



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

SUMMARY MINUTES AND ACTION REPORT

The fourth meeting of the Nevada Legislature's Legislative Committee on Public Lands was held on Friday, May 20, 2016, at 9 a.m. in the Caliente City Fire Department, Meeting Hall, 970 Front Street, Caliente, Nevada. A copy of this set of "Summary Minutes and Action Report," the "Meeting Notice and Agenda," and other substantive meeting materials are available on the Nevada Legislature's website at <http://www.leg.state.nv.us/interim/78th2015/committee/>. In addition, copies of the audio 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 CALIENTE:

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, (BPS)
Administrative Division

Jeff Loflin, Unit Chief, BPS, Administrative Division

Mark Sharp, Officer, Legislative Police, Administrative Division

Mark Vorderbruggen, Officer, Legislative Police, Administrative Division

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

AGENDA ITEM I—OPENING REMARKS

Chair Gustavson welcomed the public to the fourth meeting of the Legislative Committee on Public Lands.

AGENDA ITEM II—PUBLIC COMMENT

Floyd Rathbun, resident, Fallon, Nevada, discussed concerns over infringement of private preexisting water rights.

AGENDA ITEM III—APPROVAL OF THE MINUTES OF THE MEETING HELD ON APRIL 15, 2016, IN WINNEMUCCA, NEVADA

MOTION: Assemblywoman Titus moved to approve the minutes of the meeting held on April 15, 2016, in Winnemucca, Nevada. The motion was seconded by Assemblyman Ellison and passed unanimously.

AGENDA ITEM IV—UPDATE ON MINERAL AND LAND SALES ACTIVITY IN THE ELY DISTRICT, BUREAU OF LAND MANAGEMENT, UNITED STATES DEPARTMENT OF THE INTERIOR

Mike Herder, Ely District Manager, Bureau of Land Management (BLM), United States Department of the Interior (DOI), provided information on current BLM programs and projects, including: (1) land sale programs in Lincoln and White Pine Counties; (2) mining activities; (3) fluid mineral leasing programs; (4) drilling applications; (5) habitat restoration; (6) Pinyon-juniper thinning; (7) hazardous fuels reduction; and (8) the Basin and Range National Monument (Monument) ([Agenda Item IV](#)).

Mr. Herder discussed lands identified by Lincoln and White Pine counties for disposal. He explained these lands must be included in a disposal list within the Resource Management Plan (RMP), which identifies one-half of the acreage in Lincoln and White Pine Counties available for disposal under the Lincoln County Conservation, Recreation, and Development Act of 2004 and the White Pine County Conservation, Recreation, and Development Act of 2006.

He discussed the BLM's Planning 2.0 goal to streamline the RMP amendment process in order to modify the parcel disposal list in a timely fashion.

AGENDA ITEM V—BRIEFING ON THE MANAGEMENT AND PLANNING ACTIVITIES ON THE BASIN AND RANGE NATIONAL MONUMENT

Alicia R. Styles, Manager, Monument, BLM, DOI, briefed the Committee on the Presidential Proclamation establishing the Monument and related planning activities ([Agenda Item IV](#)) and ([Agenda Item V A](#)).

Discussion amongst several members, Ms. Styles, and Mr. Herder ensued regarding: (1) mining claims; (2) the Monument Proclamation; (3) wild horses and burros ([Agenda Item V B](#)); (4) livestock grazing permits; (5) funding for programs; and (6) wildfire preparedness and suppression.

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

Jose Noriega, Ely District Ranger, Humboldt-Toiyabe National Forest, U.S. Forest Service (USFS), U.S. Department of Agriculture, briefly summarized the following three focus areas: (1) restoration and enhancement of wildlife habitats; (2) rangeland improvement; and (3) landscape fuel reductions ([Agenda Item VI A-1](#)). He gave a Microsoft PowerPoint presentation of the work performed in the Ely Ranger District ([Agenda Item VI A-2](#)).

Discussion ensued regarding: (1) elk management; (2) groundwater; (3) public woodcutting permit availability; (4) Pinyon-juniper regrowth; (5) prescribed burn costs; (6) prescribed burn effects on wildlife; (7) the Ward Mountain restoration project; and (8) wild horses and burros.

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

Varlin Higbee, Lincoln County Commissioner, briefly described the characteristics of Lincoln County ([Agenda Item VII A-1](#)), ([Agenda Item VII A-2](#)), ([Agenda Item VII A-3](#)), ([Agenda Item VII A-4](#)), and ([Agenda Item VII A-5](#)). He commented on budget conditions and social service needs. Mr. Higbee discussed how the creation of 16 wildness areas has affected the economy.

Connie Simkins, secretary, Nevada State Grazing Board, District N-4, joined Mr. Higbee at the presenter table at the invitation of the Chair.

Several members, Mr. Higbee, and Ms. Simkins discussed funding concerns regarding the Payment In Lieu of Taxes and Secure Rural Schools (SRS) programs.

Mr. Higbee testified on federal and State land ownership, livestock grazing, and wild horses and burros. He conveyed that Lincoln County residents were generally opposed to the Monument designation, and that the county commissioners were uninformed of the potential designation of the Monument.

Gary Perea, Chair, Board of County Commissioners, White Pine County, provided an update regarding the construction of a new water tank ([Agenda Item VII B-1](#)) and ([Agenda Item VII B-2](#)). Mr. Perea indicated that the Great Basin National Park also uses the water system, and he stressed the importance of constructing the new water tank as soon as possible.

Several members and Mr. Perea discussed the BLM requirements for the new water tank and the additional associated costs ([Agenda Item VII B-1](#)).

Mike Herder, previously identified, clarified that the devices required by the BLM for the new water tank are anti-perching devices.

Laurie L. Carson, Commissioner, Board of County Commissioners, White Pine County, focused on the following public land management issues: (1) sage-grouse; (2) wild horses and burros; (3) drought; (4) wildland fires; (5) invasive species; (6) BLM and USFS policies and management; and (7) available land for development ([Agenda Item VII C-1](#)), ([Agenda Item VII C-2](#)), ([Agenda Item VII C-3](#)), and ([Agenda Item VII C-4](#)).

Assemblyman Ellison conversed with Mr. Perea, Ms. Carson, and Jose Noriega, previously identified, regarding the windfarm expansion and SRS funds.

Senator Goicoechea and Ms. Carson discussed concerns regarding Kinross Gold Corporation and Midway Gold mining company's efforts to comply with White Pine County's expansion efforts.

AGENDA ITEM VIII—REVIEW OF ISSUES RELATED TO OFF-HIGHWAY VEHICLE ACTIVITY

Karen Boeger, Board Member, Nevada Chapter of Backcountry Hunters and Anglers, provided a narrative of her experience with off-highway vehicle (OHV) riders and the effect to her business ([Agenda Item VIII A-1](#)) and ([Agenda Item VIII A-2](#)).

Terry Jones, President, Bristlecone Chapter, Back Country Horsemen of Nevada ([Agenda Item VIII B](#)); Walt Gardner, Vice President, Nevada Outfitters and Guides Association; and Jose Witt, Southern Nevada Manager, Friends of Nevada Wilderness, provided introductory remarks.

In response to an inquiry by Assemblywoman Titus, Ms. Boeger replied that the coalition has reached out to OHV groups and other interested parties to collaborate on the issues.

The presenters discussed the following proposed legislation ([Agenda Item VIII A-1](#)):

- Duplicate in State statute, the USFS and BLM statutes regarding the illegality of motor trespass in designated wilderness;
- Direct the Nevada's Division of Tourism, Department of Tourism and Cultural Affairs, to coordinate with the USFS and BLM to include educational information regarding wilderness;
- Division of State Parks, State Department of Conservation and Natural Resources—Ensure recreational trails program funds can be applied toward both education and on the ground projects regarding wilderness motor trespass;
- Nevada's Department of Wildlife—Ensure the annual hunt booklet includes information on how to make an effective citizen report of motor trespass in wilderness;
- Need for a hotline (similar to Operation Game Thief) for citizen reports of trespass;
- Consider any/all avenues to increase compliance with Nevada OHV registration law;
- Clarify the OHV registration law language to enable the USFS and BLM to apply for grants;
- Consider enabling the Nevada OHV program to replicate the California Green Sticker program-funded OHV ranger patrol; and
- Consider replicating Colorado's OHV educational website "Stay the Trail," a multiagency and group partnership.

The presenters and several Committee members discussed the following items in further detail: (1) enforcement of registration of OHVs; (2) motor trespass laws in designated wilderness areas; (3) funding for education; (4) ranger patrol; and (5) increased fines for failure to register an OHV. Ms. Boeger encouraged Committee members to visit the OHV commission website.

AGENDA ITEM IX—OVERVIEW AND UPDATE ON RECENT ACTIVITIES OF THE EASTERN NEVADA LANDSCAPE COALITION

Betsy Macfarlan, Executive Director, Eastern Nevada Landscape Coalition, shared a Microsoft PowerPoint presentation ([Agenda Item IX](#)) on accomplishments and activities of the coalition, which included the: (1) Seeds of Success Program; (2) Edwards Creek Riparian Restoration Project; (3) Emergency Stabilization Rehab Monitoring; (4) Great Basin Kids Workshop; (5) White River Cooperative Weed Management Area Volunteer Day; (6) White River Bio Char Project; (7) Gleason Creek Projects; and (8) Smith Valley Project.

Discussion ensued regarding: (1) bio char; (2) BLM postfire restoration projects monitoring; (3) funding resources; (4) the mapping of existing roads within the Monument; (5) noxious weeds treatments; (6) Pinyon-juniper trees; (7) the seed gathering program; and (8) working relationships with soil conservation districts.

Vice Chair Hansen and Ms. Macfarlan conversed further on the seed gathering program and its success rates. Vice Chair Hansen expressed a desire to obtain data on the monitoring program. Ms. Macfarlan offered to supply the data provided the BLM would release the information.

AGENDA ITEM X—REVIEW OF CLARK COUNTY FLOOD CONTROL DISTRICT EFFORTS AND ACTIVITIES REGARDING FEDERAL LANDS MANAGEMENT

Scott Higginson, Government Affairs Consultant, FourSquare Group, gave a Microsoft PowerPoint presentation ([Agenda Item X](#)) regarding the efforts of the Clark County Flood Control District (CCFCD) to transfer federal land ownership to local governments.

Mr. Higginson described how local governments construct public projects on federal land to serve a public purpose. He reported that when a public facility is no longer needed, the local entity is required to return the federal land to its original condition, which is an expensive proposition.

He proposed federal legislation transferring ownership to local governments where public facilities have been constructed and operated on federal lands ([Agenda Item X](#)).

There was continuing discussion between Mr. Higginson and several members regarding statewide issues and the concerns with associated costs for reverting public facilities back to the federal government.

AGENDA ITEM XI—OVERVIEW OF ISSUES RELATED TO THE SILVER PEAK LITHIUM MINE OPERATION

Nick Vander Poel, Consultant, Capitol Partners, LLC, representing Albemarle Corporation, provided a brief overview of the operations of Silver Peak Lithium Mine ([Agenda Item XI](#)), noting that Silver Peak is the only U.S. operational lithium brine source with favorable brine chemistry and established infrastructure.

Mr. Vander Poel explained the long-term economic benefits and increase in employment opportunities of the lithium extraction process for Esmeralda County.

He reported on rejected negotiations with the BLM seeking to purchase stockpiled salts. Mr. Vander Poel requested that the Committee urge the BLM to reconsider negotiations to expedite the terms of a materials sales agreement for mineral resources development.

MOTION: Senator Goicoechea moved to send a letter to BLM State Director John F. Ruhs, as well as BLM Director Neil Kornze, asking that everything in their power be done to expedite a determination from the Interior Board of Land Appeals concerning the property rights of the stockpiled salts. The motion was seconded by Vice Chair Hansen and passed unanimously.

AGENDA ITEM XII—PUBLIC COMMENT

Nick Vander Poel, previously identified, representing Nevada's Commission on Off-Highway Vehicles (COHV), offered a statement from Greg McKay, COHV Chair, discouraging wilderness intrusions by OHVs and supporting sensible measures to reduce wilderness trespass instances ([Agenda Item XII A](#)).

Jered M. McDonald, previously identified, submitted the following letters of support for OHV enforcement of wilderness boundaries:

- Blain Jackson, Cottonwood Ranch Hunting Services ([Agenda Item XII B](#));
- Henry Krenka, Master Guide/Owner, Hidden Lake Outfitters, LLC ([Agenda Item XII C](#)); and
- Les Smith, Rocky Mountain Elk Foundation ([Agenda Item XII D](#)).

Connie Simkins, previously identified, discussed the following topics: (1) OHV users; (2) the Monument; and (3) wild horses and burros. She offered information on the activities of the Nevada State Grazing Board, District N-4 ([Agenda Item XII E](#)).

Varlin Higbee, previously identified, provided commentary on the wilderness boundaries, county versus federal government policing, the federal register, and minerals.

Floyd Rathbun, previously identified, commented on the cancellation of permitted grazing within the oldest established monument in the State and how grazing allotments and privileges still exist within that monument ([Agenda Item IV](#)).

Chair Gustavson announced the next meeting for July 28, 2016, in Elko, Nevada.

AGENDA ITEM XIII—ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 3:09 p.m.

Respectfully submitted,

Natalie J. Pieretti
Senior Research Secretary

Jered M. McDonald
Senior Research Analyst

APPROVED BY:

Senator Donald G. Gustavson, Chair

Date: _____

MEETING MATERIALS

AGENDA ITEM	WITNESS/ENTITY	DESCRIPTION
<u>Agenda Item IV</u>	Mike Herder, Ely District Manager, Bureau of Land Management (BLM), United States Department of the Interior (DOI)	Monument Map
<u>Agenda Item V A</u>	Alicia R. Styles, Manager, Basin and Range National Monument, BLM, DOI	Presidential Proclamation
<u>Agenda Item V B</u>	Mike Herder, Ely District Manager, BLM, DOI	Ely District Wild Horse Herd Management (HMA) Areas
<u>Agenda Item VI A-1</u>	Jose Noriega, Ely District Ranger, Humboldt-Toiyabe National Forest (HTNF), U.S. Forest Service (USFS), U.S. Department of Agriculture (USDA)	Written Testimony
<u>Agenda Item VI A-2</u>	Jose Noriega, Ely District Ranger, HTNF, USFS, USDA	Microsoft PowerPoint Presentation
<u>Agenda Item VII A-1</u>	Varlin Higbee, Lincoln County Commissioner	Land Ownership Map
<u>Agenda Item VII A-2</u>	Varlin Higbee, Lincoln County Commissioner,	Lincoln County Map
<u>Agenda Item VII A-3</u>	Varlin Higbee, Lincoln County Commissioner,	Basin Range Monument Map #1
<u>Agenda Item VII A-4</u>	Varlin Higbee, Lincoln County Commissioner,	Wilderness Areas in Lincoln County
<u>Agenda Item VII A-5</u>	Varlin Higbee, Lincoln County Commissioner,	Lincoln County Conservation, Recreation, and Development Act Map
<u>Agenda Item VII B-1</u>	Gary Perea, Chair, Board of County Commissioners, White Pine County	Written Testimony
<u>Agenda Item VII B-2</u>	Gary Perea, Chair, Board of County Commissioners, White Pine County	Microsoft PowerPoint Presentation
<u>Agenda Item VII C-1</u>	Laurie L. Carson, Commissioner, Board of County Commissioners, White Pine County	Written Testimony

<u>Agenda Item VII C-2</u>	Laurie L. Carson, Commissioner, Board of County Commissioners, White Pine County	White Pine County HMA Report
<u>Agenda Item VII C-3</u>	Laurie L. Carson, Commissioner, Board of County Commissioners, White Pine County	Photographs of Wild Horses
<u>Agenda Item VII C-4</u>	Laurie L. Carson, Commissioner, Board of County Commissioners, White Pine County	Photograph of Wild Horses
<u>Agenda Item VIII A-1</u>	Karen Boeger, Board Member, Nevada Chapter of Backcountry Hunters and Anglers	Written Presentation
<u>Agenda Item VIII A-2</u>	Karen Boeger, Board Member, Nevada Chapter of Backcountry Hunters and Anglers	Enforcement and Regulation Statistics
<u>Agenda Item VIII B</u>	Terry Jones, President, Bristlecone Chapter, Back Country Horsemen of Nevada	Pamphlet
<u>Agenda Item IX</u>	Betsy Macfarlan, Executive Director, Eastern Nevada Landscape Coalition	Microsoft PowerPoint Presentation
<u>Agenda Item X</u>	Scott Higginson, Government Affairs Consultant, FourSquare Group	Microsoft PowerPoint Presentation
<u>Agenda Item XI</u>	Nick Vander Poel, Consultant, Capitol Partners, LLC, representing Albemarle Corporation	Microsoft PowerPoint Presentation
<u>Agenda Item XII A</u>	Greg McKay, Chair, Nevada's Commission on Off-Highway Vehicles	Written Testimony
<u>Agenda Item XII B</u>	Blain Jackson, Cottonwood Ranch Hunting Services	Written Testimony
<u>Agenda Item XII C</u>	Henry Krenka, Master Guide/Owner, Hidden Lake Outfitters, LLC	Written Testimony
<u>Agenda Item XII D</u>	Les Smith, Rocky Mountain Elk Foundation	Written Testimony
<u>Agenda Item XII E</u>	Connie Simkins, Secretary, Nevada State Grazing Board, District N-4	Written Presentation

The "Summary Minutes and Action Report" are supplied as an informational service. Copies of the meeting materials are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library at www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm or telephone: (775) 684-6827.