

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NEVADA 89701-4747
Fax No.: (775) 684-6600



LEGISLATIVE COMMISSION (775) 684-6800
RANDOLPH J. TOWNSEND, *Senator, Chairman*
Lorne J. Malkiewich, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821
MORSE ARBERRY JR., *Assemblyman, Chairman*
Mark W. Stevens, *Fiscal Analyst*
Gary L. Ghiggeri, *Fiscal Analyst*

LORNE J. MALKIEWICH, *Director*
(775) 684-6800

BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830
PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815
DONALD O. WILLIAMS, *Research Director* (775) 684-6825

MEETING NOTICE AND AGENDA

Name of Organization: Legislative Committee on Public Lands
(*Nevada Revised Statutes 218.5363*)

Date and Time of Meeting: Friday, August 22, 2008
9 a.m.

Place of Meeting: Lovelock Community Center
Rochester Room
820 Sixth Street
Lovelock, Nevada

Note: Minutes of this meeting will be produced in summary format. Please provide the secretary with electronic or written copies of testimony and visual presentations if you wish to have complete versions included as exhibits with the minutes.

A G E N D A

Note: Items on this agenda may be taken in a different order than listed.

*Denotes items on which the Committee may take action.

- I. Opening Remarks and Introductions
- *II. Approval of the "Summary Minutes and Action Report" of the Meeting Held on July 14, 2008, in Eureka, Nevada
- *III. Update of Public Lands, Natural Resources, and Related Planning Activities Under Consideration by Pershing County
Representatives, Board of County Commissioners, Pershing County
- *IV. Update of Public Lands, Natural Resources, and Related Planning Activities Under Consideration by Lander County
Gene Etcheverry, Executive Director, Lander County
Chuck Chapin, Chairman, Board of County Commissioners, Lander County
- *V. Update of Public Lands, Natural Resources, and Related Planning Activities Under Consideration by Churchill County
Representative, Churchill County
- *VI. Update of Bureau of Land Management (BLM) Planning Efforts in the Winnemucca District Office and Discussion of BLM Activities in Northwest Nevada
Bob Edwards, Supervisory Realty Specialist/Resource Management Plan (RMP) Team Leader, Winnemucca District Office, BLM, United States Department of the Interior (DOI)
- *VII. Overview and Status Report of Land Purchase Proposals in the Trout Creek and Jungo Hills Area of Humboldt County
Bob Edwards, Supervisory Realty Specialist/RMP Team Leader, Winnemucca District Office, BLM, DOI
John DeLong, President, DeLong Ranches, Inc.
- *VIII. Overview of the Programs and Activities at the Stillwater National Wildlife Refuge Complex and the Sheldon-Hart Mountain National Wildlife Refuge Complex
Mike Goddard, Project Leader, Stillwater National Wildlife Refuge Complex, U.S. Fish and Wildlife Service (USFWS), DOI
Paul Steblein, Project Leader, Sheldon-Hart Mountain National Wildlife Refuge Complex, USFWS, DOI
- *IX. Update of Training Programs and Land Use Planning Activities at Naval Air Station (NAS) Fallon
Representative(s), NAS Fallon

- *X. Update of Recent Activities and Programs of the Division of Water Resources, State Department of Conservation and Natural Resources (SDCNR)
 - Tracy Taylor, P.E., State Engineer, Division of Water Resources, SDCNR
 - Kelvin Hickenbottom, P.E., Deputy State Engineer, Division of Water Resources, SDCNR
 - Jason King, P.E., Deputy State Engineer, Division of Water Resources, SDCNR
- *XI. Discussion of the Impact of Current Nevada Water Law on U.S. Forest Service (USFS) Grazing Programs
 - Edward Monnig, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS, U.S. Department of Agriculture (USDA)
 - William LeVere, Director of Bio-Physical Resources, Intermountain Region, USFS, USDA
- *XII. Overview of the Proposed Development of the Division Canyon Pump Storage Hydroelectric Project Near Montello, Nevada
 - Daniel K. Dygert, Chief Operating Officer, Carrus Land Systems, LLC, Logan, Utah
- *XIII. Overview of the Activities of Nevada’s Commission on Economic Development (NCED) Rural Economic Development and Rural Community Development Programs
 - Michael E. Skaggs, Executive Director, NCED
 - Joe Locurto, Director, Rural Economic Development, NCED
- *XIV. Update on the Programs and Activities of the State Department of Agriculture (SDA)
 - Tony Lesperance, Director, SDA
- *XV. Discussion Concerning the Oversight of Nevada’s State Grazing Boards and the Recommendation of the Central Committee of Nevada State Grazing Boards (CCNSGB) Concerning the Filling of a Rangeland Specialist Position Within the SDA
 - Ron Cerri, Chairman, CCNSGB
 - Tony Lesperance, Director, SDA
- *XVI. Review of Recommendations From the Off-Highway Vehicle (OHV) Working Group for Consideration by the Legislative Committee on Public Lands
 - Jeremy Drew, Director, Coalition for Nevada’s Wildlife (on behalf of Larry Johnson, President, Coalition for Nevada’s Wildlife)
 - Leah Bradle, Executive Director, Nevada Powersport Dealers Association
- XVII. Public Comment
- *XVIII. Work Session—Discussion and Possible Action on Recommendations Relating to:
 - A. Water
 - B. Noxious Weeds
 - C. OHVs
 - D. Federal Natural Resources and Public Lands Legislation
 - E. Grazing
 - F. Fire Suppression and Rangeland Rehabilitation
 - G. Public Lands Management
 - H. Mining
 - I. Natural Resources and Public Lands Generally

The “Work Session Document” is attached below and contains recommendations proposed at this and other meetings of the Legislative Committee on Public Lands during the 2007-2008 Legislative Interim. The document is also available on the Committee’s Web page ([Legislative Committee on Public Lands NRS 218.5363](#)) or a written copy may be obtained by contacting Michael J. Stewart, Supervising Principal Research Analyst, Research Division, Legislative Counsel Bureau, at (775) 684-6825.
- XIX. Public Comment
- XX. Adjournment

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Research Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call Susan Gottschalk at (775) 684-6825 as soon as possible.

Notice of this meeting was posted in the following Carson City, Nevada, locations: Blasdel Building, 209 East Musser Street; Capitol Press Corps, Basement, Capitol Building; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Nevada State Library, 100 Stewart Street. Notice of this meeting was faxed or e-mailed for posting to the following Las Vegas, Nevada, locations: Clark County Government Center, 500 South Grand Central Parkway; and Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was faxed for posting to the following Lovelock, Nevada, location: Lovelock Community Center, 820 Sixth Street. Notice of this meeting was posted on the Internet through the Nevada Legislature’s website at www.leg.state.nv.us.

Legislative Committee on Public Lands

(Nevada Revised Statutes 218.5363)

WORK SESSION DOCUMENT



August 22, 2008

Prepared by the Research Division
Legislative Counsel Bureau



WORK SESSION DOCUMENT

Legislative Committee on Public Lands
(*Nevada Revised Statutes 218.5363*)

August 22, 2008

The following “Work Session Document” has been prepared by the Chairman and staff of Nevada’s Legislative Committee on Public Lands. It is designed to assist the Committee members in developing statements and determining recommendations to be forwarded to the 2009 Session of the Nevada Legislature. Each item in this document may be the subject of further discussion, refinement, or action.

The recommendations contained herein do not necessarily have the support or opposition of the Committee. Rather, these possible actions are compiled and organized so the members may review them to decide if they should be adopted, changed, rejected, or further considered. The members of the Committee may vote to send as many Committee statements or letters as they choose; however, pursuant to *Nevada Revised Statutes* (NRS) 218.2429, the Committee is limited to ten bill draft requests (BDRs), including requests for the drafting of legislative resolutions. For purposes of this “Work Session Document,” the recommendations have been grouped, in part, by topic and also by possible Committee action. They are not preferentially ordered. Additionally, although possible actions may be identified within each recommendation, the Committee may choose to recommend any of the following actions: (1) draft legislation; (2) draft a legislative resolution; (3) draft a Committee letter; (4) draft a Committee resolution; or (5) include a statement in the final report.

The source of each recommendation is noted in parentheses. Please note that specific sponsors of the recommendations may not be provided if the proposals were raised and discussed by numerous individuals and entities during the course of the Committee’s meetings. It should also be noted that some of the recommendations may contain an unknown fiscal impact. Committee members should be advised that Legislative

Counsel Bureau (LCB) staff will coordinate with the interested parties to obtain detailed fiscal estimates, where appropriate, for inclusion in the final report.

As in the past, the Committee members will use a consent calendar to quickly approve those recommendations, as determined by the Chairman, that need no further consideration or clarification beyond what is set forth in the recommendation summary. Items on the consent calendar primarily include Committee letters and statements of a more general nature. Any Committee member may request that items on the consent calendar be removed for further discussion and consideration.

Finally, please note that specific details of approved requests for legislation or Committee statements may need to be clarified by Committee staff prior to drafting. Supporting documents for some recommendations may be obtained by contacting Michael J. Stewart, Supervising Principal Research Analyst, Research Division, LCB, at 775/684-6825. All place names referred to in this document are in Nevada unless otherwise noted.

RECOMMENDATIONS FOR LEGISLATIVE MEASURES

Grazing— Nevada’s State Grazing Boards, Legal Challenges to Grazing Allotments, and Disclosure of Grazing Allotments in Certain Real Estate Transactions

1. **Request the drafting of a bill** to provide that Nevada’s State Grazing Boards operate autonomously and outside the jurisdiction of the State Department of Agriculture (SDA). The proposal would amend NRS 568.040 in the following manner:

NRS 568.040 State grazing boards: Creation. To direct and guide the disposition of the range improvement fund of each grazing district concerned, in the manner most beneficial to the stock raising payers of the grazing fees from which the funds are derived and to the counties concerned, there is hereby created ~~within the State Department of Agriculture~~ a state grazing board for each Bureau of Land Management grazing district established and existing in Nevada under the provisions of the Taylor Grazing Act.

This proposed amendment would return the language in NRS 568.040 to its pre-1999 form, prior to the creation of the SDA.

(Recommended by Ron Cerri, Chairman, and members of the Central Committee of Nevada State Grazing Boards)

2. **Request the drafting of a resolution** expressing the Nevada Legislature’s strong disapproval of ongoing and continuous legal challenges against livestock grazing proposals. Include in the resolution statements concerning the

detrimental economic impacts these challenges pose for Nevada's rural communities and the threats such challenges pose to agriculture. Also include language urging Nevada's Office of the Attorney General to proactively address these legal challenges on the grounds that they damage the overall economic stability of Nevada's agricultural activities. The resolution should be sent to Nevada's Congressional Delegation, the Office of the Governor, the Office of the Attorney General, the Bureau of Land Management (BLM), the United States Forest Service (USFS), the Nevada and National Cattlemen's Associations, the Public Lands Council, and any other parties or organizations identified by the Committee.

AND

Send a Committee letter to Nevada's Attorney General Catherine Cortez Masto setting forth the concerns that will be noted in the legislative resolution and urging her office to respond to the legal challenges of grazing allotment renewal proposals. Cite specific instances in the letter, including the recent challenge concerning the Hubbard Vineyard Allotment (Boies Ranches, Inc.), where such challenges have had a detrimental affect on ranching and agricultural activities.

(Recommended by Chairman Rhoads, several other Committee members, and numerous presenters throughout the legislative interim)

3. **Request the drafting of a bill** to amend NRS 113.065 to ensure that the purchaser of a home or lot retains a copy of the required disclosure notifying the purchaser that the home or lot is adjacent to the open range. Additional amendments to NRS 113.065 may also be considered, including the expansion of the type of information provided in the disclosure. Currently, NRS 113.065 states:

1. Before the purchaser of a home or improved lot that is adjacent to open range signs a sales agreement, the seller shall, by separate written document, disclose to the purchaser information regarding grazing on the open range. The written document must contain a statement with the following language:

This property is adjacent to open range on which livestock are permitted to graze or roam. Unless you construct a fence that will prevent livestock from entering this property, livestock may enter the property and you will not be entitled to collect damages because the livestock entered the property. Regardless of whether you construct a fence, it is unlawful to kill, maim or injure livestock that have entered this property.

2. The seller shall retain a copy of the disclosure document that has been signed by the purchaser acknowledging the date of receipt by the purchaser of the original document.

3. Compliance with this section by a seller constitutes an affirmative defense in any action brought against the seller by the purchaser based upon any damages allegedly suffered as the result of livestock entering the property.

4. As used in this section, “open range” has the meaning ascribed to it in [NRS 568.355](#).

(Recommended by Assemblyman Goicoechea)

Mining

- 4. Request the drafting of a bill** to amend NRS 517.030 concerning mining claim markers. Specifically, amend the language in this statute to provide that only solid mine claim markers will be considered legal, valid claim markers. The proposal would state that after a period of one year following the adoption of the amendment, any hollow pipe used to mark the boundaries of the claim will not be considered a valid claim monument. Testimony indicated that hollow mine claim markers currently used have entrapped birds and other wildlife species.

(Recommended by the Lahontan Audubon Society and Nevada’s Department of Wildlife)

Noxious Weeds and Invasive Species

- 5. Request the drafting of a bill** to remove the requirement in NRS 555.215 that an assessment must be levied by the board of county commissioners upon real property in order to establish a weed control district. The proposed amendment would replace the word “shall” with “may” in subsection 1 of NRS 555.215:

1. Upon the preparation and approval of a budget in the manner required by the Local Government Budget and Finance Act, the board of county commissioners of each county having lands situated in the district ~~shall~~ may, by resolution, levy an assessment upon all real property in the county which is in the weed control district.

(Recommended by the Tri-County Weed Group)

- 6. Request the drafting of a bill** to provide an intermediate step in the noxious weed abatement process currently used by the SDA. Current provisions in NRS require the SDA to notify a landowner to cut, eradicate, or destroy noxious weeds that have been identified on the landowner’s property. If the landowner fails to cut, eradicate, or destroy the noxious weeds, he is guilty of a misdemeanor and an abatement must be commenced by the Department. This amendment would allow the SDA to adopt regulations specifying a schedule of administrative fines for such a violation, much like those currently authorized under the Department’s nursery and pesticide programs. Suggested language submitted by Scott Marsh, Noxious Weeds Regulatory Specialist, Plant Industry Division, SDA, appears below:

Violation of provisions: Administrative fine.

1. The Director may adopt regulations specifying a schedule of administrative fines which may be imposed, upon notice, for each violation of the provisions of NRS 555.130 to 555.202, inclusive, or the regulations adopted pursuant thereto, in addition to any criminal penalty. If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Department. The maximum fine that the Director may impose for each violation may not exceed:

(a) For the first violation, \$1,000;

(b) For the second violation, the Department shall cause the nuisance to be abated by eradicating or controlling any noxious weeds on the premises in accordance with the provisions of NRS 555.160 to 555.200

2. The Director may:

(a) In addition to imposing an administrative fine pursuant to this section, issue an order requiring a violator to take appropriate action to correct the violation. The violator shall pay the cost of any appropriate action so ordered.

(b) Request the district attorney of the appropriate county to investigate or file a criminal complaint against any person who the Director suspects may have committed flagrant or repeated violations of any provision of NRS 555.235 to 555.249, inclusive.

3. All fines collected by the Director pursuant to this section must be available for carrying out the provisions of NRS 555.130 to 555.220, inclusive, as prescribed in 555.140.

*(Recommended by Scott Marsh, Noxious Weeds Regulatory Specialist,
Plant Industry Division, SDA)*

Off-Highway Vehicles (OHVs)

7. **Request the drafting of a bill** requiring the registration and titling of OHVs by Nevada's Department of Motor Vehicles; creating an OHV fund for the collection and distribution of grant funds; requiring biennial reports to the Nevada State Legislature; establishing an OHV Commission; setting forth certain enforcement procedures; and providing for other related OHV regulation. (NOTE: Further details will be provided and additional testimony concerning this recommendation will be heard at the Committee's meeting in Lovelock on August 22, 2008.)

(Proposed by many meeting participants throughout the 2007-2008 Legislative Interim period and by several Committee members and agreed to by the OHV Working Group)

Water

8. **Request the drafting of a bill** amending NRS 349.983 (“A.B. 198 Water Grants Program”) to provide that the required matching grant must be an amount less than 15 percent or more than 75 percent of the eligible project cost (rather than the grant amount, as set forth in the current NRS language). In addition, the proposal would amend Chapter 445A of NRS (regarding Nevada’s Water Pollution Control Law) to allow the Director of the State Department of Conservation and Natural Resources (SDCNR) or his designee to award subgrants from the Account for the Revolving Fund and the Account for Set-Aside Programs in carrying out the Water Pollution Control Law.

*(Recommended by Chairman Rhoads as requested by
Nevada’s Division of Environmental Protection)*

9. **Request the drafting of a bill** creating the Water Resource Technical Support Fund for the purpose of developing a hydrologic database for water basins in the State of Nevada. The proposal, as recommended by the Central Nevada Regional Water Authority, is set forth below:

It is recommended the 2009 Legislature create the Water Resources Technical Support Fund (Fund) for the specific purpose of developing an accessible, current, and maintained hydrologic database for water basins in the State of Nevada. Data to be collected are as follows: a) groundwater level data; b) precipitation data; and c) evapotranspiration data. This data is critical in understanding the sustainable water supply in Nevada’s water basins; hence, assist future decision-making regarding water withdrawals and uses. It is recommended that local governments be eligible for grants from the Fund and the Nevada Board for Financing Water Projects make the grants and administer the program.

One potential source of revenue for the Fund is a certain percentage of the funds generated pursuant to NRS 349.986. NRS 349.986 states “The State Board of Finance shall issue general obligation bonds of the State of Nevada to support the purposes of the program established by NRS 349.981.” NRS 349.981 provides grants for water conservation and capital improvements to certain water systems. This program is often referred to as the A.B. 198 program. The recommendation is that 3 percent of future A.B. 198 general obligation bonds be set aside for the Fund. The aggregate principal amount of A.B. 198 bonds outstanding at any one time may not exceed \$125 million. At this point, in time there are approximately \$80 million in outstanding bonds. The attached document entitled “A.B. 198 Program Projected Cash flow through Fiscal Year (FY) 2011” shows \$13 million is the projected bond need in the near term (2008), and the projected bond need is \$14 million for FY 2010 and \$12 million for FY 2011.

Therefore, if the Fund were created by the 2009 Legislature to take effect in FY 2010 (July 1, 2009), then the potential revenue from A.B. 198 bond sales in FY 2010 and FY 2011 would be 3 percent of \$26 million or \$780,000. This is not a lot of money to address the critical need to better understand Nevada's sustainable water supply, but it is a start. Also, the funds can be used to match United States Geological Survey (USGS) funding via a joint funding agreement with the USGS for water resource investigations. Assuming the USGS has the funds to enter into a joint funding agreement, and the USGS desires to do so, the USGS would provide 45 percent of the agreement's budget, and the other party would provide 55 percent of the agreement's budget. So \$780,000 from A.B. 198 bond sales would generate \$638,182 from the USGS via a joint funding agreement for water resource investigations; hence, a total of \$1,418,182 for the two year period (FY 2010 and FY 2011) to conduct the aforementioned water resource investigations.

(Recommended by the Central Nevada Regional Water Authority)

Wilderness and Wilderness Study Areas

- 10. Request the drafting of a resolution** urging the United States Congress, if approving new wilderness areas, to comply fully with the definition found in the Wilderness Act of 1964, and requesting Congress to seek the release of all Wilderness Study Areas (WSAs) where the areas have been determined by the BLM to not meet the wilderness requirements. This resolution may be modeled, in part, after the Nevada Association of Counties Resolution No. 08-06 and Senate Joint Resolution No. 1 of the 2005 Legislative Session (File No. 58, *Statutes of Nevada*). The resolution should stress that no county federal lands bill should be introduced in Congress without the approved support of the governing body of the impacted county and that any wilderness proposals should be driven at the local level. In addition, the resolution should urge Congress to establish a date or a series of dates by which WSAs deemed not suitable for wilderness protection should be released to multiple use.

(Proposed by the Coalition for Public Access)

Wildland Fire, Fire Suppression, and Rangeland Rehabilitation

- 11. Request the drafting of a resolution** expressing support for the Wildfire Support Group (WSG) and encouraging the expansion of the WSG model in other areas of the State of Nevada.

(Recommended by Gary McCuin, Extension Educator, University of Nevada Cooperative Extension; Jan Schade, Coordinator, WSG; and John L. McLain, Principal, Resource Concepts, Inc.)

- 12. Request the drafting of a bill** providing an appropriation (exact amount to be determined) to Nevada’s Division of Forestry (NDF) for the purchase of mobile radios and related training and management for the early detection of wildfires in key areas of Nevada. The appropriation shall also provide money to improve statewide “Initial Attack” capabilities through the provision of equipment and training to Nevada’s volunteer fire departments and strengthen NDF’s aviation capabilities through the development of a mobile module to be moved throughout the State during periods of high wildfire danger.
- (Recommended by Pete Anderson, State Forester Firewarden, NDF)*

POSSIBLE COMMITTEE LETTERS, RESOLUTIONS, AND STATEMENTS

General Natural Resource Topics

- 13. Send a Committee letter** to Nevada’s Congressional Delegation, the Chairmen of the U.S. Senate Committee on Energy and Natural Resources and the U.S. House Committee on Natural Resources, the U.S. Department of the Interior (DOI), and the BLM requesting support for legislation and policies that provide for a “no net loss” of private land in federal land exchanges and purchases.
- (Proposed by Senator Care; John Milton, Humboldt County Commissioner; and discussed by several Committee members)*
- 14. Draft a Committee resolution** and provide copies of that resolution to the members of Nevada’s Congressional Delegation, the Secretary of the DOI, and the Director of the BLM, concurring with the policy positions of the National Cattlemen’s Beef Association, the National Association of Counties, and the Nevada Association of Counties concerning the use of the National Environmental Policy Act review of grazing permits. Currently, the BLM is utilizing the authority granted in Public Law 108-108, which allows for the automatic renewal of a grazing permit if such renewal of the permit does not propose any changes to the existing permit. The resolution should also urge the Congressional Delegation to pass legislation permanently extending the provisions of PL 108-108 regarding the renewal of grazing permits and encourage, in the meantime, the BLM to administratively adhere to the conditions of the rider beyond the September 2008 expiration of the rider.
- (Recommended by Tom Fransway, Humboldt County Commissioner; Assemblyman Carpenter; John Falen, Secretary-Treasurer, Public Lands Council; and other Committee members)*

- 15. Send a Committee letter** to Ed Schafer, Secretary of the USDA, and Abigail Kimbell, Chief, USFS, expressing the Committee's appreciation of the USFS' efforts and support of the Committee during the 2007-2008 Legislative Interim. Include in the letter a statement concerning the USFS' consistent willingness to appear before the Committee and provide useful and helpful information to assist the Committee in its duties.

(Recommended by Chairman Rhoads)
- 16. Send a Committee letter** to Dirk Kempthorne, Secretary of the DOI, and Jim Caswell, Director of the BLM, expressing the Committee's appreciation of the BLM's efforts and support of the Committee during the 2007-2008 Legislative Interim. Include in the letter a statement concerning BLM's consistent willingness to appear before the Committee and provide useful and helpful information to assist the Committee in its duties.

(Recommended by Chairman Rhoads)
- 17. Include a statement in the final report** commending the efforts of the Nevada Natural Heritage Program and expressing appreciation for the Program's conservation efforts and its work on identifying and mapping noxious weeds in Nevada.

(Recommended by Chairman Rhoads)
- 18. Include a statement in the final report** expressing support for the programs and activities of the Public Lands Institute (based at the University of Nevada, Las Vegas) and encouraging its expansion and influence to other areas of Nevada.

(Recommended by Chairman Rhoads)
- 19. Include a statement in the final report** expressing support for cooperative permittee monitoring, which is currently being used on a limited basis in the Battle Mountain District of the BLM. This process allows grazing permittees to cooperatively monitor their own allotments. Testimony indicated that this practice will benefit grazing permittees and federal land management agencies and will ultimately enhance rangeland health.

*(Recommended by Lenny Fiorenzi, Eureka County Commissioner;
Jake Tibbits, Eureka County Natural Resources Manager;
and Gary McCuin, Extension Educator, University of
Nevada Cooperative Extension)*
- 20. Send a Committee letter** to Governor Jim Gibbons and Tony Lesperance, Director, SDA, expressing support for the filling of the Rangeland Specialist position within the Department, which has remained vacant since January 2008.

*(Recommended by Ron Cerri, Chairman, and members of the
Central Committee of Nevada State Grazing Boards)*

- 21. Include a statement in the final report** expressing the Committee’s ongoing concern with the illegal dumping of trash and other waste on Nevada’s public and private lands. Encourage the aggressive enforcement of Nevada’s laws regarding dumping and littering.

(Recommended by Andréé Gill, Fallon)
- 22. Include a statement in the final report** urging the U.S. Congress to consider federal legislation to permanently establish areas of public land for multiple use as identified by the various county governing boards.

(Recommended by the Coalition for Public Access)
- 23. Draft a Committee resolution** similar to Senate Joint Resolution No. 2 of the 1999 Legislative Session (File No. 23, *Statutes of Nevada*) expressing support for an amendment to the Federal Land Policy and Management Act of 1976 to require the identification, mapping, and recognition of certain rights-of-way across land administered by the federal government.

(Recommended by the Coalition for Public Access)
- 24. Draft a Committee letter** to the Chairmen of the Senate Committee on Natural Resources and Assembly Committee on Natural Resources, Agriculture and Mining requesting that the Committees provide an opportunity to Floyd W. Rathbun, Certified Range Management Consultant, Fallon, to discuss his request for the enactment of legislation “that duplicates the Federal Data Quality Act and Federal Data Access Act along with Office of Management and Budget guidelines” during the 2009 Legislative Session. In the letter, encourage Mr. Rathbun and his client, Fred Fulstone, F.I.M. Corporation, to partake in this opportunity so the Nevada Legislature can gain a better understanding of the proposal.

(Recommended by Chairman Rhoads)
- 25. Draft a Committee letter** to Nevada’s Department of Wildlife requesting clarification from the Department of concerns addressed by Floyd W. Rathbun, Certified Range Management Consultant, Fallon, regarding the Desert Bighorn Sheep management policy. Specifically inquire about risk of disease transmission between domestic sheep and bighorn sheep.

(Recommended by Floyd W. Rathbun, Certified Range Management Consultant)

Wildland Fire, Fire Suppression, and Rangeland Rehabilitation

- 26. Send a Committee letter** to the various State and federal land management agencies in Nevada concerning post-fire rehabilitation coordination efforts among the agencies. The letter should commend the various agencies for their work in fire suppression and encourage the same coordination and collaboration in land rehabilitation following fires.

(Recommended by Senator Amodei)

- 27. Send a Committee letter** to the Nevada State Director of the BLM, the District Manager of the Winnemucca Field District of the BLM, and the Wildfire Support Group (and other parties to be determined) urging the implementation of 11 fuels management plans on public and private lands that have been developed but not yet implemented on the ground in Humboldt and Pershing Counties. The fuels management plans are designed to help grazing permit holders manage and protect their resources and rangeland areas from wildland fire. The letter should also encourage the expansion of the fuels management plans.

(Recommended by Jan Schade, Coordinator, Wildfire Support Group, and John L. McLain, Principal, Resource Concepts, Inc.)

- 28. Include a statement in the final report** expressing support for the recommendations made by the Great Basin Wildfire Forum. The Forum's recommendations include targeted livestock grazing, weed control, fuel break establishment, fire management plan development, soils monitoring, and geographic information systems data collection and mapping.

*(Recommended by Lenny Fiorenzi, Eureka County Commissioner;
Jake Tibbits, Eureka County Natural Resources Manager;
and Gary McCuin, Extension Educator, University of
Nevada Cooperative Extension)*

- 29. Send a Committee letter** to the Chairmen of the Senate and Assembly Committees on Judiciary requesting the Committees' review during the 2009 Legislative Session of penalties associated with the negligent and careless starting of fires. In particular, emphasize the need to examine the careless and negligent starting of fires that devastate Nevada's open space and public lands. Request that the Committees, if necessary, enact legislation enhancing the penalties for such actions.

(Recommended by Tom Fransway, Humboldt County Commissioner)

30. **Draft a Committee resolution** encouraging the active and scientifically based management of Nevada’s watersheds and ecosystems to collaboratively improve their health, without regard to jurisdictional boundaries, using a host of different methods (to include livestock grazing, mechanical treatment, prescribed fire, and herbicides). Such actions will help Nevada’s forests, grasslands, and rangelands become more resistant to wildland fires.
- (Recommended by Pete Anderson, State Forester Firewarden, NDF)*

Federal Public Lands and Natural Resource Legislation and County Lands Bills

31. **Send a Committee letter** to the members of Nevada’s Congressional Delegation and Governor Jim Gibbons expressing support for the recently-introduced “Carson City Vital Community Act of 2008” (the Carson City lands bill) and encouraging its passage.

(Discussed by representatives from Carson City at the Committee’s meeting on October 24, 2007)

32. **Send a Committee letter** or **include a statement in the final report** expressing concern regarding H.R. 2262 (“Hardrock Mining and Reclamation Act of 2007”) and similar federal legislation that establishes a royalty plan that could negatively impact Nevada’s mining industry, creates uncertainty in the mine permitting process, and hampers mineral investment. The letter or statement should express support for mining reforms that promote responsible development of mineral resources, keep public lands open for mining, and offer a reasonable net-proceeds style royalty that is responsive to fluctuating minerals prices.

(Discussed at the Committee’s meeting in Carson City on October 24, 2007, and at numerous additional meetings and during the Committee’s Washington, D.C., informational tour)

33. **Send a Committee letter** to the members of Nevada’s Congressional Delegation thanking the Delegation for continuing to use 5 percent of the funds generated from the various federal lands bills for Nevada’s Permanent School Fund and urging the Delegation to consider expanding the use of funds generated from the Southern Nevada Public Land Management Act of 1998, the White Pine County Conservation, Recreation, and Development Act of 2006, and other federal lands bills for use in Nevada state parks and for improvements to State lands and facilities.

(Recommended by Pamela B. Wilcox, Administrator, Division of State Lands [retired.]

- 34. Send a Committee letter** to Nevada’s Congressional Delegation, the Chairmen of the U.S. Senate Committee on Energy and Natural Resources and the U.S. House Committee on Natural Resources, and the Chairmen of the appropriations committees in the U.S. Senate and House of Representatives, encouraging the full funding of the Federal Payments in Lieu of Taxes program. Make reference to H.R. 308 (R.S. 2477 Rights-of-Way Recognition Act”) of the 110th Congress, which was considered in late 2007.

*(Recommended by Tom Fransway, Humboldt County Commissioner;
Mark Walsh, Executive Director of the Western Counties Alliance;
and several other Committee members)*

- 35. Include a statement in the final report** expressing support for S. 2509 (“Small System Drinking Water Act of 2007”), which would prohibit the U.S. Environmental Protection Agency from enforcing small water system compliance with a federal drinking water standard unless the small system has received enough federal funds to pay for the federal share of the water system upgrade. The bill would set aside \$15 million a year nationally for Fiscal Years 2008 through 2012 to accomplish this. The measure also revises technical assistance provisions to require water systems serving fewer than 10,000 individuals to receive adequate technical assistance and training to meet requirements of final rules. The bill also establishes pilot programs to: (1) explore new technologies or approaches to comply with a drinking water standard; and (2) research technology transfer issues and disinfection strategies relating to drinking water.

(Recommended by Ron Williams, Nye County Manager)

- 36. Send a Committee letter** to Nevada’s Congressional Delegation and Governor Jim Gibbons expressing opposition to H.R. 2421 and S. 1870 (both known as the “Clean Water Restoration Act of 2007”). Testimony at several Committee meetings indicated that the language in the measure could diminish the authority of State water engineers and water resources departments to properly manage water resources.

(Recommended by numerous presenters)

Water and Water Resources

- 37. Send a Committee letter** to Governor Jim Gibbons and the Division of Water Resources, SDCNR, requesting the Division to continue work on a comprehensive inventory of water in key water basins in Nevada (using the latest technology for determining water amounts). Request that the State Engineer report back to the Legislative Committee on Public Lands during the 2009-2010 Legislative Interim with a report on the progress of its water inventory activities.

(Discussed by Chairman Rhoads at several Committee meetings)

- 38. Include a statement in the final report** urging the Division of Water Resources, SDCNR, to further evaluate the protests filed by the federal government against applications for water diversions in the Amargosa Valley. Testimony at the Committee's meeting in Beatty suggested that proposals by water users in the Amargosa Valley to simply divert water from one agricultural field to another are being protested and subsequently denied. The statement should urge the Division and local government leaders in Nye County to collaborate on this important water issue and openly discuss the impacts such denials may have on the agricultural operations near Pahrump.

(Recommended by Gary Hollis, Nye County Commissioner, and other representatives of Nye County)

- 39. Send a Committee letter** to the State Engineer, Division of Water Resources, SDCNR, requesting him to respond in writing to a proposal set forth in a letter presented by the N-4 Grazing Board to the Legislative Committee on Public Lands at its meeting on March 7, 2008, in Caliente, concerning the interbasin transfer of water. The letter should also encourage the State Engineer to appear before the Senate Committee on Natural Resources and Assembly Committee on Natural Resources, Agriculture and Mining during the 2009 Legislative Session to discuss the concerns and recommendations set forth by the N-4 Grazing Board. The letter from the N-4 Grazing Board, in part, requests the following actions by the State Engineer:

- A. Prior to any interbasin transfer of water decision by the State Engineer, a basin of origin comprehensive water inventory, and analysis of future growth and development potential, and initiation of a long-term monitoring program should be required; and
- B. When water is appropriated or purchased in one basin and then the owner requests a basin transfer and a change in the manner of use, the transferred water rights will be given a position subordinate to the historic water rights that remain in the basin.

(Recommended by Connie Simpkins, Secretary, N-4 Grazing Board)

- 40. Include a statement in the final report** supporting the development and implementation of increased water storage within the Humboldt River Basin.

(Recommended by Mike Baughman, Executive Director, Humboldt River Basin Water Authority)

- 41. Include a statement in the final report** encouraging the State Engineer to continue enhancing online data sources available to the Division of Water Resources, SDCNR, which may assist in any backlog of water right applications.

(Recommended by Mike Baughman, Executive Director, Humboldt River Basin Water Authority)

- 42. Include a statement in the final report** encouraging Nevada’s Division of Environmental Protection to creatively seek grants, if available, and other outside funding to enhance water quality data collection and monitoring in the Humboldt River Basin.
(Recommended by Mike Baughman, Executive Director, Humboldt River Basin Water Authority)
- 43. Send a Committee letter** to the State Engineer, Division of Water Resources, SDCNR, asking him to analyze and comment on the issue of water evaporation as it relates to the possibility of requiring a water right for pit lake evaporation and whether it is feasible to apply Nevada’s interbasin transfer of water provisions to water evaporation in certain instances from one basin to another.
(Discussed by Mike Baughman, Executive Director, Humboldt River Basin Water Authority, and Nancy Boland, Chair, Esmeralda Board of County Commissioners)
- 44. Send a Committee letter** to the State Engineer and the Administrator of the Division of State Lands, SDCNR, acknowledging their work in water resource and land use planning for rural communities that have little or no resources to prepare such plans and encouraging their continued active support of water and land use planning to rural communities.
(Recommended by the Central Nevada Regional Water Authority)
- 45. Send a Committee letter** to the State Engineer encouraging the Division of Water Resources, SDCNR, to monitor the impacts of water purveyor production wells. This letter is aimed at improving the public’s confidence that possible impacts caused by water purveyor production wells (i.e., impacts on the level of groundwater, vegetative cover, springs, and domestic wells, et cetera) can be recognized by the State Engineer, and addressed by the State Engineer while such impacts are emerging, and before they cause harm to the environment or the economy.
(Recommended by the Central Nevada Regional Water Authority)
- 46. Send a Committee letter** to Nevada’s Congressional Delegation encouraging the Delegation to consider sponsoring legislation addressing the demand for water on the Virgin River. Testimony at the Committee’s meeting in Caliente indicated that the states of Arizona and Utah are competing with Nevada for water resources in the river system. Indicate in the letter that the recently approved “7-States Agreement” for the Colorado River system could serve as a potential model for a similar agreement on the Virgin River.
(Recommended by Senator Care and Mike Winters, General Manager, Virgin Valley Water District)

NOTE:

- **The Legislative Committee on Public Lands may make additional recommendations based on discussions held and presentations made at its meeting in Lovelock on August 22, 2008. Please see meeting agenda for discussion topics.**
- **The Chairman of the Committee may choose to raise other issues for discussion or Committee action during the work session.**
- **Committee staff may need to seek additional details or clarification on approved recommendations from Committee members and others prior to drafting BDRs or Committee letters/statements.**