



POLICY AND PROGRAM REPORT



Public Lands and General Natural Resource Issues

April 2016

Many of the State agency responsibilities related to natural resources are housed in the State Department of Conservation and Natural Resources (DCNR). Other State agencies with responsibilities for natural resources and related issues include Nevada’s State Department of Agriculture (NDA), the Commission on Mineral Resources (through its Division of Minerals), and Nevada’s Department of Wildlife (NDOW).

More than 85 percent of Nevada’s land area is owned and administered by the federal government. In some rural counties, the federal government controls more than 90 percent of the land. As a result, federal laws, regulations, and policies play a very important role in the management of vast areas of the State’s natural resources and significantly influence local public policy.

AGRICULTURE

Although agriculture is an industry rather than a resource, it depends heavily on Nevada’s natural resources and the availability of public land for grazing. Therefore, agriculture, natural resources, and public lands issues are closely related in this State, and measures pertaining to agriculture are generally considered by the Legislature’s natural resources committees.

Overview of Agriculture in Nevada

Agriculture is one of Nevada’s most important industries, contributing significantly to the economies of rural communities and the State as a whole. The NDA was created in 1915 and established in Chapter 561 (“State Department of Agriculture”) of *Nevada Revised Statutes* (NRS) to promote the efficient, orderly, and economic conduct of various activities for the advancement, encouragement, and

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protection of Nevada's livestock and agricultural industries. Due to the breadth of agricultural subjects and issues in Nevada, Titles 49 ("Agriculture") and 50 ("Animals") of NRS cover the administrative responsibilities and programs of the NDA.

Nevada agriculture is directed primarily toward range livestock production; cattle and calves are the leading agricultural industry. With more than 85 percent of Nevada land owned by the federal government, most of Nevada's ranchers graze their livestock, at least in part, on public land. Most of the federal land in Nevada that is used for agriculture is overseen by the Bureau of Land Management (BLM), the United States Department of the Interior (DOI), and the U.S. Forest Service (USFS), U.S. Department of Agriculture (USDA). These entities determine how much livestock can be grazed on any one area at any time. Assessments are made periodically to ensure grazing is at an optimum level, taking into account other uses such as recreation, wildlife, and plant diversity.

Dairy cows, sheep, lambs, and hogs are among Nevada's other livestock enterprises. The larger cattle and sheep ranches are in the northern half of the State. While most of the dairies are in northern Nevada, the largest dairies are in the south.

Despite Nevada's arid climate, excellent crops are produced where land can be irrigated. Alfalfa hay is the leading cash crop of the State, and much of the hay is sold to dairy operations in surrounding states. Significant quantities of alfalfa cubes and compressed bales are exported overseas each year. Additional crops produced in Nevada include barley, corn, garlic, honey, oats, onions, potatoes, and winter and spring wheat. Smaller acreages of mint, fruits, and vegetables are grown throughout the State.

Hemp production in the United States was once a common industry and was even encouraged in colonial times and during World War II. However, hemp was caught up in the criminalization of marijuana, and the last American hemp farm closed in 1958. Still, other countries continue to grow hemp and research new uses for this versatile crop. To help determine whether industrial hemp is a viable crop in Nevada, the 2015 Legislature authorized Nevada's colleges and universities and the NDA to grow industrial hemp under an agricultural pilot program or for other academic research. Each site used to grow hemp must be certified and registered with the NDA. Industrial hemp that is grown or cultivated pursuant to the provisions of this legislation is exempted from crimes relating to marijuana.

Federal laws and regulations can significantly affect ranching in Nevada since livestock production depends heavily on the use of grazing permits on federal land. In 1994, for example, the DOI began to revise existing grazing regulations that had been in effect for decades. This program was called "Rangeland Reform '94." The three major issues involved in Rangeland Reform '94 were grazing preference, ownership of range improvements, and mandatory qualifications for permit applicants. The regulations were seen by many as a means to restrict grazing on public lands.

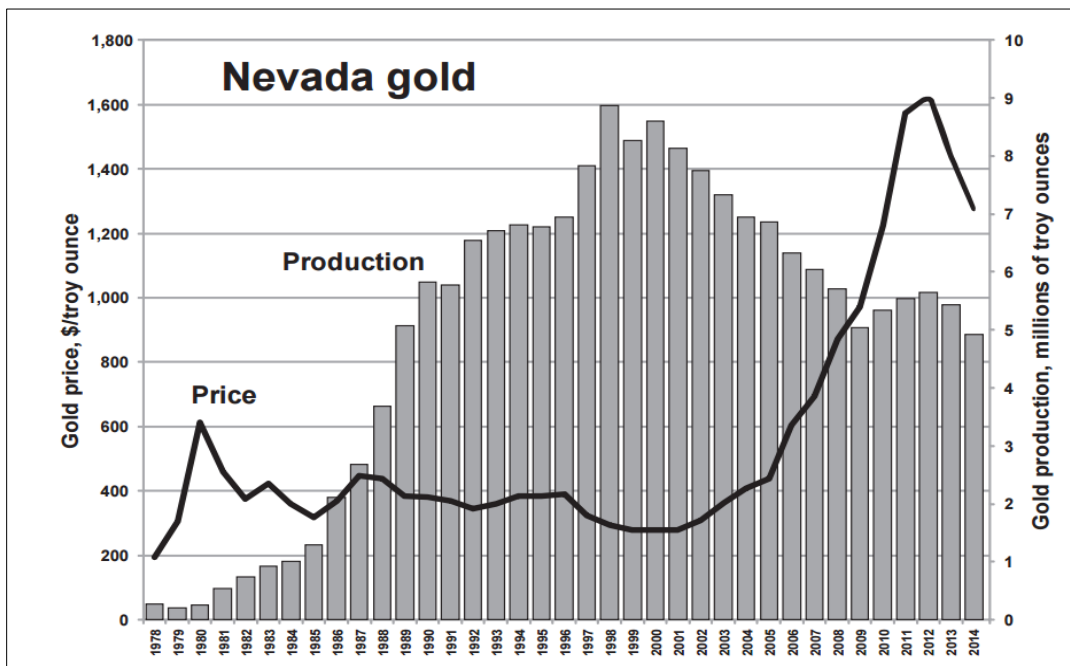
In 2003, the BLM proposed changes to its grazing rules in an attempt to resolve several controversial components of the Rangeland Reform '94 regulations. However, a federal judge blocked the new rules in a 2007 decision that concluded the rules would loosen restrictions, limit public comment, and dilute the BLM's authority to sanction violators.

Following implementation of Rangeland Reform '94, the Nevada Legislature created the Rangeland Resources Commission in 1999 in response to concerns about the decreasing viability of Nevada ranching. The Commission is funded by the livestock industry through an assessment on public land use with the goal of promoting the benefits of rangelands through information, education, and collaboration. Its stated mission is to inform the public that Nevada's rangelands are a vital economic resource, protected and preserved for all citizens by a stable, sustainable livestock industry.

State laws on grazing are found primarily in Chapter 568 ("Grazing and Ranging") of NRS and are complementary to federal law, including the Taylor Grazing Act of 1934. Chapter 568 of NRS creates State grazing boards and provides for the disbursement of the federal funds received by the State under the Taylor Grazing Act and related federal acts and executive orders. The federal grazing fee for 2015 is \$1.69 per animal unit month for public lands administered by the BLM and \$1.69 per head month for lands managed by the USFS.

MINERAL RESOURCES

In 2014, Nevada's mining industry produced approximately \$7.4 billion in total mineral value, representing a 20 percent decrease from the previous year. The decline in production was precipitated by a fall in the value of gold. Nevada's gold production fell by roughly 9 percent from 2013 to 2014, while the average price per ounce decreased to \$1,266.40 in 2014 from \$1,411.23 in 2013. According to Nevada's Bureau of Mines and Geology's Special Publication P-26, *Major Mines of Nevada 2014*, Nevada produced approximately 73 percent of the total gold in the U.S. The State was also the nation's leading producer of barite, lithium compounds, and magnesium compounds. Copper ranked second only to gold in terms of value in 2014.

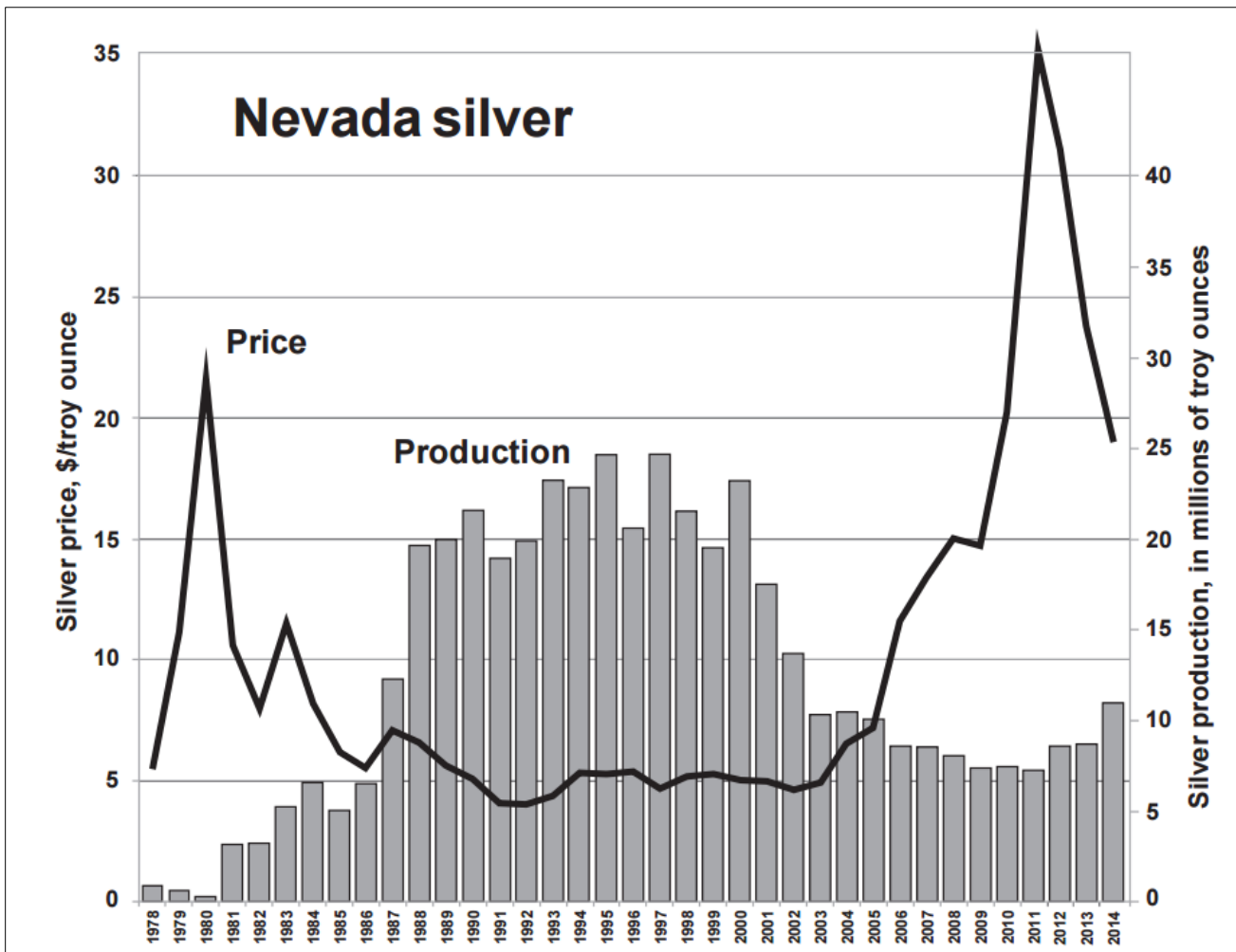


Source: *Major Mines of Nevada 2014: Mineral Industries in Nevada's Economy*, Nevada's Bureau of Mines and Geology, Special Publication P-26, 2015.

Additionally, Nevada is second only to California in producing geothermal power. There are 22 geothermal electric generating plants in 16 locations that sold approximately 2.7 million megawatt hours of electricity in 2014 (enough power to supply nearly 244,000 homes). Finally, in 2014, 316,426 barrels of oil were produced from oil fields in Eureka and Nye Counties.

The economic significance of mining is especially great in rural areas where mining activities are centered. In 2014, there were 110 mining operators located throughout Nevada, with an average of 14,413 Nevadans directly employed in the mineral industry at an average salary of \$88,634.

Nevada’s Division of Minerals administers programs and activities to further the responsible development and production of the State’s mineral resources, which include: minerals produced from mines; geothermal resources; and oil and gas. The Division regulates drilling operations of oil, gas, and geothermal wells; administers a program to identify, rank, and secure dangerous conditions at abandoned mines; and manages the State reclamation performance bond pool.



Source: *Major Mines of Nevada 2014: Mineral Industries in Nevada’s Economy*, Nevada’s Bureau of Mines and Geology, Special Publication P-26, 2015.

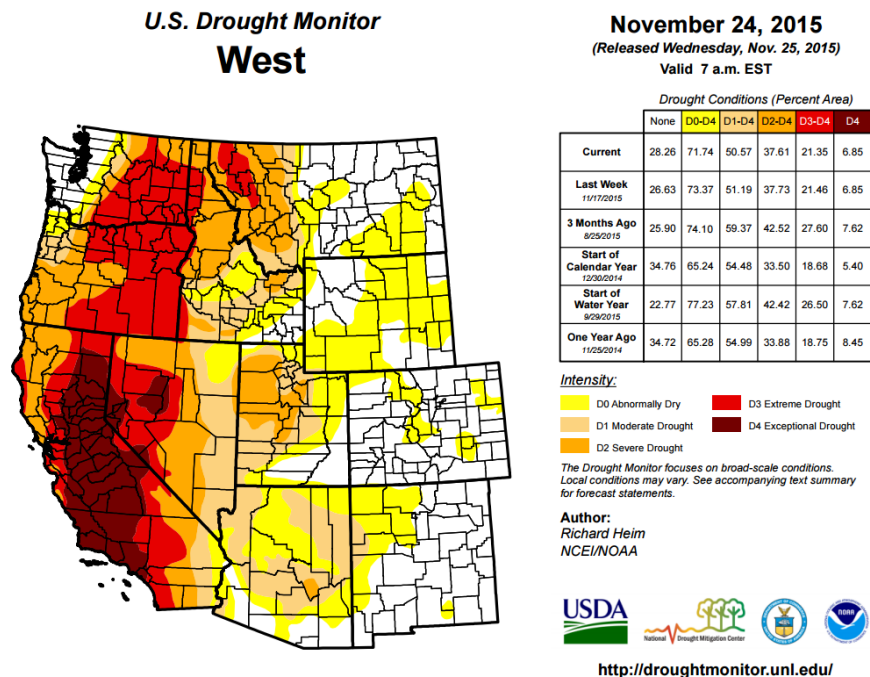
The General Mining Law of 1872 is one of the major federal statutes that directs the federal government’s land management policy. The law grants free access to individuals and corporations to prospect for minerals on public domain lands, and it allows them, upon making a discovery, to stake (or “locate”) a claim on that deposit. A claim gives the holder the right to develop the minerals and may be “patented” to convey full title to the claimant. A continuing issue is whether this law should be reformed and, if so, how to balance mineral development with competing land uses.

In recent years, bills have been introduced in both the U.S. Senate and the U.S. House of Representatives to revise provisions in the over 140-year-old mining law as well as laws pertaining to mine safety. Most legislation introduced proposing to amend the 1872 law have not been enacted. While there appears to be consensus that the law should be revised, Nevada’s federal delegates have opposed provisions in the different bills. Debate continues on mining reform, particularly on the amount for royalties included in the bills. For more information from an environmental standpoint, see the 2016 *Policy and Program Report* on General Environmental Issues and Matters Concerning Lake Tahoe.

MISCELLANEOUS NATURAL RESOURCES TOPICS

Drought

Several western states, including Nevada, have experienced drought conditions for many years. Drought conditions create severe economic and environmental conditions in Nevada. During an average year, much of the State regularly receives less than 10 inches of precipitation, with some areas receiving even less. Nevada’s already dry and arid conditions are exacerbated by drought, leaving the land parched and subject to catastrophic fires and much-needed water bodies dry. The impacts to agriculture and wildlife can be disastrous.



During severe drought conditions, the USDA may identify specific counties as eligible for emergency assistance due to losses caused by drought, heat, and wildfires. Among the assistance available are low-interest loans from the USDA Farm Service Agency to qualified family-sized farm operators to help cover actual losses as a result of crop and livestock conditions.

In southern Nevada alone, the drought has spurred the Southern Nevada Water Authority (SNWA) to continue its efforts to import water from rural areas and develop a third and deeper intake for water in Lake Mead. Programs by the SNWA to replace water-hungry turf with drought-tolerant plants have met with significant success. For more information on water resources, see the 2016 *Policy and Program Report on Water Resources*.

Concerns over the recent drought and long water supplies lead to the passage of Assembly Bill 198 (Chapter 338, *Statutes of Nevada*) during the 2015 Legislative Session. The bill required the Legislative Committee on Public Lands to conduct a study of water conservation and alternative sources of water for Nevada communities. The measure set out the scope of the study, which included a review of issues relating to water resources, water use, and the apportionment of groundwater. In addition to its other duties, the Committee must submit its findings and recommendations to the 2017 Legislature.

Noxious Weeds and Invasive Plants

Invasive plant species increasingly affect Nevada's lands in both urban and rural areas. Nonnative plants across the State's rangelands are often flammable and increase fire intensity and frequency. They typically out-compete native plant species, thereby decreasing natural biodiversity and wildlife habitat. Thorny, spiny plants make areas inaccessible for recreation, and the spread of invasive plants coupled with the need to control these weeds in crops drives up the price of food. Some species are so detrimental to the State's economy and environment that they are designated as "noxious weeds" through formal legislative action. Chapter 555 ("Control of Insects, Pests and Noxious Weeds") of NRS deals specifically with noxious weeds. 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."

One of the most prominent and insidious invasive plants in Nevada is cheatgrass. Originating in Europe, cheatgrass is an exotic, fine-stemmed annual grass that is highly flammable, and cheatgrass rangelands are significantly more likely to burn than rangelands of native vegetation. Cheatgrass easily reestablishes after a fire and becomes a "monoculture" (or a solid stand of a single plant species) on the burned land. Based on satellite imagery from 2003, the BLM estimated approximately 11 million acres of Nevada lands administered by the agency have at least 10 percent cover of cheatgrass and other annual grasses. Before the invasion of cheatgrass, significant fires burned once every 40 to 100 years, and native shrubs had a chance to become well established. Today, however, regular fires occur every ten years or less, thereby ensuring that cheatgrass remains the dominant species.

Beyond their contribution to wildland fire, invasive species have the potential to severely displace native and diverse plant communities with unproductive single plant communities that greatly impact

the environment. They jeopardize the ecological diversity of the region, with significant impacts to native habitat, wildlife, agriculture, and recreation. Nevada's Noxious Weeds program, undertaken by the NDA, is an action plan to: (1) address weed management; (2) prevent new infestations; (3) educate and create awareness; (4) foster coordination, cooperation, and partnerships; and (5) promote research. The Nevada Weed Action Committee (a committee of the NDA) and others have identified funding as the primary need in the fight against noxious weeds in Nevada.

Wildland Fires

Hundreds of wildfires occur during each fire season in Nevada. According to the National Interagency Fire Center, wildland fires consumed 42,479 acres of land in 2015. Years of unusually dry conditions and the spread of invasive plants like cheatgrass have left the State vulnerable to dangerous fire seasons. During drought years, the acreage burned by wildfires typically increases. Dry fuels contribute to more erratic burning conditions and increased fire intensity, and firefighting agencies may not have enough money and resources to suppress fires.

Several agencies share responsibility for fire prevention and suppression in Nevada. At the State level, the Division of Forestry, DCNR, provides fire protection through fire suppression and prevention programs and other emergency services. Chapters 472 through 477 (Title 42 ["Protection From Fire; Explosives"]) of NRS pertain to protection from fire and explosives. Chapters 527 ("Protection and Preservation of Timbered Lands, Trees and Flora") and 528 ("Forest Practice and Reforestation") of NRS address forestry, forestry products, and flora. At the federal level, the BLM and the USFS participate extensively in fire-related efforts throughout Nevada. Local fire protection districts and volunteer fire departments also are located across the State. The cooperation of these entities at all levels is significant and contributes greatly to successful fire prevention and suppression efforts. Finally, rangeland fire protection associations include a network of trained and certified fire teams that help to reduce fire risk by controlling fuel loads; rehabilitating and restoring burned areas; and working with federal, state, and local governments to implement a successful fire suppression strategy. The State Forester Firewarden is responsible for the routine evaluation and regulation of rangeland fire protection associations relating to the formation, operation, and training of the members of an association.

PUBLIC LANDS

The Division of State Lands, DCNR, conducts land ownership surveys for each Nevada county. The Division's 2015 survey found over 85 percent of the land within Nevada was federally owned, of which 1.64 percent is tribal lands. This amounts to approximately 61 million acres of land under federal management. In 16 of Nevada's 17 counties, more than 50 percent of the land is under federal or tribal control; in 5 counties, more than 90 percent of the land is under federal or tribal control.

FEDERAL LAND OWNERSHIP IN NEVADA BY COUNTY			
County	Total Federal Acres	Total Acres in County	Percent Federal
Carson City	56,290	100,601	56
Churchill	2,704,193	3,216,476	84.1
Clark	4,532,961	5,178,240	87.5

FEDERAL LAND OWNERSHIP IN NEVADA BY COUNTY <i>(continued)</i>			
County	Total Federal Acres	Total Acres in County	Percent Federal
Douglas	249,594	472,673	52.8
Elko	8,102,283	10,959,010	73.9
Esmeralda	2,233,727	2,294,915	97.3
Eureka	2,109,480	2,674,061	78.9
Humboldt	5,090,943	6,211,913	82
Lander	2,985,871	3,525,761	84.7
Lincoln	6,659,056	6,804,678	97.9
Lyon	935,673	1,295,358	72.2
Mineral	2,303,172	2,440,233	94.4
Nye	11,373,325	11,640,101	97.7
Pershing	2,937,154	3,880,754	75.7
Storey	15,978	168,683	9.5
Washoe	3,301,765	4,188,232	78.8
White Pine	5,438,353	5,695,863	95.5
NEVADA	61,029,817	71,082,466	85.9

Source: BLM, Nevada State Office, December 2015.

Because federally managed land is exempt from property taxes, the estimated annual impact of this property tax exemption on western lands has been estimated at billions of dollars, placing some fiscal burdens on local governments. In a state like Nevada, some have argued the quantity of federal land ownership hinders the ability to develop and prosper economically.

Public Land Acts

Payments in Lieu of Taxes Act of 1976

The Payments in Lieu of Taxes (PILT) Act of 1976 (Public Law 94-565) requires the federal government to make annual payments to local governments as compensation for the loss of revenue they experience due to the presence of federally owned land within their jurisdictions. The PILT payments began in 1977 and have since distributed more than \$7.1 billion to local governments nationwide.

The formula used to determine the payments is based on population and the amount of federal land within an affected county or census area. The states whose local governments received the most in PILT payments in 2015 are (listed in descending order of the amount received): California, Utah, New Mexico, Arizona, Colorado, Montana, Idaho, Alaska, Wyoming, and Nevada. Nevada typically ranks tenth in the amount of PILT funding received, although more federally owned land exists within its borders than any other of the 48 contiguous states. The irony of the PILT formula is that counties with the most federal land typically have the smallest populations but, because the formula is, in part, population dependent, counties with the highest percentage of federal land do not receive the greatest payments.

After years of inadequate PILT funding and a decrease in 2007 of payments under PILT, Congress increased PILT by over 50 percent in the Emergency Economic Stabilization Act of 2008. As a

result, Nevada received approximately \$22.6 million in Fiscal Year (FY) 2008, and slightly more than that amount in each FY since, with a high of \$25.4 million in FY 2014. In 2013, Nevada received \$23.3 million in PILT funding, a slight reduction from 2012 due to federal sequestration. Again in FY 2015, one of the three funding sources used for PILT was subject to the mandatory sequestration rate of -6.8 percent, reducing the total distribution to Nevada to \$25.2 million. During FY 2015, the U.S. Department of the Interior distributed PILT twice, with an additional distribution occurring in October, following the regular June distribution to bring the total FY 2015 closer to full funding. For more information regarding the PILT program, please visit the BLM's PILT information webpage at www.doi.gov/pilt or refer to the Research Division's Fact Sheet titled, *Payments in Lieu of Taxes Summary*.

Federal Land Policy Management Act of 1976

In 1964, Congress created the Public Land Law Review Commission to review all current federal land management laws and enacted the Classification and Multiple Use Act. The Commission was created to study federal lands and their management, history, and current laws and to make recommendations for reforms and modernization. These recommendations led to the enactment of the Federal Land Policy and Management Act (FLPMA) of 1976 (Public Law 94-579).

In the FLPMA, Congress expressly stated a policy of retaining the remaining federal lands in federal ownership; repealed many executive withdrawal authorities and imposed controls on future executive withdrawals; provided for review of existing withdrawals; required land use planning; and directed the use of the "multiple-use" concept whereby the uses to be allowed on particular lands would be determined directly through the land use planning process.

Southern Nevada Public Land Management Act of 1998

The Southern Nevada Public Land Management Act (SNPLMA) of 1998 (Public Law 105-263) allows the BLM to sell public land within a specific boundary around Las Vegas. The revenue derived from land sales is shared between the State's general education fund (5 percent), the SNWA (10 percent), and a special account available to the Secretary of the Interior for: (1) acquiring environmentally sensitive land in Nevada; (2) capital improvements at various areas administered by the BLM in Clark County, Nevada, and the Spring Mountains National Recreation Area; (3) developing a multi-species habitat conservation plan in Clark County; (4) developing parks, trails, and natural areas in Clark County; and (5) various conservation initiatives on federal land administered by the DOI or the USDA.

Other provisions in the SNPLMA set forth certain land sale and acquisition procedures, direct the BLM to convey title to land in the McCarran International Airport noise zone to Clark County, and provide for the sale of land for affordable housing. Recent amendments to the SNPLMA have expanded the expenditure categories in the special account pertaining to fire suppression, affordable housing, and parks and trails access.

Federal Land Transaction Facilitation Act of 2000

The Federal Land Transaction Facilitation Act (FLTFA) of 2000 (Public Law 106-248) provides for the use of revenues from the sale or exchange of public lands identified for disposal under land use plans in effect at the time the Act was passed. The revenue derived from land sales is shared between

the State of Nevada (4 percent) for educational purposes or for the construction of public roads, and a special account available to the Secretary of the Interior and Secretary of Agriculture for certain land acquisitions and administrative expenses necessary to carry out the land disposal program under the FLTFA. In Nevada, the FLTFA does not apply to lands eligible for sale under the SNPLMA, Santini-Burton Act, Mesquite Lands Act, or Lincoln County Conservation, Recreation, and Development Act (LCCRDA). The FLTFA also does not apply to lands identified for disposal after July 25, 2000, such as through a land use plan amendment approved after that date.

The Act was originally authorized for a ten-year period, but it was later extended for another year through July 25, 2011. Since the FLTFA expired in July 2011, several attempts to reauthorize the Act have been considered by the U.S. Congress. The most recent effort, S. 368 (introduced on February 14, 2013), has received widespread support, as it was reported favorably out of the Senate Committee on Energy and Natural Resources. It was placed on the “Senate Legislative Calendar” on June 27, 2013, and is awaiting further action. The bill would reauthorize the FLTFA and make it permanent. A similar bill introduced in 2013 and under consideration by the U.S. House of Representatives—H.R. 2068—would reauthorize the FLTFA until July 25, 2020. This bill was heard in the House Subcommittee on Public Lands and Environmental Regulation; however, no action was taken on the bill.

Lincoln County Conservation, Recreation, and Development Act of 2004

The LCCRDA of 2004 (Public Law 108-424) authorizes the sale of federal land in Lincoln County, Nevada. The LCCRDA further designates approximately 770,000 acres of federal land in Nevada as wilderness. The Act also designates a specified corridor for utilities in Clark and Lincoln Counties and grants rights-of-way to the SNWA and Lincoln County Water District for roads, wells, pipelines, and other facilities necessary for the construction and operation of a water conveyance system.

Other provisions include: (1) designate a trail system in Lincoln County (“Silver State Off-Highway Vehicle [OHV] Trail”); (2) authorize the Secretary of the Interior to convey specified land to Lincoln County and the State of Nevada to be used for natural resources conservation or public parks; and (3) transfer administrative jurisdiction of specified lands between the U.S. Fish and Wildlife Service (USFWS) and the BLM.

White Pine County Conservation, Recreation, and Development Act of 2006

The White Pine County Conservation, Recreation, and Development Act of 2006 (WPCCRDA) (Public Law 109-432) authorizes the sale of up to 45,000 acres of federal land in White Pine County. The WPCCRDA sets up a special account similar to other federal lands acts, with 5 percent of land sales proceeds earmarked for the State education fund and 10 percent to White Pine County for law enforcement, fire protection, transportation, and natural resource planning. The remaining 85 percent goes to the DOI to protect wilderness areas in White Pine County, study a potential extension of the Silver State OHV Trail, promote resource protection, and carry out a countywide recreation study.

The Act designates approximately 538,000 acres of wilderness in 12 new wilderness areas and expands the Mount Moriah and Currant Mountain Wilderness areas. The WPCCRDA also simplifies

the land management structure around the Great Basin National Park by transferring jurisdiction of land from the USFS to the BLM. It also transfers land from the BLM to the USFWS for inclusion in the Ruby Lake National Wildlife Refuge and simplifies management of the Bald Mountain Wilderness by transferring land from the BLM to the USFS.

The WPCCRDA conveys federally managed land for two existing State parks and one State wildlife management area to expand and improve the management of these areas, along with conveyances of parcels for the expansion of the Ely Airport and industrial park. In addition, the Act transfers four parcels of land totaling 3,526 acres to the Ely Shoshone Tribe for traditional, ceremonial, commercial, and residential purposes.

The Act directs the Secretary of the Interior to complete a study of routes for the Silver State OHV Trail. Following the study, the Secretary must designate the trail if it is consistent with certain principles in the Act. Finally, the WPCCRDA provides for the implementation and enhancement of the Eastern Nevada Landscape Restoration Project.

Red Rock Canyon Conservation Area and Adjacent Lands Act of 2003

Located just 20 miles from Las Vegas, the Red Rock Canyon National Conservation Area (RRCNCA) boasts great scenic and geologic beauty and is a major tourist destination for over 2 million people annually. The BLM is charged with the Area's stewardship and protection. In 1993, the Nevada Legislature approved legislation requiring any county or city whose territory includes all or part of the RRCNCA (designated pursuant to Title 16 of the *United States Code*) to prohibit any use other than for recreation, the excavation or extraction of any substance, and the erection of any structure, in that area. The county or city may permit such activities within the boundaries of a mining claim only to the extent permitted by federal law. Nevada's Division of Environmental Protection (NDEP), DCNR, must issue a permit for any of these activities and must not approve any activity that is "detrimental to the environment outside the Red Rock Canyon National Conservation Area or would preclude the designation of the national conservation area as wilderness."

In 2003, the Legislature expanded protections of the Red Rock Canyon area. Nevada law specifies that the various planning and zoning powers in NRS are subordinate to the limits on development in the Red Rock Canyon area. In addition, the 1993 Act was renamed the "Red Rock Canyon Conservation Area and Adjacent Lands Act." The Act was amended to add new sections defining adjacent tracts of land in the Red Rock Canyon. Finally, the Legislature declared that development shall be limited in areas of land adjacent to Red Rock Canyon and, further, that a local government is prohibited from increasing the number of residential dwelling units allowed by zoning regulations (except in certain circumstances) and from establishing any new, or expanding any existing, nonresidential zoning districts (other than public facilities). The local government shall, at its discretion, continue to regulate buffering, landscaping, lighting, screening, and signage.

During the 2005 Legislative Session, the Legislature approved Senate Bill 318 (Chapter 182, *Statutes of Nevada*), which authorized the Administrator of the Division of State Lands to make a direct sale of approximately 80 acres of land within the Red Rock Canyon National Conservation Area. The parcel was administered by the BLM. Senate Bill 318 also provided that money received from the land sale must be deposited in the Account for Maintenance of State Park Facilities and Grounds. The bill

helped facilitate the “Pine Creek Land Sale” within the Conservation Area for \$14.5 million. The funds were used to benefit over 20 State park facilities throughout the State for maintenance and repair.

State Route 159, which is the primary access route to Red Rock Canyon, was the subject of two bills in 2007 and 2009. Senate Bill 128 (Chapter 479, *Statutes of Nevada*) of the 2007 Legislative Session prohibited heavy vehicles, except charter buses, school buses, utility trucks, and garbage trucks, from traveling on scenic route portions of State Route 159, unless those vehicles have a point of origin or destination there. Meanwhile, S.B. 240 (Chapter 77, *Statutes of Nevada*) of the 2009 Legislative Session established the State Route 159 Safety Speed Zone, which includes portions of State Route 159 that are within or adjacent to the Conservation Area and certain other portions of the route that have been designated as a Scenic Byway or State Scenic Byway. The bill required the speed limit in the Zone to be set at a level that takes into consideration the safety and protection of the residents and visitors of the RRCNCA.

Finally, in 2013, the Legislature approved S.B. 159 (Chapter 85, *Statutes of Nevada*), which declared the Nevada Legislature’s support for a land exchange of the Gypsum Mine property, bounded in part by the RRCNCA, for federal lands of equal value located away from the Conservation Area. The bill urged Nevada’s Congressional Delegation to support and facilitate efforts to achieve the land exchange and transfer title of the Gypsum Mine property to the BLM so that it can be managed as part of the Conservation Area.

OFF-HIGHWAY VEHICLES

In recent years, the number of OHVs operated on public lands in Nevada has increased dramatically. It is estimated that between 200,000 and 400,000 OHVs (including dirt bikes and snowmobiles) are owned in Nevada. The increased popularity of OHVs as recreational vehicles poses significant land management challenges, since careless and unauthorized uses can cause erosion, impact wildlife, and interfere with other uses of public lands.

The BLM is tasked with protecting public land resources and managing BLM lands for multiple uses. Under the BLM process, there are three designations for OHV use: (1) open; (2) limited; or (3) closed. Travel management planning for the BLM may take place as part of the standard Resource Management Plan update process or as a separate travel management planning process. The National Park Service, another agency in the DOI but with a different mandate, determines OHV restrictions based on the specific characteristics of each park and its enabling legislation.

In 2005, the USFS published its final travel management rule, followed by the final travel management directives in 2008. According to the USFS, its goal is to secure a wide range of recreational opportunities while ensuring the best possible care of the land. The rule requires each national forest or ranger district to designate those roads, trails, and areas open to motor vehicles and to include the “class” of vehicle and, if appropriate, the time of year for motor vehicle use.

The Legislature grappled with the issue of OHV titling and registration for several sessions, and a task force of interested parties worked on proposed legislation. Efforts to implement a registration and titling program were finally realized in the passage of S.B. 394 (Chapter 504, *Statutes of Nevada*) in the 2009 Session. Nevada's program to register and title OHVs went into effect July 1, 2012. The program requires the licensing of OHV dealers and titling of all new OHVs and OHVs resold through an authorized dealer. Titling fees cover administrative costs to Nevada's Department of Motor Vehicles (DMV). Annual registration is mandatory for all OHVs, and stickers with unique identification numbers are issued for placement on the registered OHV. Initial registration requires certain evidence of ownership and payment of applicable sales tax and can be done by an authorized dealer. Registration fees are limited to between \$20 and \$30, and the majority of the registration fee is deposited into the Account for Off-Highway Vehicles. Exceptions include OHVs operated by government agencies, for husbandry purposes, for utilities, or OHVs that were manufactured prior to 1976.

The OHV program is administered by the Commission on Off-Highway Vehicles whose members are appointed by the Governor to administer the Account for Off-Highway Vehicles. The Commission includes 11 appointees representing dealers, enforcement personnel, local governments, ranchers, resource specialists, sportsmen, and users. An advisory committee with membership representing federal and State agencies will also be formed.

During the first year of implementation, 85 percent of the registration fees went to the DMV and 15 percent to the Fund for Off-Highway Vehicles—now the Account for Off-Highway Vehicles—to be used for public education. After the first year, 85 percent of the registration fees go to the Account to be split between OHV projects (60 percent), enforcement (20 percent), education (15 percent), and administrative costs (5 percent).

In 2013, the Legislature approved two bills—S.B. 343 (Chapter 188, *Statutes of Nevada*) and S.B. 109 (Chapter 477, *Statutes of Nevada*)—designed to address a number of “cleanup” provisions related to the existing OHV program. Senate Bill 343 created a new category of OHV for large all-terrain vehicles. Under the new category, operators of licensed large all-terrain vehicles can drive on certain rural roads designated by a county or city. To meet the licensing criteria of the new designation, owners of large all-terrain vehicles must provide proof of insurance that meets the requirements of insurance on an automobile. The new requirements provided owners of a large all-terrain vehicle the option to register as a standard OHV (as currently required) or choose the new designation.

Senate Bill 109 created an OHV dealer plate, similar to an automobile dealer plate, which allows dealers to operate unregistered vehicles for the purposes of demonstrations or test drives. The bill also provided that registration of an OHV is not required if it is registered in another state and not located in Nevada for more than 15 days. Finally, the bill created new exemptions from the OHV registration process for vehicles operated solely in organized races, operated or stored on privately owned or leased land, or operated while engaged in an approved search-and-rescue operation.

WILDLIFE AND WILD HORSES

Historically, Nevada has been home to 892 species of mammals, reptiles, fish, birds, and amphibians. Of that number, 790 species are native, 102 have been brought into the State, 64 are only found in Nevada, and 32 are now extinct.

Wildlife Generally

According to data presented by NDOW at the Department's overview before the Joint Meeting of the Assembly Committee on Natural Resources, Agriculture, and Mining and the Senate Committee on Natural Resources on February 12, 2015, the total estimated value of wildlife and boating to Nevada's economy is \$1,631,231,451 each year. Management of Nevada's wildlife is the responsibility of NDOW, which oversees 11 wildlife management areas totaling approximately 120,000 acres of habitat. Additionally, NDOW administers four fish hatcheries that raised more than 841,000 trout, nearly 26,400 warm water fish species, and 2.2 million fish from other sources in 2015. These fish are then stocked into lakes, ponds, reservoirs, and streams. Nevada's wildlife laws are primarily found in Chapter 501 ("Administration and Enforcement"), Chapter 502 ("Licenses, Tags and Permits"), and Chapter 503 ("Hunting, Fishing and Trapping; Miscellaneous Protective Measures") of NRS.

Nevada's Board of Wildlife Commissioners, a nine-member, Governor-appointed board, is responsible for establishing broad policy, setting annual and permanent regulations, reviewing budgets, and receiving input on wildlife and boating matters from entities such as the 17 county wildlife management advisory boards. The 2011 Legislature gave the Governor greater discretion in appointing the Director of NDOW by removing a requirement that the Governor choose from nominees provided by the Board of Wildlife Commissioners.

Another agency with wildlife-related responsibilities is the Nevada Natural Heritage Program, an agency within the DCNR. The Program provides information to developers and other interested parties so they can become aware of the possible biological effects of a project during the planning stages, before financial commitments are made. Inadvertent environmental impacts, as well as unexpected delays and expenses, can thereby be reduced. The Program does this by maintaining an inventory and current databases on the locations, biology, and conservation status of all threatened, endangered, and sensitive species and biological communities in the State.

Protection of threatened and endangered species falls under the Endangered Species Act (ESA) of 1973, a federal law administered by the USFWS. The purpose of the Act is to conserve "the ecosystems upon which endangered and threatened species depend" and to conserve and recover listed species. Under the law, species may be listed as either "endangered" or "threatened." Endangered means a species is in danger of extinction throughout all or a significant portion of its range. Threatened means a species is likely to become endangered within the foreseeable future.

Wildlife Action Plan

The U.S. Congress enacted two new programs related to wildlife in 2000: the Wildlife Conservation and Restoration Program and the State Wildlife Grants Program. As a condition of receiving federal

funds from these programs, Congress required state wildlife agencies to submit a strategic assessment and action plan for wildlife to the USFWS for review by October 1, 2005. Nevada's Wildlife Action Plan was completed through a partnership between NDOW, Nevada Natural Heritage Program, Lahontan Audubon Society, and the Nature Conservancy. The Plan focuses on the species and habitats deemed to be in greatest need of conservation in Nevada.

Invasive Species

Former U.S. President William J. Clinton issued Executive Order No. 13112 on February 3, 1999, which defined invasive species as an "alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health." An alien species is a species that is nonnative to the ecosystem under consideration. Some invasive species that pose problems in Nevada currently are Africanized honey bees, Asian clams, Norway rats, and Quagga mussels. First discovered in 2002, Asian clams have now spread from the southern part of Lake Tahoe to Lake Tahoe Nevada State Park at Sand Harbor, according to preliminary findings in November 2015. Efforts to stop the spread of the clams are underway, but they are very cost-prohibitive.



Abundance of Asian clams at Lake Tahoe. Source: "Asian Clams Invade Lake Tahoe" news article from <http://news.discovery.com>. Photo credit: University of California, Davis.

Quagga mussels, which are similar to Zebra mussels, were found in Lake Mead in January 2007 and later in the Lake Mead Fish Hatchery, raising concerns that mussels may have been inadvertently moved from the hatchery to interior waters during trout stocking operations in 2006. Quagga mussels are prolific breeders that clog pipelines and threaten native species of fish by competing for their food. They are difficult to control and nearly impossible to eradicate. It is presumed they were introduced into Lake Mead and Lake Havasu by an infested private boat from the Great Lakes. With the discovery of Quagga mussels in California only a few hundred miles from Lake Tahoe, the

Tahoe Regional Planning Agency implemented boat inspections in an effort to prevent Quagga mussels from invading Lake Tahoe.

The 2011 Legislature strengthened laws prohibiting the intentional introduction of invasive species into any waters of the State and established a new aquatic invasive species (AIS) fee, to be paid yearly by boaters. Upon payment of this fee, boaters receive an AIS decal to affix to their watercraft. As a follow-up to this legislation, the 2013 Legislature approved A.B. 128 (Chapter 124, *Statutes of Nevada*), which clarified that this fee and the AIS decal are not required if a person who operates a vessel on the Colorado River, Lake Mead, or Lake Mohave has his or her vessel registered in Arizona and Arizona has an AIS management program in effect. Boaters who operate a vessel on Lake Tahoe or Topaz Lake are also exempt if the vessel is registered in California and California has an AIS management program in effect.

Greater Sage-Grouse

The Greater Sage-Grouse is a small game bird found throughout the western U.S., including 15 of Nevada's 17 counties. The USFWS estimates there are between 200,000 and 500,000 of these birds in the region and that the population is on the decline. Concerns about the quality and quantity of their populations and habitat and the submission of three petitions resulted in the USFWS initiating a formal species status review in April 2004.

The listing of the Greater Sage-Grouse as a threatened or endangered species would affect land and water uses and recreational activities. As a result, then Nevada Governor Kenny C. Guinn appointed a sage-grouse task force in August 2000, representing biological professionals, conservation organizations, industry, land management agencies, legislators, and Native American tribal governments. The task force was charged with creating a strategy for Local Area Conservation Planning groups to follow when creating sage-grouse conservation plans for their respective areas. The intent was to proactively address the issues and avoid a listing under the ESA. The conservation plan defines programs to address localized problems before the species reaches a threshold of vulnerability from which recovery might be difficult. After four years of work, the *Greater Sage-Grouse Conservation Plan for Nevada and Eastern California* was released in June 2004. Since 2004, resource management agencies have implemented conservation projects and instituted policies to support the conservation goals set forth in the 2004 State plan.

The USFWS completed its status review of the Greater Sage-Grouse in December 2004 and determined that the species does not warrant protection under the ESA at that time. However, in December 2007, a federal judge ordered the USFWS to reconsider its refusal to add the sage-grouse to the endangered species list, saying the agency decision ignored expert advice. The USFWS completed its second review and submitted its findings to the court in March 2010, stating that listing is warranted but precluded by listings of other species with a greater need for protection. There are two different populations identified in Nevada. The Greater Sage-Grouse have been given a priority ranking of 8 and are found in several western states besides Nevada, including California, Colorado, Idaho, Montana, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. The USFWS has identified a second distinct population (the Bi-State population) that are found in or near

the Mono Basin on the California-Nevada border and given that population a priority ranking of 3. Candidate species with a level 1 ranking are the most likely to be listed under the ESA, while those with a ranking of 12, the lowest possible, are the least likely to be listed.

Environmental organizations filed another lawsuit in 2010 against the USFWS in federal district court in Idaho arguing that the species must be listed immediately. Meanwhile, the BLM continues to work with the affected states on preserving Greater Sage-Grouse habitat on public lands and on developing a national planning strategy. In October 2011, the USFWS released its “Candidate Notice of Review,” its annual review of plant species’ status and made no changes in the priorities but noted that the Bi-State population may be considered for listing before the next annual review. On December 9, 2011, in response to the USFWS review and to avoid a potential ESA listing, the BLM and the USFS began a process to amend their land use management plans affecting sage-grouse habitat to incorporate sage-grouse conservation measures. On March 30, 2012, Nevada Governor Brian Sandoval issued Executive Order 2012-09, which established the Governor’s Greater Sage-Grouse Advisory Committee with a directive to provide an updated strategy and recommended approach for sage-grouse conservation in Nevada. The recommendations of the Advisory Committee, which were issued on July 31, 2012, were extensive and addressed topics such as management strategies, mitigation and monitoring, local area working groups, the impacts of fire and invasive species, piñon-juniper encroachment, predation, the impacts of renewable and other energy production and transmission, and recreation and OHV use. For a copy of the Advisory Committee’s final report, please refer to: <http://sagebrushco.nv.gov/Archive/Archives/>.

In an effort to continue the work of the Advisory Committee (and at the recommendation of the Advisory Committee itself), the 2013 Legislature approved A.B. 461 (Chapter 513, *Statutes of Nevada*), which authorized the Division of State Lands to establish and carry out programs to preserve, restore, and enhance sagebrush ecosystems on public and private land. Specifically, the bill requires the Division to:

- Oversee a program that awards credits for taking measures to protect, enhance, or restore sagebrush ecosystems;
- Identify and prioritize projects to improve sagebrush ecosystems;
- Suggest measures to avoid, minimize, and mitigate the impact of activities conducted in areas that include sage-grouse habitats; and
- Submit an annual progress report to the Sagebrush Ecosystem Council of the DCNR.

The measure required the Governor to appoint nine voting members to the Sagebrush Ecosystem Council, which was established by Executive Order in November 2012, identified six nonvoting members of the Council, primarily representatives of federal and State land management agencies, and allowed the Governor to appoint other nonvoting members to the Council. The Council must: (1) establish and carry out certain strategies and programs for the conservation of sage-grouse and for managing land that holds sagebrush ecosystems; (2) coordinate discussion among and provide advice

to certain persons and governmental entities concerning the management of sagebrush ecosystems; and (3) submit a biannual report concerning its activities to the Governor.

The Council continues to meet on a regular basis throughout the year or as needed. Most recently, the Council has been focusing on the implementation of the Conservation Credit System. The Credit System enables land owners and managers to generate credits by enhancing and protecting sage-grouse habitat that can be sold to developers who want to mitigate the impact to sage-grouse from their projects. The Council also continues to refine habitat maps used to identify critical sagebrush ecosystems throughout the State.

In April 2015, the U.S. Secretary of the Interior announced that the U.S. Fish and Wildlife Service has determined that the Bi-State population of Greater Sage-Grouse does not require the protection of the ESA. A key factor cited in the decision not to list the sage-grouse was the development of the Bi-State Action Plan, a conservation plan developed in recent years by a group of interested parties. The plan resulted in on-the-ground projects seeking to preserve habitat in the region. Further, in September 2015, the USFWS's final record of decision determined that listing of the sage-grouse as endangered or threatened was unwarranted in Nevada under the ESA. An unprecedented, landscape-scale conservation effort across the western United States was cited as the catalyst for reducing threats to the sage-grouse across 90 percent of the species' breeding habitat.

Wild Horse and Burro Management

Wild Horses and Burros

The federal Wild Free-Roaming Horses and Burros Act of 1971 requires the BLM and the USFS to protect, manage, and control wild free-roaming horses and burros on public lands at population levels that assure a "thriving natural ecological balance" under the multiple use concept. Ecological balance is defined as the balance between populations of wild horses, burros and wildlife, livestock, and rangeland vegetation on the long-term yield basis. Management focuses on monitoring, removal of excess wild horses and burros, and the adoption program.



Nevada's commemorative quarter-dollar coin.

Wild horses and burros are found throughout the West, but the Nevada populations are by far the largest. As of March 2015, the BLM estimated a total of 58,150 wild horses and burros roamed BLM land in ten western states. Approximately 30,210 (52 percent) are located in Nevada. The BLM has identified 84 Herd Management Areas (HMAs) in Nevada that vary in size from 4,000 acres to more than 1 million acres, with most exceeding 100,000 acres.

Because forage in HMAs must be shared with wildlife and livestock, public land managers are required to set appropriate management levels (AMLs) for wild horses and burros for each HMA. The AML may be influenced by many factors, most notably fire and drought. As of March 2015, the BLM has determined the AML for Nevada is 12,811 wild horses and burros. Therefore, Nevada exceeds the AML by over 17,399 animals, which is an increase of 87 percent over the 2013 number of wild horses and burros exceeding the AML.

Achieving and maintaining AMLs often requires periodic removal of horses, but rounding up wild horses (known as “gathers”) is controversial and often results in litigation. The options for wild horses removed from the range are the BLM’s adoption program, transport to long-term holding facilities (pastures) in the Midwest, or, in certain cases, sale. The BLM has placed more than 230,000 wild horses and burros into private care, primarily through adoption, since 1971. As of November 2015, there were 47,303 wild horses and burros being cared for by the BLM, including 16,182 animals in corrals, 30,605 in pastures, and 516 in eco-sanctuaries. Since receiving limited authority for sale of wild horses or burros, the BLM has sold more than 5,800 animals. In FY 2015, the Wild Horse and Burro Program budget was \$77.2 million, of which \$49.4 million went to holding costs, \$1.8 million to the cost of gathers, and \$6.3 million to adoption events.

Federal legislation, such as the Restore Our American Mustangs Act, that would expand protection of wild horses is often introduced in Congress but has failed to pass in recent sessions. Efforts to promote and legalize sanctuaries for wild horses on private lands or leases on public lands are being explored in Nevada. The BLM has certified two wild horse “eco-sanctuaries” in Wyoming, and one in Oklahoma. To date, no eco-sanctuaries have received certification from the BLM in Nevada.

State laws pertaining to wild horses are found in Chapter 504 (“Management and Propagation”) of NRS. Nevada’s Commission for the Preservation of Wild Horses was created by the Legislature in 1985 with funding from a bequest from Leo Heil. The Commission provided grant funding and acted as an advocate for wild horses through participation with federal agencies. However, the Heil bequest expired around June of 2010, and the Legislature repealed the statutes creating the Commission in the 2011 Session.

During the 2013 Legislative Session, the Legislature approved Senate Joint Resolution No. 1 (File No. 41, *Statutes of Nevada*), which expressed support for wild horses and burros by declaring that these animals are an integral part of the ecosystem and rangelands of the U.S. and the State of Nevada. The resolution noted that wild horses and burros are natural resources and cultural assets with the potential to promote tourism and job creation, particularly with the building of eco-sanctuaries. The resolution also noted that these animals depend on the understanding, cooperation, and fairness of all interested persons. In addition, the resolution expressed the Legislature’s support for the preservation and protection of wild horses and burros and the development of wild horse- and burro-related ecotourism. Finally, S.J.R. 1 encouraged a spirit of cooperation between wild horse and burro advocates, private land owners, and the NDA.

Estray Horses

An interesting differentiation in the management of wild horses is whether the animals are found on federal or State land. If located on federal land, the animals are considered “wild horses” and are managed under the provisions of federal law. However, if the animals are located on State property, they are considered “estrays” subject to Nevada’s estray and feral livestock laws as described in NRS 569.005 through 569.130 and are the responsibility of the NDA. In Nevada, many of these estray horses are located in the Virginia Range near Virginia City.

Based on the official census conducted in June 2014, the NDA estimates the stray population in the Virginia Range totals more than 1,950, which, according to the Department, is significantly more than the 300 to 600 horses the habitat can support. During the 2015 Legislative Session, presentations from the NDA and others before the Legislature's natural resources committees highlighted the increased number of interactions between humans and stray horses, particularly in southeast Reno. However, due to budget constraints, the NDA does not have any immediate plans to remove, gather, and relocate strays.

Assembly Bill 264 (Chapter 357, *Statutes of Nevada*) of the 2013 Legislative Session made a second or subsequent violation of the statutory prohibition against feeding stray or feral livestock a gross misdemeanor (NRS 569.040). The bill also established a gross misdemeanor for the taking up or possession of stray or feral livestock by a person who is not the owner and does not have the owner's consent (NRS 569.130). The bill specified that the NDA may provide for the management of strays and feral livestock and enter into a cooperative agreement for their management. Any such cooperative agreement must provide for the cooperating person or entity to hold the State of Nevada harmless from any claim or liability arising from an act or omission of the cooperating person or entity in carrying out the cooperative agreement.

USEFUL WEBSITES FOR PUBLIC LANDS AND GENERAL NATURAL RESOURCE ISSUES

The following websites contain additional information and further detail on the programs and topics described in this report.

Bureau of Land Management: <http://www.blm.gov/wo/st/en.html>.

Humboldt-Toiyabe National Forest: <http://www.fs.usda.gov/htnf/>.

Nevada State Office, BLM: <http://www.blm.gov/nv/st/en.html>.

Nevada's Division of Environmental Protection: <http://ndep.nv.gov/>.

Nevada's Division of Minerals: <http://minerals.nv.gov/>.

State Department of Agriculture: <http://agri.nv.gov/>.

State Department of Conservation and Natural Resources: <http://dcnr.nv.gov/>.

U.S. Department of Agriculture: <http://www.usda.gov/>.

U.S. Department of the Interior: <http://www.doi.gov/>.

U.S. Fish and Wildlife Service: <http://www.fws.gov/>.

U.S. Forest Service: <http://www.fs.fed.us/>.

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GLOSSARY OF ACRONYMS

As with any policy area, acronyms are common in environmental and natural resource subjects. Following is a list of the most common acronyms one might expect to encounter:

AIS	Aquatic Invasive Species
AML	Appropriate Management Level (for wild horses)
AUM	Animal Unit Month
BLM	Bureau of Land Management, U.S. Department of the Interior
BOR	Bureau of Reclamation, U.S. Department of the Interior
CFR	<i>Code of Federal Regulations</i>
CWMA	Cooperative Weed Management Area
DOI	U.S. Department of the Interior
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act of 1973
FLPMA	Federal Land Policy and Management Act of 1976
FLTFA	Federal Land Transaction Facilitation Act of 2000
HMA	Herd Management Area
LCCRDA	Lincoln County Conservation, Recreation, and Development Act of 2004
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 Department of Wildlife
NEPA	National Environmental Policy Act of 1969
NRA	National Recreation Area
OHV	Off-highway Vehicle
PILT	Payment in Lieu of Taxes
RMP	Resource Management Plan
SDA/NDA	State Department of Agriculture
SDCNR/DCNR	State Department of Conservation and Natural Resources
SEC	State Environmental Commission
SNPLMA	Southern Nevada Public Land Management Act of 1998
SNWA	Southern Nevada Water Authority
TRI	Toxics Release Inventory
USDA	U.S. Department of Agriculture
USFS	U.S. Forest Service, U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service, U.S. Department of the Interior
USGS	U.S. Geological Survey, U.S. Department of the Interior
WPCCRDA	White Pine County Conservation, Recreation, and Development Act of 2006
WSA	Wilderness Study Area