



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

SUMMARY MINUTES AND ACTION REPORT

The sixth and final meeting and Work Session of the Nevada Legislature's Legislative Committee on Public Lands was held on Thursday, August 28, 2014, at 9 a.m. in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, 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/77th2013/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).

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Assemblyman Paul Aizley, Chair
Senator David R. Parks, Vice Chair
Senator Pete Goicoechea
Senator Donald G. Gustavson
Assemblywoman Maggie Carlton
Assemblyman John C. Ellison
Assemblyman Ira Hansen

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Senator Aaron D. Ford
Tom Collins, Clark County Commissioner

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Jered M. McDonald, Senior Research Analyst, Research Division
Michael J. Stewart, Chief Principal Research Analyst, Research Division
J. Randall Stephenson, Principal Deputy Legislative Counsel, Legal Division
Natalie J. Pieretti, Senior Research Secretary, Research Division

OPENING REMARKS

- Chair Aizley called the sixth and final meeting of the Legislative Committee on Public Lands to order and asked the secretary to take the roll. He informed the audience public comment would be limited to three minutes for each testifier.

PUBLIC COMMENT

- Kyle J. Davis, Political Director, Nevada Conservation League, in addressing the “Work Session Document,” discussed concerns relevant to: (1) the proposed resolution enacting legislation transferring title and ownership of certain federally administered land to the State of Nevada; (2) the proposal to send a letter to the United States Environmental Protection Agency and the U.S. Army Corps of Engineers; and (3) the proposal to send a letter, or include a statement in the final report, to Nevada’s Division of Environmental Protection. (Please see [Exhibit B](#).)
- Richard Smith, private citizen, Te-Moak Tribe of Western Shoshone, provided information on the native plants used for religious healing and requested livestock be retained on the land in order to cultivate the native plants. (Please see [Exhibit C](#) and [Exhibit C-1](#).)

There was discussion between Senator Ford and Mr. Davis regarding the concerns raised by Mr. Davis.

Discussion was held between Commissioner Collins and Mr. Davis regarding the Humboldt River watershed.

- Upon the request of Assemblyman Hansen, Mr. Smith came forward to the witness table and discussed the effects of livestock grazing on the native plants and the impact to the Native Americans’ religious practices.
- Assemblyman Hansen addressed the growth of plants in the Argenta Allotment District due to the timely rainfall and the removal of livestock for grazing.

In response to Assemblyman Ellison’s question, Mr. Smith answered it takes 10 to 15 years for plants to regrow after a wildland fire.

APPROVAL OF MINUTES OF THE MEETING HELD ON JUNE 12, 2014, IN ELKO, NEVADA

- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYWOMAN CARLTON MOVED TO APPROVE THE “SUMMARY MINUTES AND ACTION REPORT” OF THE JUNE 12, 2014, MEETING HELD IN ELKO, NEVADA. THE MOTION WAS SECONDED BY SENATOR GOICOECHEA AND PASSED UNANIMOUSLY.

UPDATE FROM CARSON CITY ON RECENT ACTIVITIES RELATED TO PUBLIC LANDS AND NATURAL RESOURCE MANAGEMENT

- Juan F. Guzman, Administrator, Open Space Division, Carson City, discussed the management plan for open space and parks and the Ash Canyon to Kings Canyon Trail project. (Please see [Exhibit D.](#))

Responding to Assemblyman Hansen’s inquiry, Mr. Guzman explained Carson City’s sheep-grazing program for prevention of wildland fires.

UPDATE ON U.S. FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE, ACTIVITIES IN THE CARSON RANGER DISTRICT

- Bill Dunkelberger, Forest Supervisor, Humboldt-Toiyabe National Forest, U.S. Forest Service (USFS), U.S. Department of Agriculture (USDA), offered brief comments on the Carson Ranger District. (Please see [Exhibit E](#) and [Exhibit E-1.](#))
- Irene Davidson, Carson District Ranger, Humboldt-Toiyabe National Forest, USFS, USDA, highlighted information pertaining to the Carson Ranger District.
- Mr. Dunkelberger presented a 2014 wildland fire update, and discussed the rising costs of fire operations and the effects on the USFS’s non-fire work. ([Exhibit E-1.](#))

There was discussion between Senator Goicoechea and Mr. Dunkelberger regarding the resources available and how the USFS addresses wildland fires.

In response to Assemblyman Ellison’s question, Mr. Dunkelberger replied the annual fuels reduction budget received from the U.S. Congress is \$1.5 million.

Discussion ensued between Assemblyman Hansen and Mr. Dunkelberger concerning the regulations for, and the lack of, establishing appropriate management levels (AMLs).

Responding to Commissioner Collins’s inquiry regarding the Southern Nevada Public Land Management Act (SNPLMA) of 1998 funding, Mr. Dunkelberger replied the

Humboldt-Toiyabe National Forest has benefitted from \$200 million since the beginning of the SNPLMA program for a variety of projects.

- Senator Goicoechea asked for a status update on the fuels reduction treatment of the Pinyon-Juniper.
- Mr. Dunkelberger said funding for the project is scheduled to support its implementation in October 2014.

PRESENTATION ON THE ACTIVITIES OF THE DESERT RESEARCH INSTITUTE

- Stephen G. Wells, Ph.D., President, Desert Research Institute (DRI), provided an overview of the operations and programs of DRI focusing on issues such as: (1) entrepreneurial culture; (2) support for the Nevada National Security Site; (3) Project Shoal Area research; (4) Quagga mussels' research; (5) monitoring water quality; and (6) cloud seeding. (Please see [Exhibit F.](#))

There was discussion between Chair Aizley and Dr. Wells regarding the success of cloud seeding.

- Dr. Wells continued his testimony with a discussion of hydraulic fracturing.

Discussion ensued between Assemblyman Ellison and Dr. Wells on the topics of radioactivity in the water table, the Quagga mussel, and hydraulic fracturing. Dr. Wells offered to provide data on the radioactivity in the water.

There was discussion between Senator Goicoechea and Greg Bortolin, Director of Communications and Government Affairs, DRI, regarding project costs and funding.

UPDATE AND OVERVIEW OF THE ACTIVITIES OF THE DIVISION OF STATE LANDS, STATE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

- Charles Donohue, Acting Administrator, Division of State Lands, State Department of Conservation and Natural Resources (SDCNR), presented an update on the land use activities and programs of the SDCNR. (Please see [Exhibit G.](#))

Discussion ensued between Chair Aizley and Mr. Donohue regarding land acquisition funds.

Mr. Donohue briefed the Committee on the status of federal land bills, the State Land Use Planning Agency, the Lake Tahoe Environmental Improvement Program, and the Conservation and Resource Protection Grant Program ("Question 1 Program").

There was discussion between Senator Goicoechea, Mr. Donohue, and James R. Lawrence, Special Advisor to the Director, SDCNR, regarding the Question 1 Program funding.

In response to Assemblyman Hansen's question, Mr. Donohue provided an explanation of "yarding" for fuel reduction. Mr. Donohue offered to provide fuel reduction costs per acre.

Discussion ensued between Commissioner Collins and Mr. Donohue regarding cabling.

REVIEW OF PROGRAMS AND ACTIVITIES OF PUBLIC WATER AUTHORITIES, DISTRICTS, AND SYSTEMS

- Mark W. Foree, P.E., General Manager, Truckee Meadows Water Authority (TMWA), discussed issues pertaining to the water supply and storage, renewable energy, and the Lake Tahoe, Truckee Meadows and Carson River water systems. (Please see [Exhibit H.](#))

Responding to Chair Aizley's question, Mr. Foree described the process for injecting surface groundwater to provide water in an aquifer.

Discussion was held between Senator Goicoechea, Mr. Foree, and Steven K. Walker, Representative, TMWA, regarding the number and function of domestic wells.

There was discussion between Assemblywoman Carlton and Mr. Foree regarding the total population served by TMWA. Mr. Foree further explained that 50 percent of the Authority's water is used for outside irrigation.

- Edwin James, P.E., General Manager, Carson Water Subconservancy District (CWSD), presented a brief history and overview of the following activities: (Please see [Exhibit I](#), [Exhibit I-1](#), [Exhibit I-2](#), [Exhibit I-3](#), and [Exhibit I-4](#).)
 - Carson River Coalition;
 - Carson River Watershed;
 - Comprehensive regional management plan;
 - Cut banks;
 - CWSD history;
 - FEMA floodway and floodplain;
 - Integrated watershed management;
 - Mining impacts;
 - Regional floodplain management;
 - Regional infrastructure;
 - Regional water supply; and
 - River restoration/stabilization projects.

- Chair Aizley asked if a comparison study was performed to determine if, at higher elevations, precipitation falls as snow or water, and if it falls as water, what amount is lost?
- Mr. James noted when water falls, more flooding is possible during the wintertime with no runoff in the spring and later summer.

In response to Senator Goicoechea's question regarding available data of the amount of pumping of supplemental groundwater to augment the domestic wells along the Carson River, Mr. James replied the Office of the State Engineer performs yearly pumping inventories for groundwater basins in an effort to understand the amount of water pumped from those basins.

WORK SESSION

DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATIONS RELATING TO:

- *Greater Sage-Grouse*
- *Public Lands, Generally*
- *Wild Horses and Burros*
- *Grazing on Public Lands*
- *Water Resources and Water Supplies*
- *Wildfire Suppression*

(Please see [Exhibit B.](#))

CONSENT CALENDAR

- Jered M. McDonald, Senior Research Analyst, Research Division, Legislative Counsel Bureau (LCB), explained the process of the Committee's work session and called attention to the "Consent Calendar for Work Session." (Please see [Exhibit J.](#))
- Senator Goicoechea discussed making Recommendation No. 8 on the consent calendar a resolution establishing State policy.

RECOMMENDATION NO. 2

Send a letter to the Chief of the United States Forest Service (USFS) and the Forest Supervisor, Humboldt-Toiyabe National Forest encouraging the USFS to promote and develop a system to allow more private citizens to cut Pinyon-Juniper within defined limits in USFS-designated areas without a permit. (*Recommended testimony on April 24, 2014.*)

- There was a consensus among Committee members that the Bureau of Land Management (BLM) be included in the recommendation.
- Discussion ensued between Chair Aizley, Senator Goicoechea, Assemblywoman Carlton, and Assemblyman Ellison regarding the concerns of adding a biomass industry component in the harvesting of Pinyon-Juniper.

RECOMMENDATION NO. 4

Include a statement in the final report supporting streamlining of federal and State permitting activities on public lands, provided that such streamlining preserves necessary community and natural resource protections. (*Jake Tibbitts, Natural Resources Manager, Eureka County, Department of Natural Resources [DNR], June 12, 2014.*)

- There was no discussion on Recommendation No. 4.

RECOMMENDATION NO. 8

Draft a letter encouraging the BLM, USFS, and grazing permittees to pursue efforts to ensure that: (1) management decisions are based upon the best rangeland science; (2) flexibility is built into grazing permits to allow for adaptive management as issues and concerns arise; and (3) that the quality and quantity of data collected can support all decisions made based on clear and measureable resource objectives. (*Jake Tibbitts, Natural Resources Manager, Eureka County, DNR, June 12, 2014.*)

- Senator Goicoechea and Assemblywoman Carlton debated the request to change the recommendation to a resolution.
- Chair Aizley pulled the recommendation from the consent calendar.

RECOMMENDATION NO. 14

Send a letter to the Chief of the USFS and the Forest Supervisor, Humboldt-Toiyabe National Forest, urging no further delay in approving and investing in water-related range improvements, notwithstanding USFS concerns with Nevada's water law concerning stock water rights. (*Humboldt River Basin Water Authority [HRBWA], June 12, 2014.*)

- There was no discussion on Recommendation No. 4.

RECOMMENDATION NO. 17

Send a letter to the County Commissioners in Clark, Mineral, and White Pine Counties encouraging the Counties to join the Wildfire Protection Program to ensure reimbursement for initial fire response on federal lands. (*Recommended testimony on March 24, 2014.*)

- Comments were made by Senator Goicoechea and Commissioner Collins regarding the inclusion of Clark County.
- Chair Aizley called for a motion to approve Recommendation Nos. 2, 4, 14 and 17.

**ASSEMBLYWOMAN CARLTON MOVED TO APPROVE
RECOMMENDATION NO. 2, RECOMMENDATION NO. 4,
RECOMMENDATION NO. 14, AND RECOMMENDATION NO. 17.**

- Prior to taking a vote, Jered M. McDonald, previously identified, clarified the addition of the BLM to Recommendation No. 2.
- There was further discussion between Mr. McDonald and Senator Goicoechea regarding Recommendation No. 17.
- Senator Gustavson requested Recommendation No. 17 be pulled from the consent calendar.
- Chair Aizley pulled Recommendation No. 17 and stated the motion to approve would include Recommendation No. 2, as amended, Recommendation No. 4, and Recommendation 14.

- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYWOMAN CARLTON MOVED TO AMEND THE MOTION TO APPROVE RECOMMENDATION NO. 2, AS AMENDED, RECOMMENDATION NO. 4, AND RECOMMENDATION NO. 14. THE MOTION WAS SECONDED BY SENATOR GOICOECHEA AND PASSED UNANIMOUSLY.

- Chair Aizley announced the removal of Recommendation Nos. 3, 5, and 10 in the “Work Session Document” from discussion.

There was extensive discussion among Committee members regarding the removal of the *Nevada Land Management Task Force (NLMTF) Report* (Recommendation No. 3) from the work session.

- J. Randall Stephenson, Principal Deputy Legislative Counsel, Legal Division, LCB, remarked it is the prerogative of the chair to hear or not hear an item. He confirmed that the *NLMTF Report* (Assembly Bill 227, Chapter 299, *Statutes of Nevada 2013*) would be included in the Committee’s final report.

Discussion continued between Committee members on the removal of the *NLMTF Report* from the work session.

PROPOSED ACTIONS RELATED TO SAGE-GROUSE

RECOMMENDATION NO. 1

Draft a legislative resolution supporting the State Plan developed by the Sagebrush Ecosystem Council, State Department of Conservation and Natural Resources (SDCNR), to ensure sagebrush habitats are conserved and managed in accordance with the State’s Plan and in coordination with local government plans, policies, and actions. The resolution should express support for the State Plan and urge the federal government not to list the sage-grouse under the Endangered Species Act of 1973. (Jake Tibbitts, Natural Resources Manager, Eureka County, DNR, June 12, 2014; J.J. Goicoechea, Chair, Sagebrush Ecosystem Council, SDCNR, and Tim Rubald, Program Manager, Sagebrush Ecosystem Program, SDCNR, August 1, 2014.)

Background: The BLM is scheduled to publish a final Environmental Impact Statement for the Greater Sage-Grouse in September. An expected final Record of Decision (ROD) is set to be signed by the end of 2014. Based on a review of the ROD, the United States Fish and Wildlife Service will issue a Greater Sage-Grouse listing decision by September 2015.

- Jered M. McDonald, previously identified, reviewed the recommendation.

- The Committee **APPROVED THE FOLLOWING ACTION:**

**SENATOR GOICOECHEA MOVED TO APPROVE RECOMMENDATION NO. 1. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN CARLTON AND PASSED UNANIMOUSLY.
PROPOSED ACTIONS RELATED TO WILD HORSES AND BURROS**

RECOMMENDATION NO. 6

Send a letter to the Chairs of the U.S. Senate Committee on Energy and Natural Resources and the U.S. House Committee on Natural Resources, Nevada's Congressional Delegation, and the Secretary of the United States Department of the Interior (DOI) urging action to provide adequate resources to fully implement the Wild Free-Roaming Horse and Burro Act (WH&B) of 1971, including the necessary funding to determine AMLs as required in the Act. (*Recommended testimony on April 24, 2014.*)

Background: Testimony at the Elko and Tonopah meetings indicated that local federal agencies lacked the financial and infrastructure resources necessary to effectively manage wild horses. Testimony from the Austin Ranger District indicated that to date, no AMLs have been set in herd management areas within the District.

- Jered M. McDonald, previously identified, reviewed the recommendation.
- Assemblyman Hansen expressed support for the recommendation.
- Senator Goicoechea and Assemblyman Ellison agreed with the recommendation.
- Assemblywoman Carlton requested the Committee consider sending a copy of the letter to Congressman Mark Amodei.
- Assemblyman Hansen agreed.
- Chair Aizley stated the letter will be forwarded to Committee members for review prior to it being sent to the Congressional Delegation.
- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR PARKS MOVED TO APPROVE RECOMMENDATION NO. 6 AS AMENDED TO INCLUDE SENDING A COPY OF THE LETTER TO CONGRESSMAN AMODEI. THE MOTION WAS SECONDED BY SENATOR GUSTAVSON AND PASSED UNANIMOUSLY.

RECOMMENDATION NO. 7

Send a letter to the Nevada Attorney General requesting that Nevada consider joining the Nevada Association of Counties' (NACO) legal challenge to compel the BLM to manage wild horse and burro herds as required by federal law under the WH&B Act and subsequent amendments. (Jake Tibbitts, Natural Resources Manager, Eureka County, DNR, June 12, 2014.)

Background: Based on an overview provided by NACO, it is the responsibility of the federal agencies that manage public land in Nevada to maintain the balance of species and uses on federal public lands. To that end, the BLM established AMLs for wild horse and burro populations and is tasked with inventorying the animals and maintaining population levels (AMLs) that maintain a thriving ecological balance on the range. For some time now, wild horse and burro populations have far exceeded AMLs and management practices have not kept pace with population growth.

- Jered M. McDonald, previously identified, reviewed the recommendation.
- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN ELLISON MOVED TO APPROVE RECOMMENDATION NO. 7. THE MOTION WAS SECONDED BY SENATOR GOICOECHEA AND PASSED UNANIMOUSLY.

PROPOSED ACTIONS RELATED TO GRAZING ON PUBLIC LANDS

RECOMMENDATION NO. 8

Draft a letter encouraging the BLM, USFS, and grazing permittees to pursue efforts to ensure that: (1) management decisions are based upon the best rangeland science; (2) flexibility is built into grazing permits to allow for adaptive management as issues and concerns arise; and (3) that the quality and quantity of data collected can support all decisions made based on clear and measureable resource objectives. (Jake Tibbitts, Natural Resources Manager, Eureka County, DNR, June 12, 2014.)

Background: During public comment, the Committee heard multiple allegations of arbitrary and unjustified closures of livestock grazing in certain areas, and cites these examples: (1) arbitrary and inappropriate drought thresholds; and (2) the BLM is applying prohibitive restrictions on grazing because it is easier to implement than an active management plan. Public comment indicated the science behind these activities is flawed, which prevents ranchers from being able to provide for the livestock at the right time of year, and shifts the resource burden to private lands without solving the resource issues.

- Jered M. McDonald, previously identified, reviewed the recommendation.
- Senator Goicoechea asked that the focus be on the flexibility of grazing permits and the required monitoring, and he renewed his request for a resolution. He requested the recommendation be amended to include language from the testimony of Jake Tibbitts, previously identified, given at the June 12, 2014, Elko, Nevada, Legislative Committee on Public Lands meeting. (See the “Summary Minutes and Action Report,” <http://www.leg.state.nv.us/Interim/77th2013/Exhibits/Lands/E061214C.pdf>, page 8.)
- Senator Gustavson and Assemblyman Hansen agreed with Senator Goicoechea’s request for a resolution.
- Senator Ford expressed his objection to a resolution, noting that the objective is to convey the concerns of the Committee to the federal agencies, and he pointed out that there is no guarantee that a resolution will be passed.
- Senator Goicoechea voiced his agreement with the arguments stated by Senator Ford and commented it would be better served to send a letter at this juncture with the language obtained from Jake Tibbitts’ testimony included as previously indicated.
- Chair Aizley called for a motion, which would include the request of Senator Goicoechea to include the language from the testimony of Jake Tibbitts given at the June 12, 2014, meeting of the Legislative Committee on Public Lands.
- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR GUSTAVSON MOVED TO APPROVE RECOMMENDATION NO. 8 WITH THE ADDITION OF THE FOLLOWING LANGUAGE TAKEN FROM THE TESTIMONY OF JAKE TIBBITTS AT THE JUNE 12, 2014, MEETING OF THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS HELD IN ELKO, NEVADA:

- **Federal agencies in coordination with grazing permittees must ensure that management decisions are based upon the best rangeland science, that flexibility is built into grazing permits to allow for adaptive management as issues and concerns arise, and that that quality of data collected can support all decisions made;**
- **Before imposing grazing restrictions or seeking changes in livestock stocking rates or seasons of permitted use, federal agencies in coordination with grazing permittees must identify and implement all economically and technically feasible livestock distribution, forage production enhancement, weed control programs, prescribed grazing systems, off-site water**

development by the water rights holder, shrub and Pinyon/Juniper control, livestock salting/supplementing plans, and establishment of riparian pastures and herding; and

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

THE MOTION WAS SECONDED BY SENATOR PARKS AND PASSED UNANIMOUSLY.

PROPOSED ACTIONS RELATED TO MANAGEMENT OF WATER RESOURCES AND WATER SUPPLIES

RECOMMENDATION NO. 9

Draft a legislative resolution creating a statewide committee consisting of all water authorities and the Division of Water Resources (DWR), SDCNR, to study current and future water supply and allocation levels in Nevada, including the State's capabilities and need to measure annual pumpage amounts, water resource budgets, and annual ground water levels. The study should result in sufficient data that can be used to create a long-term, statewide water plan and water supply program. (Chair Paul Aizley.)

Background: According to the Central Nevada Regional Water Authority, Nevada is facing a water supply crisis. A limited and possible diminishing water supply is a critical issue for Nevada's economic well-being, valued quality of life, and natural environment. During the 2013 Legislative Session, the Authority testified that Nevada is the most arid state in the union, and the Colorado River Basin and the Great Basin have experienced severe drought over the last decade. In testimony for A.B. 301 (2013), the Authority included a statement that verifies a number of Nevada communities do not have an identified, sustainable water supply within their control to accommodate projected population growth over the next 30 years.

- Jered M. McDonald, previously identified, reviewed the recommendation.
- Chair Aizley commented in support of the recommendation.
- Assemblywoman Carlton discussed requesting a legislative proposal for a bill draft request (BDR) rather than a legislative resolution.
- Chair Aizley agreed.

- Assemblyman Hansen wondered what this proposed recommendation would do that the Office of the State Engineer is not already doing.
- Chair Aizley explained data is being received piecemeal and stressed the importance of receiving the data statewide.
- Senator Goicoechea voiced concern about the mechanics of a statewide committee.
- Assemblywoman Carlton was heard in support and asked that the Colorado River Commission (CRC) be included in any discussions as this moves forward.
- Chair Aizley indicated the CRC will be included and called for a motion.
- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR GOICOECHEA MOVED TO APPROVE RECOMMENDATION NO. 9 AS A LEGISLATIVE PROPOSAL FOR A BILL DRAFT REQUEST THAT INCLUDES THE COLORADO RIVER COMMISSION. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN CARLTON AND PASSED UNANIMOUSLY.

RECOMMENDATION NO. 11

Send a letter to the Chairs of the Assembly Committee on Ways and Means and the Senate Committee on Finance expressing continued support for enhanced funding for the DWR, SDCNR, to process the backlog of water rights applications and to improve online data sources. (HRBWA, June 12, 2014.)

Background: In 2013, the Legislature approved Senate Bill 468 (Chapter 271, Statutes of Nevada), which provided additional resources to the DWR to process a backlog of water rights applications and enhance online data resources. The State Engineer testified at the Las Vegas meeting about the reduced backlog of water rights applications as a result of the increase in funding and support.

- Jered M. McDonald, previously identified, reviewed the recommendation.
- Chair Aizley called for a motion.

SENATOR PARKS MOVED TO APPROVE RECOMMENDATION NO. 11. THE MOTION WAS SECONDED BY SENATOR GOICOECHEA.

- There was discussion by Senator Goicoechea and Assemblywoman Carlton.

- The Committee **APPROVED THE FOLLOWING ACTION:**

THE MOTION TO APPROVE RECOMMENDATION NO. 11 WAS PASSED UNANIMOUSLY.

RECOMMENDATION NO. 12

Request the drafting of a bill amending Chapter 519A of the NRS (“Reclamation of Land Subject to Mining Operations or Exploration Projects”) to require that applicants to Nevada’s Division of Environmental Protection (NDEP) seeking a waiver from mine reclamation regarding pit lakes be required to demonstrate that they hold a water right covering pit lake evaporation as a condition of approval of said waiver. (HRBWA, June 12, 2014.)

Many large gold mines in the Humboldt River Basin are open pit projects. Mining companies often need extensive groundwater dewatering systems to keep water levels below the pit floors. Nevada Administrative Code 519A.250 allows an exemption from the NDEP’s mine reclamation requirements for open pits. According to the HRBWA: (a) exempted open pits often become pit lakes; (b) the aggregate surface area of present and future lakes in the Basin is several hundred acres or more; (c) as a result of surface evaporation, pit lakes act like high-production wells, drawing groundwater from surrounding aquifers; (d) the closed Lone Tree Mine between Winnemucca and Battle Mountain, when full, will lose 2,400 to 2,700 acre-feet per year to evaporation in perpetuity, for which no water right has been issued and which is not reflected in the Basin’s water budget; (e) since no water right is required and pit lakes are not accounted for in water budgets, the State Engineer may over-appropriate basins with pit lakes; and (f) obtaining a water right for a pit lake is, at present, voluntary and few mines have chosen to do so.

- Jered M. McDonald, previously identified, reviewed the recommendation.
- Chair Aizley called Mike L. Baughman, Ph.D., CEcD, Executive Director, HRBWA, to the witness table.

There was discussion between Chair Aizley and Dr. Baughman regarding who has the waiver from mine reclamation and who has the water rights.

Discussion ensued between Senator Goicoechea and Rick Felling, Deputy Administrator, Office of the State Engineer, DWR, SDCNR, regarding considerations in the budget.

There was discussion between Committee members and Kelvin Hickenbottom, Deputy State Engineer, Office of the State Engineer, DWR, SDCNR, regarding appropriation of water rights and evaporation.

- Assemblywoman Carlton commented the issue is complicated and controversial, but she would support having the discussion.
- Chair Aizley called for a motion.
- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR FORD MOVED TO APPROVE RECOMMENDATION NO. 12. THE MOTION WAS SECONDED BY SENATOR PARKS AND PASSED. ASSEMBLYMAN HANSEN WAS NOT PRESENT FOR THE VOTE.

RECOMMENDATION NO. 13

Request the drafting of a bill to appropriate at least \$300,000 for a grant to support cloud seeding activities in Nevada, giving preference to grant applicants who offer matching funds. (HRBWA, June 12, 2014.)

Background: Based on testimony from the June meeting in Elko, the cloud seeding program began in the 1980s with activities dating back to the 1970s; however, funding was suspended during the State budget crisis between 2007 and 2009. More recently, the Southern Nevada Water Authority supported cloud seeding in the Ruby Mountains in the annual amount of \$300,000; the Bureau of Reclamation, U.S. DOI, has paid for seeding in the Walker River Basin program; and the Truckee Meadows Water Authority has paid for the program in the Truckee River Basin. Additionally, in the past, the State appropriated funds for the costs and the materials, while the Desert Research Institute provided funds for the personnel costs and other items associated with the cloud seeding program.

- Jered M. McDonald, previously identified, reviewed the recommendation.
- Chair Aizley called for a motion.
- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR GOICOECHEA MOVED TO APPROVE RECOMMENDATION NO. 13. THE MOTION WAS SECONDED BY ASSEMBLYMAN ELLISON AND PASSED. ASSEMBLYWOMAN CARLTON ABSTAINED FROM VOTING. ASSEMBLYMAN HANSEN WAS NOT PRESENT FOR THE VOTE.

RECOMMENDATION NO. 15

Send a letter (or include a statement in the final report) to the NDEP requesting the reconsideration of the beneficial use designation of the Humboldt River. Testimony noted that NDEP's designation of the Humboldt River for municipal drinking water use results in an inappropriately high water quality standard. (*HRBWA, June 12, 2014.*)

Background: Nevada Revised Statutes 445A.520 requires the State to establish water quality standards at a level necessary to protect beneficial uses of the surface waters of the State. According to HRBWA, there are no municipal systems along the river that use the water for drinking water purposes.

- Jered M. McDonald, previously identified, reviewed the recommendation.
- Chair Aizley called for a motion.
- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR GOICOECHEA MOVED TO APPROVE RECOMMENDATION NO. 15. THE MOTION WAS SECONDED BY ASSEMBLYMAN HANSEN. ASSEMBLYWOMAN CARLTON VOTED NO. THE MOTION WAS PASSED BY MAJORITY VOTE.

There was discussion between Committee members and Mike L. Baughman, previously identified, concerning the relation of issues in recommendation nos. 10 and 15.

- Commissioner Collins requested a comparison and analysis of the proposed Environmental Protection Regulations be provided by LCB staff.

PROPOSED ACTIONS RELATED TO WILDFIRE SUPPRESSION

RECOMMENDATION NO. 16

Request the drafting of a bill to amend Chapter 244 of the NRS ("Counties: Government") to create nonprofit Rangeland Fire Protection Associations in each county. (*Nevada's Division of Forestry, SDCNR, May 29, 2014.*)

Background: This proposal will allow the NDF to enter into agreements with nonprofit organizations consisting of rangeland agricultural producers or landowners for initial fire response.

- Jered M. McDonald, previously identified, reviewed the recommendation.
- Assemblyman Hansen made comments in support of the recommendation.

- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN HANSEN MOVED TO APPROVE RECOMMENDATION NO. 16. THE MOTION WAS SECONDED BY ASSEMBLYMAN ELLISON AND PASSED UNANIMOUSLY.

RECOMMENDATION NO. 17

Send a letter to the County Commissioners in Clark, Mineral, and White Pine Counties encouraging the Counties to join the Wildland Fire Protection Program to ensure reimbursement for initial fire response on federal lands. (*Recommended testimony on March 24, 2014.*)

Background: Under the Healthy Forests Restoration Act of 2003, the BLM and USFS provide incentives for local communities who develop and implement forest management and hazardous fuel reduction projects.

- Jered M. McDonald, previously identified, reviewed the recommendation.
- Senator Goicoechea was heard in opposition.
- Assemblywoman Carlton discussed sending the letter if Clark County was removed.
- Senator Goicoechea commented and agreed to send a letter to Mineral County.
- Assemblywoman Carlton suggested waiting before sending the letter to see where the counties stand, and deferred to Commissioner Collins, who agreed with Assemblywoman Carlton.
- Chair Aizley declared no action taken.

PUBLIC COMMENT

- Jake Tibbitts, previously identified, thanked the Committee and expressed his disappointment with the Chair's decision to remove the *NLMTF Report* (Recommendation No. 3) from the Committee's work session.
- Demar Dahl, Chair, NLMTF, was heard in support of the *NLMTF Report*.
- Assemblywoman Carlton thanked the NLMTF for its work. She explained a Committee vote would have been divisive, and the goal is to have a consensus among the legislative body.
- Senator Ford commended the NLMTF and stated information he requested at the Ely meeting was not forthcoming. He noted the absence of a legal analysis associated with

the initial claim that the State has a right to the land. Senator Ford agreed that the vote would have been divisive.

- Senator Goicoechea commented he will be proposing a BDR, and a resolution will be brought forward during the 78th Legislative Session.
- Assemblyman Hansen complimented the NLMTF.
- Assemblyman Ellison agreed with the work the NLMTF has performed and made additional comments.
- Commissioner Collins expressed his gratitude towards the work of the NLMTF.
- Senator Gustavson also thanked the NLMTF and noted he will be supporting a BDR.
- J. Randall Stephenson, previously identified, in reply to Senator Ford's request for a legal analysis, reported that in 1979, a legal analysis addressing the question of the State's right to claim unappropriated federal public lands in Nevada was performed, and a more extensive analysis was issued in 1993. He offered to prepare an additional analysis.
- Senator Ford stated he would like to review the prior analyses.
- Mr. Stephenson discussed the need for any resolution proposing a public land transfer to go to the U.S. Congress and will provide the requested information to Senator Ford.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 2:42 p.m.

Respectfully submitted,

Natalie J. Pieretti
Senior Research Secretary

Jered M. McDonald
Senior Research Analyst

APPROVED BY:

Senator David R. Parks, Vice Chair

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda,” provided by Jered M. McDonald, Senior Research Analyst, Research Division, Legislative Counsel Bureau (LCB).

[Exhibit B](#) is the “Work Session Document” provided by Jered M. McDonald, Senior Research Analyst, Research Division, LCB.

[Exhibit C](#) is a document titled “American Indian Religious Freedom Act,” submitted by Richard Smith, private citizen, Te-Moak Tribe of Western Shoshone, Elko, Nevada.

[Exhibit C-1](#) is a set of three photographs depicting various plants native to Nevada, provided by Richard Smith, private citizen, Te-Moak Tribe of Western Shoshone, Elko, Nevada.

[Exhibit D](#) is a Microsoft PowerPoint presentation titled “Presentation to the Legislative Committee on Public Lands,” dated August 28, 2014, furnished by Juan F. Guzman, Administrator, Open Space Division, Carson City.

[Exhibit E](#) is a Microsoft PowerPoint presentation titled “Update on Current Issues in Nevada: Humboldt-Toiyabe National Forest,” dated August 28, 2014, submitted by Bill Dunkelberger, Forest Supervisor, Humboldt-Toiyabe National Forest, United States Forest Service (USFS), U.S. Department of Agriculture (USDA).

[Exhibit E-1](#) is a document titled “The Rising Cost of Fire Operations: Effects on the Forest Service’s Non-Fire Work,” offered by Bill Dunkelberger, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, USDA.

[Exhibit F](#) is a Microsoft PowerPoint presentation titled “Review of the activities and impact of the Desert Research Institute’s work on Nevada public lands,” provided by Dr. Stephen G. Wells, President, Desert Research Institute.

[Exhibit G](#) is a Microsoft PowerPoint presentation titled “Division of State Lands Agency Info and Priority Activities,” submitted by Charles Donohue, Acting Administrator, Division of State Lands, State Department of Conservation and Natural Resources.

[Exhibit H](#) is a Microsoft PowerPoint presentation titled “2013-2014 Interim Legislative Committee on Public Lands Presentation by Truckee Meadows Water Authority,” dated August 28, 2014, given by Mark W. Foree, P.E., General Manager, Truckee Meadows Water Authority.

[Exhibit I](#) is a Microsoft PowerPoint presentation titled “Overview of Carson River Watershed Activities,” dated August 28, 2014, offered by Edwin James, P.E., General Manager, Carson Water Subconservancy District (CWSD).

[Exhibit I-1](#) is a brochure titled “The Carson River Watershed Map,” provided by Edwin James, P.E., General Manager, CWSD.

[Exhibit I-2](#) is a brochure titled “Promoting Cooperative Action in the Carson River Watershed,” submitted by Edwin James, P.E., General Manager, CWSD.

[Exhibit I-3](#) is a pamphlet titled “Nevada Floods. Are You Prepared?” offered by Edwin James, P.E., General Manager, CWSD.

[Exhibit I-4](#) is a newsletter titled “*The Flow*, Delivering News from the Carson River Watershed Community,” submitted by Edwin James, P.E., General Manager, CWSD.

[Exhibit J](#) is the “Consent Calendar for Work Session,” presented by Jered M. McDonald, Senior Research Analyst, Research Division, LCB.

[Exhibit K](#) is a document titled “The Leader in Energy and Environmental Policy News,” which was submitted but not referenced.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits and other materials distributed at the meeting are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm or telephone: 775/684-6827.