



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

SUMMARY MINUTES AND ACTION REPORT

The sixth and final meeting of the Nevada Legislature’s Legislative Committee on Public Lands was held on Friday, August 19, 2016, at 9 a.m. in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. A copy of this set of “Summary Minutes and Action Report,” the “Meeting Notice and Agenda,” and other 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 or video record are available through the Legislative Counsel Bureau’s Publications Office (e-mail: publications@leb.state.nv.us; telephone: 775/684-6835) and may be available online at <http://www.leg.state.nv.us/Granicus/>.

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

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

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Senator David R. Parks
Assemblywoman Heidi Swank

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

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

AGENDA ITEM I—OPENING REMARKS

Chair Gustavson welcomed the members and public to the sixth and final meeting of the Committee.

AGENDA ITEM II—PUBLIC COMMENT

Chair Gustavson called for public comment.

The following provided comments regarding the management and treatment of wild horses and burros and/or the transfer of federal lands by the Bureau of Land Management (BLM), United States Department of the Interior (DOI):

- Arlene Gawne, President, America's Wild Horse Advocates;
- Priscilla Lane, resident, Pahrump, Nevada;
- Robert Gaudet, President, Nevada Wildlife Federation;
- April Tatro Medlin, resident, Las Vegas, Nevada (Agenda Item II A);
- Ray Medlin, resident, Las Vegas (Agenda Item II B);
- Melissa Ohlsson, Vice President, America's Wild Horse Advocates;
- Karen Winters, resident, Fish Springs, Nevada;
- Marty Wright, private citizen;
- John Takacs, resident, Minden, Nevada;
- Deniz Bolbol, Program Director, American Wild Horse Preservation Campaign, Davis, California (Agenda Item II C);
- Debbie Walker, Pine Nut Wild Horse Advocates, Gardnerville, Nevada;
- Kelly Hyatt, Hidden Valley Wild Horse Protection Fund, Reno, Nevada;
- Pamela Sauer, resident, Minden (Agenda Item II D);
- Therese Cline, resident, Dayton, Nevada, Wild Horse Preservation League;
- Patricia Phillips, resident, Reno;
- Mary Cioffi, resident, Minden;
- Dorothy Nysten, resident, Storey County, Nevada;

- Linda Kozak, resident, Minden;
- Bonnie Matton, member, Wild Horse Preservation League;
- Coco Cardiel, private citizen;
- Fred Voltz, resident, Carson City, Nevada (Agenda Item II E);
- Valerie LeBel-Flatley, Virginia Range Wildlife Protection Association, Virginia City, Nevada;
- Ted Borda, Borda Land Sheep Company (Agenda Item II F);
- Don Alt, Commissioner, Board of Commissioners, Lyon County;
- Joyce Gavin, Borda Land Sheep Company; and
- Carol Oehler, private citizen (Agenda Item II G).

The following provided general public comments:

- Floyd Rathbun, on behalf of Fred Fulstone (Agenda Item II H), opposed the Walker Basin Restoration program;
- Jake Tibbitts, Natural Resources Manager, Department of Natural Resources, Eureka County, supported drafting a resolution calling on the President of the United States to seek public involvement prior to any future designation of a national monument (Agenda Item VII)(Item No. 3, Work Session Document [WSD]). Mr. Tibbitts urged the Committee to consider bill draft requests (BDRs) for Item Nos. 8 and 13 in lieu of correspondence.

Jered M. McDonald, previously identified, addressed written commentary received from Karen Boeger, Backcountry Hunters and Anglers, Nevada Chapter (Agenda Item II I); Elizabeth Lauxen (Agenda Item II J) private citizen; and Andy Maggi, Executive Director, Nevada Conservation League (Agenda Item II K).

AGENDA ITEM III—APPROVAL OF MINUTES OF THE MEETING HELD ON JULY 28, 2016, IN ELKO, NEVADA

MOTION: Assemblywoman Titus moved to approve the minutes of the meeting held on July 28, 2016, in Elko, Nevada. The motion was seconded by Senator Goicoechea and passed unanimously.

AGENDA ITEM IV—UPDATE ON PUBLIC LANDS ISSUES IN WESTERN NEVADA

A. Update on Bureau of Land Management, U.S. Department of the Interior, Programs and Activities

Ralph Thomas, District Manager, Carson City District, BLM, DOI, shared how drought monitoring is being performed in an effort to gather data to facilitate landscape activities. He noted that no wild horse gathers are currently scheduled and provided updates on the following current public land issues in western Nevada: (1) Bi-state sage-grouse; (2) Carson City District Resource Management Plan revision; (3) drone projects; (4) funding; (5) Geothermal Development Project; (6) land conveyances; (7) land transfers under the Color of Title Act of 1928; (8) landscape and land health projects; (9) livestock permits; (10) recreation; (11) roads and right-a-way program; (12) vegetation treatments; (13) youth and botany programs; (14) wildfire and rehabilitation efforts; and (15) wild horses and burros.

Assemblyman Hansen voiced concerns over the impact of perennial plant growth and the inability to allow livestock grazing in a timely fashion. Mr. Thomas offered to discuss the issue with him in further detail.

In response to Assemblyman Hansen's inquiry, Mr. Thomas was unaware of the status of a current sage-grouse habitat study that was damaged by wildfire.

Senator Kieckhefer and Mr. Thomas discussed the use of fertility control options (porcine zona pellucida [PZP]) for wild horse herds. Mr. Thomas said treatment could be problematic in locating the same mares to administer doses of PZP on a periodic basis.

Senator Goicoechea and Mr. Thomas conversed on the topics of nonnative plants and grazing objectives.

B. Update on U.S. Forest Services, U.S. Department of Agriculture, Activities

Irene Davidson, Carson District Ranger, Humboldt-Toiyabe National Forest, U.S. Forest Services (USFS), U.S. Department of Agriculture, offered a brief summary on key programs and projects being performed by the USFS, including: (1) fire management; (2) noxious weeds; (3) partners and volunteers; (5) recreation; and (6) vegetation and fuels. (Agenda Item IV A)

Discussion ensued regarding: (1) cooperative agreements with local law enforcement agencies; (2) education for target shooting during times of high wildfire risk; and (3) prescribed sheep grazing.

C. Updates from Local Governments Concerning Issues Related to Public Land Management

Ann P. Bollinger, Open Space Administrator, Carson City, highlighted the following public land management activities: (1) Ash to Kings Trail; (2) Carson City Quality of Life Initiative; (3) Stateline-to-Stateline bikeway; and (4) targeted sheep grazing project. (Agenda Item IV B)

Senator Kieckhefer asked whether the land that transferred from the USFS to Carson City in the Quality of Life Initiative remains as open space. Ms. Bollinger confirmed the land transferred as undeveloped open space is being managed for fuel reduction treatments and with allowance for trails and trailheads. Further, she clarified the terms for land transfers are for recreation and public purpose.

Senator Goicoechea and Ms. Bollinger discussed costs, partnerships, and results associated with targeted sheep grazing, noting noxious weeds have been significantly reduced over the last several years.

Don Alt, previously identified, expressed the need to amend the Open Range Disclosure form to clarify RS 2477 rights-of-way easements. (Agenda Item VII) (WSD, Tab B)

AGENDA ITEM V—PRESENTATION ON NEVADA’S CLIMATE, ATMOSPHERIC CONDITIONS, AND PRECIPITATION OUTLOOK

(This agenda item was taken out of order.)

Douglas Boyle, Ph.D., Associate Professor and State Climatologist, Nevada State Climate Office, Department of Geography, University of Nevada, Reno, shared the importance of the U.S. Drought Monitor and provided a brief update on the seasonal climate outlook. (Agenda Item V)

Discussion ensued regarding: (1) climate change; (2) the Governor’s Drought Forum; (3) precipitation; (4) rangeland conditions; (5) reporting sites; (6) seasonal drought outlook; and (7) the Vegetative Drought Response Index.

AGENDA ITEM VI—REVIEW OF THE ACTIVITIES OF THE LEGISLATIVE COMMISSION’S SUBCOMMITTEE TO STUDY WATER

Senator Goicoechea, Chair, Legislative Commission’s Subcommittee to Study Water, briefly reported on the Subcommittee’s progress during the 2015–2016 Interim. He explained that 59 water basins in the State are over appropriated and the method by which a critical management area is designated. Senator Goicoechea noted two critical issues are: (1) dealing with water conservation; and (2) maintaining proof of beneficial use and/or domestic wells. He stated public water reserves would not be considered at the Subcommittee’s final meeting and work session currently scheduled for August 26, 2016.

Several members discussed conservation measures.

AGENDA ITEM VII—WORK SESSION—DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATIONS RELATING TO:

Jered M. McDonald, previously identified, explained the process of the Committee's work session. (Agenda Item VII)

A. Public Lands, Generally

1. **Draft a legislative resolution** reaffirming Senate Joint Resolution No. 1 (File No. 30, *Statutes of Nevada 2015*) urging Congress to enact legislation transferring title and ownership of certain federally administered land to the State of Nevada pursuant to the plan laid out in the Nevada Land Management Task Force Report (Assembly Bill 227, [Chapter 299, *Statutes of Nevada 2013*]). (*Recommended by Mike L. Baughman, Ph.D., CEcD, President, Intertech Services Corporation, April 15, 2016, Winnemucca meeting.*) See Agenda VII, Tab A to review S.J.R. 1.

Several members discussed the resolution having been previously vetted.

Chair Gustavson asked for comments, and hearing none, no action was taken on the recommendation.

2. **Request the drafting of a bill** to distribute a portion or percentage of the Live Entertainment Tax (LET) to the county or counties where an event takes place. (*Discussed at the April 15, 2016, Winnemucca meeting.*)

Background: Pershing County testified that the Burning Man festival cost the county roughly \$40,000 in additional costs not covered under existing agreements. Under this recommendation, a percentage of the LET collected from certain events would divert to the local county government to offset the cost of services provided.

Assemblyman Hansen voiced his support and asked if the current LET distribution goes to the General Fund (GF).

Heidi Chlarson, previously identified, reported proceeds of the LET go to the GF and \$150,000 of the funds deposited in the GF go to the Nevada Arts Council. She advised that prior to a BDR, a percentage of the LET to be distributed would need to be determined.

Several members discussed events that would benefit under a BDR and concerns over the impact to the GF should the BDR apply statewide.

A proposal by Assemblywoman Titus to impose an additional county tax on tickets to recover costs borne by a county for largescale events was discussed by members.

Chair Gustavson asked for a legal opinion regarding the proposal, and no action was taken on the recommendation.

3. **Draft a legislative resolution** calling on the President of the United States to seek public involvement from interested parties, including State and local government officials, prior to the designation of any future national monuments. Under the Antiquities Act of 1906 (16 U.S.C. § 431-433), the President may designate federally owned land a national monument if the land contains significant natural, cultural, or scientific features. *(Recommended by Assemblyman John C. Ellison, May 20, 2016, Caliente meeting.)*

Several members discussed drafting a resolution to incorporate language requiring approval by the Nevada Legislature prior to any future national monument designation.

Assemblyman Hansen proposed calling upon Nevada's Congressional Delegation to draft a resolution seeking approval by the U.S. Congress and the State Legislature prior to designating public lands as a national monument.

Senator Parks voiced opposition to the resolution.

MOTION: Senator Goicoechea moved to draft a resolution seeking prior approval by Nevada's Congressional Delegation for the acquisition of public lands over 5,000 acres for any future national monument designation. The motion was seconded by Assemblyman Hansen.

Prior to a vote, Jake Tibbitts, previously identified, testified that in the State of Wyoming, any parcel for designation as a national monument requires approval by Wyoming's Congressional Delegation. He noted that in the State of Alaska, there is a 5,000-acre threshold required by ratification.

MOTION: Senator Goicoechea moved to amend his motion to pattern the proposed resolution after Wyoming. The motion was seconded by Assemblyman Hansen and passed. Senator Parks and Assemblywoman Swank voted no.

4. **Send a letter** to the Nevada Congressional Delegation seeking federal legislation to fast-track federal land sales and transfer ownership of federal lands to local governments and nonprofit agencies where they have constructed and operate public and not-for-profit facilities. *(Recommended by Scott Higginson, Government Affairs Consultant, FourSquare Group, May 20, 2016, Caliente meeting.)*

Several members and J. J. Goicoechea, Chair, Board of Commissioners, Eureka County, discussed the importance of the recommendation to counties and entities.

Assemblywoman Swank voiced concern for not-for-profit facilities and asked for clarification whether the transfer of public land ownership that is publically paid for would be transferred at no cost to a private not-for-profit entity.

Senator Goicoechea responded that several recreation public purpose (RPP) lands are being held in Clark County by not-for-profit entities that would be included in transfers.

Discussion with reference to RPP lands continued between several members.

No action was taken on the recommendation.

5. **Send a letter** to the BLM and the USFS encouraging the incorporation of annual grasses into grazing level calculations and to ensure flexibility is built into grazing permits to allow for adaptive management as issues and concerns arise. *(Discussed at the April 15, 2016, Winnemucca meeting.)*

Assemblyman Hansen conveyed the importance of livestock grazing for suppression of, and the costs associated with fighting wildland fires.

There was discussion between several members.

MOTION: Assemblyman Hansen moved to approve the recommendation. The motion was seconded by Senator Kieckhefer and passed unanimously.

6. **Include a statement** in the final report expressing the Committee's support of the lawsuit (*Western Exploration LLC et. al. v. U.S. Department of the Interior et. al.*) challenging the BLM's and USFS's land management plans regarding sage-grouse management in Nevada. *(Recommended by Jim French, Commissioner, Board of Commissioners, Humboldt County, April 15, 2016, Winnemucca meeting.)*

Mr. McDonald, previously identified, provided an update on the status of the lawsuit.

MOTION: Senator Goicoechea moved to approve the recommendation. The motion was seconded by Assemblyman Ellison and passed. Senator Parks and Assemblywoman Swank voted no.

7. **Request the drafting of a bill** to create a staff position within the State Department of Conservation and Natural Resources (SDCNR) to assist counties in preparing land use plans and studies that analyze the economic and environmental impacts of various federal land management agency actions. The proposed position would provide the resources needed for the State and counties to fully exercise their role in the management of public lands and natural resources as directed by the Federal Land Policy and Management Act of 1976 and the National Environmental Policy Act (NEPA) of 1970. *(Recommended by the Nevada Association of Counties [NACO].)*

Jim R. Barbee, Director, State Department of Agriculture (DOA), reported activities such as invasive species and the range monitoring application created in cooperation with neighboring states are being revisited. As such, Mr. Barbee related the DOA is looking at the economic impact of livestock grazing and the value of animal unit measures.

Jeffrey Fontaine, Executive Director, NACO, supported the recommendation. He stated NACO has become a cooperating agency for NEPA with regard to the proposed withdrawal of 2.7 million acres in several counties resulting from sage-grouse land use plan amendments.

Discussion was held regarding funding for the proposed SDCNR staff position.

Senator Kieckhefer preferred a funding request be brought through the State budgetary process in order to make an appropriate evaluation.

Chair Gustavson agreed.

MOTION: Assemblyman Ellison moved to send a letter of support to the Governor for the staff position. The motion was seconded by Commissioner Cerri and passed unanimously.

8. **Send a letter** to the Chair of the Assembly Committee on Ways and Means and the Chair of the Senate Committee on Finance of the 2017 Legislative Session seeking additional funds to implement Senate Bill 456 (Chapter 452, *Statutes of Nevada 2015*), which urges the Attorney General (AG) to take a leadership role in pursuing actions on behalf of the State and counties in formalizing and finalizing title to accessory roads and public roads. The bill further authorizes the AG to participate as a party in a quiet title action regarding such roads under certain circumstances and in cooperation with or on behalf of the county or counties in which the road lies. (*Recommended by Jake Tibbitts, Natural Resources Manager, Department of Natural Resources, Eureka County, July 28, 2016, Elko meeting.*)

Background: Based on testimony, additional funding is needed to meet the requirements of S.B. 456. The funding is needed by the AG for capacity and/or the SDCNR to hire outside counsel.

Senator Kieckhefer supported the recommendation and proposed sending a letter to Attorney General Adam Paul Laxalt.

Jake Tibbitts, previously identified, supported letters to the Governor, Attorney General, and the Chairs of the Senate Committee on Finance and Assembly Committee on Ways and Means.

MOTION: Senator Kieckhefer moved to send a strongly worded letter of support to the Governor, Attorney General, and the Chairs of the Senate Committee on Finance and Assembly Committee on Ways and Means. The motion was seconded by Senator Goicoechea and passed unanimously.

9. **Send a letter** to the President of the Real Estate Commission, Real Estate Division, Department of Business and Industry, urging the Commission to investigate and take appropriate action to ensure that purchasers of land are aware of the consequences and responsibilities of signing an Open Range Disclosure as required by NRS 113.065. *(Recommended by Don Alt, Commissioner, Board of Commissioners, Lyon County, July 28, Elko meeting.) See Agenda Item VII, Tab B to review the Open Range Disclosure form currently required.*

Background: Pursuant to NRS 113.065, the seller of property adjacent to an open range must provide a disclosure statement before the purchaser signs the sales agreement. Compliance with the disclosure requirements constitutes an affirmative defense in any action brought against the seller for any damages suffered as a result of livestock entering the property.

Senator Goicoechea opined the issue is more about enforcement of disclosure than with the form itself.

MOTION: Senator Goicoechea moved to approve the recommendation. The motion was seconded by Senator Parks and passed. Senator Kieckhefer and Assemblywoman Swank were absent for the vote.

10. **Request the drafting of a bill** to amend the statute to allow for the discharge of a firearm from a vehicle on certain roads for the purpose of rodent control. *(Recommended by James L. Moser, James L. Moser Farm, April 15, 2016, Winnemucca meeting). See Agenda Item VII, Tab C, for possible example legislation and policy for designating certain roads.*

Additional information: For the purposes of this proposal, a varmint is defined as an animal considered a pest and is unprotected by State game laws.

Discussion ensued between members.

Assemblywoman Titus recommended using the term “varmint” in place of “rodent” to ensure the BDR clearly reflects animals that are affecting farm lands.

MOTION: Assemblyman Ellison moved to approve the recommendation. The motion was seconded by Vice Chair Hansen.

Prior to a vote, Ms. Chlarson, previously identified, asked for clarification on the motion.

Vice Chair Hansen cautioned using Florida law as a model as it contains additional restrictions that do not currently exist under Nevada law.

Ms. Chlarson proposed drafting a BDR generally allowing an exception for varmint hunting if it is approved by the board of county commissioners of the county where the road is located, followed by approval by Nevada's Department of Wildlife.

Several members and Ms. Chlarson discussed proposed BDR language concerns.

Ms. Chlarson clarified the recommendation would be to amend NRS to grant certain exceptions for the shooting of varmints on designated roads and giving boards of county commissioners the authority to make a determination in granting an exception.

Chair Gustavson called for a vote and the recommendation to amend NRS to grant certain exceptions for the shooting of varmints on designated roads and providing authority to boards of county commissions to make a determination in granting an exception was passed unanimously.

11. **Request the drafting of a bill** to create a tax on the transfer of water rights purchased from farmers diverted for the purposes of conservation. *(Recommended by Don Alt, Commissioner, Board of Commissioners, Lyon County, April 15, 2016, Winnemucca meeting.)*

Chair Gustavson declared no action will be taken on the recommendation.

12. **Request the drafting of a bill** to change the legal definition of a fence in NRS 207.200 to include cultivated or agricultural land adjacent to a barbwire fence. In NRS 207.200, barbwire fences are specifically excluded from the definition of a fence. *(Discussed at the April 15, 2016, Winnemucca meeting.)*

MOTION: Senator Goicoechea moved to approve the recommendation.

Prior to a second, members and Ms. Chlarson discussed the intent of the motion.

MOTION: Senator Goicoechea moved to amend his motion to state that a barbed wire fence shall be considered in criminal trespass as long as signage is properly posted. The motion was seconded by Vice Chair Hansen and passed. Assemblywoman Titus was absent for the vote.

13. **Send a letter** to the State Engineer requesting that the office review all claims for water by the BLM and other federal agencies and immediately dispose of those claims that clearly do not meet the criteria of a Public Water Reserve (PWR) under Executive Order 107 or a vested right. *(Recommended by Jake Tibbitts, Natural Resources Manager, Department of Natural Resources, Eureka County, July 28, 2016, Elko meeting.)*

Background: According to testimony, NRS 533.503 prohibits entities from obtaining stock water rights that do not hold a "legal or proprietary interest" in livestock; however,

the BLM is asserting unadjudicated claims as “rights” and requiring certain projects to develop mitigation outside the involvement of the State Engineer and asserting seniority over other vested claims or permits on federally administered lands precluding maintenance efforts and access.

Several members expressed the importance of the recommendation and discussed requesting a BDR in lieu of a letter.

MOTION: Assemblyman Ellison moved for a BDR to verify that water rights remain with the ranchers and not the BLM.

Prior to a second and a vote, Senator Goicoechea clarified the motion to state that the federal agencies cannot show wildlife and wild horses to be considered as a beneficial use. Assemblyman Ellison agreed.

Vice Chair Hansen seconded the motion as clarified.

Ms. Chlarson asked for clarification on the motion regarding beneficial use.

In response, Senator Goicoechea said federal agencies cannot show wildlife and wild horses as a beneficial use as wildlife and wild horses belong to the residents of the State of Nevada.

Mr. Tibbitts discussed the intent of the recommendation and requested the Committee consider in addition to the pending motion for a BDR on the issue of beneficial use, a BDR in lieu of a letter specifically directing the Office of the State Engineer to review and immediately dispose of those claims that do not meet the criteria of a PWR or a vested water right.

After discussion with several members, Chair Gustavson proposed moving forward on the pending motion before the Committee for a BDR regarding beneficial use and then consider the recommendation for a letter to the Office of the State Engineer for review and immediate disposal of claims that do not meet the criteria of a PWR or a vested water right.

Chair Gustavson called for a vote.

MOTION: The previous motion by Senator Goicoechea for a BDR prohibiting the Office of the State Engineer from considering wildlife and wild horses a beneficial use and seconded by Vice Chair Hansen passed. Senator Parks and Assemblywoman Swank voted no.

MOTION: Senator Goicoechea moved to send a letter to the Office of the State Engineer directing review of all claims for PWR by the BLM, or other federal agencies, and immediately dispose of those claims that do not meet the criteria of a PWR under Executive Order 107 or a vested water right. The motion was seconded by Assemblyman Ellison and passed unanimously.

B. Estray Horses, Wild Horses, and Burros

14. **Draft a legislative resolution** calling on Congress to manage wild horses and burros in accordance with the provisions of the Wild Free-Roaming Horses and Burro (WH&B) Act of 1971. The Act authorizes the BLM to remove excess wild horses and burros from the range to sustain the health and productivity of public lands. *(Recommended by Jim French, Commissioner, Board of Commissioners, Humboldt County, April 15, 2016, Winnemucca meeting.)*

Background: As of March 1, 2016, the current estimated on-range wild horse and burro population located on BLM land is 34,531. The Appropriate Management Level (AML) is 12,811, meaning the current population exceeds AML by more than 20,000.

Several members commented on the recommendation.

MOTION: Senator Goicoechea moved to send a letter to Nevada's Congressional Delegation with copies to the Directors of the BLM and the USFS requesting compliance with the provisions of the WH&B Act. The motion was seconded by Vice Chair Hansen and passed unanimously.

15. **Send a letter** to the Office of the AG requesting the AG to take any legal action deemed appropriate to compel the BLM and the USFS to manage wild horse and burro herds as required by federal law under the WH&B Act and subsequent amendments. *(Recommended by Chair Donald G. Gustavson, July 28, 2016, Elko meeting.)*

Several members supported the recommendation.

MOTION: Vice Chair Hansen moved to send a letter to the Governor, Nevada's Congressional Delegation, and the Office of the AG requesting the AG take any legal action deemed appropriate to compel the BLM and the USFS to manage wild horse and burro herds as required by federal law under the WH&B Act and subsequent amendments. The motion was seconded by Senator Kieckhefer and passed unanimously.

16. **Send a letter** to the Chair of the Assembly Committee on Ways and Means and the Chair of the Senate Committee on Finance of the 2017 Legislative Session seeking appropriate funding to effectively manage horses on State-owned land through removal or sterilization. *(Recommended by Senator Pete Goicoechea, May 20, 2016, Caliente meeting.)*

Senator Goicoechea clarified his recommendation.

MOTION: Senator Goicoechea moved to approve Recommendation No. 16. The motion was seconded by Vice Chair Hansen.

Prior to a vote, members discussed the management of wild horses on federal and State-owned land.

Assemblywoman Titus proposed the option of adoption and PZP treatment for the management of feral and estray horses.

Several members and Mr. Barbee discussed the Virginia Range horse herd. Mr. Barbee explained the horses on the range are feral or estray in nature.

Commissioner Cerri suggested removing the words “State-owned land through removal or sterilization” and replace with “manage feral and estray horses.”

MOTION: Assemblywoman Titus amended the previous motion to send a letter to the Chair of the Senate Committee on Finance and the Chair of the Assembly Committee on Ways and Means of the 2017 Legislative Session seeking appropriate funding to include allowing the DOA to effectively manage feral and estray horses. The motion as amended passed unanimously.

17. **Request the drafting of a bill** to provide management options for the control of estray horses by requiring property owners to fence in or fence out estray horses located on private property. Currently, the State DOA cannot enter private property to remove horses. *(Recommended by Assemblywoman Robin L. Titus, M.D.)*

Members discussed the merits and repercussions of the recommendation.

Chair Gustavson declared no action would be taken on the recommendation.

18. **Send a letter** to the BLM seeking shared revenue from the sale of horses trained in the prison industry wild horse program and to expand the program to train more wild horses. *(Discussed at the April 15, 2016, Winnemucca meeting.)*

Background: According to Silver State Industries, the Northern Nevada Correctional Center/Stewart Conservation Camp Saddle Horse Training Program is a cooperative partnership between the BLM and the Department of Corrections. The program gentles and trains wild horses for adoption. About 40 to 70 wild horses are trained and adopted at the facility each year. The average sale price is about \$800 to \$1,200 per animal.

Members discussed the recommendation.

Senator Parks indicated support for the recommendation as long as existing revenues generated for prison industries are not impacted.

MOTION: Senator Goicoechea moved to send a letter to the BLM seeking shared revenue from the sale of horses trained in the prison industry wild horse program and to expand the

program to train more wild horses and share revenue from the sale of wild horses with the state and inmates involved in the training. The motion was seconded by Assemblywoman Titus and passed unanimously.

C. Off-Highway Vehicles

19. **Send a letter** to the Secretary of the Interior, U.S. DOI, and the Secretary of Agriculture, U.S. Department of Agriculture, seeking increased support for the enforcement of federal off-highway vehicle (OHV) laws in restricted areas. *(Recommended during testimony at the May 20, 2016, Caliente meeting.)*

Based on the comments of several members, Chair Gustavson declared no action would be taken on the recommendation.

20. **Request the drafting of a bill** to increase the penalties for failure to register an OHV, including larger fines up to and including confiscation. *(Recommended during testimony at the May 20, 2016, Caliente meeting.)*

Additional information: The fine for failing to register an OHV is \$100. The Committee may want to consider higher fines for multiple offenses up to and including confiscation.

Based on the comments of several members, Chair Gustavson declared no action would be taken on the recommendation.

21. **Send a letter** to the Chair of the Assembly Committee on Ways and Means and the Chair of the Senate Committee on Finance of the 2017 Legislative Session seeking funds for an Internet-based OHV registration system. *(Recommended during testimony at the May 20, 2016, Caliente meeting.)*

Members discussed the recommendation and a proposal by Assemblywoman Titus to authorize registration renewals to occur every three years instead of annually.

Assemblywoman Swank questioned whether the costs associated with authorizing an Internet-based registration system is warranted.

There was continuing discussion among members.

Chair Gustavson suggested a one-time fee for registration.

MOTION: Assemblywoman Titus moved to send a letter to Nevada's Department of Motor Vehicles seeking information regarding the cost and feasibility of creating an Internet-based OHV registration system. The motion was seconded by Senator Goicoechea and passed unanimously.

22. **Send a letter** to the Director of the Department of Tourism and Cultural Affairs requesting that any OHV promotional information created by the Department relating to public lands also contain educational information regarding the legal use of OHVs. *(Recommended during testimony at the May 20, 2016, Caliente meeting.)*

MOTION: Vice Chair Hansen moved approval of Recommendation No. 22. The motion was seconded by Assemblywoman Titus and passed unanimously. Senator Goicoechea was not present for the vote.

23. **Send a letter** to the Commission on OHVs and the SDCNR requesting the creation of a hotline (similar to “Operation Game Thief”) for citizen reports of OHV trespass. *(Recommended during testimony at the May 20, 2016, Caliente meeting.)*

Based on comments by several members, Chair Gustavson declared no action would be taken on the recommendation.

24. **Request the drafting of a bill** to amend the statute to allow the BLM and USFS to apply for OHV Commission funds for grants to conduct enforcement, wilderness boundary surveys, signage, public education, and NEPA facilitation for projects funded by OHV grants. *(Recommended during testimony at the May 20, 2016, Caliente meeting.)*

Chair Gustavson called for discussion and hearing none, declared no action would be taken on the recommendation.

25. **Send a letter** to the Commission on OHVs and the SDCNR encouraging the creation of an educational OHV website. *(Recommended during testimony at the May 20, 2016, Caliente meeting.)*

Assemblywoman Titus voiced support.

Chair Gustavson called for discussion and hearing none, declared no action would be taken on the recommendation.

26. **Request the drafting of a bill** to create a nonresident OHV registration program. Registration requirements would apply to nonresidents, unregistered in any state, who operate OHVs on public lands in Nevada. *(Recommended during testimony at the May 20, 2016, Caliente meeting.)*

Background: Registration of an OHV is not required if the vehicle is registered or certified in another state and is located in this State for not more than 15 days.

Based on comments by several members, Chair Gustavson declared no action would be taken on the recommendation.

The Committee revisited Recommendation No. 1, to **Draft a legislative resolution** reaffirming S.J.R. No. 1.

MOTION: Senator Goicoechea moved to send a letter to Nevada's Congressional Delegation reaffirming the Committee's support of S.J.R. No. 1. The motion was seconded by Assemblyman Ellison and passed. Senator Parks and Assemblywoman Swank voted no. Vice Chair Hansen was not present for the vote.

Committee members discussed the topic of predator control.

Vice Chair Hansen recommended a status report of Assembly Joint Resolution No. 2 (File No. 22, State of Nevada) from the 2015 Legislative Session.

Chair Gustavson directed staff to research response to A.J.R. No. 2.

AGENDA ITEM VIII—PUBLIC COMMENT

- Kelly Hyatt, previously identified, spoke in opposition to Recommendation Nos. 14 and 15. She supported a partnership between the developers of PZP and the BLM, the placement of Virginia Range horses in the Northern Nevada Correctional Center/Stewart Conservation Camp Saddle Horse Training Program, and enforcement for fencing and for feeding of wild horses.
- Arlene Gawne, previously identified, opposed Recommendation Nos. 14, 15, and 16.

The following documents were submitted subsequent to the meeting:

- Letter from Greg Deimel, Public Affairs Specialist, BLM, Elko District, in response to inquiry by members at the July 28, 2016, meeting in Elko, Nevada (Agenda Item VIII A);
- Letter from Dave Stix, Jr., President, Nevada Cattlemen's Association. (Agenda Item VIII B)

AGENDA ITEM IX—FINAL COMMENT AND ADJOURNMENT

Chair Gustavson provided final comments and several members voiced their appreciation to staff and committee members.

There being no further business to come before the Committee, the meeting was adjourned at 5:14 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
Agenda Item II A	April Tatro Medlin, resident, Las Vegas, Nevada	Written testimony
Agenda Item II B	Ray Medlin, resident, Las Vegas, Nevada	Written testimony
Agenda Item II C	Deniz Bolbol, Program Director, American Wild Horse Preservation Campaign	Sampling of written testimony
Agenda Item II D	Pamela Sauer, resident, Minden, Nevada	Written testimony
Agenda Item II E	Fred Voltz, resident, Carson City, Nevada	Written testimony
Agenda Item II F	Ted Borda, Borda Land Sheep Company	Article
Agenda Item II G	Carol Oehler, private citizen	Written testimony
Agenda Item II H	Fred Fulstone, Jr., F.I.M. Corp.	Written testimony
Agenda Item II I	Karen Boeger, Board Member, Backcountry Hunters and Anglers, Nevada Chapter	Written testimony
Agenda Item II J	Elizabeth Lauxen, private citizen	Written testimony
Agenda Item II K	Andy Maggi, Executive Director, Nevada Conservation League	Written testimony
Agenda Item IV A	Irene Davidson, Carson District Ranger, Humboldt-Toiyabe National Forest, United States Forest Service, U.S. Department of Agriculture	Microsoft PowerPoint presentation
Agenda Item IV B	Ann P. Bollinger, Open Space Administrator, Carson City	Microsoft PowerPoint presentation
Agenda Item V	Douglas Boyle, Ph.D., Associate Professor and State Climatologist, Nevada State Climate Office, Department of Geography, University of Nevada, Reno	Microsoft PowerPoint presentation
Agenda Item VII	Jered M. McDonald, Senior Research Analyst, Legislative Counsel Bureau, Research Division	Work Session Document
Agenda Item VIII A	Greg Deimel, Public Affairs Specialist, Bureau of Land Management, U.S. Department of Interior, Elko District	Letter
Agenda Item VIII B	Dave Stix, Jr., President, Nevada Cattlemen's Association	Letter

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