

**MINUTES OF THE  
SENATE COMMITTEE ON NATURAL RESOURCES**

**Seventy-third Session  
February 9, 2005**

The Senate Committee on Natural Resources was called to order by Chair Dean A. Rhoads at 1:30 p.m. on Wednesday, February 9, 2005, in Room 2144 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Dean A. Rhoads, Chair  
Senator Mike McGinness, Vice Chair  
Senator Mark E. Amodei  
Senator Bob Beers  
Senator Bob Coffin  
Senator Michael Schneider  
Senator Maggie Carlton

**STAFF MEMBERS PRESENT:**

Linda Eissmann, Committee Policy Analyst  
Billie Brinkman, Committee Manager  
Lee-Ann Keever, Committee Secretary  
Jonathan Sherwood, Committee Secretary

**OTHERS PRESENT:**

Pamela B. Wilcox, Administrator and State Land Registrar, Division of State Lands, State Department of Conservation and Natural Resources  
Charles Donohue, Lake Tahoe Program Coordinator, Division of State Lands, State Department of Conservation and Natural Resources  
Steve Robinson, Advisor on Wildlife, Conservation and Rural Nevada Issues, Office of the Governor

CHAIR RHOADS:

There are several environmental concerns including water and we might have more bills this year than we did last year. The Committee Standing Rules ([Exhibit C](#)) are in front of you. There has been one rule omitted and later I would like to bring it back by amendment, but we should approve them today.

SENATOR AMODEI MOVED TO ADOPT THE STANDING RULES OF SENATE COMMITTEE ON NATURAL RESOURCES OF SEVENTY-THIRD SESSION.

SENATOR MCGINNESS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:

Senator McGinness has a bill draft request (BDR) to put in the record.

SENATOR MCGINNESS:

This request came from the Nevada Association of Conservation Districts and would amend *Nevada Revised Statutes* (NRS) 548 to expand the State Conservation Commission to administer funds to conservation districts. Currently under NRS 548.175, the Commission can only administer funds appropriated by the State. This statute would be amended to allow the State Conservation Commission to seek, receive and administer grants to the conservation districts and support conservation district programs and projects.

SENATOR MCGINNESS MOVED TO REQUEST A BILL DRAFT TO EXPAND THE STATE CONSERVATION COMMISSION TO ADMINISTER FUNDS TO CONSERVATION DISTRICTS.

SENATOR AMODEI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:

We will now have a presentation by Pamela Wilcox, Administrator of the Division of State Lands.

PAMELA B. WILCOX (Administrator and State Land Registrar, Division of State Lands, State Department of Conservation and Natural Resources):

We have a PowerPoint presentation. There is a handout ([Exhibit D](#)) in front of you. Our Lake Tahoe program began with the President's visit in 1997. The program was designed to put environmental improvements on the ground at Lake Tahoe to turn around degradation. We have developed a multiagency team that works on that program. This program includes staff from the Division of Forestry, Division of State Parks and the Department of Wildlife. If you will recall when the President visited in 1997, Nevada was asked to pay \$82 million for the environmental improvement program.

CHAIR RHOADS:

Did the \$82 million come from General Election Ballot (The Conservation and Resource Protection Grant Program) Question 1?

MS. WILCOX:

None of the \$82 million came from Question 1. We already had \$5.6 million in miscellaneous funds committed to Lake Tahoe. Question 12 had been passed by the Legislature in 1995, approved by the voters in 1996, and that provided \$20 million for Lake Tahoe. That left approximately \$56.5 million to be made up by the State. The 1999 Legislative Session set up the program authorizing the entire \$56.5 million, providing we would give a status report every two years on what had been done to date. This session we will be asking for \$16.8 million. That will leave \$10.3 million of the \$82 million yet to be requested in the future.

CHAIR RHOADS:

Is the \$16.8 million in the Governor's budget?

MS. WILCOX:

Yes. The two slides on pages 3 and 4 ([Exhibit D](#)) list projects that we have identified that need to be done. Of 81 projects, 28 have been completed. We have 14 projects in progress. We have 11 long-term projects that are continuing. We have only 17 projects left that have not been started. We are doing very well and the program is essentially on schedule. We are not going to

be done by 2007, which was the original ten-year target, but we will have all of the projects started by then and we will not be exceeding \$82 million.

CHARLES DONOHUE (Lake Tahoe Program Coordinator, Division of State Lands, State Department of Conservation and Natural Resources):

In the water quality threshold, we have 30 environmental improvement program (EIP) projects. Seventeen of those projects have been completed and eight are in progress to date. Five projects are scheduled for future implementation. All of our projects focus on source control, revegetation, conveyance and treatment. In Douglas County, we completed a project with the Round Hill General Improvement District (GID). It was phase two of a three-phase project. We were working with the GID as well as the U.S. Army Corps of Engineers to restore an ephemeral channel which has been designated by the Tahoe Regional Planning Agency (TRPA) as a stream environment zone (SEZ). This was completed on one of the State's 479 parcels in the Lake Tahoe Basin.

Another project that Douglas County took the lead on was the Kahle Drive Water Quality Improvement Project. The project worked for water quality improvement as well as improving the SEZ area in the lower portion of Rabe Meadow. We worked with the local jurisdictions, who often come to us through our funding agreement rounds and apply for grant money. They prioritize the need for their communities in the next few years. The picture in the upper left corner of page 6 ([Exhibit D](#)) is Burke Creek. A flume was put in there a number of years ago for flood control and conveyance. In 2003, we removed the flume and restored that channel through a Douglas County parcel which was deeded to the State. Rosewood Creek was constructed in 2003. It is a channel realignment and is located in Incline Village. The local jurisdiction, Washoe County, worked with the property owner, Incline Village General Improvement District (IVGID) and the State, to reintroduce water into the old channels. You can see, on page 7 ([Exhibit D](#)), the vegetation coming in after realignment. There has been a lot of work done by the Nevada Department of Transportation (NDOT) during the past construction season. One of the large projects of NDOT was a fish passage on Third Creek where State Route 28 passes over the creek. The double-barrel culvert in the upper left photo on page 7 ([Exhibit D](#)) was a leap and velocity barrier for fish to pass through. The NDOT partnered with IVGID as well as the State and installed a fish-friendly culvert. The NDOT has also been involved in the reconstruction of a number of bin walls. Our program partners with NDOT to cover the costs of the water quality improvements associated with those bin wall projects.

Our forest health program work is done within either the Lake Tahoe-Nevada State Park or down at the Van Sickle property. This past field season, over 100 acres were identified using a global positioning system (GPS) and units were flagged. There was initial entry for removal of excess fuels. Pile burning should be completed this winter if the snow melts off quickly enough. In Tunnel Creek, we are also tying into some work the local community is doing. They have a halo fire break they are trying to put into place. The U.S. Forest Service is also tying into the work that our forester, Roland Shaw, is doing. In Slaughterhouse Canyon, this year, 32 acres were identified utilizing GPS and 248 acres were treated with pile burning.

Recreation projects are carried out with the Division of State Parks. A number of projects have been completed. The Sand Harbor Visitor Center is now completed. The interior is now 90 percent complete. The utilities associated with phase two were finished this past construction season. One of the projects that the Division of State Parks worked on was sand dune rehabilitation. They removed some of the old barriers and put in a low stone wall to control pedestrian access. Some of those funds came from our licensing program. We are trying to get some healthy stem improvement for the aspen community.

CHAIR RHOADS:

Approximately how much money has the licensing program generated?

MR. DONOHUE:

Approximately \$2 million has been generated.

MS. WILCOX:

That has been a relatively successful program and we would be happy to get you the actual data. It continues to be popular, but it has leveled off a little bit.

CHAIR RHOADS:

Is that \$2 million total revenue since you started it, or \$2 million a year?

MS. WILCOX:

It is a few hundred thousand dollars a year and it goes into a fund administered by our office. Some of that money goes into these projects but the focus is broader.

CHAIR RHOADS:

Are you going to talk about the clarity of Lake Tahoe? Has it started to improve?

Ms. WILCOX:

There has been gradual improvement. This year it will probably look worse because we have a heavy snow pack. This will increase the runoff into the lake. Therefore, it will look worse for a year. That said, however, this program is very successful. The slide on page 12 ([Exhibit D](#)) was already reviewed, but this is the summary of the State's \$82 million. We have a list of projects that should be implemented in the next two years. Some of the money will go out as grants to local governments we work with on GIDs. The last slide on page 13 ([Exhibit D](#)) is a list of the details of our bill request. Most of the money will go to NDOT. As Mr. Donohue explained, NDOT pays for the basic highway project and we pay for the environmental improvement increment. The amount of \$650,000 will go to the continuation of the forest health projects in the Lake Tahoe-Nevada State Park and \$1.5 million will go to stream restoration projects. We also have a contingency fund that will be the request for this session.

SENATOR CARLTON:

I would like to hear more about how projects are prioritized and sequenced so everyone understands.

Ms. WILCOX:

Our project prioritization is done through an interagency process. We do not just pick out a project in our office. We have developed a long-term list and we discuss it with other agencies and find out what they are doing. For example, if NDOT will be doing work along one of the highways and we have projects that may be impacted along that same highway, we try to make them all fit together. If there is an area where one project should come first, that project would be done first so as not to be disturbed by later projects. It is deliberate and done with coordination among all of the agencies to make sure we do this as intelligently as we can.

SENATOR CARLTON:

Has anyone ever tied the purse strings to the projects and decided which projects are done first?

MS. WILCOX:

We get requests from local governments for projects they think are ready to be started. This is a cooperative effort and we cannot make these projects happen. We do need to have people come forward and request the projects. If someone comes forward with a project that is not timely, we will work with them to try and make it work.

CHAIR RHOADS:

Linda Eissmann, Committee Policy Analyst, will outline the packet ([Exhibit E](#), original is on file in the Research Library) that is in your file folder.

MS. EISSMANN:

In your packet you have the Committee Brief, Senate Committee on Natural Resources, 2005 Legislature, February 9, 2005 ([Exhibit E](#)), which I will review now. I do think that water and wildlife are going to be major issues this session. You will also see major deadlines during the session listed. Finally, there is a section with contact numbers.

CHAIR RHOADS:

I have a bill draft request that I would like to have drafted. With land sales in Las Vegas, the State gets 5 percent of the federal land sale price. In President Bush's new budget, that money will now go to the General Fund. I would like a BDR requesting that money stay in the same percentages as it is today.

SENATOR COFFIN:

On Monday, Senator Titus requested a BDR to do that very thing. Do you want to have two BDRs on the subject?

CHAIR RHOADS:

In what committee did she request it?

SENATOR COFFIN:

She made it as an individual request.

CHAIR RHOADS:

If she did that, then I will withdraw my request.

STEVE ROBINSON (Advisor on Wildlife, Conservation and Rural Nevada Issues, Office of the Governor):

The position I am funded under is due to expire on June 30, 2005. I worked with the Governor and I am sure he will have something for me to do, but the position goes away.

CHAIR RHOADS:

Why would the position go away when agriculture is such an important part of Nevada's economy?

MR. ROBINSON:

The funding for the position was a onetime occurrence. That was the way it was presented to the committees when it was authorized. I will review what I do and the issues Governor Guinn has been working on during the past couple of years as well as what he intends to be working on over the coming year. I coordinate what happens between the resource agencies and State government. As you know, the agencies do not always agree on the best course of action, so we try to come up with a reasonable position that represents the State. The Governor made a commitment during his first campaign that there should be a focal point which dealt with rural issues. I have tried to concentrate on those issues.

CHAIR RHOADS:

Who will we talk to in the Governor's Office concerning rural issues when you are gone?

MR. ROBINSON:

I do not know at this time. There will certainly be somebody assigned to that role. I am also the principal link to the U.S. Department of the Interior and the U.S. Forest Service at the State level. I also deal with the State director of the Bureau of Land Management (BLM). I also deal with these agencies at the federal level, particularly at the approval and regulatory stages because a lot of what we need in Nevada is passed at the local agency level and then it is stopped in Washington, D.C. I am also the liaison with the Western Governors' Association. The Governor is concerned with many issues; the first would probably be the sage grouse. An endangered species listing of the sage grouse would change life as we know it in Nevada, and that is not an overstatement. There was no listing that took place and in this area we had a great success.



We met with a variety of groups, such as ranchers, environmentalists and others to come to a conclusion.

There are two things I would like to pass on to you, Mr. Chair, with regard to water. First, Nevada water law has worked well for us for over 100 years. It has changed a little bit here and there, but it is a good law. Compared to other states we are in great shape. We urge you to carefully consider any change in that status. Second, the State water engineer has served in an apolitical capacity and we think that any change in that status should be considered very carefully before it is done.

SENATOR AMODEI:

I could not agree more. I think it is important to do the right thing. There have been rumors of a bill to change several hundred mid-level state employees from classified to unclassified. Perhaps, I did not get the information correct. This might affect issues such as water conservation. Could you see if something like that is going to happen and let us know?

MR. ROBINSON:

Senator, that is a little outside of my purview. I do know there is an administration initiative to make a system out a nonsystem. I do not know the details.

SENATOR AMODEI:

I do not expect it today, but it would be in your purview if it will have impacts in the Division of Water Resources (DWR) and Division of Environmental Protection (DEP). If you could check, that would be great.

MR. ROBINSON:

I will check on that. Finally on water studies, there is one under the Nevada Lincoln County Conservation, Recreation and Wilderness Act that provides for a water study. Our water resources office is working with the U.S. Geological Survey (USGS) and they will head the study.

CHAIR RHOADS:

Is this study funded by the State or by federal money?

MR. ROBINSON:

This study is from federal money.

CHAIR RHOADS:

Is there any money in the Governor's budget for a study on water?

MR. ROBINSON:

No, there is not. The studies on water are so expensive.

CHAIR RHOADS:

Four or five sessions prior, we had appropriated money from the federal government to conduct studies on water. The information must be available somewhere.

MR. ROBINSON:

We are concerned that the information is gathering dust somewhere. Concerning wild horses, the Governor wrote a letter to the U.S. Secretary of the Interior outlining the devastating impacts of the horse herd overages on the rangelands. He asked to get the management levels down to where the agency has placed them. We have been successful in getting the roundups going, but not at the rate they should be. We have been concerned about the funds that have come to Nevada. Ten to fifteen percent of the federal funds for horses come to Nevada, but we have over half of the horses and that is not right. The U.S. Department of the Interior needs to change that. The Governor is in favor of the congressional authority that was passed last time. That would give the right to the BLM to sell the horses and we would urge them to do that in a humane way.

We are always concerned with maintaining the mining industry. The industry is doing very well. New exploration and claims are happening and the most common complaint is the lack of equipment and people. We are trying to get things moved ahead in the bureaucratic process here in the State or at the federal level. Finally, the Governor is concerned with the wildfire danger, particularly in the Lake Tahoe Basin. We have a volatile and dangerous situation there. The single-most devastating environmental event in the Lake Tahoe Basin would be a large wildfire. We have a lot of work to do in the south.

CHAIR RHOADS:

I, too, would like to compliment the Governor for the committee he put together regarding the sage grouse. The director of the BLM said he felt that Nevada was the leader in trying to protect the sage grouse. Have you discussed

President Bush's budget with the Governor? They earmarked the money that comes from federal land sales and moved it from the State to the federal level.

MR. ROBINSON:

We have discussed it and we oppose that move adamantly.

SENATOR AMODEI:

Can you go over the airframe situation in terms of how we work with the National Guard and their mission in the Middle East? What is the federal government doing in regard to airframe safety and what assets do we have that are State assets? Is the short answer that our assets are all in the Nevada Division of Forestry (NDF)?

MR. ROBINSON:

I understand that our Chinook helicopters which served as a backup for us are gone. They probably will not be back for a couple of years. At the federal level, the large air tankers have been cut back to the point where there is only one currently stationed in Nevada.

SENATOR AMODEI:

In terms of air assets, besides the two small helicopters in the north, what else does the State own?

MR. ROBINSON:

In an emergency those two helicopters would be available, but generally they are out doing business concerning wildlife issues. The way we fight fires is on local, State and federal levels. If we ran out of assets, we would ask for federal assistance and often do so. In a large fire year, we are competing with other states that have tall trees that seem to get the priority in the disbursement of assets.

SENATOR COFFIN:

In the 2003 Legislative Session, I suggested to the military department and NDF that they get together because the C-130s that we have in the National Guard are useable for fighting forest fires. I do not know what happened, but that was two seasons ago. We could have had them in use by now or at least we could have had the kits ordered. What happened?

MR. ROBINSON:

I know we have asked about the Modular Airborne Firefighting System (MAFFS) units which go inside the C-130s and equip them to put out fires and to carry people. It is an expensive operation and is personnel intensive. The Adjutant General of Nevada has put in for that to the U.S. Forest Service as they would fund it. They do not have any extra MAFFS units available, but were told that when any became available, Nevada would be first on the list to receive them.

SENATOR COFFIN:

Two years later and they are still talking. It is another winter and we could be doing something.

MR. ROBINSON:

It could be done. I do not know the exact expense. It is expensive and also labor intensive.

SENATOR COFFIN:

I understand what you are saying, but "so are fires." We would like to have that option available.

MR. ROBINSON:

We have asked for it. U.S. Congressman Gibbons has asked for it. We are on the list.

SENATOR COFFIN:

Why not just buy the kit to go in the C-130s? How much does it cost?

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MR. ROBINSON:

We will find out. I do not know the answer to that.

CHAIR RHOADS:

If there is nothing else, this meeting is adjourned at 2:40 p.m.

RESPECTFULLY SUBMITTED:

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Jonathan Sherwood,  
Committee Secretary

APPROVED BY:

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Senator Dean A. Rhoads, Chair

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