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MEETING NOTICE AND AGENDA

Name of Organization: Legislative Committee on Public Lands
(*Nevada Revised Statutes* [NRS] 218E.510)

Date and Time of Meeting: Friday, August 19, 2016
9 a.m.

Place of Meeting: Legislative Building, Room 3138
401 South Carson Street
Carson City, Nevada

Note: Some members of the Committee may be attending the meeting and other persons may observe the meeting and provide testimony through a simultaneous videoconference conducted at the following location:

Grant Sawyer State Office Building, Room 4401
555 East Washington Avenue
Las Vegas, Nevada

If you cannot attend the meeting, you can listen or view it live over the Internet. The address for the Nevada Legislature website is <http://www.leg.state.nv.us>. Click on the link "[Calendar of Meetings/View](#)."

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.

Note: Items on this agenda may be taken in a different order than listed. Two or more agenda items may be combined for consideration. An item may be removed from this agenda or discussion relating to an item on this agenda may be delayed at any time.

I. Opening Remarks

II. Public Comment

(Because of time considerations, each speaker offering comments during the period for public comment will be limited to not more than 3 minutes. A person may also have comments added to the minutes of the meeting by submitting them in writing either in addition to testifying or in lieu of testifying. Written comments may be submitted in person or by e-mail, facsimile, or mail before, during, or after the meeting.)

*For
Possible
Action*

III. Approval of Minutes of the Meeting Held on July 28, 2016, in Elko, Nevada

*For
Possible
Action*

IV. Update on Public Lands Issues in Western Nevada

A. Update on Bureau of Land Management, United States Department of the Interior, Programs and Activities

Ralph Thomas, District Manager, Carson City District, Bureau of Land Management, U.S. Department of the Interior

B. Update on U.S. Forest Service, U.S. Department of Agriculture, Activities

Irene Davidson, Carson District Ranger, Humboldt-Toiyabe National Forest, U.S. Forest Service, U.S. Department of Agriculture

C. Updates From Local Governments Concerning Issues Related to Public Land Management

Ann P. Bollinger, Open Space Administrator, Carson City
Don Alt, Commissioner, Board of Commissioners, Lyon County

*For
Possible
Action*

V. Presentation on Nevada's Climate, Atmospheric Conditions, and Precipitation Outlook

Douglas Boyle, Ph.D., Associate Professor and State Climatologist, Nevada State Climate Office, Department of Geography, University of Nevada, Reno

*For
Possible
Action*

VI. Review of the Activities of the Legislative Commission's Subcommittee to Study Water

Senator Pete Goicoechea, Chair, Legislative Commission's Subcommittee to Study Water

*For
Possible
Action*

VII. Work Session—Discussion and Possible Action on Recommendations Relating to:

A. Public Lands, Generally

B. Estray Horses, Wild Horses, and Burros

C. Off-Highway Vehicles

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 2015–2016 Legislative Interim. The document is also available on the Committee’s webpage ([Legislative Committee on Public Lands \[NRS 218E.510\]](#)), or a written copy may be obtained by contacting Jered M. McDonald, Senior Research Analyst, Research Division, Legislative Counsel Bureau, at (775) 684-6825.

VIII. Public Comment

(Because of time considerations, each speaker offering comments during the period for public comment will be limited to not more than 3 minutes. A person may also have comments added to the minutes of the meeting by submitting them in writing either in addition to testifying or in lieu of testifying. Written comments may be submitted in person or by e-mail, facsimile, or mail before, during, or after the meeting.)

IX. Final Comment and 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 the Research Division at (775) 684-6825 as soon as possible.

Notice of this meeting was posted in the following Carson City and Las Vegas, Nevada, locations: Blasdel Building, 209 East Musser Street; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Legislative Counsel Bureau, Las Vegas Office, Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was faxed, e-mailed, or hand delivered for posting to the following Carson City and Las Vegas, Nevada, locations: Capitol Press Corps, Basement, Capitol Building, 101 North Carson Street; Clark County Government Center, Administrative Services, 500 South Grand Central Parkway; and Capitol Police, Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was posted on the Internet through the Nevada Legislature’s website at www.leg.state.nv.us.

Supporting public material provided to Committee members for this meeting may be requested from Natalie J. Pieretti, Committee Secretary, Research Division of the Legislative Counsel Bureau at (775) 684-6825 and is/will be available at the following locations: Meeting locations and the Nevada Legislature’s website at www.leg.state.nv.us.

Legislative Committee on Public Lands

(Nevada Revised Statutes 218E.510)

WORK SESSION DOCUMENT



August 19, 2016

Prepared by the Research Division
Legislative Counsel Bureau



WORK SESSION DOCUMENT

Legislative Committee on Public Lands
(*Nevada Revised Statutes* 218E.510)

August 19, 2016

This “Work Session Document” (WSD) has been prepared by the Chair and staff of the Legislative Committee on Public Lands and is designed to assist the Committee in determining which legislative measures it will request for the 2017 Session of the Nevada Legislature and what other actions the Committee will endorse.

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) 218D.160, the Committee is limited to ten legislative measures, including both bill draft requests (BDRs) and requests for the drafting of resolutions.

The inclusion of proposed actions in this WSD does not imply the support of the Committee. The members will review them and decide whether they should be adopted, changed, rejected, or further considered. Each item in this document may be the subject of further discussion, refinement, or action. The proposals have been grouped by topic but are not preferentially ordered.

Although possible actions are identified for each recommendation, the Committee may modify the possible action and select one of the following actions: (1) draft a bill or resolution; (2) send a letter; or (3) include a statement in the Committee’s final report. To the extent the Committee urges or suggests action by public officials, it is understood that any such actions would be subject to the limits of those officials’ existing authority and all applicable laws.

As set forth in NRS 218E.515, five members of the Committee constitute a quorum, and a quorum may exercise all the powers of the Committee.

The source of each proposed action is noted. A proposed action may have been modified during the preparation of this document for a variety of reasons, such as: (1) to combine it with similar proposals; (2) to propose a different type of action; or (3) to add details needed for drafting.

To the extent that a proposed action may contain unquantified or unknown fiscal impacts, Legislative Counsel Bureau staff will coordinate with the interested parties to obtain fiscal estimates, if needed, for inclusion in the final report. Also, some proposals may include references to specific chapters or statutes in NRS, but as part of the legislative process, amendments to other related chapters or sections of NRS may be added to fully implement the requested legislation.

Finally, please note that in the fall of 2016, during the legislative drafting process, specific details of Committee-requested legislation or other Committee action may be further clarified in consultation with the Chair of the Committee or others, as directed or as appropriate.

PROPOSED ACTIONS CONCERNING PUBLIC LANDS, GENERALLY

1. **Draft a legislative resolution** reaffirming Senate Joint Resolution No. 1 (File No. 30, *Statutes of Nevada 2015*) urging Congress to enact legislation transferring title and ownership of certain federally administered land to the State of Nevada pursuant to the plan laid out in the Nevada Land Management Task Force Report (Assembly Bill 227, [Chapter 299, *Statutes of Nevada 2013*]). (*Recommended by Mike L. Baughman, Ph.D., CEcD, President, Intertech Services Corporation, April 15, 2016, Winnemucca meeting.*)
2. **Request the drafting of a bill** to distribute a portion or percentage of the Live Entertainment Tax (LET) to the county or counties where an event takes place. (*Discussed at the April 15, 2016, Winnemucca meeting.*)

Background: Pershing County testified that the Burning Man festival cost the county roughly \$40,000 in additional costs not covered under existing agreements. Under this recommendation, a percentage of the LET collected from certain events would divert to the local county government to offset the cost of services provided.

3. **Draft a legislative resolution** calling on the President of the United States to seek public involvement from interested parties, including State and local government officials, prior to the designation of any future national monuments. Under the Antiquities Act of 1906 (16 U.S.C. § 431-433), the President may designate federally owned land a national monument if the land contains significant natural, cultural, or scientific features. (*Recommended by Assemblyman John C. Ellison, May 20, 2016, Caliente meeting.*)

4. **Send a letter** to the Nevada Congressional Delegation seeking federal legislation to fast-track federal land sales and transfer ownership of federal lands to local governments and nonprofit agencies where they have constructed and operate public and not-for-profit facilities. *(Recommended by Scott Higginson, Government Affairs Consultant, FourSquare Group, May 20, 2016, Caliente meeting.)*
5. **Send a letter** to the Bureau of Land Management (BLM), U.S. Department of the Interior (DOI), and the U.S. Forest Service (USFS) encouraging the incorporation of annual grasses into grazing level calculations and to ensure flexibility is built into grazing permits to allow for adaptive management as issues and concerns arise. *(Discussed at the April 15, 2016, Winnemucca meeting.)*
6. **Include a statement** in the final report expressing the Committee's support of the lawsuit (*Western Exploration LLC et. al. v. U.S. Department of the Interior et. al.*) challenging the BLM's and USFS's land management plans regarding sage-grouse management in Nevada. *(Recommended by Jim French, Commissioner, Board of Commissioners, Humboldt County, April 15, 2016, Winnemucca meeting.)*
7. **Request the drafting of a bill** to create a staff position within the State Department of Conservation and Natural Resources (SDCNR) to assist counties in preparing land use plans and studies that analyze the economic and environmental impacts of various federal land management agency actions. The proposed position would provide the resources needed for the State and counties to fully exercise their role in the management of public lands and natural resources as directed by the Federal Land Policy and Management Act of 1976 and the National Environmental Policy Act (NEPA). *(Recommended by the Nevada Association of Counties.)*
8. **Send a letter** to the Chair of the Assembly Committee on Ways and Means and the Chair of the Senate Committee on Finance of the 2017 Legislative Session seeking additional funds to implement Senate Bill 456 (Chapter 452, *Statues of Nevada 2015*), which urges the Attorney General (AG) to take a leadership role in pursuing actions on behalf of the State and counties in formalizing and finalizing title to accessory roads and public roads. The bill further authorizes the AG to participate as a party in a quiet title action regarding such roads under certain circumstances and in cooperation with or on behalf of the county or counties in which the road lies. *(Recommended by Jake Tibbitts, Natural Resources Manager, Department of Natural Resources, Eureka County, July 28, 2016, Elko meeting.)*

Background: Based on testimony, additional funding is needed to meet the requirements of S.B. 456. The funding is needed by the AG for capacity and/or the SDCNR to hire outside counsel.

9. **Send a letter** to the President of the Real Estate Commission, Real Estate Division, Department of Business and Industry, urging the Commission to investigate and take appropriate action to ensure that purchasers of land are aware of the consequences and responsibilities of signing an Open Range Disclosure as required by NRS 113.065. *(Recommended by Don Alt, Commissioner, Board of Commissioners, Lyon County, July 28, Elko meeting.)*

Background: Pursuant to NRS 113.065, the seller of property adjacent to an open range must provide a disclosure statement before the purchaser signs the sales agreement. Compliance with the disclosure requirements constitutes an affirmative defense in any action brought against the seller for any damages suffered as a result of livestock entering the property.

10. **Request the drafting of a bill** to amend the statute to allow for the discharge of a firearm from a vehicle on certain roads for the purpose of rodent control. *(Recommended by James L. Moser, James L. Moser Farm, April 15, 2016, Winnemucca meeting).*

Additional information: For the purposes of this proposal, a varmint is defined as an animal considered a pest and is unprotected by State game laws.

11. **Request the drafting of a bill** to create a tax on the transfer of water rights purchased from farmers diverted for the purposes of conservation. *(Recommended by Don Alt, Commissioner, Board of Commissioners, Lyon County, April 15, 2016, Winnemucca meeting.)*
12. **Request the drafting of a bill** to change the legal definition of a fence in NRS 207.200 to include cultivated or agricultural land adjacent to a barbwire fence. In NRS 207.200, barbwire fences are specifically excluded from the definition of a fence. *(Discussed at the April 15, 2016, Winnemucca meeting.)*
13. **Send a letter** to the State Engineer requesting that the office review all claims for water by the BLM and other federal agencies and immediately dispose of those claims that clearly do not meet the criteria of a Public Water Reserve under Executive Order 107 or a vested right. *(Recommended by Jake Tibbitts, Natural Resources Manager, Department of Natural Resources, Eureka County, July 28, 2016, Elko meeting.)*

Background: According to testimony, NRS 533.503 prohibits entities from obtaining stock water rights that do not hold a “legal or proprietary interest” in livestock; however, the BLM is asserting unadjudicated claims as “rights” and requiring certain projects to develop mitigation outside the involvement of the State Engineer and asserting seniority over other vested claims or permits on federally administered lands precluding maintenance efforts and access.

PROPOSED ACTIONS CONCERNING ESTRAY HORSES, WILD HORSES, AND BURROS

14. **Draft a legislative resolution** calling on Congress to manage wild horses and burros in accordance with the provisions of the Wild Free-Roaming Horses and Burro (WH&B) Act of 1971. The Act authorizes the BLM to remove excess wild horses and burros from the range to sustain the health and productivity of public lands. *(Recommended by Jim French, Commissioner, Board of Commissioners, Humboldt County, April 15, 2016, Winnemucca meeting.)*

Background: As of March 1, 2016, the current estimated on-range wild horse and burro population located on BLM land is 34,531. The Appropriate Management Level (AML) is 12,811, meaning the current population exceeds AML by more than 20,000.

15. **Send a letter** to the Office of the AG requesting the AG to take any legal action deemed appropriate to compel the BLM and the USFS to manage wild horse and burro herds as required by federal law under the WH&B Act and subsequent amendments. *(Recommended by Chair Donald G. Gustavson, July 28, 2016, Elko meeting.)*
16. **Send a letter** to the Chair of the Assembly Committee on Ways and Means and the Chair of the Senate Committee on Finance of the 2017 Legislative Session seeking appropriate funding to effectively manage horses on State-owned land through removal or sterilization. *(Recommended by Senator Pete Goicoechea, May 20, 2016, Caliente meeting.)*
17. **Request the drafting of a bill** to provide management options for the control of stray horses by requiring property owners to fence in or fence out stray horses located on private property. Currently, the State Department of Agriculture cannot enter private property to remove horses. *(Recommended by Assemblywoman Robin L. Titus, M.D.)*
18. **Send a letter** to the BLM seeking shared revenue from the sale of horses trained in the prison industry wild horse program and to expand the program to train more wild horses. *(Discussed at the April 15, 2016, Winnemucca meeting.)*

Background: According to Silver State Industries, the Northern Nevada Correctional Center/Stewart Conservation Camp Saddle Horse Training Program is a cooperative partnership between the BLM and the Department of Corrections. The program gentles and trains wild horses for adoption. About 40 to 70 wild horses are trained and adopted at the facility each year. The average sale price is about \$800 to \$1,200 per animal.

PROPOSED ACTIONS RELATED TO OFF-HIGHWAY VEHICLES

19. **Send a letter** to the Secretary of the Interior, U.S. DOI, and the Secretary of Agriculture, U.S. Department of Agriculture, seeking increased support for the enforcement of federal off-highway vehicle (OHV) laws in restricted areas. *(Recommended during testimony at the May 20, 2016, Caliente meeting.)*
20. **Request the drafting of a bill** to increase the penalties for failure to register an OHV, including larger fines up to and including confiscation. *(Recommended during testimony at the May 20, 2016, Caliente meeting.)*

Additional information: The fine for failing to register an OHV is \$100. The Committee may want to consider higher fines for multiple offenses up to and including confiscation.

21. **Send a letter** to the Chair of the Assembly Committee on Ways and Means and the Chair of the Senate Committee on Finance of the 2017 Legislative Session seeking funds for an internet-based OHV registration system. *(Recommended during testimony at the May 20, 2016, Caliente meeting.)*
22. **Send a letter** to the Director of the Department of Tourism and Cultural Affairs requesting that any OHV promotional information created by the Department relating to public lands also contain educational information regarding the legal use of OHVs. *(Recommended during testimony at the May 20, 2016, Caliente meeting.)*
23. **Send a letter** to the Commission on OHVs and the SDCNR requesting the creation of a hotline (similar to “Operation Game Thief”) for citizen reports of OHV trespass. *(Recommended during testimony at the May 20, 2016, Caliente meeting.)*
24. **Request the drafting of a bill** to amend the statute to allow the BLM and USFS to apply for OHV Commission funds for grants to conduct enforcement, wilderness boundary surveys, signage, public education, and NEPA facilitation for projects funded by OHV grants. *(Recommended during testimony at the May 20, 2016, Caliente meeting.)*
25. **Send a letter** to the Commission on OHVs and the SDCNR encouraging the creation of an educational OHV website. *(Recommended during testimony at the May 20, 2016, Caliente meeting.)*

26. **Request the drafting of a bill** to create a nonresident OHV registration program. Registration requirements would apply to nonresidents, unregistered in any state, who operate OHVs on public lands in Nevada. *(Recommended during testimony at the May 20, 2016, Caliente meeting.)*

Background: Registration of an OHV is not required if the vehicle is registered or certified in another state and is located in this State for not more than 15 days.