

# Legislative Committee on Public Lands



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**LEGISLATIVE COMMITTEE ON PUBLIC LANDS**

**BULLETIN 03-13**

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## ACRONYMS USED BULLETIN NO. 03-13

A.B.	Assembly Bill
BDR	Bill Draft Request
BLM	Bureau of Land Management, United States Department of the Interior
CEQ	Council on Environmental Quality
CFR	<i>Code of Federal Regulations</i>
DOI	United States Department of the Interior
EIS	Environmental Impact Statement
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act of 1973
FEMA	Federal Emergency Management Agency
FLTFA	Federal Land Transaction Facilitation Act of 2000
FY	Fiscal Year
GBRI	Great Basin Restoration Initiative
LCB	Legislative Counsel Bureau
NCA	National Conservation Area
NDEP	Nevada's Division of Environmental Protection, State Department of Conservation and Natural Resources
NDF	Nevada's Division of Forestry, State Department of Conservation and Natural Resources
NDOW	Nevada's Division of Wildlife, State Department of Conservation and Natural Resources
NRA	National Recreation Area
NRS	<i>Nevada Revised Statutes</i>

PILT ..... Payments in Lieu of Taxes

S.B. ....Senate Bill

S.C.R. .... Senate Concurrent Resolution

SDA ..... State Department of Agriculture

SDCNR..... State Department of Conservation and Natural Resources

SNPLMA ..... Southern Nevada Public Lands Management Act of 1998

SNWA .....Southern Nevada Water Authority

USDA.....United States Department of Agriculture

USFS..... United States Forest Service, United States Department of Agriculture

USFWS.... United States Fish and Wildlife Service, United States Department of the Interior

WSA(s) ..... Wilderness Study Area(s)

## SUMMARY OF RECOMMENDATIONS

### LEGISLATIVE COMMITTEE ON PUBLIC LANDS (*Nevada Revised Statutes 218.5363*)

This summary presents the recommendations approved by Nevada's Legislative Committee on Public Lands during the 2001-2002 Legislative Interim and at its work session meeting held August 16, 2002, in Elko. The corresponding bill draft request number follows each recommendation for legislation. All place names mentioned in this bulletin are in Nevada unless otherwise noted.

### RECOMMENDATIONS FOR LEGISLATIVE MEASURES

The members of Nevada's Legislative Committee on Public Lands adopted the following recommendations for legislative measures:

1. Enact legislation revising *Nevada Revised Statutes 533.503* regarding restrictions on the issuance of stockwater permits and certificates of appropriation on public lands, to: (1) establish criteria for obtaining a stockwater permit that is related to the ownership of the livestock to be watered; and (2) specifically provide for the issuance of joint permits, including joint permits between a livestock operator and the Federal Government. **(BDR 48-670)**
2. Express, by resolution, encouragement for the Department of the Interior (DOI) to revise the federal regulation found in *Code of Federal Regulations*, Title 43, Chapter II, Section 4120.3-9. Specifically, urge the Department to strike the last sentence, which reads: "To the extent allowed by the law of the state within which the land is located, any such water right shall be acquired, perfected, maintained, and administered in the name of the United States." **(BDR R-671)**
3. Enact legislation to provide for the administration of a program by the State Department of Agriculture (SDA) to provide grants for local treatment and control of noxious weeds and invasive species of weeds that are not native to Nevada. This measure shall include an appropriation of \$2 million per year for the 2004-2005 biennium to fund the grant program, and contain language similar to that found in Senate Bill (S.B.) 13 of the 2001 Legislative Session (which was indefinitely postponed). **(BDR S-672)**
4. Enact legislation making an appropriation of \$250,000 to Nevada's Legislative Committee on Public Lands for the purpose of awarding grants to applicants for public lands and natural resource projects. This measure shall contain language similar to that found in Section 6 of S.B. 560 of the 1999 Legislative Session (Chapter 544, *Statutes of Nevada 1999*) and S.B. 162 of the 2001 Legislative Session (which was indefinitely postponed). **(BDR S-673)**

5. Enact legislation changing the deadline for the federal contribution of \$6 million for the California National Historic Trail Interpretive Center in Elko County from June 30, 2003, to June 30, 2005 (originally enacted as S.B. 329, Chapter 577, *Statutes of Nevada 1999*). **(BDR S-674)**
6. Express, by resolution, support to amend the Southern Nevada Public Lands Management Act of 1998 and the Federal Land Transaction Facilitation Act of 2000, to allow funds generated from the land sales under these acts to be used for water and land improvements and restoration projects on existing federal lands in Nevada. **(BDR R-675)**

### **RECOMMENDATIONS FOR COMMITTEE ACTION**

**The members of Nevada's Legislative Committee on Public Lands voted to send the following letters to:**

1. United States Senators John Ensign (R-Nevada) and Harry Reid (D-Nevada), and U.S. Congressman Jim Gibbons (R-Nevada), expressing support of the Humboldt Project Title Transfer.
2. Nevada's Boards of County Commissioners, regarding sage grouse conservation planning in an effort to: (1) explain the impacts of a listing under the Endangered Species Act of 1973 and the benefits to counties for participating in planning efforts; and (2) encourage county participation in the statewide planning effort currently underway.
3. Members of Nevada's Congressional Delegation, expressing support for the Clark County Conservation of Public Land and Natural Resources Act of 2002 (S. 2612/H.R. 5200) sponsored in Congress by Senators Ensign and Reid, and Congressman Gibbons.
4. Members of Nevada's Congressional Delegation, expressing support for S. 1601/H.R. 2937, to convey certain public land in Clark County for use as a shooting range.
5. The President of the United States, the Secretary of the Interior, select Congressional representatives, and others, in support of S. 454, to take Payments in Lieu of Taxes (PILT) out of the annual congressional appropriations process and make full PILT payments automatic. The measure was introduced by Senator Jeff Bingaman (D-New Mexico). The short title of the measure is the "PILT and Refuge Sharing Permanent Funding Act."

6. The President of the United States, the Secretaries of Agriculture and the Interior, select Congressional representatives, and others, expressing support, in concept, for H.R. 3962, which would limit the authority of the Federal Government to acquire land for certain federal agencies in counties in which 50 percent or more of the total acreage is owned by the Federal Government. The measure was introduced by Congressman John E. Peterson (R-Pennsylvania). The short title of the measure is the “Good Neighbor Act of 2002.”
7. The President of the United States, the Federal Emergency Management Agency, and members of Nevada’s Congressional Delegation, expressing support, in concept, for S. 2528, which would establish a National Drought Council within the Federal Emergency Management Agency, to improve national drought preparedness, mitigation, and response efforts, and for other purposes. The measure was introduced by Senator Pete V. Domenici (R-New Mexico). The short title of the measure is the “Drought Preparedness Act of 2002.”
8. The President of the United States, the Secretary of the Interior, select Congressional representatives, and others, requesting that Nevada’s Bureau of Land Management (BLM), DOI, operations receive funding which is at least equal to or greater than other states.
9. The BLM; U.S. Forest Service (USFS), U.S. Department of Agriculture; The Nevada Weed Action Committee; SDA; Cooperative Extension Service; and Natural Resources Conservation Service; expressing appreciation and support for their ongoing efforts to rid Nevada of noxious weeds and invasive species.
10. Robert V. Abbey, State Director, Nevada BLM, and Robert Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, expressing appreciation for their willingness to appear before Nevada’s Legislative Committee on Public Lands and for the regular attendance at the Committee’s meetings by their respective agencies.
11. Robert V. Abbey, State Director, Nevada BLM; Robert Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS; and Steve Robinson, State Forester Firewarden, Division of Forestry, State Department of Conservation and Natural Resources; expressing appreciation for their coordination for fire suppression, fire prevention, and range rehabilitation efforts.
12. The BLM; Betsy Macfarlan, Project Coordinator, Eastern Nevada Landscape Coalition; and cooperative partners of the Great Basin Landscape Coalition; expressing support for the Great Basin Restoration Initiative and its efforts to promote restoration and maintenance of the biological and ecological conditions of the Great Basin in eastern Nevada.

13. Senators Ensign and Reid, Congressman Gibbons, the BLM, and the USFS, encouraging any efforts to obtain federal funding for facilities development, resource inventory, planning, and compliance activities for the select harvest of piñon-juniper in Lincoln County and eastern Nevada.
14. Governor Kenny C. Guinn and members of the Sage Grouse Conservation Team, expressing appreciation for their proactive efforts to preserve the sage grouse and avoid its listing under the Endangered Species Act of 1973.

# **REPORT TO THE 72<sup>ND</sup> SESSION OF THE NEVADA LEGISLATURE BY NEVADA'S LEGISLATIVE COMMITTEE ON PUBLIC LANDS**

## **I. INTRODUCTION**

Nevada's Legislative Committee on Public Lands is a permanent Committee of the Nevada Legislature whose authorization and duties are set forth in Chapter 218 of the *Nevada Revised Statutes* (NRS) (see NRS 218.536 through 218.5371, "Appendix A" of this report). Created in 1983, this body is responsible for reviewing and commenting on proposed and existing laws and regulations that affect the 61 million acres of federally managed lands in Nevada, representing 87 percent of the state's land area. The Committee also provides a forum for the discussion of public lands matters with federal, state, and local officials; representatives of special interest organizations; and other interested individuals.

This document is a report of the Committee's activities during the 2001-2002 Legislative Interim period. It reviews public lands legislation passed during the 2001 Nevada Legislative Session and summarizes the topics considered and acted upon by the Committee during the 2001-2002 Legislative Interim. All places named in this report are located in the State of Nevada unless otherwise noted.

The Legislative Committee on Public Lands held nine meetings and two field excursions throughout Nevada. Additionally, the Committee conducted two informational tours of Washington, D.C., to converse with various elected officials, congressional staff, and federal agency officials involved in public lands policy matters.

The Committee typically considers or discusses more than 50 public lands-related issues during its meetings and tours throughout the interim. Of these, topics of particular interest include: (1) activities, policies, and regulations of the Bureau of Land Management (BLM), United States Department of the Interior (DOI); Environmental Protection Agency (EPA); U.S. Forest Service (USFS), U.S. Department of Agriculture (USDA); and U.S. Fish and Wildlife Service (USFWS), DOI; (2) activities of numerous state agencies such as the State Department of Agriculture (SDA), State Department of Conservation and Natural Resources (SDCNR), Commission on Mineral Resources, and the SDCNR's Divisions of Environmental Protection, State Lands, Water Resources, and Wildlife; (3) the allocation of water rights and issuance of water permits; (4) county and city public land issues and concerns; (5) the Endangered Species Act of 1973 (ESA); (6) federal regulations affecting agriculture, mining, and water in Nevada; (7) grazing and related livestock issues; (8) the Great Basin Restoration Initiative (GBRI) and other range rehabilitation efforts; (9) the Humboldt River Basin; (10) impacts of federal court cases on public lands management in Nevada; (11) implementation of the Southern Nevada Public Lands Management Act of 1998 (SNPLMA), the Federal Land Transaction Facilitation Act of 2000 (FLTFA), and the Lincoln County Land Act of 2000; (12) invasive species and noxious weed abatement; (13) mining and the status of Nevada's mining industry; (14) Payment in Lieu of Taxes (PILT)

and the federal payments made to Nevada counties; (15) public/private land exchanges; (16) renewable energy development on public lands; (17) sage grouse habitat and potential listing as a threatened or endangered species; (18) vehicle access and right-of-way issues on public lands; (19) wildfire suppression; (20) wild horses and burros; and (21) wilderness issues.

Attendance at the Committee hearings was high with 30 to 60 people typically in attendance. During the course of these meetings, the Committee was presented with numerous recommendations and requests. The members voted to request the drafting of six bills and resolutions for consideration by the 2003 Nevada Legislature. The subjects of these requests concern: (1) state law providing for the issuance of stockwater permits; (2) federal regulations concerning the acquisition of stockwater permits by the Federal Government; (3) an appropriation for the local control and treatment of invasive and noxious weeds in Nevada; (4) grants to fund public lands and natural resource projects throughout the state; (5) the deadline by which funds must be available to construct the California National Historic Trail Interpretive Center in Elko County; and (6) the application of revenue derived from the sale of federal land for improvement and restoration projects on existing public lands.

Additionally, the Committee voted to send 14 letters and Committee statements to various elected officials, organizations, and federal, state, and local government representatives and agency personnel regarding a wide range of public lands and natural resources matters.

**A. COMMITTEE MEMBERS AND STAFF**

The Legislative Commission appointed the following members to the Committee:

Senator Dean A. Rhoads, Chairman  
Assemblyman John W. Marvel, Vice Chairman  
Senator Terry Care  
Senator Mark A. James (resigned from the Senate in May 2002)  
Assemblyman Tom Collins  
Assemblyman P. M. "Roy" Neighbors  
Peter J. Goicoechea, Eureka County Commissioner

The commission also appointed the following alternate members to the Committee:

Senator Mike McGinness  
Senator Raymond C. Shaffer  
Assemblyman John C. Carpenter  
Assemblyman Jerry D. Claborn  
Assemblywoman Marcia de Braga

The following Legislative Counsel Bureau (LCB) staff members provided support for the Committee:

Linda Eissmann, Senior Research Analyst, Research Division  
Christine Kuhl, Senior Research Secretary, Research Division  
R. René Yeckley, Principal Deputy Legislative Counsel, Legal Division

## **B. HEARINGS AND RECOMMENDATIONS**

The Legislative Committee on Public Lands held nine meetings and two field excursions throughout Nevada, and traveled twice to Washington, D.C., to converse with various elected officials, congressional staff, and federal agency officials involved in public lands policy matters.

This report summarizes the Committee's activities during the 2001-2002 Legislative Interim period, reviews public lands legislation passed during the 2001 Nevada Legislative Session, and summarizes the topics considered and acted upon by the Committee throughout the interim. Finally, this report reviews the recommendations adopted by the members of the Committee, which includes six bill drafts for consideration by the 2003 Nevada Legislature.

The Committee received extensive testimony and material pertaining to the public lands-related topics found in this report. All minutes of meetings and their corresponding exhibits are on file in the LCB's Research Library (775/684-6827). Additionally, minutes (without exhibits) are available on-line at: <http://www.leg.state.nv.us/71st/Interim/StatCom/Lands/>.

## **II. PUBLIC LANDS LEGISLATION OF THE 71<sup>ST</sup> SESSION OF THE NEVADA LEGISLATURE**

Numerous bills regarding public lands topics were considered during the 2001 Legislative Session of the Nevada Legislature. This section of the report summarizes some of the public lands bills and resolutions.

### **A. LEGISLATIVE COMMITTEE ON PUBLIC LANDS RECOMMENDATIONS**

Following the 1999-2000 Legislative Interim, Nevada's Legislative Committee on Public Lands made seven recommendations to the 2001 Legislature. Issues included: (1) designation of a state soil; (2) designation of National Monuments by the President; (3) grants for public lands and natural resources projects; (4) funding for "regional strike teams" and fire suppression efforts; (5) addition of a Seedbank Coordinator; (6) wilderness and wilderness study areas (WSAs); and (7) historically used roads over private and public lands. Detailed discussions of these recommendations may be found in the Committee's final report to the 2001 Nevada Legislature, published as LCB Bulletin No. 01-17, *Legislative Committee on Public Lands*, on file in the LCB's Research Library.

Two of the Committee's seven recommendations for legislation made to the 2001 Nevada Legislature were later approved, and one was otherwise addressed. Following are summaries of the seven measures:

- Senate Bill (S.B.) 152 (Chapter 39, *Statutes of Nevada 2001*) designated "Orovada Soil" as the official soil for Nevada.
- Senate Bill 158 would have made an appropriation in the amount of \$250,000 to Nevada's Division of Forestry (NDF), SDCNR, to fund "regional strike teams" to assist in fire suppression efforts in northern and central Nevada. The measure ultimately received no action.
- Senate Bill 160 would have established a full-time Seedbank Coordinator position within the NDF to meet the increasing demands for services at Nevada's State Seedbank. The measure ultimately received no action.
- Senate Bill 162 would have made an appropriation in the amount of \$250,000 to Nevada's Legislative Committee on Public Lands for the purpose of awarding grants to applicants for public lands and natural resource projects. The measure ultimately received no action.
- Senate Joint Resolution No. 2 (Chapter 76, *Statutes of Nevada 2001*) expressed, by resolution, discouragement of the use of the Antiquities Act of 1906, by the President of the United States to declare National Monuments in Nevada and other states without the consent and approval of the impacted states.
- Senate Concurrent Resolution (S.C.R.) No. 6 would have authorized an interim study to examine the issue of wilderness and WSAs in Nevada. Rather than enacting S.C.R. 6, an interim study of wilderness and WSAs was instead undertaken by a subcommittee of the Committee on Public Lands during the 2001-2002 Interim.
- Senate Concurrent Resolution No. 8 would have authorized an interim study to address historically used roads over private and public lands, including the meaning and impacts of "R.S. 2477" roads, state and county impacts associated with the use of historic roads, liability issues, and the construction of new roads in both urban and rural areas. This measure ultimately received no action.

## **B. OTHER PUBLIC LANDS LEGISLATION**

With nearly 87 percent of Nevada's land managed by agencies of the Federal Government, the subjects of public lands and associated natural resource management play a significant role in every Legislative Session. The 2001 Legislative Session was no exception. In addition to the measures introduced by the Committee on Public Lands (previously described), other topics addressed agriculture and ranching, land management, mining, natural resources, the Nevada

Water Pollution Control Law, water transfer taxes, and wildlife management. Among these measures were:

- Assembly Bill (A.B.) 631 (Chapter 1333, *Statutes of Nevada 2001*) revised the provisions governing quarantines proclaimed by the State Quarantine Officer. The bill addressed the authority of the SDA to adopt quarantines to prevent the entry, establishment, and spread of nonnative invasive plant, animal, or insect species in Nevada, and to inspect, control, treat, and eradicate any discovery of newly introduced nonnative invasive species. The measure also added noxious weeds and vertebrate pests to the list of infestations against which a quarantine may be issued, and expanded the authority of the State Quarantine Officer to enforce quarantines.
- Senate Bill 16 (Chapter 9, *Statutes of Nevada 2001*) required the seller of property next to open range to disclose information to the purchaser regarding grazing on open range. Compliance with the disclosure requirements prior to signing of the sales agreement constitutes an affirmative defense in any action brought against the seller for any damages suffered as a result of livestock entering the property.
- Assembly Bill 29 (Chapter 202, *Statutes of Nevada 2001*) revised provisions of the Nevada Water Pollution Control Law to require the Director of the SDCNR to conduct an independent investigation, under certain circumstances, of possible violations prior to issuing an order or taking legal action.
- Assembly Bill 468 (Chapter 402, *Statutes of Nevada 2001*) revised the statutory provisions authorizing imposition of a tax on the transfer of water from one county in Nevada to another county or state. The bill: (1) specified that the water must be put to beneficial use in the county or state into which it is transferred; and (2) required the State Engineer to approve of the tax and quantify the amount of water that is subject to the tax. The measure specifically exempted from the tax ground water that is diverted and beneficially used in the county of origin but is subsequently discharged or migrates to another county or state.
- Assembly Bill 199 (Chapter 211, *Statutes of Nevada 2001*) revised provisions of certain accounts, licenses, and stamps administered by Nevada's Division of Wildlife (NDOW), SDCNR. Primarily, A.B. 199 increased the fee for a trout stamp from \$5 to \$10 and established a special Trout Management Account for administration of the revenue.
- Assembly Bill 291 (Chapter 267, *Statutes of Nevada 2001*) imposed an additional fee of \$3 to process each game tag application for the support of programs to control predators and protect wildlife habitat. The revenue from this fee will be used by NDOW for costs related to: (1) programs for the effective management and control of injurious predatory wildlife; (2) wildlife damage management activities aimed at protecting nonpredatory game populations, sensitive wildlife species, and related wildlife habitat in Nevada; (3) necessary research into successful techniques for managing and controlling predatory wildlife; and (4) programs to educate the public about predatory wildlife.

### **III. SUMMARY OF 2001-2002 LEGISLATIVE INTERIM ACTIVITIES**

Nevada's Legislative Committee on Public Lands maintained an active schedule during the 2001-2002 Legislative Interim period. This section of the report briefly summarizes the activities of the Committee and the topics discussed at meetings, field excursions, and informational tours. Additional details of testimony received and exhibits provided are available in the Committee's minutes. All minutes of meetings and their corresponding exhibits are on file in the LCB's Research Library (775/684-6827). Additionally, minutes (without exhibits) are available on-line at the following address: <http://www.leg.state.nv.us/71st/Interim/StatCom/Lands/>.

#### **A. MEETINGS AND FIELD EXCURSIONS IN NEVADA**

The Legislative Committee on Public Lands met nine times and held two field excursions throughout Nevada. In addition to meetings in the populous areas of southern and northwestern Nevada, the Committee also held meetings in many rural areas of the state where public lands issues are in the forefront. In fact, during the 2001-2002 Interim, five of the Committee's nine meetings were held in rural counties. All meetings included a scheduled period for local government officials to present their concerns and report happenings pertaining to public lands and natural resources within their cities and counties. Comprehensive reports were made and public testimony was extensive at many of the hearings. Attendance typically ranged from 30 to 60 people.

Following are summaries of the Committee's deliberations and activities at each of the nine meetings.

##### **1. Las Vegas Meeting (September 28, 2001)**

The Committee's first meeting was held in Las Vegas on September 28, 2001. At this organizational meeting, the Committee elected Senator Dean A. Rhoads as Chairman and Assemblyman John W. Marvel as Vice Chairman. The Committee also approved its budget and proposed work plan (see "Appendix B" of this report) for the Interim, and discussed future meetings, including informational tours to be held in Washington, D.C.

Generally, the initial meeting of the Committee serves to highlight public lands issues that have transpired since the last legislative interim. Therefore, Committee staff provided an overview of public lands legislation approved during the 2001 Legislative Session, as well as pending federal legislation. The BLM and Clark County Departments of Comprehensive Planning and Air Quality Management provided overviews of public lands issues specific to Clark County. These overviews addressed abandoned mines, the anticipated Clark County Wilderness Bill, coordinated federal management efforts, remedies to correct air quality concerns, energy development projects, Lake Mead algae bloom, land sales under the SNPLMA, the

Multi-Species Habitat Conservation Plan, and Red Rock Canyon National Conservation Area (NCA).

The USFS presented an update of the agency's activities in Nevada. Topics discussed included threatened and endangered species, forest planning regulations, land management issues, road management policies and the "Roadless Rule," state and private forestry programs, and the Spring Mountains National Recreation Area (NRA).

The Committee engaged in conversation with the BLM and SDCNR regarding the "Stockwater Case" (*United States v. State Engineer*, 177 Nev. Adv. Op. No 49 [2001]). The Committee expressed concern over the decision of the Supreme Court of Nevada (addressed later in this report) and discussed how NRS 533.503 might be amended to limit the ability of the Federal Government to obtain stockwater permits in its name only.

The Committee heard an interagency overview of the 2001 fire season and fire activity from the BLM, USFS, and NDF. The agencies reported that the 2001 fire season was particularly active with extremely hot and dry conditions. They also reported that wildfires result in significant economic and natural resource impacts to the state, making it imperative to continue cooperative relationships. The overview included information about the National Fire Plan, hazardous fuels reduction, cost sharing efforts, and range rehabilitation projects.

The SDCNR provided an update of the state's Natural Resources Plan and its goal to provide a single, comprehensive report on the status of Nevada's environment.

The final presentation was an overview of the "3809" Surface Management Regulations for Locatable Mineral Operations (43 *Code of Federal Regulations* [CFR] § 3809) by the BLM and Nevada's Division of Environmental Protection (NDEP), SDCNR. The revised bonding requirements for mining operations under five acres was the focus of this discussion.

The meeting concluded with public testimony. Federal land ownership and management in Nevada, and the preservation of archaeological and historical sites in southern Nevada, were the primary topics addressed.

## **2. Winnemucca Meeting (November 1, 2001)**

The Committee held its second meeting on November 1, 2001, in Winnemucca. Vice Chairman Marvel presided over the meeting in the absence of Chairman Rhoads. The Committee received an update of public lands issues in Humboldt and Pershing Counties, which focused primarily on the impacts of wildfire and drought, the potential listing of sage grouse as threatened or endangered under the ESA, and the status of grazing and mining in northwestern Nevada.

Discussions of several regional issues followed. A report on the status of the Black Rock NCA Resource Management Plan and Environmental Impact Statement (EIS) was presented by

the BLM. Members of the Committee discussed public involvement, public access, and wilderness areas within the NCA. Staff from the Division of State Lands, described coordinated efforts to involve multiple state agencies in the planning effort. A briefing of the title transfer of the Humboldt project was presented by the Pershing County Water Conservation District and SDCNR. If approved, the transfer includes acreage in the Humboldt Sink, Rye Patch Reservoir, and Community Pasture in Lander County. By virtue of assuming its management 25 years ago, the Water Conservation District believes the Humboldt Project was “purchased,” and title transfers of the land should move forward.

Several statewide issues were also addressed at this meeting. Wildfire was again a topic of concern, with discussions by the BLM, NDF, and USFS regarding rehabilitation and recovery of fire damaged areas, the anticipated grant to fund a Seed Bank Coordinator at NDF, assistance to landowners affected by fire, and efforts to create an interagency seedbank. An overview of the status of the BLM’s Wild Horse and Burro Management Strategy provided information relative to the National Wild Horse and Burro Foundation and coordination with the Nevada Department of Prisons to establish a holding and training facility.

An update on Nevada’s Public Land Policy by the Division of State Lands described Nevada’s efforts to proactively develop policies and plans for its federally managed lands. A briefing of the Governor’s Sage Grouse Conservation Planning Team by NDOW explained the team’s goal to develop a conservation strategy that would proactively attempt to halt the decline of sage grouse in Nevada, thereby eliminating or minimizing the chance of a protective ESA listing. Finally, NDEP and the BLM announced that the final Federal 3809 Surface Management Regulations for Locatable Mineral Operations had been released, and discussed the status of Nevada’s lawsuit against the BLM. Speakers also provided an economic overview and update of mining and exploration activities in Nevada.

The Committee again discussed language for a possible bill draft request (BDR) to amend NRS 533.503, which restricts the issuance of certain stockwater permits and certificates, and agreed to continue discussions on this issue at a later date.

Public comments focused on resource management in the Humboldt-Toiyabe National Forest’s Santa Rosa Ranger District, public access to public lands, and the Federal Government’s ownership and management of public lands in Nevada.

### **3. Cortez Mine Field Excursion (November 2, 2001)**

A field excursion of the Cortez Mine in Crescent Valley was held on November 2, 2001.

### **4. Pioche Meeting (December 7, 2001)**

The Committee’s third meeting on December 7, 2001, was held in Pioche. Members heard several briefings about subjects of local concern to Lincoln and White Pine Counties by local government officials, as well as BLM and USFS staff. Topics included fire rehabilitation

projects, grazing management, land exchanges, mine closures and rehabilitation, planning and construction of power generation facilities, land disposals and exchanges, urban interface projects, and wild horse and burro gathers.

Presentations followed regarding a number of local public lands projects and activities. The Piñon-Juniper Harvest in Lincoln County, a project that had received a grant from the Public Lands Committee during the previous interim, provided considerable information to consultants hired by the county, and demonstrated the benefits of the project and the need to pursue ongoing harvests. The Committee heard an update of the Lincoln County Land Act and pending land sales. A lawsuit impeded the sales process and all sales were halted pending the outcome of litigation. The goal of the land sales was described as ensuring the responsible development of an environmentally sensitive community that would have a positive socio-economic impact for the residents of Nevada and Lincoln County. As such, both Lincoln County and the BLM expressed their desire to proceed with the sales.

The N-4 State Grazing Board discussed several federal and state issues. Among the federal issues were grazing management practices within WSAs, appropriate management levels for wild horses, and the slow approval process for improvement projects on BLM grazing lands. State issues pertained to elk management plans and control over the transfer and regulation of water resources.

The Great Basin Restoration Initiative was the focus of a briefing by the Eastern Nevada Landscape Coalition and the BLM. The GBRI promotes restoration and maintenance of biological and ecological conditions of the Great Basin in eastern Nevada through a broad coalition of participants. Range rehabilitation is one of the primary objectives of the Initiative, and is an issue of ongoing concern to the Public Lands Committee. Among the specific projects currently planned are the Mt. Wilson and Ely Urban Interface projects, which would thin the stands of piñon-juniper to reduce the threat of wildfire. However, the projects were delayed due to appeals by environmental groups outside Nevada.

Water is a controversial topic in eastern Nevada and particularly in Lincoln County. Vidler Water Company presented information and addressed questions about its plans to develop water rights in Lincoln County. The Southern Nevada Water Authority (SNWA) also provided information regarding its projected water plans, as well as its experiences with habitat conservation planning in southern Nevada.

The Committee heard briefings concerning the status of construction of a fence along a portion of U.S. Highway 319 east of Panaca to address safety concerns, and the PILT program, which has experienced increased payments to Nevada counties in recent years.

Public testimony covered land management activities in eastern Nevada, designation of Wilderness Areas, mine bonding, the relationship between Vidler Water Company and Lincoln County, subordination of water applications, the impact of frivolous lawsuits on legitimate projects, and support for projects discussed throughout the meeting.

## **5. Reno Meeting (March 8, 2002)**

Reno was the site of the Committee's fourth meeting on March 8, 2002. The Committee received a general overview of a wide variety of public lands issues in western Nevada, including Carson City and Douglas, Lyon, Storey, and Washoe Counties. (Mineral County was invited but unable to attend.) Representatives of these local governments, as well as staff from the BLM and USFS discussed many projects, interagency partnerships, and public lands issues relevant to western Nevada. Conservation easements, land exchanges, county land use plans, and access to public lands in the growing communities of these counties was a common theme in each presentation.

The Pershing County Water Conservation District updated the Committee about the progress of the Humboldt Project Title Transfer, previously discussed. In response, the Committee voted to send letters to:

**United States Senators John Ensign (R-Nevada) and Harry Reid (D-Nevada), and U.S. Congressman Jim Gibbons (R-Nevada), expressing support of the Humboldt Project Title Transfer.**

Energy development and transmission on public lands was the topic of a presentation by the BLM. The national energy policy of President George W. Bush places high priority on energy development on public lands, with emphasis on renewable resources. Consequently, all applications for development on public lands are being processed expeditiously. A report by the SDA reviewed the Nevada Public Land Grazing Trend Report and Economic Analysis, including project background, results, statistics, conclusions, and future direction. The listing of species as threatened or endangered under the ESA is an issue of interest to the Committee. In response to this interest, the USFWS and NDOW, discussed the status of sage grouse and Lahontan cutthroat trout.

Water issues concluded the briefings, first with a discussion of groundwater quality and quantity concerns by the State Engineer; NDEP; and the Health Division, Department of Human Resources. Finally, the Committee heard updates on two court cases involving water rights on public land: (1) the "Stockwater Case" (*United States v. State Engineer*, 117 Nev. Adv. Op. No. 49, [2001]) and; (2) the "Hage Case" (*Hage v. United States*, \_\_\_\_ Fed. Cl. \_\_\_\_, 2002 WL 122918, Fed.Cl., Jan. 29, 2002, No. 91-1470L).

Public comment included discussions of activities of Nevada's Cooperative Extension Service, the validity of science used by federal agencies in making land management decisions, federal ownership and management of public lands, and procedures by which cattle may be seized without first obtaining a court order.

## **6. Pahrump Meeting (April 12, 2002)**

The Committee held its fifth meeting in Pahrump on April 12, 2002, and received a general overview of public lands issues in Esmeralda and Nye Counties by the BLM and USFS. Among the topics addressed by the BLM were grazing issues, land sales, planning activities wild horses, wilderness legislation, wildfires, and wildlife. The USFS presented information about its activities in the Spring Mountains NRA and its desire to develop recreation facilities to serve the growing population of southern Nevada.

A presentation of the Great Basin Heritage Area Proposal (pending in Congress) followed, with an overview of its anticipated benefits, including economic diversification and tourism exposure for communities along the U.S. Highway 50 corridor in White Pine County, Nevada, and Millard County, Utah.

Noxious weeds, invasive pests, and related management issues were the topics of a presentation by the SDA. Land disposal by the BLM under the SNPLMA, and the impact of these acquisitions in rural counties was the focus of a briefing by the BLM. The Committee also learned of activities and management issues at the Ash Meadows National Wildlife Refuge by USFWS staff.

A successful approach to protect a unique species of animal, forge successful partnerships with governmental agencies and private property owners, avoid listing under the ESA, and avoid designation of an Area of Critical Environmental Concern was the focus of a briefing on the Amargosa Toad Conservation Agreement by NDOW and Nye County conservation staff.

Finally, the Committee discussed the possible filing of an amicus curiae brief concerning the GBRI discussed at the Committee's meeting in Pioche in December 2001.

Public comment concluded the meeting with discussions of wilderness designations, statewide telecommunications, the impacts of land sales, and cooperative efforts to develop recreational trails in the region.

## **7. Meeting of the Subcommittee to Discuss Revision of *Nevada Revised Statutes* 533.503, the "Stockwater Statute" (May 7, 2002)**

The "Stockwater Subcommittee" met on May 7, 2002, in Las Vegas, with a videoconference to Carson City. R. René Yeckley, Principal Deputy Legislative Counsel, Legal Division, LCB, provided a report addressing possible language for a bill draft regarding the issuance of stockwater permits by the State Engineer. Following Ms. Yeckley's report, the Subcommittee received testimony from representatives of affected federal and state agencies, and discussion ensued. Ultimately, the Subcommittee voted to present the bill draft to the full Committee at its next meeting for further discussion.

## **8. Southern Nevada Water Authority Field Excursion (May 16, 2000)**

On May 16, 2002, the Committee toured facilities and water delivery systems of the SNWA.

## **9. Las Vegas Meeting (May 17, 2002)**

On May 17, 2002, the Committee held its sixth meeting and met for a second time in Las Vegas. Following opening remarks and introductions, the Committee heard a staff report on the status of the anticipated Clark County Wilderness Bill being drafted by Senators Ensign and Reid, with a companion bill drafted by Congressman Gibbons. This was followed with an overview by the USFS of activities, management challenges, and land proposed for acquisition within the Spring Mountain NRA.

The status of the Clark County Shooting Range bill (S. 1601/H.R. 2937) and the need for such a facility in southern Nevada were the subject of a presentation by Assemblyman John J. Lee (Clark County District No. 3) and staff of Clark County's Parks and Community Services.

The SNWA provided an overview of the 2002 Water Plan, and discussed the history of water use and projections for the use and management of water resources in southern Nevada (particularly Nevada's allocation from the Colorado River). A briefing followed by the State Engineer on the status of inter-basin and inter-county transfers of water throughout Nevada, and the implementation of the "transfer tax" authorized by the 2001 Legislature (A.B. 468, Chapter 408, *Statutes of Nevada 2001*).

Finally, the Committee discussed at length the bill draft being created to address the issuance of stockwater permits on public land and the results of the previous subcommittee meeting on May 7, 2002. Several interested parties, including the State Engineer, the Division of State Lands, the Office of the Attorney General, and the Nevada Indian Commission offered comments and suggestions to the BDR.

Public comments were also received on a variety of other topics, including the varying interpretations of federal regulations and policies by various federal agencies, and the possibility of filing a formal petition to change Rangeland Reform '94 regulations regarding the issuance of stockwater permits.

## **10. Fallon Meeting (June 21, 2002)**

The Committee's seventh meeting was held on June 21, 2002, in Fallon. Following opening remarks and introductions, the Committee received briefings of public lands issues in Churchill, Eureka, and Lander Counties by representatives of Churchill and Eureka Counties, the BLM, and the USFS. (Lander County officials were unavailable on this date but instead attended a later meeting in Elko.) The most common issues addressed included the upcoming fire season, insect infestations, noxious weeds, wild horses, and wildlife management. Additionally, a fee demonstration program at the Sand Mountain Recreation Area and

energy development on public lands were described by the BLM. The USFS discussed the National Fire Plan, scientific research, and elk management.

The Natural Resources Conservation Service, USDA, provided a report of the 2002 Farm Security and Rural Investment Act (Farm Bill). In Nevada, the Farm Bill will provide resource conservation and development programs, voluntary conservation programs, and new programs. An overview of the Stillwater National Wildlife Refuge Complex Comprehensive Conservation Plan was given by the USFWS. The status of the sage grouse and avoidance of a possible ESA listing was again discussed by the Committee, with an update of the statewide planning effort presented by NDOW and the Nevada Farm Bureau. Representatives of several local governments explained that some counties are hesitant to participate in a statewide planning effort, and asked the Committee to urge all counties to participate. With the Committee's consent, Chairman Rhoads instructed staff to draft a letter to Nevada's counties.

The impact of fires on Nevada was again a topic of discussion at the meeting. The anticipated 2002 fire season and competition for fire fighting resources with other Western states was the subject of a presentation by BLM, USFS, and NDF. The Nevada Native Seed Program was also addressed by NDF. Once implemented, it will increase the availability of a wider range of native seeds in Nevada and encourage seed production in the state. Following, the SDA provided a briefing of Nevada's Noxious Weeds Program and expressed a desire to provide greater assistance to local governments to manage noxious weeds. The Committee asked SDA to work with staff on drafting a possible bill to fund a local weed program.

Representatives of the Nevada Mining Association; the Division of Minerals, Commission on Mineral Resources; and NDEP, presented information about the permitting process for mines in the state and the status of the State Bond Pool. This was followed by an overview of the changes created by Rangeland Reform in 1994, and continued discussion of the language proposed for a BDR to address stockwater permits (NRS 533.503).

Finally, during public comment the Committee heard testimony by a Nevada rancher about a conflict with the BLM over a grazing allotment in Mineral County.

#### **11. Elko Meeting/Work Session (August 16, 2002)**

The Committee's eighth meeting and work session was held in Elko on August 16, 2002. The Committee received an update of public land issues in Elko and Lander Counties by representatives of each county. The BLM and USFS made similar presentations of local projects in Elko County (BLM and USFS activities in Lander County were discussed at the June 21, 2002, Committee meeting in Fallon).

The most common issues addressed by Elko County were endangered species, grazing allotments, land disposals and exchanges, mining regulations, and WSAs. Lander County requested the Committee's support of the Phoenix Project and the Humboldt Project title

transfer project during its next trip to Washington, D.C. The Committee agreed to address these projects with appropriate federal representatives.

(Note: The Phoenix Project is an historic mine previously operated by Battle Mountain Gold Company and recently acquired by Newmont Mining. Newmont has proposed a 20-year, multi-metal mining operation to include remediation of the old mine. It is expected to be operational in 2006, and is viewed by the county as an important opportunity for jobs and necessary mine reclamation. The BLM has completed an EIS and bonding estimates, but the EPA challenged it.)

Bureau of Land Management staff discussed the status of the California National Historic Trail Interpretive Center, recent mining and realty actions, range and wild horse management, and fire management. In particular, BLM field staff noted that the events of September 11, 2001, resulted in budget constraints that will delay federal appropriations for the interpretive center. Legislation enacted by the Nevada Legislature in 1999 (Senate Bill 329, Chapter 577, *Statutes of Nevada 1999*), which makes state matching funds available for the project, set a deadline for the federal share of June 2003. However, funds will probably not be available until June 2005. An amendment to S.B. 329 may be necessary to avoid loss of funding for the project.

Humboldt-Toiyabe National Forest staff presented information for northeastern Nevada that focused on cooperative wildfire efforts, forest road projects and analyses, the status of the Jarbidge Canyon EIS and other environmental analyses in the region, and the use of honor camps on National Forest lands.

An overview of three specific federal public lands acts was presented by the BLM, along with the status of their implementation. The acts discussed were SNPLMA, the Lincoln County Lands Act of 2000, and FLTFA (commonly referred to as the "Baca Bill"). Each of these measures allows for the disposal of federal land in Nevada and the purchase of environmentally sensitive land by federal agencies, among other things. The Committee again expressed concern that there should be no net loss of private land in rural counties. The BLM and USFS stressed that they would not pursue any acquisitions without county consent, adding that both agencies strongly support the sale of lands identified for disposal through the land use planning process. (There are currently 1 million acres in Nevada that have met the criteria for sale.) The BLM also informed the Committee that its field managers in Nevada were challenged to develop a five-year plan (the "Legacy Plan") to offer 100,000 acres of land for disposal at the rate of 20,000 acres annually.

This was followed by a presentation of the upcoming conservation bond by the Division of State Lands, which will appear as Question 1 on the November 2002 statewide ballot (authorized by A.B. 9 of the 17<sup>th</sup> Special Session). The bond would create the Fund to Protect Natural Resources in the State General Fund, to be administered by the Director of the SDCNR. The largest single portion of the bond funds would be used to provide grants for state agencies, counties, municipalities, or qualifying private nonprofit organizations for

various programs, including open space, resource protection projects, trails, and urban parks. (Note: Question 1 was subsequently approved by Nevada voters on November 5, 2002.)

The Committee entertained a variety of public comments. Representatives of Carson City and Douglas County spoke in support of land exchanges and using the funds from the sale of federal land to undertake conservation projects throughout Nevada. Additionally, comments were received expressing support of Question 1, and addressing the current condition of rural economies. Most of the comments, however, were specific to the issue of amending the “Stockwater Statute” in NRS 533.503.

Finally, the Committee undertook its work session document, and added two BDRs and one letter to the pending list. Ultimately, the Committee voted to introduce six bill draft requests and send 12 Committee letters on various topics (in addition, two Committee letters were approved and sent earlier in the interim). The Committee voted unanimously on each of these actions.

## **12. Carson City Meeting (November 18, 2002)**

The Committee’s ninth and final meeting took place in Carson City on November 18, 2002. The primary purpose of the meeting was to discuss and consider specific provisions of the “stockwater” BDR it previously voted to request at its work session meeting in Elko. Specifically, it deliberated provisions for obtaining a stockwater permit that would address forage encumbered under adjudicated grazing preferences and/or a proprietary interest in the livestock to be watered. After considerable discussion and participation by a number of witnesses, the Committee agreed to include both provisions in the BDR, thereby allowing further discussion to identify preferable language during the 2003 Legislative Session.

Additionally, the Committee heard briefings on several other matters of interest. Chairman Rhoads provided a brief overview of the Committee’s trip to Washington, D.C., in September 2002. Committee staff reported on the recent passage of H.R. 5200, the Clark County Conservation of Public Land and Natural Resources Act of 2002 (commonly referred to as the “Clark County Wilderness Bill”), which had been amended to include provisions for the Humboldt Project Title Conveyance.

Representatives of the BLM and its Wild Horse and Burro Advisory Board summarized recommendations made at the Board’s meeting in Salt Lake City in October 2002, and reported on the agency’s Wild Horse and Burro Management Program for the upcoming year.

The exploration and development of wind energy in Nevada was the topic of a presentation by representatives of the industry and applicable regulatory agencies. Finally, the Nevada Land and Resource Company discussed the challenges created by northern Nevada’s checkerboard land pattern and the need to consolidate much of this land in coordination with the BLM.

## **B. WASHINGTON, D.C., INFORMATIONAL TOURS**

Over the past several years, Nevada's Legislative Committee on Public Lands has developed important and positive relationships with many representatives from the executive and legislative branches of the Federal Government. Because much of the Committee's focus is based on federal land management, legislation, and other federal activities, informational discussions with federal decision-makers in the nation's Capitol are a productive way to express the views of Nevada's citizens and lawmakers regarding important natural resource and public lands issues. The members of the Committee on Public Lands typically travel to Washington, D.C., twice during the legislative interim to discuss with elected officials, agency personnel, and representatives of special interest organizations the public land issues of importance to Nevada.

### **1. January 30 and 31, 2002**

The Committee's first informational tour in Washington, D.C., was held on January 30 and 31, 2002. Members of the Committee visited with officials from the BLM, Council on Environmental Quality (CEQ), DOI, Office of Intergovernmental Affairs, USDA, USFS, and others. In addition, the Committee discussed public lands issues with staff of Nevada's Congressional Delegation, and discussed national issues with the American Legislative Exchange Council and the Public Lands Council. Topics addressed included air quality issues, ESA listings, energy projects on public lands, federal legislation, fire suppression, general land management issues, grazing issues, land disposals, mining regulations and mining reform, range rehabilitation, PILT, roadless designations, stockwater permits on public lands, wild horses, wilderness area designations, and wildlife.

Members of the Legislative Committee on Public Lands met with the following individuals and agencies during the first Washington, D.C., tour:

- Thomas Altmeyer, Senior Vice President, National Mining Association;
- Kai Anderson, Deputy Legislative Director for Senator Reid;
- Ruben Barrales, Director, Intergovernmental Affairs;
- Henri Bisson, Assistant Director, Renewable Resources and Planning, BLM;
- Gary Campbell, Assistant Director of Engineering, USFS;
- Jason Campbell, Executive Director, Public Lands Council;
- Tom Darden, Acting Director, Watershed, Fish and Wildlife, USFS;
- Tom Fulton, Deputy Assistant Secretary, Land and Minerals Management, DOI;
- Jack Gerard, CEO, National Mining Association;
- John Howard, Senior Associate Director, CEQ;
- Bill Leary, Associate Director for Natural Resources, CEQ;
- Julie Lillywhite, Congressional Liaison, USDA;
- Gloria Manning, Associate Deputy Chief of National Forest Systems, USFS;
- Matt McKeown, Special Assistant to the Solicitor, DOI;
- Terry Miller, Associate Director, Office of Intergovernmental Affairs;

- William Myers, Solicitor, DOI;
- Fred Norbury, Director of Geosystem Management Coordination, USFS;
- Duane Parde, Executive Director, American Legislative Exchange Council;
- Dennis Pendleton, Assistant Director of Fire and Aviation, USFS;
- Mike Pieper, Director, Nevada's Washington Office;
- Pete Raynor, Deputy Associate Solicitor, Parks and Wildlife, DOI;
- Mark Rey, Undersecretary of Natural Resources and Environment, USDA;
- Doug Schneider, Legislative Assistant for Congresswoman Shelley Berkley (D-Nevada);
- Vaughn Stokes, Director of Engineer, USFS;
- Katie Sweeney, Associate General Counsel, National Mining Association;
- Bill Timko, Deputy Director of Forest and Rangeland, USFS;
- Robert Uithoven, Legislative Director for Congressman Gibbons;
- Richard Urey, Chief of Staff for Congresswoman Berkley; and
- Jeanne Wade Evans, Deputy Director of Forest and Rangelands, USFS.

## **2. September 18 and 19, 2002**

On September 18 and 19, 2002, the Committee held its second informational tour in Washington, D.C. Members of the Committee visited with officials from the BLM, CEQ, DOI, Office of Intergovernmental Affairs, USDA, USFS, and others. In addition, the Committee discussed public lands issues with Nevada's Congressional Delegation and other members of Congress and their staffs. The members also visited with staff of the U.S. House of Representatives Committee on Resources. Topics addressed included BLM funding in Nevada, drought relief, endangered species, environmental quality regulations, federal legislation, federal permitting processes, forest health, funding for range restoration and fire fighting, general land management issues, PILT, land disposals, Rangeland Reform '94 regulations, mining regulations, renewable energy development on public lands, wild horses, wilderness area designations, and wildlife.

The Committee members met with the following individuals and officials during the second Washington, D.C., informational tour:

- Kai Anderson, Deputy Legislative Director for Senator Reid;
- Jack Belcher, Staff Director, House Subcommittee on Energy and Mineral Resources;
- Congresswoman Berkley;
- Shelley Camacho, Legislative Assistant to Senator Ensign;
- Eric Ciliberti, Associate Director, Office of Intergovernmental Affairs;
- Kathleen Clark, Director, BLM;
- Mike Doran, Locatable Minerals Program Leader, USFS;
- Senator Ensign;
- Tom Fulton, Deputy Assistant Secretary, Land and Minerals Management, DOI;
- Congressman Gibbons;
- Mark Guiton, Legislative Director to Congresswoman Berkley;
- Janette Kaiser, Director, Forest and Rangeland Management, USFS;

- Kit Caples Kimball, Director, Office of External and Intergovernmental Affairs, DOI;
- Donna Lamb, Manager, Watershed, Fish, Wildlife, and Rare Plants, USFS;
- John Lopez, Legislative Director to Senator Ensign;
- Steve Marshall, Assistant Director, Cooperative Forestry, USFS;
- Matt McKeown, Special Assistant to the Solicitor, DOI;
- Joseph Morana, Legislative Assistant for Congresswoman Berkley;
- Congressman John E. Peterson, (R-Pennsylvania);
- Mike Pieper, Director, Nevada's Washington Office;
- Senator Reid;
- Mark Rey, Undersecretary of Natural Resources and Environment, USDA;
- VA Stephens, Associate Director for Transportation, Energy and Land Management, CEQ;
- Robert Uithoven, Legislative Director for Congressman Gibbons;
- Jeanne Wade Evans, Deputy Director of Forest and Rangelands, USFS; and
- Rebecca Watson, Assistant Secretary of Land and Minerals Management, DOI.

Committee staff prepared resource binders for the members' use during both informational exchanges in Washington, D.C. These documents are on file with the LCB's Research Library (775/684-6827).

#### **IV. ISSUES CONSIDERED DURING THE 2001-2002 LEGISLATIVE INTERIM**

The Committee considered numerous public lands topics of interest to Nevada's residents. The Legislative Committee on Public Lands typically addresses a wide range of subjects that are considered integral to the understanding of public lands and natural resources matters. The 2001-2002 interim was no exception. Formal presentations and public testimony informed the members and meeting attendees of these issues.

##### **A. LIST OF SPECIFIC ISSUES DISCUSSED**

The following is a summary list of some of the many issues discussed by the Committee during the 2001-2002 interim period:

- Air quality issues;
- BLM activities and policies in Nevada;
- County and city public land issues;
- Drought relief;
- Endangered Species Act of 1973;
- Federal Land Transaction Facilitation Act of 2000;
- Federal legislation (various pending measures);
- Federal and state permitting processes;
- Fire suppression and prevention;
- Governor's Sage Grouse Conservation Team;
- Great Basin Restoration Initiative and range rehabilitation issues;

- Grazing issues;
- Humboldt Project Title Transfer;
- Interbasin transfer of water;
- Land sales and disposals;
- Lincoln County Land Act of 2000;
- Mine reclamation bonding;
- Mining regulations;
- Noxious weed and invasive species abatement;
- Payment in Lieu of Taxes;
- Phoenix Project in Lander County;
- Public Land Policy Update;
- Rangeland Reform '94 regulations;
- Renewable energy development on public lands;
- Southern Nevada Public Lands Management Act of 1998;
- Southern Nevada Water Authority;
- State involvement in management of federal lands in Nevada;
- Stockwater permits;
- Threatened and endangered species in Nevada (possible listings);
- U.S. Forest Service activities and policies in Nevada;
- Vidler Water Company activities in eastern Nevada;
- Water issues generally (usage, supply, water rights, litigation);
- Wild horses and burros;
- Wilderness Study Areas; and
- Wildlife management.

## **B. SUMMARY OF SELECT ISSUES DISCUSSED**

The following is a summary of some of the issues discussed by the Committee throughout the interim. Several topics captured the Committee's interest on more than one occasion, such as activities of the BLM and USFS, fire suppression and range rehabilitation, land disposals, local public lands issues, mining activities, noxious weeds and invasive species, possible listing of the sage grouse under the ESA, and wild horse and burro management.

However, the topic receiving the most significant attention was the issuance of stockwater permits on public land, in accordance with regulations adopted by the Federal Government under Rangeland Reform '94. This topic alone was discussed at seven Committee meetings, one subcommittee meeting, and during both information tours to Washington, D.C. It also resulted in two of the Committee's six BDRs adopted on August 16, 2002, during the work session in Elko.

## **1. Stockwater Permits and Rangeland Reform '94**

### ***a. Traditional Allocation of Stockwater Rights on Public Lands in Nevada***

The management of water resources is of critical concern to many Western states. In Nevada, this is especially true. Not only has Nevada been the fastest growing state in the nation in each decade from 1960 to 2000, it is also one of the driest states in the nation. The demands on Nevada's limited water supplies to support its growing population and economy are significant, making the appropriation and effective management of water by the Nevada State Engineer particularly important.

With 87 percent of Nevada's lands federally managed, and 68 percent administered by the BLM, the state's agricultural industry is highly dependent on grazing allotments on these public lands. At present, nearly 700 grazing permits are currently issued to Nevada ranchers.

The use of water on the public lands to water livestock has been a controversial issue over the years, with debate about to whom the stockwater permits should be issued — the BLM, the range user, or both. The issuance of these permits in the name of the BLM, and control of the water rights by the Federal Government is a source of concern in Nevada. Many Nevadans believe that allowing the United States to obtain water rights on public lands would allow it to interfere in the management of the state's water by exercising substantial control over water used for livestock on these public lands. Such action could undermined Nevada's primacy over its limited water supply.

Nevada has traditionally allocated water rights on federal land according to the "three-way system." Under this system, water rights on federal land have been allocated in one of three ways: (1) to the range user; (2) to the Federal Government; or (3) jointly to the range user and the Federal Government depending upon who developed the water right and put the water to beneficial use. Prior to the Rangeland Reform regulations in 1994, the Nevada State Engineer encouraged the United States to utilize joint applications whenever possible and the BLM frequently did. In addition to joint applications, the BLM has applied for and received more than 500 permits, certificates, and vested water rights in Nevada in its name only.

### ***b. Rangeland Reform '94***

Nevada's three-way system was seriously threatened when, in 1994, the Federal Government undertook an effort to revise its management of federal lands. Among the regulations adopted was a new approach to water rights on public lands, codified in CFR, Title 43, Chapter II, Section 4120.3-9. This regulation reads:

Any right acquired on or after August 21, 1995 to use water on public land for the purpose of livestock on public land shall be acquired, perfected, maintained and administered under the substantive and procedural laws of the State within which such land is located. To the extent allowed by the law of the

State within which the land is located, any such water right shall be acquired, perfected, maintained, and administered in the name of the United States.

The first sentence of this regulation acknowledges the primacy of the state's water law. However, it appears that the second sentence requires all such water rights to be held either exclusively by the Federal Government, if the state law allows it, or jointly by the Federal Government and a range user, if the state law allows it. In either case, the federal regulation appears to preclude a range user from obtaining a stockwater permit solely in his own name even if the range user has totally financed the development of the water rights and has otherwise taken full responsibility for putting the water at issue to beneficial use. It is this latter provision that is cause of concern for the State of Nevada.

*c. Revision of Nevada Revised Statutes 533.503 in 1995 and United States v. State Engineer*

To address this concern, the 1995 Nevada Legislature enacted S.B. 96 (Chapter 652, *Statutes of Nevada 1995*), now codified in NRS 533.503 commonly referred to as the "Stockwater Statute." Specifically, the statute provides in relevant part that, "1. The state engineer shall not issue [a stockwater permit] unless the applicant for the permit is legally entitled to place the livestock on the public lands for which the permit is sought."

In July 2001, in *United States v. State Engineer*, 117 Nev. Adv. Op. No. 49 (2001), the Supreme Court of Nevada interpreted the "Stockwater Statute" - specifically the provision quoted in the preceding paragraph. In that case, the BLM had filed nine applications with the State Engineer for stockwater permits on federally managed public lands. The State Engineer denied the applications on the grounds that "the BLM is not a person who is authorized to graze livestock on public lands." Specifically, the State Engineer argued that because the statute was ambiguous, the Supreme Court must rely on the legislative intent regarding the statute and the legislative intent would support the State Engineer's interpretation of the statute.

The district court denied the BLM's petitions and affirmed the State Engineer's decision. On appeal, the Supreme Court of Nevada reversed the decision of the district court. Specifically, the Supreme Court rejected the State Engineer's arguments and held that the statute is not ambiguous and it "simply requires an applicant for a stockwater permit to have a legal right to graze livestock on the public land." Further, the Supreme Court reasoned that the U.S. has such a legal right because the United States owns the public BLM land and Congress has authorized the grazing of livestock on such land. Thus, the Court concluded, "the BLM is a qualified applicant under [the statute]" and the statute does not prohibit the BLM from receiving stockwater permits in the name of the United States.

Supreme Court Justice Nancy Becker authored a dissenting and concurring opinion in the case. Although Justice Becker's opinion is not binding authority, the Committee believes it is instructive in preparing amendments to the "Stockwater Statute." Justice Becker first

disagreed with the majority regarding the clarity of the statute and found the statute was ambiguous, and thus, an examination of the legislative intent of the statute was required.

Further, Justice Becker concluded that the legislative intent was “to create a new system that would prohibit the BLM from obtaining a stockwater permit in its own name, unless it had some legal or proprietary interest in the livestock to be watered under the permit,” and that “the Legislature wanted to preserve state primacy over water rights without unconstitutionally discriminating against the federal government.” Next, Justice Becker conducted a constitutional analysis to determine whether, considering this intent, the statute could be held constitutional. The United States had argued that such an interpretation would discriminate against the Federal Government or frustrate federal policy, in violation of the Supremacy Clause of the *United States Constitution*. To address this argument, Justice Becker relied on the constitutional principles set forth in the United States Supreme Court case of *North Dakota v. United States*, 495 U.S. 423, (1990).

According to *North Dakota*, “[s]tate law may run afoul of the Supremacy Clause in two distinct ways: The law may regulate the Government directly or discriminate against it, or it may conflict with an affirmative command of Congress.” Further, “the state does not discriminate against the Federal Government and those with whom it deals unless it treats someone else better than it treats them. . . . When analyzing whether a state law discriminates against the Federal Government, the state law should not be viewed in isolation and the entire regulatory system should be analyzed to determine whether it is discriminatory.” Finally, a state law may violate the Supremacy Clause if it “substantially interferes with the activities [of the Federal Government].”

In applying these constitutional principles to the Federal Government as a landowner and NRS 533.503, Justice Becker found that the statute was facially neutral and thus did not directly regulate the United States in a manner to constitute a prima facie violation of the Supremacy Clause. Further, she found that when the statute was considered in the context of Nevada’s entire water appropriation scheme, any distinction in the statute between the Federal Government as a landowner and other landowners was not significant enough to constitute a violation of the Supremacy Clause. Finally, she concluded that, in her opinion, “the statute is not discriminatory simply because the definition of public lands, as interpreted by the State Engineer, applies only to United States’ land managed by the BLM” and not to other federally managed lands.

Next, Justice Becker applied the constitutional principles to claims raised by the Federal Government that the statute violated the Supremacy Clause because it actually and substantially interfered with a federal policy or program. Justice Becker rejected this argument. She reasoned that because Congress has not authorized the BLM to raise livestock, the BLM cannot have a legal or proprietary interest in livestock to be watered, and thus, if the statute were interpreted as intended by the Legislature, the BLM effectively could not obtain a stockwater permit in its own name. Further, she acknowledged this effect upon the BLM “together with the fact that the statute, as interpreted by the State Engineer, applies to lands

managed by the BLM, arguably poses a greater impact upon the issue of discrimination than that created solely by the restrictive interpretation of the phrase ‘public lands.’” However, she concluded that the Federal Government “has not shown how it is so disadvantaged by the inability to obtain a permit in its own name, that it is being discriminated against within the

meaning of the Supremacy Clause.” While admitting that it is a close issue as to whether it is constitutional to essentially preclude the BLM from obtaining a stockwater permit solely in its own name, Justice Becker concluded that this interpretation of the statute would not violate the Supremacy Clause.

However, with respect to joint permits, Justice Becker concluded that if the statute were interpreted to prohibit the BLM from applying for a stockwater permit jointly with a person who is legally “entitled to place the livestock on the public lands,” then this restriction, together with the restrictive interpretation of public lands, would violate the Supremacy Clause because it would prevent the BLM from obtaining a stockwater permit under any circumstances, and thus “would be a significant interference with the BLM’s control and management of its rangelands.”

Continuing her analysis, Justice Becker opined that the statute could be construed to allow the BLM to obtain stockwater permits jointly with another person, even if the BLM could not obtain stockwater permits solely in its own name. She then determined that if the statute were so construed any interference with the BLM’s activities would not rise to the level of unconstitutionality.

In summary, Justice Becker concluded that by requiring at least one, but not both, of two joint applicants for a stockwater permit to have a legal or proprietary interest in the livestock to be watered, NRS 533.503 could partially achieve the applicable legislative intent while avoiding conflict with the Supremacy Clause. She also acknowledged that the Supreme Court of the United States could reach a different conclusion on the issues presented by the statute and “might conclude that defining ‘public land’ so as to target BLM managed lands is direct discrimination or regulation of the United States in violation of the Supremacy Clause.”

#### *d. Actions by the Committee on Public Lands*

The Committee spent a significant amount of time at seven of its nine meetings discussing this topic. A subcommittee was also appointed, which met once to further evaluate possible solutions. Additionally, the Committee discussed this issue at length during both of its trips to Washington, D.C.

In response to the Supreme Court of Nevada’s decision and Justice Becker’s remarks, the Committee on Public Lands requested the LCB’s Legal Division draft language for a possible bill draft, which would amend NRS 533.503 to achieve the original legislative intent concerning the issuance of stockwater permits. At the Chairman’s request, a draft was prepared with the following objectives in mind:

1. Draft the amendment in such a manner as to tie the ability to acquire a stockwater permit or certificate to the requirement that an applicant for such a permit or certificate would have a proprietary interest in the livestock.
2. Draft the amendment in a manner that addresses, to the extent possible, concerns raised by:  
(1) the State Engineer; (2) the Administrator of the Division of State Lands, and  
(3) representatives of the Nevada Cattlemen's Association.
3. Draft the amendment in a manner that the Legal Division believes is constitutionally defensible and consistent with the guidelines discussed in Justice Becker's dissenting and concurring opinion.

At the work session meeting on August 16, 2002, in Elko, the Committee decided to consider certain changes proposed by representatives of the Humboldt River Basin Water Authority. The primary conceptual change proposed was to provide that a stockwater permit shall not be issued unless the forage serving the stockwater is not encumbered by a grazing preference given to a person other than the stockwater applicant.

During the final meeting in Carson City on November 18, 2002, the Committee deliberated specific provisions for obtaining a stockwater permit that would address forage encumbered under adjudicated grazing preferences and/or a proprietary interest in the livestock to be watered. After considerable discussion and participation by a number of witnesses, the Committee agreed to include both provisions in the BDR, thereby allowing further discussion to identify preferable language during the 2003 Legislative Session.

In addition, the Committee has requested that the provisions of 43 CFR § 4120.3-9 be amended by eliminating the last sentence, as follows (deleted language is [stricken]):

Any right acquired on or after August 21, 1995 to use water on public land for the purpose of livestock on public land shall be acquired, perfected, maintained and administered under the substantive and procedural laws of the State within which such land is located. ~~[To the extent allowed by the law of the State within which the land is located, any such water right shall be acquired, perfected, maintained, and administered in the name of the United States.]~~

The Committee feels this would continue to allow flexibility in the issuance of livestock water rights, including issuance in the name of the Federal Government if states choose to allow it. However, it does not preclude issuance of stockwater permits to range users who develop the water rights and put the water to beneficial use.

## **2. Bureau of Land Management Activities and Funding in Nevada**

The BLM administers 264 million acres of America's public lands, located primarily in 12 Western states. More than 48 million acres of this land is located in Nevada (approximately 68.25 percent of the total land area in the state). The Bureau is directly involved in the issuance and management of grazing allotments, wild horse gathering plans and adoptions, the regulation of some mining activity, fire suppression activities, Rangeland Reform '94 regulations (and specifically applications for stockwater permits), range rehabilitation and the GBRI in eastern Nevada, implementation of several land disposal programs (SNPLMA, FLTFA, and Lincoln County Land Act), noxious weed abatement efforts, renewable energy projects on public lands, management of WSAs and wilderness areas, and wildlife management.

The BLM has actively participated in the legislative process in Nevada, both during legislative sessions and the interim between sessions. During the 2001-2002 Legislative Interim, the Legislative Committee on Public Lands received presentations and heard testimony from the BLM at each of its meetings.

During the interim, the Committee engaged in dialog with the BLM over the management of grazing allotments, and has encouraged the agency to support Nevada's agricultural industry at every opportunity and keep these allotments active. Concern over the management of wild horses and the perceived inadequate funding of BLM Nevada operations were regularly discussed at Committee meetings, as was the disposal of land under SNPLMA. The Committee frequently questioned the purchase of private land in northern and rural counties (where vast quantities of public land already exist) using revenue from the sale of public land in Clark County. In response, the BLM assured members that land acquisitions in northern Nevada and rural counties only take place with the consent and support of local governments, and often at the behest of the counties. The purpose of these acquisitions is to protect and conserve environmentally sensitive lands that might otherwise be developed.

Fire suppression, range rehabilitation, the GBRI, and noxious weed abatement were among the topics discussed at several meetings. The BLM actively participates in interagency efforts and regularly presented cooperative information with other pertinent agencies on these subjects. Overall, the Committee was pleased with BLM's efforts in these areas and encouraged continued coordination.

Rangeland Reform '94 and specifically the issuance of stockwater permits on public land (previously described in this bulletin) was the subject of considerable discussion and negotiation throughout the interim. The Committee was generally pleased with the BLM's interpretation that joint permits between the agency and the rancher would continue to be allowed, and that the BLM expressed interest in seeing this issue resolved to everyone's benefit, but questioned why permits solely in the name of the United States were still being sought. Further, the Committee expressed concern that range improvements have been suspended pending resolution of this issue.

The Committee members were encouraged by the BLM's active participation in Nevada's legislative process, and the agency's understanding that many of the concerns about these critical public lands issues are best addressed in an open and public forum that encourages honest and useful discussion.

The Committee on Public Lands also expressed continued frustration over the status of BLM Nevada's funding. The number of acres managed by the BLM in Nevada is second only to Alaska, yet the state's BLM operations regularly receive less funding than other states with fewer BLM-managed lands. While funding has increased in recent years, it continues to fall short of the amount needed to manage the 48 million acres it manages in Nevada.

The Committee discussed this issue with officials of the BLM and the DOI during its second trip to Washington, D.C. Additionally, Committee letters were sent to President George W. Bush and Secretary of the Interior Gale Norton (with copies to Nevada's Congressional Delegation), encouraging increased funding for BLM's Nevada operation.

### **3. United States Forest Service Activities in Nevada**

The USFS manages more than 5.1 million acres of land (7.28 percent of the total land area) in Nevada. The agency is directly involved in the management of the Humboldt-Toiyabe National Forest, the largest national forest outside of Alaska. Reports on the status of various planning efforts throughout Nevada and other USFS activities were provided to the Committee throughout the interim. The Forest Service also reported to the Committee regarding grazing matters, recreation, and wilderness issues.

In coordination with the BLM and NDF, USFS staff regularly responded to Committee requests for briefings on fire suppression efforts and fire damage statistics statewide. Interagency efforts were described, and the Committee regularly expressed its gratitude for the cooperative work of everyone involved.

Overall, the Committee was pleased with the USFS for its participation at Committee meetings throughout the state, as well as for its cooperation with local governments in land management efforts. Several local officials reported positive working relationships with USFS staff in Nevada.

### **4. County and City Public Land Issues**

As noted earlier, the Committee on Public Lands meets throughout Nevada in an effort to learn about local public lands issues and to obtain local perspectives. During this interim, local government representatives briefed the Committee regarding agricultural and mining regulations, economic development, endangered species, fire management, land disposal, right-of-way issues, water issues, wildlife management, and wild horses and burros.

The economic importance of mining and agriculture to rural Nevada and the impacts of federal regulations on these industries was a topic of concern by many local governments.

Similarly, many counties identified the fiscal impact of nontaxable public land in many counties, the lack of adequate compensation through the PILT program, and the need to find ways of diversifying local economies as areas of significant concern. Representatives from these local governments have noted that the PILT program, despite recent appropriation increases by Congress, fails to offset the loss of tax revenue associated with the current land ownership pattern. Further, because PILT depends on the annual appropriations process, funding can vary from year to year.

The Committee has a long record of supporting improved PILT payments. Among the recommendations adopted by the Committee at its work session were letters of support for full and permanent PILT funding.

Perhaps the most common theme expressed by representatives of local governments throughout Nevada is the need for local government participation in public land management programs and activities. The Committee echoed this desire in conversations with federal agencies in Nevada, and during its two trips to Washington, D.C.

## **5. Land Disposal, Acquisition, and Improvement**

Congress enacted several federal land disposal acts in recent years. Most notably are SNPLMA and FLTFA. These measures allow for the disposal of public land in Nevada, with funds to be used for specific purposes. Among the purposes identified is the acquisition of certain private land throughout the state.

In particular, the Committee expressed considerable interest in the status of SNPLMA, since it has been in existence in 1998.

The Southern Nevada Public Land Management Act provides for the privatization of public land administered by the BLM in the Las Vegas Valley to make land available for community growth. The public lands may be sold competitively on the open market or conveyed to local governments at their request as low or no cost for public uses such as schools, parks, police and fire stations, libraries, and other public uses.

The Act also allows the revenue derived from the land sales to remain in Nevada, with a portion going to the SNWA (10 percent) and the state General Education Fund (5 percent) to help offset the costs of providing water and educating Nevada's children. The remainder of the revenue goes into a special account that can be spent to acquire environmentally sensitive land in Nevada and for projects in southern Nevada that provide more and better outdoor recreation opportunities as well as improve environmental quality.

Of concern to the Committee was the notion that revenue from the sale of public land in Clark County can be used to purchase private land in other counties. As previously noted, 87 percent of Nevada is owned by the Federal Government. In some counties, more than 90 percent of the land area is public land. The Committee expressed concern that private land in these areas should not become public, thereby taking even more land out of the local tax base and making it unavailable for needed economic diversification. Instead, Committee members opined that private land purchases should be concentrated in Clark County where the revenue was generated.

At each discussion of this issue, the BLM expressed its strong support of land sales and its commitment not to purchase private land without the express consent of the affected local government. In fact, BLM and USFS officials indicated that many of the land acquisitions outside of Clark County are done at the behest of local governments in order to protect environmentally sensitive land that might otherwise be developed.

Other land disposal acts of interest to the Committee were the FLTFA and the Lincoln County Land Act, both enacted in 2000. The Federal Land Transaction Facilitation Act allows for the disposal of federal land throughout Nevada. Prior to any land sales, BLM field managers meet with county commissioners to determine what lands the counties would like to identify for disposal. Sale property must have been identified for disposal in a Land Use Plan as of July 25, 2000, which is the day the Act was signed. In Nevada, approximately 1 million acres meet the criteria. To date, approximately 1,300 acres have been sold.

Acquisition authority under FLTFA is limited to private lands in areas with special federal designation, such as National Conservation and Wilderness Areas, and lands within the National Park System, National Forest, and Fish and Wildlife Service areas. In Nevada, such areas contain few private in-holdings, and acquisitions are expected to be very limited.

Finally, the Lincoln County Land Act of 2000, authorized the sale of 13,500 acres of land in Lincoln County. Three parcels, totaling 6,500 acres, were offered for sale and the smallest parcel (112 acres) was sold for more than the appraised value. However, a lawsuit impeded the sales process and all sales were halted pending the outcome of litigation.

In response to the Committee's concern over the acquisition of private land in rural counties, BLM representatives described the "Legacy Plan," a five-year plan to offer 100,000 acres for disposal at the rate of 20,000 acres annually throughout Nevada. According to the BLM, the Legacy Plan underscores the agency's support for community growth and economic development in Nevada.

At several meetings, several local governments (namely Carson City and Douglas County) offered support for the acquisition of private land outside Clark County. Representatives of these governments expressed concern that these funds allow them to protect and preserve land that might otherwise be lost to development.

The Committee urged federal land management agencies, and particularly the BLM, to limit the acquisition of private land wherever possible. The Committee also expressed its desire to see revenue derived from the sale of land under these acts used for improvements to existing federal land. At its work session on August 16, 2002, the Committee voted to express, by resolution, support to amend SNPLMA and FLTFA to allow funds generated from the sale of land to be used for water and land improvements and restoration projects on existing federal land in Nevada.

## **6. Mining Issues**

In 2001, the Nevada mineral industry again led the nation in the production of gold, silver, and barite. Nevada also produced a wide variety of other mineral and energy commodities, including aggregates, copper, dolomite, geothermal energy, gypsum, gem stones, limestone, lithium and magnesium compounds, oil, and silica, to name only a few. The total value of Nevada's mineral production in 2001 was approximately \$2.5 billion (not including oil and geothermal energy).

Nevada's gold production in 2001 was more than 8.1 million troy ounces, making it the fourth straight year above the 8 million ounce mark. This is down from the 8.5 million ounces produced in 2000, but still enough to make Nevada the third largest producer of gold in the world, behind only South Africa and Australia. Nevada's gold production accounts for approximately 76 percent of the nation's production and 11.2 percent of world production.

The Nevada mining industry directly employed more than 10,000 people throughout the state in 2001. The average pay for mineral industry employees was more than \$58,000, the highest average of any employment sector in the state. In addition, it is estimated that there are over 37,000 indirect jobs in Nevada relating to goods and services needed by the mining industry. However, mining employment dropped for the third year in a row due primarily to continued low commodity prices and a slowdown in the development of new precious metals mines.

Given these statistics, it is apparent why the Committee on Public Lands regularly monitors mining activity in this state. Throughout the 2001-2002 Interim, the Committee received numerous reports regarding Nevada's mining activity, most of which takes place on public lands.

Federal and state regulations, permitting timeframes, and the challenges and costs of meeting bonding requirements were among the topics discussed throughout the 2001-2002 Interim. For example, industry representatives reported that the time to find, develop, and construct a significant mine in Nevada and get it in to production can easily take a decade. Permits required during the process can contribute at least two years to this timeframe. These long time frames put at risk the revenues that will potentially be realized by state and local governments, and may result in the withdrawal of lenders and investors who must wait a long period to realize a return. Also during this period, market conditions can change dramatically.

The Committee regularly acknowledged the importance of mining to rural economies, and affirmed its continued support for Nevada's mining industry. Further, the Committee urged all regulatory agencies (in Nevada and in Washington, D.C.) to make the permitting and review processes as efficient as possible.

## **7. Noxious Weeds and Invasive Species Abatement**

The spread of noxious weeds and other nonnative invasive species has been a concern to Nevada lawmakers, local government officials, land users, and ranchers for many years. During the 2001-2002 Legislative Interim, officials from the BLM, SDA, and local governments expressed continued concern that the spread of noxious weeds compromises the agricultural productivity of public and private land. Invasive species damage native vegetation, displacing native plants. An invasive weed is usually declared noxious or harmful once its effect upon the environment is understood. The "noxious" designation comes through legislation.

According to the USDA, noxious weeds are defined as "species of plants that cause disease or are injurious to crops, livestock or land, and thus are detrimental to agriculture, commerce or public health." In an agricultural setting, invasive weeds interfere with crop production or other uses of the land. In the natural or wildland areas, these species cause a drastic change in the composition and function of ecosystems. Encroachment of noxious weeds reduces the resource values of agricultural land, rangeland, forests, critical watersheds, wetlands, and wildlife habitats, while increasing the economic burden of protection, control, and restoration.

While a number of noxious weeds are of concern in Nevada, cheatgrass received the most attention during the 2001-2002 Interim. Originating in Europe, cheatgrass is an annual grass that is fine stemmed, so it carries fire easily and is fire adaptive. This allows it to reestablish rapidly after a fire as a monoculture (or solid stand of a single plant species) on the burned land. Competitive monocultures of cheatgrass now exist on approximately nine million acres in Nevada. Before the invasion of cheatgrass, fire burned once every 60 to 110 years in the Great Basin, and shrubs had a chance to become well established. Today, regular fires that occur every 3 to 5 years ensure that cheatgrass remains the dominant species. As a result, wildlife that depends upon a diverse plant community no longer inhabits cheatgrass infested lands.

The economic impact of noxious weeds such as cheatgrass is significant in Nevada. Not only do these species impair agricultural productivity and wildlife habitat, they make fire suppression and fire fighting even more costly.

Nevada's Noxious Weed Program, undertaken by the SDA, is a five-year action plan to address weed management; prevention of new infestations; education and awareness; coordination, cooperation, and partnerships; and research.

The Nevada Weed Action Committee (a committee of the SDA) and others have identified funding as the primary need in the fight against noxious weeds in Nevada. In response, the Committee on Public Lands voted to request a BDR to provide funding to support Nevada's Noxious Weed Program. The funding would be used by SDA as grants to local governments.

In addition to noxious weeds, the influx of Africanized honey bees (commonly referred to as "killer bees") and fire ants into southern Nevada has been a growing concern. Both species are aggressive and will repeatedly sting anything that disturbs them, often resulting in death to people and animals. According to the SDA, the potential cost of eradicating these pests is in the millions of dollars should they be established in Nevada.

These pests often enter the state through plant material imported from other areas. The subject of "ports of entry," where plants are inspected before they are allowed into Nevada, was the subject of considerable Committee discussion during previous interims. The Committee on Public Lands will continue to monitor this problem in the coming years.

## **8. Wildfire Suppression and Range Rehabilitation**

The impact of wildland fires on Nevada has been an ongoing matter of serious concern to the Committee on Public Lands. The 2001-2002 Legislative Interim was no exception. Presentations and briefings by BLM, USFS, and NDF fire management personnel took place at several Committee meetings throughout the interim. Representatives identified drought and the availability of fine fuels as two significant contributors to Nevada's wildfire seasons. These agencies also acknowledged the valuable contributions by local, volunteer, and tribal fire entities throughout the state.

The issue of range rehabilitation was another matter of interest and discussion at several Committee meetings. Fire, drought, and noxious weeds have damaging effects on natural ecosystems, affecting the agricultural industry and wildlife habitat. Range rehabilitation is one of the primary objectives of the GBRI, which promotes restoration and maintenance of biological and ecological conditions of the Great Basin in eastern Nevada. Working with a broad coalition of participants, the BLM and the Eastern Nevada Landscape Coalition are undertaking a series of specific restoration projects. Among the projects highlighted during the 2001-2002 Interim are the Mt. Wilson and Ely Urban Interface projects, which would thin the stands of piñon-juniper to reduce the threat of wildfire. However, these projects were delayed due to appeals by environmental groups outside Nevada.

The Committee expressed gratitude both verbally during Committee hearings, and with letters of appreciation, to all of the agencies involved for their cooperative, interagency approaches to wildfire suppression and rehabilitation efforts. These are topics that will continue to be monitored by the Committee in future interims.

## **9. Sage Grouse**

Each interim, the Legislative Committee on Public Lands monitors endangered species issues and regularly hears from federal, state, and local government officials regarding the effects of species listings on species recovery, species habitat, recreation, public access, and general land use. During the 2001-2002 Interim, the Committee continued its ongoing discussion of the potential listing of the sage grouse as either threatened or endangered in the Great Basin. Several presentations were made outlining the work of Nevada Governor Kenny C. Guinn's Sage Grouse Conservation Team, the purpose of which is to work proactively to avoid listing under the ESA.

The Committee expressed its appreciation of the efforts made by the Conservation Team, and supported a statewide planning effort by sending letters to Nevada's county governments encouraging them to participate in the statewide program. The Committee also sent letters to Governor Guinn and members of the Sage Grouse Conservation Team, thanking them for their hard work and leadership.

## **10. Wild Horses and Burros**

Nevada is home to roughly half of the nation's wild horses and burros. At present, there are about 20,000 wild horses and burros in Nevada, while the appropriate management level for the state is only 13,000 to 14,000 animals. They are protected under the federal Wild Free-Roaming Horses and Burros Act of 1971, which gives the BLM responsibility for their management.

In recent years, many lawmakers, ranchers, and federal officials have expressed concern with the possible overpopulation of wild horses on Nevada's public lands. The abundance of animals over the years has had serious consequences, with decreased forage for livestock and wildlife, degradation to riparian areas, and increased invasive and noxious weeds. As a result, local government officials, ranchers, and others regularly reported to the Committee on critical impacts to Nevada's agricultural industry, native wildlife species, and health of the wild horse and burro herds.

The BLM, which has over 100 herd management areas encompassing 16 million acres, often conducts wild horse gathers within these areas to lower herd populations and provide for the adoption of the horses and burros gathered. Those that can be adopted are, but those that are too old or otherwise unadoptable are sent to sanctuaries where they remain for the rest of their lives at taxpayers' expense.

Much of the discussion regarding wild horses during the 2001-2002 Legislative Interim centered on the need to secure stabilized funding for BLM's gather and adoption programs in an effort to reach and then maintain an appropriate management level. Committee members also expressed serious concern about the cost of caring for the horses that are gathered and eventually transported to horse sanctuaries throughout the nation.

Although the numbers of wild horses on Nevada's rangelands appears daunting, the BLM reported that the numbers of animals removed in recent years has actually exceeded the number planned for removal in the Bureau's national strategic plan. At present, BLM Nevada is approximately 800 animals ahead of schedule. One reason for this is due to the fact that unplanned, emergency gathers took place as a result of current drought conditions.

However, the BLM in Nevada has not been funded at a level sufficient to implement its wild horse and burro tactical plan, and future funding is also less than necessary. In Fiscal Year (FY) 2003, BLM Nevada anticipates receiving one-half of the necessary funding through the National Wild Horse and Burro Program. A request for supplemental funding has been sent to BLM's National Director, Kathleen Clarke, and the BLM is considering a request of Congress to allow for the authority to transfer funds from other BLM programs into the National Wild Horse and Burro Program. In the past, BLM Nevada State Director Robert V. Abbey has shown his commitment to the program by internally transferring money. However, this leaves less funding available for other needed public lands programs and activities in Nevada.

The Committee discussed this issue with officials of the BLM and the DOI, as well as members of Congress, during each trip to Washington, D.C.

## **V. DISCUSSION OF RECOMMENDATIONS**

At its work session in Elko, Nevada's Legislative Committee on Public Lands considered numerous recommendations for action by the 2003 Session of the Nevada Legislature. The Committee also considered, at its work session and at other meetings during the 2001-2002 Legislative Interim, sending policy statements through Committee letters. The members voted to proceed with many of these recommendations, which resulted in six bill draft requests (BDRs) and numerous official Committee letters.

### **A. BILL DRAFT REQUESTS**

This section provides a brief summary of each of the approved recommendations for legislative action. More detailed background information on many of the recommendations was previously described in the issues identified earlier in this report. The assigned BDR number is provided at the end of each recommendation summary. Copies of corresponding BDRs are found in "Appendix C" of this report.

#### **1. State Law Regarding the Issuance of Stockwater Permits**

As previously described, the issuance of stockwater permits on public lands was among the topics of most significant concern and discussion. Although state legislation was passed in 1995, which the Legislature believed would tie the issuance of a stockwater permit to the legal

right to place livestock on the land (and thereby continue to allow ranchers an ability to obtain water rights in their names), the Supreme Court of Nevada determined that the plain meaning of NRS 533.503 “simply requires an applicant for a stockwater permit to have a legal right to graze livestock on the public land.”

Therefore, the Legislative Committee on Public Lands recommends that the 2003 Session of the Nevada Legislature:

**Enact legislation to revise NRS 533.503 regarding restrictions on the issuance of stockwater permits and certificates of appropriation on public lands, to: (1) establish criteria for obtaining a stockwater permit that is related to the ownership of the livestock to be watered; and (2) specifically provide for the issuance of joint permits including joint permits between a livestock operator and the Federal Government. (BDR 48-670)**

## **2. Federal Regulation Regarding the Issuance of Stockwater Permits**

The difficulty with issuing stockwater permits on Nevada’s public lands originated with the adoption of certain Rangeland Reform regulations in 1994. Thus, as previously described, the Committee determined that perhaps the most direct resolution would come from amendment of the regulation that currently requires federal agencies to seek such permits in the name of the Federal Government.

Therefore, the Legislative Committee on Public Lands recommends that the 2003 Session of the Nevada Legislature:

**Express, by resolution, encouragement for the DOI to revise the federal regulation found in CFR, Title 43, Chapter II, Section 4120.3-9. Specifically, urge the Department to strike the last sentence, which reads: “To the extent allowed by the law of the state within which the land is located, any such water right shall be acquired, perfected, maintained, and administered in the name of the United States.” (BDR R-671)**

## **3. Local Treatment and Control of Invasive and Noxious Weeds**

Nevada’s Weed Action Committee and others responsible for the control of invasive and noxious weeds have identified the lack of funding for local weed control programs as a critical need. The weeds spread unchecked because there are no naturally occurring enemies to control them. As a result, there is great risk that the populations of invasive and noxious weeds will grow tremendously due to their fast growth characteristics, environmental adaptability, and high reproductive rates. Such growth will impact wildlife habitat, native ecosystems, and Nevada’s agricultural industry, as well as increase the state’s susceptibility to catastrophic wildland fires.

Therefore, the Legislative Committee on Public Lands recommends that the 2003 Session of the Nevada Legislature:

**Enact legislation to provide for the administration of a program by the SDA to provide grants for local treatment and control of noxious weeds and invasive species of weeds that are not native to Nevada. This measure shall include an appropriation of \$2 million per year for the 2004-2005 Biennium to fund the grant program, and contain language similar to that found in S. B. 13 of the 2001 Legislative Session (which was indefinitely postponed). (BDR S-672)**

#### **4. Grant Awards for Public Lands and Natural Resource Projects**

During the 1999-2000 Legislative Interim, Nevada's Legislative Committee on Public Lands administered \$250,000 in grants for various conservation and natural resource projects, as authorized in S.B. 560 (Chapter 544, *Statutes of Nevada 1999*). However, more than \$1 million in grant requests were received, and many projects could not be funded.

Of the \$250,000 appropriated, a total of \$234,500 was awarded to 15 applicants. The remaining money covered miscellaneous expenses. The response to this grant award opportunity was tremendous and the studies and projects conducted by the awardees have produced useful, timely, and interesting results.

In response to the success of this program, the Committee requested another appropriation from the 2001 Legislature. Senate Bill 162 would have made an appropriation in the amount of \$250,000 to Nevada's Legislative Committee on Public Lands for the purpose of awarding grants to applicants for public lands and natural resource projects. The measure ultimately received no action. Nevertheless, the benefits of the projects funded during the 1999-2000 Interim resulted in renewed interest in seeking another appropriation in 2003.

Therefore, the Legislative Committee on Public Lands recommends that the 2003 Session of the Nevada Legislature:

**Enact legislation making an appropriation of \$250,000 to Nevada's Legislative Committee on Public Lands for the purpose of awarding grants to applicants for public lands and natural resource projects. This measure shall contain language similar to that found in Section 6 of S.B. 560 of the 1999 Legislative Session (Chapter 544, *Statutes of Nevada 1999*), and S.B. 162 of the 2001 Legislative Session (which was indefinitely postponed). (BDR S-673)**

#### **5. California National Historic Trail Interpretive Center**

State funding in support of the California National Historic Trail Interpretive Center in Elko was approved by the 1999 Legislature with passage of S.B. 329 (Chapter 577, *Statutes of*

*Nevada 1999*). The measure specified a deadline of June 2003 for the federal matching contribution of \$6 million. However, due to recent budget constraints, the federal share might not be available until June 2005.

Therefore, the Legislative Committee on Public Lands recommends that the 2003 Session of the Nevada Legislature:

**Enact legislation changing the deadline for the federal contribution of \$6 million for the California National Historic Trail Interpretive Center in Elko County from June 30, 2003 to June 30, 2005 (originally enacted as S.B. 329, Chapter 577, *Statutes of Nevada 1999*). (BDR S-674)**

#### **6. Land and Water Improvements/Restoration on Existing Public Lands**

During the past several years, the Committee has closely monitored and supported the development, passage, and implementation of SNPLMA and FLTFA. These measures allow for the sale of federally owned public land, and provide that the revenue generated from the sales be used for specific purposes (as previously described).

However, the Committee heard testimony that land and water improvements and restoration projects on existing public land are not funded from the revenue generated from land sales. At the request of Assemblyman John C. Carpenter (Elko, Humboldt District No. 33), the Committee agreed to urge Congress to amend the acts in order to fund such projects on existing public land.

Therefore, the Legislative Committee on Public Lands recommends that the 2003 Session of the Nevada Legislature:

**Express, by resolution, support to amend the Southern Nevada Public Lands Management Act of 1998 and the Federal Land Transaction Facilitation Act of 2000, to allow funds generated from the land sales under these acts to be used for water and land improvements and restoration projects on existing federal lands in Nevada. (BDR R-675)**

#### **B. COMMITTEE LETTERS**

This section provides a brief summary of each of the letters sent from the Committee to various elected representatives; federal, state, and local government officials; and others. More detailed background information on many of the subjects was previously described in the issues identified earlier in this report. Copies of the corresponding letters can be found in "Appendix D" of this report.

## **1. Humboldt Project Title Transfer**

During the 2001-2002 Legislative Interim, the Committee received briefings on the status of the Humboldt Project Conveyance Act pending in Congress (H.R. 5039). The Act would require the Secretary of the Interior to convey all right, title, and interest in and to the lands and features of the Humboldt Project, including all water rights for storage and diversion, to the Pershing County Water Conservation District, the State of Nevada, and Lander and Pershing Counties. The Water Conservation District testified that the reclamation project originally built by the Bureau of Reclamation, DOI, was paid for over the years by the district with the understanding that title to the project would later be transferred. Further testimony indicated that Governor Guinn and the other governments involved in the transfer supported the project.

At the meeting on March 8, 2002, in Reno, a representative of the Pershing County Water Conservation District requested the Committee on Public Lands to also support the project by writing a letter of support to Nevada's Congressional delegation.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

**Senators Ensign and Reid, and Congressman Gibbons, expressing support of the Humboldt Project Title Transfer.**

## **2. Sage Grouse Conservation Planning – Involvement of Local Governments**

Sage grouse was a frequent topic of discussion during the 2001-2002 Interim, with various reports to the Committee regarding the status of the statewide conservation planning effort. The intent of this effort is to proactively avoid the need to list the sage grouse in Nevada as a threatened or endangered species pursuant to the provisions of the ESA.

Sage grouse occur in all Nevada counties except Clark County. Their listing under the ESA will impact a wide range of natural resource users and shape future economic uses of Nevada's public and private lands. Affected land uses are anticipated to include production agriculture, industrial activities, mining, municipal land and water developments, ranching, roads, utility rights-of-way and a broad spectrum of popular recreational activities. Since sage grouse habitat occurs in the northern portion of Nevada where natural resources economies are already fragile, rural communities in this region will likely experience the greatest impact.

In response, a diverse group of Nevadans took a proactive approach toward sage grouse conservation. In August 2000, with support from Governor Guinn, the Nevada Association of Counties, and a wide range of industry and conservation interests, this group developed a statewide conservation strategy aimed at: (1) assessing the condition of sage grouse populations in Nevada; (2) evaluating the condition of their habitat; and (3) developing and implementing conservation efforts where they are needed.

At the Committee on Public Lands' meeting in Fallon on June 21, 2002, a group of county representatives presented information regarding the importance of local government participation in the statewide conservation strategy, and asked the Committee for its support.

Therefore, with Committee consent, Chairman Rhoads directed staff to send letters to:

**Nevada's Boards of County Commissioners regarding sage grouse conservation planning in an effort to: (1) explain the impacts of a listing under the Endangered Species Act of 1973 and the benefits to counties for participating in planning efforts; and (2) encourage county participation in the statewide planning effort currently underway.**

### **3. Clark County Conservation of Public Land and Natural Resources Act of 2002**

Throughout the interim, the anticipated Clark County Conservation of Public Land and Natural Resources Act of 2002 (also commonly referred to as the "Clark County Wilderness Bill") was monitored by the Committee on Public Lands. The bill was drafted by Senators Ensign and Reid, and was introduced in the U.S. Senate as S. 2612. Congressman Gibbons introduced a comparable measure in the U.S. House of Representatives as H.R. 5200.

The measure was drafted, introduced, and enacted by Congress during the 2001-2002 Legislative Interim.

The portion of the Act of greatest interest to the Committee dealt with the designation of more than 440,000 acres of wilderness in Clark County and the resulting release of 233,000 acres of Wilderness Study Areas (WSAs) back to multiple use. The Committee regularly expressed its desire to see WSAs returned to multiple use if they were found to no longer warrant full wilderness designation. Formal release of these areas requires an act of Congress, and all WSAs are treated as wilderness until released.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

**Members of Nevada's Congressional Delegation, expressing support for the Clark County Conservation of Public Land and Natural Resources Act of 2002 (S. 2612/H.R. 5200) sponsored in Congress by Senators Ensign and Reid, and Congressman Gibbons.**

Note: On November 6, 2002, H.R. 5200 was signed into law by President George W. Bush as Public Law 107-282. Interestingly, the bill was amended by the House of Representatives to include provisions for the Humboldt Title Conveyance (previously described). Thus, with passage of the Clark County Conservation of Public Land and Natural Resources Act, the Committee's concerns for wilderness and for the Humboldt Project title transfer were addressed.

#### **4. Clark County Shooting Range**

At the Committee's second Las Vegas meeting on May 17, 2002, the Committee heard a presentation by Assemblyman John J. Lee (Clark County District No. 3) and representatives of Clark County's Parks and Community Services regarding a proposed land transfer for a shooting range in Clark County. Assemblyman Lee explained that in the Las Vegas Valley there are 400,000 registered handguns, 13,000 concealed weapons permits, over 3,000 police officers, and thousands of armed security officers. He explained that these individuals need an accessible, affordable, and safe place to train, and the existing facilities cannot accommodate the number of users. The land transfer proposal would provide 2,800 acres to Clark County for development of a "world-class" shooting range.

The measure was introduced by Senators Ensign and Reid as S. 1601, and by Congressman Gibbons and Congresswoman Berkley as H.R. 2937.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

**Members of Nevada's Congressional Delegation, expressing support for S. 1601/H.R. 2937, to convey certain public land in Clark County for use as a shooting range.**

Note: On December 6, 2002, H.R. 2937 was presented to the President for his signature. As of this writing, the bill is awaiting the President's approval.

#### **5. Payment in Lieu of Taxes (PILT)**

The PILT program has been a topic of discussion and interest to the Committee on Public Lands for many years, and was regularly addressed by local governments during their presentations at Committee meetings throughout Nevada.

The PILT Act authorizes payments to local governments to offset the loss of tax revenue caused by tax-exempt federal land located within their jurisdictions. The PILT program began in 1977 and has distributed roughly \$2.7 billion to local governments nationwide.

Funds are appropriated each year by the U.S. Congress and are distributed by the BLM. Payments are made for tax-exempt federal lands in the National Park and National Forest systems, federal lands administered by the BLM, lands dedicated to federal water resources development projects, and lands withdrawn from the public domain in other categories.

Although there have been increases in funding to the PILT program in recent years, the money appropriated by the U.S. Congress remains insufficient to provide full payments under the PILT formula. The formula used to determine PILT payments is based on population and the amount of federal land within an affected county or census area.

The amount of funding authorized by Congress for federal FY 2002 was approximately \$210 million, representing an increase over \$199 million nationwide in FY 2001, and \$134 million in FY 2000. Although these increases represent improvements in PILT funding, they still do not represent permanent or full funding of PILT.

Two identical congressional measures to authorize permanent funding for PILT were tracked by the Committee on Public Lands. They are H.R. 1811, "To provide permanent funding for the payment in lieu of taxes program, and for other purposes" and S. 454 "A bill to provide permanent funding for the Bureau of Land Management Payment in Lieu of Taxes program and for other purposes." Senators Ensign and Reid are among the cosponsors of S. 454. Congresswoman Berkley is a cosponsor of H.R. 1811.

The Committee on Public Lands has long supported efforts to increase PILT funding and to make PILT funding a permanent appropriation. By its work session meeting on August 16, 2002, S. 454 appeared to be moving forward in Congress. Therefore, the Legislative Committee on Public Lands voted to send letters to:

**The President of the United States, the Secretary of the DOI, select Congressional representatives, and others, in support of S. 454, to take PILT out of the annual congressional appropriations process and make full PILT payments automatic. The measure was introduced by U.S. Senator Jeff Bingaman (D-New Mexico). The short title of the measure is the "PILT and Refuge Sharing Permanent Funding Act."**

## **6. Good Neighbor Act of 2002**

In 15 of Nevada's 17 counties, the Federal Government controls more than one-half of the land (the exceptions are Carson City and Storey County). In fact, public land accounts for more than 90 percent of the land area in four of those counties (Esmeralda, Lincoln, Nye, and White Pine).

The authority of the Federal Government to acquire land in Nevada has been a topic of concern to the Committee on Public Lands. Overall, the Committee has long supported the notion of "no net gain" in federal ownership of land in Nevada, which means any federal acquisition of land should only take place when a similar amount of land is transferred to private ownership.

The Committee was interested to learn of a measure in Congress (H.R. 3962) that prohibits certain federal agencies (the BLM, the National Park Service, the USFS, or the USFWS) from acquiring "qualified land" in counties where 50 of the land area is owned by the Federal Government. Under the Act, qualified land that is located in the same county and that has a fair market value equal to at least 97 percent of the land to be acquired must be disposed of in the same county.

Further, H.R. 3962 requires that before acquiring such land, the Federal agency must: (1) notify the State's Governor, the county chief executive, and each Member of the House of Representatives and the Senate elected to represent the area in which the land is located; and (2) hold at least one hearing in the county. Finally, the Act would prohibit an acquisition of qualified land by a Federal agency if it results in 66 percent or more of the total acreage in a county being owned by the Government and under the jurisdiction of one or more of the agencies identified, unless it is approved by the county.

The provisions of this bill and the its underlying concept of "no net gains" was supported by the Committee. Therefore, the Legislative Committee on Public Lands voted to send letters to:

**The President of the United States, the Secretaries of Agriculture and Interior, select Congressional representatives, and others, expressing support, in concept, for H.R. 3962, which would limit the authority of the Federal Government to acquire land for certain federal agencies in counties in which 50 percent or more of the total acreage is owned by the Federal Government. The measure was introduced by Congressman John E. Peterson (R-Pennsylvania). The short title of the measure is the "Good Neighbor Act of 2002."**

In addition, the Committee voiced its support of the Good Neighbor Act and the "no net gain" concept during its trips to Washington, D.C.

## **7. Drought Preparedness Act of 2002**

As previously mentioned, drought creates severe economic and environmental conditions in Nevada. During an average year, much of the state regularly receives less than 10 inches of rain each year, with some areas receiving even less than that. Nevada's already dry and arid conditions are exacerbated by drought, leaving the land parched and subject to catastrophic fires, and leaving much-needed water bodies dry. The impacts to agriculture and wildlife can be disastrous.

The Committee learned of a measure pending before Congress (S. 2528) that would establish the National Drought Council to: (1) develop a national drought policy action plan; (2) evaluate federal drought-related programs; (3) coordinate and prioritize enhancement of the national drought monitoring network; and (4) provide for the development of a drought information delivery system, drought planning models, and drought preparedness plans.

Further, S. 2528 would establish a Drought Assistance Fund within the Federal Emergency Management Agency (FEMA), to: (1) assist state, local, tribal, and critical service entities with drought-related activities; and (2) expand the technology transfer of drought and water conservation strategies.

And finally, the bill would amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the Director of FEMA to reimburse States for qualifying costs incurred in prepositioning wildfire suppression resources.

Because many of the aspects of this act address issues of concern to the Committee on Public Lands, the Committee voted to send letters to:

**The President of the United States, the FEMA, and members of Nevada's Congressional Delegation, expressing support, in concept, for S. 2528, which would establish a National Drought Council within the FEMA, to improve national drought preparedness, mitigation, and response efforts, and for other purposes. The measure was introduced by Senator Pete V. Domenici (R-New Mexico). The short title of the measure is the "Drought Preparedness Act of 2002."**

In addition, the Committee expressed its concern for the impacts of drought, and voiced its support of federal drought assistance during its trips to Washington, D.C.

## **8. Funding of BLM Nevada Operations**

The Committee again expressed its frustration during the 2001-2002 Interim over the status of BLM Nevada's funding. The number of acres managed by the BLM in Nevada is second only to Alaska, yet the state's BLM operations regularly receive less funding than other states with fewer BLM-managed lands. While funding has increased in recent years, it continues to fall short of the amount needed to manage the 48 million acres it manages in Nevada.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

**The President of the United States, the Secretary of the DOI, select Congressional representatives, and others, requesting that Nevada's BLM operations receive funding which is at least equal to or greater than other states.**

In addition, the Committee voiced its support for increased BLM Nevada funding during its trips to Washington, D.C. Adequate funding for the wild horse and burro program, and in particular management of Nevada's wild horses at the appropriate management level over the long term, was a common message of the Committee while in Washington, D.C.

## **9. Management of Noxious Weeds and Invasive Species**

The spread of noxious weeds and other nonnative invasive species continues to be a serious concern of the Committee on Public Lands. As previously described, the spread of noxious weeds compromises the agricultural productivity of public and private land, impairs wildlife habitat, and increases the threat and spread of wildland fires. Similarly, invasive pest species

such as the Africanized honey bee and imported fire ants threatens public health and safety, and has potential economic impacts to Nevada if they become established and spread.

The Committee was impressed with the many efforts by various entities to combat the spread of noxious weeds and invasive species. Although funding is desperately needed, coordinated efforts have taken root and were acknowledged as very useful.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

**The BLM, USFS, The Nevada Weed Action Committee, SDA, Cooperative Extension Service, and Natural Resources Conservation Service expressing appreciation and support for their ongoing efforts to rid Nevada of noxious weeds and invasive species.**

#### **10. Participation by BLM and USFS in Nevada's Legislative Committee on Public Lands' Meetings and Deliberations**

During the past three legislative interims, and especially throughout the 2001-2002 Interim, the Committee was pleased with the interest and participation of the BLM and the USFS in the Committee's deliberations. Virtually all of the meetings of the Committee on Public Lands during the interim involved participation by representatives of these agencies. The Committee is well aware that both agencies are often requested to discuss somewhat controversial matters, sometimes on short notice, and is thankful for their willingness to attend the Committee's hearings.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

**Robert V. Abbey, State Director, Nevada BLM, and Robert Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, expressing appreciation for their willingness to appear before Nevada's Legislative Committee on Public Lands and for the regular attendance at the Committee's meetings by their respective agencies.**

#### **11. Fire Suppression, Fire Prevention, and Range Rehabilitation Efforts**

The impact of fire on Nevada's natural ecosystems and agricultural industry has long been of concern and interest to the Committee on Public Lands. Efforts to suppress and fight fire on public and private lands throughout the state require considerable interagency coordination at all levels of government. Committee members were very pleased to hear that such cooperation among federal and state agencies is ongoing and effective. Knowing that fires will be fought regardless of their location, by whatever agency happens to be nearby, has proven successful and is strongly supported by the Committee.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

**Robert V. Abbey, State Director, Nevada BLM; Robert Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS; and Steve Robinson, State Forester Firewarden, Division of Forestry; expressing appreciation for their coordination for fire suppression, fire prevention, and range rehabilitation efforts.**

## **12. Great Basin Restoration Initiative**

For the second interim in a row, the Committee on Public Lands received favorable reports highlighting the benefits of the BLM's GBRI (previously described). The Committee agrees that improving the health of Nevada's open range benefits wildlife, native plant species, and long-standing, valuable economic activities such as farming, grazing, mining, and recreation that rely on healthy public lands.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

**The BLM; Betsy Macfarlan, Project Coordinator, Eastern Nevada Landscape Coalition; and cooperative partners of the Great Basin Landscape Coalition expressing support for the Great Basin Restoration Initiative and its efforts to promote restoration and maintenance of the biological and ecological conditions of the Great Basin in eastern Nevada.**

## **13. Piñon-Juniper Projects in Lincoln County**

Among the more interesting topics the Committee has monitored over the years are ongoing studies examining the selective harvest of piñon-juniper in central and eastern Nevada. A recent study (funded through a Committee grant award of \$10,000 to the Lincoln County Regional Development Authority during the 1999-2000 Legislative Interim) helped involve interested stakeholders in the identification of issues to be addressed in the development of a comprehensive harvest management plan and related EIS for the sustainable harvest of piñon-juniper.

Native sagebrush communities are severely impacted by the extensive overgrowth and encroachment of piñon-juniper species. It is believed that the uncontrolled spread of the juniper greatly impacts wildlife habitat, increases the threat of wildfires, and hampers fire suppression efforts.

As a stipulation for receipt of the grant award, the Committee requested the development authority present its findings of the study to the Committee, along with any further necessary recommendations, during the 2001-2002 Legislative Interim. At the meeting in Pioche on December 7, 2001, study participants reported very positive results and encouraged the Committee's support of initiatives to conduct selective harvests of piñon and juniper.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

**Senators Ensign and Reid, Congressman Gibbons, the BLM, and the USFS, encouraging any efforts to obtain federal funding for facilities development, resource inventory, planning, and compliance activities for the select harvest of piñon-juniper in Lincoln County and eastern Nevada.**

#### **14. Sage Grouse Conservation Team Appreciation**

The proactive approach to sage grouse conservation planning (previously described) was strongly endorsed by the Committee on Public Lands, as a means to avoid the listing of this species under the ESA.

Therefore, the Legislative Committee on Public Lands voted to send letters to:

**Governor Guinn and members of the Sage Grouse Conservation Team, expressing appreciation for their proactive efforts to preserve the sage grouse and avoid its listing under the Endangered Species Act of 1973.**

## **VI. CONCLUDING REMARKS**

Nevada's Legislative Committee on Public Lands worked on numerous public lands topics during the 2001-2002 Legislative Interim, and addressed many areas of concern at the federal, state, and local levels of government. These issues have been in the forefront of public lands-related discussions for many years and related concerns are not quickly or easily resolved. The forum provided by the Committee allows Nevada residents and government officials to comment on and discuss the many diverse aspects of living in a state that is 87 percent federally managed.

The members of the Committee would like to take this opportunity to thank the elected officials; representatives from federal, state, and local government; private organizations; citizens; and all other participants in this interim's hearings. The Committee appreciates the important assistance consistently provided by the many talented and knowledgeable people who testified at its meetings and participated in informational exchanges.



## VII. APPENDICES

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## **APPENDIX A**

*Nevada Revised Statutes* 218.536 through 218.5371



*NEVADA REVISED STATUTES*

**LEGISLATIVE COMMITTEE ON PUBLIC LANDS**

**NRS 218.536 Legislative findings and declarations.** The legislature finds and declares that:

1. Policies and issues relating to public lands and state sovereignty as impaired by federal ownership of land are matters of continuing concern to this state.

2. This concern necessarily includes an awareness that all federal statutes, policies and regulations which affect the management of public lands are likely to have extensive effects within the state and must not be ignored or automatically dismissed as beyond the reach of the state's policymakers.

3. Experience with federal regulations relating to public lands has demonstrated that the State of Nevada and its citizens are subjected to regulations which sometimes are unreasonable, arbitrary, beyond the intent of the Congress or the scope of the authority of the agency adopting them and that as a result these regulations should be subjected to legislative review and comment, and judicially tested where appropriate, to protect the rights and interests of the state and its citizens.

4. Other western states where public lands comprise a large proportion of the total area have shown an interest in matters relating to public lands and those states, along with Nevada, have been actively participating in cooperative efforts to acquire, evaluate and share information and promote greater understanding of the issues. Since Nevada can both contribute to and benefit from such interstate activities, it is appropriate that a committee on matters relating to public lands be assigned primary responsibility for participating in them.

(Added to NRS by 1979, 5; A 1983, 208)

**NRS 218.5361 "Committee" defined.** As used in NRS 218.5361 to 218.5371, inclusive, "committee" means the legislative committee on public lands.

(Added to NRS by 1979, 5; A 1983, 209)

**NRS 218.5363 Establishment; membership; chairman; vacancies.**

1. There is hereby established a legislative committee on public lands consisting of three members of the senate, three members of the assembly and one elected officer representing the governing body of a local political subdivision, appointed by the legislative commission with appropriate regard for their experience with and knowledge of matters relating to public lands. The members who are state legislators must be appointed to provide representation from the various geographical regions of the state.

2. The members of the committee shall select a chairman from one house of the legislature and a vice chairman from the other. After the initial selection of a chairman and a vice chairman, each such officer shall hold office for a term of 2 years commencing on July 1

of each odd-numbered year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the committee shall select a replacement for the remainder of the unexpired term.

3. Any member of the committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the convening of the next session of the legislature.

4. Vacancies on the committee must be filled in the same manner as original appointments.

(Added to NRS by 1979, 5; A 1983, 209; 1985, 589)

#### **NRS 218.5365 Meetings; regulations; compensation of members.**

1. The members of the committee shall meet throughout each year at the times and places specified by a call of the chairman or a majority of the committee. The research director of the legislative counsel bureau or a person he has designated shall act as the nonvoting recording secretary. The committee shall prescribe regulations for its own management and government. Four members of the committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the committee.

2. Except during a regular or special session of the legislature, the members of the committee who are state legislators are entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding session, the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207 for each day of attendance at a meeting of the committee and while engaged in the business of the committee. Per diem allowances, compensation and travel expenses of the legislative members of the committee must be paid from the legislative fund.

3. The member of the committee who represents a local political subdivision is entitled to receive the subsistence allowances and travel expenses provided by law for his position for each day of attendance at a meeting of the committee and while engaged in the business of the committee, to be paid by his local political subdivision.

(Added to NRS by 1979, 5; A 1981, 170; 1983, 209; 1985, 398, 1131; 1987, 1208; 1989, 426, 1217, 1222)

#### **NRS 218.5367 Powers of committee.**

1. The committee may:

(a) Review and comment on any administrative policy, rule or regulation of the:

(1) Secretary of the Interior which pertains to policy concerning or management of public lands under the control of the Federal Government; and

(2) Secretary of Agriculture which pertains to policy concerning or management of national forests;

(b) Conduct investigations and hold hearings in connection with its review, including but not limited to investigating the effect on the state, its citizens, political subdivisions, businesses and industries of those policies, rules, regulations and related laws;

(c) Consult with and advise the state land use planning agency on matters concerning federal land use, policies and activities in this state;

(d) Direct the legislative counsel bureau to assist in its research, investigations, review and comment;

(e) Recommend to the legislature as a result of its review any appropriate state legislation or corrective federal legislation;

(f) Advise the attorney general if it believes that any federal policy, rule or regulation which it has reviewed encroaches on the sovereignty respecting land or water or their use which has been reserved to the state pursuant to the Constitution of the United States;

(g) Enter into a contract for consulting services for land planning and any other related activities, including, but not limited to:

(1) Advising the committee and the state land use planning agency concerning the revision of the plans pursuant to NRS 321.7355;

(2) Assisting local governments in the identification of lands administered by the Federal Government in this state which are needed for residential or economic development or any other purpose; and

(3) Assisting local governments in the acquisition of federal lands in this state; and

(h) Apply for any available grants and accept any gifts, grants or donations to aid the committee in carrying out its duties.

2. Any reference in this section to federal policies, rules, regulations and related federal laws includes those which are proposed as well as those which are enacted or adopted.

(Added to NRS by 1979, 5; A 1981, 170; 1989, 1674)

**NRS 218.5368 Duties of committee.** The committee shall:

1. Actively support the efforts of state and local governments in the western states regarding public lands and state sovereignty as impaired by federal ownership of land.

2. Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands.

3. Support legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands.

(Added to NRS by 1983, 208)

**NRS 218.5369 Oaths; depositions; subpoenas.**

1. In conducting the investigations and hearings of the committee:

(a) The secretary of the committee, or in his absence any member of the committee, may administer oaths.

(b) The secretary or chairman of the committee may cause the deposition of witnesses, residing either within or without the state, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

(c) The secretary or chairman of the committee may issue subpoenas to compel the attendance of witnesses and the production of books and papers.

2. If any witness refuses to attend or testify or produce any books and papers as required by the subpoena, the secretary or chairman of the committee may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed by the committee pursuant to this section; and

(c) The witness has failed or refused to attend or produce the books and papers required by the subpoena before the committee which is named in the subpoena, or has refused to answer questions propounded to him, and asking for an order of the court compelling the witness to attend and testify or produce the books and papers before the committee.

3. Upon such petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days from the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers before the committee. A certified copy of the order shall be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the committee, the court shall enter an order that the witness appear before the committee at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness shall be dealt with as for contempt of court.

(Added to NRS by 1979, 6)

**NRS 218.5371 Fees and mileage for witnesses.** Each witness who appears before the committee by its order, except a state officer or employee, is entitled to receive for his attendance the fees and mileage provided for witnesses in civil cases in the courts of record of this state. The fees and mileage shall be audited and paid upon the presentation of proper claims sworn to by the witness and approved by the secretary and chairman of the committee.

(Added to NRS by 1979, 6)

## **APPENDIX B**

Approved Budget and Proposed Work Plan  
July 1, 2001, through December 31, 2002



**NEVADA'S LEGISLATIVE COMMITTEE ON PUBLIC LANDS**  
(*Nevada Revised Statutes [NRS] 218.5363*)

**APPROVED BUDGET AND PROPOSED WORK PLAN**  
**July 1, 2001, through December 31, 2002**

This document outlines the approved budget and proposed work plan for Nevada's Legislative Committee on Public Lands for the 2001-2002 Legislative Interim period.

**APPROVED COMMITTEE BUDGET**

On September 6, 2001, the Legislative Commission approved the Committee's budget request, which totals \$50,935. The major categories are as follows:

Legislator Salaries .....	\$12,480
Travel and per diem costs:	
In-state Committee meetings (8) .....	10,500
Out-of-state informational tours to Washington, D.C. (2) .....	24,285
Operational Costs:	
Supplies.....	350
Printing and copying .....	800
Postage .....	300
Publications .....	1,095
Dues/Meeting Registrations/Room Fees .....	<u>1,125</u>
<b>TOTAL BUDGET .....</b>	<b>\$50,935</b>

The budget allows the six legislators on the Committee to conduct eight hearings throughout urban and rural Nevada and two two-day informational tours in Washington, D.C. The salary and expenses of the seventh member of the Committee (the local government representative) are paid by his political subdivision. In addition, the budget provides for the assistance of the Committee's staff members during the Washington, D.C., visits.

This request is a slight increase from last interim's budget of \$46,660. Additions to the budget include the costs associated with increased rates for subscriptions to public lands publications, higher printing and postage costs, and slight increases in airfare and lodging expenses related to the Washington, D.C., informational tours.

Nevada's Legislative Committee on Public Lands monitors dozens of natural resource and public lands matters crucial to the State's economy, lifestyles, and traditions. The increased public awareness of and interest in public lands issues has resulted in a very active Committee schedule during the past several interims. Because most of Nevada's lands (87 percent) are

under federal management and the Nevada Legislature has long been active in this issue, other states often look to this Committee for information and assistance.

With this budget, Nevada's Legislative Committee on Public Lands will continue its numerous oversight duties and active participation in the crucial public lands debate.

## **PROPOSED WORK PLAN**

The following sections outline the tentative work plan for Nevada's Legislative Committee on Public Lands during the 2001-2002 interim period.

### **In-State Meetings**

Eight one-day meetings throughout Nevada are projected and budgeted. Certain meetings may last two days due to tours or other activities, but this contingency was not included in the budget. The meetings are planned to be held in Las Vegas, Winnemucca, Pioche, Reno, Pahrump, Austin, and Elko between September 2001 and September 2002.

During the 2001 Legislative Session, the Nevada Legislature passed Senate Bill 570 (Chapter 602, *Statutes of Nevada*), which requires certain statutory legislative bodies, including the Legislative Committee on Public Lands, to request the drafting of any proposed legislative measures on or before September 1 preceding the commencement of a regular legislative session. Recommendations may be considered and acted upon at meetings throughout the interim. Traditionally, however, the members take action on most recommendations, particularly those involving bill draft requests, at the last scheduled in-state meeting of the interim. The final in-state meeting and work session for the Committee is scheduled to be held on Friday, August 16, 2002, in Elko, Nevada. The final report is then completed by staff prior to the start of the legislative session.

### **Out-of-State Informational Tours**

The Committee optimizes its effectiveness by annually visiting members of the United States Congress, executive branch officials, and private organizations in Washington, D.C. These productive sessions provide Committee members with insight on federal policies and key contacts on public lands issues, afford opportunities to educate federal officials on the public lands perspective in Nevada, and foster greater rapport with the members and staff of Nevada's Congressional Delegation.

Two Committee trips to Washington, D.C., are projected for six legislators and three staff members, each lasting (including travel time) four days and three nights. Consistent with the policy of the Legislative Commission, travel costs for the Committee's staff are included in the budget for these out-of-state informational tours.

### Proposed Timetable of Meetings

Date(s)	Location	Topic(s)
Friday, September 28, 2001	Las Vegas	Organizational meeting; background information and status of ongoing issues.
Thursday and Friday, November 1 and 2, 2001 (mine tour on Nov. 2)	Winnemucca	General meeting; update on mining issues, Black Rock Desert, and northern Nevada issues.
Friday, December 7, 2001	Pioche	General meeting; update on eastern Nevada issues, endangered species, and water.
Wednesday and Thursday, January 30 and 31, 2002	Washington, D.C.	Informational tour of the Nation's Capitol to visit with congressional and other federal officials.
Friday, March 8, 2002	Reno	General meeting; update on western Nevada issues, wildlife, and groundwater quality.
Friday, April 12, 2002	Pahrump	General meeting; discussion of groundwater quality and recreational issues.
Friday, May 17, 2002	Las Vegas	General meeting; update on southern Nevada issues and overview of military activities.
Friday, June 21, 2002	Austin	General meeting; overview of central Nevada issues, wild horses, and <i>Revised Statutes</i> (R.S.) 2477 roads.
Friday, August 16, 2000	Elko	General meeting; overview of northeast Nevada issues and mining (a.m.); work session and final recommendations (p.m.).
Wednesday and Thursday, September 11 and 12, 2002	Washington, D.C.	Informational tour of the Nation's Capitol to visit with congressional and other federal officials.



## OVERVIEW OF COMMITTEE DUTIES AND ISSUES MONITORED

### Powers and Duties of the Committee on Public Lands

Pursuant to NRS 218.5367, Nevada's Legislative Committee on Public Lands has many broad responsibilities and powers. Specifically, the Committee may:

1. Review and comment on any administrative policy, rule or regulation of the Secretary of the Department of the Interior, which pertains to policy concerning or management of public lands under the control of the Federal Government;
2. Review and comment on any administrative policy, rule or regulation of the Secretary of the Department of Agriculture, which pertains to policy concerning or management of national forests;
3. Conduct investigations and hold hearings in connection with this review, including but not limited to, investigating the effect on the State, its citizens, political subdivisions, businesses and industries of those policies, rules, regulations, and related laws;
4. Consult with and advise the State land use planning agency on matters concerning federal land use, policies, and activities in this State;
5. Direct the Legislative Counsel Bureau to assist in its research, investigations, review and comment;
6. Recommend to the Nevada Legislature, as a result of its review, any appropriate State legislation or corrective federal legislation;
7. Advise the Attorney General of the State of Nevada if the Committee believes that any federal policy, rule, or regulation which it has reviewed encroaches on the sovereignty, respecting land or water or their use, which has been reserved to the State pursuant to the *Constitution of the United States of America*;
8. Enter into a contract for consulting services for land planning and any other related activities, including, but not limited to:
  - a. Advising the Committee and the State land use planning agency concerning the revision of the plans pursuant to NRS 321.7355;
  - b. Assisting local governments in the identification of lands administered by the Federal Government in this State, which are needed for residential or economic development or any other purpose; and
  - c. Assisting local governments in the acquisition of federal lands in this State; and

9. Apply for any available grants and accept any gifts, grants, or donations to aid the Committee in carrying out its duties.

Furthermore, NRS 218.5368 stipulates that Nevada's Legislative Committee on Public Lands shall:

- ❑ Actively support the efforts of state and local governments in the western states regarding public lands and state sovereignty as impaired by federal ownership of land;
- ❑ Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands; and
- ❑ Support legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands.

### **Issues Monitored and Discussed**

As an introduction to some of the public lands issues that may be addressed during the 2001-2002 Legislative Interim, this section briefly highlights the topics typically reviewed and discussed by the Committee:

#### ***I. Ongoing Programs and Review of Specific Proposals***

- a. Federal budget proposals affecting public lands:
  - Monitor revenue sharing or transfer programs such as grazing receipts, mineral royalties, and payments in lieu of taxes (PILT); and
  - Monitor proposed increases in grazing and mining fees.
- b. Land transfers/exchanges:
  - Monitor and assist as necessary in local government and other land transfer/exchange proposals.
- c. Military activities and land and airspace proposals:
  - Monitor and review military land and airspace withdrawal proposals affecting the State; and
  - Monitor congressional proposals relating to military land and airspace.

d. Mining and reclamation:

- Monitor and review federal proposals to substantially alter the Mining Law of 1872 and amend the “3809” Surface Mining Regulations;
- Monitor the minerals industry and development in Nevada; and
- Monitor the implementation of the State’s abandoned mines program.

e. Rangeland management:

- Monitor and review federal proposals and activities.

f. Riparian management:

- Review federal proposals and activities relating to riparian areas in the State.

g. Wilderness:

- Monitor United States Bureau of Land Management (BLM) and United States Forest Service (USFS) wilderness review process, areas, and recommendations.

h. Wild horses and burros:

- Monitor BLM policies and activities on wild horse and burro management; and
- Review the activities of Nevada’s Commission for the Preservation of Wild Horses.

i. Wildlife:

- Monitor wildlife management issues, such as endangered species designations, elk management, hunting and fishing activities, and wildlife depredation programs.

j. Other topics of interest:

- Fire management and fire rehabilitation on federal lands;
- Federal policies and regulations on land use and access to public lands;
- Resource management plans and environmental impact statements for selected projects;
- Roads and transportation on public lands and “R.S. 2477” issues;
- Water issues and groundwater quality; and

- Other public lands issues as they arise.

## ***II. Partial List of Topics Considered by Nevada's Legislative Committee on Public Lands During the 1999-2000 Legislative Interim***

- ☐ Abandoned mines;
- ☐ BLM activities in Nevada;
- ☐ Colorado River;
- ☐ Conservation and Reinvestment Act of 1999;
- ☐ County and city public land issues;
- ☐ Elk management issues;
- ☐ Endangered Species Act;
- ☐ United States Environmental Protection Agency regulations (arsenic levels in water, Total Maximum Daily Load proposals, Toxics Release Inventory)
- ☐ Fallon Naval Air Station;
- ☐ Federal legislation;
- ☐ Fire suppression and prevention;
- ☐ USFS activities;
- ☐ Great Basin Restoration Initiative;
- ☐ Humboldt River Basin issues;
- ☐ Interbasin transfer of water;
- ☐ Land sales;
- ☐ Las Vegas Valley Water District;
- ☐ Military issues (generally);
- ☐ Mine dewatering;
- ☐ Mining regulations;
- ☐ National Conservation Areas;
- ☐ Nellis Air Force Base;
- ☐ Noxious weed and invasive species abatement;
- ☐ PILT;
- ☐ Public/private land exchanges;
- ☐ Rangeland reform;
- ☐ Right-of-way issues and motor vehicle access on public lands (R.S. 2477);
- ☐ Road building on public lands;
- ☐ Seedbank maintenance;
- ☐ Southern Nevada Water Authority;
- ☐ State involvement in management of federal lands in Nevada;
- ☐ Threatened and endangered species in Nevada (possible listings);
- ☐ Transfers of federal land to state ownership or management;
- ☐ Water issues generally (usage, supply, water rights, and litigation);
- ☐ Wild horses and burros;
- ☐ Wilderness and Wilderness Study Areas; and
- ☐ Wildlife management.

## **APPENDIX C**

**Committee Letters Approved  
During Meetings and at Work Sessions**





March 18, 2002

The Honorable Harry Reid  
United States Senate  
528 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable John Ensign  
United States Senate  
364 Russell Senate Office Building  
Washington, D.C. 20510-0001

The Honorable Jim Gibbons  
United States House of Representatives  
100 Cannon House Office Building  
Washington, D.C. 20515-001

**Subject: Humboldt Project Title Transfer**

Dear Gentlemen:

On March 8, 2002, the Nevada Legislature's Statutory Committee on Public Lands voted unanimously to support the transfer of title of the Humboldt Project in northern Nevada from the United States to the Pershing County Water Conservation District. Having reviewed this proposal and discussed the benefits that will be realized by the District, Lander County, and the State of Nevada, the Committee believes this transfer is in the best interests of all parties. We realize congressional action (and completion of appropriate federal documents) will be necessary to achieve the transfer, and urge your support at the federal level.

As you know, this action will result in the transfer of title of much of the Community Pasture in Lander County from the Bureau of Reclamation to state and local entities for a variety of uses. With so much of Nevada's land under the control of the Federal Government, the transfer of land to state and local control represents a unique opportunity.

Thank you in advance for your support and cooperation in this important effort. Please call upon us if we can assist you in any way.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean A. Rhoads". The signature is fluid and cursive, with the first name "Dean" and last name "Rhoads" clearly legible.

State Senator Dean A. Rhoads, Chairman  
Nevada's Legislative Committee on Public Lands

W21428/L020

cc: The Honorable Kenny C. Guinn, Governor of Nevada  
R. Michael Turnipseed, P.E., Director, Nevada Department of Conservation and Natural Resources  
Mike Gottschalk, Member, Board of Directors, Pershing County Water Conservation District  
Betsy Rieke, Area Manager, Lahonton Basin Area Office, Bureau of Reclamation



August 8, 2002

Ray Masayko, Mayor  
Carson City Board of Supervisors  
201 North Carson Street, Suite 2  
Carson City, Nevada 89701-4289

Dear Mayor Masayko:

As Chairman of Nevada's Legislative Committee on Public Lands, I am contacting you to encourage your support and leadership of local conservation planning efforts to protect sage grouse in Nevada. The status of the sage grouse and its potential listing under the Endangered Species Act of 1973 (ESA), could have a significant impact on Nevada's rural economies. As a result, it is essential that county governments participate in a proactive approach to avoid such a listing, by undertaking local conservation planning. The Legislative Committee on Public Lands heard considerable testimony on this issue during the 2001-2002 Legislative Interim, and we believe local planning in support of Nevada's Sage Grouse Conservation Strategy is critical to successfully avoid listing of the sage grouse under the ESA.

### BACKGROUND

Several conservation groups have petitioned the U.S. Fish and Wildlife Service to list certain populations of sage grouse in the Western United States under the ESA. To date, petitions have been submitted for the Western Washington sage grouse (Washington); the Gunnison sage grouse (Colorado and Utah); the Mono Basin area sage grouse (California and Nevada); and the western sage grouse (Oregon, Washington, Idaho, Nevada, and California). At this time, no petition has been submitted to list the Greater sage grouse across its 11-state range.

Sage grouse occur in all Nevada counties except Clark County. Their listing under the ESA will impact a wide range of natural resource users and shape future economic uses of Nevada's public and private lands. Affected land uses will include production agriculture, industrial activities, mining, municipal land and water developments, ranching, roads, utility rights-of-way, and a broad spectrum of popular recreational activities. **Since most sage**

**grouse habitat occurs in the northern portion of Nevada where natural resources economies are already fragile, rural communities in this region will likely experience the greatest impact.**

## **NEVADA'S CONSERVATION PLANNING EFFORT**

In response to concerns about sage grouse in Nevada and the impending threat of a listing, a diverse group of Nevadans took a proactive approach toward sage grouse conservation. In August 2000, with support from Governor Kenny C. Guinn, the Nevada Association of Counties (NACO), and a wide range of industry and conservation interests, this group developed a statewide conservation strategy aimed at: (1) assessing the condition of sage grouse populations in Nevada; (2) evaluating the condition of their habitat; and (3) developing and implementing conservation efforts where they are needed.

The effort resulted in the Nevada Sage Grouse Conservation Strategy, completed in November 2001. **The strategy provides a framework for sage grouse conservation and calls for local conservation planning, led by local stakeholders, and mustered through county governments.** (Please refer to "Where the Rubber Hits the Road," Nevada Sage Grouse Conservation Strategy, p. 58, available online at <http://nevadadivisionofwildlife.org/>.)

## **THE NEED FOR LOCAL PLANNING**

Following completion of Nevada's Strategy, local planning groups began meeting throughout Nevada last December. At present, some of them are poised to successfully deal with the contentious planning issues confronting them, while others are struggling with basic organization. Recognizing the importance of strong local leadership in the planning effort, a group of county representatives met in Fallon to: (1) ascertain the level of local involvement around the state; (2) consider whether county governments are adequately engaged; and (3) determine, if necessary, what should be done to bolster representation by local citizens.

This information was then presented to the Committee on Public Lands during our meeting in Fallon on June 21, 2002. **In response, the Legislative Committee agreed that local government participation is crucial, and moved to formally encourage all counties to play an active role in the sage grouse conservation effort.**

The results of conservation planning may cause varying degrees of difficulty and potential hardship for the citizens of your county. However, it is our hope that, with appropriate leadership from federal, state, and county governments, hardships will be minimized and the outcome will benefit sage grouse, the rural Nevada landscape, and our natural resource economies. In the end, we further hope to eliminate the need for listing under the ESA, which

Ray Masako, Mayor

Page 3

August 8, 2002

economies. In the end, we further hope to eliminate the need for listing under the ESA, which may result in greater hardships to local residents than the conservation planning we urge you to undertake.

### CONCLUDING REMARKS

Attached to this letter is a summary of the testimony presented by several county representatives at our June 21<sup>st</sup> meeting. It offers specific information about why and how local citizens and county governments should be involved.

For additional information about sage grouse or the Nevada Sage Grouse Conservation Strategy, contact Gregg Tanner at Nevada's Division of Wildlife (775/688-1500), or Andrew List at NACO (775/883-7863). Thank you for your leadership.

Sincerely,



Senator Dean A. Rhoads  
Chairman, Nevada's Legislative  
Committee on Public Lands

DAR:ck/W23626/L053

A similar letter was sent to the following individuals:

Gwen Washburn  
Chairman  
Churchill County Board of Commissioners  
155 North Taylor Street, Suite 110  
Fallon, Nevada 89406-2763

Bruce Woodbury  
Chairman  
Clark County Board of Commissioners  
500 South Grand Central Parkway  
Las Vegas, Nevada 89106-4506

Jacques Etchegoyhen  
Chairman  
Douglas County Board of Commissioners  
Post Office Box 218  
Minden, Nevada 89423-4004

Brad Roberts  
Chairman  
Elko County Board of Commissioners  
569 Court Street  
Elko, Nevada 89801-3529

Benjamin Viljoen  
Chairman  
Esmeralda County Board of Commissioners  
Post Office Box 517  
Goldfield, Nevada 89013-0517

Peter J. Goicoechea  
Chairman  
Eureka County Board of Commissioners  
Post Office Box 677  
Eureka, Nevada 89316-0677  
John H. Milton III

Ray Masako, Mayor

Page 4

August 8, 2002

Chairman  
Humboldt County Board of Commissioners  
Courthouse, Room 205  
Winnemucca, Nevada 89445-3199

Mickey Yarbro  
Chairman  
Lincoln County Board of Commissioners  
315 South Humboldt Street  
Battle Mountain, Nevada 89820-1958

Dan C. Frehner  
Chairman  
Lincoln County Board of Commissioners  
Lincoln County Courthouse  
Pioche, Nevada 89043

Phyllis Hunewill  
Chairman  
Lyon County Board of Commissioners  
27 South Main Street  
Yerington, Nevada 89447-2571

Arlo Funk  
Chairman  
Mineral County Board of Commissioners  
Post Office Box 1450  
Hawthorne, Nevada 89415-1450

Richard J. Carver  
Chairman  
Nye County Board of Commissioners  
Post Office Box 153  
Tonopah, Nevada 89049-0153

Dave Ayooob  
Chairman  
Pershing County Board of Commissioners  
Post Office Drawer E  
Lovelock, Nevada 89419-1156

Greg Hess  
Chairman  
Storey County Board of Commissioners  
County Courthouse  
"B" Street  
Virginia City, Nevada 89440

Pete Sferrazza  
Chairman  
Washoe County Board of Commissioners  
1001 East Ninth Street  
Reno, Nevada 89512-2845

David Provost  
Chairman  
White Pine County Board of Commissioners  
801 Clark Street  
Ely, Nevada 89301-1995

## **Issues of Citizen and County Government Involvement in Sage Grouse Conservation Planning**

Summary of the June 13, 2002, Meeting of Representatives from  
Churchill, Eureka, Lander, and White Pine Counties

Presented at the June 21, 2002, Meeting of the Legislative Committee on Public Lands

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### **What is the appropriate level of involvement for county government in land-use planning?**

- County government is the original sounding board for our natural resource concerns. It is also the first level of government to respond to economic and social malaise.
- County governments must be fully engaged in land-use planning for federal and state lands.
- County involvement must be formalized via county land-use plans.

### **Are private citizens and local governments adequately represented in sage grouse conservation planning?**

- Nevada's Sage Grouse Conservation Strategy is based on: (1) full involvement by all levels of government; and (2) consultation with private citizens.
- Citizen participation is varied among planning groups and is likely to diminish without follow-through by county governments and the Governor's team.
- The full suite of land-use planning tools is not being directed at sage grouse conservation planning; in particular, county land-use plans are not being employed.

### **Why are county land-use plans important to the ongoing sage grouse conservation planning effort?**

- Indirectly, the U.S. Fish and Wildlife Service requires county planning, as follows:
  - The Endangered Species Act of 1973 (ESA) requires the U.S. Fish and Wildlife Service (USFWS) to consider state and local efforts to conserve and protect any species under consideration for listing. In order to be considered, these efforts must meet requirements of the USFWS Policy for Evaluating Conservation Efforts (PECE).
  - Plans to conserve wildlife species and, where necessary, prevent the species from being listed under the ESA cannot be implemented without local involvement. Under PECE, the adequacy of conservation efforts/plans is measured by: (1) certainty of implementation; and (2) effectiveness of conservation effort.
  - County governments share planning authority over factors used to determine whether a species is threatened or endangered.

<i>Factors</i>	<i>Primary Planning Authority<sup>1</sup></i>
Destruction or modification of habitat	federal/state/private landowner
Over-utilization from commercial, recreation, scientific or educational purposes (includes hunting)	federal/state/county
Disease or predation	federal/state/county
Inadequacy of existing regulations	federal/state/county
Other natural or manmade factors	federal/state/county

<sup>1</sup>Other planning authorities may also be established under state law.

- Effective county land-use plans for sage grouse conservation **benefit the state planning effort by:**
  - Legitimizing the Governor's strategy
  - Maintaining local participation
  - Mitigating impacts to affected citizens and businesses
  - Putting eyes and ears on the ground
- Effective County Land-Use Plans for Sage Grouse Conservation **benefit county residents by:**
  - Protecting local custom and culture
  - Formalizing the local economic and social viability base
  - Increasing the stature of county interests in state and federal planning

### **Why are counties are not fully engaged?**

- More pressing issues
- Not fully aware of impacts of threatened and endangered (T&E) listing
- Not adequately familiar with the planning process
- Under-staffed/under-funded

### **What are the solutions?**

- Raise the level of priority
- Educate county governments about: (1) likely impacts of T&E listing; (2) conservation planning process; and (3) benefits of local action
- Address funding issues related to natural resource planning
- Require state land-use planning to acknowledge and resolve all local laws, regulations, ordinances and/or land-use plans

NEVADA LEGISLATURE'S  
COMMITTEE ON PUBLIC LANDS  
LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NV 89701-4747



SENATOR DEAN A. RHOADS, Chairman  
ASSEMBLYMAN JOHN W. MARVEL, Vice Chairman  
SENATOR TERRY CARE

ASSEMBLYMAN P.M. "ROY" NEIGHBORS  
ASSEMBLYMAN TOM COLLINS  
EUREKA COUNTY COMMISSIONER PETER GOICOECHEA

STAFF DIRECTOR: LINDA EISSMANN (775) 684-6825  
PRINCIPAL DEPUTY LEGISLATIVE COUNSEL: R. RENE YECKLEY (775) 684-6830

September 3, 2002

The Honorable Harry Reid  
United States Senator  
528 Hart Senate Office Building  
Washington, D.C. 20510-2803

RE: Clark County Conservation of Public Land and Natural Resources Act of 2002

Dear Senator Reid:

As you know, Nevada's Legislative Committee on Public Lands actively monitors federal legislation that will influence the 61 million acres of public land in Nevada. Among the measures discussed during our recent deliberations was the Clark County Conservation of Public Lands and Natural Resources Act of 2002 (S. 2612).

The Committee shares your concerns regarding preservation of southern Nevada's natural resources, while continuing to accommodate growth and meeting the recreational demands of Clark County residents. Federal management of Nevada's land is a complex issue, which the Clark County Conservation Act will help to address in southern Nevada. We also support designation of appropriate wilderness areas as outlined in the measure, and strongly endorse the release of other land from wilderness study area status.

The Committee finds this to be a very important piece of legislation for Nevada, and voted unanimously to provide you with this letter of our support of the measure.

Thank you for your interest in public lands issues throughout Nevada, and your sponsorship of the Clark County Conservation Act. As always, please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dean A. Rhoads".

Senator Dean A. Rhoads  
Chairman, Nevada's Legislative  
Committee on Public Lands

A similar letter was sent to the following individuals:

The Honorable John Ensign  
United States Senator  
364 Russell Senate Building  
Washington, D.C. 20510

The Honorable Shelley Berkley  
United States House of Representatives  
1505 Longworth House Office Building  
Washington, D.C. 20515-0001

The Honorable Jim Gibbons  
United States House of Representatives  
100 Cannon House Office Building  
Washington, D.C. 20515

NEVADA LEGISLATURE'S  
COMMITTEE ON PUBLIC LANDS  
LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NV 89701-4747

SENATOR DEAN A. RHOADS, Chairman  
ASSEMBLYMAN JOHN W. MARVEL, Vice Chairman  
SENATOR TERRY CARE

ASSEMBLYMAN P.M. "ROY" NEIGHBORS  
ASSEMBLYMAN TOM COLLINS  
EUREKA COUNTY COMMISSIONER PETER GOICOECHEA



STAFF DIRECTOR: LINDA EISSMANN (775) 684-6825  
PRINCIPAL DEPUTY LEGISLATIVE COUNSEL: R. RENE YECKLEY (775) 684-6830

September 3, 2002

The Honorable Harry Reid  
United States Senator  
528 Hart Senate Office Building  
Washington, D.C. 20510-2803

RE: Conveyance of Public Land in Clark County for Use as a Shooting Range

Dear Senator Reid:

As you know, Nevada's Legislative Committee on Public Lands actively monitors federal legislation that will influence the 61 million acres of public land in Nevada. Among the measures discussed during our recent deliberations was S. 1451/1601, to convey certain public land in Clark County for use as a shooting range.

The Committee heard a presentation by proponents of the measure, regarding the demand for such a facility in the Las Vegas Valley. In a rapidly growing area such as Las Vegas, we concur that a centralized shooting facility for use by the public and law enforcement personnel is essential, and will promote education, marksmanship, recreation, and safety in this popular sport.

The Committee finds this to be an important piece of legislation for Nevada, and voted unanimously to provide you with this letter of our support of the measure.

Thank you for your interest in public lands issues throughout Nevada, and your sponsorship of the Clark County shooting range bill. As always, please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in dark ink, reading "Dean A. Rhoads". The signature is fluid and cursive, with the first name "Dean" and last name "Rhoads" clearly legible.

Senator Dean A. Rhoads  
Chairman, Nevada's Legislative  
Committee on Public Lands

DAR/ck:L126&W23919

A similar letter was sent to the following individuals:

The Honorable John Ensign  
United States Senator  
364 Russell Senate Building  
Washington, D.C. 20510

The Honorable Shelley Berkley  
United States House of Representatives  
1505 Longworth House Office Building  
Washington, D.C. 20515-0001

The Honorable Jim Gibbons  
United States House of Representatives  
100 Cannon House Office Building  
Washington, D.C. 20515



September 3, 2002

The Honorable George W. Bush  
President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, D.C. 20500

RE: PILT and Refuge Sharing Permanent Funding Act

Dear Mr. President:

Nevada's Legislative Committee on Public Lands is a permanent committee of the Nevada Legislature, and meets throughout the interim period between legislative sessions. The Committee is responsible for reviewing and commenting on proposed and existing laws and regulations that affect 61 million acres of federally managed lands in Nevada. The Committee also provides a forum for the discussion of public lands matters with citizens, elected officials, agency representatives, interest groups, and private organizations.

One of the many important topics the Committee monitors is the federal Payments in Lieu of Taxes (PILT) program. The PILT program, which is funded through Congressional appropriation, is especially beneficial for Nevada, where 87 percent of its land base is under federal management. As you know, land managed by the Federal Government is not taxable; therefore, Nevada counties that have an extensive amount of federally controlled land experience significant fiscal burdens. (Federal land ownership in some of our counties is in excess of 90 percent.)

Despite recent increases in funding to the national PILT program, the money appropriated by Congress still remains insufficient to provide full payments under the PILT formula. Nevada's rural local governments rely heavily on this money to offset costs associated with school construction, transportation projects, and other critical infrastructure development. Concern over insufficient PILT payments was echoed by representatives from each of Nevada's 17 counties, and at each of the Committee on Public Lands' meetings during this interim.

The Committee was encouraged to learn of a proposal currently being considered by Congress, which would take PILT out of the annual congressional appropriations process and make full PILT payments automatic. The measure, S. 454, is known as the "PILT and Refuge Sharing Permanent Funding Act." Therefore, at its final meeting and work session in August 2002, the Committee on

The Honorable George W. Bush  
Page 2  
September 3, 2002

Public Lands voted to send you this letter urging your full support of S. 454, and all efforts by Congress to fully fund the PILT program.

Thank you for your consideration of this important request. As always, please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dean A. Rhoads". The signature is fluid and cursive, with a large initial "D" and a stylized "R".

Senator Dean A. Rhoads  
Chairman, Nevada's Legislative  
Committee on Public Lands

DAR/ck:L130&W23920  
cc: Gale Norton, Secretary of the Interior

A similar letter was sent to the following individuals:

The Honorable Jeff Bingaman  
United States Senate  
703 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable John Ensign  
United States Senator  
364 Russell Senate Building  
Washington, D.C. 20510

The Honorable Harry Reid  
United States Senator  
528 Hart Senate Office Building  
Washington, D.C. 20510-2803

The Honorable Shelley Berkley  
United States House of Representatives  
1505 Longworth House Office Building  
Washington, D.C. 20515-0001

The Honorable Jim Gibbons  
United States House of Representatives  
100 Cannon House Office Building  
Washington, D.C. 20515



September 4, 2002

The Honorable George W. Bush  
President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, D.C. 20500

RE: Good Neighbor Act of 2002

Dear Mr. President:

Nevada's Legislative Committee on Public Lands is a permanent committee of the Nevada Legislature, and meets throughout the interim period between legislative sessions. The Committee is responsible for reviewing and commenting on proposed and existing laws and regulations that affect 61 million acres of federally managed lands in Nevada. The Committee also provides a forum for the discussion of public lands matters with citizens, elected officials, agency representatives, interest groups, and private organizations.

One of the many important topics the Committee monitors is the authority of the Federal Government to acquire land. Federal ownership and management of land is an especially important issue in Nevada, where 87 percent of its land base is already under federal control. As you know, this land is not taxable. Therefore, Nevada counties that have an extensive amount of federally controlled land experience significant fiscal burdens. (Federal land ownership in some of our counties is in excess of 90 percent.) Further, federal land ownership severely limits our local governments from economic development, thereby hampering their financial prosperity.

Nevada has benefited from two measures enacted by Congress that authorized the disposal of certain public lands. These measures were the Southern Nevada Public Lands Management Act of 1998, and the Federal Land Transaction Facilitation Act of 2000, both of which provide for the orderly disposal of federal land by sale or auction in Nevada. However, the authority of the Federal Government to acquire land remains an issue of concern to many Nevadans.


The Committee was encouraged to learn of a proposal currently being considered by Congress, which would limit the authority of the Federal Government to acquire land for certain federal agencies in counties where 50 percent or more of the total acreage is owned by the Federal Government, unless the government disposes of qualified land in the same county. The measure, H.R. 3962, is known as the "Good Neighbor Act of 2002." At its final meeting and work session in

The Honorable George W. Bush  
Page 2  
September 4, 2002

August 2002, the Committee on Public Lands voted to send you this letter urging your support of the "no net gains" concept contained in H.R. 3962.

Thank you for your consideration of this important request. As always, please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dean A. Rhoads". The signature is fluid and cursive, with a large, stylized initial "D" and "R".

Senator Dean A. Rhoads  
Chairman, Nevada's Legislative  
Committee on Public Lands

DAR/ck:L136&W23920

cc: Gale Norton, Secretary of the Interior  
Ann Veneman, Secretary of Agriculture

A similar letter was sent to the following individuals:

The Honorable John Ensign  
United States Senator  
364 Russell Senate Building  
Washington, D.C. 20510

The Honorable John E. Peterson  
United States House of Representatives  
307 Cannon House Office Building  
Washington, D.C. 20515-3808

The Honorable Harry Reid  
United States Senator  
528 Hart Senate Office Building  
Washington, D.C. 20510-2803

The Honorable Shelley Berkley  
United States House of Representatives  
1505 Longworth House Office Building  
Washington, D.C. 20515-0001

The Honorable Jim Gibbons  
United States House of Representatives  
100 Cannon House Office Building  
Washington, D.C. 20515



September 4, 2002

The Honorable George W. Bush  
President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, D.C. 20500

RE: Drought Preparedness Act of 2002

Dear Mr. President:

Nevada's Legislative Committee on Public Lands is a permanent committee of the Nevada Legislature, and meets throughout the interim period between legislative sessions. The Committee is responsible for reviewing and commenting on proposed and existing laws and regulations that affect 61 million acres of federally managed lands in Nevada. The Committee also provides a forum for the discussion of public lands matters with citizens, elected officials, agency representatives, interest groups, and private organizations.

One of the many important topics about which the Committee is concerned is the impact of drought. As you know, Nevada is the fastest growing state in the nation. We are also among the driest of the states, with less than 10 inches of rainfall annually in most areas. The pressures placed by our growing population on our limited water resources create a variety of complex issues and challenges. Drought also has devastating effects on agriculture, one of Nevada's most important industries. Even the slightest variations in rainfall and water availability have devastating and long-term effects on our farmers and ranchers. In most of our rural counties, agriculture is the mainstay of the economy.

Additionally, wildfires are an important issue for Nevada, where fires can spread quickly in our normally dry conditions. These conditions, as well as our efforts to rehabilitate burned areas, are exacerbated during periods of drought. Burned areas can take many years to recover, and require diligent (and often costly) rehabilitation efforts.

The Committee was interested to learn of a proposal currently being considered by Congress, which would establish a National Drought Council within the Federal Emergency Management Agency, to improve national drought preparedness, mitigation, and response efforts. The measure, S. 2528, is known as the "National Drought Preparedness Act" and was introduced by Senator Pete V. Domenici (R-NM). At its final meeting and work session in August 2002, the Committee on Public

The Honorable George W. Bush  
Page 2  
September 4, 2002

Lands voted to send you this letter urging your support of S. 2528 and any efforts to improve national drought preparedness and mitigation.

Thank you for your consideration of this important request. As always, please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean A. Rhoads". The signature is fluid and cursive, with a large, stylized initial "D".

Senator Dean A. Rhoads  
Chairman, Nevada's Legislative  
Committee on Public Lands

DAR/ck:L142&W23922

cc: Joe Allbaugh, Director, Federal Emergency Management Agency

A similar letter was sent to the following individuals:

The Honorable Pete V. Domenici  
United States Senate  
328 Hart Senate Office Building  
Washington, D.C. 20510

The Honorable John Ensign  
United States Senator  
364 Russell Senate Building  
Washington, D.C. 20510

The Honorable Harry Reid  
United States Senator  
528 Hart Senate Office Building  
Washington, D.C. 20510-2803

The Honorable Shelley Berkley  
United States House of Representatives  
1505 Longworth House Office Building  
Washington, D.C. 20515-0001

The Honorable Jim Gibbons  
United States House of Representatives  
100 Cannon House Office Building  
Washington, D.C. 20515



September 5, 2002

The Honorable George W. Bush  
President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, D.C. 20500

RE: Funding for Nevada's BLM Operations

Dear Mr. President:

As you may be aware, Nevada's Legislative Committee on Public Lands is a permanent committee of the Nevada Legislature, meeting throughout the interim period between legislative sessions. The Committee is responsible for reviewing and commenting on proposed and existing laws and regulations that affect 61 million acres of federally managed lands in Nevada, representing 87 percent of the state's land area. The Committee also provides a forum for the discussion of public lands matters with citizens, elected officials, agency representatives, interest groups, and private organizations.

At meetings during this current interim, we received reports and presentations from representatives of the Bureau of Land Management (BLM) regarding the various programs, projects, and activities of the agency in the State of Nevada. The reports have been professional, informative, and timely, and are of particular interest because 68 percent of Nevada's land is managed by the BLM. These reports often revealed the tremendous need for funding of BLM's Nevada operations, and the apparent inequity in funding among states with BLM managed lands.

During the 2001-2002 Legislative Interim, the Committee on Public Lands learned that total funding for Nevada's BLM operations continues to be less than many other states, despite the fact that Nevada is the fastest growing state in the nation, ranks second in total BLM land ownership (behind Alaska), and contributes greatly to the overall BLM receipts.

Clearly, this demonstrates a troubling inequity in the funding of BLM state operations. Therefore, at its final meeting in Elko, Nevada, in August 2002, the Committee on Public Lands voted to send you this letter requesting that Nevada's BLM operations receive at least equal to or greater funding than other states. The Committee hopes that your administration and top BLM officials will recognize the need to fund Nevada's operations based on the amount of land under agency management, and seek to remedy this budgetary imbalance during the 108<sup>th</sup> Congress.

The Honorable George W. Bush  
Page 2  
September 5, 2002

Thank you for your kind consideration of this request. Please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dean A. Rhoads". The signature is fluid and cursive, with a large, stylized initial "D".

Senator Dean A. Rhoads  
Chairman, Nevada's Legislative  
Committee on Public Lands

DAR/ck:L148&W23923

cc: United States Senator John Ensign  
United States Senator Harry Reid  
United States Representative Shelley Berkley  
United States Representative Jim Gibbons



September 5, 2002

Gale Norton  
Secretary of the Interior  
United States Department of the Interior  
1849 C Street NW, Room 7229  
Washington, D.C. 20240

RE: Funding for Nevada's BLM Operations

Dear Secretary Norton:

As you may be aware, Nevada's Legislative Committee on Public Lands is a permanent committee of the Nevada Legislature, meeting throughout the interim period between legislative sessions. The Committee is responsible for reviewing and commenting on proposed and existing laws and regulations that affect 61 million acres of federally managed lands in Nevada, representing 87 percent of the state's land area. The Committee also provides a forum for the discussion of public lands matters with citizens, elected officials, agency representatives, interest groups, and private organizations.

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Gale Norton  
Page 2  
September 5, 2002

Thank you for your kind consideration of this request. Please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dean A. Rhoads". The signature is fluid and cursive, with the first name "Dean" being more prominent.

Senator Dean A. Rhoads  
Chairman, Nevada's Legislative  
Committee on Public Lands

DAR/ck:L149&W23923

cc: Robert V. Abbey, Nevada State Director, Bureau of Land Management  
Jean Rivers-Council, Acting Nevada State Director, Bureau of Land Management



September 9, 2002

Nevada Weed Action Committee  
Dawn Rafferty, Noxious Weeds Program Coordinator  
State Department of Agriculture  
350 Capitol Hill Avenue  
Reno, Nevada 89502-2923

Dear Members of the Nevada Weed Action Committee:

Nevada's Legislative Committee on Public Lands, a permanent committee of the Nevada Legislature, recently completed its work for the 2001-2002 Legislative Interim period. Throughout our meetings, the Committee hears citizens' concerns about public lands issues, and reviews federal and state land management policies. The Committee also actively monitors relevant federal legislation and strives to maintain open communication with federal agencies, local governments, and public land users.

Among the issues in which the Committee has taken an ongoing interest over the years are noxious weeds and invasive species. During the 2001-2002 Interim, these issues remained active in our deliberations, particularly with the development of Nevada's Coordinated Invasive Weed Strategy and Noxious Weed Action Plan, and the continuing occurrences of fire ants, Mormon crickets, and Africanized Honey Bees. We recognize these as areas of serious concern for Nevada, and have submitted a Bill Draft Request for the 2003 Legislature to fund grants for the local treatment and control of invasive weed species.

At our last meeting in August 2002, the Committee also voted to send you this letter of appreciation and commendation for the diligence and hard work of the Nevada Weed Action Committee to address Nevada's invasive weed problem. We are similarly grateful to the State Department of Agriculture, Cooperative Extension Service, Bureau of Land Management, and U.S. Forest Service for their efforts, and are particularly pleased to see BLM's addition of a full-time State Weed Coordinator to its staff.

Nevada Weed Action Committee

Page 2

September 9, 2002

Please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean A. Rhoads". The signature is fluid and cursive, with a large, stylized initial "D".

Senator Dean A. Rhoads  
Chairman, Nevada's Legislative  
Committee on Public Lands

DAR/ck:L164&W23924



September 9, 2002

Paul Iverson, Director  
State Department of Agriculture  
350 Capitol Hill Avenue  
Reno, Nevada 89502-2923

Dear Mr. Iverson:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2001-2002 Legislative Interim period. Throughout our meetings, the Committee hears citizens' concerns about public lands issues, and reviews federal and state land management policies. The Committee also actively monitors relevant federal legislation and strives to maintain open communication with federal agencies, local governments, and public land users.

Among the issues in which the Committee has taken an ongoing interest over the years are noxious weeds and invasive species. During the 2001-2002 Interim, these issues remained active in our deliberations, particularly with the development of Nevada's Coordinated Invasive Weed Strategy and Noxious Weed Action Plan, and the continuing occurrences of fire ants, Mormon crickets, and Africanized Honey Bees. The Committee specifically appreciated the presentations by Jeff Knight and Dawn Rafferty on these subjects at two of our meetings.

At our last meeting in August 2002, the Committee voted to submit a Bill Draft Request for the 2003 Legislature to fund grants for the local treatment and control of invasive weed species. The Committee further agreed to send you this letter of appreciation and commendation for the diligence and hard work of your staff to rid Nevada of noxious weeds and invasive species. We are similarly grateful to the Nevada Weed Action Committee, Cooperative Extension Service, Bureau of Land Management, and U.S. Forest Service for their efforts to tackle these serious problems.

Paul Iverson, Director

Page 2

September 9, 2002

Please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean A. Rhoads", with a stylized flourish at the end.

Senator Dean A. Rhoads  
Chairman, Nevada's Legislative  
Committee on Public Lands

DAR/ck:L157&W23924



September 9, 2002

Karen Hinton, Dean and Director  
Nevada Cooperative Extension  
Mail Stop 404  
University of Nevada, Reno  
Reno, Nevada 89557

Dear Ms. Hinton:

Nevada's Legislative Committee on Public Lands, a permanent committee of the Nevada Legislature, recently completed its work for the 2001-2002 Legislative Interim period. Throughout our meetings, the Committee hears citizens' concerns about public lands issues, and reviews federal and state land management policies. The Committee also actively monitors relevant federal legislation and strives to maintain open communication with federal agencies, local governments, and public land users.

Among the issues in which the Committee has taken an ongoing interest over the years are noxious weeds and invasive species. During the 2001-2002 Interim, these issues remained active in our deliberations, particularly with the development of the Coordinated Invasive Weed Strategy and the Noxious Weed Action Plan, and the continuing occurrences of fire ants, Mormon crickets, and Africanized Honey Bees. We recognize these as areas of serious concern for Nevada, and have submitted a Bill Draft Request for the 2003 Legislature to fund grants for the local treatment and control of invasive weed species.

At our last meeting in August 2002, the Committee also voted to send you this letter of appreciation and commendation for the diligence and hard work of the Cooperative Extension Service to address Nevada's invasive weed problem. We are similarly grateful to the Nevada Weed Action Committee, State Department of Agriculture, the Bureau of Land Management, and the U.S. Forest Service for their efforts.

Karen Hinton, Dean and Director  
Page 2  
September 9, 2002

Please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean A. Rhoads". The signature is fluid and cursive, with a large, stylized initial "D".

Senator Dean A. Rhoads  
Chairman, Nevada's Legislative  
Committee on Public Lands

DAR/ck:L165&W23924

A similar letter was sent to the following individuals:

Robert V. Abbey  
State Director, Nevada State Office  
Bureau of Land Management  
1340 Financial Boulevard

Bob Vaught, Forest Supervisor  
Humboldt-Toiyabe National Forest  
United States Forest Service  
1200 Franklin Way  
Sparks, Nevada 89431

NEVADA LEGISLATURE'S  
COMMITTEE ON PUBLIC LANDS  
LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NV 89701-4747



SENATOR DEAN A. RHOADS, Chairman  
ASSEMBLYMAN JOHN W. MARVEL, Vice Chairman  
SENATOR TERRY CARE

ASSEMBLYMAN P.M. "ROY" NEIGHBORS  
ASSEMBLYMAN TOM COLLINS  
EUREKA COUNTY COMMISSIONER PETER GOICOECHEA

STAFF DIRECTOR: LINDA EISSMANN (775) 684-6825  
PRINCIPAL DEPUTY LEGISLATIVE COUNSEL: R. RENE YECKLEY (775) 684-6830

September 10, 2002

Dave Pickel, GIS Coordinator  
Natural Resources Conservation Service  
5301 Longley Lane, Building F, Suite 202  
Reno, Nevada 89511-1805

Dear Mr. Pickel:

As you know, Nevada's Legislative Committee on Public Lands meets throughout the interim period between legislative sessions to discuss various public lands issues with citizens, federal and state agencies, local governments, and private organizations. The Committee also monitors relevant federal legislation and strives to maintain open communication with federal agencies, local governments, and public land users.

Among the issues in which the Committee has taken an ongoing interest over the years are noxious weeds and invasive species. During the 2001-2002 Interim, these issues remained active in our deliberations, and we recognize them as areas of serious concern for Nevada. Among the bill draft requests submitted by the Committee is a request to the 2003 Legislature to fund grants for the local treatment and control of invasive weed species.

At our last meeting in August 2002, the Committee voted to send a letter of appreciation and commendation for the diligence and hard work of everyone involved in fighting invasive species and noxious weeds. We are particularly grateful for the contributions of the Natural Resources Conservation Service, and its cost share programs, statewide weed mapping projects, assistance to Nevada's conservation districts, and various research/planning efforts. The contributions of your agency to the overall fight against noxious and invasive weeds has been noted in our deliberations, and we are sincerely grateful for your participation.

Please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dean A. Rhoads". The signature is fluid and cursive, with a large initial "D" and "R".

Senator Dean A. Rhoads  
Chairman, Nevada's Legislative  
Committee on Public Lands



NEVADA LEGISLATURE'S  
COMMITTEE ON PUBLIC LANDS  
LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NV 89701-4747

SENATOR DEAN A. RHOADS, Chairman  
ASSEMBLYMAN JOHN W. MARVEL, Vice Chairman  
SENATOR TERRY CARE

ASSEMBLYMAN P.M. "ROY" NEIGHBORS  
ASSEMBLYMAN TOM COLLINS  
EUREKA COUNTY COMMISSIONER PETER GOICOECHEA



STAFF DIRECTOR: LINDA EISSMANN (775) 684-6825  
PRINCIPAL DEPUTY LEGISLATIVE COUNSEL: R. RENE YECKLEY (775) 684-6830

September 9, 2002

Robert V. Abbey, State Director  
Nevada State Office  
Bureau of Land Management  
1340 Financial Boulevard  
Reno, Nevada 89502-7147

Dear Mr. Abbey:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2001-2002 Legislative Interim period. As you know, the Committee travels throughout Nevada and to Washington, D.C., during the 18 months between legislative sessions. Throughout our meetings, the Committee listens to citizens' concerns about public lands issues, and reviews federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. The Committee also actively monitors federal legislation impacting Nevada's public lands, and strives to maintain open communication with federal agency representatives, local government officials, and public land users.

Throughout the interim, the Committee has been continuously impressed with the interest, participation, professionalism, and reliability of the Bureau of Land Management in our meetings. In fact, I believe the BLM has participated in each of our eight meetings during this interim, and each presentation has been informative and timely.

At our final meeting in August 2002, the Committee voted to send this letter of appreciation and commendation to you, your field managers, and the BLM Nevada staff for their involvement and expertise. The information you provided to us proved invaluable in each of our meetings. We are well aware that you are often requested to discuss somewhat controversial matters, and we are grateful for your willingness to attend our hearings and respond to the issues and questions raised.

Robert V. Abbey, State Director

Page 2

September 9, 2002

Thank you for your cooperation and ongoing participation in our deliberations. Please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dean A. Rhoads". The signature is fluid and cursive, with a large, stylized initial "D".

Senator Dean A. Rhoads  
Chairman, Nevada's Legislative  
Committee on Public Lands

DAR/ck:L157&W23924

cc: Gale Norton, Secretary of the Interior

Kathleen Clarke, Bureau of Land Management Director

NEVADA LEGISLATURE'S  
COMMITTEE ON PUBLIC LANDS  
LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NV 89701-4747

SENATOR DEAN A. RHOADS, Chairman  
ASSEMBLYMAN JOHN W. MARVEL, Vice Chairman  
SENATOR TERRY CARE

ASSEMBLYMAN P.M. "ROY" NEIGHBORS  
ASSEMBLYMAN TOM COLLINS  
EUREKA COUNTY COMMISSIONER PETER GOICOECHEA



STAFF DIRECTOR: LINDA EISSMANN (775) 684-6825  
PRINCIPAL DEPUTY LEGISLATIVE COUNSEL: R. RENE YECKLEY (775) 684-6830

September 9, 2002

Bob Vaught, Forest Supervisor  
Humboldt-Toiyabe National Forest  
United States Forest Service  
1200 Franklin Way  
Sparks, Nevada 89431

Dear Mr. Vaught:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2001-2002 Legislative Interim period. As you know, the Committee travels throughout Nevada and to Washington, D.C., during the 18 months between legislative sessions. Throughout our meetings, the Committee listens to citizens' concerns about public lands issues, and reviews federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. The Committee also actively monitors federal legislation impacting Nevada's public lands, and strives to maintain open communication with federal agency representatives, local government officials, and public land users.

Throughout the interim, the Committee has been continuously impressed with the interest, participation, professionalism, and reliability of the Forest Service in our meetings. In fact, I believe your staff has participated in each of our eight meetings during this interim, and every presentation has been informative and timely.

At our final meeting in August 2002, the Committee voted to send this letter of appreciation and commendation to you and the Humboldt-Toiyabe staff for their involvement and expertise. The information you provided to us proved invaluable in each of our meetings. We are well aware that you are often requested to discuss somewhat controversial matters, and we are grateful for your willingness to attend our hearings and respond to the issues and questions raised.

Bob Vaught, Forest Supervisor

Page 2

September 9, 2002

Thank you for your cooperation and ongoing participation in our deliberations. Please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dean A. Rhoads". The signature is fluid and cursive, with a large initial "D" and a stylized "R".

Senator Dean A. Rhoads  
Chairman, Nevada's Legislative  
Committee on Public Lands

DAR/ck:L159&W23926

cc: Ann Veneman, Secretary of the Agriculture  
Dale Bosworth, Forest Service Chief



September 9, 2002

Robert V. Abbey  
State Director, Nevada State Office  
Bureau of Land Management  
1340 Financial Boulevard  
Reno, Nevada 89502-7147

Dear Mr. Abbey:

As you know, Nevada's Legislative Committee on Public Lands recently completed its work for the 2001-2002 Legislative Interim. Throughout our meetings, the Committee hears citizens' concerns about public lands issues, and reviews federal and state land management policies. The Committee also actively monitors relevant federal legislation and strives to maintain open communication with federal agencies, local governments, and public land users.

Fire suppression, fire prevention, and range rehabilitation are among the issues in which the Committee has taken a very strong interest. At virtually every one of our eight in-state meetings, local representatives and citizens raised the issue of wildfires as one of their most serious concerns, particularly in rural areas. On several occasions, we heard presentations from you staff, the State Division of Forestry, and the U.S. Forest Service regarding the status of the fire season and cooperative efforts to address fire suppression and rehabilitation efforts.

Each of these presentations has been very informative and timely. The Committee has often commented on the professionalism and reliability of your staff, and the strong sense of cooperation among fire fighting agencies. Therefore, at our final meeting in August 2002, the Committee voted to send this letter of appreciation to you and your staff for their participation in our meetings, and their outstanding fire fighting efforts. You are all to be commended for your diligence and hard work in these areas.

Robert V. Abbey  
Page 2  
September 9, 2002

Please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean A. Rhoads". The signature is fluid and cursive, with a large initial "D" and "R".

Senator Dean A. Rhoads  
Chairman, Nevada's Legislative  
Committee on Public Lands

DAR/ck:L160&W23927

cc: Gale Norton, Secretary of the Interior  
Kathleen Clarke, Director, Bureau of Land Management

A similar letter was sent to the following individuals:

Robert Vaught, Forest Supervisor  
Humboldt-Toiyabe National Forest  
United States Forest Service  
1200 Franklin Way  
Sparks, Nevada 89431

Steve Robinson, State Forester  
Nevada Division of Forestry  
1201 Johnson Street, Suite D  
Carson City, Nevada 89706



September 9, 2002

Collaborative Partners, Great Basin Restoration Initiative  
Bureau of Land Management  
HC 33 Box 33500  
Ely, Nevada 89301

Betsy Macfarlan, Project Coordinator  
Eastern Nevada Landscape Coalition  
Post Office Box 150266  
Ely, Nevada 89315

Dear Ms. Macfarlan and Members of the Great Basin Restoration Initiative:

Nevada's Legislative Committee on Public Lands, a permanent committee of the Nevada Legislature, recently completed its work for the 2001-2002 Legislative Interim period. Throughout our meetings, the Committee hears citizens' concerns about public lands issues, and reviews federal and state land management policies. The Committee also actively monitors relevant federal legislation and strives to maintain open communication with federal agencies, local governments, and public land users.

Among the issues in which the Committee has taken an ongoing interest over the years is the Great Basin Restoration Initiative (GBRI) in eastern Nevada. We have received numerous favorable reports highlighting the benefits of the GBRI, and efforts to reverse the decline of the Great Basin ecology caused by wildfires and the encroachment of invasive species and noxious weeds. The Committee agrees that improving the health of Nevada's open range benefits wildlife, native plant species, watersheds, and long-standing, valuable economic activities. Farming, ranching, mining, and recreation all stand to benefit from restorative efforts, and will help to support rural communities.

As a result, the Committee voted at its last meeting in August 2002, to send you this letter of appreciation and commendation for your diligence and hard work. We are grateful for the participation of each of the GBRI members, and wish to express our support and encouragement for your continued success.

Collaborative Partners, Great Basin Restoration Initiative and  
Betsy Macfarlan  
Page 2  
September 9, 2002

Please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dean A. Rhoads". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Senator Dean A. Rhoads  
Chairman, Nevada's Legislative  
Committee on Public Lands

DAR/ck:L163&W23928

cc: Gale Norton, Secretary of the Interior  
Kathleen Clarke, Director, Bureau of Land Management  
Robert V. Abbey, Nevada State Director, Bureau of Land Management



September 6, 2002

The Honorable Harry Reid  
United States Senator  
528 Hart Senate Office Building  
Washington, D.C. 20510-2803

RE: Support for the select harvest of Piñon Juniper

Dear Senator Reid:

One of the many interesting topics discussed and monitored over the last several years by Nevada's Legislative Committee on Public Lands is the select harvest of Piñon Juniper in central and eastern Nevada. Extensive overgrowth and encroachment of the Piñon Juniper species on native sagebrush communities has caused significant impact in many areas. This uncontrolled spread of the juniper greatly impacts wildlife habitat, increases the threat of wildfire, increases vulnerability of invasive species, and hampers fire suppression.

You may recall that the Committee awarded a \$10,000 grant in 2000 to the Lincoln County Regional Development Authority to conduct a study on this activity. The study, in part, helped involve interested stakeholders in the development of a comprehensive harvest management plan and related environmental impact statement for the sustainable harvest of Piñon Juniper.

Representatives of the study reported positively on their findings, and noted several benefits of "biomass harvesting." These benefits include enhanced watershed conditions, improved understory vegetation and wildlife habitat, reduced fire hazards, and sustained healthy woodlands. Additionally, the harvested juniper can be used as a sustainable source of renewable energy and wood products. Commercial harvesting may not only improve land and resource conditions, it may also help to diversify the area's economy.

At the Committee's meeting in Lincoln County last December, we were asked to support the county's request for funding to conduct an inventory that will determine the feasibility of commercial thinning in the county. It is our understanding that Lincoln County officials have already contacted you regarding this request, and the Committee on Public Lands was asked to support this effort.

The Honorable Harry Reid  
Page 2  
September 6, 2002

Therefore, at our last meeting in August 2002, the Committee voted to provide you with this letter asking for your assistance and support of Lincoln County's request.

Thank you for your consideration of this request. As always, please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I may be of any assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean A. Rhoads". The signature is fluid and cursive, with a large initial "D" and a stylized "R".

Senator Dean A. Rhoads  
Chairman, Nevada's Legislative  
Committee on Public Lands

DAR/ck:L150&W23929

cc: Robert V. Abbey, Nevada State Director, Bureau of Land Management  
Jean Rivers-Council, Acting Nevada State Director, Bureau of Land Management  
Robert Vaught, Forest Supervisor, Humboldt-Toiyabe National Forest

A similar letter was sent to the following individuals:

The Honorable John Ensign  
United States Senator  
364 Russell Senate Building  
Washington, D.C. 20510

The Honorable Jim Gibbons  
United States House of Representatives  
100 Cannon House Office Building  
Washington, DC 20515



September 6, 2002

The Honorable Kenny C. Guinn  
Governor of Nevada  
101 North Carson Street, Suite 1  
Carson City, Nevada 89710-4786

Members, Nevada Sage Grouse Conservation Team  
Nevada Division of Wildlife  
1100 Valley Road  
Reno, Nevada 89512

Dear Governor Guinn and Conservation Team Members:

Nevada's Legislative Committee on Public Lands recently completed its work for the 2001-2002 Legislative Interim. As you know, the Committee travels throughout Nevada and to Washington, D.C., during the 18 months between legislative sessions. Throughout our meetings, the Committee listens to citizens' concerns about public lands issues, and reviews federal and state land management policies with various elected officials, agency personnel, interest groups, and private organizations. The Committee also actively monitors federal legislation impacting Nevada's public lands, and strives to maintain open communication with federal agency representatives, local government officials, and public land users.

One of the topics the Committee closely monitored during this interim was the status of the sage grouse, and the work of the Sage Grouse Conservation Team. We have been very pleased at the progress made toward preservation and conservation of the sage grouse, and the proactive efforts to avoid its listing as an endangered species. The Committee was asked by several local representatives to contact county governments and encourage local conservation planning efforts as part of the statewide effort. We were happy to comply with this request and offer our support.

At our final meeting in August 2002, the Committee voted to send this letter of appreciation and commendation to you and members of the Sage Grouse Conservation Team. We are grateful for the hard work and dedication of everyone involved in this effort.

The Honorable Kenny C. Guinn and  
Members, Nevada Sage Grouse Conservation Team  
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Please do not hesitate to contact me if Nevada's Legislative Committee on Public Lands or I  
may be of any assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Dean A. Rhoads". The signature is fluid and cursive, with a large loop at the end.

Senator Dean A. Rhoads  
Chairman, Nevada's Legislative  
Committee on Public Lands

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