

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON NATURAL RESOURCES, AGRICULTURE, AND  
MINING**

**Seventy-Third Session  
February 23, 2005**

The Committee on Natural Resources, Agriculture, and Mining was called to order at 1:35 p.m., on Wednesday, February 23, 2005. Chairman Jerry D. Claborn presided in Room 3161 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Mr. Jerry D. Claborn, Chairman  
Mr. Kelvin Atkinson, Vice Chairman  
Mr. John C. Carpenter  
Mr. Mo Denis  
Mr. Pete Goicoechea  
Mr. Tom Grady  
Mr. Joseph M. Hogan  
Mrs. Marilyn Kirkpatrick  
Mr. John Marvel  
Ms. Genie Ohrenschall  
Mrs. Debbie Smith

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Amber Joiner, Committee Policy Analyst  
Mary Garcia, Committee Attaché  
Matthew Mowbray, Committee Assistant

**OTHERS PRESENT:**

Allen Biaggi, Director, Department of Conservation and Natural Resources  
David Morrow, Coordinator, Nevada Division of State Parks, Nevada  
Department of Conservation and Natural Resources  
Hugh Ricci, State Engineer; Administrator, Division of Water Resources,  
Nevada Department of Conservation and Natural Resources  
Cathy Barcomb, Administrator, Wild Horse Commission, Nevada  
Department of Conservation and Natural Resources  
Willis Lamm, President, Least Resistance Training Concepts, Inc.,  
Knightsen, California, and Stagecoach, Nevada  
Tyrone Kelley, Deputy Forest Supervisor, Lake Tahoe Basin Management  
Unit, U.S. Forest Service, U.S. Department of Agriculture  
Dave Marlow; Fire, Fuels, Vegetation, and Urban Lots Staff Officer;  
Lake Tahoe Basin Management Unit; U.S. Forest Service;  
U.S. Department of Agriculture  
Mary Morgan, Program Manager, Southern Nevada Public Land  
Management Act, Lake Tahoe Basin Management Unit, U.S. Forest  
Service, U.S. Department of Agriculture  
Daniel Kaffer, Coordinator, Western Nevada Resource Conservation and  
Development/Natural Resources Conservation Service,  
U.S. Department of Agriculture

**Chairman Claborn:**

[Meeting called to order at 1:35 p.m. Roll called.] Today we have four presentations planned. Our first three presentations today will be by three divisions within the Nevada Department of Conservation and Natural Resources.

**Allen Biaggi, Director, Department of Conservation and Natural Resources:**

The presentations today are in follow-up to my presentation on February 16, last Wednesday, concerning an overview of the Department of Conservation and Natural Resources. With me today will be David Morrow, the Administrator for the Division of State Parks; Hugh Ricci, the State Engineer and Administrator for the Division of Water Resources; and Cathy Barcomb, with the Wild Horse program.

We've also provided you today with a document ([Exhibit B](#)) that I neglected to provide you last week, which is "Perspectives: A Biennial Report of 2002–2004." It is a biennial report of the Department of Conservation and Natural Resources. As I said last week, it provides you an overview with the accomplishments of the last two years and some of our goals and objectives for this next biennium.

**David Morrow, Coordinator, Nevada Division of State Parks, Nevada Department of Conservation and Natural Resources:**

I did pass out a handout ([Exhibit C](#)) that might be helpful, depending on how well you can see the screen. You can probably follow along the presentation from that handout, if it would be easier.

Nevada State Parks, in my view, is representative of the state's unique history, natural beauty, and, in addition to that, offers many recreational opportunities around the state. The mission of the Nevada Division of State Parks is to acquire, plan, develop, interpret, operate, and maintain a system of parks and recreation areas, and to preserve areas of scenic and natural beauty and with scientific significance for the use and enjoyment of the residents and visitors.

You can trace the beginning of State Parks clear back to 1923, when then-Governor Scrugham established what he coined "state recreation grounds." By 1925, there were 15 such areas in the state of Nevada. They were, at that time, managed by the Nevada Fish and Game Commission.

Another important thing that happened in 1925 was that the Legislature allowed the exchange of state-owned land, for federal land of greater significance or of more recreational value. Four such areas established in 1925 were Cathedral Gorge, Valley of Fire, Beaver Dam, and Fort Churchill. It wasn't until March 26, 1935, that the state actually established a State Park Commission. Shortly after the establishment of that Commission, the state officially named the four parts I just mentioned "State Parks."

Today in Nevada there are 24 state parks ([Exhibit D](#)), 1 or more in all but 3 of the counties. The parks encompass 132,523 total acres. There are somewhere between 280 and 300 structures in the system, many of which are historical in nature.

The organization of State Parks is pretty basic. The main office is here in Carson City. There are 21 employees who work out of that office. They are responsible for planning, development, accounting, personnel, visitors' services, law enforcement, operations and maintenance, and oversight of two federal programs: the state Recreational Trails grant program and the Land and Water Conservation Act. In addition to that, there are four regional offices in Carson City, Fallon, Panaca, and Las Vegas. Each of the 24 parks falls under the administration of one of those regional areas.

There are 105 authorized permanent positions in State Parks, and we hire approximately 138 seasonal [employees]. The visitation budget and revenue for parks have been relatively constant over the last five or six years. There have

been probably more fluctuation in the budget, and that's due to the good fortune of the agency when it's received one-time expenditures.

[David Morrow, continued.] I'm just going to give you some idea of the growth of visitation. There is a page in the very back of the handout I gave you ([Exhibit C](#)) that has those visitation and revenue figures. The visitation in 1999 was 3,229,000. In 2003, it was 3,296,000. The revenue in 1999 was \$1,902,661, and it grew to \$2,186,768 in 2003. Our records for 2004 indicate that revenue increased to \$2,448,918, a fairly good increase.

The agency has been very focused on working with the State Commission on Tourism and local community tourism groups to better market parks, especially during the shoulder seasons, the less-visited times of the year, and for those parks that have lighter than normal visitation. I think we're starting to see the fruits of our efforts.

The Question 1 bond was very beneficial to the Division of State Parks. The 2001 Legislature approved Assembly Bill 9 of the 17th Special Session, which, as you know, authorized a \$200 million conservation bond initiative to go before the voters in the November 2002 election. Fortunately for the state and outdoor recreation and conservation, that bond passed successfully. The Division received approximately \$27 million of the \$200 million bond appropriation, and it was set aside for 12 acquisitions and approximately 56 development renovation projects. The Division submitted its complete list of desired projects and acquisitions to the Legislature, and then made it available during the initiative. We're operating from that list today.

I received a pretty strong question, and even a criticism, about the quality and condition of Nevada State Parks in the pre-budget meetings. To be honest with you, I think it was somewhat unfair. I think Nevada State Parks are in much better shape than that question seemed to indicate, and we're making significant progress. I'd like to go over just some of the projects that we have just completed or that we will soon complete, and then give you an idea of what we're planning to do in the next few years, so you get a really good understanding of what State Parks is doing to try to improve its facilities.

We just completed a \$233,000 project that was a stabilization of Fort Churchill. The project was funded out of tourism room tax money. You're going to get an idea, as I go through this, how many different funds have contributed to all of these projects. The Lahontan-Silver Springs Office and Visitor Contact Station is just about completed. It's \$325,000 funded out of Question 1 (Q1).

[David Morrow, continued.] We're very proud of the fact that we're about 90 percent complete on a new visitor center at Lake Tahoe, what we believe is a much-needed facility that can talk about the environmental concerns and needs at Lake Tahoe, as well as all the opportunities that exist in the State Park and other areas around the lake. The project was funded out of Tahoe EIP [Environmental Improvement Program] funds, water conservation funds, and a small amount of Q1 bond funds. It was a \$1.9 million project.

We worked very hard over the last year to design and get under construction a new visitor center at Old Mormon Fort in Las Vegas. We wanted to get that project going and completed so that it would be in time for the City of Las Vegas Centennial and the sesquicentennial celebration for the Old Mormon Fort. I'm very proud to say that project will be done in about another month, exceeding our original expectations and deadlines.

Two other projects, one at Wild Horse and one at Rye Patch, were boat ramp expansion projects, parking projects. If you've ever been out to those reservoirs, you often have to walk quite a long distance after you launch your boat. Both these projects improved the launching and certainly improved and enhanced the parking in both of those areas. The projects were paid for out of U.S. Fish and Wildlife boating access funds, and we used some Question 1 funds at Rye Patch.

If you recall, a little while ago I mentioned that Cathedral Gorge was one of Nevada's first State Parks. We were fortunate enough to come up with some money and go in and rehabilitate the campground. We developed new roads, a dump station, shade shelters, additional sites, and improved the group-use area at Cathedral Gorge. The project was a Land and Water Conservation Fund project for about \$254,000.

What's planned—and I'll just quickly go through these, because I think it's very important for you to understand how much funding the Division has received and how much effort we're making to improve park facilities.

- We're planning a campground upgrade and expansion at Valley of Fire. That project will add full utility hook-ups, which have been highly requested over the last several years.
- We're also putting in a campground day-use area and, if we're fortunate enough to work out an agreement with the Southern Nevada Water Authority, a group-use facility at Big Bend of the Colorado.
- We're going to develop a new restroom and site improvements at Mormon Station in Genoa.
- We're entering into a partnership with Douglas County for site improvements and artifact collection management at Dangberg Ranch.

- We're building a new fishing access bridge at Echo Canyon Reservoir.
- A maintenance and storage building at Washoe Lake.
- A new boat dock at Cave Rock at Lake Tahoe. It's really an important project. That area gets an awful lot of use. It wasn't ADA [Americans with Disabilities Act] compliant, and this project will bring us into compliance.
- We have a new campground planned for Kershaw-Ryan, and we're very proud of that. Kershaw-Ryan, if you haven't been there, is one of Nevada's really unique and beautiful parks. We're going to add 12 to 15 camp units at the park, which won't affect the quality of the visit, but will provide an opportunity for that a lot of people have asked for.
- Roadway and parking improvements at Sand Harbor.
- Campground improvements at Ward Charcoal Ovens.
- New dock at Lahontan State Recreation Area-North Shore Marina.
- Campground improvements at South Fork.

[David Morrow, continued.] We're very proud, and thought you would be interested to know

1. What we had completed, and
2. What we were working on in the future.

Also, that the money you've helped support is going in the right direction.

The last thing that I'd briefly like to talk about is the value and benefits of State Parks. We've been trying very hard over the last year to put more of a figure together on what the economic value of State Parks is. We've got a lot more work that we want to do, but we thought you'd be interested in some of the estimates that we've come up with.

The impact of State Parks operating expenditures, and the expenditures visitors make while they see the State Parks, is estimated to be \$47,681,000. Then, if you look at the multiplying factor that those change hands several times in each local community, that increases to \$62,034,000. By our estimates, visitors from out of state directly spend \$19,000,572 in State Parks.

Just some other benefits, because I think these are as significant, many times, as the economic benefits. We believe State Parks improve the quality of life for residents and visitors to the state, which often are some of the reasons that people choose or look at when they evaluate moving to a state. State Parks:

- Enhance various educational programs. We get kids out of the classroom and into the parks where they can actually see things in the field and learn about the history of the state.
- Provide affordable family recreation opportunities.

- Provide public access to unique historic, natural, and recreation areas.
- Promote better health through physical activity.
- Promote opportunities for community- and statewide activities.

[David Morrow, continued.] I'd just like to highlight an activity that fits that last one. In January, with the cooperation of White Pine County, we held an event at Cave Lake that was really, really successful. We had somewhere between 3,000 and 4,000 visitors. We had a snow sculpting contest. To conclude the event, we co-sponsored a fireworks display. We got a number of very favorable comments from the community, the county. I think it's an example of things we want to do in the future.

**Chairman Claborn:**

In regard to Clark County land bill sales, we might have to give up a lot of that money. Is that going to affect any of your programs at all?

**David Morrow:**

We're not eligible. The State is not eligible for Clark County funds. It would have an impact on the City of Las Vegas, which is asking for some funds to rehabilitate Floyd Lamb State Park. It would significantly deter that effort, but we don't directly receive those funds.

**Assemblyman Marvel:**

Did you have any private concessions in any of the parks?

**David Morrow:**

We do have. Probably most notably, at Lake Tahoe we have cross-country skiing and a mountain biking concession. He also rents a couple of cabins. Down at Sand Harbor they rent kayaks and canoes during the summer months.

**Assemblyman Marvel:**

How much money does that bring in?

**David Morrow:**

I don't have the exact revenue figures, but I certainly could get them for you.

**Assemblyman Marvel:**

Is it in here ([Exhibit C](#)) anyplace? [Mr. Morrow replied in the negative.] Have you thought about expanding the concession program?

**David Morrow:**

Yes, and we're interested in doing that. We tried a project out at Lake Lahontan last summer, and we were very interested in the project. It was a floating barge

that sold different kinds of goods and had food. The person who ran that decided to move it from the site, somewhat to our dismay.

**Assemblywoman Kirkpatrick:**

I'm a little confused on just who has Floyd Lamb State Park. I just asked this question last week and was told the State was in charge, but if the City of Las Vegas is asking for funds to maintain it. . .

**David Morrow:**

Yes. Let me try the best I can to clear that up. We've been working with the City of Las Vegas, I would say very successfully. They've been very good to deal with for the last year or so to work out a transfer of the Floyd Lamb to the City. There has not been a consensus developed on the city council to do that.

One effort that the City made to try to make the transfer more amenable to the council was to ask for grant funds through the Southern Nevada Land Management Act, and to use those funds to rehabilitate the park. I don't know where we came out on that request, but we're very hopeful. I think it was \$3.5 million. That would have enhanced a lot of the utilities and infrastructure in the park.

At this point in time I think both sides are going very carefully. The value of Floyd Lamb Park is immense, as you might know. The issues, in turn of management, are also immense. I think both sides are openly trying to figure out the best way to run the park. To date, relations with the City of Las Vegas are excellent in that regard.

**Assemblywoman Kirkpatrick:**

The reason I asked is because of a funny thing. I have a lot of constituents who would like to fish at 7:00 a.m. as opposed to 8:00 a.m. The State sends me to the City, and the City sends me to the State, so who do I contact?

**David Morrow:**

You've contacted the right person right now. That would be our regulation, not the City's. We'd be happy to talk to you about that.

**Assemblyman Marvel:**

Dave, what percentage of people do you think honor the honor system?

**David Morrow:**

That's really hard to figure out. First of all, I want to make it clear that I'm not just speaking about people who live in Nevada. I'm speaking about people who



visit State Parks across the country. It's estimated that about 20 to 25 percent will pay through the self-pay fee tubes.

**Assemblyman Marvel:**

Have you ever thought of any way of being able to tighten up regulations on how you collect user fees? That's always been a weakness as long as I've been a legislator.

**David Morrow:**

You know, there are a couple of things, and I think we may need to revisit them. One thing that a lot of park systems have looked at over the years is putting in manual gates and manual systems. For a long time, we could just never get an adequate system. We now have them available to us; it's just the costs are immense. One system costs about \$15,000 to \$20,000, so we've been reluctant to go that way.

The other thing that some other states have done is develop what they call an administrative fee, so that if somebody goes into the park and fails to pay the park fee, they can be charged not only the fee they didn't pay, but an additional charge similar to what a bad check charge is. It helped a little.

**Assemblyman Marvel:**

Has any thought ever been given to privatizing the park system?

**David Morrow:**

I certainly haven't done that. I've been around State Parks for about 30 years. In a couple of my former positions, I went through attempts to privatize different aspects of State Parks. I'm going to give you my biased view that that was very unsuccessful, and the services that were provided the public weren't as good.

I saw a few questioning looks as I talked about the economic impacts of State Parks. We really want to get to the bottom of that figure, and get a figure that especially this Committee would be comfortable with. I think there is an immense value to the Division of State Parks that far exceeds its operating budgets.

**Assemblyman Marvel:**

Whenever we get in these budget crunches, State Parks is one of the first agencies that really gets screwed. We're always catching up and never seem to get caught up.

**David Morrow:**

We would love to see that reversed, obviously. I think that is true. It's not just true in this state; it's true in a lot of other states. I think part of the problem is a failure to recognize the benefit of the system to the state's economy and to the residents of the state themselves.

**Assemblywoman Smith:**

I've been requested to ask about Dangberg Ranch and whether the operating costs are okay in this budget, that the capital costs are paid through Question 1, but there is some question about the operating costs.

**David Morrow:**

Yes. When the Dangberg Ranch and the interlocal agreement that was developed with Douglas County was originally signed and approved, the agreement was that there would be no operating funds that go to that park facility. That, in fact, is the agreement that we have been living by and are attempting to work with.

We have an extensive renovation project and an excellent relationship with Douglas County. What we're going to try to do is use volunteer help and cooperation with Douglas County to meet those demands. It is my understanding that we signed on to that agreement and that we would not ask for operating funds.

**Assemblyman Carpenter:**

I just noticed that in your organization chart you've left out Elko.

**David Morrow:**

There is no longer an Elko Regional Office. I think in a money-saving effort about two or three years ago, I'm not really sure about the time frame, the Division reduced the number of regional offices from six to four. Elko was consolidated into the Fallon Region.

**Assemblyman Carpenter:**

Maybe that's why we're getting kind of—

**David Morrow:**

I think what you're suggesting is maybe we should move the Fallon office to Elko.

**Assemblyman Carpenter:**

I see that you have some improvements here ([Exhibit C](#)) for South Fork. What are they going to consist of?

**David Morrow:**

As they're planned, they would be improvements of the camping facilities out there. As I understand, the original desire was to build a lakefront campground. Everybody, if they can't be right in the lake, wants to be as close as they can. Apparently there have been some constraints to us doing that. Actually, that's why the project hasn't moved along further. I think you and I had a conversation a while back about some of the 88 issues that might exist at South Fork and maybe other parks. That certainly would be another consideration we would look at.

**Assemblyman Carpenter:**

We probably need to get together. We get a few complaints out there.

**David Morrow:**

I would love to come over to Elko and visit with you and maybe even go out and tour the parks. I would consider that a big advantage.

**Hugh Ricci, State Engineer; Administrator, Division of Water Resources, Nevada Department of Conservation and Natural Resources:**

I do want to mention one thing about David Morrow's presentation. He mentioned that in 1923, James Scrugham, who was the governor at that time, established the State Parks system. I just want to let you know that James Scrugham was a former State Engineer in the years 1917, 1918, and then 1920 and 1921. I believe he went on to become a congressman, also. That is not any solicitation for furtherment of my career; I just wanted to make mention of that.

No presentation is complete without first mentioning what the mission statement is ([Exhibit E](#)). Just pay attention really to the first sentence. It is to protect the health and safety of Nevada's citizens and visitors through the appropriation and adjudication of public water.

The statutory authority under which the State Engineer and the Division of Water Resources operate are those listed on that particular part (page 3 of [Exhibit E](#)). It's Title 48 of *Nevada Revised Statutes*. You can see the various issues there. What I'll do is touch on some of those as to what our functions are. Obviously the omnipresent organizational chart is on page 4 (of [Exhibit E](#)). Under some of these various sections, I will give you a little bit of background and an overview as to what each one of those particular sections do. I know many of you have already had dealings with our office, but this is just a refresher course.

[Hugh Ricci, continued.] The first one I want to talk about is the Appropriation Section. One of the more important functions that we do, obviously, is in the appropriation of water rights for new applications of water or changes of existing rights to some of other use. In that whole process, we review all the water right applications. We also:

- Review subdivisions statewide with the exception of Las Vegas.
- We deal also with domestic well issues, whether there is a relinquishment for domestic wells, the protection of them, and any impairment that may be sought by someone from being impaired by someone else.
- We also issue certificates. That's based upon the beneficial use of the water for which the permit was issued.
- We also have a provision where we review extensions of time.
- We license water rights surveyors; there are probably more than 500 of those.
- We also deal with primary and secondary permits. That's where there's a storage reservoir that does not have a particular beneficial use, but there can be other applications filed for use from that particular reservoir.

The second section I will discuss is the Adjudication of Surface Water Section. It conducts adjudications of all pre-statutory water rights, that being anything pre-1905 for surface water, pre-1913 for artesian aquifers, and pre-1939 for percolating aquifers. That section also reviews all the surface water right applications throughout the state. The section is also responsible for the oversight of the Truckee River Mapping Section, for which there's a little pull-out in your handout (page 19 of [Exhibit E](#)). I'll explain that a little bit further. We also field investigate disputes on decreed and non-decreed river, stream, and spring sources.

The Engineering and Dam Safety Section deals with a whole list of different activities. One of the more important ones is Dam Safety, and that is the review of all new dam applications. There's a requirement that it's a professional engineer that submits the plans and the design, including the hydrologic analysis and structural stability. There's a requirement that we're going to inspect all the dams. The frequency of inspections is based on the downstream hazards. We have three different types of dams. One is the high hazard, which can cause loss of life; the significant hazard, which can cause property damage; and the low hazard, which has minimal property damage.

We also license well drillers. There are approximately 500 of them in the state. We try to field-inspect a number of well drillers for regulatory compliance. There is also a Well Driller Advisory Board that is allowed, in statute, to assist in the licensing and testing of well driller applicants to determine whether they can be granted a license.

[Hugh Ricci, continued.] That section is also in charge of reviewing recharge projects. The analysis is done each year on the amount of water that is stored, how much water is in the account for that particular one. We currently have ongoing projects within the state: one by the Las Vegas Water District, one by the City of North Las Vegas, Washoe County has one up here in the North Truckee Meadows Water Authority, and one is in Carson City.

The Title Section is responsible for the ownership transfer of all the water rights. A provision placed in the statutes in 1995 prevented us from becoming a title agency. All we do is rely on deeds that are filed and subsequent reports of those deeds that are on file of transferring water rights from one owner to another. We receive about 2,000 of these reports of conveyance a year, with an average of about five deeds per report of conveyance.

This section is also responsible for populating the titles database, to include who is responsible for the ownership diversion rates and duties. This particular database is on our website.

**Assemblyman Marvel:**

You mentioned dam [failure]. Are there any dams in the state of Nevada now that might be subject to failure?

**Hugh Ricci:**

Not that I'm aware of, sir.

**Assemblyman Marvel:**

I'm glad to hear that. There was a little problem with one of your predecessors in South Fork. I think we finally convinced him that it's fine.

**Hugh Ricci:**

South Fork is a sound structure. I'm sure you all heard about the breach of Beaver Dam, at what's called Schroeder Reservoir, on the east side of Lincoln County and the Utah line that drains into Beaver Dam Wash and eventually drains to Utah, to Arizona, back to the Virgin River. That was breached about a month ago, I believe. The dam was owned by the Department of Wildlife and overtopped during the flooding at the end of January.

The Southern Nevada Branch Office, located in Las Vegas, has nine people associated with it. They are responsible for the review of the recharge program in the Las Vegas Valley. They also cooperate with Clark County in the geographical information system program. It's quite a program that has all of

the parcel maps on that particular site, and we have "GPS'ed" [Global Positioning System] each of the wells we're responsible for and the Groundwater Management District in Las Vegas has GPS'ed all of the domestic wells, so 99 percent of the wells are on there.

[Hugh Ricci, continued.] Also, they coordinate the various monitoring plants associated with the Carbonate System [Carbonate-Rock Aquifer System], which is becoming very active down in that particular area. You have one specifically in the Coyote Springs area and the upper Muddy Springs Area. They also conduct groundwater inventories, water level measurements, and field investigations.

They deal with well-drilling operations and subdivision review. That is the one exception I mentioned earlier. All the subdivisions in the Las Vegas Valley are handled by our Southern Nevada Branch Office. Our office here in Carson City is responsible for everything outside of that.

They also have a Hearing Section that conducts administrative hearings on applications for appropriation. It's a common misconception that every application protest has to go to hearing. That's not necessarily true. We act on a number of applications. If they are protested, based on the grounds of the protest. They also conduct hearings on cancelled permits, which is an administrative procedure; well drillers' disciplinary matters; basin designation; and also—we've seen this become a bigger issue down here—protest requests for extension, protesting against the granting of the extension of time.

That particular section also reviews and assists the State Engineer in the review of all the litigations, pleadings, and court cases. There about 65 open cases right now dealing with various aspects of decisions of myself and former state engineers. They also conduct field investigations necessary to gather additional information for the administrative hearings.

There's also a Supervising Water Commissioner that is located in Elko. That particular person is responsible for the distribution of waters pursuant to state court decrees, and I've listed some of the larger ones here (page 11 of [Exhibit E](#)). That particular person takes care of all of these all the way from the Quinn River in northern Humboldt County all the way down to the Muddy River in southern Clark County, so he has quite a job. He also has to find people who will become water commissioners. I'll tell you, there is no more thankless job than trying to be a water commissioner in a small town where you have to live with the other people whose water you're regulating.

[Hugh Ricci, continued.] Water planning—we have a person who reviews and comments on all county and regional water plans and water conservation plans—updates the drought plan, updates all the hydrographic basin summaries and all the water-use data for us.

There is also a Flood Plain Management Program that assists in the Community Assistance Program, the Flood Mitigation Assistance Program. That person coordinates with the Federal Emergency Management Administration and the Nevada Division of Emergency Management and provides technical assistance to all these local communities and counties.

Some of the other work we do that is not specific to any particular section that I just showed you—we conduct water level measurements, pumping inventories, crop inventories. We also do precipitation gauge measurements.

The last section I'll discuss is the Computer Section. They're responsible for the day-to-day maintenance associated with the 80 PCs [personal computers] that we have. We also have 3 file servers and 4 network-attached storage devices for storing all of this information that we have both on our website and a database, which we operate internally. On our database, we now have 82,000 records. We have almost 28,000 scanned images. Every certificate that's been issued is also scanned.

Right now, on our well log database, we have over 86,000 records. We're looking to try to scan all of the well logs and have that as an attribute to the system, so that if you're looking for a particular well log, you can also look at the lithology as opposed to just the information we have on our Well Log Database.

**Assemblyman Marvel:**

What is your backlog now on permits and protests? That's always been a problem for your office.

**Hugh Ricci:**

It's around 3,000 right now. If I had my budget book, I could tell you, because that's one of our performance indicators, but I do believe that's around 3,000.

**Assemblyman Marvel:**

How many years will it take to clean those up, do you think?

**Hugh Ricci:**

I know we've discussed this before, and even my predecessor. There are many of them in those particular categories that, for some reason or another, we can't

act on, we won't act on, because there are issues with title. I can probably point to about 15 or 20 in Washoe County that we issued a ruling in 1992. The ruling went all the way to the Supreme Court. We prevailed in the Supreme Court in 1996. Those permits have never been issued yet. They're still part of the backlog because there's an ownership problem with those particular applications.

**Assemblyman Marvel:**

Are they still in good standing?

**Hugh Ricci:**

They're still in good standing because we've never issued the permits, and they're still utilizing the water for the purpose for which the original permits were issued. They're still okay. I'm just pointing to that one, for example, and saying, "Those are some of the reasons why." Now, there are some, obviously, that we don't get to just because. Stock water is no longer an excuse now that [you] took care of that one. Right.

**Assemblyman Marvel:**

With your help.

**Assemblyman Denis:**

Where are those 80 personal computers and file servers located? Are they in all your offices?

**Hugh Ricci:**

Yes, they're in our offices here in Carson City, except one file server is down in southern Nevada.

**Assemblyman Denis:**

What about the computers? Are they spread out throughout the state?

**Hugh Ricci:**

The southern Nevada Branch Office has their own network right down in that particular area, except they can't access our Intranet system. So, they're all connected to us.

**Assemblyman Denis:**

Do you have computers in other offices anywhere else in the state?

**Hugh Ricci:**

One in Winnemucca and some in Elko.



**Assemblyman Denis:**

Okay. I've been trying to ask that of the agencies. I'm trying to get a feel for all the technology in the different organizations. You probably have a network map that talks about how you have your computers deployed.

**Hugh Ricci:**

If we don't, I'm sure I can tell you where they are. I've just mentioned where they are. We have one person in our Winnemucca office who's a water commissioner, and we have three people in the Elko office. There's a computer there. Then there are our southern Nevada branch office and our Carson City office.

**Assemblyman Denis:**

If you have any information about it, I'd be interested in seeing what you're running on and what kind of software you're using.

**Hugh Ricci:**

If you don't mind, I'll have the person call you directly, because he can talk to you. I'm from the old school.

As I mentioned to Mr. Denis, we have two systems. One is for our internal use where we have the Intranet. It has all of this information that I mentioned to you. Some of it is on the Intranet; some of it is not. We're striving to get to the point where we can have all of that information on an Intranet system, but we want to make sure that information is correct before we put it out there.

I looked at this number and I didn't believe it, so I had another person check. There are 2,400 hits on our internet. I thought that number included all the hits from the people in our office, but supposedly that's not the case. I just found that really hard, but that's the number they tell that's there.

The Intranet has the access to the well log, title, and dam databases. We also have public access to all the forms, the hearing schedule, recent orders, and rulings also on the Internet.

What I'm going to show you next is the home page from our Internet (page 17 of [Exhibit E](#)). These pull-downs here are the various things. I'll just go through a few of them. When there is anything of general interest throughout the state, we'll just post it as something new with a direct link to that ruling.

Going to the mapping portion of it, you'll get this list right here (page 18 of [Exhibit E](#)). You can query by parcel number, by location, by number of maps completed. You can get a list of the completed maps by claim number, and

that's the one we picked. That's the one that's a foldout (page 19 of [Exhibit E](#)), and this is the kind of map, this is the kind of information, that we have.

[Hugh Ricci, continued.] All these are individual parcels that occur on this particular map right here ([Exhibit E](#)). It gives the area in acres that have a water right associated with that particular parcel. The color scheme means various things. This happens to be in Virginia Lake, so obviously it didn't have a water right. That's all dry. This is dry in through here. There was a change application filed, and we moved this water off to some other use. The white areas are those applications that the water has not been transferred off of. Just drive around Reno, around Virginia Lake, there's no irrigation around there. That's true, but these are the water rights that are still not transferred off that particular piece of property.

We have a map for every single claim in the Truckee River Decree. We have almost all of these maps done. There's around 100 maps that were done like this. This was a very time-consuming project, but this project right here saved our office a great deal of time in the review of applications and water right transfers of ownership.

**Assemblyman Marvel:**

I think we're all conscious of the fact that it's probably the one resource that's going to be critical to the growth in Nevada. Do you feel comfortable that you have a good inventory of what water is available in the state?

**Hugh Ricci:**

Are you looking at how much water is available to be appropriated or how much water is actually being used?

**Assemblyman Marvel:**

What's available. What's being used, what's available—what's the total inventory? Do you have any idea what it might be?

**Hugh Ricci:**

For each one of the 232 groundwater basins we have, we have an estimate. Much criticism has been given to our office in regard to this by the fact that this date is maybe somewhere between 20 and 30 years old. There's an estimate for each one of those groundwater basins as to how much is available. I don't have it quite complete yet, but I'm having one of the people in our office put together a list, by basin, of every single new report that's been done and what that amount of water is, differing from what the original estimate was. To date, I have not found a single place that shows there is not more water in these new estimates from recharge than the old one. In some instances there are

three numbers. If we do another study, there will be four numbers. It's obviously going to be arranged somewhere in there.

**Assemblyman Marvel:**

Yes, but I think it's so critical to what Nevada's going to be dependant upon for any future growth. That'll maybe change some of the beneficial uses. I don't know how we're going to approach it.

**Assemblyman Goicoechea:**

Hugh, maybe you can explain what you meant by percolating water and how it differs from artesian and surface waters, pertaining to vested rights and those sorts of things.

**Hugh Ricci:**

When the water law was first established in 1905, there weren't but maybe a handful, if that many, wells around. Probably some of them were hand-dug wells maybe 10 or 12 feet below the ground. Well-drilling technology started coming into play in the mid-1900s—1907 to maybe 1912, especially in Las Vegas and Pahrump. The legislatures at that time were cognizant that there was some use of that water pre-1913, which then became the comprehensive water law at that time.

An artesian aquifer is defined as the water will rise higher than when it is first encountered. That means that water is under some pressure from some other location. What ends up happening is, take Las Vegas for example, there's this caliche layer down maybe 30 or 40 feet. If there is no way for that water that is being recharged into the aquifer to get out above that particular layer, it gets under pressure. If it's under enough pressure, it will rise to the surface and flow. That's what was happening in many of the wells in Las Vegas. If any of you have ever seen pictures of these flowing wells and people standing there, they were actually hitting an artesian flow that happened to have enough pressure to take the water above the ground.

Percolating water is, by definition, everything else besides that. That's the water table condition where you drill down and, when you encounter water at 20 feet, that becomes the water table.

**Assemblyman Goicoechea:**

Of course, we all understand with State Engineer George Malone in 1928 and the three-mile water law, there were a number of especially stock water wells that were established to establish that three-mile grazing claim. That was into the percolating aquifer, some of them very shallow, as you say. Those are vested rights, as I understand, with the 1928 cutoff.

**Hugh Ricci:**

I'm not going to say yes to that, Mr. Goicoechea, because there seems to be some discrepancy in the idea of what the idea of "sustaining water right" really means, as to whether that was a claim of vested right or not.

**Assemblyman Goicoechea:**

Unfortunately, there are some applications in for that, and I'm sure you're aware of it, when we talk adjudication.

**Assemblyman Marvel:**

When we were talking about inventories, do you know what water is being drawn down from just domestic wells? You don't have to have a permit for domestic, do you?

**Hugh Ricci:**

In each of the areas in which we do—I want to make a separation between what we call crop inventories and what we call pumpage inventories. When we do a pumpage inventory, we try to estimate every single use in that particular basin. If we don't have meter records, we then make an estimate of the water use. In some of the larger areas, such as Las Vegas, the Truckee Meadows, or Pahrump, we have an estimate, and in some instances a good count, as to the number of domestic wells, and then assign what we think is an average number for all of those domestic wells. In Pahrump, for example, with 10,000 domestic wells, we estimate that there's about an acre-foot per well being extracted on average, so that represents about 10,000 acre-feet.

I won't say that we have for the entire state. No, we don't, but we know how many domestic wells have been drilled. I'll show you exactly in one of the next slides.

I wanted to bring this monthly report (pages 21 and 22 of [Exhibit E](#)) to everybody's attention, because this is a really valuable tool for anybody looking to see if any applications for water rights that have been filed in and around somebody who might have a water right. It comes under Information Services. It'll come up and give you a menu where you can select whatever month and year you want. This shows you the application, the date the application was filed, which basin it is, what county, the owner, the source, the description, what the diversion rate is, what the use is.

This is posted on our website within three or four days after the end of the month. So, for this January, this was placed on our website probably around February 2 or 3, depending on what day of the week that was. This is a tool

that has saved us a great deal of time. We used to have a list of about 500 people that we would send this list to, but we've probably cut that down by half right now. Plus, we used to charge them for it, so this is a better deal for them.

[Hugh Ricci, continued.] Next is the well log database (page 24 of [Exhibit E](#)). You can query by a number of things. If you want to know what the depth of the water is, the depth of the wells in any particular area, you just put in what basin you're interested in. For this particular one, this (page 26 of [Exhibit E](#)) is a list of all the wells in that basin, the date the well was completed, the total depth of the well, and the static water table at the time of the drilling of the well as reported on the well log.

**Assemblyman Carpenter:**

In the Southern Nevada Public Land Management Act, or the Lincoln County Conservation Recreation and Development Act, there was a right-of-way given to the Southern Nevada Water Authority. Do you know exactly how far north that right-of-way comes?

**Hugh Ricci:**

I know it goes into the southern end of Spring Valley. I want to say also Snake Valley. From there south, I believe it's Cave Valley and Delamar Valley and Dry Lake Valley. I believe those are the ones that are under the study of the BLM EIS [U.S. Bureau of Land Management, Environmental Impact Statement] right now. I can probably get you a copy of the brochure that shows what the scope of that work is and the basins in which they are going to study.

**Assemblyman Carpenter:**

Say in Spring Valley, what would come first, the pipeline? Or would they have to acquire the water rights or whatever you call it within that valley before the pipeline came? Do you know which one comes first?

**Hugh Ricci:**

I think some of those questions are better addressed by the Southern Nevada Water Authority or by somebody from BLM, because I'm not exactly sure how all of this is going to work. In addition to this BLM EIS that is ongoing right now, there is a study out of the Lincoln County Conservation and Development Act, the "wilderness bill" that came out, and there's also \$6 million to do a study for most of White Pine County water resources and the northern part of Lincoln County.

Those two things are going to go on at the same time. There's going to be some coordination, obviously, between the two, but the EIS is going to go

forward in addressing just the issues that they usually do through the NEPA [National Environmental Policy Act] process. The USGS [United States Geological Survey] is going to go through study under that Lincoln County bill separately. I can't answer all those questions right now, because I'm not sure what the process is.

**Assemblyman Carpenter:**

But, in the end, isn't it going to be your office that will decide whether those whatever are going to be allowed?

**Hugh Ricci:**

Maybe I misunderstood your question. Yes, the amount of water that is appropriated is still under the jurisdiction of our office, but all of these other procedures are for whatever purpose they were intended. The BLM EIS was just for that pipeline corridor, the "utility corridor," they call it. That's the scope of that project. The scope of the other one was to determine what the water resources were in that particular area. So that just becomes another part of the information that's available for determination.

**Assemblyman Carpenter:**

But if they make application for new wells or whatever, that's going to be up to your office to determine whether they're approved or not?

**Hugh Ricci:**

Yes. In fact, those applications are already on file by the Las Vegas Valley Water District in both Spring Valley and Snake Valley.

**Assemblyman Carpenter:**

Is that on your website here?

**Hugh Ricci:**

No, sir. I surely can give you a list of all the applications that are still on file by the Las Vegas Valley Water District in those valleys outside of Clark County.

**Cathy Barcomb, Administrator, Wild Horse Commission, Department of Conservation and Natural Resources:**

The Wild Horse Commission was created by the 1985 Legislature. Leo Heil died in the early 1970s, and he left his estate to the State of Nevada with one sentence: "Preserve and protect wild horses in Nevada." So the 1985 Legislature created this agency. There are five commissioners who are appointed by the Governor, and myself as the administrator. We operate a State agency entirely with non-General Fund money. It's all interest income from the Heil Trust, and we have had to go into the Trust in recent years.

[Cathy Barcomb, continued.] Our mission is to serve as an advocate for wild horses in the state. We do that through programs working with BLM [U.S. Bureau of Land Management], with the [U.S.] Forest Service, and the public to help promote the adoption program as well as internal programs to help educate the public as to what is going on on public lands a those programs. We also work with Forest Service and BLM on their land use planning. We receive approximately 300—400 environmental documents a year, which we review. That's all projects that the BLM are doing, whether it's water development, roads, mining, livestock, gathering horses, or management of horses. Everything that happens in this state that affects the horses and/or the herds goes through my office.

The five commissioners and I work under Allen Biaggi as the Director of DCNR [Department of Conservation and Natural Resources]. We meet quarterly in different places around the state to give the public the opportunity to come talk to us about what their issues are and if they have anything they want us to get involved in.

We also participate in adoption programs to help promote BLM's work and also the adoptions. One of them, something Mr. Marvel is familiar with, is the prison program here in Carson City. We helped establish that four years ago with the Department of Corrections and the Department of Agriculture. Last summer, our top-selling horse at the Expo—and these horses are trained for 90 days—sold for \$4,200. That was a mustang taken off Nevada's public lands and trained for 90 days through our prison program.

We also host an Expo. You have that poster ([Exhibit F](#)) in front of you. We've done that for 15 years now. It's all volunteer; no one gets paid for that. The money we raise every year through that program is put into water developments on public lands. We've had cooperative programs with ranchers, BLM, and Forest Service doing water developments, as well as funding. We help fund the prison program because there is no money for tack or for projects there. We also give out grant funds to other agencies that do rescue work in the program.

A little bit on our prison program: We just recently—it took us two and a half years of private fund-raising and donations from the community to build an indoor riding arena for the inmates to use so during inclement weather they're out there training, whereas before, they lost a lot of days in bad weather.

The 1997 Legislative Session mandated that the Commission look into how Nevada could assist the BLM in the wild horse program. We don't own the horses, and we don't own the land—the federal government does—but how can

we complement the program? So, in 1999, we had traveled the state for two years getting public input. We presented the strategic plan for management of wild horses and burros in Nevada to this 1999 Session. It was wholeheartedly accepted.

[Cathy Barcomb, continued.] One of the programs we recommended was the creation of a National Wild Horse and Burro Foundation. The Legislature in 1999 asked us to come back to study that, then come back in 2001 and do a presentation about working with the federal government to start a foundation. This would be a private, nonprofit organization similar to the Quarter Horse Association or the Arabian Horse Association.

In the 2001 Legislative Session, the Legislature approved the expenditure of funds out of the Heil trust to match funds provided by the Bureau of Land Management, and we created the Foundation. We continue to work daily with the Foundation, the BLM, and the U.S. Forest Service on programs to help promote adoption and marketing. They've been doing quite a few programs recently, and we work together.

**Assemblyman Marvel:**

Cathy, were you able to keep any of that money from the auction the other day for your programs?

**Cathy Barcomb:**

There were 12 horses auctioned the other day. Six of them were Comstock estray horses and six were BLM. The money for the BLM horses goes back to the BLM. I believe the arrangement with the Department of Corrections is they pay them \$600 a horse.

**Assemblyman Marvel:**

I think they get the first \$600, don't they? Do you get any for the Commission at all?

**Cathy Barcomb:**

No. The estray money from the Comstock horses goes back into the Department of Agriculture program to help support that.

**Assemblyman Grady:**

Are you involved at all with the program being promoted by Lyon County and the Dayton area for the Wild Horse Center that there's federal legislation hopefully going through on?



**Cathy Barcomb:**

Yes, that was another proposal in our strategic plan that was presented in 1999. It's something we've been working on since 1991. There was a plan, blueprints drawn. It never got off the drawing board for lack of funding back in the early 1990s. It was resurrected again in the late '90s. Meg Getty was hired by the BLM to chair that whole program. The BLM has since lost funding to try and keep that going, but Meg has stayed on, developed her own private nonprofit, and has been working with a lot of people from the community and legislators to try and get the funding and the land for that project. It would be a tremendous program if we could get it. She's still working on it.

**Assemblyman Marvel:**

Do you work at all with the BLM on trying to come up with some kind of inventory of the wild horses and burros in the state, and what the carrying capacity should be for them?

**Cathy Barcomb:**

If you're referring to the land use planning documents, we get 300—400 of those a year.

**Assemblyman Marvel:**

But you work on inventory, actually how many horses are out there.

**Cathy Barcomb:**

Yes, we do, and we have to rely on BLM's data to do that. We had tried, years, ago, to get funding for an independent study, working with BLM helicopters, the Forest Service, and other avenues to inventory, along with the Nevada Department of Wildlife. That did not happen because of lack of funding. We have to rely on what BLM does. They extrapolate a lot of data that, as far as actual counts. It's hard because of movement. They provide us with information, and we have to go by their numbers.

**Assemblyman Marvel:**

And the available forage for them—do you work with that, too?

**Cathy Barcomb:**

The same. When they put out the documents, we review all that as far as the surveys, what they've done, the available forage, whether they're using weight averaging or not, or if they're site specific for riparian areas, and we try to help promote those. Riparian projects and water development are some of the projects we've funded through money from the Expos.

**Assemblyman Marvel:**

It's a matter of concern, particularly when you have these drought years we've had. You've got a 12-month use out there that—the forage can only go so far, and you just don't want to see those animals out there dying.

**Cathy Barcomb:**

Very much. We rely quite a bit on the public and the ranchers to let us know when there is a problem, because there are times when people just can't get out there on a daily basis. We support that.

**Assemblyman Carpenter:**

Is the Foundation making progress on getting more adoptions? What kind of progress are you making in trying to get more adoptions?

**Cathy Barcomb:**

I'll try and report for them. Also, I'll take this opportunity to clarify. We helped fund the Foundation, with the Bureau of Land Management. They are their own organization, but they report to us, and we do work with them on what they're doing. I'll try and report on programs they have going right now.

They've started a mentoring program. California State BLM has a tremendous volunteer mentoring program. They're trying to coordinate that into a database and be able to monitor it and manage it and use that as a program developed to share with all the other states—here's how it can be done, here's how it works. Let's do that with the other states, because the BLM can't possibly keep up with all the demands of the adoption program, whether it be monitoring the compliance of adopters or promoting. The volunteer base is so necessary. They're trying to model that program and use it for the whole United States.

Also, they recently have been meeting with companies such as Wrangler, Purina, and Breyer Animal Creations. They just put 20,000 flyers in the Breyer—They just came up with a mustang series that's in all the Wal-Mart stores, were there at Christmas, and they put a flyer in about adopting, how to help out, donate, and also to contact the Foundation to work with that. So we've got those flyers out.

They've been working with the other companies on rebranding the wild horse in such a way as mustang versus wild horse. It's just a simple concept, but the word "wild" connotes wild, whereas calling them mustangs, through research, tends to be a better word. It's just sleight of word, but that's just things they're working on—rebranding. They've been meeting with Secretary of the Interior Gale Norton and Kathleen Clarke, Director, Bureau of Land Management, in Washington, D.C., working on programs:

- To help redo some of BLM's programs
- To bring them up to date
- To help coordinate
- To do new marketing techniques

[Cathy Barcomb, continued.] The directors of the Paint Horse Association and also the Arabian Horse Association are both recent retirees and are now sitting on the board of directors of the Foundation. They have a tremendous wealth of knowledge in their board, and they're working on programs to really enhance the adoption program.

**Chairman Claborn:**

Tell me, are you involved with the prison system and the training of the wild horses that they're training out there?

**Cathy Barcomb:**

Yes, that's what we do.

**Chairman Claborn:**

Could you tell me how many you have that you're training at the present time?

**Cathy Barcomb:**

I believe they just brought 14 horses into the program. We just had the adoption on February 12. It was highly successful. What we did also was the ribbon-cutting ceremony for the indoor arena—this is the first we did that—and had it up and had the ceremony. We had reporters there from *National Geographic* and from Ride Publishing Group, who are also doing two articles in national magazines on our prison program—one will be the cover story.

We've had other reporters since then call us and want to be involved. Also, too, there was a gentleman down from the Montana Department of Corrections. They think so highly of our program here, they'd like to model what we've done and start one in Montana.

**Assemblyman Marvel:**

We can give a lot of this credit to Cathy [Barcomb] and Paul Iverson [former Director of the Nevada Department of Agriculture] for getting things started. Probably, out at Warm Springs, the inmates working on those horses out there are relatively short-timers. We're getting a turnover, so not only are you training new horses all the time, you're training new riders. I was just really impressed. I've been around horses all my life, but I was just really impressed with how gentle they were able to get those horses. Those inmates, I'm sure, were just as green as the horses were when they started out.

**Willis Lamm, President, Least Resistance Training Concepts, Inc., Knightsen, California, and Stagecoach, Nevada:**

I'm President of LRTC Wild Horse Mentors, of which we have quite a few in this state, primarily in Lyon County. My interest today is not to try to get into the debate about how many horses we should have on the range. That's mainly for scientists and people with a lot more expertise than I have.

However, I am able to crunch some numbers here, and I would like to put on the record the dollar contributions that the wild horses made to the agricultural economy in the state of Nevada. Nevada is the fourteenth-largest consumer, if you want to call it that, of adopted wild horses from the BLM [U.S. Bureau of Land Management]. The BLM, complex as they are, are good at bringing out numbers when you ask for them. They reported that over the life of the project, they have placed 5,196 horses in the state of Nevada.

Using the most recent data we can come up with to convert that to economic benefit for the agricultural economy, we used the Marin County [California] study, which was an extensive study that basically looked at all the kinds of ways people would invest their money in horses. We basically took that money and divided it in half for the lower operating costs here in Nevada. That assumption was that the average adopter would spend less than \$100 dollars a month on his or her animal, which anybody who's had horses for a while can understand is a pretty low-ball figure.

That equates, over the average life expectancy of all these animals, to \$103,920,000 that will be infused into Nevada's agricultural economy for hay, feed, supplies, the usual day-to-day things. It doesn't take into account that over 60 percent of successful adopters—which is why mentoring is important—generally come back and adopt additional horses. When those horses are adopted, and they have multiple animals on their property, that's usually when they end up going down to the John Deere dealer. They need a horse trailer; they need a bigger pickup to pull their horse trailer and all the things that go along with it. So these animals, even though they start out as a natural resource, do have an impact on Nevada's agricultural economy.

In addition, the state estray horses, the Virginia Range horses, also contribute. I don't have specific numbers for them, but one can extrapolate a proportion to the relative numbers the State is placing, and there are quite a few animals there.

The point of my presentation here is we need to keep an eye on the intrinsic value of these animals once they become a part of the private agricultural

adoption scheme. Even though each individual animal isn't significant, the aggregate number of animals contribute significantly to our agricultural economy. This is a day-to-day, steady influx of money. I'm an agriculture guy. If people want to spend their money supporting horses they've adopted as opposed to going to Tahiti on a cruise or buying a foreign-made big screen, more power to them.

[Willis Lamm, continued.] The final thing I'd like to point out is that the typical wild horse adopter is not a person who's going to compete necessarily head-for-head in the domestic pedigreed horse market. Most wild horse adopters acquire wild horses not because you can get them for \$125, but because they're interested in the mystique or the magic or just the romanticism of taking on a wild horse. When they're successful, they catch the fever, and they adopt more wild horses.

We can argue reasonably that this aggregate number of wild horses would be pretty much on top of the number of domestic horses we would have in Nevada. From the standpoint of a resident in a rural area of Nevada, I would much rather see our emphasis be on recycling our resources, which might be considered excess by some, through activities around our state, but that are more representative of Nevada than, say, suburban Los Angeles.

I brought some information ([Exhibit G](#)) that has the relative investment of wild horse money into the various agricultural economies from the different states and some other data.

**Chairman Claborn:**

Our next presentation today is from the Lake Tahoe Management Unit of the U.S. Forest Service, U.S. Department of Agriculture.

**Tyrone Kelley, Deputy Forest Supervisor, Lake Tahoe Basin Management Unit,  
U.S. Forest Service, U.S. Department of Agriculture:**

[Introduced himself; Dave Marlow, Staff Officer for the Fire, Fuels, Vegetation, and Urban Lots Management Department of the Lake Tahoe Basin Management Unit; and Mary Morgan, Program Coordinator for Southern Nevada Public Lands Management Act program. Mr. Kelley also handed out printed copies of his oral presentation ([Exhibit H](#)) and PowerPoint presentation ([Exhibit I](#)).] The Lake Tahoe Basin Management Unit was created in 1973. We manage about 165,000 acres in the Lake Tahoe Basin management area. About 75 to 78 percent of the land in the basin area is within the Management Unit. That is two states and six counties, and the city of Lake Tahoe.

[Tyrone Kelley, continued.] Our primary mission is water quality. Today we would like to highlight the areas of recreation, the Southern Nevada Public Lands Management Act, and our fuels management program. Recreation and tourism is one of the major industries at the lake. On any given summer day, or on holidays during the off-season, about 250,000 visitors come to the lake area to recreate or visit for various and sundry reasons. For the U.S. Forest Service, it accounts for about 3.6 million visitors annually. We display there (page 4 of [Exhibit I](#)) what our infrastructure is to support the visiting public:

- 10 campgrounds
- 5 beaches
- 200 miles of road in the forest
- 300 miles of trails
- An education center

To support that infrastructure and provide the services to the public, we get an annual budget. Our regular appropriation is about \$1.5 million.

The recreational opportunities and challenges that we face there are many, from the opportunities of hiking, biking, horseback riding, and boating, what comes with that is the need for the infrastructure to support those activities and make sure the visiting public has a good visit with us, as well as a safe one.

The Southern Nevada Public Land Management Act was originally authorized in 1998. The bill authorizes the sale of BLM [U.S. Bureau of Land Management] lands in Clark County. The proceeds from those lands is used for various programs in southern Nevada and purchase of environmentally essential land at Lake Tahoe. In 2003, the Act was amended. In the amendment, \$38 million was appropriated annually for environmental programs at the Lake Tahoe Basin.

Of that \$38 million at the Basin, in 2005, \$13 million went to programs on the national forest Lake Tahoe Basin Management Unit, plus another \$10 million for grants to local governments for erosion control projects. Then there was an additional \$15 million for other federal agencies—the EPA [U.S. Environmental Protection Agency], FHWA [Federal Highway Administration], and others.

In 2006, we requested \$20 million plus the \$10 million for the erosion control grants to the local governments. Of the \$20 million we requested, \$6 million was for water quality projects, \$7 million for watershed restoration-type projects, and an additional \$7 million for hazardous fuel reduction.

**Chairman Claborn:**

Mr. Kelley, I asked earlier if the Clark County land sales bill would affect the parks and recreation in one of the other Divisions. Some of the money didn't.

This \$38 million annually that you're talking about is some of the money from the Clark County land bill. If the President takes 70 percent of that, that will affect your program, isn't that correct?

**Tyrone Kelley:**

Yes, it would, sir.

**Chairman Claborn:**

I was afraid of that.

**Tyrone Kelley:**

As we go through this, we'd like to show you some examples of the work that's being done, so you have a clear picture of what's going on. In water quality improvements (page 8 of [Exhibit I](#)), you have a stream going through a meadow and no clear track for people traveling. It's just meandering across. On the right, there, you can see we put in a stream crossing and a track for the trail to guide them along and protect the resource. Down below, you see a road with a big puddle. Running off the road is one of the major issues in the basin area. On the right, we have improved the road.

Here (page 9 of [Exhibit I](#)) we've got a watershed restoration project. In the end, after three years, what you see is the restoration of that meadow and the stream. On the left, the work is being done with the backhoe. In the middle is the work immediately after completion but before the grasses and stream get flowing again. You can see how the work reestablished the stream channel through the meadow. On the right, you can see how it reestablished that meadow.

Fuels management—here, one of our biggest issues, of course, is catastrophic fire. The objective of this program is to reduce the fuel loading and fire hazard, especially in relation to the wildland-urban interface in the basin, and to improve forest health conditions in the basin. The scope of the program in FY2005/2006 is a proposed \$7 million. We're planning to treat 2,000 acres with those funds. We also plan to get some environmental work done, so we can keep a steady flow of projects going through the system.

Here again we show you some examples of the work (page 11, [Exhibit I](#)). We've got three proposed methods of fuel treatment: mechanical treatment, hand treatment, and burning. Here we have a mechanical treatment. That little red dot way back in the background on the right is a piece of equipment. In the "before" picture, you see the understory, and in the "after," we've gone through with a chipping operation, cut the slash, chipped it, and spread it back on the forest floor.

**Assemblyman Marvel:**

Are you getting much resistance from the environmentalists for your cleaning up of the slash? I think it's so important that we try to clean those forests up.

**Dave Marlow; Fire, Fuels, Vegetation, and Urban Lots Staff Officer; Lake Tahoe Basin Management Unit; Forest Service; U.S. Department of Agriculture:**

In regard to the hazardous fuels treatment that's being done at the Lake Tahoe Basin, we are gaining more and more support for that work as the residents at Lake Tahoe, and across the West, recognize the importance of treating those hazardous fuels. There are a few that still might object to some of the methods we use, but the overall program has very strong support.

**Assemblyman Marvel:**

What are the main objections?

**Dave Marlow:**

Just the ways that we do it. For example, the kind of equipment that we might want to use to remove the hazardous fuels. The particular piece of equipment displayed here (page 13 of [Exhibit I](#)) is a very environmentally-friendly piece of equipment. It literally picks up the logs and takes them out of the woods. Some of the more traditional methods have less acceptance, and we do gain some resistance for more traditional methods of harvesting and removing the hazardous fuels.

**Assemblyman Marvel:**

Are you using that slash commercially at all?

**Dave Marlow:**

We'd like to. One of the biggest challenges we face right now is getting the slash out to be used for biomass purposes. We're working very closely right now with an ad hoc biomass coordinating group that meets here in Carson City periodically, along with a couple of the entrepreneurs in the area, to see what we can do about utilizing the biomass.

**Assemblyman Marvel:**

I think the biggest tragedy we could have is to lose those forests up there to fire. I'm very supportive of your efforts—anything we can do to mitigate it.

**Tyrone Kelley:**

That's the cut-to-length harvester there (page 12 of [Exhibit I](#)). This is the forwarder (page 13 of [Exhibit I](#)), which is used with that cut-to-length harvester. It picks the logs up and takes them back to the staging area. This is a mobile



chipper (page 14 of [Exhibit I](#)). We chip the slash—up to a certain diameter, about 18 inches or so—in the forest and lay it back down.

[Tyrone Kelley, continued.] This is a hand thinning operation (page 15 of [Exhibit I](#)). There is no one out there for you to see them doing any work, but in the picture on the right, there's actually a house in the background. The next slide (page 16 of [Exhibit I](#)) shows a prescribed burning. On the left they have a pile, and the guy is just keeping the pile cool. On the right we have an understory burn, which is basically a broadcast burn.

**Dave Marlow:**

This particular slide (page 17 of [Exhibit I](#)) depicts a before and after of a very good success story in our cooperation and collaborative efforts in the Lake Tahoe basin with the Hidden Woods Homeowners Association. We work closely with them. They received a grant from the Nevada Fire Safe Council and the Tahoe Douglas Fire Protection District to do hazardous fuel mitigation work on private land within their Homeowners Association. In addition, they also opted to change the roofs on their homes from shake shingles to Class A fire-resistant roofs.

Concurrently with that, the U.S. Forest Service hand-treated the National Forest lands adjacent to this Homeowners Association property. We'll be burning the piles later this year, and we will have a relatively fire-safe environment in and around that community. This is one of the many success stories we hope to have in the near future.

**Assemblyman Hogan:**

I'd just like to get a little information on how you obtain the completion of the fuel reduction. Do you contract for it for the most part? Do you permit folks who remove it to have the opportunity to resell materials? How is this all done?

**Dave Marlow:**

Most of the work we do is through contract. We set up our sales to remove the hazardous fuels on the understory thinning through a contractor. In the case of our hand-thinning projects, we will hire a large crew to come in, cut and remove that material, and pile it for future disposal, usually through pile burning.

**Assemblyman Marvel:**

How closely do you work with TRPA [Tahoe Regional Planning Agency]?

**Mary Morgan, Program Manager, Southern Nevada Public Land Management Act, Lake Tahoe Basin Management Unit, U.S. Forest Service, U.S. Department of Agriculture:**

TRPA is one of our many partners in the basin. We work closely with them on both the fuels projects as well as our watershed and water quality restoration projects.

**Assemblyman Marvel:**

There are no conflicts at all with your management styles or anything?

**Mary Morgan:**

I would say no more than usual between different agencies.

**Assemblyman Marvel:**

But there are some problems?

**Mary Morgan:**

I would say the problems stem more from the fact that we are a land management agency and they are a regulatory agency, so there are inherently difficulties there.

**Tyrone Kelley:**

I think probably [there are] opportunities for us to cooperate more fully together by the way we'd like the account set up. I'm sure we have our issues and concerns based on our particular goals and missions, but we've been working cooperatively. I've only been there six weeks, and I've seen that in action.

**Chairman Claborn:**

I have a couple things we need to do here. There were a few questions asked just the other day about A.B. 15. I think Mrs. Kirkpatrick asked a question. Our analyst, Amber, put this together ([Exhibit J](#)). I don't remember who asked all the questions, but [the answers to] all the questions you asked are in here.

**Daniel Kaffer, Coordinator, Western Nevada Resource Conservation and Development/Natural Resources Conservation Service, U.S. Department of Agriculture:**

My job is working with communities, tribes, ranchers, farmers, all kinds of folks doing conservation projects, restoration projects, community development, historical preservation, and all sorts of different programs. If you would like more information about my agency and the projects we do throughout Nevada, we have ten offices across Nevada. We could arrange for a full program on my agency and the different jobs we do throughout Nevada.

[Daniel Kaffer, continued.] I'm here today specifically, though, to invite you all to Eagles and Agriculture ([Exhibit K](#) and [Exhibit L](#)). Three years ago, we started a program called Eagles and Agriculture in Carson Valley to illustrate the importance of protecting ranchlands and how ranchlands provide habitat for wildlife, floodplains, recharge of our groundwater aquifers, view sheds, and basically contribute tremendously to the heritage, the culture, and the infrastructure of Nevada ([Exhibit M](#)). We started doing this workshop three years, and we've doubled each year. Now we have over 500 people pre-registered to go out and see the eagles in Carson Valley and how they interact with agriculture.

You all are invited, as our guests for Friday night, to a program there. There's a buffet dinner. Or we have a tour that we're scheduling Saturday morning from about 7:45 a.m. until about 1:00 p.m. We'll go out in buses, tour the ranches in Carson Valley, hear about the history of the valley.

This brochure here ([Exhibit K](#)) talks about the goals and vision. It talks about all the supporters who are supporting this. It's across the board, from the Audubon Society to the ranchers and farmers of the valley, the Farm Bureau, conservation districts, different Nevada agencies and organizations, Carson Valley Inn, USDA [U.S. Department of Agriculture] Cooperative Extension—I could go on and on. It's basically a group effort that everyone in our area supports.

Our high count has been almost 50 bald eagles in Carson Valley, so if any of you are going to stay over for the weekend and would like to go on this, on the back of the glossy one with the big eagle on the front ([Exhibit L](#)) is a phone number for the Chamber of Commerce. Please call them and tell them you would like to go. We have VIP [very important person] seats reserved on the buses, and we could arrange for you and your spouse or family or whoever to get a seat.

We're really excited about this program, because it really provides a great opportunity for folks to learn more about what agriculture does for the community and all the wildlife that's out there. We have some great speakers. Each one of the buses has a birdwatcher on it and tour guides. As you drive around Carson Valley, you hear from some of the local county commissioners and all sorts of folks who are our tour guides.

When we see a hawk or an eagle, we stop the buses and you hear about the eagles and the birds of prey. When we stop at the ranches, you hear about agriculture and ranching. It's a really entertaining tour, and we'd like to let you all know you're welcome. We'll call it a rain check for those of you who can't

stay over this weekend. Let us know next year or next session that you would be interested.

[Daniel Kaffer, continued.] I work a lot with ranchers and farmers. I think they're the salt of the earth, and they'd like to share their livelihoods and what they do with folks like yourselves. I can answer questions. I can have my agency come back and talk to you.

There's a person in southern Nevada, named Teri Knight, that has the same job I do. If you look at the long blue folder that's folded in half ([Exhibit M](#)), there's a Resource Conservation and Development Council in southern Nevada, which takes in everything from Nye County all the way south. They're working on all kinds of projects there from treatment of tamarisk and weed control to community development projects and historical preservation. You name it, they're working on it.

Teri's a wonderful resource in the Las Vegas office. We have eight or ten people in our Las Vegas office with USDA, and they can work with you on some of the USDA programs we have for private landowners, counties, and tribes. We do not work on federal lands. Our primary focus is for the private landowner, county government, the tribal lands, but not our federal lands ([Exhibit N](#)). BLM, the U.S. Forest service, and others have that responsibility.

**Chairman Claborn:**

This goes to show you with a lot of determination and a lot of hard work we did bring eagles back. We can bring a lot of our other wildlife back, like maybe our mule deer. Really, it takes a lot of hard work and perseverance. They are back. It makes me so happy, as I'm sure it does everyone on this Committee.

**Daniel Kaffer:**

For the past maybe ten years, or five sessions, my organization has helped host a tour for the Natural Resources Committees of both the Senate and the Assembly, working with Assemblyman Hettrick and Senator Jacobsen and other folks. I know you guys are really limited with your time and have not been able to go out in the field, but, at your call, we would set up a tour of just an hour or more to leave the Capitol, go down to the Carson River, and look at some of the projects. We've worked with your whole Department of Conservation and Natural Resources and many others in State government, with the feds, with the private landowners, with the community and the service clubs and all the different organizations, trying to restore the Carson River and other projects.

We can do that in short order, but it's really difficult to get you all at the same time. So, any time that you guys want something like that, we will take you

out for an hour, even if it's just at lunch. We'll take you down to the river and show you some of the projects we've done and we're really proud of and that the community has supported.

[Daniel Kaffer, continued.] We've had over 11,250 volunteers working on the Carson River. That is documented. They've been out there planting willows and doing erosion control work for the community and for improving water quality. That involves many of your State agencies under the Department of Conservation and Natural Resources, along with the private sector.

Your conservation districts are tremendous partners with us. We all work together to make these projects happen. We work with the Boy Scouts, the Girl Scouts, churches, you name it. Everyone's out there trying to restore our natural resources. They're working on private ranches and working with the agricultural producers to do these things in many cases.

**Assemblyman Marvel:**

I think one time, before the 120 days, they used to just take one day out. In fact, the whole Legislature would take that "farm tour," as they called it. Everybody was invited, all 63 of us.

**Daniel Kaffer:**

We've had two busloads, over the past decade, of people going on some of our tours to look at some of our projects. However, your time is so short—

**Assemblyman Marvel:**

With 120 days, it's taking a lot of time away from us.

**Daniel Kaffer:**

Yes, but don't be shy. My office is right here in Carson City. I'm listed in that long brochure ([Exhibit M](#)). Any of you can call me and say, "Hey, can you take me and my spouse out for an hour or two?" and I'll take you out in a heartbeat if I'm free.

**Chairman Claborn:**

Why don't you come back in a couple weeks or whenever we get all our bills out of this Committee, and we'll sit down and talk.

Is there any old business to come before the Committee? Any new business?  
Are there any comments from this Committee? This meeting is adjourned [at  
3:25 p.m.].

RESPECTFULLY SUBMITTED:

---

Mary Garcia  
Committee Attaché

APPROVED BY:

---

Assemblyman Jerry D. Claborn, Chairman

DATE: \_\_\_\_\_

## EXHIBITS

**Committee Name:** Natural Resources, Agriculture, and Mining

**Date:** February 23, 2005      **Time of Meeting:** 1:35 p.m.

<b>Bill #</b>	<b>Exhibit ID</b>	<b>Witness</b>	<b>Dept.</b>	<b>Description</b>
	A			Agenda
	B	Allen Biaggi	DCNR	Spiral-bound report: State of Nevada Department of Conservation and Natural Resources—Perspectives: A biennial Report of 2002-2004
	C	Dave Morrow	DCNR	PowerPoint presentation: Nevada State Parks—Historic Places to Wide Open Spaces
	D	Dave Morrow	DCNR	Brochure: Nevada State Parks
	E	Hugh Ricci	NDWR	PowerPoint presentation: Introduction and Brief Overview of the Division of Water Resources
	F	Cathy Barcomb	WHC	Poster: Western States Wild Horse and Burro Expo
	G	Willis Lamm	LRTC	Printed testimony; Table: Contributions to State Agricultural Economies by Adopted Wild Horses & Burros; Flyer: <u>H.R. 297</u> Good For Wild Horses
	H	Tyrone Kelley	LTBMU	Printed testimony
	I	Tyrone Kelley	LTBMU	PowerPoint presentation: The Lake Tahoe Basin Management Unit
	J	Amber Joiner	LCB	NAC and NRS extracts
	K	Daniel Kaffer	NRCS	Brochure: Eagles and

## Page 40

[illegible]