



NEVADA LEGISLATURE
LEGISLATIVE COMMITTEE ON PUBLIC LANDS
(Nevada Revised Statutes [NRS] 218E.510)

SUMMARY MINUTES AND ACTION REPORT

The third meeting of the Nevada Legislature's Legislative Committee on Public Lands was held on Friday, April 15, 2016, at 9 a.m. in the East Hall Facility, Third Floor, Comstock Room, Winnemucca Convention and Visitors Authority, 50 West Winnemucca Boulevard, Winnemucca, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's website at <http://www.leg.state.nv.us/interim/78th2015/committee/>. In addition, copies of the audio or video record are available through the Legislative Counsel Bureau's Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835) and may be available online at <http://www.leg.state.nv.us/Granicus/>.

COMMITTEE MEMBERS PRESENT IN WINNEMUCCA:

Senator Donald G. Gustavson, Chair
Assemblyman Ira Hansen, Vice Chair
Senator Pete Goicoechea
Senator Ben Kieckhefer
Senator David R. Parks
Assemblyman John C. Ellison
Assemblywoman Heidi Swank
Assemblywoman Robin L. Titus, M.D.
Ron Cerri, Humboldt County Commissioner

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Jered M. McDonald, Senior Research Analyst, Research Division
Heidi A. Chlarson, Principal Deputy Legislative Counsel, Legal Division
Erin Roohan, Deputy Legislative Counsel, Legal Division
Natalie J. Pieretti, Senior Research Secretary, Research Division
Ryan Dombrowski, A/V Technical Assistant, Broadcast and Production Services
Brian Van Geel, A/V Technical Assistant, Broadcast and Production Services
Teri Greene, Officer, Legislative Police
Bob McDonald, Officer, Legislative Police

Items taken out of sequence during the meeting have been placed in agenda order.

AGENDA ITEM I—CALL TO ORDER

Chair Gustavson called the meeting to order and welcomed the public to the third meeting of the Legislative Committee on Public Lands.

AGENDA ITEM II—PUBLIC COMMENT

Mike L. Baughman, Ph.D., CECD, President, Intertech Services Corporation, supported the transfer of public lands to the State. He encouraged the Committee to reendorse and reestablish commitment to Senate Joint Resolution No. 1 (*Statutes of Nevada* 2015), as well as H.R. 1484—114th Congress (2015-2016)—Honor the Nevada Enabling Act of 1864 Act.

Jim Falk, resident, Churchill County, Nevada, provided remarks in support of the transfer of public lands to the State ([Exhibit B](#)).

Don Alt, Commissioner, Lyon County Board of Commissioners, shared written comments by Fred Fulstone, F.I.M. Corporation, expressing his opposition to the Walker Basin Restoration Program ([Exhibit C](#)).

Colonel John Reed, United States Air Force, Retired, opposed the transfer of public lands.

Jered M. McDonald, previously identified, introduced the written testimony submitted by Karen Boeger, Board Member, Nevada Chapter, Backcountry Hunters and Anglers. (Exhibit D and [Exhibit D-1](#)).

AGENDA ITEM III—APPROVAL OF THE MINUTES OF THE MEETING HELD ON FEBRUARY 16, 2016, IN LAS VEGAS, NEVADA

MOTION: Assemblyman Ellison moved to approve the minutes of the meeting held on February 15, 2016, in Las Vegas, Nevada. The motion was seconded by Senator Goicoechea and passed unanimously.

AGENDA ITEM IV—UPDATES FROM LOCAL GOVERNMENTS CONCERNING ISSUES RELATED TO PUBLIC LAND MANAGEMENT

Jim French, Commissioner, Humboldt County Board of Commissioners, discussed the credibility of sagebrush focal area (SFA) maps. He identified several management projects affected by the SFA maps, which include: (1) mineral withdrawals; (2) transfer of land to Humboldt County for the expansion of the county landfill; (3) road maintenance; (4) development and maintenance of gravel pits; (5) public safety communication sites; and (6) wild horses.

Mr. French focused on Humboldt County's five areas of concern, which included: (1) the designation of the Owyhee Desert as a national monument; (2) the opposition to the Bureau of Land Management's (BLM), U.S. Department of the Interior (DOI), Planning 2.0 rule change proposal; (3) the management of elk; (4) surface and ground water rights; and (5) out-of-basin water transfers.

Discussion ensued regarding: (1) access to public lands; (2) the importance of livestock and mining; (3) Humboldt County joining the Nevada Association of Counties' (NACO) sage-grouse lawsuit; (4) participation in and discussion by the Nevada Land Management Task Force; (5) the BLM and U.S. Forest Service (USFS), U.S. Department of Agriculture (USDA), management plans; (6) wilderness study areas in Humboldt County; and (7) groundwater metering requirements.

Mr. French proposed the following legislative recommendations:

- A resolution for the management of wild horses and burros;
- A discussion relative to the costs of wildland fire suppression should public lands be transferred to the State; and
- Support for the NACO lawsuit.

Pat Irwin, Commissioner, Pershing County Board of Commissioners, briefly introduced Pershing County's characteristics (Exhibit E and [Exhibit E-1](#)).

R. Bryce Shields, District Attorney, Pershing County, discussed a 2014 county lawsuit involving the federal government's mismanagement of wild horses and burros, as well as the NACO sage-grouse lawsuit. He recommended a liaison committee be formed by legislative act, and appointed by the Governor, to collaborate with BLM and local interests in an effort to facilitate coordination between federal and local land use management plans.

Mr. Irwin continued his presentation on the following topics: (1) the Pershing County Water Conservation District—Rye Patch Dam; (2) wildland fires; (3) the Pershing County Lands Bill, located at the following link: <http://www.heller.senate.gov/public/index.cfm?p=pershing-county-lands-bill>; and (4) Burning Man revenue.

AGENDA ITEM V—UPDATE ON BUREAU OF LAND MANAGEMENT, UNITED STATES DEPARTMENT OF THE INTERIOR, PROGRAMS AND ACTIVITIES IN NEVADA

John F. Ruhs, State Director, BLM, DOI, highlighted the following ongoing projects and activities: (1) sage-grouse plan implementation; (2) 2016 wildland fire outlook; (3) planned fire resources; (4) Secretarial Order 3336 and its accomplishments; (5) land use plan status; (6) wild horse and burro statewide and national programs and research; (7) grazing and permit

renewals; (8) mineral permits; (9) abandoned mines; and (10) public land transfers and sales ([Exhibit F](#)).

Discussion ensued regarding: (1) animal unit measures; (2) grazing permits; (3) the Northern Nevada Correctional Center/Stewart Conservation Camp Saddle Horse Training Program; (4) grazing allotments; (5) habitat maps; (6) forage; (7) drought monitor; and (8) oil and gas leases.

Kenneth Collum, Acting District Manager, Winnemucca District Office, BLM, DOI, provided an update on activities in the Humboldt River Field Office, including: (1) Blue Wing Complex Wild Horse Gather; (2) Coeur Rochester Environmental Impact Statement; (3) mitigation efforts benefitting wildlife species; (4) cultural and recreation projects and events; (5) grazing; (6) Pine Forest Wilderness Land Exchange; and (7) fire, fuels, and emergency stabilization and rehabilitation plan ([Exhibit G](#)).

Addressing Black Rock Field Office activities, Mr. Collum informed the Committee that a Special Recreation Permit (SRP) has been initiated for the 2016 Burning Man event, with the BLM and Black Rock City staff working cooperatively on planning the event. [This statement corrects the prior testimony of Mr. Collum to reflect accurately the status of the SRP relative to the 2016 Burning Man event.]

AGENDA ITEM VI—UPDATE ON U.S. FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE, ACTIVITIES IN THE SANTA ROSA RANGER DISTRICT

Bill Dunkelberger, Forest Supervisor, Humboldt-Toiyabe National Forest (HTNF), USFS, USDA, provided opening remarks and introductions.

Jack L. Isaacs, Deputy Forest Supervisor, HTNF, USFS, USDA, introduced himself to the Committee.

Joseph Garrotto, District Ranger, Santa Rosa Ranger District (SRRD), HTNF, USFS, USDA, summarized the characteristics and activities within the SRRD, which included: (1) petroglyphs; (2) wildflowers; (3) waterfalls; (4) the Hinkey Summit arch; (5) wildlife; (6) the Lye Creek campground; (7) partnerships and events; (8) noxious and invasive weeds; (9) wildland fires; and (10) wild horses and burros ([Exhibit H](#) and [Exhibit H-1](#)).

Discussion ensued regarding: (1) the effectiveness of spray versus ground applied herbicides; (2) the SFAs; (3) tamarisk (salt cedar) treatments; (4) beetles; (5) all-terrain and off-highway vehicles; (6) economic impact in the SRRD; (7) BLM Land Use Plan Amendment restrictions; and (8) issuance of citations for firing a weapon from the side of a public road for the purpose of rodent control.

AGENDA ITEM VII—UPDATE AND OVERVIEW OF U.S. FISH AND WILDLIFE, U.S. DEPARTMENT OF THE INTERIOR, ACTIVITIES IN NEVADA

(This agenda item was taken out of order.)

Edward (Ted) Koch, State Supervisor, U.S. Fish and Wildlife Service (USFWS), DOI, focused his testimony on the USFWS's mission and the Endangered Species Act (ESA) of 1973. He reported that the listing decisions on the: (1) Columbia spotted frog; (2) Bi-State Distinct Population Segment of Greater Sage-grouse; and (3) Greater Sage-grouse range wide were not warranted by the USFWS under the ESA.

Mr. Koch discussed the collaborative efforts to: (1) restore the Lahontan cutthroat trout to lakes and streams; (2) the threat of invasive species; and (3) wildland fire.

Discussion ensued regarding: (1) qualifying wild horses and burros as an invasive species; (2) a solution to cheat grass infestation; and (3) the relationship of livestock grazing relative to the survival of the Lahontan cutthroat trout.

John Kasbohm, Project Leader, Sheldon-Hart Mountain National Wildlife Refuge Complex (NWR), USFWS, DOI, described the current characteristics and activities in the Sheldon-Hart NWR, which included: (1) the wildlife species located within the NWR; (2) the partnership with the National Wildlife Refuge System; (3) the establishment and management of the NWR; (4) riparian areas; (5) wildland fire; and (6) wild horses and burros ([Exhibit I](#)).

Discussion ensued concerning: (1) the discrepancy in historical versus current numbers for wildlife species; (2) predator control; and (3) historical and current wildlife trends in association with livestock grazing.

AGENDA ITEM VIII—REVIEW OF THE LAWS AND REGULATIONS REGARDING RODENT CONTROL

James L. Moser, James L. Moser Farm, Orovada, Nevada, described his concerns with, and the process for, the elimination of rodent infestations. He recommended NRS be amended to allow for the carrying of loaded rifles or shotguns in a vehicle for the purpose of rodent control.

Tyler Turnipseed, Chief Game Warden, Nevada's Department of Wildlife, discussed the applicable NRS pertaining to the use of a loaded shotgun or weapon in a vehicle in relation to rodent control ([Exhibit J](#) and [Exhibit J-1](#)). He testified that citations are not issued on private lands behind a fence, but they are enforced on BLM land in "any way open to the public."

Discussion ensued regarding: (1) identifying in new legislation, the acceptable caliber of firearm allowed to be utilized for rodent control; (2) the use of traps; (3) the opportunistic shooting of rodents; (4) the issuance of citations; (5) having a loaded chamber in a shotgun or

rifle while the weapon is in a vehicle; (6) the discharging of a shotgun or rifle across a county, state, or federal road; (7) authorizing a specific distance to allow for the discharge of a shotgun or rifle from a vehicle for rodent control; (8) barbed wire barriers; and (9) the use of signage.

Heidi A. Chlarson, previously identified, addressed the term “in any way open to the public” in NRS 503.165. She will examine legislative history in order to determine any testimony that would interpret or define the term “in any way open to the public.”

Chair Gustavson directed staff to include this agenda item on the Committee’s work session.

Chair Gustavson called for public comment on Agenda Item VIII.

PUBLIC COMMENT: Clay Smith, resident, Orovada, Nevada, supported amending NRS to reflect cultivated land as private land.

AGENDA ITEM IX—REVIEW OF RECENT ACTIVITIES OF THE SAGEBRUSH ECOSYSTEM PROGRAM

J. J. Goicoechea, Chairman, Sagebrush Ecosystem Council (SEC), State Department of Conservation and Natural Resources (SDCNR), presented an overview of the SEC and briefly touched upon five projects under the Nevada Conservation Credit System (CCS) for the protection of the Greater Sage-grouse habitat. He stated the SEC would work in partnership with the BLM and USFS for the implementation of the 2016 Memorandum of Understanding.

James R. Lawrence, Deputy Director, SDCNR, described the components of the CCS for the benefit of the Committee.

Discussion ensued regarding: (1) the implementation of the CCS; (2) the start-up incentive and credit payback provisions; (3) the SEC selection process for projects; (4) baseline requirements; (5) the application process for enrollment; (6) the use of Natural Resource Conservation Service and grant funds; (7) transfer of credits with sale of property; and (8) credit safeguards.

AGENDA ITEM X—OVERVIEW OF THE NEVADA ASSOCIATION OF COUNTIES’ RECENT ACTIVITIES RELATED TO PUBLIC LANDS AND NATURAL RESOURCES

Jim French, previously identified, provided opening remarks and introductions.

Tori Sundheim, Public Lands and Natural resources Coordinator, NACO, explained the BLM’s Planning 2.0 regulations implemented under the Federal Land Policy and Management Act (FLPMA) of 1976. She identified six overarching issues as follows: (1) landscape-level planning; (2) redefining consistency review requirements by FLPMA; (3) public involvement; (4) eliminating the BLM State Director as the default-planning official; (5) the protest process;

and (6) keeping the requirements of the National Environmental Policy Act of 1969 and FLPMA separate (Exhibit K and [Exhibit K-1](#)).

Discussion ensued regarding: (1) eliminating the State Director as the default-planning official; (2) the stance of Nevada's Congressional delegation concerning Planning 2.0; (3) the time period for submitting comments relating to Planning 2.0 and the Committee's support for NACO's position; and (4) the National Association of Counties' support of NACO.

MOTION: Vice Chair Hansen moved to direct legislative staff to work with NACO to prepare a letter on behalf of the Legislative Committee on Public Lands to voice concerns over the attempt by the BLM to bypass State and local government input, and to offer support for NACO's position to ensure that local and State government input is included in the land management planning process. The motion was seconded by Assemblyman Ellison.

The Chair called for discussion.

Assemblywoman Swank expressed concern going forward with the motion without conducting further research.

Senator Goicoechea suggested a request for an extension of time for commenting be incorporated in the letter.

Ms. Sundheim explained that NACO and other groups sought a 180-day extension, and only received a 30-day extension, ending May 26, 2016. She stated she does not expect another extension to be granted.

MOTION: Vice Chair Hansen moved to revise his previous motion to include a request for an extension of time for comments. The motion passed. Senator Parks and Assemblywoman Swank voted nay.

AGENDA ITEM XI—REVIEW OF THE WALKER BASIN RESTORATION PROGRAM

Gabriele Neumann, Public Affairs Coordinator, The Ferraro Group, provided introductory remarks.

Joy Morris, Program Director, Walker Basin Restoration Program, National Fish and Wildlife Foundation, delivered a program overview of the Walker Basin and focused on the following key issues: (1) water transactions and acquisitions; (2) desert terminal lakes; (3) Walker Lake level trends; (4) program funding; (5) accomplishments; (6) challenges and opportunities; and (7) future objectives ([Exhibit L](#)).

Chair Gustavson and Ms. Morris conversed on the benefits of the Walker Lake restoration program.

Discussion ensued regarding: (1) the relationship of the Bridgeport, Topaz, and Weber Reservoirs to declining water levels in Walker Lake; (2) water rights; and (3) water levels in Walker Lake.

AGENDA ITEM XII—PUBLIC COMMENT

Don Alt, previously identified, addressed the vast amount of vegetation on federal land obstructing the water flow and the mismanagement by the federal government. He proposed a property tax on the water purchases occurring in the basin.

Pam Harrington, Northern Nevada Field Coordinator, Trout Unlimited, stressed the importance of local government involvement in public lands decisions.

Jake Tibbitts, Chair, State Land Use Planning Advisory Council (SLUPAC), Division of State Lands, SDCNR offered the assistance of the SLUPAC in dealing with federal lands.

Upon the request of Assemblyman Ellison, Chair Gustavson directed the SLUPAC be placed on a future agenda.

Carl Clinger, Big Meadow Conservation District, Pershing County, Nevada, identified the following topics for discussion: (1) wilderness areas that have met the wilderness criteria; (2) lands in Pershing County identified as wilderness areas; (3) lands identified by the BLM for disposal; (4) livestock grazing; and (5) wildland fire management.

Chair Gustavson announced the next meeting of the Committee is scheduled for Friday, May 20, 2016, in Caliente, Nevada.

AGENDA ITEM XIII—ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 4:08 p.m.

Respectfully submitted,

Natalie J. Pieretti
Senior Research Secretary

Jered M. McDonald
Senior Research Analyst

APPROVED BY:

Senator Donald G. Gustavson, Chair

Date: _____

EXHIBITS

EXHIBIT	WITNESS/ENTITY	DESCRIPTION
Exhibit A	Jered M. McDonald, Senior Research Analyst, Research Division, Legislative Counsel Bureau	Agenda
Exhibit B	Jim Falk, Resident, Churchill County, Nevada	Written Comments
Exhibit C	Fred Fulstone, F.I.M. Corporation	Written Comments
Exhibit D	Karen Boeger, Board Member, Nevada Chapter, Back Country Hunters and Anglers	Written Comments
Exhibit D-1	Karen Boeger, Board Member, Nevada Chapter, Back Country Hunters and Anglers	Handout
Exhibit E	Pat Irwin, Commissioner, Pershing County Board of Commissioners	Written Comments
Exhibit E-1	Pat Irwin, Commissioner, Pershing County Board of Commissioners	Pershing County Public Lands Informational Map
Exhibit F	John F. Ruhs, State Director, Bureau of Land Management (BLM), United States Department of the Interior (DOI)	Microsoft PowerPoint Presentation
Exhibit G	Kenneth Collum, Acting District Manager, Winnemucca District Office, BLM, DOI	Microsoft PowerPoint Presentation
Exhibit H	Joseph Garrotto, District Ranger, Santa Rosa Ranger District (SRRD), Humboldt-Toiyabe National Forest (HTNF), U.S. Forest Service (USFS), U.S. Department of Agriculture (USDA)	Written Comments
Exhibit H-1	Joseph Garrotto, District Ranger, SRRD, HTNF, USFS, USDA	Microsoft PowerPoint Presentation
Exhibit I	John Kasbohm, Project Leader, Sheldon-Hart Mountain National Wildlife Refuge Complex, U.S. Fish and Wildlife Service, DOI	Microsoft PowerPoint Presentation
Exhibit J	Tyler Turnipseed, Chief Game Warden, Nevada's Department of Wildlife (NDOW)	<i>Nevada Revised Statute (NRS) 503.165 and 503.175</i>
Exhibit J-1	Tyler Turnipseed, Chief Game Warden, NDOW	NRS 207.200

Exhibit K	Tori Sundheim, Public Lands and Natural Resources Coordinator, Nevada Association of Counties (NACO)	Microsoft PowerPoint Presentation
Exhibit K-1	Tori Sundheim, Public Lands and Natural Resources Coordinator, NACO	Federal Land Planning and Management Act Section 202(c)(9) (43 USCS § 1712[c][9])
Exhibit L	Joy Morris, Program Director, Walker Basin Restoration Program, National Fish and Wildlife Foundation	Microsoft PowerPoint Presentation

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