMA indication of what our agency was. I think you summarized it very nicely, Jake—way better than I could have.

Mr. Noriega:

I do not believe it applies to Forest because we do not allow subleasing of livestock operations, so it cannot be done. There are different twists, but I will leave it at that.

Director Goicoechea:

In the interest of time, we will stop being your comedy relief and see if there are any questions.

Chair Scheible:

I do hate to break this up with questions from all of us, but I guess we have to get from point A to point B somehow. Truly, thank you for all of your input and for all of these comments. And I do want to give my colleagues a chance to ask any questions that they might have of you. Do you have any questions for our panel today?

Senator Goicoechea:

Sam, could you please follow up and find out how they are going to reclaim that? I know you probably have to go to the State Office or something like that, but I would appreciate answers for the record.

Mr. Ault:

Let us talk a little bit later because I do not know exactly the area you are talking about, but I can help you chase down an answer. I can follow up with you.

Senator Goicoechea:

Yeah, it was that about that Nevada Legacy Baja, I think they called it, or whatever. It started in Mesquite, so it had to start down in the Southern District but came into, predominantly, the Ely District.

Mr. Ault:

Some of these special recreation permits (SRPs) for motor races are multidistrict, and what we are talking about here on managing multijurisdictional actions can be very difficult for compliance—a note on that—and sometimes we are not aware of it because it is such a large landscape, as well. For anybody who is experiencing these issues, I highly encourage you to go talk to your local BLM office. They may not be aware of it and [would] be happy to enforce it.

Senator Goicoechea:

There was no one from the Ely District. I did not want to call John Raby, but somebody approved it.

Ms. Weaselboy:

I have a comment more than a question to Ranger Noriega's point about old growth. Tribeswork had a consultation session. I think it was federal, so many, many, many tribes were invited. What they presented to us on definitions of "old-growth" and "traditional ecological knowledge" was research from Oregon in the Pacific Northwest. They said they have no litmus or approximate to look at old growth with junipers. It is quite a complicated situation, and the tribes overall were very disappointed with this. I wanted to make a comment to elucidate the situation and how dire it is.

Chair Scheible:

I do not see anybody else except for Director Goicoechea racing away from the table. You are excused! We are now closing Item VII; you all may go to the Owl.

AGENDA ITEM VIII—PUBLIC COMMENT

Chair Scheible:

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

We will close Item VIII. I know you are all anxious for adjournment, but I do have a couple of housekeeping matters before we get there. The first one that I wanted to remind you all is that Chair Pazina announced at the last two meetings of the full Natural Resources Committee that we are at the point of the interim where we are considering legislation for the next session. If you have ideas for a bill draft request—a BDR—that you would like the Subcommittee to take up at our next and final meeting on August 23, please submit those to the Committee no later than July 31. You can do that via email to the Committee's email address, and we will review those and add some of them to the agenda for the meeting on

August 23. It will be in Carson City and will go along with the full meeting of the Natural Resources Committee. We will meet in the Subcommittee first and then in the full Committee.

Finally, I would like to again express my appreciation to our entire staff for being out here. We have incredible members of our policy team, our Research Division, our Legal Division, BPS, our IT professionals, as well as Legislative Police, all of whom make it out here to create this environment that you see with our microphones and presentations and all of us here. A lot of work goes into these meetings, and very little of it is done by me, so I do want to express my gratitude to all of you who make this happen.

I will speak for the whole Committee [to express] our gratitude to the community of Eureka and Eureka County for allowing us to use this beautiful space and welcoming us here for our meeting today—also to Ms. Weaselboy for joining us and to the ITCN for appointing her so that we have tribal representation here. That is incredibly important to the Public Lands Subcommittee. We are honored to have you with us and appreciate your input, as well as input from other members of the tribal communities here in [rural] Nevada and throughout the State. I cannot close the meeting without acknowledging, one more time, Senator Goicoechea who has graciously invited us here to Eureka. I think this might be the last rural meeting that he joins us for, unfortunately, in this role. I would like to invite you to make any comments if you would like to, but absolutely no pressure.

Senator Goicoechea:

I have 14 minutes to 5 [p.m.]. We are 46 minutes late. Normal adjournment time is 4 [p.m.]!

Senator Scheible:

I could not have said it better myself!

Additional written public comment was submitted (Agenda Item VIII):

- Anamaria Damas, Nevada Resident
- Craig C. Downer, Wildlife Ecologist, Wild Horse and Burro Fund/Andean Tapir Fund.
- Laura Fuson, Nevada Resident.
- Rae Hanna, President, Wild Horse Preservation League.
- Taunee Jensen, Nevada Resident.
- Robyn Orloff, Nevada Resident.
- Tracy Wilson, Nevada State Director, American Wild Horse Conservation.

AGENDA ITEM IX—ADJOURNMENT

There being no further business to come before the Subcommittee, the meeting was adjourned at 4:47 p.m.

Respectfully submitted,

Lisa Creamer
Senior Research Policy Assistant

Jann Stinnesbeck
Principal Policy Analyst

APPROVED BY:

Senator Melanie Scheible, Chair

Date: _____

MEETING MATERIALS

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item IV B	Jake Tibbitts, Natural Resources Manager, Eureka County	Informational Handout with Recommendations
Agenda Item IV C	Pam Harrington, Natural Resource Officer, Lander County	PowerPoint Presentation This is on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. For copies, contact the Library at (775) 684-6825.
Agenda Item VI A	Lance Brown, District Ranger, Austin-Tonopah Ranger District, United States Forest Service (USFS), U.S. Department of Agriculture (USDA)	Written Testimony
Agenda Item VI B-1	Jose Noriega, District Ranger, Ely Ranger District, USFS, USDA	Written Testimony
Agenda Item VI B-2	Jose Noriega, District Ranger, Ely Ranger District, USFS, USDA	Project Photographs
Agenda Item VIII		Compilation of written comments received from members of the public who did not speak during the meeting. These comments are posted individually on the Legislature's website for this meeting and can be found on the Committee's meeting page .

The Minutes are supplied as an informational service. All meeting materials are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. For copies, contact the Library at (775) 684-6827 or <https://www.leg.state.nv.us/Division/Research/Library/About/Contact/feedbackmail.cfm>.