



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

**SUMMARY MINUTES AND ACTION REPORT**

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The third meeting of the Nevada Legislature's Legislative Committee on Public Lands was held on Thursday, April 24, 2014, at 10 a.m. in the Main Room of the Tonopah Convention Center, 301 Brougner Avenue, Tonopah, 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://www.leg.state.nv.us/interim/77th2013/committee/>. In addition, copies of the audio or video record are available through the Legislative Counsel Bureau's Publications Office (e-mail: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775/684-6835).

**COMMITTEE MEMBERS PRESENT IN TONOPAH:**

Assemblyman Paul Aizley, Chair  
Senator David R. Parks, Vice Chair  
Senator Aaron D. Ford  
Senator Pete Goicoechea  
Senator Donald G. Gustavson  
Assemblywoman Maggie Carlton  
Assemblyman John C. Ellison  
Assemblyman Ira Hansen  
Tom Collins, Clark County Commissioner

**LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Jered M. McDonald, Senior Research Analyst, Research Division  
J. Randall Stephenson, Principal Deputy Legislative Counsel, Legal Division  
Natalie J. Pieretti, Senior Research Secretary, Research Division  
Ryan Dombrowski, A/V Technical Assistant, Broadcast and Production Services  
Brian Van Geel, A/V Technical Assistant, Broadcast and Production Services  
Robert McDonald, Officer, Legislative Police  
Mark Vorderbruggen, Officer, Legislative Police  
James Warne, Officer, Legislative Police

## **OPENING REMARKS**

- Chair Aizley welcomed everyone to the third meeting and asked the secretary to take the roll. He announced a 3-minute rule would be invoked for public comment, with a 30 second warning prior to the time running out.

## **PUBLIC COMMENT**

- Chair Aizley called for public comment.
- Lorinda Wichman, Vice Chair, Board of County Commissioners, Nye County, welcomed the Committee members.

## **UPDATE ON UNITED STATES FOREST SERVICE (USFS), U.S. DEPARTMENT OF AGRICULTURE (USDA), ACTIVITIES AND PLANNING EFFORTS IN NEVADA**

- Steven Williams, District Ranger, Austin and Tonopah Ranger Districts, Humboldt-Toiyabe National Forest, USFS, USDA, provided a brief overview of the Austin and Tonopah Ranger Districts program areas: (1) rangeland management planning; (2) mineral exploration program; (3) vegetation and fuels management; (4) wild horse and burro management; and (5) the Secure Rural Schools Act (SRS) of 2013. He provided a Microsoft PowerPoint presentation that highlights projects of the SRS, including: (1) the Toquima Cave Protective Gate; (2) Kingston and Meadow Canyon guard stations lead paint removal and painting; (3) Chestnut Fire of August-September 2013; (4) trail maintenance; (5) installation of guzzlers to benefit wildlife; (6) abandoned mine shaft closure; (7) prescribed burning; and (8) Columbia spotted frog habitat. (Please see [Exhibit B](#) and [Exhibit B-1](#).)

In response to an inquiry by Assemblywoman Carlton, Mr. Williams replied the cave is located approximately 15 miles south of Highway 50 at the north end of the Toquima Mountain Range. Assemblyman Hansen added to travel to Austin, head east to a turnoff for Old Smokey, and take a diagonal due east and south road up to a campground at Pete's Summit.

Chair Aizley was curious whether there was vandalism at the mine, and Mr. Williams replied it would be difficult to vandalize, as a torch would be needed to cut the bars.

Responding to Chair Aizley, Mr. Williams said the amount of precipitation that has occurred since September is approximately 70 percent of the long-term average, and the actual snow pack is down to approximately 60 percent; however, the snow pack previously reached 80 percent of normal.

- Senator Goicoechea asked Mr. Williams to elaborate on livestock grazing levels. Mr. Williams commented he was unable to provide historical numbers. He stated 32 allotments are currently active, and 17 allotments are currently vacant, which

amounts for approximately one-third of the allotments currently vacant. Senator Goicoechea requested Mr. Williams provide the historic numbers prior to the Committee's next meeting.

- Assemblyman Hansen discussed the USFS's setting of the appropriate management level (AML) pursuant to the Wild Horse and Burro (WH&B) Act of 1971, and asked in the absence of an AML, what has the USFS done to manage the wild horses and burros. Mr. Williams replied the USFS attempted to combine all of the USFS territories pursuant to the National Environmental Policy Act (NEPA) of 1970. He noted, to date, the USFS has been unsuccessful in setting an AML. Mr. Williams testified a concern for the USFS is the Toquima Range, where all the AMLs are increasing. He stated a decision was made to set a burro territory with a goal of 25 to 40 AMLs.

Discussion was held between Assemblyman Hansen and Mr. Williams regarding the number of prescribed burns needed to return the Pinyon-juniper encroachment to a category 1 or 2 from a category 3. Assemblyman Hansen pointed out that requiring individuals to obtain a permit for cutting Pinyon-juniper should be reviewed if the USFS is attempting to burn 50,000 acres per year. Mr. Williams commented the USFS would like the ability to encourage or direct individuals with permits to specific areas for the highest need of Pinyon-juniper removal.

Chair Aizley asked how much advance notice is given prior to, and how does the USFS measure the success of, a prescribed burn. Mr. Williams responded advance notice is provided to the public up to a month ahead of time, and, as conditions allow, to county and city personnel in the days prior to the prescribed burns. As to the measure of success of a prescribed burn, Mr. Williams stated the USFS is working with the Rocky Mountain Research Station to review prescribed burns that have taken place, as well as with different universities that are performing studies on the completed prescribed burns.

Assemblyman Hansen related a constituent's concern over an active mining claim that had been closed. Mr. Williams said claimants are contacted and the claims are not closed unless the USFS is granted permission by the claimant. He reported the USFS contacted the company the claim in question was leased to, and that company requested the closure. Mr. Williams noted correspondence was sent to the constituent on the closure request, however, the USFS did not receive back any communication. He stated the USFS has offered a key to the removable bars that enclose the claim so the constituent may enter.

- Senator Ford asked what are the comments that the USFS has received regarding the AMLs, and what does the USFS require to set the AMLs.
- Mr. Williams responded the comments, more so than any other issue, favored the wild horses and ranged from not euthanizing the wild horses to building an observation tower for viewing. He reported the USFS responds to each comment and the responses will be contained in the AML document when it is released. Mr. Williams noted in setting the AML, the USFS will monitor the conditions of the resources from all

the appropriate entities to determine what the AMLs are, and if there is any deterioration of rangeland occurring. He stated the USFS is in the process of gathering information in order to set future AMLs, with a deadline of September 30, 2014, for the one discussed burro territory.

Senator Goicoechea commented on the AMLs and the Pinyon-juniper encroachment.

In response to Commissioner Collins' question, Mr. Williams reported the controlled burns are staying within the prescribed burn areas.

- Commissioner Collins agreed with continuing to determine the AMLs, and encouraged the processing of the wild horses for other uses.

There was discussion between Assemblyman Ellison and Mr. Williams regarding the form letters received by the USFS from special interest groups pertaining to the wild horses and burros and the AMLs.

- Assemblyman Ellison inquired how the beetle infestation was affecting the forests. Mr. Williams responded the beetle issue is related to the drought. He reported that there are no substantial areas affected by the Ips beetle, but added the drought may exacerbate the beetle issue, especially within the Pinyon-juniper. Assemblyman Ellison stressed the importance of prescribed burns within the affected areas.
- Assemblyman Ellison asked what impact the Columbia spotted frog would have on the ranchers if it were listed on the Endangered Species list. Mr. Williams replied the Columbia spotted frog is in a restricted habitat, and should not have an impact on grazing that is occurring in the Austin-Tonopah district.
- Concluding, Assemblyman Ellison expressed his concern over the wild horses destroying the grazing lands.

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

- Nancy Boland, Chair, Board of Commissioners, Esmeralda County, reported on two active mines, Rockwood Lithium and Mineral Ridge Resources, that have been very generous and assisted the county with road maintenance. She noted the Gemfield Mine Project, operated by International Minerals, would require a portion of Highway 95 north of Goldfield to be relocated. (Please see [Exhibit C](#).)

She echoed comments made at previous meetings regarding grazing, remarking several livestock have been voluntarily removed from the allotment beginning in 2013 after issuance of the Drought Management Plan. Ms. Boland reported a reduction in

livestock numbers, and commented on individuals who feel grazing has been denied. She expressed concerns over potential fire hazards.

Turning to the issue of sage-grouse, Ms. Boland testified Esmeralda County, serving as the cooperating agency on the Battle Mountain Resource Management Plan (RMP) revision, is inundated with environmental impact statements (EIS) and struggles to provide meaningful and informed comments.

She stated a four-county coalition between Esmeralda, Eureka, Lander, and Nye counties was formed to facilitate the draft stages of the RMP. Ms. Boland discussed the various relationships with the USFS and BLM, and remarked communication between federal and county law enforcement is lacking.

Discussion was held between Chair Aizley and Ms. Boland regarding the inconsistencies of the BLM from one individual to another.

Continuing, Ms. Boland opined the BLM is reactive in managing the public lands versus the USFS, who proceeds at a slower pace. She objected to emergency gathers, noting the harm to the land, and pointed to issues with access to roads and law enforcement.

- Assemblyman Hansen asked, and Ms. Boland confirmed, that the Chiatovich Creek has not been reopened.
- Commissioner Collins inquired if Ms. Boland was aware of wild horses in Wyoming being gathered and sold at auction by the BLM. He commented if a plan could be developed between the private versus the federally protected wild horses, horse management could be performed more effectively.
- Ms. Boland stated she would prefer to see the use of birth control or gelding.

Responding to Senator Goicoechea inquiry, Jered M. McDonald, Senior Research Analyst, Research Division, confirmed there has been no response by Director Kornze to the Committee's April 3, 2014, correspondence. Senator Goicoechea suggested if no response to the correspondence is forthcoming, an invitation be extended to Director Kornze to appear before the Committee.

- Senator Ford asked if Esmeralda County has considered wild horse sanctuaries or any other suggestions that have been made by the public. Ms. Boland said sanctuaries will not solve over-population issues unless reproduction is prevented. She stated the AMLs are down. Ms. Boland noted viewing the roaming wild horses is the second highest economic driver outside of mining.

There was discussion between Senator Ford and Ms. Boland whether the county has discussed on the record the pros and cons of wild horse sanctuaries. Ms. Boland replied there has been

no discussion of a wild horse sanctuary and indicated the county would prefer to have economic drivers that created jobs and drew tourism into the county.

- Steven Williams, previously identified, and in response to Senator Ford, answered that the USFS has not considered wild horse sanctuaries on the Austin-Tonopah Districts, as it would not be a positive factor for the multiple uses that are permitted.
- Senator Ford was curious why the conversation for wild horse sanctuaries has not taken place in view of the numerous correspondence received on the topic.
- In follow-up, Ms. Boland stated any decision made would affect private land, which is limited.
- Assemblyman Hansen added wild horse sanctuaries have been discussed, but perhaps not on a county level. He pointed out Esmeralda County, which is 98 percent federal land, is in and of itself, a wild horse sanctuary.

In response to Assemblyman Hansen's question regarding Esmeralda County's total budget, Ms. Boland replied the General Fund is slightly over \$3 million.

Discussion ensued between Assemblyman Hansen, Ms. Boland, and Senator Ford regarding the issue of public hearings on wild horse sanctuaries.

## **REVIEW OF THE PROGRAMS AND ACTIVITIES OF PUBLIC WATER AUTHORITIES, DISTRICTS, AND SYSTEMS**

- Demar Dahl, Commissioner, Elko County Board of Commissioners, appearing on behalf the Central Nevada Regional Water Authority (CNRWA), testified on the CNRWA's form, functions, and mission. (Please see [Exhibit D](#), [Exhibit D-1](#), [Exhibit D-2](#), and [Exhibit D-3](#).)
- Steve Bradhurst, Executive Director, CNRWA, commented on the board membership, pointing out the experience and knowledge in terms of developing policy at the county level and working with State government.

Mr. Bradhurst addressed the CNRWA's groundwater monitoring program that began in 2006-2007 with the help of State financial resources. He reported the program has evolved in such a way that it included 13 water basins in the eight member counties, with 53 wells that are monitored annually. Mr. Bradhurst stressed the importance of resource information for future water resource development.

His next comments concerned the Great Basin Water Forum (GBWF) established in 2009 by a Memorandum of Understanding between two Utah counties, three California counties, and the eight CNRWA member counties and requiring those counties to meet

annually and review water issues in the Great Basin. Mr. Bradhurst reported the GBWF met in 2013, which included a field trip and water projects and monitoring, mitigation, and management programs associated with those water projects. He remarked a GBWF will not be held in 2014. Mr. Bradhurst stated another project the CNRWA actively monitors and assesses is the proposed Southern Nevada Water Authority (SNWA) groundwater development project.

Concluding, Mr. Bradhurst remarked an area of great interest to the CNRWA is the Nevada Water Future Discussion and Strategy Proposal. ([Exhibit D-3.](#)) He testified projections for the Colorado River Basin are dismal in terms of water in the Colorado River. Mr. Bradhurst said a U. S. Bureau of Reclamation report produced in December 2012 declared a shortfall of water between the supply and demand of at least 3 million acre feet with as much as 8 million acre feet by 2050. He pointed to Pershing and Churchill counties in terms of the worst for drought, but noted the drought is a Statewide issue. Mr. Bradhurst opined the State has a water supply crisis and recommended a discussion on the future strategy of water. He suggested the strategy discussion could occur at a water summit involving members of the Legislative Committee on Public Lands and other involved entities, along with a presentation from the state of Utah on its water supply program.

Responding to Assemblyman Hansen's question, Mr. Bradhurst replied the State Engineer is actively participating with the CNRWA.

- Senator Goicoechea agreed Nevada is at a critical mass with water use in the State.
- Assemblyman Ellison inquired if the CNRWA is pursuing cloud seeding. Mr. Dahl stated in the water forums, desalinization has been widely discussed and should be taken seriously.
- Commissioner Collins commented cloud seeding has occurred in Clark County and it is a critical point. He pointed out that in Clark County, water usage is one-third less compared to 7 or 8 years ago.
- Mr. Bradhurst stressed the importance of partnership between all water authorities.
- Chair Aizley opined the lack of water exists not only in Nevada, but is a global problem.
- Mr. Dahl said the CNRWA has been keeping abreast of desalinization efforts; however, he said cost and environmental impacts slow the process.
- Commissioner Collins stated another component that is as expensive as desalinization is creating new sources of power to operate the desalinization and pumps.

- Wade Poulsen, General Manager, Lincoln County Water District (LCWD) provided a brief history of the LCWD, which was established in 2003 and does not include any rate-paying customers. He remarked the LCWD was established to handle economic development, water issues, and protection of water rights. Mr. Poulsen reported Lincoln County is the third largest county in the State, with 5400 residents, and 97.2 percent of its land federally owned. He testified there are five State parks in Lincoln County, as well as three endangered species, including the possibility of the sage-grouse.

Mr. Poulsen described difficulties posed by federal and State agencies implementing regulations with regard to Lincoln County's attempt to develop water resources. He discussed the passage of the Lincoln County Land Act of 2000 in an effort to alleviate problems with being federally owned.

Continuing his testimony, Mr. Poulsen turned his comments to the Lincoln County Conservation, Recreation, and Development Act (LCCRDA) of 2004, which allowed 13,300 acres north of Mesquite to be sold to seven different developers; however, due to the economic recession, the land has not been developed. He stated 90,000 acres were permitted through the LCCRDA to be released for sale; with 52,000 acres having been identified, and 38,000 acres, which are in the request for proposal. Mr. Poulsen said since 2004, 40 acres have been released, and an attempt to release upward of 3,000 acres annually has been met with resistance from the BLM. He commented 15,000 acres can be identified for recreational use, but none has been released by the BLM. Mr. Poulsen reported 780,000 acres of wilderness area resulted from the LCCRDA.

He testified LCWD activities include assisting in the creation of water resources to be utilized in the Toquap development and Coyote Springs development, as well as 12 monitoring wells and 2 production wells in the Tule desert to provide for the development of the 13,300 acres north of Mesquite. Mr. Poulsen remarked on the King Springs Valley monitoring program, which contains one production well with the addition of another well to be drilled. He addressed the costs associated with development, and the benefit of economic development.

In conclusion, Mr. Poulsen acknowledged the LCWD has water applications pending in the different areas of the county. He noted the State Engineer's office took certificated water rights away due to the lack of duty attached to a particular well, even though the well had certificated water rights.

- Dylan V. Frehner, General Counsel, LCWD, reiterated the battle Lincoln County faces with releasing land and water to service the land. He listed various ongoing federal and State lawsuits that are pending regarding the granting of rights-of-way and water issues. Mr. Frehner addressed the topic of surface water rights, stating several constituents no longer have access to the water, due in part to the building of two State parks. He said the LCWD approached the State Engineer Office about granting supplemental



groundwater rights, which the State Engineer agreed to grant. Mr. Frehner recommended legislation to assist those who have relied upon surface water rights and who no longer have access.

In response to Senator Goicoechea's request for clarification with regard to the State parks impounding the water with no water rights, Mr. Frehner answered water rights exist for recreational purposes, but when dams were installed several years ago, the downstream rights were no longer available. Senator Goicoechea asked if those individuals brought the issue before the State Engineer. Mr. Frehner said no lawsuit has been filed.

Responding to Chair Aizley's question, Mr. Frehner replied the name of the stream and parks are the Meadow Valley Wash, the Spring Valley State Park, and the Echo Canyon State Park.

Discussion ensued between Commissioner Collins and Mr. Poulsen regarding the Habitat Conservation Plan, which only encompasses the Toquap area, the agreement between LCWD and Vidler Water Company, and the annexation of the 13,300 acres from Mesquite.

- Assemblyman Hansen asked Mr. Poulsen to elaborate on the term "duty" that was referenced to the water well. He responded a duty is the beneficial use of the water that is assigned to that well or hole.
- Darrell Lacy, General Manager, Nye County Water District (NCWD), offered a Microsoft PowerPoint presentation on topics including: (1) the Nye County Water District Act of 2007 (Chapter 542, *Statutes of Nevada*); (2) NCWD accomplishments; (3) critical management area; (4) groundwater management plan; (5) Jason King, State Engineer; (6) Pahrump annual pumpage; (7) water; (8) groundwater basin no. 162; (9) 7-year water level trends in the Pahrump Valley; (10) paper water; and (11) land use. (Please see [Exhibit E.](#))

Commissioner Collins asked when the NCWD anticipates piping water from the SNWA. Mr. Lacy said no serious discussions have taken place, and the NCWD has been looking at local shorter pipelines.

There was discussion between Senator Goicoechea and Mr. Lacy regarding the critical management area.

#### **UPDATE ON THE IMPLEMENTATION OF ASSEMBLY BILL 227 OF THE 2013 LEGISLATIVE SESSION CREATING THE NEVADA LAND MANAGEMENT TASK FORCE (NLMTF)**

- Jeff Fontaine, Executive Director, Nevada Association of Counties (NACO), presented introductory remarks, and noted this is an important first step for the NLMTF in presenting its preliminary findings to the Committee.

- Demar Dahl, Chairman, NLMTF, provided a Microsoft PowerPoint presentation on the following topics: (1) preliminary draft report; (2) the fact that Nevada's economy is constrained by limited private and State owned land; (3) NLMTF background and schedule; (4) five-year average revenues, expenditures, and employment for State trust lands; (5) distribution of net revenues derived from New Mexico State trust lands; (6) five-year observed high, observed low, and average net revenue and full-time employees (FTEs) for Arizona, Idaho, New Mexico, and Utah state trust land management; (7) estimated net revenue from expanded State land ownership in Nevada using four other state models; (8) BLM Nevada five-year average net revenue, FTEs, and major revenue sources; and (9) NLMTF recommendations. (Please see [Exhibit F](#).)
- Assemblywoman Carlton opined the first steps will be very difficult because Nevada's Congressional Delegation is experiencing hurdles with procuring a State park in southern Nevada, while a Utah Congressman desires the funds to go to the U.S. Treasury. She added if the State does become responsible for the lands, will the county commissions share in the fiscal responsibility.
- Mr. Dahl acknowledged issues exist that will need to be resolved.
- Commissioner Collins recognized Assemblywoman Carlton's concern and stressed the importance of local government, noting should the federal government transfer lands to the State, there is a desire in Clark County to set aside Blue Diamond Hill from development, and to designate portions of Gold Butte as a national conservation area.
- Mr. Dahl addressed BLM land transferred properties that total 32,880 acres and noted there is additional land for transfer to the State being discussed.

Responding to a question by Senator Goicoechea, Mr. Dahl said there are 4 million acres that amount to \$31,120,000 of BLM land inventoried for disposal to be transferred in Phase 1.

There was discussion between Senator Goicoechea, who voiced concern in complying with federal regulations, and Mr. Dahl relating to the WH&B Act and the Endangered Species Act (ESA) of 1973.

- Assemblyman Ellison commended the NLMTF, and requested a review on road accessibility at the Committee's June meeting.
- Senator Ford asked Mr. Dahl what type of organic acts are being contemplated, and if those acts are comparable to NEPA.
- Mr. Dahl replied if areas can be covered with what is already in place without having a NEPA, the same environmental protections can run more efficiently.
- Senator Ford charged the NLMTF to present the Committee with a list of State and federal laws that would need to be contemplated for adoption at the State level.

- Commissioner Collins asked if the existing federal protections, such as the Moapa dace, the Desert Tortoise, the bonytail chub, or wilderness areas would remain until the State chose to negotiate with the federal government.
- Mr. Dahl responded the NLMTF's recommendation will include that the Congressionally designated wilderness areas remain under the management and ownership of the federal government.
- Chair Aizley questioned what will become of the 475 federal employees, and if employee benefits will remain. Mr. Dahl commented the NLMTF will do its best to bring the Committee a recommendation.

## **UPDATE AND OVERVIEW OF NACO'S ACTIVITIES RELATING TO PUBLIC LANDS IN NEVADA**

- Jeff Fontaine, previously identified, stated NACO, in collaboration with the Western Interstate Region of the National Association of Counties, is dedicated to the promotion of western issues. Mr. Fontaine highlighted for discussion the following priority areas NACO is currently involved in: (1) payment in lieu of taxes (PILT); (2) revenue sharing for energy products on public lands; (3) wild horses and burros; and (4) sage-grouse. He reported on NACO's involvement with the private sector through the Natural Resource Conservation Service (NRCS) and the federal government in administering grants, primarily in Humboldt County, in an attempt to improve demonstration projects to address the wildfire threat in the State. Mr. Fontaine indicated one grant, which originally started as an earmark, amounted to \$250,000.

Mr. Fontaine stated a number of counties are impacted by the potential listing of the Greater and Bi-State Sage-grouse, but do not have the resources or the ability to engage in commenting on the draft EIS. He said NACO is working with the Congressional Delegation in an effort to either avoid a listing or mitigate impacts.

He directed his next comments towards PILT, noting it is the single most important federal revenue sharing for Nevada's counties, amounting to a \$23 million annual revenue source. Mr. Fontaine remarked PILT is subject to annual appropriations with no guarantee the counties will continue to see the revenues. He testified Nye County received \$2.8 million, Mineral County \$644,000, and Washoe County and Clark County each slightly over \$3 million. Mr. Fontaine stated \$3.5 million is generated through the SRS payments and mostly funds forest projects.

Mr. Fontaine addressed revenue sharing saying the State and counties currently do not receive rental fees or charges for solar and wind development on public lands, but counties do receive revenue sharing for geothermal projects. He voiced support for solar and wind projects in conjunction with the National Association of Counties, as

well as a broad coalition of both local and national conservation groups. Mr. Fontaine testified pending federal legislation would allocate 25 percent of the lease revenues for permitting solar and wind projects to the county and 25 percent to the State. He stated 35 percent of the revenues would fund enhancement of recreation and fish and wildlife habitat.

He provided an update on the federal lawsuit filed by NACO and the Nevada Farm Bureau (NFB) compelling the BLM to comply with the provisions of the WH&B Act. Mr. Fontaine, while showing support for wild horses on the public lands, voiced concern over the excessive animal unit months, stating the issue has both a direct and indirect impact on county governments.

- Assemblyman Ellison recognized the difficulties in PILT and SRS funding, and asked what funds were received for this year.
- Lorinda Wichman, President-Elect, NACO, acknowledged receiving \$2.8 million in PILT funding. She opined if transfer of public lands took place, counties would not have to worry about PILT, as the revenues generated on the public lands, and the management style that would be put in place as a State, would provide sufficient revenue. Ms. Wichman stated many services including animal, natural resources, senior, and veteran services would be discontinued if PILT funding was not provided. She testified Round Mountain Gold Corporation provides 25 percent of Nye County's annual \$33 million budget, and that Nye County is the only county in the U.S. that is forced into providing two separate seats of government due to distance.

Ms. Wichman, in addressing Senator Ford's prior question regarding wild horse sanctuaries, pointed out Ms. Boland is not aware of an application with the BLM for a private wild horse refuge in Esmeralda County.

She reported 16 projects were submitted to the Resource Advisory Committee for approval through the SRS, with three projects having been proposed by someone other than the USFS.

## **OVERVIEW OF ISSUES AND ACTIVITIES OF THE NEVADA FARM BUREAU (NFB)**

- Clay McCauley, Executive Vice President, NFB, testified the NFB represents member farm and ranch families of all commodities. He said the NFB's direction on issues is based upon decisions made by the members who are involved in the annual policy development process. (Please see [Exhibit G.](#))

Mr. McCauley stated the NFB has been involved with the sage-grouse issue for over a decade, and it will continue to be a focus for the NFB. He said the NFB has representation on the Sagebrush Ecosystem Council and applauds the efforts of the

council to provide greater detail and trigger mechanisms for management actions. Mr. McCauley advised the NFB opposes the listing of the sage-grouse under the ESA, and voiced support for conservation programs, incentive-oriented programs, limits on sage-grouse hunting, and appropriate management activities to address site-specific problems.

He stated the NFB supports the Governor for actively working to develop recommendations and a management framework for the sage-grouse, and requests the Governor and State Legislature take all necessary measures to ensure that wildlife and habitat management be solidified as a local and State function, not a federal function.

Mr. McCauley directed his comments to the issue of wild horse and burros and the importance of managing their populations at a level the land can sustain. He acknowledged the NFB's joinder in NACO's lawsuit against the BLM for compliance of the WH&B Act.

He said the NFB will continue to be involved in and monitor the actions of the NLMTF, as the NFB supports the transfer of federal public lands to the State.

Continuing, Mr. McCauley discussed the Margin Tax Initiative stating an increase in taxes would hurt businesses in Nevada, as well as ranchers and farmers. He said the NFB strongly opposes any tax increase.

- Assemblyman Ellison asked the NFB to add predator control to its list of issues.
- Senator Ford advised that wild horse advocates were recently allowed to intervene in the NACO federal lawsuit, and asked what other parties are listed in the lawsuit. Mr. McCauley was not aware of the identity of all the parties involved.
- Hank Combs, President, NFB, said the NFB represents more than 16,000 members, a significant number of which are livestock producers who use federal lands for livestock grazing, which is a major contributor to the State's economy. (Please see [Exhibit H.](#))

He commented on the current events occurring in Clark County relating to the Cliven Bundy situation, noting concern from members. Mr. Combs expressed support of the local law enforcement as the responsible authority for enforcing seizure orders by a federal agency, and the requirement of a court order prior to impoundment. He requested Congressional review and oversight of Executive Orders, federal agencies, Internal Revenue Service litigation, court cases, and appeals.

Further, he supported accountability of government agencies and their employees, and opposed federal agencies utilizing third parties to pressure first party inaction. Mr. Combs remarked federal land and resource agencies should be prohibited from exercising police powers within a state, and should not be allowed to have enforcement agents.

Mr. Combs said the NFB favors disposal of federal lands into private ownership.

## **PRESENTATION OF THE CRESCENT DUNES SOLAR ENERGY PROJECT**

- Andrew Wang, Director of Development, SolarReserve, gave a Microsoft PowerPoint presentation on the Crescent Dunes Project that included: (1) an overview; (2) global reach; (3) concentrated solar projects and photovoltaic activities; (4) differentiated technology; (5) solar thermal with integrated storage; (6) energy storage technology; (7) the plant; (8) project arrangement; (9) power block; (10) heliostats; (11) domestic benefits; and (12) creation of U.S. jobs. (Please see [Exhibit I.](#))

Discussion ensued between Chair Aizley and Mr. Wang regarding the loss of temperature to the water.

- Senator Goicoechea asked if there was consumptive use of the water. Mr. Wang acknowledged there is very little consumptive use of water. He said most of the year, dry cooling is used, with small amounts of water used during the hottest parts of the year in order to keep the efficiency of the system high. Mr. Wang testified SolarReserve is permitted for 600 acre feet of water per year.

In answering Senator Gustavson's question regarding rate comparison to the current rate, Mr. Wang replied the SolarReserve contract with NV Energy is a 25 year contract at a rate of 13.5 cents per kilowatt hour. Mr. Wang was unable to provide information on retail rates.

- Assemblywoman Carlton asked what portion of power produced will be staying in the State and what portion will be leaving the State. Mr. Wang responded 100 percent will remain in the State for 25 years pursuant to the contract.
- Assemblyman Ellison inquired of the costs to build the facility. Mr. Wang said the plant has been in construction for 3 years, with a cost of approximately \$750 million. He noted that as additional projects are scaled out worldwide, costs will reduce.

There was discussion between Senator Gustavson and Mr. Wang regarding the mirrors and the effect on birds.

- Answering Senator Goicoechea's question, Mr. Wang said the 13.5 cents per kilowatt hour is a flat rate, and NV Energy requests additional energy as needed.
- Chair Aizley inquired if power is generated to turn the mirrors and Mr. Wang confirmed that power generated during the operation will be used to power the mirrors.

Assemblywoman Carlton asked how many of the employees are union related jobs, and how many are out-of-state employees. Mr. Wang offered to provide a breakdown of the employees.

- Senator Gustavson pointed out a discrepancy in the SolarReserve's website that shows 90 percent of the employees are Nevada residents, and that 45 percent that was testified to by Mr. Wang. He requested the correct number of Nevada employees be provided. Mr. Wang replied the 90 percent represented a goal set by SolarReserve in an agreement with Nye County. He said the challenge is a third-party company was hired to build the project, and while SolarReserve was insistent on local hires, the company had the final say on the hiring of employees.
- Senator Goicoechea asked what were the terms of the development agreement with Nye County. Mr. Wang replied he was not involved with the negotiation of the agreement, but added that SolarReserve has received a loan from the federal government at a favorable interest rate.

Answering Assemblyman Ellison's question, Mr. Wang acknowledged the project plant services 75,000 homes.

Jered M. McDonald, previously identified, introduced additional documents received by staff. (Please see [Exhibit J](#), [Exhibit K](#), and [Exhibit K-1](#).)

## **PUBLIC COMMENT**

- Chair Aizley called for public comment; however, none was presented.

## **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 4:09 p.m.

Respectfully submitted,

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Natalie J. Pieretti  
Senior Research Secretary

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Jered M. McDonald  
Senior Research Analyst

APPROVED BY:

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Assemblyman Paul Aizley, Chair

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



## **LIST OF EXHIBITS**

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

[Exhibit B](#) is the written testimony of Steven Williams, District Ranger, Austin and Tonopah Ranger Districts, Humboldt-Toiyabe National Forest, United States Forest Service (USFS), U.S. Department of Agriculture (USDA).

[Exhibit B-1](#) is a Microsoft PowerPoint presentation given by Steven Williams, District Ranger, Austin and Tonopah Ranger Districts, Humboldt-Toiyabe National Forest, USFS, USDA.

[Exhibit C](#) is a letter dated September 24, 2009, from Nancy Boland, Chair, Board of Commissioners, Esmeralda County, to Ron Wenkler, Director, Bureau of Land Management (BLM), Nevada State Office.

[Exhibit D](#) is a Central Nevada Regional Water Authority map submitted on behalf of Joni Eastley, Chairwoman, Central Nevada Regional Water Authority (CNRWA).

[Exhibit D-1](#) is a document titled “Central Nevada Regional Water Authority Form, Functions and Mission April 2014,” submitted on behalf of Joni Eastley, Chairwoman, CNRWA.

[Exhibit D-2](#) is a document titled “Central Nevada Regional Water Authority Board of Directors April 2014,” submitted on behalf of Joni Eastley, Chairwoman, CNRWA.

[Exhibit D-3](#) is a document titled “Is It Time for a Nevada Water Future Discussion and Strategy?” submitted on behalf of Joni Eastley, Chairwoman, CNRWA.

[Exhibit E](#) is a Microsoft PowerPoint presentation titled “Nye County Water District & Basin 162 Groundwater Management Plan,” presented by Darrell Lacy, General Manager, Nye County Water District.

[Exhibit F](#) is a Microsoft PowerPoint presentation titled “Nevada Public Land Management Task Force Preliminary Draft Report Tables and March 28, 2014, Task Force Recommendations,” given by Jeff Fontaine, Executive Director, Nevada Association of Counties.

[Exhibit G](#) is the written testimony of Clay McCauley, Executive Vice President, National Farm Bureau (NFB).

[Exhibit H](#) is the written testimony of Hank Combs, President, NFB.

[Exhibit I](#) is a Microsoft PowerPoint presentation titled “Crescent Dunes Project Overview,” provided by Andrew Wang, Director of Development, SolarReserve.

[Exhibit J](#) is the “Tonopah Field Office Update for Nevada Legislative Committee for Public Lands, April 2014,” submitted by Timothy J. Coward, Tonopah BLM Field Office Manager.

[Exhibit K](#) is a letter dated April 23, 2014, from Kyle Davis, Nevada Conservation League to Chairman Paul Aizley.

[Exhibit K-1](#) is a handout dated October 4, 2013, provided by Kyle Davis entitled, “The New Dangerous Ignorance of America Public Lands,” *The Conservationist*.

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 and other materials distributed at the meeting 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.