



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

SUMMARY MINUTES AND ACTION REPORT

The first meeting of the Nevada Legislature's Legislative Committee on Public Lands was held on Friday, November 4, 2011, at 9 a.m. at the Elko County Commission Chambers, 540 Court Street, Suite 102, Elko, 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://leg.state.nv.us/interim/76th2011/committee/>. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's (LCB's) Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBERS PRESENT IN ELKO:

Assemblywoman Maggie Carlton, Chair
Senator Dean A. Rhoads, Vice Chair
Senator Don Gustavson (*alternate*)
Senator Mark A. Manendo
Senator David R. Parks
Assemblyman Paul Aizley
Assemblywoman Irene Bustamante Adams
Assemblyman Ira Hansen
Chris Giunchigliani, Clark County Commissioner

COMMITTEE MEMBER ABSENT:

Senator Greg Brower

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Dave Ziegler, Principal Research Analyst, Research Division
Susan M. Young, Assistant Supervisor of Secretarial Services, Research Division
Natalie J. Pieretti, Senior Research Secretary, Research Division
Chuck Anderson, A/V Technical Assistant, Broadcast and Production Services
Don Glaze, A/V Technical Assistant, Broadcast and Production Services

OPENING REMARKS

- Senator Rhoads called the meeting to order. He welcomed testifiers, presenters, and members of the public to Elko County and asked the secretary to call the roll.

ELECTION OF THE CHAIR AND VICE CHAIR

(As directed by Senator Rhoads, this agenda item was taken out of order.)

- Dave Ziegler, Principal Research Analyst, Research Division, LCB, opened the nominations for Chair and Vice Chair.
- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR MANENDO NOMINATED ASSEMBLYWOMAN
CARLTON AS THE COMMITTEE'S CHAIR AND
SENATOR RHOADS AS THE COMMITTEE'S VICE CHAIR.
THE NOMINATION WAS SECONDED BY ASSEMBLYMAN AIZLEY
AND PASSED UNANIMOUSLY.

REMARKS AND STAFF INTRODUCTIONS

- Chair Carlton expressed appreciation to Vice Chair Rhoads for his prior service as the Chair of the Legislative Committee on Public Lands. She noted her gratitude for being able to learn from his knowledge and guidance during the 2011-2012 Interim.
- Dave Ziegler, previously identified, provided an introduction of Committee members and staff.

PUBLIC COMMENT

- Chair Carlton requested public comment be kept under three minutes.
- A. Grant Gerber, Esquire, Elko, Nevada, stated his family settled here in the mid-1800s on ranches and that some of the members may have known his cousin, former Assemblyman and Senator Norman D. Glaser, who was with the legislature in the 1970s, 1980s, and 1990s. He expressed concerns about fire and stated that two years ago his family began a program called Smoked Bear that has reached over 500,000 people in four states. He noted the program is sponsoring a scholarship contest in Nevada for 8 to 22 year olds. Mr. Gerber further reported a million and a half animals have perished in wildfires, which have burned over 500,000 acres in Nevada this year.

- Mr. Gerber introduced Smoked Bear, noting he has visited three different states to meet with children in schools. Mr. Gerber voiced appreciation to Vice Chair Rhoads regarding his proposal to increase livestock grazing to reduce wildfires.
- Smoked Bear presented *Ogden's Snake Country Journals 1827-1829* by the Hudson's Bay Record Society, Volume XXVIII, to Chair Carlton and Vice Chair Rhoads.
- A. Grant Gerber, previously identified, requested the book be presented to the State Library and Archives. He also noted posters, depicting fires in areas of Nevada. Mr. Gerber pointed out that the posters do not reflect the approximately 200,000 acres that have burned since the beginning of October. (Please see [Exhibit B-1](#), [Exhibit B-2](#), [Exhibit B-3](#), [Exhibit B-4](#), [Exhibit B-5](#), and [Exhibit B-6](#).)
- Mr. Gerber further shared information about animals and wildlife that Smoked Bear's classroom presentation includes. He stressed that for the first time ever, with the addition of Smoked Bear's website, there is information that explains wildfires kill millions of animals. Mr. Gerber pointed out these fires created more pollution than agriculture, construction, manufacturing, and timber combined, and at a future meeting would provide further information on a grazing program.
- Chair Carlton thanked Mr. Gerber, Smoked Bear, and assistants for their presentation. She noted the Committee would address Mr. Gerber's concerns on a future agenda.

In response to Vice Chair Rhoads' inquiry regarding how the number of deaths are counted in a fire, Mr. Gerber said that after speaking with everyone they could concerning unproductive and productive acres, they chose three animals per acre as their number. In further response, Mr. Gerber surmised the figure was conservative.

- John C. Carpenter, former Nevada State Assemblyman, welcomed the Legislative Committee on Public Lands to Elko, Nevada. Mr. Carpenter expressed gratitude to the Committee for its hard work. He urged the Committee to support Senator Rhoads' proposed resolution to increase livestock grazing on public lands to help Elko County and other counties reduce the numbers of fires.

UPDATE ON THE BUREAU OF LAND MANAGEMENT, UNITED STATES DEPARTMENT OF THE INTERIOR, PROGRAM AND ACTIVITIES IN NORTHEASTERN NEVADA

- Ken Miller, District Manager, Elko District Office, Bureau of Land Management (BLM), United States Department of the Interior (DOI), provided an overview of programs and activities in the Elko District, which included: (1) a brief description of the Elko District; (2) sage grouse conservation; (3) mining permits; (4) livestock grazing

permits; (5) wild horse gathers; (6) fire suppression; (7) emergency stabilization and rehabilitation (ESR); (8) the California Trail Interpretive Center and visitor numbers; (9) energy transmission rights-of-way; and (10) recreation management and opportunities in the Elko District. (Please see [Exhibit C-1](#) and [Exhibit C-2](#).)

With regard to mining permits, Mr. Miller said air quality became an issue with the Cortez mine. He stated the BLM addresses air quality in Environmental Impact Statements (EIS) and acknowledged that the BLM should give significant attention to court proceedings and outcomes.

Regarding the renewal of livestock grazing permits, Mr. Miller said that the BLM can spend up to two years gathering data for permit renewals, even before litigation and protests.

Mr. Miller addressed recent fires in Elko County in which 206,000 acres were burned. He stated an increase in livestock grazing would not have kept the lightning events or the 30 to 40 mile per hour wind events from occurring. Mr. Miller said that the BLM intends to work with the permittees in Elko County to reduce fire fuels, including cheat grass.

Regarding ESR, Mr. Miller acknowledged that the BLM is working with Newmont Mining Corporation on grass seed mixes for public and private lands. He said that the BLM will continue to work through spring to utilize information on species valuable in rehabilitation.

In response to Senator Manendo's inquiry regarding the BLM's definition of humane horse gather methods, Mr. Miller stated initial movement of wild horses to a gather site can cause panic in some horses; however, after a brief time, the wild horses return to a calm demeanor. He said that the BLM puts forth great effort to keep the wild horses from panicking, and to keep staff and contractors safe.

Senator Manendo followed up with questions regarding the eight horses that died during a previous gather. Mr. Miller said that any suggestion made of the BLM running wild horses to death is in error. He said it can take an hour to move wild horses three miles, and that the two gathers accomplished in 2011 and the gather in 2010 resulted in zero wild horses being run to death. Mr. Miller said the most likely causes of death for those eight horses was due to hitting a side panel or running into other wild horses at the gather site. Senator Manendo asked about the location and timeline where the deaths occurred. Mr. Miller said that the BLM follows approved criteria for putting down a wild horse for non-gather related reasons.

Chair Carlton thanked Mr. Miller and indicated the Committee will hear more on wild horse issues later in the agenda, and it will be a topic of discussion in future meetings of the Committee. Chair Carlton advised Mr. Miller she plans accept his invitation to experience

firsthand some of the topics discussed, and hopes that other members of the Committee can accept the invitation.

UPDATE ON U.S. FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE, ACTIVITIES AND PLANNING EFFORTS IN NORTHEASTERN NEVADA

- Susan Elliott, Acting District Ranger, Ruby Mountains and Jarbidge Districts, U. S. Forest Service (USFS), reported on projects and programs, which included: (1) the recreation program; (2) rangeland management; (3) fire fuels reduction and vegetation management; (4) wild horses and burros; and (5) the minerals program. (Please see [Exhibit D-1](#) and [Exhibit D-2](#).)
- Commissioner Giunchigliani requested a copy of the creeks and communities program mentioned in Ms. Elliott's testimony.

She also inquired as to the record of decision (ROD) on grazing allotments. Ms. Elliott replied that she was not certain of the time frame for the ROD. Commissioner Giunchigliani asked Ms. Elliott to relay that information to the Committee.

- Steven Williams, District Ranger, Austin and Tonopah Districts, USFS, submitted the written testimony of Troy Phelps, Acting District Ranger, Elko District, USFS. (Please see [Exhibit E](#)).

Mr. Williams proceeded to provide an update on resource management activities for the Austin and Tonopah Ranger Districts of the Humboldt-Toiyabe National Forest, which included: (1) fire and fuels management; (2) wild horse and burro management; (3) rangeland management planning; (4) minerals exploration program; and (5) other projects. (Please see [Exhibit F](#).)

Commissioner Giunchigliani and Mr. Williams discussed fire fuel reduction efforts in an area of Mount Charleston in Clark County, Nevada.

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

- Demar Dahl, Chair, Board of County Commissioners, Elko County, provided a detailed update on the natural resource issues currently being addressed in Elko County, which include: (1) sponsorship of a fire summit chaired by former Nevada State Assemblyman John C. Carpenter; (2) wild horses and the proposed refuge for Elko County; and (3) concerns for using refuges as the solution to wild horse overpopulation.

Continuing, Commissioner Dahl discussed the travel management plan (TMP) in Elko County. He said that in 2009, the USFS advised the Elko County Commissioners on the implementation of TMPs without road closures in Elko County. Commissioner Dahl said the Commission learned later that roads were marked for closure. He advised the Committee that 104 meetings on the TMP had occurred between January 8, 2009, and May 5, 2011. Commissioner Dahl identified issues with the proposed TMP, which included: (1) big game retrieval within a half mile of a road using a motorized vehicle; (2) cross country travel; (3) disbursed camping not at established campsites; and (4) the actual number of roads that will be closed. Commissioner Dahl said the lack of continuity in working with specific individuals at the USFS during their meetings contributed to the lack of an agreement on the different issues. He stated that the USFS has signed the final EIS.

Regarding mineral exploration in Elko County, Commissioner Dahl noted the County Commission's questions to the USFS concerning the effects of road closures on prospecting when compared with The General Mining Law of 1872.

Concluding his remarks, Commissioner Dahl said that a Congressional oversight hearing was requested; however, it will not occur until after the first of the year.

- Ray H. Williams Jr., Commissioner, District No. 3, Board of County Commissioners, Lander County testified on his involvement with public lands issues; his involvement as a member of the Lander County Public Land Use Advisory Commission; and the value of the Public Lands Committee to the Legislature. He further described Lander County's contracts with the Western Counties Alliances (WCA), which represents the County at the national level on such issues as: (1) payments in lieu of taxes (PILT); (2) rural school funding through the Secure Rural Schools and Community Self-Determination Act of 2000 (reauthorized as Public Law 110-343); (3) RS 2477 rights-of-way (ROW) access; and (4) the Mining Law of 1872.

Commissioner Williams said Lander County has upgraded its master plan to include: the master plans for Austin, Kingston, and Lander County; the water plan; and the land use plan titled "Lander County Policy Plan for Federally Administered Lands".

- Gene P. Etcheverry, Executive Director, Lander County, outlined seven key points of interest that have been the focus of government resources, time, and development in assisting different constituent groups over the last two to four years, which included: (1) the BLM resource management plan (RMP) revision project; (2) the BLM ROWs; (3) lack of inclusion of county commissions in resource management decisions; (4) water issues; (5) support by Lander County for the completion of the Yucca Mountain license review provided under the Nuclear Waste Policy Act of 1982; (6) non-support for proposed wilderness study area (WSA) or wilderness designations in Lander County; and (7) geothermal development. (Please see [Exhibit G.](#))

Mr. Etcheverry said that even though Lander County is a sparsely populated county, it has great opportunities that include agriculture, mining, ranching, and recreation.

Regarding the BLM RMP revisions, Mr. Etcheverry said the County has concerns about how travel management and sage grouse management fit into the RMPs. On BLM ROWs, he said the County has concerns about RS 2477 ROWs and access to geothermal projects, grazing allotments, and other uses. He cited the implementation of hot weather grazing restrictions as an example of the need to include county government in resource management decisions.

- Jake Tibbitts, Natural Resources Manager, Department of Natural Resources, Eureka County, provided an update on priorities and current issues relating to public lands in Eureka County, which included: (1) a brief background on Eureka County; (2) issues affecting sustainable management of federally administered land resources, the economy, the environment, and society; (3) support for legislation that will maximize multiple uses of public lands while providing for the sustainability of these lands economically, environmentally, and socially; (4) the need to ensure federal receipts from commercial activities on public lands are shared with the State and counties in which the lands are located; (5) the need to ensure that tax revenues from mineral proceeds derived from taxes imposed by the State are equitably shared with the county in which the non-renewable resource was extracted and where impacts exist; (6) highlighting and addressing issues common to the travel management process on federally administered lands across geo-political boundaries throughout Nevada; (7) the need for a plan for each county in the State to follow to validate ROWs, including but not limited to, RS 2477 ROWs; (8) the need to respond to federal lands agency decisions impacted by challenges under the National Environmental Policy Act of 1969 (NEPA); (9) support for streamlining permitting of activities on federally administered lands at the State and federal level; (10) strong opposition to any effort that would allow permanent retirement of grazing permits on federally administered lands; (11) the need to pursue efforts with the BLM, the USFS, and grazing permittees to ensure: (a) management decisions are based upon the best rangeland science; (b) flexibility is built into grazing permits to allow for adaptive management as issues and concerns arise; and (c) the quality and quantity of data collected can support decisions made based on clear and measurable resource objectives; and (12) support for legal challenges to compel the BLM to manage wild horses and burro herds as required under the Wild Free-Roaming Horses and Burros Act of 1971 and subsequent amendments. (Please see [Exhibit H.](#))
- Jim Ithurrealde, Commissioner, Board of County Commissioners, Eureka County, said: (1) private land ownership comprises only 13 percent of the County's total land area; (2) there is a general absence of effort by various federal land management agencies to coordinate land management decisions with the local plans, policies, and needs of Eureka County; (3) government programs aimed to offset economic limitations of large federal land holdings do not address impacts to core social and economic values; (4) regulations that minimize multiple uses of public lands and increase dependence on

federal dollars undermine local efforts to bring socio-economic balance; (5) large scale minerals and energy development brings large economic returns now, but impacts the County in the long term; (6) good stewardship of federal lands is undermined by non-participatory opposition to local, collaborative planning; and (7) expected growth as a result of the General Moly, Inc. (Eureka Moly, LLC) Mount Hope Project molybdenum mine will impact a broad range of public services and facilities. (See [Exhibit H](#).)

Commissioner Ithurralde asked the Committee to consider an action to ensure that locally affected governments are given a participatory role and active voice in monitoring, management, and mitigation of water resources appropriated by the State Engineer. ([Exhibit H](#))

- Jim Baumann, Chair, Natural Resources Advisory Commission, Eureka County, said that wild horses are destroying the range. As an example, he said that a particular allotment is divided into several pastures where livestock are rotated every 40 to 45 days on any given pasture, whereas wild horses can graze on optimal forage year-round in the pastures. He said herd management areas (HMAs) for their allotment are small and the appropriate management level (AML) total is nine horses, but there are currently more than 20 wild horses grazing there. Mr. Baumann provided information on the increased difficulties with the wild horses exceeding the AMLs for different allotments in different parts of Eureka County. He said that the wild horses need to be kept at AMLs to prevent further destruction.
- Jake Tibbitts, previously identified, requested the Committee's support on the important issues to Eureka County addressed in earlier testimony.

Responding to a question from Commissioner Giunchigliani regarding the elimination of a State water planner due to budget cuts, Chair Carlton responded that would be researched.

In response to Vice Chair Rhoads' inquiry as to the status of the lawsuit filed by Eureka County against General Moly, Inc., Commissioner Ithurralde responded it was pending an appeal to the District Court. He voiced concerns over the mine consuming 7,000 to 9,000 gallons of water per minute, around the clock, 365 days a year. Commissioner Ithurralde clarified that the appeal was not against General Moly, Inc., but against the State Engineer.

DISCUSSION AND UPDATE ON WILDFIRE-RELATED PROGRAMS IN NORTHEASTERN NEVADA

- Tom Turk, Regional Forester, Nevada's Division of Forestry (NDF), State Department of Conservation and Natural Resources, discussed and provided an update on wildfire-related programs in northeastern Nevada. He said: (1) statistics for the 2011 fire season are not final and are subject to change; (2) there were many fires on

private land and on the Sierra Front in 2011; (3) there was an increase in human-caused fires in 2011, despite the NDF's prevention efforts, which include fire prevention plans for all 17 counties; (4) significant lightning activity in early October 2011 resulted in far more acreage burned than in the previous three years, but still below 2005 through 2007; (5) statewide risk assessments have been completed; (6) the NDF has cooperated with federal and local partners to reduce hazardous fuels and preserve sage grouse habitat, and has adapted firefighting techniques to preserve islands of sagebrush within large burn scars; and (7) the NDF has used grants and grants-in-kind to communities to reduce wildland fire threat. (Please See [Exhibit I.](#))

- Chair Carlton said that the number of fires in 2011 was about half of what occurred in the 2005-2006 fire season, and asked why concerns are high now and whether it was a bad lightning year.

Tom Turk, previously identified, stated that in 2005 through 2007, the fire season started with earlier than normal lightning, and winds which did not allow the fire lines to be built effectively. He said that the record years for acres burned were 2006 and 2007.

Responding to Chair Carlton's inquiry as to the effectiveness of the radio systems, dispatch, and communications, Mr. Turk stated several radio communication hardware upgrades were performed, along with the conversion and the consolidation to the Elko Dispatch Center with help from federal partners; however, the NDF still has challenges in hardware and upgrades.

Chair Carlton said that she wants the NDF to have the necessary equipment to keep everyone safe.

Responding to Commissioner Giunchigliani's question regarding the Nevada Fire Safe Council's (NFSC) involvement, Mr. Turk responded that the NDF continues to work very closely with the NFSC.

- Paul Petersen, Acting State Fire Management Officer, Winnemucca District Office, BLM, DOI, offered a discussion and an update on the wildfire-related programs in northeastern Nevada, which included: (1) a 2011 BLM fire summary in Nevada; (2) firefighting resources and equipment, including air tankers, helicopters, air attack aircraft, Hot Shot crews, fire engines, water tenders, and fire dozers; (3) Nevada fire statistics from 2001 through 2011; (4) hazardous fuels accomplishments from 2005 through 2011; (5) hazardous fuels reduction; (6) wildland urban interface; (7) contracted projects and treatments; (8) fire attack success rate and current fire treatments in progress for 2012; (9) an increase in human-caused and lightning ignited fires; (10) positive intergovernmental relationships, including, NDF, NFSC, and University of Nevada Cooperative Extension (UNCE); and (11) events and issues surrounding the September 30, 2011, fires. (Please see [Exhibit J.](#))

Responding to a question from Assemblyman Hansen regarding whether reseeded efforts were included in the \$20 million spent during the 2011-2011 Fiscal Year on fire suppression, Mr. Petersen responded reseeded funding is part of a different budget.

A discussion was held among Assemblyman Hansen, Commissioner Giunchigliani, and Mr. Petersen regarding fire fuel levels, a decrease in grazing, and rapid non-native plant growth as potential additional fire fuel. Mr. Peterson said that the BLM works closely with other land management agencies and district managers to develop tactical support areas. He said that non-native plant species grow more rapidly than the native plant species.

In response to Chair Carlton's question regarding the seed bank program in the State, Mr. Petersen stated that approximately 60,000 pounds of seed has been processed at the Washoe Valley facility with seed blends to be used for rehabilitation and stabilization efforts. He said that a seed warehouse in Ely, Nevada, is currently planned to be built using funds received from the Southern Nevada Public Land Management Act of 1998.

- Shane McDonald, Interagency Fire Management Officer, Elko District Office, BLM, DOI, provided an update on behalf of Steven Williams, previously identified, on interagency fire suppression cooperation from the Austin and Tonopah Ranger Districts, which included: (1) increased wildfire activity in Elko County during the past two years; (2) increased interagency cooperation among BLM, NDF, USFS, Bureau of Indian Affairs (BIA), Duck Valley Tribe of the Shoshone Paiute Firefighters, and the U.S. Fish and Wildlife Service; (3) management of wildland firefighting resources supervised by the BLM and NDF; (4) a "Service First Agreement" that provides for primary fire suppression services on National Forest lands and on the Mountain City Ranger District, Ruby Mountains, and Jarbidge Districts; (5) a proactive approach to fire management and increased effectiveness with fire safety programs; and (6) information on the acreage burned in fires during recent years. (Please see [Exhibit K.](#))
- Susan Elliot, previously identified, testified about the activities the BLM has in progress in Warm Springs located at the east side of the Humboldt Range. She said that the BLM is assessing the impacts of implementing a plan to thin pinion and juniper trees to reduce the impacts of wildfires.
- Shane McDonald, previously identified, reiterated Mr. Turk's testimony regarding the BLM's after action review with cooperating agencies and the need for additional equipment at the Elko Interagency Dispatch Center. He stated there is a need for new consoles and an increase in staffing levels for seasonal times.

- Chair Carlton asked about the Sierra Front Interagency Dispatch Center located in Minden, Nevada, in relation to the dispatch center in Elko, Nevada.
- Shane McDonald, previously identified, stated that the Minden Center has five employees (two seasonal and three full-time). He said that the workload did not decrease; however, the Minden center will continue to dispatch wildland fires while the Elko center will handle the administrative issues.

Chair Carlton requested additional information regarding the dispatch centers be provided to her.

- Tom Turk, previously identified, said that there is a scheduled equipment upgrade next year in the Elko Interagency Dispatch Center and a similar upgrade was performed in the Minden facility; however, he was not aware of the number of consoles provided. He said a fourth console is being implemented in the event the installation next year is delayed.
- Pete Petersen, previously identified, advised that the BLM will conduct a study with NDF and the USFS to examine dispatch centers in the State. He pointed out that there are currently five interagency dispatch centers in the State, and BLM will examine a proposal to reduce that number. He said the study would be completed by January or February of 2012 with a recommendation forthcoming. Mr. Petersen said the time frame should provide adequate time for the State partners to communicate and assist in the process.
- Dave Ziegler, previously identified, submitted a written report ([Exhibit L](#)) on behalf of Walter Howell, Starr Valley Chapter, NFSC. Mr. Ziegler stated the NFSC has over one hundred chapters in California, the Sierra, the Carson Range, and the remainder of Nevada. He requested that the NFSC be placed on a future agenda and that the UNCE be placed on a future agenda to discuss its “Living With Fire” program. Mr. Ziegler pointed out that two representatives from the Wildfire Support Group (WSG) are in attendance.
- Mike Whalen, Fire Management Specialist, Winnemucca District Office, BLM, DOI, gave a brief presentation of the fire activity and the accomplishments of the Winnemucca BLM and the WSG. He said: (1) the WSG was organized after the severe 1999 and 2000 fire season, with help from the BLM at the State and national level; (2) there are 10 ranches in the core group; (3) individuals in the group are trained to the federal firefighting standards and hold qualification cards; (4) WSG members provide early fire detection and local knowledge of fences, gates, livestock locations, roads, and water sources; (5) WSG members can provide heavy equipment; (6) the WSG has monthly meetings for training and tactical exercise; and (7) the WSG is blended with the BLM’s fire suppression organization.

(Please see [Exhibit M-1](#), [Exhibit M-2](#), [Exhibit M-3](#), [Exhibit M-4](#), [Exhibit M-5](#), [Exhibit M-6](#), [Exhibit M-7](#), [Exhibit M-8](#), [Exhibit M-9](#), and [Exhibit M-10](#).)

Mr. Whalen said this year, with assistance from individuals in Winnemucca and throughout the State, the WSG formed a non-profit organization. He complimented the positive working relationship among the BLM, ranches, engine captains, and incident commanders. He said that most WSG members are volunteer firefighters at their local volunteer fire departments.

- Mel Hummel, member, Board of Directors, WSG, Winnemucca District, testified that through the training with the BLM, the WSG is often the first responder to fires and informs the BLM if they can put out the fire. He noted that the WSG is able to assist fire crews called in from California with information on structure dangers and road access.
- Commissioner Giunchigliani stated the WSG program is very valuable and could be replicated in other geographic regions and areas.

DISCUSSION OF BILL DRAFT REQUEST FOR THE 77TH SESSION OF THE NEVADA LEGISLATURE FOR A RESOLUTION URGING THE BLM AND THE USFS TO CONSIDER INCREASING LIVESTOCK GRAZING UNDER CERTAIN CIRCUMSTANCES IN ORDER TO PREVENT RANGE FIRES

- Vice Chair Rhoads said he has been considering grazing land instead of letting it burn. He cited examples from the Humboldt River, San Francisco, and New Mexico. He recommended that due to today's meeting time constraints, this agenda item be addressed at a future meeting when the BLM and USFS can participate in the discussion.
- Chair Carlton agreed to hear this item at a future meeting. She directed staff to compile briefs after the next meeting on the fire issues, the livestock grazing permit process, and information relating to allotments and animal unit months.

DISCUSSION AND UPDATE ON MANAGEMENT OF WILD HORSES AND BURROS ON PUBLIC LANDS IN NEVADA

Herd Management Activities and Programs

- Ken Miller, District Manager, Elko District Office, BLM, DOI, provided an update on the management of wild horses and burros on public lands in Nevada. (Please see [Exhibit N](#).)

Local Government Perspective

- Jerrie C. Tipton, Vice Chair, Board of County Commissioners, Mineral County; and Chair, Nevada Association of Counties (NvACO) Public Lands and Natural Resources Committee, provided a local government prospective on the management of wild horses and burros on public lands in Nevada, which included: (1) support from NvACO in a resolution for the Wild Free-Roaming Horses and Burros Act of 1971; (2) opposition to the expansion of herd AMLs and eco-sanctuaries; (3) consideration of a possible lawsuit against the BLM regarding AML specifications on behalf of multiple user groups on public lands, including environmental groups, livestock, and wildlife; (4) issues with short-term and long-term holding of wild horses; (5) local government challenges to provide healthy, functioning, productive, sustainable land and resources; (6) a brief description of the public lands in Mineral County and the dependence of the County on public lands for economic viability; and (7) challenges from a bi-state population of sage grouse without a remaining livestock industry. (Please see [Exhibit O](#).)

There was a discussion between Senator Manendo and Mr. Miller regarding the post-gather processing of wild horses. Mr. Miller said the horses are held in short-term holding for adoption and if the horses are not adopted or viable for adoption, they are placed in a long-term holding facility located in the Midwest. He said that the BLM has contracts with these facilities that have either a monthly or an annual fee per wild horse. Regarding the length of time wild horses are placed in care in Nevada, Mr. Miller noted that the length of stay is dependent upon availability and as wild horses are adopted or moved to other long-term holding facilities, more short-term space becomes available. He said that when wild horses in long-term holding die or new contracts are established, more space becomes available and wild horses tend to live longer in the holding facilities because of the care involved.

Responding to further questioning from Senator Manendo regarding the selling of wild horses to slaughterhouse facilities and possible use of eco-sanctuaries instead of the long-term holding facilities, Mr. Miller stressed that the BLM does not sell wild horses to slaughterhouses. Mr. Miller stated the BLM is entertaining eco-sanctuary proposals or other ideas that will break the long-term holding cycle. Senator Manendo commented that the Committee should hear at another time why NvACO is opposed to eco-sanctuaries if there is support for eco-sanctuaries from the BLM.

- Chair Carlton asked about the ranch in Oklahoma and wild horses at that facility.

Mr. Miller replied there are a number of contracted long-term facilities located in Iowa, Nebraska, and Oklahoma. He briefly discussed the difference between long-term holding facilities and eco-sanctuaries.

Commissioner Giunchigliani and Ms. Tipton discussed the resolution passed by NvACO and non-support for the use of eco-sanctuaries. Ms. Tipton reiterated Commissioner Dahl's concerns over the removal of livestock grazing permits, which could lead to more wild horse grazing as a norm in 10 to 20 years. Ms. Tipton pointed out that the resolution addresses sanctuaries that might be placed on public lands.

- Commissioner Giunchigliani stated it would be helpful to have information on how many horses versus burros are in the HMAs.
- Ms. Tipton responded that she was unable to inform the Committee how many burros are in the HMAs, but that Mineral County has the only national wild burro refuge in the U.S.

Discussion continued among Commissioner Giunchigliani, Ms. Tipton, and Mr. Miller regarding burros in the HMAs. Mr. Miller said that a HMA can contain a wild horse, a burro, or both.

- Commissioner Giunchigliani requested any information presented to the Committee regarding HMAs include wild horses and burros. She asked about the tracking of wildlife and wild horses.
- Mr. Miller stated that the BLM is responsible for the wild horses and burros, and NDOW is responsible for tracking the wildlife.

There was a discussion between Commissioner Giunchigliani and Mr. Miller regarding the USFS and BLM wild horse programs. Mr. Miller replied that the USFS manages wild horses to a much lesser degree.

Discussing the issue of sterilization and other birth control methods, Mr. Miller said that sterility control has been given to mares, and is effective for two to four years. He said that mares can be spayed and studs can be castrated; however, the BLM has not utilized that method due to the number of animals involved.

- Assemblyman Hansen asked about the budget for gathering the 4,000 horses, the current adoption fee per horse, and the approximate cost per horse per year in long-term holding.

Mr. Miller responded that he has the information regarding the cost for gathering the wild horses, and the per horse per year cost and he will provide that to the Committee. He said that adoption fees are \$135 or \$175, with some wild horses selling at auction for as much as \$2,000 to \$10,000 depending on the wild horse. There are also instances when wild horses are adopted without a fee required.

COMMITTEE SCHEDULE FOR THE 2011-2012 INTERIM

- Due to time constraints, this agenda item was not addressed. (Please see [Exhibit P.](#))

OVERVIEW OF STATE AND FEDERAL PUBLIC LANDS LEGISLATION

- Due to time constraints, this agenda item was not addressed. (Please see [Exhibit Q.](#))

PUBLIC COMMENT

- William Kirby, Commissioner, Board of County Commissioners, Esmeralda County spoke about a wild horse gather where eight wild horses died, and several individuals were injured due to open range overpopulation. In his view, wild horses have overgrazed livestock allotments in the Fish Lake Valley and in turn have caused dust and breathing problems for older individuals. He commented that sustainable herds and wild horse gathers can eliminate property damage and injury to humans. He offered a suggestion that some of the wild horses could be moved to Texas.
- Meghan Brown, Executive Director, Nevada Cattlemen's Association (NCA), Elko, Nevada, thanked the Committee for coming to Elko and participating in the discussions. She noted that the NCA is hopeful about future discussions concerning fire, grazing, and wild horses. Ms. Brown stated that the NCA is committed to the multiple use of public lands, sustainable herds of wild horses, and recreation. She offered to host the Committee and provide a tour of any of the fire rehabilitation areas, grazing allotments, HMAs, reclaimed public and private lands, recreational areas, seed mixes, the Ruby Pipeline project, or any other issue important to the Committee and the public.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 2:39 p.m.

Respectfully submitted,

Natalie J. Pieretti
Senior Research Secretary

Dave Ziegler
Principal Research Analyst

APPROVED BY:

Assemblywoman Maggie Carlton, Chair

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda” provided by Dave Ziegler, Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB), Carson City.

[Exhibit B-1](#) is an informational flyer titled, “Nevada Wildfire & Wildlife Poster and Essay Contest,” provided by A. Grant Gerber, Esquire, Smoked Bear LLC.

[Exhibit B-2](#) is a small diagram depicting the words “Graze it or Blaze it,” provided by A. Grant Gerber, Esquire, Smoked Bear LLC.

[Exhibit B-3](#) is a large diagram illustrating “Nevada Fire History” from the 1950s to the 2000s, provided by A. Grant Gerber, Esquire, Smoked Bear LLC.

[Exhibit B-4](#) is a large diagram depicting a map of fire areas in northeastern Nevada provided by A. Grant Gerber, Esquire, Smoked Bear LLC.

[Exhibit B-5](#) is a large diagram depicting “Wildfires From 1980 to 2008” totaling 7,341,230 acres, provided by A. Grant Gerber, Esquire, Smoked Bear LLC.

[Exhibit B-6](#) is a large diagram depicting “Elko District Large Fire Occurrence 1998 through 2007,” provided by A. Grant Gerber, Esquire, Smoked Bear LLC.

[Exhibit C-1](#) is the written testimony of Ken Miller, District Manager, Elko District Office, Bureau of Land Management (BLM), United States Department of the Interior (DOI).

[Exhibit C-2](#) is a publication entitled dated November 2011 titled *Elko Echo*, provided by Ken Miller, District Manager, Elko District Office, BLM, DOI.

[Exhibit D-1](#) is a Microsoft PowerPoint presentation titled “Overview of the United States Forest Service in Northeast and Central Nevada, Humboldt-Toiyabe National Forest,” presented by Jeanne Higgins, Forest Supervisor, Humboldt-Toiyabe National Forest, U.S. Forest Service (USFS).

[Exhibit D-2](#) is the written testimony of Susan Elliott, Acting District Ranger, Ruby Mountains and Jarbidge Districts, USFS, dated November 4, 2011.

[Exhibit E](#) is the written testimony of Troy Phelps, Acting District Ranger, Elko District, USFS, submitted by Steven Williams, District Ranger, Austin and Tonopah Districts, USFS, dated November 4, 2011.

[Exhibit F](#) is the written testimony of Steven Williams, District Ranger, Austin and Tonopah Districts, USFS, dated November 4, 2011.

[Exhibit G](#) is a packet of information provided by Gene P. Etcheverry, Executive Director, Lander County which includes:

- (1) outlined testimony of Gene P. Etcheverry dated November 4, 2011;
- (2) Resolution Number 2010-11, passed and adopted on July 22, 2010;
- (3) Summary of Resolution Number 2011-06, dated March 24, 2011;
- (4) Resolution Number 2011-5, approved March 24, 2011; and
- (5) Resolution Number 2011-20, passed and adopted on October 27, 2011.

[Exhibit H](#) is a document titled “Interim Legislative Committee on Public Lands–Eureka County Update, November 4, 2011, in Elko, Nevada, submitted by Jake Tibbitts, Natural Resources Manager, Department of Natural Resources, Eureka County.

[Exhibit I](#) is a document titled “State of Nevada 2011 Fire Season Summary,” presented by Tom Turk, Regional Forester, Nevada’s Division of Forestry, State Department of Conservation and Natural Resources.

[Exhibit J](#) is a document titled “2011 BLM Nevada Fire Summary” dated November 4, 2011, and submitted by Paul Petersen, Acting State Fire Management Officer, Winnemucca District Office, BLM.

[Exhibit K](#) is the written testimony of Steven Williams, District Ranger, Austin and Tonopah Districts, USFS dated November 4, 2011.

[Exhibit L](#) is an outline of Nevada Fire Safe Council projects provided by Walter Howell, Starr Valley Chapter, Nevada Fire safe Council.

[Exhibit M-1](#) is a photo depicting two individuals in a fire vehicle submitted by Mike Whalen, Fire Management Specialist, Winnemucca District Office, BLM, DOI.

[Exhibit M-2](#) is a photo depicting a burning vehicle submitted by Mike Whalen, Fire Management Specialist, Winnemucca District Office, BLM, DOI.

[Exhibit M-3](#) is a photo depicting a burning vehicle submitted by Mike Whalen, Fire Management Specialist, Winnemucca District Office, BLM, DOI.

[Exhibit M-4](#) is a photo depicting a burned vehicle and smokestack submitted by Mike Whalen, Fire Management Specialist, Winnemucca District Office, BLM, DOI.

[Exhibit M-5](#) is a photo depicting a burned vehicle and smokestack submitted by Mike Whalen, Fire Management Specialist, Winnemucca District Office, BLM, DOI.

[Exhibit M-6](#) is a photo depicting an individual standing by a burned vehicle submitted by Mike Whalen, Fire Management Specialist, Winnemucca District Office, BLM, DOI.

[Exhibit M-7](#) is a photo depicting a burned vehicle and smokestack submitted by Mike Whalen, Fire Management Specialist, Winnemucca District Office, BLM, DOI.

[Exhibit M-8](#) is a photo depicting grass and a burned smokestack submitted by Mike Whalen, Fire Management Specialist, Winnemucca District Office, BLM, DOI.

[Exhibit M-9](#) is a photo depicting a flatbed trailer bearing California license plate number 4HS5040 submitted by Mike Whalen, Fire Management Specialist, Winnemucca District Office, BLM, DOI.

[Exhibit M-10](#) is a photo depicting a burned vehicle and front loader submitted by Mike Whalen, Fire Management Specialist, Winnemucca District Office, BLM, DOI.

[Exhibit N](#) is a document titled “Information for Nevada Legislative Committee on Public Lands BLM Wild Horse Management Issue,” offered by Ken Miller, District Manager, Elko District Office, BLM.

[Exhibit O](#) is a document titled “Resolution of the Nevada Association of Counties,” referenced by Jerrie C. Tipton, Vice Chair, Board of County Commissioners, Mineral County; Chair, Nevada Association of Counties Public Lands and Natural Resources Committee.

[Exhibit P](#) is a memorandum dated November 2, 2011, from Dave Ziegler, Principal Research Analyst, Research Division, LCB.

[Exhibit Q](#) is a memorandum dated October 31, 2011, from Dave Ziegler, Principal Research Analyst, Research Division, LCB.

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, other materials distributed at the meeting, and the audio record 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.