



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

SUMMARY MINUTES AND ACTION REPORT

The first meeting of the Nevada Legislature's Legislative Committee on Public Lands was held on Wednesday, February 5, 2014, at 10 a.m. in Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 2135 of the Legislative Building, 401 South Carson Street, Carson City, 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 LAS VEGAS:

Assemblywoman Maggie Carlton, Acting Chair
Assemblyman Paul Aizley, Chair
Senator David R. Parks, Vice Chair
Senator Aaron D. Ford
Senator Pete Goicoechea
Senator Donald G. Gustavson
Assemblyman John C. Ellison
Tom Collins, Clark County Commissioner

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Assemblyman Ira Hansen

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Michael J. Stewart, Chief Principal Research Analyst, Research Division

Jered M. McDonald, Senior Research Analyst, Research Division

J. Randall Stephenson, Principal Deputy Legislative Counsel, Legal Division

Natalie J. Pieretti, Senior Research Secretary, Research Division

CALL TO ORDER

- Acting Chair Carlton called the first meeting of the Legislative Committee on Public Lands to order and asked the secretary to take roll.

PUBLIC COMMENT

- Acting Chair Carlton called for public comment; however, no testimony was presented.

(The following agenda item was taken out-of-order.)

OPENING REMARKS AND INTRODUCTIONS

- Acting Chair Carlton made preliminary comments and asked the members to introduce themselves. Committee members bestowed complimentary remarks toward Acting Chair Carlton on her leadership of the Committee during the 2011-2012 Interim.

ELECTION OF CHAIR AND VICE CHAIR

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

COMMISSIONER COLLINS MOVED TO NOMINATE ASSEMBLYMAN AIZLEY AS CHAIR AND SENATOR PARKS AS VICE CHAIR OF THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS. THE MOTION WAS SECONDED BY SENATOR GOICOECHEA AND PASSED UNANIMOUSLY.

REVIEW OF THE DUTIES AND RESPONSIBILITIES OF THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS

- Jered M. McDonald, Senior Research Analyst, Research Division, Legislative Counsel Bureau (LCB), provided a brief overview of the duties and responsibilities of the Committee, touching upon particular topics, including: (1) issues monitored and discussed; (2) powers and duties; (3) proposed work plan; and (4) recommendations and bill draft requests. (Please see [Exhibit B.](#))

UPDATE ON FEDERAL PUBLIC LANDS LEGISLATION

- Jered M. McDonald, previously identified, reviewed select federal public lands and natural resources legislation of interest to the Committee and offered to provide members with any further information requested related to the federal public lands legislation. Chair Aizley requested an update on the S. 974 (the Las Vegas Valley and Tule Springs Fossil Beds National Monument Act of 2013) introduced by Senator Harry Reid. Commissioner Collins added he is seeking information on H.R. 2642 (the Agricultural Act of 2014), also known as “the Farm Bill.” (Please see [Exhibit C.](#))

UPDATE ON STATE PUBLIC LANDS AND NATURAL RESOURCE RELATED LEGISLATION CONSIDERED DURING THE 2013 LEGISLATIVE SESSION

- Michael J. Stewart, Chief Principal Research Analyst, Research Division, LCB, reported on legislation considered during the 2013 Legislative Session on issues relating to: (1) domestic animals; (2) environmental matters; (3) general natural resources and public lands; (4) measures recommended by the Legislative Committee on Public Lands during the 2011-2012 Legislative Interim; (5) mining; (6) State lands and parks and recreation; (7) water; (8) watercraft; and (9) wild animals and wildlife. (Please see [Exhibit D.](#))

Discussion ensued between Senator Goicoechea, Commissioner Collins, and Mr. Stewart regarding Assembly Bill 20 (Chapter 286, *Statutes of Nevada 2013*).

UPDATE ON BUREAU OF LAND MANAGEMENT (BLM) PROGRAMS AND ACTIVITIES IN SOUTHERN NEVADA, INCLUDING ACTIVITIES RELATED TO THE SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT OF 1998 (SNPLMA)

- Gayle E. Marrs-Smith, Field Manager, Las Vegas Field Office, BLM, United States Department of Interior (DOI), provided a brief overview of the BLM's resource management plan (RMP). She noted the BLM is a multiple-use agency; however, the multiple-use concept does not apply to all acres under BLM management. Ms. Marrs-Smith testified land use allocations across the landscape are reviewed, with some being single uses on a limited number of acres, or multiple uses on other acres that are compatible with each other.

She noted while the last RMP updated was completed in 1998, a review is performed every five years to determine whether public needs are being met. Ms. Marrs-Smith stated renewable energy, particularly solar and wind energy, need to be considered. She acknowledged that the BLM has received numerous applications for energy development, some of which are 30 years in duration, for large site-type rights-of-way. Ms. Marrs-Smith said while the RMP would need revising to clarify certain items, there remains many valid components.

Ms. Marrs-Smith informed the Committee that a decision was made to fire the contractor conducting the RMP update and instead perform the RMP update in-house, while reprioritizing other projects. She reported the planning area for the RMP is the Las Vegas field office, including all of Clark County, and the Pahrump field office, consisting of the southern part of Nye County, but not including Red Rock and Sloan Canyon National Conservation Areas, Nevada Test and Training Range, Nevada Test Site, or any related military areas. Acting Chair Carlton requested a map of the area be provided to the Committee.

After Commissioner Collins voiced concerns over the areas of critical environmental concern and special status species, discussion ensued between Commissioner Collins and Ms. Marrs-Smith.

- Continuing, Ms. Marrs-Smith advised that the RMP will be structured as an environmental impact statement, with four alternatives: (1) no action alternative relating to the present management with no changes; (2) environmental alternative; (3) BLM's preferred alternative; and (4) development alternative. She reported the affected environment will be reviewed, along with an analysis of each alternative and how it impacts resources. She related seven public meetings have been currently scheduled to ensure the rural communities are engaged, including eastern Clark County, Mesquite, Moapa Valley, Pahrump, and Amargosa Valley.

Acting Chair Carlton requested the Committee be kept involved and informed if assistance is needed. Ms. Marrs-Smith informed the Committee the RMP draft will be released in Spring 2014, with a 90-day public comment period. She opined a final decision is 18 months away, pending appeal. Acting Chair Carlton asked to be informed of meetings so she may attend if she is available.

- In conclusion, Ms. Marrs-Smith reported on a successful land sale held in January 2014, with \$24 million on 23 parcels being generated. She announced another sale for May 2014, and one scheduled for the fall. Ms. Marrs-Smith informed the Committee she will provide a summary and statistics on SNPLMA projects, including two environmentally sensitive land acquisitions in Washoe County and southern Nye County.

UPDATE ON U.S. FOREST SERVICE (USFS) ACTIVITIES IN SOUTHERN NEVADA AND THE SPRING MOUNTAINS NATIONAL RECREATION AREA (SMNRA)

- Randy Swick, Area Manager, Humboldt-Toiyabe National Forest, SMNRA, U.S. Department of Agriculture, presented a Microsoft PowerPoint presentation on topics including: (1) 1993 established legislation; (2) challenges; (3) current focus areas and projects; (4) entity partnerships; (5) history; (6) visits; and (7) unique qualities of the SMNRA. (Please see [Exhibit E](#).)

In response to Chair Aizley's inquiry, Mr. Swick replied Red Rock Canyon is administered by the BLM, while Angel Peak is managed by the USFS. There was discussion between Chair Aizley and Mr. Swick concerning run-down or abandoned buildings on Angel Peak.

Concerns by Senator Goicoechea of imminent fire threat were addressed by Mr. Swick, who reported another dry winter is forecasted. He expressed belief that the implementation of aggressive fuel breaks in Lee and Kyle Canyons were effective during the Carpenter 1 fire, as well as the continued maintenance of the fuel breaks. Mr. Swick applauded the interagency cooperation exhibited during the Carpenter 1 fire.

Commissioner Collins provided commentary related to the Mount Charleston blue butterfly, soil erosion, and removal of dead trees. He inquired about the amount of funds received by Clark County and Las Vegas for flooding caused by the fire and rain, which Mr. Swick was unable to provide a response. Commissioner Collins asked what the USFS's share versus the BLM's share of the wild horse and burro territories is and when a gather was scheduled. Mr. Swick replied there will be no date scheduled for a gather until the environmental reviews associated with the National Environmental Policy Act of 1969 are completed. He noted the USFS administers three wild horse and burro territories, conjoining with the BLM, which has the larger percentage of two of those areas. Commissioner Collins further commented on the wild horse and burro issue and declared priority in southern Nevada needs to occur. Mr. Swick reported an appeal by the USFS to its Washington Office for an emergency gather was not granted.

Assemblyman Hansen asked for clarification whether herd management areas (HMAs) contain three to five times more wild horses and burros than what is recommended and when the last time the HMAs contained the number of wild horses and burros mandated by Congress. Mr. Swick responded he is unaware whether Congress has established any parameters on population numbers in those areas. He noted the last gather in the area was performed in 2007, and stated estimates are based on data collection and scientific inventories. He further replied the USFS and BLM manage the HMAs under the same laws and regulations, and acknowledged that HMAs hold three to five times more animals than they are designed to sustain.

In response to additional questions regarding wild horses and burros from Assemblyman Ellison, Mr. Swick answered the USFS is in a cooperative planning effort with the BLM, who is responsible for taking the lead for any gathers, and it is in the BLM's holding facilities that the wild horses and burros are held. In addressing controlled burns, Mr. Swick reported the USFS's prescribed burns have been limited to pile burning. He stated there are currently no prescribed burns for the coming year. Mr. Swick stated prior to any burns taking place, mechanical treatment will be performed.

Senator Goicoechea asked what the appropriate management levels (AMLs) on the HMAs are, and Mr. Swick replied those numbers will be provided to the Committee.

PRESENTATION ON THE PROGRAMS AND ACTIVITIES OF THE U.S. FISH AND WILDLIFE SERVICE (USFWS) IN SOUTHERN NEVADA

- Edward (Ted) Koch, State Supervisor, Nevada Fish and Wildlife Office, USFWS, DOI, discussed topics including: (1) Desert Tortoise; (2) Sage-grouse; (3) Devils Hole pupfish; and (4) Endangered species listings.

In response to Chair Aizley's question concerning the pupfish, Mr. Koch replied a 2013 count showed there was an all-time low of 35 pupfish in Devils Hole in the spring, a total of 72 in the fall, and 30 currently in the Ash Meadows Desert Fish Conservation Facility. He stated, given 17 years of decline, the concern of the USFWS, in partnership

with the National Park Service and Nevada's Department of Wildlife (NDOW), is conserving the pupfish ecosystem over the long term.

Discussion was held between Senator Goicoechea and Mr. Koch regarding the cost of the bi-state sage-grouse project, and listing the sage-grouse due to litigation and not bird numbers. Mr. Koch mentioned hunting is still allowed where listing as an endangered species is considered. He provided a brief update on litigation noting, due to a lack of funding, the USFWS is unable to respond to all the petitions, and the federal court ultimately determines a listing schedule. Mr. Koch reported a settlement agreement was recently reached between primary litigants to make decisions on 252 species within a five-year time frame, including sage-grouse. He opined the sage-grouse is endangered in some places and not in others, and the challenge the USFWS faces is how to manage it in aggregate.

In addressing numerous questions posed by Commissioner Collins, Mr. Koch described the difficulties of reporting tortoise numbers as they burrow underground. He stated using the USFWS protocols, improved growth in tortoise population in Clark County has been observed. Replying to the question of predators, Mr. Koch pointed out raven populations have increased 600 percent in the State of Nevada over the last 30 years, with the raven being identified as a threat to both the desert tortoise and sage-grouse. He noted that 5,000 ravens have been eliminated per year. Concluding, Mr. Koch answered he is unfamiliar with how many species are located in Warm Springs.

Assemblyman Hansen expressed concern over federal government control of most sage-grouse habitat in the State, and asked Mr. Koch why State agencies should not have greater control over sage-grouse habitat. Mr. Koch cited the Taylor Grazing Act of 1934, emphasizing that sage-grouse are managed by the State, and indicated RMPs are being revised by both the BLM and the USFS. He acknowledged there should be more State and local leadership involvement of the sage-grouse.

Assemblyman Hansen complimented Mr. Koch in reaching out to various agencies and individuals in dealing with the various issues. Mr. Koch expressed his gratitude and commented that everyone should succeed together.

Senator Goicoechea advised the Committee that AMLs for the wild horses in the three HMAs located in the SMNRA range from 63 to 93, with a population estimate between 500 and 600, and AMLs for the wild burros range from 103 to 192, with a population estimate of 330 to 501.

(The following agenda item was taken out-of-order and control of the meeting was handed over to newly elected Chair Aizley.)

REVIEW OF THE IMPLEMENTATION OF ASSEMBLY BILL 227 CREATING THE NEVADA LAND MANAGEMENT TASK FORCE

- Jeff Fontaine, Executive Director, Nevada Association of Counties (NACO), informed the Committee that A.B. 227 (Chapter 299, *Statutes of Nevada 2013*) was supported by NACO, who agreed to provide administrative support to the task force because of significant impact to county public lands. He noted counties are actively participating in meetings and have voluntarily contributed funding, reporting Nevada has over 81 percent of public lands, the largest of any State in the country, with counties such as Esmeralda, Lander, Lincoln, Nye, and White Pine containing over 90 percent of total county acreage being administered by the federal government.

He said that these counties' quality of life are influenced by federal land management decisions. Mr. Fontaine expressed the counties' concerns about federal policies and the lack of resources that have rendered land management agencies unable to restore or maintain the health of public lands. As an example, he addressed the recent wildland fires and how studies show that late season grazing contributes to the reduction of wildland fires.

Continuing, Mr. Fontaine discussed two important debates concerning public lands: (1) the extent to which federal land should be developed, preserved, and opened to recreation, and whether federal land should be managed primarily to produce national benefits or benefits primarily for the localities and states in which the lands are located; and (2) who decides the balance between national and local control and how those decisions are made.

Mr. Fontaine added that other public lands issues important to counties include land use decisions, with one particular designation being protection of wilderness study areas (WSAs) that are identified as having wilderness characteristics. He commented that there are 64 WSAs in the State, totaling over 2.5 million acres. Mr. Fontaine pointed to a group of Humboldt County stakeholders who were reaching an agreement to designate portions of a particular area in that county as wilderness, yet releasing portions that were previously designated as WSAs for other uses. The proposed transaction resulted in the Pine Forest Range Recreation Enhancement Act of 2013. He touched briefly on other topics including: (1) land transfers and options available; (2) Payment in Lieu of Taxes (PILT); (3) permitting for economic development; and (4) sage-grouse.

In concluding comments, Mr. Fontaine noted the counties' long, successful history of land stewardship and management, as well as the success attained when built from local consensus and stakeholder involvement.

- Demar Dahl, Chairman, Nevada Land Management Task Force (Task Force), reported the Task Force has: (1) 17 members, 1 representative from every county; (2) held meetings in Carson City, Eureka, Las Vegas, Reno, and Winnemucca; (3) established ground rules, including gathering more information prior to voting; (4) accommodated the Legislative mandates given to the Task Force; (5) addressed public concerns regarding the transfer of public lands from the federal government to the State (he highlighted two studies prepared in the 1990s on transferring and managing public lands); and (6) had presentations from the Governor's Office of Economic Development, Division of State Lands, State Department of Conservation and Natural Resources, Northeastern Nevada Regional Development Authority, and Clark County.

Mr. Dahl further explained that due to public concerns, the Task Force invited Anthony L. Rampton, Utah Assistant Attorney General, and Mark Squillace, Professor of Law and Director of the Natural Resources Law Center, University of Colorado, to debate the constitutionality issue of a public lands transfer.

Commenting further, he stated the Task Force has embraced many stakeholders, including the Sierra Club, the Nevada Conservation League, the Coalition for Nevada's Wildlife, and the Nevada Farm Bureau.

Mr. Dahl reiterated the Task Force has not conducted a vote or established any recommendations. He expressed support for the transfer of land based on information received by the Task Force, and stressed the importance of: (1) transferring the valid existing rights along with the multiple uses of the land; and (2) ensuring access to the land is preserved or improved.

In conclusion, Mr. Dahl noted the Task Force's final report to the Committee will include a provision that wholesaling of the public lands will not occur, and that the Task Force will start with the public lands that have been designated for disposal by the federal agencies. He stressed the need to address both the public and private checkerboard lands in the railroad corridor. Mr. Dahl professed in order to maintain transparency, the Task Force will recommend that any sale of public land be approved by the affected county's governing authority.

- Mike L. Baughman, Ph.D., CECd, President, Intertech Services Corporation, provided the Committee with information related to: (1) Section 1 (6)(c) of A.B. 227; (2) a Five-Year Summary of Revenues, Expenditures, Employment, and Output for the states of Arizona, Idaho, New Mexico, and Utah for the Fiscal Years (FY) 2008 through 2012; (3) the Distribution of Net Revenues by Beneficiary in FY 2012 for the States of Arizona, Idaho, New Mexico, and Utah; (4) the Five-Year Average Revenues, Expenditures, and Employment in Selected States; (5) the Five Year Multi-State Observed High, Observed Low, and Average (FYs 2008-2012); (6) the Estimated Revenue, Expense, Full-Time Equivalents for Expanded State Land Area in Nevada Using Four Other State Models; and (7) the Nevada BLM Office of Natural

Resources Revenue, and PILT Revenue Distribution to Nevada State and Local Governments. (Please see [Exhibit F](#).)

Discussion ensued between Assemblyman Ellison and Mr. Dahl regarding ownership of public lands. Mr. Dahl identified five states with pending legislation similar to A.B. 227: Idaho, Montana, New Mexico, Utah, and Wyoming.

Responding to Senator Goicoechea, Mr. Baughman acknowledged he was unsure what percentage of state lands are contained in the four listed states, but noted USFS and BLM land in Idaho is 60.5 percent; in Arizona, 32.2 percent; in Nevada, 76.1 percent; in New Mexico, 29.4 percent; and in Utah, 70.2 percent.

In response to various questions posed by Commissioner Collins, Mr. Baughman answered the data provided does not include Nevada ([Exhibit F](#)). He was unaware what incentives the four listed states have for renewable energy products, and testified that other states, in particular Arizona and Utah, generate significant revenues from the leasing of lands for solar development. Mr. Baughman commented that the BLM generated revenue per acre ranging from \$.86 to a high of \$1.64 during FYs 2008-2012, with the four-state average at \$36 per acre. He stated that states are required to manage resources for environmental purposes, as the BLM does.

Assemblywoman Carlton asked whether other states have provisions to set aside acquired lands in a protected status. Mr. Dahl replied the state of Utah, in passing legislation to demand a transfer of land, set a template for other states, and opined it would be advantageous to the western states if an agreement was reached on what lands to transfer. He noted the Utah legislation does not include national monuments, national parks, and congressionally designated wilderness areas. Continuing with her line of questioning, Assemblywoman Carlton inquired whether there are provisions in place to allow a state to designate federal lands that are not classified as state lands as protected state lands, and then allow other land sales. Mr. Dahl confirmed the provision is in the Utah legislation.

Assemblywoman Carlton posed the question of whether, when lands currently under federal control are turned over to the ownership of the state, the state decides which parcels are leased or allow the county access to, and whether the land becomes private lands that can be sold. Mr. Dahl responded the Task Force is responsible for studying the implication of a transfer from the federal government to the State, and making recommendations to the Legislature.

Responding to additional questioning by Assemblywoman Carlton, Mr. Baughman pointed to the state of Arizona, referencing Table 1 in his presentation ([Exhibit F](#)), which reflects the amount of land up for sale and the amount of land actually leased, particularly between grazing rights and mineral and oil leases. He noted the leases continue to be retained in state ownership, but when land is sold outright, ownership is lost. Mr. Baughman informed the Committee that Arizona is trading lands to acquire lands in metropolitan areas that have development potential.

Senator Gustavson observed that in New Mexico, the state government effectively manages the same amount of land as the BLM and the USFS and, noting with over 80 percent of State of Nevada land managed by the federal government, New Mexico provides an example that should be carefully considered by the Committee.

Commissioner Collins spoke of the need to: (1) exclude the recreational land around Lake Mead; and (2) address the Endangered Species Act of 1973.

Chair Aizley questioned Mr. Dahl on the ultimate goal of the Task Force. Mr. Dahl responded the Task Force's report and recommendations most likely will include that the national monuments, national parks, and wilderness areas should remain under the control of the federal government. Discussion ensued between Chair Aizley, Mr. Dahl, and Mr. Fontaine regarding start-up costs of owning and managing additional public land.

There was discussion between Senator Goicoechea and Mr. Dahl concerning congressional action for transferring the lands back to the State and federal government. Mr. Dahl indicated that any legal land transfer to the State of Nevada would require an Act of Congress.

- Chair Aizley called for public comment on Agenda Item XVI; however, no testimony was presented.

UPDATES FROM LOCAL GOVERNMENTS ON THEIR CURRENT ISSUES AND PRIORITIES RELATING TO PUBLIC LANDS AND NATURAL RESOURCES IN NEVADA

- Marci Henson, Assistant Director, Department of Comprehensive Planning, Clark County provided an update to the Committee on various issues including the: (1) Nevada Land Management Task Force; (2) BLM Resource Management Plan; (3) Las Vegas Public Lands and Tule Springs Fossil Beds Monument Act (four County provisions) (S. 974/H.R. 2015); (4) Lee Canyon/Lee Meadows; (5) Gypsum Mine; and (6) Sloan Hill Withdrawal Act. (Please see [Exhibit G.](#))
- Kevin Phillips, Vice Chair, Board of County Commissioners, Lincoln County, reported that 97.3 percent of the land mass in Lincoln County is controlled by the federal government. He testified that in 2000, the Lincoln County Land Act was passed mandating certain land in Mesquite be sold, and in 2004, the Lincoln County Conservation Recreation Development Act enabled the disposal of an additional 90,000 acres. Further, Mr. Phillips affirmed two bills in Congress are under consideration to clarify language allowing the BLM to use funds set aside in land sales for future purchases.
- Lorinda Wichman, Vice Chair, Board of County Commissioners, Nye County, suggested the State follow the example of Nye County in protecting access to public

lands. She stated over 1,400 road files are prepared to go before a court for summary judgment, if needed, with completion by July 2014. Commissioner Wichman offered Nye County has: (1) over 97 percent of federal land; (2) two separate seats of government; (3) a population of 47,000 people; and (4) a population of 8,142 outside of Pahrump, whose residents pay over \$900 yearly in taxes, with those in the more populated areas paying approximately \$600 for the same services.

Commissioner Collins followed up with comments on: (1) the Tule Springs monument area; (2) the Nellis Dunes being suitable for an off-highway vehicle park; (3) Blue Diamond Hill; (4) land exchanges; and (5) renewable energy. He voiced support for transferring federal land to the State.

OVERVIEW OF THE ACTIVITIES OF THE DIVISION OF WATER RESOURCES, STATE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES (DCNR)

- Jason King, P.E., State Engineer, Division of Water Resources, DCNR, provided a Microsoft PowerPoint on issues concerning: (1) drought; (2) the SNWA Pipeline Project Update; (3) State Engineer's Order 1169; (4) adjudications; (5) sage-grouse; (6) fracking; and (7) potential 2015 legislation. (Please see [Exhibit H.](#))

Chair Aizley asked whether unlimited pumping is available in time of drought, to which Mr. King replied water can be pumped up to an amount equal to the water right holder's surface water allocation.

Responding to a question by Senator Ford concerning the backlog of water adjudications, Mr. King recalled during the 2013 Legislative Session, he testified to 72 adjudications; however, since that time, the number is closer to 50 adjudications, and his desire is to adjudicate all 256 basins.

Questioning by Chair Aizley continued on the topic of fracking in Nevada, and Mr. King pointed out a form of fracking has occurred in the geothermal exploration realm.

In response to Senator Ford, Mr. King said the State Engineer Office has participated in discussions with the Division of Environmental Protection, DCNR, and the Division of Minerals, Nevada Commission on Mineral Resources, concerning well construction. He stated his office has not been required to report on fracking, but voiced concerns given the limited groundwater resources in the State.

Assemblyman Hansen inquired as to the depth of an aquifer. Mr. King said that potable aquifers from which groundwater is withdrawn are substantially more shallow than where fracking may occur. He said the concern is drill well construction and whether seepage from the casings may occur.

Discussion ensued between Chair Aizley and Mr. King on the topic of complaints related to fracking. Mr. King opined before fracking could occur, baseline data should be collected.

Responding to Assemblyman Ellison's question, Mr. King stated fracking wells require the use of an average of 3 to 5 acre-feet.

REVIEW OF PROGRAMS AND ACTIVITIES OF THE COLORADO RIVER COMMISSION (CRC)

- Jayne Harkins, P.E., Executive Director, CRC, provided a Microsoft PowerPoint on topics including: (1) Commission organization; (2) agency overview; and (3) current issues including drought, Minute 319, Hoover Post-2017 allocations, and Hoover Dam refinancing. (Please see [Exhibit I.](#))

There was discussion between Senator Goicoechea and Ms. Harkins regarding the water levels at Lake Mead.

- Ms. Harkins will provide information to the Committee on the percentage of water loss due to evaporation at Lake Mead. Ms. Harkins confirmed that adjustments for evaporation are made prior to any water being allocated to other states.

At the request of Assemblywoman Carlton, Ms. Harkins discussed aspects of the "Fill Mead First" project. Ms. Harkins summarized a proposal that would fill Lake Mead at the expense of reservoirs further up the river. Theoretically, the proposal would reduce evaporation and increase the effectiveness of Hoover Dam.

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

- John Entsminger, Incoming General Manager, Southern Nevada Water Authority (SNWA) and Las Vegas Valley Water District, addressed the Fill Mead First project, noting the science of saving water from filling Lake Mead first is questionable. He described, when Glen Canyon Dam was built in the 1960s, all of the wells in close proximity to that reservoir gained a substantial amount of water; however, over the last several decades, there has been no increase in the water level in the wells. Mr. Entsminger said any attempt to change regulations to fill Lake Mead first instead of Lake Powell would be met with litigation.
- Mr. Entsminger provided an overview of the SNWA in a Microsoft PowerPoint presentation that included: (1) a snapshot of southern Nevada; (2) the management of regional water supplies; (3) implementation of conservation programs; (4) the building and operating of facilities; (5) long-term water resource planning; and (6) the meeting of State and federal water quality standards. (Please see [Exhibit J.](#))

Discussion ensued between Commissioner Collins and Mr. Entsminger on balancing ranch operations; water rates; meeting the needs of ranchers; and rate structure.

- Kevin Brown, P.E., General Manager, Virgin Valley Water District (VVWD), testified on the following regarding the VVWD: (1) creation; (2) service area; (3) active wells; (4) arsenic treatment plants; (5) storage tanks; (6) miles of pipeline; (7) connections; (8) acre-feet of water rights; and (9) infrastructure replacement costs. He also discussed upcoming issues for the VVWD including: (1) Gold Butte National Conservation Area access to springs; (2) balancing its budget; (3) legal issues; (4) infrastructure redundancy; (5) City of Mesquite economic recovery support; (6) Lincoln County Land Act development support; (7) November board elections; and (8) Bunkerville secondary irrigation. (Please see [Exhibit K.](#))

Answering Senator Goicoechea, Mr. Brown confirmed various Lincoln County water resources are supplied to Mesquite.

Following the same line of questioning, Commissioner Collins asked whether the Vidler Water Company compact with Lincoln County will be assisting in providing water to Mesquite. Mr. Brown responded the VVWD is working with the Lincoln County Water District on a short-term basis, whereas the Vidler Water Company and Lincoln County are working on a long-term basis to bring water to Mesquite.

OVERVIEW OF ISSUES AND ACTIVITIES RELATED TO PUBLIC LANDS AT NELLIS AIR FORCE BASE (NAFB)

- Brian S. Hartless, Lieutenant Colonel, United States Air Force, and Commander, 99th Civil Engineer Squadron, NAFB, discussed a Microsoft PowerPoint presentation of issues and activities related to public lands at NAFB including: (1) air environs issues; (2) Air Force community partnership initiatives; (3) natural and cultural resources; (4) a “new solar (PV) array”; and (5) real estate grants. (Please see [Exhibit L.](#))

Assemblywoman Carlton asked what impact the recycling facilities located near NAFB will have on either party, and Lt. Col. Hartless responded there would be no problem if the facility is enclosed. Assemblywoman Carlton drew attention to a map supplied by Lt. Col. Hartless and remarked that the shaded blue area for depicting noise subzones does not extend enough to the south. ([Exhibit L.](#))

Commissioner Collins brought to the attention of the Committee that NAFB contributes over \$5.2 billion to the local economy. He stated with the help of NAFB, two undesirable business permits were turned down, one for processing food garbage into feed and one for cogeneration recycling. Commissioner Collins lauded NAFB for reaching out to and benefitting the community.

Assemblyman Hansen was curious whether there was a cultural officer he may speak with and requested copies of natural and cultural reports produced by NAFB over the years. Lt. Col. Hartless offered to provide personnel to speak with Assemblyman Hansen.

PUBLIC COMMENT

- Chair Aizley called for public comment; however, no testimony was presented.

DISCUSSION OF SCHEDULE AND SCHEDULING OF FUTURE MEETINGS

- Chair Aizley requested Committee members provide him with a list of dates for upcoming meeting dates within the next week.
- Senator Goicoechea suggested, for a future agenda, the Committee review impacts to grazing and checkerboard lands.
- Assemblyman Hansen also requested the next agenda, if held in Winnemucca, include local ranchers that have a firefighting crew.
- Chair Aizley confirmed the next meeting will be in March in Winnemucca.
- Assemblywoman Carlton mentioned, during the 2011-2012 Interim, a field trip for Winnemucca was desired by certain individuals but never transpired.
- Assemblyman Hansen advised the Committee that what Assemblywoman Carlton was referring to is a lek, or a breeding ground for sage-grouse, and to notify NDOW if there is an interest. He stated the sage-grouse strut before sunup and an hour or so afterwards.
- Commissioner Collins discussed inviting NACO to speak at future meetings, and conflicts with his county commission meetings.
- Senator Goicoechea addressed a letter from the NDOW he provided to Committee members. The letter supplies recommendations to the BLM concerning the Nevada and Northeastern California Greater Sage-Grouse Draft Land Use Plan Amendments and Draft Environmental Impact Statement. Senator Goicoechea indicated that the recommendations contained in the letter conflict with the direction of the statewide plan being considered by the Governor's Sage Brush Ecosystem Council. (Please see [Exhibit M.](#))
- Senator Goicoechea stated Winnemucca Farms and Crawford Farms are the largest agriculture producers in the State, and he surmised they would be more than willing to present at the Winnemucca meeting.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 5:12 p.m.

Respectfully submitted,

Natalie J. Pieretti
Senior Research Secretary

Jered M. McDonald
Senior Research Analyst

APPROVED BY:

Assemblyman Paul Aizley, 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), Carson City.

[Exhibit B](#) is “Nevada’s Legislative Committee on Public Lands Overview” submitted by Jered M. McDonald, Senior Research Analyst, Research Division, LCB.

[Exhibit C](#) is “Selected Federal Legislation Relating to Public Lands in the 113th Congress—Revised and Updated, January 2014” provided by Jered M. McDonald, Senior Research Analyst, Research Division, LCB.

[Exhibit D](#) is “Select Public Lands and Natural Resources Legislation Approved by the 2013 Nevada Legislature” presented by Michael J. Stewart, Chief Principal Research Analyst, Research Division, LCB.

[Exhibit E](#) is a Microsoft PowerPoint Presentation given by Randy Swick, Area Manager, Humboldt-Toiyabe National Forest, Spring Mountains National Recreation Area, United States Department of Agriculture.

[Exhibit F](#) is a “Preliminary Draft Public Land Management Task Force Report—Tables” submitted by Mike L. Baughman, Ph.D., CECd, President, Intertech Services Corporation.

[Exhibit G](#) is an “Update on Priorities and Issues for Clark County Related to Public Lands” by Marci Henson, Assistant Director, Department of Comprehensive Planning, Clark County.

[Exhibit H](#) is a Microsoft PowerPoint Presentation presented by Jason King, P.E., State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources.

[Exhibit I](#) is a Microsoft PowerPoint Presentation offered by Jayne Harkins, P.E., Executive Director, Colorado River Commission.

[Exhibit J](#) is a Microsoft PowerPoint Presentation given by John Entsminger, Incoming General Manager, Southern Nevada Water Authority and Las Vegas Valley Water District.

[Exhibit K](#) is a Microsoft PowerPoint Presentation submitted by Kevin Brown, P.E., General Manager, Virgin Valley Water District.

[Exhibit L](#) is a Microsoft PowerPoint Presentation submitted by Lt. Col. Brian S. Hartless, U.S. Air Force and Commander, 99th Civil Engineer Squadron, Nellis Air Force Base.

[Exhibit M](#) is a letter dated January 29, 2014, from Shawn Espinosa, Wildlife Staff Specialist, Game Division, Nevada Department of Wildlife, to Amy Leuders, Nevada State Director,

Bureau of Land Management, Nevada State Office. and William Dunkelberger, Forest Supervisor, Humboldt-Toiyabe National Forest.

The following exhibit was submitted for the Committee's review, but not mentioned:

[Exhibit N](#) is a letter dated February 5, 2014, to the Legislative Committee on Public Lands from John Hadder, Director, Great Basin Resource Watch.

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.