



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

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

MINUTES

August 23, 2024

The third meeting of the Subcommittee on Public Lands of the Joint Interim Standing Committee on Natural Resources for the 2023–2024 Interim was held on Friday, August 23, 2024, at 9 a.m. in Room 4100, Legislative Building, 401 South Carson Street, Carson City, 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 CARSON CITY:

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
Lisa Creamer, Senior Research Policy Assistant, Research Division
Erin Sturdivant, Senior Principal Deputy Legislative Counsel, Legal Division
Jeffrey Chronister, Deputy Legislative Counsel, Legal Division
Adam Drost, Principal Program Analyst, Fiscal Analysis Division

*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:

I am going to call this meeting of the Subcommittee on Public Lands of the Joint Interim Natural Resources Committee [to order]. Welcome everybody to the last Public Lands meeting of this interim. I think we have almost everybody in Carson City, at least Members in Carson City. We are joined by representatives from Nye County online who are going to be doing a presentation today, and then we will move into our work session.

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

That leads us into our second agenda item, which is public comment.

AGENDA ITEM II—PUBLIC COMMENT

Chair Scheible:

We will welcome anybody to the front table who would like to make public comment. As a reminder, comments are limited to two minutes per person.

Jaina Moan, External Affairs Director, Nature Conservancy in Nevada:

Thank you for including our recommendation to support the Nevada Water Initiative in the “Work Session Document” (WSD) ([Agenda Item V](#)). That is [Recommendation A-3]. The Nevada Water Initiative will update groundwater basin budgets in 256 hydrographic areas in Nevada, which is necessary to ensure the long-term sustainability of vital water resources for both people and nature. The Division of Water Resources (DWR) has received assistance from the American Rescue Plan Act of 2021 (ARPA) to initiate the Nevada Water Initiative, but more funding is needed. Specifically, \$1 million is needed in the next biennium, and an estimated \$4 million is needed in subsequent biennia. We support the recommendation that a bill be drafted to ensure this funding, which in turn will ensure our water future.

The Nature Conservancy [TNC] also supports [Recommendation B-6]—the drafting of a resolution declaring “Smart from the Start” solar development as the State policy for Nevada. The Nature Conservancy has long advocated for a Smart from the Start approach that seeks to develop energy generation, storage, and transmission infrastructure in places that have the least impact as possible to nature and communities. We are proud to have been part of the development of the Western Alliance Smart from the Start Alternative. Should a resolution be drafted, we suggest that a small addition be made to Section B-2 of the “Low conflict lands” category [page 3 of Attachment B-6 of the WSD] that makes an exception within the one-mile buffer zone to allow for community accepted energy projects. We also think that a Smart from the Start policy should apply to all types of energy infrastructure, including solar, wind, geothermal, transmission, and storage projects. Thank you so much for the opportunity to comment and thank you for your service on this Committee.

Craig Carpenter Downer, Wild Horse and Burro Fund/Andean Tapir Fund:

I speak for the wild horse and burros, and I have this [held up document] ([Agenda Item II A](#))—I called; the Secretary said I could bring in my input—that is why I am disturbed about what is happening to the wild horse and burros today. A song came to me a week ago, which speaks for the mustangs, which kind of sums up how I feel. It actually had a melody to it, but I will try and give it the best thing I can:

I was born on this desert of fine mustang stallion and mare
Of a lineage that is ancient
In whose cradle's right here
And I answer a calling in all that I do
Ancient instincts reviving, a wisdom so pure
There are men who demean me, and all of my kind
Saying we have no real right to freedom and land
That our only good place is that of man's slave
Yet I know in my heart, there is a calling more great
Tis that free life in nature with all kindred kinds
Exalting in freedom, obeying God's mind
For we are all here together, all beings, all kinds
And our inner relations are in all places, all times
For there is something more grand than base minds comprehend
A march to God's music that leads to great ends
This march soon to true gallop itself will transform
As we spy life's true goal, ever glimpse our true home

Thank you for listening to me.

Colette Kaluza, Wild Horse Education:

My comment is on Item 12 [of Attachment B-5 of the WSD].

[Ms. Kaluza read from ([Agenda Item II B-1](#)) while showing a video of a horse roundup ([Agenda Item II B-2](#)).]

Roundups in Nevada conducted by [the] Bureau of Land Management (BLM) are often inhumane, as seen in my video at the Blue Wing Complex roundup this summer. [The] BLM personnel at Blue Wing lead the nation in preventable abuses and deaths. It ended at four times the death ratio as roundups at North Lander in Wyoming and Swasey in Utah this summer.

Blue Wing was an exercise in brutality from an agency racing to reach unscientifically set numbers for herds with barely a thought given to the suffering they cause. [The] BLM does not even comply with its own inadequate Comprehensive Animal Welfare Program (CAWP). The entire system endorses this behavior at Blue Wing, other roundups, and off-range corrals. Nevada continues to lead in highest deaths during and after capture.

[The] BLM spends taxpayer funding to bring in their CAWP team to do an assessment. They gave Blue Wing a 99 compliant rating of "excellent." The current team is not an oversight body; it more has the backs of other BLM employees, and it must be disbanded and replaced. [The] CAWP is not enforceable nor prosecutable because BLM failed to finalize a welfare policy.

[The] BLM is mandated to manage humanely. Removal and stockpiling [are] not management. *Code of Federal Regulations* state BLM shall prepare herd management area (HMA) plans. The overwhelming majority of herds do not have one.

Federal Court in Nevada recently ruled in our favor, "BLM's decades-long delays in developing and approving HMA plans have therefore been nothing short of egregious and clearly violate the rule of reason."

You should take action to support efforts to create an enforceable welfare policy through rulemaking, and require every BLM district to initiate creating HMAPs, at least two by year-end, and completed within a year—not your Item 12 action. Thank you.

[Ms. Kaluza also submitted a BLM Animal Welfare Program Team Assessment Report ([Agenda Item II B-3](#)) and a Wild Horse Education Welfare Program Team Assessment Report (Agenda Item B-4) for the record.]

Kyle Davis, Pinyon Public Affairs, Representing the Interwest Energy Alliance:

Thank you, Madam Chair, Members of the Committee. I will be brief. We have submitted a letter for your record ([Agenda Item II C](#)).

[Read from ([Agenda Item II C](#)).] We are here today to provide a comment on Item V, Recommendation B-6. This item proposes to draft a resolution declaring an overly limiting solar development policy as a State policy of Nevada.

Interwest supports fair and responsible renewable energy siting policies that are responsive to the needs of communities like Eureka and Humboldt Counties, and our industry's goal is to continue to collaborate with communities and other stakeholders, including federal, state, and local governments, local landowners, and the conservation community.

Despite the good intentions, the proposed resolution is overbroad and contrary to the goals of collaboration and fair conflict resolution because it would, if adopted, prohibit almost all future solar energy development in Nevada. This is the case because the policy would: (1) limit development to "disturbed lands" or "low-conflict lands," each of which are defined to exclude lands meeting a long list of conditions; and (2) require that—even land that meets those restrictive conditions—be within ten miles of an existing transmission line. Any land that does not meet both of those conditions would be removed from development consideration before any further examination.

Developing additional solar resources is vital to ensuring Nevada's energy and climate future. And it is possible to ensure the development of these resources while balancing other interests. The proposed policy does not strike that appropriate balance. Thank you.

Clifford Banuelos, Tribal State Environmental Liaison, Inter-Tribal Council of Nevada, Inc. (ITCN):

Good morning. [I am] the Tribal State Environmental Liaison with the ITCN, working with the Nevada Division of Environmental Protection. I am here to convey, or communicate, to this body that any proposed bill draft requests (BDRs)—please, for this body, to communicate to the newly formed Nevada Department of Native American Affairs. That is a body that is tracking all the BDRs for the tribes, cooperating in giving information back and forth with the tribes, and working on proposed legislation in coordination with the State—so if you guys can use Stacey Montooth and her team on any of these proposed BDRs born out of this body. Thank you.

Robyn Orloff, Carson City Resident:

Good morning. Thank you for the opportunity to speak. I did a public comment that will probably take you a year to get through ([Agenda Item II D](#)). Sorry about that. I wanted to say, I would have loved to have been at the Eureka meeting, and I listened to it. I tried to make comments, but I was remote and you were remote. So, [it] did not happen. I wanted to second my thank you to Senator Goicoechea for his 20 years with the Legislature and 16 with your County Commission, and as Chairman. I heard that in the meeting, and that was very impressive. I would like to speak to the agenda that Colette spoke to—the Path Forward—and the nonlethal methods that are hoped not to be used for the wild horses. I feel like the roundups are terribly lethal, and to watch the videos is really disturbing. And it was disturbing to me that the State has been very active in promoting the roundups through a sign-on of the coalition letter that went to all the county wildlife commissions and the Wildlife Commission to Nevada's Department of Wildlife (NDOW). The State, apparently, is pushing to have more appropriations for more roundups, and I am disappointed about that. Please stop me at two minutes because I am ad-libbing. I think that Nevada is amazing. We have so many resources. I would like to see the horses and the burros used to bring in ecotourism rather than spend money on the helicopter roundups. Get them out of the streets. Get them out of people's property if that is a concern to the public. And maybe put them in HMAs and have tours and promote them as a resource and a natural and cultural and historical part of our State rather than a blight. And I would like also—if you would consider when you are discussing management—to consider the off-highway vehicle (OHV) use, and the crickets, and the cattle, and all the other concerns that are affecting our ecotourism and our water. I appreciate your time. Thank you.

Chair Scheible:

Anybody else wishing to give public comment here in Carson City? I do not see anybody coming to the table. Do we have anybody on the phone to give public comment?

Broadcast and Production Services (BPS):

You have no callers wishing to participate at this time.

Chair Scheible:

All right. That concludes public comment for the first portion of the meeting. That takes us on to Item III, which is approval of the minutes from our last meeting on July 12th.

AGENDA ITEM III—APPROVAL OF THE MINUTES FOR THE MEETING ON JULY 12, 2024

Chair Scheible:

A copy has been provided to all the members of the Committee as well as posted on our website. Are there any questions, comments, discussion on the minutes? Not seeing any, I would accept a motion to approve the minutes.

ASSEMBLYMAN DELONG MOVED TO APPROVE THE MINUTES FOR THE MEETING HELD ON JULY 12, 2024.

VICE CHAIR ANDERSON SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Scheible:

That takes us to Item IV.

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

Chair Scheible:

We are going to be receiving a presentation from Nye County about their public lands. I understand they are with us by Zoom—or video.

Megan Labadie, Director, Natural Resources and Federal Facilities, Nye County:

First, I sincerely thank the Committee for the opportunity to discuss Nye County's public lands challenges ([Agenda Item IV](#)). I also commend the representatives from Eureka County, Lander County, and the Nevada Association of Counties (NACO) on the July 12th presentations. Their concerns and solutions are certainly in step with the challenges our State's rural communities face on a regular basis. While not included in this presentation—for the sake of a time limit—we especially mirror Eureka County's position on *Revised Statute* (RS) 2477 roads.

Nye County is the third largest county in the contiguous United States and the largest county in Nevada. We are fiercely proud of our rich Western cultural history and are committed to maintaining our rural lifestyle. One of our greatest challenges is the sheer amount of land that is federally managed. Out of the 11.6 million acres the County encompasses, nearly 97 percent are federally managed public lands.

Our economic base and the enjoyment of our public lands are of utmost importance to support the County's citizens and communities. As such, we work relentlessly with federal agencies and their activities affecting Nye's communities. As local government, Nye County participated in the Resource Management Plan (RMP) updates as a cooperating Agency to accomplish a variety of long-term development and conservation goals. In the Southern Nevada District, this was a nearly decade long commitment of Nye County resources and staff involvement. The current and standing 1998 RMP precludes Nye County's plans. As a result, the County was dedicated to including our needed lands request to the RMP Update, which were incorporated in the 2018 draft. Ultimately, the Nye County RMPs were suspended or terminated along with most Western-wide RMP updates. Although the County's efforts were stymied, we marched forward. The County held internal discussions with the BLM to determine a resolution. [The] BLM suggested we develop several focused plan amendments to the 1998 document to pursue our lands needs. Before we could make real progress, the focused plan amendments (FPAs) were halted in lieu of an anticipated statewide RMP, an unprecedented concept announced in 2021. Originally proposed to be published by 2025, the statewide RMP has gained little traction. It is reasonable to expect

that the timeline to establish and undertake a new RMP process will likely be several years in the making, assuming that funding for the project will be provided.

In the central and southern County, public lands managed for exclusive use of defense and energy purposes are about 2.8 million acres or 25 percent of our lands—now about 35. These sites are used for bombing and other high hazard activities and are so close to all other uses. Disclosure eliminates the current and future economic potential of these lands, most notably in mining, from which Nye derives its greatest fiscal revenues. In the unlikely event that land is no longer needed for United States Department of Defense (DOD) or U.S. Department of Energy (DOE) use, contamination on those lands would prohibit public use. While mitigation is available for communities affected by these activities, Nye County does not receive any beneficial opportunities, or grants, which are limited to communities hosting military bases. Lost tax revenues and fees are not quantified or disclosed in nearly any of the environmental impacts statements (EISs) so that the cost of future mitigation impacts can be reasonably committed in the records of decision or to support future congressional direction. County revenue losses include payments in lieu of taxes (PILT), taxes, fees, and other sources, including taxes from the net proceeds of minerals, room taxes, additional real and personal property taxes, and fees from development on withdrawn land. Such tax revenues could be used to remedy chronic budget shortfalls, emergency medical response services, and the health care crisis in northern Nye County. The local economic and fiscal impacts of lost opportunities from DOD land withdrawals were previously assessed, quantified, and disclosed [in] the congressionally mandated *Special Nevada Report* developed by the Science Applications International Corporation (SAIC) in 1991. For instance, the Report found that if the Nevada Test and Training Range lands were not withdrawn and were available for alternative uses, Nye County's gross regional product would increase by up to 9 percent. The loss, cumulatively, equates to hundreds of millions of dollars.

Federal legislation is the foremost option available to aid the County in mitigating the impacts of existing and newly proposed federal land withdrawals and to accomplish local land use goals. The Nye County Conservation and Economic Development Act was primarily born from the land withdrawal impacts in the outdated RMPs we have addressed. The cumulative impacts of removing public land for multiple use—the result of federal land withdrawals—are not well documented in environmental reviews provided through the National Environmental Policy Act (NEPA). For most proposed actions, long-term analyses are considered speculative, having time frames that are beyond the reasonably foreseeable future, and are therefore dismissed from further consideration in NEPA documents. Landscape level planning, renewable energy, and federal agency produced rules to amend land laws are also rapidly expanding. There is the additional need to update federal land status in Nye County to correspond with evolving County plans prior to federal project withdrawals and programs. Nye County has an urgent need for congressional action. The Act is supported by local, state, federal, and tribal governments as well as special interest groups among many others. An economic analysis conducted through the University of Nevada, Reno (UNR) and [the] Governor's Office of Economic Development (GOED) concluded that Nye County's current population and economic base cannot support current proposed operations unless more land is available to the County. The team opined that existing and future project development simply will not be able to happen if the Lands Bill is unsuccessful.

So what does the Lands Bill achieve? Among the actions listed in the slide, the bill finally brings Nye County under the umbrella of the Southern Nevada Public Land Management Act [of 1998], an inclusion that can only be implemented through Congress. It is the one mechanism through which we would fund our public land purchases. Another

highlighted request of the Lands Bill is to remove the reversionary interest associated with our long-anticipated fairgrounds development in the town of Pahrump. The land was patented through Congress with the reversion clause. Administratively, the BLM, Las Vegas Field Office has been uncertain regarding the process of a direct sale for the removal. As such, we have gained little traction since our initial request in 2017.

While we wait for an updated RMP and continue to promote our Lands Bill, BLM is expediently processing individual solar applications. Although renewable energy is a noble pursuit, the County's commissioners and its citizens have expressed legitimate concerns regarding the siting of these facilities, which take up thousands of acres per project—often on pristine and wildlife inhabited desert landscapes—and are butted up against each of Nye County's towns. It is our desire to meaningfully collaborate with BLM, the State, and the federal government to pursue our suggestions to mutually benefit all involved. So far, our attempts have had no teeth in the BLM siting process. Still, Nevada's rural counties continue to work with BLM on the solar programmatic environmental impact statement (PEIS), although it has not been reviewed or officially approved by my County, the Smart from the Start program developed by Eureka County, NACO, and TNC adequately accomplishes siting priorities indicated in the PEIS while also considering the needs of local communities. Many of Nevada's rural communities have expressed this should be the preferred alternative in the EIS.

I will briefly provide an overview of mining impacts to our communities by presenting one town perspective in Nye. Beatty, Nevada is a history packed rural town that enjoys the economic benefits of ecotourism due to their many trails. They are additionally proud of their status as the gateway to Death Valley. I will present specific bullet points of their concerns. One proposed gold mining project expects impacts to Beatty's water table and water source with water table recovery anticipated between 80 to 200 years. Lithium mining in the area brings even greater water related concerns. Active mining operations eradicate, displace, or otherwise impact historic landmarks, railroad grades, visual landscapes, and night skies among other ecotourism-based activities; housing for workers must be established for the town to support these activities. However, significant developer investment in infrastructure is required for the town to accommodate projects. Ground disturbance creates wildlife migration into human spaces and may shift rainwater flow into areas already prone to floods. Beatty believes that honest communication and sincere strategic planning can help mitigate and overcome these issues.

The recommendations we have are to: resolve BLM administrative delays through support of the Nye County Conservation and Economic Development Act; fund and implement the statewide RMP prior to the expedition of landscape level programs and fast-paced renewable energy siting; implement Start from the Start program as the preferred alternative in the Utility-Scale Solar PEIS, require real mitigation of federal lands actions impacting natural resources; and update the *Special Nevada Report* to not only include the impacts resulting from military land withdrawals, but to include impacts from all federal land withdrawals.

Thank you for your time and consideration of Nye County's top concerns for our public lands. I really had to shave down a lot of pertinent details for the time limit. I am happy to answer any questions you may have.

Chair Scheible:

We appreciate that it is a limited amount of time, but it is really important to us that we get to hear from all of our Nevada communities. Let me see if the Members of the Committee have questions at this point.

Commissioner Jones:

With regard to your Lands Bill, is that something where you already have a sponsor that is moving forward with the bill? I am not familiar with that.

Ms. Labadie:

That was one of the things I had to shave down in my presentation. We do have Congressman Horsford working with us to introduce the Lands Bill, hopefully this year or next. We are also seeking support and working with Senator Rosen and Cortez Masto's Offices to receive their bipartisan support as well.

Vice Chair Anderson:

I know that during our meeting in Eureka—thank you so much, Senator Goicoechea, for hosting us for that dinner and [for the] beautiful area; because I know you were personally responsible for how beautiful that place was—it was brought up about the difficulty in going through different applications, whether it is for solar farms or for other type[s] of items to be utilized with the County, and also with some of the BLM restrictions or expectations. What is your current staffing when it comes to reviewing idea[s]? I know this is not part of this presentation, so I understand if you do not have it. But what is the current staffing when reviewing those items for applications? And is that also a concern that your County has experienced similar to other counties that were presented last time?

Ms. Labadie:

That was another one I had to shave out of my introduction. Currently, the point of contact for BLM applications is me. I am a staff of one in my Natural Resources Office. Always, our Commissioners and our County Manager are kept apprised of these activities. They are always very engaged with them. But I am the one who does the official reviews and provide[s] comments during the NEPA process.

Vice Chair Anderson:

How many would you say that—and again, not expecting you to know this off the top of your head, but if you do—how many would you say that you have currently on file to review over the next time frame, or that you have reviewed over the last year, if there is a way to get that sort of idea of how much you have to do?

Ms. Labadie:

I would guess probably 30 to 40 that I have been working on, or are currently anticipating updates to work on, or have been ongoing over the NEPA process. Probably 30 to 40, at least.

Vice Chair Anderson:

I put you on the spot for that, so thank you for being able to figure it out that quickly.

Ms. Labadie:

That is a guesstimate.

Ms. Weaselboy:

I am an enrolled member of the Yomba Shoshone Tribe within Nye County. I wanted to ask if there was any coordination and work with the Yomba Shoshone Tribe on the Nye County Lands Bill.

Ms. Labadie:

Yes, absolutely. We are actually, in our Lands Bill, conveying 40 acres of forest land to the Tribe after discussions with the tribal government for Yomba Shoshone.

Chair Scheible:

Any other questions or follow ups? All right, I do not see anything. We appreciate you taking the time to join us this morning. I will close Item IV. That takes [us] to Item V, which is our work session.

AGENDA ITEM V—WORK SESSION—DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATIONS RELATING TO:

Chair Scheible:

We have a number of proposals on the WSD ([Agenda Item V](#)). The WSD has been provided to all of the Members of the Subcommittee, and it is also available online. I am going to ask Mr. Stinnesbeck to walk us through the document. For those who are unfamiliar or who maybe have not done this in a few months, like me, the WSD does include all of the proposals. We will go through them one by one, and we can vote on them one by one.

Mr. Stinnesbeck:

Thank you, Chair. As nonpartisan staff, I cannot advocate for or against any proposal that comes before this body. With that, [and] the pleasure of the Chair, I will walk the Subcommittee through the WSD. The Chair and staff of the Subcommittee have worked on preparing this WSD to assist the Subcommittee in determining which legislative measures it will recommend to the full Committee to be requested for [the] 2025 Legislative Session of the Nevada Legislature as well as other actions the Subcommittee may endorse. The WSD contains the summary of recommendations presented during public hearings, through communication of individual Subcommittee Members, or through correspondence submitted to the Subcommittee Members or staff. The Members of the Subcommittee do not necessarily support or oppose the recommendations in this WSD. It is compiled by staff to organize the proposals so that Subcommittee Members can review them and decide whether they want to accept, reject, modify, or take no action on the recommendation. Pursuant to NRS 218D.160 and 218E.525, the Joint Interim Standing Committee on National Resources (JISCNR) is limited to 14 legislative measures, at least 4 of which must be related to matters relating to public lands based on the recommendations of the Subcommittee on Public Lands.

With that, the first set of recommendations pertain, in general terms, to water.

A. Water

Mr. Stinnesbeck:

[Recommendation] A-1 requests the drafting of a bill that revises various provisions of water law that would encourage water conservation. This includes but is not limited to: revising NRS 533.024 to include encouragement of the efficient use of water as a matter of State policy; adding language to NRS related to filing conservation plans with the State Engineer; revising NRS 533.0241 to require the State Engineer to treat water conserved under a conservation plan as appropriated water; and excluding water conserved under a conservation plan from the abandonment provisions of NRS 533.060 and 534.090. This recommendation was made by Kyle Roerink with the Great Basin Water Network. You can see, for additional background information, Attachment A-1. Unfortunately, Mr. Roerink is not able to be here today; however, he submitted, additionally, a fact sheet, which can be found in Public Comment, to hopefully answer any questions that the Subcommittee might have.

Chair Scheible:

I will open up Recommendation A-1 for discussion if anybody wants to make any comments [or] ask any questions about Recommendation A-1 at this point in time.

Vice Chair Anderson:

It is not necessarily regarding this specific bill—instead, it is the process that you would like to go through on this. Since [Recommendations] A-1 and A-2—a few of these—appear to possibly be able to work together. You might have gone over it, and I did not quite understand. Do you wish to look at them separately, or is this a way to possibly combine the two? What do you foresee as Chair of this?

Chair Scheible:

I am open to suggestions from the Committee. I think these were distilled from a larger group of suggestions, and some of them have already been combined to come up with the eight that you have in front of you today. But certainly, we can have a discussion on all of them. We can move at some point to combine two and then approve the drafting of that BDR if that is what we want to do, or we can vote on all eight of them separately.

Vice Chair Anderson:

Thank you for that clarification, because although there are some things that are common, there are also some things that are very different in the two. That is why I wanted to double check and make sure I had it clear in my very befuddled mind around there.

Chair Scheible:

Yeah, absolutely. Is there any discussion?

Senator Goicoechea:

I am going to walk through the water ones first if that is okay with you as the Chair.

Chair Scheible:

Yes.

Senator Goicoechea:

Clearly, [Recommendation] A-1 is a major bill—a major undertaking. When you start talking about conservation water, exactly what does that do to the water if, in fact, the [DWR] will not allow [it]? I am really concerned about that bill and coming from this Committee because of the ramifications.

[Recommendation] A-2—clearly, we are going to have to deal with basin assessments at some point. What they are being used for, should there be a cap? Is there a minimum charge? And I think there is a basis for that from this Committee because it is funding, and that dialogue should be had in the legislative session. What are those funds intended for? Should there be a cap? Should there be a minimum? If they are collected in that basin, should they then be used primarily in that basin? Can you carve a piece off? I think that is an interesting dialogue. And as a counterpoint, I am going to say this agenda, and looking at this book, is not very different from 22 years ago when I first had one of these meetings. Most of the issues are still here. We have horses. We have water. We have RS 2477 roads. And unfortunately, we have not fixed many of those in my 22 years, so good luck going forward. Clearly, we have bill drafts that are going to come from this recommendation from this Committee to the main Committee. I do think we have to deal with basin assessments.

Clearly, [Recommendation] A-3 is a budget bill, in my mind. That appropriation probably should be made, but what we decide here in this Subcommittee—going to the full Committee—it is going to depend on Monroe-Moreno and Dondero Loop in the end in the Finance Committee. So, I do not know if it really has a place other than [that].

And then, groundwater boards—I have been involved in that, back to when I was a county commissioner, and we petitioned for a groundwater board. Again, another dialogue that is very interesting. I am back to county involvement, and how much say the counties/local government[s] should have in all these decisions that are coming forward. And of course, I am an advocate for Home Rule—my friend here, County Commissioner Jones. The closer to the people, the better, so I do like county groundwater boards. That is a dialogue that has to be had.

With that, my recommendation—I clearly would like to see a BDR coming from this Subcommittee on [Part] A. At a minimum, let us have a discussion on basin assessments and what that money can be used for. As we get into the main Committee, we are going to talk about the water right retirement bill and some of those issues. Is it feasible to use basin assessments to offset water right retirement? There is a lot of dialogue [that] needs to be had there. As I look at them, that would be my recommendation. I think [Recommendation A-2] is probably the cleanest.

Chair Scheible:

I agree with your assessment, and I think Recommendation [A-2] is very important. I appreciate you pointing out Recommendation [A-3], and I am sorry, I did not let Mr. Stinnesbeck read through all of them. I do not know if you want to do that now. I think the Members of the Committee have read them, and for those of you following along at home, Recommendation [A-1] is the one that he read on the record. Recommendation [A-2] is about the groundwater assessments. And Recommendation [A-3] is drafting an

appropriations bill to appropriate \$1 million to the DWR for the Nevada Water Initiative. I think it is not customary for interim committees to draft appropriations bills. I also do not think there is a reason that we cannot do it. It is a conversation that we can have right now as a Subcommittee about logistically [and] procedurally if that is the way that we want to communicate to the larger body, the larger Legislature—that we want this \$1 million in the appropriated budget. We could also send a letter to the Finance Committee. We could also send a letter to the Governor. We could also talk to our friends about it. I think the strongest way to communicate our desire for this \$1 million appropriation is to put it in a bill, and then those of us who are returning to the Legislature in the next session will be responsible for carrying that bill forward and convincing all of our colleagues to vote to approve that appropriation.

Commissioner Jones:

I had a question about [Recommendation A-4] when we get [to] that. I do not know where we are at in the discussion.

Chair Scheible:

I am going to hand it back over to Mr. Stinnesbeck to read through the rest of the WSD, Part A.

Mr. Stinnesbeck:

Recommendation A-2, as the Chair was mentioning, is the request to draft a bill to remove the minimum charge and establish a maximum charge for a special assessment levied upon certain designated basins where groundwater use is predominantly for agricultural purposes; limit the use of the special assessment to activities that are directly related to the groundwater basin; and require annual reporting on the expenditures and activities funded by the special assessments. It was recommended by Jeff Fontaine with the Central Nevada Regional Water Authority (CNRWA) and Humboldt River Basin [Water] Authority. There is, additionally, [an] attachment here to the WSD under [Recommendation] A-2. I believe Mr. Fontaine is in the room as well. Would you like me to continue going through the other recommendations?

Chair Scheible:

Yes.

Mr. Stinnesbeck:

I will continue then, per the Chair, [with] the other recommendations. [Recommendation] A-3, which requests the drafting of a bill to appropriate \$1 million to the DWR to support the Nevada State Engineer and the Nevada Water Initiative. This was recommended by Jaina Moan with The Nature Conservancy. You can see Attachment A-3. There is also public comment online in support of the concept of supporting funding for the Nevada Water Initiative by the Nevada Mining Association.

The next Recommendation on water is A-4, which requests the drafting of a bill to authorize a board of county commissioners to establish a groundwater board, which was recommended also by Mr. Fontaine with the CNRWA. There is an attachment for that as well, under A-4. That concludes the recommendations pertaining to water.

Chair Scheible:

I appreciate you walking us through those. We will open it back up for discussion.

Senator Goicoechea:

I am going to start out by apologizing. In my 20 years here, I never really did learn—only got to chair one committee in 20 years—so, I apologize for breaking how you want to deal with it. I was hoping that we could maybe take up the water. I do not know how many BDRs we are going to bring out of this Committee. Is it four, or is there a number?

Mr. Stinnesbeck:

The way I understand it is that of the 14 bills that the Natural Resource Committee gets, 4 need to pertain to public lands—need to be on the recommendation of Public Lands. It does not mean that there could not be more.

Senator Goicoechea:

I am trying to establish the ground rules here, Madam Chair, [if] you will forgive me. We can bring eight or ten, but then we will deal with them this afternoon—how many we are actually going to [approve]. Okay, we have eight on the list. That would be easy to bring them forward. Sorry.

Chair Scheible:

So, if we want to stick to the water recommendations at this point—I am looking to the Committee to give me a sense of whether we are in favor of all four of them or whether there are any that cause concerns [or] questions that you would like to make changes to before we move to approve them.

Commissioner Jones:

With regard to Recommendation [A-4], can I get clarification? This allows county commissions—and I appreciate my colleague. I am definitely in favor of more local control—but groundwater basins do not necessarily follow geographic county lines. My question would be—and I do not know if this is to the Committee or to Mr. Fontaine—does this limit it to each county designating a groundwater basin committee, or would [it] be more [that] counties could designate groundwater basin committees that crossed county boundaries? If that makes sense—based on where the basin is.

Ms. Sturdivant:

This is something Mr. Fontaine could provide additional detail on, but my understanding is the way it would work is it would be based on the groundwater basin. So, a board of county commissioners in one basin could recommend it, or if the basin straddles lines, then the board of county commissioners could recommend it together.

Assemblyman DeLong:

I want to follow up on the discussion we had. I have concerns about [Recommendation A-1] also. I do not feel like we have fully discussed this concept of establishing, basically, conservation water rights—is the way I am reading it. I do not feel ready to move forward on that bill. The other bills—I think I would be willing to move forward on. I still have a

question to follow up on the basins that cross county lines. What if one county approves but the other county does not. How does that basin get managed? That seems to be an unresolved condition.

Chair Scheible:

I am going to jump in for a second and remind everybody that these are BDRs. We are not approving actual bills at this point. I think you bring up an excellent question that would be discussed throughout the process of both the bill draft and running the bill through the committee process. If it were to ultimately pass, definitely, that question would have to be answered. I do not think we need to make that policy decision in order to make the decision to draft a bill. And I wonder if that might also be pertinent to Recommendation [A-1], remembering that we are only voting to approve the drafting of the bill. We do have an interesting Committee, by the way, because we have voting members who are not members of the Legislature. But for the Members of the Legislature, we would still have the ability to change our vote at any point in time. Just because we support drafting a BDR, [it] does not mean that we have to support passing the bill. I think that is why all four of these recommendations are on here—to signify that we want to continue these discussions, and we want to draft a bill in order to have a resolution before the end of the next session.

Vice Chair Anderson:

I am looking over these as well as reading the background information. There were two words that struck me—also with your explanation—and that was “robust discussion.” One of the things that we really need to do with these BDRs as they come out is to commit to each other on this Committee—even if you are retiring in 72 days—to continue to have these conversations. So that way, we bring forward language that is the best for our State, and that 26 years of history matters. We need to know that information. I am more than happy to make a motion at this time if you wish for me to do them all together as a group, or if you wish to have them separately—for us to move forward though, with all four of the recommendations of the bills. And then, make a commitment amongst each other to have that very honest discussion about where problems could exist or what areas we need to define further, taking into account exactly what my colleague over here on the left—never thought you would say that about Assemblyman DeLong—has stated. But I think it would be smart for us to have these discussions as the bill is being drafted and worked upon during the legislative session.

Senator Goicoechea:

In the interest of time, I was wondering—would it be something we want to consider going through the eight BDRs we have here and maybe ranking them? That way, when we get to this afternoon's discussion—and clearly, there is only going to be so many BDRs—[we can] prioritize what we think, as the Committee, are the most critical. So, I guess we would probably go through all eight, not dividing water and public lands. But in my mind, looking at this packet, there are three or four that definitely need to come forward. Because of my years here, the question [is] still being asked, and it was asked 20 years ago. So, [it has] to be resolved someday.

Chair Scheible:

I think that is an excellent idea, and that is what we are going to do. I am going to ask Mr. Stinnesbeck to walk us through the Subsection B, Public Lands, recommendations.

B. Public Lands

Mr. Stinnesbeck:

While I walk through the rest of the WSD, I want to remind the Subcommittee there are two recommendations that are actually to send letters. Those letters do not count as BDRs. There are two recommendations that are for resolutions, which do account for that full Committee.

So with that, under the B section, Public Lands, [Recommendation] B-5 is to request the drafting of a resolution on land use planning to encourage: locally led efforts; coordination between federal, state, and local governments; and multiple use of public lands while providing for the sustainability of these lands economically, socially, and environmentally. This was recommended by Jake Tibbitts with Eureka County, based on multiple recommendations within Attachment B-5.

The next recommendation in the WSD is [Recommendation] B-6—request to draft a resolution declaring “Smart from the Start” solar development as the State policy for Nevada. This was recommended by Jesse Hill, Chair of [the] Humboldt County Board of Commissioners. You can see Attachment B-6 for background information on that. We did hear, this morning, public comment on it as well. There is a letter in opposition from Interwest Alliance online.

The next Recommendation is B-7—to send a letter to Congress expressing support for congressional action to provide clarity on a protocol to address RS 2477 rights-of-way—also recommended by Mr. Tibbetts from Eureka County. And you can see Attachment B-5 for that.

That last Recommendation in the WSD is B-8—to send a letter to the BLM expressing support for the Nevada Greater Sage-grouse Conservation Plan and its Conservation Credit System in managing greater sage-grouse in Nevada. [This] was also recommended by Mr. Tibbetts, Eureka County. You can also see Attachment B-5 for that.

Chair Scheible:

I will open it up first for any general comments/discussions on the second set, but really [on] all of the recommendations.

Commissioner Jones:

I had a process question with regard to Recommendation [B-6] if we are requesting a resolution declaring Smart from the Start as the policy for Nevada. Certainly, when we make recommendations, they can be modified as it goes forward in the Legislature. But I view this as a binary choice. Is it only [that] if we make a Recommendation, then it must be this policy, or is it simply that we are recommending that the State have a policy?

Chair Scheible:

Excellent question. I think we have somebody from the Humboldt County Board of Commissioners here. I wanted to ask a very similar question, because I understand the Smart from the Start policy is a term of art; it is not a general statement. My question to Humboldt County—is this something that we can workshop and make adjustments to make it Nevada-specific, or like Commissioner Jones said, is this kind of an up or down—either we

adopt the policy that other communities have adopted, or we do not? I think that person is online.

Andy Rieber, Public Lands Consultant, Humboldt County:

I am here representing the Board this morning. Thank you for this opportunity. In answer to your question, I would say that Humboldt County's position on this is that we are presenting not a binary choice but a set of concepts that we would invite the Subcommittee to consider adopting. I think to workshop it and develop something that is Nevada-specific—I would say Humboldt County is very open to that. We would like to be part of that conversation, but the core concept behind the Smart from the Start Policy is that solar development should be concentrated on previously disturbed lands, of which, here in Nevada, we have a lot of both in terms of anthropogenic disturbance from former mining sites, brown fields, and on the other hand, vegetatively disturbed sites where we have cheatgrass monocultures, of which, there are millions of acres, unfortunately, in this State. We would invite you to work with us and other counties who have adopted this Policy—and NACO, who helped us craft it, as well as TNC who also helped us craft it—to come up with something that is Nevada-specific that works for this State.

Chair Scheible:

That makes me more comfortable moving forward, and we might even amend the request to be drafting a resolution declaring and defining Nevada's Smart from the Start solar development policy.

Commissioner Jones:

You have mentioned there are these sites that have been identified. My concern with the way that it is drafted is—it is within ten miles of an existing utility corridor, disturbed, and low conflict. Have the lands that qualify under those three separate criteria been identified? Because I can certainly understand there are lands that are within ten miles of a transmission line, and there are mining sites, and there are disturbed lands, but they [have] to meet all three of those criteria, which seems pretty restrictive.

Ms. Rieber:

I would say, on that [inaudible], what we are finding in Humboldt County—doing even a cursory census of the lands that we might have available—[is] there are substantive lands within that ten-mile corridor of utility lines that particularly meet the vegetative disturbance criterion that are not within, say, the one-mile buffer zone of communities. Going back to the comment that we heard earlier from the [Inter]west Energy Alliance—that this would prohibit almost all [inaudible]—[I] think that is neither accurate nor realistic. I think, in fact, there is quite a lot of land that would be available under this kind of policy, particularly due to the large amount of land in Nevada that have transitioned from sagebrush steppe to cheatgrass monocultures. We have quite a lot of that kind of land. What the counties would like to invite this board to do is work with the counties to identify those lands and also to identify the lands that have been previously disturbed by mining—to repurpose those lands—so we are not carving out new areas in intact sagebrush habitat when we already have lands that are disturbed. I think there is quite a lot of opportunity under this kind of policy to have ample solar development that does not disturb intact habitat and also protects our communities and our people.

Commissioner Jones:

I absolutely appreciate that. I think there are certainly those opportunities. Speaking for Southern Nevada, particularly Clark County, I do not think any solar project in Clark County would meet these criteria because we do not have sage-grouse, for one. But we also do not have former mining sites, et cetera. So that is why I am 100 percent onboard with adopting a policy, because I have serious concerns with the way the BLM goes around their process and believe there must be much more local input. But I am concerned that even, for example, the Southern Nevada Water Authority solar projects would not meet [these] criteria, so that is a concern.

Senator Goicoechea:

As I look at it, maybe we need to soften the language a little bit. I do not know if Humboldt County is agreeing with that, but maybe a statement like "preference should be given to" these particular[s]—whether it is a mining site [or] proximity to the transmission corridor. You end up, as you walk into one of these applications, actually ranking them along the preference lines. And clearly, if it is a mine site and it is sitting right next to Falcon Gardner, it should be a win, depending on what the landscape looks like. But yeah, maybe as we are talking a resolution or a letter and trying to stand up a policy and a program for the State, we are probably going to have to soften it a little bit and fall back. We cannot just say, "Smart is right." The bottom line is preference, and typically that is what is happening. But my biggest concern is the locals are not being involved in a lot of these siting processes. They need to have the ability to be at the table and say, "No, that will not work here because it impacts this, this, and this, and it is undisturbed landscape. Therefore, our ranking of it would put it close to the bottom." Whereas if you have something out there somewhere in the world where, clearly, it makes sense. And solar is good. Transmission is going to be in Nevada—[it] is going to be the key piece of this. Unfortunately, a lot of these companies are willing to build miles and miles of transmission line to access a site that is good for some and maybe not good for the rest of the State. I think we need to soften this with preference and, "Hey, you rank this application," and clearly, [if] the locals are saying, "No, we do not want it"—it probably should not happen.

Assemblyman DeLong:

I want to second the Senator's comments on softening the language because I think it gets to a bigger issue, which is most of these lands are managed or controlled by the BLM. And I would agree they do not take into consideration local needs and local thoughts. That is the nature of the way the BLM and the federal system are set up, and maybe we need a broader resolution, basically giving more control to the State of Nevada with regards to the public lands because that gets, to me, to the heart of the issue here, which I do not think we can solve today.

Senator Goicoechea:

We get to feed on each other on the end here. It is going to get ugly. But, in light of the filing by Utah earlier this week, in the Supreme Court, we maybe need to start really looking at this and addressing it—what could be coming if they prevail in the Supreme Court with that constitutional issue, that it was never intended for these vast tracks to be held by the federal government. And some of these lands were held as a territory, but now that we are in statehood . . . I have read the petition; it is very short, but it is to the point, and it is very good. I think resolutions that are saying, "Hey, we are ready to step up and help you [with] managing and overseeing in the event that maybe someday it will be ours." I appreciate that, Assemblyman. Let us set the framework for managing these lands.

Vice Chair Anderson:

I am happy Senator Goicoechea brought in that ruling, or the filing, from this week from Utah. My question, though, is actually from the background information. When I look through it, there is "Adopt 'Smart from the Start' Solar Development as a State Policy" on page 3 of 26 [of Attachment B-6]. And it is actually [in] the last sentence of that first paragraph, that the "State of Nevada similarly adopt a state policy supporting Smart from the Start solar development . . ." Do you know of any State agency that is currently considering or discussing this idea? Or is one of the goals of this resolution to urge one of our State agencies to start to do so?

Ms. Reiber:

This is a question for me, I take it.

Vice Chair Anderson:

It is, and I am sorry I did not make that clear—my fault. Anybody that wants to answer it.

Ms. Reiber:

When we developed this—this is a Nevada born concept, and really that came out of a group that TNC had put together. And when we developed this as a policy, one of the things we did is shop it around to our fellow states who are also cooperating agencies on the BLM's Solar Land Use Plan Amendment, which is a West-wide solar amendment that they are in the process of issuing right now. Utah was very, very interested in the Smart from the Start Policy, which they also submitted [to] both the State agency—their Public Lands Policy Coordinating Office (PLPCO) agency—and their counties in their comments. And due to the way that solar RMPA is shaking out, which is increasingly lacking protections for communities [and] lacking protections for wildlife. I was informed by PLPCO several weeks ago that they have decided to adopt the Smart from the Start concept as part of their State policy. So, they are choosing to inject that into their State Public Lands Plan, which is something that we would love to see Nevada do. And in any way, if there are tweaks or customizations that Nevada sees necessary, we are absolutely willing to work with the Subcommittee and find something that works for everyone here. But it was pretty impressive to us that Utah decided to take this on board, because it is indicative of the fact that what we are seeing from the BLM is a lack of interest in protecting our communities and our people. It is Humboldt County's view that the State needs to fill that gap.

Vice Chair Anderson:

Thank you, Miss Reiber, for that explanation. But in the State of Nevada, at this time, none of our State agencies are currently utilizing this idea, this concept, and/or have not shown any sort of direction towards adopting it yet. From your understanding, is that what I understand from your answer?

Ms. Reiber:

Sorry—I misunderstood your question. With regard to State agencies like NDOW and Department of Ag, this was kind of a county-based concept, so we did not actually shop it to the State agencies. What I am seeing in their comments are ideas and concepts that are consistent with Smart from the Start. I think it would be a really interesting and productive conversation to sit down with our partners at NDOW, at the State Environmental Commission (SEC), at Department of AG, and say, "Does this fit with your idea of how solar

management could look?” But my suspicion is that it would be very copacetic with their views of how solar development should go forward. But of course, I cannot speak for them.

Vice Chair Anderson:

Thank you for that clarification.

Senator Goicoechea:

Well, we have another conversation started here. What State agencies actually apply? There are a number of them. We started [with] local government, clearly. We have our local and State grazing boards. Technically, they are recognized in statute as players in this. And yet, for the most part, they are not being engaged by the Bureau in these conversations when we get into this broad—the tribes, maybe they feel comfortable they are brought into it enough, but I am not sure they are. I think the first thing we need to do is boil down who the players are. And clearly, we need to start from local government, ground up—that citizen out there—and move up. So, yeah, I am very supportive, but it is going to take some work on exactly the wording of the resolution.

Chair Scheible:

Thank you for that, Senator. And I agree. I will take other comments as well, but it does sound like the Committee is supportive of the concept with the understanding that we are going to be working on it and developing the policy that is right for Nevada. We will not introduce a bill, we will not pass the bill, until we have accomplished that.

Assemblyman DeLong:

Good discussion. The one other thing I would add, as it relates to [Recommendation] B-6 is, in my mind—what we are really talking about is an amendment to the State Land Use Plan with regard to how we view development. That is how my brain is processing this concept.

Chair Scheible:

I see what you are saying. That is another way to look at it. So let us table this item for now. I want to open it up for conversations on the other recommendations, and I am going to follow my colleague, Senator Goicoechea’s advice to rank these at some point. But first, let us [have] discussion on the public lands recommendations—Recommendations [B-5, B-7, and B-8].

Assemblyman DeLong:

I will speak up. I notice that [Recommendations B-5, B-7, and B-8] are all by Mr. Tibbetts. Not because they are all by Mr. Tibbetts, but in general, I am in favor of all of them. They all make sense.

Chair Scheible:

That is only a small fraction of what he submitted. They were all so wonderful. It was very hard to pick these three.

Vice Chair Anderson:

Of course, this is about one of Mr. Tibbitts' items. It is [Recommendation] B-5. Looking at the agenda for subsection 3—the multiple use of public lands—would this be able to possibly clarify language around the multiple use and the very large race that occurred in some of our rural areas that had a huge impact on some of those areas? Are you envisioning—or [maybe] Mr. Tibbetts would like to answer this question—would this be a way to be able to possibly address that issue of that large land race that occurred that had some very severe, it appears, issues with some of our future use of that same land?

Chair Scheible:

Would you like to come up and answer some questions?

Vice Chair Anderson:

The word I was looking for was “consequences.”

Jake Tibbitts, Natural Resources Manager, Eureka County:

You are being pretty risky calling me to the dais, as you know. But yes, that is the intent. In our packet we had even suggested language. As I mentioned in Eureka, it is not about dictating outcomes, it is about dictating a process and a policy. So, on federal lands, the federal government is required to strive for consistency with State and local plans, policies, and controls, but there is not a mandate they actually reach that consistency. They strive for it, and when there is inconsistency that exists between the State and local plans, policies, and controls, as documented; you try to agree to disagree and move forward. So that is all this is about—getting policy on the record for the State to say this is the process we would like to see developed to ensure that communication is going on with local communities, State agencies, and our tribes. It could address issues like that race where people that are familiar with those areas and those roads, and how they are used and the condition they are in could have had a better influence. We do not want to be doing that out here on certain roads. So that is the intent of this—to create a more formal space for the communications to happen.

Senator Goicoechea:

I know it would be a yeoman's task, but you are already required by statute to have a master plan in place. Could this be a component of a master plan? I know it would be a ton of work, but could this be requiring a land use component of your master plan? Because that is required in statute. Does it give you some bullets?

Mr. Tibbitts:

Yes, there is a mandate in NRS 278 for counties to have land use plans, including the federal component. It was way back in the '80s that every county was required to develop a public land policy plan. And then, there [was] some capacity provided through the State Lands to help counties stand that up. Some are dated, but most counties that I am aware of have a public land use policy plan that probably incorporates a lot of this already. I do think it is important to try to empower local communities to do this on the local level, but we have nothing on the books at the State level of what the State policy is in asking federal agencies what they should be doing and working with communities. I think it is a multifaceted approach as we move forward.

Senator Goicoechea:

That is what I am struggling with—trying to figure out how to—because you are required to have a master plan component, have that included in it, and this is mandated by the State. And it is getting the State and then the feds to recognize that this is your mandated obligation to provide this, and this is what it is. Maybe as we talk about this resolution, we want to speak to the fact that, State of Nevada and federal government, we are required to provide this. Here it is; now interpret it and use it.

Mr. Tibbitts:

Agreed.

Chair Scheible:

Jake Tibbitts agrees. Other questions, comments, discussion?

Ms. Weaselboy:

I have an overall comment. In reviewing all these documents, I noticed a lot of this is wanting to put resources and implementing local knowledge, expertise, with local communities and State governments. However, I have not seen anything that was creating language around codifying tribes as included in local knowledge and expertise. I would definitely like to see that. What I did see was, with some of the conservation bills, tribes were used—and more in association with conservation—but I think we definitely align with local expertise and knowledge. I think a lot of our local cattlemen's associations have a direct stake in what is happening on the ground in terms of grazing and water/irrigation. These are very hot topic issues to tribes as a whole, because a lot of our rural communities do rely heavily on ranching. And a lot of our tribal nations in rural areas were set up specifically for ranching. We have a very vested stake in ensuring that we have water access and ensuring that we have a say, overall, in terms of rangeland management, or, again, solar. All of these things that could impact our grazing lands is of high importance to tribes as well. I would like to see, throughout the whole process of BDRs, tribes also included in this local and State knowledge expertise area.

Chair Scheible:

I agree, and I see a lot of my colleagues nodding in agreement as well. Do you think it would be feasible or helpful to add a Recommendation [B-9] to update language to include tribes and tribal nations as local experts?

Ms. Weaselboy:

Yes, I definitely agree. The way that I have seen the tribal expert knowledge enacted across the State has been through committees, not necessarily going tribally specific and asking them to partake in water boards or have more of a vested stake in our counties or as a State as a whole. It has been committees. It [has] been kind of relegated to very little representation, instead of having all the tribal nations, especially in the rural areas, represented. I think making that specific recommendation would definitely ensure that the rural voices are heard because we are just as important. And again, we have a very important vested stake in what is happening in the whole of Nevada between Vegas and Reno and Carson.

Chair Scheible:

Absolutely.

Vice Chair Anderson:

Can I ask for a three to four-minute recess to discuss something quickly? That way, I am not pulling you away from the staff.

Chair Scheible:

We are going to take a brief recess, and then we will tell you what we talk about.

[The Committee went into recess.]

Chair Scheible:

I am calling this meeting back to order. Thank you all for your patience with us. As a personal note, this is what I love about serving in the Legislature and having true work sessions that are not rubber-stamping recommendations. We have come up with a new recommendation that we are going to add. That is why we took a little break to talk through the exact wording to make sure we got something substantive that hopefully the whole Committee can get behind to address a very, very important issue of including tribes in conversations about public land use. I am going to turn it over to Vice Chair Anderson, who has eloquently designed a recommendation that will now become [Recommendation B-9].

Vice Chair Anderson:

I want to thank everybody for working with me on this in this last seven minutes. The idea is that we would make a recommendation to begin Title 26, which is our public lands statute, with language that would be similar to—this is not it exactly—"the tribal expertise is to be prioritized as part of the all local knowledge part of discussions." That is what the idea would be for [Recommendation B-9]. Again, at the beginning of Title 26 ("Public Lands"), which is the public lands statute—that tribal expertise is to be prioritized as a part of all local knowledge of participation. We would, obviously, before we get that language together, work with Director Montooth's Office and staff to make sure we have that accurately depicted and finding out if there are other areas that we should also include that.

Chair Scheible:

Do we have comments, questions from the Members? All right. We have not narrowed it down; we have expanded it to nine recommendations. What I would like to do at this point is identify the most important recommendations, or our priority recommendations because, as we discussed, in about an hour, we will be going to the full Natural Resources Committee and conveying these recommendations to the Natural Resources Committee, which can pick up all of them, some of them, or none of them. And to Senator Goicoechea's point, we should have some priority built into them. I think that we are going to move forward with all nine. I want to get feedback from the Committee. On what I heard, I think the priorities that we have identified were Recommendation [A-2]—to continue the groundwater basin assessments; Recommendation [A-4]—to draft a bill to allow county commissions to develop groundwater boards; [Recommendation B-7], [which] we did not discuss in detail, but seeing as it has been an issue for the last 20 years, maybe we should keep working on it. That is the one about, [RS] 2477 rights-of-way; and [Recommendation B-9], our newest

policy, is probably one of our top priorities. So, it was [Recommendations A-2, A-4, B-7, and B-9], but I want to get feedback from the Committee if I missed any, or if I am wrong about any of those.

Senator Goicoechea:

Yes, I definitely think those are, by ranking, [Recommendations A-2, A-4] and clearly [B-9]—and then the RS 2477 that letter—for what requires a BDR. I do not know where we ended up on [Recommendation B-6], Smart from the Start, or how we are going to delve into that. I think anything we can do that establishes a pecking order as far as who needs to be involved—and these decisions need to be made early and often; that would be my five.

Commissioner Jones:

I would support that. Obviously, the discussion with regard to [Recommendation B-6] is important. We need a policy in statute, and as long as it reflects legislative discussion as to whether the exact criteria and what has been presented here today is right, or if it needs to be modified, that is really up to the Legislature. But I think putting a policy in State statute would bolster our ability to deal with the feds on this issue.

Chair Scheible:

Other comments, feedback? All right. One minute. [Chair Scheible conferred with LCB staff.]

At this point, we are going to go through the recommendations one by one, because we do have to send on a list to the larger Committee. I am going to start with Recommendation [A-1] and ask if there is a motion to approve Recommendation [A-1] to take to the larger Committee, and whether that is with priority or without priority.

VICE CHAIR ANDERSON MOVED TO APPROVE RECOMMENDATION A-1 WITHOUT PRIORITY.

Vice Chair Anderson:

I do think it is important for a part of discussion, and if I am understanding correctly, us moving it forward does not mean necessarily that people would support it. Instead, it would allow for a larger discussion at the larger Committee.

COMMISSIONER JONES SECONDED THE MOTION.

Chair Scheible:

Any further discussion? Not seeing any, we will take a vote.

Senator Goicoechea:

I know we are going to need to conserve water, but the bottom line—I am not sure how this is really going to be created. There is a lot of language going into the bill. I think it is a conversation that needs to be had. But at this point, I am going to vote [no]. We need to have the conversation, but I do not think we need to bring the bill forward. I am sorry, but I do not think we are ready yet.

THE MOTION PASSED. (SENATOR GOICOECHEA AND ASSEMBLYMAN DELONG VOTED NO.)

Chair Scheible:

All right, we are going to move on to [Recommendation A-2]. We have the option to combine that with the appropriation in [Recommendation A-3], which would allow us to remain in our limit at the number of recommendations that we can pass on to the larger Committee.

VICE CHAIR ANDERSON MOVED TO APPROVE AND COMBINE RECOMMENDATIONS A-2 AND A-3 AS A PRIORITY BILL.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Scheible:

That takes us to [Recommendation A-4] regarding groundwater boards.

COMMISSIONER JONES MOVED TO APPROVE RECOMMENDATION A-4.

SENATOR GOICOECHEA SECONDED THE MOTION.

Vice Chair Anderson:

Will this be a second priority bill?

Commissioner Jones:

Yes.

Chair Scheible:

Also, as a priority. That was discussion on the motion.

Senator Goicoechea:

We are taking this up second, but I am not sure that is as high a priority as maybe, in my mind, [Recommendation B-6]. So even though we are ranking, I am saying [Recommendation A-2] is definitely first in my world. The groundwater board is in statute, but if we have to drop one off—I am concerned about ranking here. [Recommendation B-9]—do we rank that a little higher because of the “tribal” in amending [Title] 26? Where[ever] we rank it, I will definitely support it. I think it needs to be one of our BDRs, but maybe not. If we have to lose one, let us have that discussion.

Chair Scheible:

I think we can adjust the rankings as it works. They are kind of unofficial anyway. I want to get through all of the recommendations and make sure that we have the votes to move them all on or not. Let us take a vote on [Recommendation A-4].

THE MOTION PASSED UNANIMOUSLY.

Chair Scheible:

This takes us to [Recommendation B-5], which is now our fourth recommendation. Any motions?

VICE CHAIR ANDERSON MOVED TO APPROVE RECOMMENDATION B-5 WITH PRIORITY.

ASSEMBLYMEMBER DELONG SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Scheible:

That brings us to [Recommendation B-6—the Smart from the Start Policy.] I will accept a motion that changes the language a little bit before approving it.

VICE CHAIR ANDERSON MOVED TO APPROVE RECOMMENDATION B-6 WITH RECOGNITION THAT THE LANGUAGE MAY BE MODIFIED.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Scheible:

That takes us to [Recommendation B-7].

Vice Chair Anderson:

I [want] to clarify the letters do not count towards our bills. Is that correct?

Chair Scheible:

That is correct.

VICE CHAIR ANDERSON MOVED TO APPROVE RECOMMENDATIONS B-7 AND B-8.

ASSEMBLYMAN DELONG SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Scheible:

And finally, we will come to what is [Recommendation B-9], [which] Vice Chair Anderson previously put on the record, and hopefully have a motion.

VICE CHAIR ANDERSON MOVED TO APPROVE RECOMMENDATION B-9 TO DRAFT A BILL TO AMEND TITLE 26 ("PUBLIC LANDS") OF NRS TO ADD A POLICY STATEMENT RELATED TO PUBLIC LANDS THAT PRIORITIZES "TRIBAL EXPERTISE AND KNOWLEDGE" AS LOCAL KNOWLEDGE OF PUBLIC LANDS IN NEVADA.

MS. WEASELBOY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Scheible:

That brings us to the end of our work session recommendations. We are going to be taking six recommendations, total, to the larger Committee. We have agreed to write two letters. We have also created six policy proposals that we are taking to the larger Committee in approximately 40 minutes. Those six proposals will go on for discussion with the larger Interim Committee on Natural Resources. I understand and appreciate, first of all, all the hard work of this Committee to get through these recommendations. But second of all, that having approved all of them does not mean they all have the same priority—they all have the same importance to us, they are not boxes to check. At this point in time, we are not going to rank the recommendations as a group. I think it would be pretty cumbersome to try to come to an agreed ranking. But I want to acknowledge there has been some consensus around the issues that are more important and less important. I would encourage members of the Subcommittee who vote on the larger Committee to also reiterate those kinds of points of consensus with the larger Committee when we have that discussion. I think that brings us to the end of our work session—to the end of Item V. Now we can move on to Item VI, which is our second period of public comment.

AGENDA ITEM VI—PUBLIC COMMENT

Chair Scheible:

Anybody wishing to give public comment is invited to the front here in Carson City.

Craig Carpenter Downer, Previously Identified:

This is concerning your agenda 12 [of Attachment B-5 of the WSD], and I gave a copy to the Secretary. I think I had submitted it before your last meeting, so I will read it here.

[Read from ([Agenda Item VI A](#))] Dear Committee Members: Please consider my proposal to plan and allocate funds for the construction of overpasses along Nevada State Highway 360 that goes through the Marietta Wild Burro Range/HMA and also through portions of the Montgomery Pass Wild Horse HMA. Both of these areas have collisions with the wild burros and to a lesser extent wild horses, that I have noticed, and there is an urgent need and

some perfect sites where these overpasses of sufficient dimension could be designed and constructed. There [are] hilly areas, so I think it would adapt itself quite well. I have witnessed and taken photos of these gruesome results of the collisions, chiefly the burros. Many heavy trucks and semis pass through to save time on [Hwy] 360—that is going from [Hwy] 95 over to [Hwy] 6, south of Mina and Luning, on toward Benton and Bishop. And although there are burro signs, many of the vehicles, especially the trucks, proceed at a very high velocity. Also, people stop to observe the burros and the wild horses. So, I think the whole area needs attention. It is one of my favorite areas because it is very scenic. So, the speed limit, I think, also needs to be lowered on Nevada State Highway 360. These overpasses would serve for other wildlife here like deer and smaller animals that also are hit and get killed. So, please feel free to contact me. Thank you.

Clifford Banuelos, Previously Identified:

This comment pertains to 5 and 8—Public Lands—specifically regarding the language regarding pinyon/juniper, and its identification as “encroaching” and also as fire fuel and also a resource. For the Subcommittee's attention, the Washoe Tribe of Nevada and California has passed a resolution declaring a state of emergency for pinyon pine in Nevada and the ITCN is perfecting our language on a resolution of support of that action. Letters have been sent to the State and to the U.S. Forest Service and Nevada BLM regarding issues regarding pinyon/juniper and pinyon pine, specific to the cultural and spiritual use and importance of those trees to our culture. And so, I want [to say] on [the] record that we are going forward with that action regarding that. Thank you.

Chair Scheible:

I do not see anybody else coming to make public comment in person, so we will go to the phones for any additional public comment.

BPS:

If you would like to participate in public comment, please press *9 now to take your place in the queue.

Kevin Emmerich, Director, Basin and Range Watch:

I want to make a quick comment on Smart from the Start Renewable Energy. The BLM is currently reviewing a Public Lands Rule, and they are implementing it right now. And in this rule, they are prioritizing conservation as a management action, and they are using the concept of areas of critical environmental concern (ACEC). We have nominated two of these, one of them west of Cactus Springs in Nevada in an area identified as the most crucial desert tortoise connectivity corridor in Nevada, and in the Pahrump Valley where there are several large-scale solar applications. These nominations give the BLM an opportunity to consider additional alternatives to the solar sprawl. The ACECs are not as restrictive as national monuments, so all land uses do not have to be curtailed with this. I would like to send these two nominations to this Board here for your consideration, and that is something I am going to do. And thank you very much.

BPS:

You have no more callers wishing to participate at this time.

Chair Scheible:

That brings us to the end of Item VI, but it looks like one of my members wants to contribute.

Commissioner Jones:

I want to say thank you for the opportunity to serve on the Subcommittee, and good luck with the full Committee. The staff has been fantastic, as always. And congratulations and enjoy your time away, Senator Goicoechea.

Chair Scheible:

Agreed. Our staff is the best of the best. We are so lucky to have them and so lucky they put up with us, especially me—making up new recommendations on the fly—and they do it with aplomb. We could not do this without LCB, without Broadcast, without the Legal Department, the Research Department, our secretaries, everybody involved who makes all of this happen. And, definitely, I want to thank the Members of the Committee for their commitment to Public Lands and traveling across the State of Nevada with me to have these discussions and to work through these issues. It really is my honor to chair this Committee. And with that being said, there is one more item on the agenda; it is Item VII, which is adjournment. If he would be willing, I would like to pass the gavel over to Senator Goicoechea to take us through Item VII.

Additional written public comment was submitted ([Agenda Item VI B](#)):

- Kyle Roerink, Executive Director, Great Basin Water Network.
- Amanda Hilton, President, Nevada Mining Association.
- Taunee Jensen, Nevada Resident.
- Anamaria Boustred, Carson City Resident.
- Victoria Carmack, Private Citizen.

AGENDA ITEM VII—ADJOURNMENT

There being no further business to come before the Subcommittee, the meeting was adjourned at 10:58 a.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 II A	Craig Carpenter Downer, Wild Horse and Burro Fund/Andean Tapir Fund	Packet of Information
Agenda Item II B-1	Colette Kaluza, Wild Horse Education (WHE)	Written Public Comment
Agenda Item II B-2	Colette Kaluza, WHE	Video
Agenda Item II B-3	Colette Kaluza, WHE	Bureau of Land Management Report
Agenda Item II B-4	Colette Kaluza, WHE	WHE Report
Agenda Item II C	Kyle Davis, Pinyon Public Affairs, Representing the Interwest Energy Alliance Sam Johnston, Senior Policy & Regulatory Manager, Interwest Energy Alliance	Letter
Agenda Item II D	Robyn Orloff, Carson City Resident	Written Public Comment
Agenda Item IV	Megan Labadie, Director, Natural Resources and Federal Facilities, Nye County	Microsoft PowerPoint Presentation
Agenda Item V	Jann Stinnesbeck, Principal Policy Analyst, Research Division, Legislative Counsel Bureau	Work Session Document
Agenda Item VI A	Craig Carpenter Downer, Wild Horse and Burro Fund/Andean Tapir Fund	Written Public Comment

AGENDA ITEM	PRESENTER/ENTITY	DESCRIPTION
Agenda Item VI B		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>.