



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

**SUMMARY MINUTES AND ACTION REPORT**

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The second meeting of the Nevada Legislature's Legislative Committee on Public Lands was held on Friday, January 27, 2012, at 9 a.m. in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. This meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada, and Room 123, High Tech Center, Great Basin College, 1500 College Parkway, Elko, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's website at <http://leg.state.nv.us/interim/76th2011/committee/>. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's (LCB's) Publications Office (e-mail: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775/684-6835).

**COMMITTEE MEMBERS PRESENT IN CARSON CITY:**

Assemblywoman Maggie Carlton, Chair  
Senator Greg Brower

**COMMITTEE MEMBERS PRESENT IN LAS VEGAS:**

Senator Mark A. Manendo  
Senator David R. Parks  
Assemblyman Paul Aizley  
Assemblywoman Irene Bustamante Adams  
Chris Giunchigliani, Clark County Commissioner

**COMMITTEE MEMBERS PRESENT IN ELKO:**

Senator Dean A. Rhoads, Vice Chair  
Assemblyman Ira Hansen

**OTHER LEGISLATORS PRESENT:**

Senator Ben Kieckhefer  
Assemblyman Peter (Pete) J. Goicoechea

**LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Dave Ziegler, Principal Research Analyst, Research Division  
Daniel Yu, Principal Deputy Legislative Counsel  
Susan M. Young, Assistant Supervisor of Secretarial Services, Research Division  
Natalie J. Pieretti, Senior Research Secretary, Research Division

## OPENING REMARKS AND INTRODUCTIONS

- Chair Carlton called the meeting to order. She explained that public comment would be allowed after each agenda item and at the end of the meeting.

## PUBLIC COMMENT

- Allen Biaggi, Principal, A. Biaggi & Associates, LLC., Minden, Nevada, on behalf of the Nevada Mining Association, addressed the potential listing of the sage grouse as an endangered species by mid-2015 and the impact a listing decision or unreasonable regulatory policies would have on the mining industry and the economy, especially in rural Nevada. He said the Mining Association has formed a task force to review and comment on proposed regulations and will participate in the National Environmental Policy Act process. (Please see [Exhibit B](#).)

In answer to a question from Chair Carlton, Mr. Biaggi confirmed his attendance at Governor Sandoval's Stakeholder Update on Bi-State and Greater Sage Grouse meeting held on January 18, 2012. Mr. Biaggi agreed with Chair Carlton's comments regarding the need for new measures to protect sage grouse habitat, that past efforts are no longer viable, and that new measures need to be placed into action.

- Rebecca Hilton, resident of Las Vegas, Nevada, addressed Assembly Bill 329 of the 2011 Session. Ms. Hilton said taxpayer's money is being wasted by placing wild horses into holding pens. She remarked it was "un-American" for animals not to have water on public lands; the slaughter of wild horses needs to stop; and that the wild horses currently in holding pens should be returned to the wild.
- Chair Carlton advised that A.B. 329 failed in the 2011 Session. She said that the discussion of A.B. 329 was placed on the agenda at the request of Senator Manendo and that no action would be taken on the item.
- April Tatro Medlin, resident of Las Vegas, cited reports by the Natural Resources Defense Council, *Rewriting the Rules, Year-End Report 2002*, "The Bush Administration's Assault on the Environment; The Bush Administration's Assaults on Our National Parks, Forests, and Public Lands, A Partial List," by Congressman Raul M. Grijalva, Chairman, Subcommittee on National Parks, Forests; and *The New York Times*, "Report Finds Meddling in Interior Department Actions." Ms. Medlin said the Bureau of Land Management (BLM), Department of the Interior, should be removed from the wild horse issue.
- Cat Kindsfather, resident of Carson City, Nevada, on behalf of Protect Mustangs, discussed the domestication of wild horses. She said that not allowing wild horses access to water is inhumane. (Please see [Exhibit C-1](#) and [Exhibit C-2](#).)

- Colleen Kurczodyna, private citizen, stated she is an advocate for wild horses, and opposes A.B. 329. She said the land is already multi-use with some areas having been designated herd management areas (HMAs), and that livestock should be restricted from HMAs. (Please see [Exhibit D-1](#) and [Exhibit D-2](#).)
- Margaret Lewis, resident of Sausalito, California, talked about the need for all interested parties to work together to find solutions concerning wild horses and livestock. (Please see [Exhibit E](#).)
- Carmen Rhoda, resident of Cold Creek, Nevada, expressed opposition to A.B. 329. She said that the opportunity is being missed to positively utilize the wild horses to generate revenue through eco-tourism.
- Senator Manendo said during the 2011 Session there was testimony for and against A.B. 329. He remarked that the Legislative Committee on Public Lands could facilitate further discussion of this important topic. Senator Manendo stated he has heard from opponents of the bill, but would like to hear more from the proponents. He noted that legislation from previous sessions may always be reintroduced and further discussion would be helpful.
- Don Alt, Chair, Nevada Livestock Association, said that wild horses are causing more overgrazing than ever before. He said that it costs \$40,000 a year to run his cattle in California because of the overgrazing on his grazing allotments in Nevada. He suggested that wild horse advocates learn the facts, history, and laws relating to wild horses and, if the livestock must leave, they should pay the ranchers to rent the land.
- Janet (Rhea) Little, stated her opposition to A.B. 329. She said that in southern Nevada, wild horses and burros are allotted 7 percent of the water. Ms. Little noted that in the Spring Mountains range, and on the private property where the springs are located, wild horses have been fenced off. She said the BLM and the U.S. Forest Service (USFS) do not take into account the naturally occurring deaths of wild horses as part of the process. Ms. Little stated that wild horses need to be treated as livestock and remain on the range.
- Kathy Valente, resident of Las Vegas, testified in support of wild horses and in opposition to A.B. 329. She requested humane treatment of wild horses and said that slaughter should not be an option for any wild horse or burro.
- Arla M. Ruggles, Great Basin Life, resident of White Pine County, Nevada, stated her opposition to A.B. 329. She said she offers wild horse photography tours and wants to preserve the wild horses. Ms. Ruggles is of the opinion there is enough water for livestock and wild horses. She said her clients spend money in and support the local community.

## **APPROVAL OF “SUMMARY MINUTES AND ACTION REPORT” OF THE MEETING HELD ON NOVEMBER 14, 2011, IN ELKO, NEVADA**

- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR PARKS MOVED TO APPROVE THE “SUMMARY MINUTES AND ACTION REPORT” OF THE NOVEMBER 14, 2011, MEETING HELD IN ELKO, NEVADA. THE MOTION WAS SECONDED BY VICE CHAIR RHOADS AND PASSED UNANIMOUSLY.

## **REVIEW OF STATUS OF COMMITTEE QUESTIONS AND RESEARCH REQUESTS FROM THE MEETING OF NOVEMBER 4, 2011, RELATING TO A GLOSSARY OF PUBLIC LANDS TERMINOLOGY; THE RELATIONSHIP BETWEEN LIVESTOCK GRAZING AND MANAGEMENT OF WILDFIRE; STATE WATER PLANNING; AND WILD HORSE AND BURRO BUDGETS, HOLDING FACILITIES, AND STATISTICS**

- Dave Ziegler, Principal Research Analyst, Research Division, LCB, provided a review of the status of committee questions and research requests from the meeting of November 4, 2011. He said: (1) the idea is to use the glossary as a living document and update it from time to time; (2) the information on wildlife in herd management areas was culled from environmental assessments prepared by the BLM in 2010 and 2011; (3) staff is still working on Senator Rhoads’ proposed bill draft request on grazing as a means of mitigating wildfire risk and will report at a future meeting; and (4) research indicates that changes in zoning in Clark County have to some degree affected the ability of homeowners to keep horses. (Please see [Exhibit F-1](#), [Exhibit F-2](#), [Exhibit F-3](#), and [Exhibit F-4](#).)
- Chair Carlton asked about the feasibility of moving wild horses to different herd management areas to keep a better balance.

## **DISCUSSION OF A LETTER FROM SENATOR MARK A. MANENDO, CHAIR, SENATE COMMITTEE ON NATURAL RESOURCES (NOVEMBER 9, 2011), RELATING TO ASSEMBLY BILL 329 OF THE 2011 LEGISLATIVE SESSION AND REQUESTING FURTHER REVIEW AND STUDY OF THE DEFINITION OF “WILDLIFE” AS USED IN TITLE 48 (“WATER”) OF NRS**

- Dave Ziegler, previously identified, provided a brief background on the history of A.B. 329 of the 2011 Legislative Session, read the language of the bill, and stated that the Research Division is not authorized to give legal advice. Mr. Ziegler said: (1) the bill relates to the appropriation of water for beneficial use; (2) the Nevada Supreme Court ruled in 1988 that wildlife watering is a beneficial use of water; (3) the State Engineer has issued about 40 permits to the BLM and the USFS to water wildlife; (4) the federal agencies apply for permits in order to install some

structure, such as a pipe or well; (5) the bill would have excluded a wild horse or burro from the definition of “wildlife”; (6) the State Engineer testified that the bill would apply prospectively to future applications; (7) different rules apply to wildlife watering and stock watering; and (8) the proponent testified that the intent is to clarify that federal agencies cannot use Nevada’s wildlife to prove beneficial use of Nevada’s water. (Please see [Exhibit G.](#))

Assemblyman Peter (Pete) J. Goicoechea, Assembly District No. 35, testified that the intent of A.B. 329 was to provide a definition of who could use wildlife to show beneficial water use. He stated that the measure does not limit where, when, and how a horse is watered. Assemblyman Goicoechea said the appropriate management level (AML) is exceeded in most herd management areas today and there is not enough water for all the horses if they are allowed to multiply unchecked. Assemblyman Goicoechea said the only question is who can make the application to appropriate water.

In response to a question from Commissioner Giunchigliani regarding whether the State Engineer has denied an application by the federal government for wild horses and burros, Mr. Ziegler said he did not have that information.

Assemblyman Goicoechea stated that A.B. 329 would have clarified whether the federal agencies can use Nevada’s wildlife for beneficial use, and it would have had to be a stand-alone application submitted by federal agencies for wild horses.

Assemblyman Hansen said that if wild horses and burros are defined as wildlife, they would then be under the jurisdiction of the State of Nevada. He added that the Office of the Attorney General could then sue the federal government to protect the State’s rights. Assemblyman Hansen stated that the ranchers cannot stop wild horses from coming to springs to drink.

- Chair Carlton commented this issue will be addressed by the Committee in the future.
- Chair Carlton called for public comment on Agenda Item No. V.
- Michael James Ahles, resident of Reno, voiced support for wild horses being defined as wildlife. He noted a January 2011, U.S. Department of Agriculture census regarding the number of livestock in the State of Nevada. Mr. Ahles stated the census showed there were 460,000 livestock and an estimated 12,000 to 18,000 wild horses present in the State.
- Kimberly Rhodemyre, resident of Reno, Nevada, spoke in support of wild horses. She requested Senator Rhoads and Assemblyman Goicoechea recuse themselves from discussion and voting on this matter. Ms. Rhodemyre said there are many statutes governing watering of livestock, but only one that mentions wildlife. She mentioned

articles from The Editorial Opinion of the Alliance of Wild Horse Advocates. (Please see [Exhibit H.](#))

- Carla Bowers, resident of Volcano, California, said wild horses and burros have lost over 8.3 million acres of land in the last four years, and in 1971 there were 159 HMAs and now in 2012 there are 84 HMAs. She disagreed with Assemblyman Goicoechea's statement that most HMAs are over appropriate management levels (AML) and commented that research indicates over one-half of HMAs are at AML or below. Ms. Bowers remarked that wild horses and burros should be designated wildlife. She stressed the importance of Nevada's water resources and current and proposed use by the Southern Nevada Water Authority, the mining industry, and the solar industry. (Please see [Exhibit I-1](#), [Exhibit I-2](#), [Exhibit I-3](#), and [Exhibit I-4](#).)
- Tina Brodrick, resident of Sparks, Nevada, asked the Committee's consideration of a mandate to protect natural resources. She noted that wildlife needs water to survive on public lands. (Please see [Exhibit J.](#))
- Dan Schinhofen, Commissioner, Board of County Commissioners, Nye County, questioned why millions of dollars each year are spent on feral horses. He remarked that wild horses could be placed in national parks and that limiting access by the federal government to the land is a good idea.
- Arlene Gawne, resident of Las Vegas, spoke in support of utilizing wildlife viewing for tourism to provide new sources of long-term revenue. Ms. Gawne said that photography tours to view the wild horses ended when the wild horses were gathered in the Ely area.
- Cliff Gardner, resident of Ruby Valley, Nevada, testified regarding the conditions of the range and the differences between wild horses and livestock. He stated he observed a lack of vegetation remaining near any of the springs. Mr. Gardner questioned why the BLM and the USFS had identified the Columbia Spotted Frog in Eureka County and much of central Nevada with no regard given to the effect of wild horses on riparian areas.
- Floyd W. Rathbun, resident of Fallon, Nevada, encouraged LCB staff to contact Nevada's Department of Wildlife (NDOW) for information regarding wild horses. He provided a brief history on wild horses managed in the State within BLM and USFS allotment areas. It was his opinion the State Engineer should review and rescind existing water rights granted to the BLM for use by wild horses because they no longer conform to State law.
- Chair Carlton commented that the Committee and interested parties will work together to address the wild horse issues in order to do what is best for the State and wild horses.

- Assemblyman Hansen said that during his time in Nevada's backcountry, he has observed thousands of water developments created by the livestock industry that benefit wild horses and wildlife. He commented as livestock are pushed off the range, the water developments will no longer be maintained and wild horses and wildlife will suffer.

## **UPDATE ON THE BUREAU OF LAND MANAGEMENT (BLM), UNITED STATES DEPARTMENT OF THE INTERIOR (DOI), POLICIES AND PROGRAMS FOR MANAGEMENT OF PUBLIC LANDS IN NEVADA**

- Raul Morales, Deputy State Director, Division of Natural Resources, Lands and Planning, Nevada State Office, BLM, said that the wild horse and burro program is the only BLM program that manages not only habitat, but also the animals, and that the State of Nevada is responsible for managing wildlife, unless it is threatened or endangered, in which case the USFWS would be responsible. He said the BLM wants to see healthy horses on healthy rangelands; there are 84 HMAs in the State of Nevada; the AML is approximately 12,600 horses; there are about 19,000 to 21,000 wild horses in Nevada; and 54 HMAs are over the AML. Mr. Morales said the BLM is a multiple-use agency and its goal is to manage the public lands for all the public that use them and to maintain healthy rangelands. He discussed the expense of wild horse gathers, research efforts on long-term fertility control, and possible eco-sanctuaries on private land or as private-public partnerships to reduce the costs of long-term holding in the Midwest.

Mr. Morales said there are 663 grazing permits in Nevada good for ten years, with less than half renewed. He said the BLM places a priority on processing renewals that raise sage grouse or riparian issues. Mr. Morales testified the BLM is looking at drought restrictions on grazing permittees due to the dry conditions and recent fires in Carson City, Las Vegas, and Reno.

Mr. Morales provided information on the Southern Nevada Public Land Management Act of 1998 (SNPLMA) and proceeds from acreage sold that are used to fund many types of projects. He testified that the BLM's goal is to have 500 backlogged projects completed by the summer of 2014, and this year the BLM's project budget is \$8 to \$10 million. He reported that applications have been submitted for 44 projects totaling \$23 million, and that the only anticipated land sale is a potential 500-acre tract near Henderson.

Mr. Morales testified regarding a new initiative, the Landscape Conservation Cooperative (LCC). He said the BLM manages the Great Basin LCC, which includes most of Nevada. His testimony highlighted: (1) the benefits of LLC to bring together governmental and nongovernmental agencies to identify critical ecosystem needs; (2) LLC's efforts to protect sage grouse habitats; and (3) the purposes of the LLC,



which are education, management, partnership development, research, restoration, and science.

Concluding, Mr. Morales reported on an environmental assessment conducted by the BLM, for which the Record of Decision has been signed, allowing helicopter use to maintain big game guzzlers in nine wilderness areas.

- Alan Bittner, Acting Sierra Front Field Office Manager, Carson City District Office, BLM, testified regarding the involvement of his office in: (1) Carson City land conveyances; (2) the Douglas County conservation bill; (3) the Nevada Commission for the Reconstruction of the V&T Railroad; (4) the Nevada hospital broadband line; and (5) the Pumpkin Hollow mine and City of Yerington land acquisition proposal.
- Patrick Gubbins, Branch Chief for Non-Renewable Resources and Renewable Energy, Nevada State Office, BLM, said the BLM treats solar, wind, and transmission lines as linear rights-of-way, handled by their lands and realty office. He reported on 48 heavy solar projects and 34 wind facility projects pending. Mr. Gubbins said the BLM has placed a priority on three solar projects and one wind project, in order to expedite their completion by the end of 2012. He stated that a national rapid-response transmission team of nine agencies is working to expedite transmission projects, including the TransWest project that runs 725 miles from Wyoming to Las Vegas. Mr. Gubbins commented the Solar Programmatic Environmental Impact Statement (PEIS) is scheduled to be completed by October 2012.

In response to Commissioner Giunchigliani's question about a working project for proper siting of renewable energy projects in Nevada, Mr. Gubbins replied that there are five identified solar PEIS energy zones, in which resource impacts are minimized. Mr. Gubbins added that the U.S. Department of Defense is very interested in renewable energy, both as a user and a possible producer of energy.

- Chair Carlton remarked she would like future discussion with interested parties on grazing permits, fire prevention, and drought conditions to gain a better understanding of the grazing permits and variables involved.
- Chair Carlton called for public comment; however, no testimony was presented.

#### **UPDATE ON THE U.S. FOREST SERVICE (USFS), U.S. DEPARTMENT OF AGRICULTURE (USDA), POLICIES AND PROGRAMS FOR MANAGEMENT OF PUBLIC LANDS IN NEVADA**

- Jeanne Higgins, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, USDA provided a brief overview of the Forest and presented testimony on: (1) fire risk management; (2) geothermal energy and development; (3) the proposed national forest planning rule; (4) range management and fuel reduction; (5) implementation of

the Secure Rural Schools and Community Self-Determination Act of 2000; (6) travel management and wheeled motorized vehicle use; (7) the USFS Roadless Rule; and (8) wild horse and burro management. (Please see [Exhibit K-1](#) and [Exhibit K-2](#).)

- Genny Wilson, District Ranger, Carson City Ranger District, Humboldt-Toiyabe National Forest, USFS, USDA, provided an overview of the Ranger District and the major projects the District is undertaking (Please see [Exhibit L](#)) that included:
  - § fire management;
  - § forest fuels reduction;
  - § land acquisition and boundary administration;
  - § recreation at:
    - (a) the Galena Visitor Center;
    - (b) the Rim to Reno Trail and the Genoa-Foothill Trail;
  - § special uses at:
    - (a) the Mount Rose Ski Area Expansion;
    - (b) the NV Energy Bordertown to Verdi Transmission Line; and
  - § travel management.

Responding to Assemblyman Aizley's inquiry regarding the involvement of the State Engineer in geothermal energy projects and any conflicts, Ms. Higgins stated that the USFS manages the surface and consents to land leases for development. She said the BLM may be able to address the role of water resources in the leasing process. Assemblyman Aizley said he has heard that the water table may be affected when geothermal water is pumped out.

Assemblyman Hansen and Ms. Wilson discussed the budget and cost-per-acre for the fuels reduction, how often fuel reduction is repeated, and the project proposal process. Ms. Wilson said that costs vary greatly, depending on the nature of the work, and that \$500 per-acre would be an average cost.

In response to Assemblyman Hansen's question regarding why AMLs have not been established since 1971 on the 14 Wild Horse Territories, Ms. Higgins reported that the USFS is currently working on that with a focus on recently acquired lands. She commented that the BLM performs the census work under an interagency agreement and that not all Wild Horse Territories are currently occupied.

- Chair Carlton asked about signage on forest roads. She asked whether all signed roads are passable, and if the public perceives that all signed roads are safe.
- Ms. Higgins responded that motor vehicle use maps include information on the risks of traveling on the forest; the mapping process is iterative; the USFS relies on feedback

and updates from users; and the signage is intended primarily for purposes of orientation and navigation.

- Written testimony of Mike Crawley, District Ranger, Bridgeport Ranger District, Humboldt-Toiyabe National Forest, USFS, USDA, was submitted to the Committee for the record. (Please see [Exhibit M.](#))
- Raul Morales, previously identified, responded to Assemblyman Aizley's question regarding responsibility for securing either the rights or permits of water. He said that it is his understanding the project proponent of the company works directly with the State Engineer in securing the necessary permits for the operation.

Responding to Assemblyman Aizley's inquiry regarding permission to develop geothermal usage, Ms. Higgins said there is no specific permit from the USFS, however, multiple permits are required.

#### **UPDATE FROM THE STATE LAND USE PLANNING AGENCY (NRS 321.700) ON MATTERS CONCERNING FEDERAL ACTIVITIES, FEDERAL LAND USE, AND FEDERAL POLICIES IN NEVADA**

- James R. Lawrence, Administrator and State Land Registrar, Division of State Lands (DSL), SDCNR, presented testimony regarding the: (1) Question 1 Resource and Conservation Program; (2) State Land Office; (3) State Land Use Planning Agency; and (4) Tahoe Environmental Improvement Program. Mr. Lawrence said Nevada's small amount of school trust lands makes it difficult for Nevada to generate revenue from energy production, compared to such states as Arizona and California. He commented that this situation has contributed to proposed legislation on revenue sharing. (Please see [Exhibit N.](#))

Mr. Lawrence said the Legislature authorized \$12 million in bond sales in the 2011 Session for the Tahoe Environmental Improvement Program, but due to the level of tax collections, the Treasurer has not been selling bonds. Regarding land acquisition grants, he testified that grants are focused on furthering county flood protection and open space plans and conservation easements that keep land in private hands.

Assemblyman Hansen asked whether there were any State funds available for conservation easements in Austin. Mr. Lawrence responded that until the State Treasurer's Office sells additional bonds to carry out the program, no further grants can be issued.

- Chair Carlton asked Mr. Lawrence to address the trend in clarity of Lake Tahoe.
- Mr. Lawrence stated the last annual report showed a troubling decline in clarity of approximately three feet. He noted that long-term data indicates the trend is slowing, if not leveling off. He said funding is the challenge.

## **UPDATE FROM THE STATE DEPARTMENT OF AGRICULTURE ON MATTERS RELATING TO THE CONSERVATION AND MANAGEMENT OF PUBLIC LANDS IN NEVADA**

- Jim R. Barbee, Director, State Department of Agriculture (SDA), presented testimony on: animal and plant health; predatory animal and rodent control; damage and disease caused by wildlife; and stray and feral animals on State lands. He said the SDA cooperates with the U.S. Department of Agriculture (USDA) animal and plant health inspection teams regarding crickets and grasshoppers, adjoining croplands and municipalities, and on surveys of exotic pests that can impact the public lands. Mr. Barbee reported that the SDA entomology department has two biological control programs for the weeds tamarisk (saltcedar) and toadflax. He commented that NRS authorizes the predatory animal and rodent control committee of the SDA to cooperate with the USDA, and State staff to work under federal authority on the wildlife services program, helping ranchers and farmers on public lands.

Mr. Barbee added that the Animal Identification Division has authority over stray and feral cattle, goats, horses, poultry, sheep, and swine on state lands, not including federal wild horses and burros. He reported that the SDA trapped 39 horses in calendar year 2011, attempted to place them, and auctioned those that could not be placed. Mr. Barbee commented these activities were conducted due to the horses' proximity to roads, with approval from private landowners, and were funded by the livestock industry through brand and inspection fees.

- Tina K. Mudd, Cooperative Weed Management Area and Noxious Weed Program Coordinator, SDA, testified regarding the importance of the noxious weed program to rural and urban landowners. She said invasive species are the second leading cause of listings of threatened and endangered species, and noxious weeds also affect water quality and quantity. Ms. Mudd reported that Nevada received \$5 million in stimulus money from the USFS to treat noxious weeds and conduct fuels reduction projects, which resulted in stopping the spread of fire in the Warm Springs and Caughlin Ranch areas. She noted that Nevada and Arizona do not have county weed and pest district programs, and the SDA must rely on the cooperative weed management areas.

Assemblyman Hansen and Ms. Mudd discussed: (1) goats and livestock grazing on whitetop; (2) the spread of tamarisk, or saltcedar; and (3) the utilization of beetles in attacking the weeds. Ms. Mudd said the manual labor for removal of tamarisk is highly difficult, labor intensive, and very expensive, but the release of the *Diorabda* beetle on tamarisk has been successful in an area near Lovelock. She commented that livestock will graze tall whitetop when it is young, and noted that the agencies are about four years away from having biological controls for whitetop, which may be the only means of control along the Truckee River.

- Chair Carlton called for public comment on Agenda Item No. IX.
- Floyd W. Rathbun, previously identified, addressed the topic of coordination of county or local policy with federal proposals. He asked for assistance from the State of Nevada in restoring domestic sheep grazing permits on USFS lands in the Bridgeport Ranger District. (Please see [Exhibit O.](#))

## **DISCUSSION AND UPDATE ON POLICIES RELATED TO THE GREATER SAGE GROUSE IN NEVADA**

- Ken Mayer, Director, NDOW, presented testimony on the greater sage grouse life history, distribution, status, and conservation in Nevada. Mr. Mayer said about 58 percent of Nevada has sage grouse habitat. He noted a slight downward population trend in Nevada and the other sage grouse states. Mr. Mayer remarked that the bird is hunted in every western state except North Dakota and Washington, which have small populations, and research indicates that hunting is “compensatory mortality” rather than added mortality. He said NDOW expects hunters can harvest up to 10 percent of the fall population, and actual harvest is well below that guideline.

Mr. Mayer reported the Wildlife Commission has closed 5 counties and restricted 22 management areas from hunting. He stated the greatest threats to sage grouse in Nevada are habitat loss and fragmentation, invasive species, and wildfire. Mr. Mayer commented that NDOW has been working with the BLM and the USFS to raise the priority of sagebrush habitat in fire prevention and suppression. (Please see [Exhibit P.](#))

- Edward “Ted” Koch, State Supervisor, Nevada Fish and Wildlife Office, USFWS, DOI, testified on sage grouse conservation and habitat. (Please see [Exhibit Q.](#))
- Raul Morales, previously identified, testified on the BLM’s national Greater Sage-Grouse planning strategy. Mr. Morales stated that the USFWS directed that the BLM’s land use plans include actions to protect the sage grouse. He added that the BLM must amend its plans and achieve consistent implementation. Mr. Morales said the major threats in Nevada are wildfire and invasive species, and the land use plans must address these threats. (Please see [Exhibit R-1](#) and [Exhibit R-2.](#))

Upon the request of Chair Carlton, Mr. Koch clarified that the listing under the ESA is currently warranted. He said the USFWS is not preparing or submitting listing packages because they are precluded by other higher-priority listings elsewhere. Discussion regarding listing continued with Mr. Koch noting the Bi-State listing is set for September 2013, and September 2015 for the remainder of the State.

Discussion ensued among Commissioner Giunchigliani, Mr. Koch, and Mr. Morales about invasive species, grants available to help the states, and the agency’s cooperation with the Nevada Fire Safe Council (NFSC). Mr. Koch stated the cycle of fire and invasive species

is basically a single problem, typically involving cheat grass. Mr. Morales said the agencies are pooling resources, setting priorities, and directing money to priority habitat areas. He commented the agencies work with the NFSC and that the Natural Resource Conservation Service, USDA, is a major funding source and would like to expand its programs to public lands.

Assemblyman Aizley and Mr. Mayer discussed the survival rate of eggs or chicks. Mr. Mayer said NDOW is working with the U.S. Geological Survey, DOI, on telemetry data and learning the components for increasing chick survival and recruitment.

Assemblyman Hansen commented that Nevada had its highest sage grouse population at the same time it had its highest levels of grazing. He said as livestock numbers have declined, invasive species and fires have increased, and when small ranchers developed alfalfa fields, there were high sage grouse populations. Assemblyman Hansen added that in a 2003-2005 Elko County study, it was reported ravens were found to have increased by three hundred percent since 1980, and were destroying fifty percent of the sage grouse eggs.

There was discussion between Assemblyman Hansen and Mr. Mayer regarding the costs of sage grouse studies versus predator control. Mr. Mayer said NDOW has a permit from the USFWS to remove 1,500 ravens on an annual basis. He remarked predator control should be targeted and without habitat, there would be no positive results.

Discussion continued among Senator Rhoads, Assemblyman Hansen, Mr. Koch, Mr. Morales, and Mr. Mayer regarding grazing and threats to the sage grouse. Mr. Koch said the USFWS does not view grazing as one of the most significant threats and to the extent it is a threat, it relates more to unmanaged grazing, from wild horses and burros for example. Senator Rhoads asked whether the USFWS could list the sage grouse in Wyoming and not in Nevada. Mr. Koch commented it is unlikely, since the USFWS makes the decisions based on biological species and not political boundaries.

Mr. Morales reported the USFWS has approved Wyoming's conservation plan and it represents what the BLM is attempting to do, which is identify key habitat and implement conservation measures. He stated that Wyoming is able to defend 80 percent of the birds on 30 percent of the landscape through a stakeholder process and with the involvement of the Governor. Mr. Mayer noted that Wyoming has a lower percentage of federal land than Nevada, and the state agencies in Wyoming have regulatory authority over much more land.

- Chair Carlton called for public comment on Agenda Item No. X.
- John C. Carpenter, resident of Elko, inquired what Nevadans should do and what the BLM has accomplished in the way of conservation projects. He asked why farming is bad for the sage grouse. Mr. Carpenter urged the panelists to visit Elko County and work with the people directly.

- Mr. Koch reported that conservation of nesting and rearing habitat often includes protecting food and cover habitat. He said the threat from agriculture is variable across the eleven western states. Mr. Koch reported that thousands of acres of sagebrush are being converted to agricultural land on some parts of the range, which produces a net loss to sage grouse habitat. He added that fencing riparian areas must be considered on a case-by-case basis.
- Mr. Mayer discussed the interactions among grazing, irrigation, and sage grouse and noted it is a dynamic system. He commented that much of the forage consumption on habitat sites is from wild horses.
- Michael James Ahles, previously identified, asked whether the numbers of birds killed in the West from hunting are known, and voiced his concern over the testimony that wild horses are more detrimental to habitat than one-half million livestock.
- Cliff Gardner, previously identified, representing the Rural Heritage Preservation Project, presented testimony on: (1) effective predator control; (2) reduction in grazing; and (3) sage grouse. (Please see [Exhibit S.](#))

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

### ***Carson City***

- Juan Guzman, Open Space Manager, City of Carson City, appearing on behalf of Robert L. Crowell, Mayor, Carson City, presented testimony on: (1) the BLM-Southern Nevada Public Land Management Act Bently fee title acquisition; (2) National Resources Conservation Service fire rehabilitation grants; (3) the USFS and BLM Carson City lands bill; and (4) the USFS Kings Canyon to Ash Canyon trail. (Please see [Exhibit T.](#))

### ***Churchill County***

- Brad T. Goetsch, Churchill County Manager, asked for the Committee's assistance in recognizing the value of public lands and opposing abatements and restrictions that reduce access or value to benefit the State. He said: (1) uses of the public lands are the fastest-growing portions of the Churchill County economy; (2) wilderness study areas, designated long ago but not acted upon, are a problem; (3) Churchill County has a large amount of untapped geothermal energy potential; and (4) tax abatements for geothermal projects are too high, on a "dollars-per-job-created" basis. (Please see [Exhibit U.](#))

In response to Chair Carlton's question about calculations for abatements, Mr. Goetsch directed her to the figures provided. (Please see [Exhibit U.](#))

### ***Douglas County***

- Doug N. Johnson, Commissioner, Board of County Commissioners, Douglas County, presented a brief introduction to the proposed Douglas County Conservation Bill. He testified funding has been fully supported by the Board of Commissioners for the last two and one-half years. (Please see [Exhibit V.](#))
- Lisa I. Granahan, Economic Vitality Manager, Douglas County, said the proposed bill is a good means of implementing the goals and policies of the land use plan related to: (1) floodplain functions; (2) historic agriculture operations; (3) natural resources; (4) protecting the cultural heritage; and (5) retaining the rural character. She reported the County has had success with conservation easements, and an additional 15,000 acres with willing landowners could be protected. Ms. Granahan commented the process of developing the proposed bill was a comprehensive community-driven process in which the County worked closely with stakeholder groups and the Congressional delegation. (Please see [Exhibit W.](#))
- Dominique Etchegoyan, Legacy Land and Water, LLC, testified regarding the components of the Douglas County Conservation Bill, including: (1) disposal of excess federal lands and acquisition of sensitive lands; (2) floodplain protection through the use of conservation easements; and (3) recreation and wilderness components. He said the process of developing the proposed bill has been important and resulted in improved relationships and partnerships. (Please see [Exhibit W.](#))

Responding to Chair Carlton regarding the amount Douglas County has invested in the proposed bill, Mr. Johnson said the cost to Douglas County has been about \$300,000 over the last two and one-half years.

### ***Washoe County***

- Bill Whitney, Acting Community Planning Services Manager, Washoe County Community Development Department, said that BLM and USFS lands constitute a large portion of Washoe County. He described the processing of an Environmental Impact Statement for an electric transmission line on Peavine Mountain and the implementation of the USFS travel management plan on forest lands. Mr. Whitney said there are four separate BLM districts in Washoe County, two of which are managed from California: (1) Carson District; (2) Eagle Lake District; (3) Surprise District; and (4) Winnemucca District. He stated the County: will cooperate with the Winnemucca District on preparation of an environmental assessment for the Burning Man festival; is exploring efforts with the BLM to



streamline the permitting process for renewable energy projects; and is participating with the BLM and the USFS in addressing adequate conservation measures for the sage grouse, as resources allow. (Please see [Exhibit X](#).)

## **OVERVIEW OF STATE AND FEDERAL PUBLIC LANDS LEGISLATION**

- Dave Ziegler, previously identified, presented a brief overview of State and federal public lands legislation. His presentation included: legislation the Committee sponsored in the 2011 Session; federal legislation in the 112th United States Congress related to public lands; and selected water-related legislation from the 2011 Session. (Please see [Exhibit Y](#).)

## **COMMITTEE SCHEDULE FOR THE 2011-2012 INTERIM**

- Chair Carlton informed the Committee that a meeting is being proposed for April in Las Vegas, and will include a tour. She said the following meeting will be in Ely. Chair Carlton indicated she plans to hold a work session and one other meeting in the State, or outside the State, if permitted.

## **PUBLIC COMMENT**

- Carla Bowers, previously identified, discussed her concerns regarding wild horses and burros. She said
  - § Some water sources developed by ranchers fence out wild horses and burros and are paid for by a percentage of grazing fees;
  - § Wild horse data presented by the USFS is out-of-date;
  - § There is a pattern of reductions in BLM Herd Management Areas and USFS Wild Horse Territories;
  - § Wild horses and burros are an excellent means of fuel reduction;
  - § Agreements with advocacy groups to place wild horses should be reinstated;
  - § Better technology is available to prevent collisions between horses and automobiles; and,
  - § Wild horses and burros are restricted to less than four percent of public lands and are not as much of a threat to the sage grouse as wildlife.

## ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 4:16 p.m.

Respectfully submitted,

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Natalie J. Pieretti  
Senior Research Secretary

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Dave Ziegler  
Principal Research Analyst

APPROVED BY:

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Assemblywoman Maggie Carlton, Chair

Date: \_\_\_\_\_

## **LIST OF EXHIBITS**

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

[Exhibit B](#) is the January 27, 2012, written testimony of Allen Biaggi, Principal, A. Biaggi & Associates, LLC.

[Exhibit C-1](#) is the written testimony of Cat Kindsfather, private citizen, Carson City.

[Exhibit C-2](#) is a report titled “Wild Horses as Native North American Wildlife,” by Jay F. Kirkpatrick Ph.D. and Patricia M. Fazio Ph.D., revised January 2010, submitted by Cat Kindsfather, Carson City.

[Exhibit D-1](#) is the January 27, 2012, written testimony of Colleen Kurczodyna, private citizen.

[Exhibit D-2](#) is a picture depicting livestock and a wild horse offered by Colleen Kurczodyna, private citizen.

[Exhibit E](#) is the written testimony of Margaret Lewis, private citizen, Sausalito, California.

[Exhibit F-1](#) is a glossary relating to public lands terminology dated January 27, 2012, provided by Dave Ziegler, Principal Research Analyst, Research Division, LCB.

[Exhibit F-2](#) is a chronology relating to divisions/sections of water planning dated January 27, 2012, submitted by Dave Ziegler, Principal Research Analyst, Research Division, LCB.

[Exhibit F-3](#) is a memorandum dated January 24, 2012, to the Legislative Committee on Public Lands from Dave Ziegler, Principal Research Analyst, Research Division, LCB, regarding Wild Horse and Burro Management Areas in Nevada.

[Exhibit F-4](#) is a memorandum dated January 24, 2012, to the Legislative Committee on Public Lands from Dave Ziegler, Principal Research Analyst, Research Division, LCB, regarding Wild Horse and Burros—Costs and Holding Facilities.

[Exhibit G](#) is a letter dated November 9, 2011, from Senator Mark A. Manendo, Chair, Senate Committee on Natural Resources to Assemblywoman Maggie Carlton, Chair, Legislative Committee on Public Lands, with relevant pages from various committee meetings from the 2011 Session relating to Assembly Bill 329.

[Exhibit H](#) is the January 27, 2012, written testimony of Kimberly Rhodemyre, private citizen, Reno, Nevada.

[Exhibit I-1](#) is a document titled, “Wild Horses and Burros (WHB) in Nevada—Some Perspective & the Numbers,” provided by Carla Bowers, private citizen, Volcano, California.

[Exhibit I-2](#) is a document titled “Water Usage Gallons Per Day,” offered by Carla Bowers, private citizen, Volcano, California.

[Exhibit I-3](#) is a graph titled “Population, Nevada Grazers,” submitted by Carla Bowers, private citizen, Volcano, California.

[Exhibit I-4](#) is an excerpt from an article titled, “The Mining of Our Aquifers: As Long as BLM Can Make Buck, Who Cares if the Water is Gone?,” dated July 28, 2010, by Debbie Coffey, PPJ Investigative Reporter/Journalist ([honualoha@sbcglobal.net](mailto:honualoha@sbcglobal.net)) provided by Carla Bowers, private citizen, Volcano, California.

[Exhibit J](#) is the written testimony of Tina Brodrick, private citizen, Sparks, Nevada.

[Exhibit K-1](#) is a document titled “Testimony Concerning the Introduction and Overview of the United States Forest Service (USFS) in Nevada for the Humboldt-Toiyabe National Forest, dated January 27, 2012, presented by Jeanne Higgins, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, U.S. Department of Agriculture (USDA).

[Exhibit K-2](#) is a briefing paper dated January 27, 2012, on the Humboldt-Toiyabe National Forest, presented by Jeanne Higgins, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, USDA.

[Exhibit L](#) is a document titled “Testimony on Current Management Activities on the Carson Ranger District Humboldt-Toiyabe National Forest for the Legislative Committee on Public Lands,” dated January 27, 2012, by Genny Wilson, District Ranger, Carson City Ranger District, Humboldt-Toiyabe National Forest, USFS, USDA.

[Exhibit M](#) is a document titled “Testimony on the Resource Management Activities on the Bridgeport Ranger District Humboldt-Toiyabe National Forest for the Legislative Committee on Public Lands,” dated January 27, 2012, submitted on behalf of Mike Crawley, District Ranger, Bridgeport Ranger District, Humboldt-Toiyabe National Forest, USFS, USDA.

[Exhibit N](#) is a Microsoft PowerPoint presentation titled “Agency Info and Priority Activities,” given by James Lawrence, Administrator and State Land Registrar, Division of State Lands, State Department of Conservation and Natural Resources.

[Exhibit O](#) is the January 27, 2012, written testimony of Floyd W. Rathbun, Fallon, Nevada.

[Exhibit P](#) is a Microsoft PowerPoint presentation dated January 27, 2012, titled “The Greater Sage-grouse: Life History, Distribution, Status and Conservation in Nevada,” provided by Ken Mayer, Director, Department of Wildlife.

[Exhibit Q](#) is the January 27, 2012, written testimony of Edward D. Koch, State Supervisor, Nevada Fish and Wildlife Office, U.S. Fish and Wildlife Service, Department of the Interior, Reno.

[Exhibit R-1](#) is a Microsoft PowerPoint presentation titled “BLM National Greater Sage-Grouse Planning Strategy,” given by Raul Morales, Deputy State Director, Natural Resource, Land and Planning (NRLP), Nevada State Office, BLM.

[Exhibit R-2](#) is a Microsoft PowerPoint presentation titled “Stakeholder’s Meeting, Bi-State Sage-Grouse,” submitted by Raul Morales, Deputy State Director, NRLP, Nevada State Office, BLM.

[Exhibit S](#) is the written testimony dated January 27, 2012, of Cliff Gardner, Rural Heritage-Preservation Project, Ruby Valley, Nevada.

[Exhibit T](#) is a Microsoft PowerPoint presentation titled “Carson City Selected Projects with the Federal Government,” dated January 27, 2012, Robert Crowell, Mayor of Carson City, and Juan Guzman, Open Space Manager, City of Carson City.

[Exhibit U](#) is a Microsoft PowerPoint presentation titled “Policy Plan for Public Lands, a Section of the Churchill County 2010 Master Plan,” presented by Brad T. Goetsch, Churchill County Manager, Fallon, Nevada.

[Exhibit V](#) is an overview of The Douglas County Conservation Bill, presented by Doug N. Johnson, Commissioner, Board of County Commissioners, Douglas County.

[Exhibit W](#) is a Microsoft PowerPoint presentation titled “Douglas County Conservation Bill,” dated January 25, 2012, presented by Dominique Etchegoyan, Legacy Land and Water, LLC, Minden.

[Exhibit X](#) is the written testimony dated January 27, 2012, of Bill Whitney, Acting Community Planning Services Manager, Washoe County Community Development Department.

[Exhibit Y](#) is a memorandum dated January 27, 2012, to the Legislative Committee on Public Lands from Dave Ziegler, Principal Research Analyst, Research Division, LCB, regarding “Overview of State and Federal Public Lands Legislation.”

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at [www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm](http://www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm) or telephone: 775/684-6827.