

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

**Seventy-fourth Session
February 19, 2007**

The Senate Committee on Natural Resources was called to order by Chair Dean A. Rhoads at 3:36 p.m. on Monday, February 19, 2007, 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 in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Dean A. Rhoads, Chair
Senator Mike McGinness, Vice Chair
Senator Joseph J. Heck
Senator Michael A. Schneider
Senator Maggie Carlton

COMMITTEE MEMBERS ABSENT:

Senator Mark E. Amodei (Excused)
Senator Bob Coffin (Excused)

STAFF MEMBERS PRESENT:

Susan Scholley, Committee Policy Analyst
Randy Stephenson, Committee Counsel
Michael J. Stewart, Principal Research Analyst
Ardyss Johns, Committee Secretary

CHAIR RHOADS:

Since Senator Amodei and I will be speaking at the Nevada Water Resources Association Conference in Sparks, we will not be meeting this week on Wednesday. Our next meeting will be Monday, February 26. We have a bill draft request (BDR) that came out of the Legislative Commission's subcommittee to study the Protection of Natural Treasures chaired by Senator Titus during the interim. It is [BDR 40-209](#).

BILL DRAFT REQUEST 40-209: Requires the State Environmental Commission to adopt regulations relating to the handling and storage of certain quantities of mercury. (Later introduced as [Senate Bill 118.](#))

SENATOR MCGINNESS MOVED TO INTRODUCE BDR 40-209.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED (SENATORS COFFIN AND AMODEI WERE ABSENT FOR THE VOTE.)

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CHAIR RHOADS:

We have a Committee BDR I would like to bring to your attention. Senator McGinness and I met with Jeff Krauss from Washington, D.C., who was with the National Ocean Industries Association (NOIA). This BDR has to do with offshore drilling and as I understand it, President George H.W. Bush, during his administration, ordered an offshore drilling ban on most waters around the United States, except for a place in the Gulf of Mexico. There has been an urgency lately, because of the shortage of fuels, to come up with a study and take another look at areas all around the United States. So far, Utah, Montana, Washington, Idaho and possibly a couple other states, have passed this resolution. Mr. Krauss would like to appear before our Committee when we get the bill. Tom Frey, who was previously the director of the Bureau of Land Management (BLM), is the Chief Executive Director of the NOIA, which is made up of all the energy companies.

SENATOR MCGINNESS MOVED TO REQUEST A BILL DRAFT FOR A RESOLUTION URGING DEVELOPMENT OF OFFSHORE ENERGY RESOURCES.

SENATOR HECK SECONDED THE MOTION.

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SENATOR MCGINNESS:

According to the information Mr. Krauss provided, the NOIA wants the administrative withdrawals removed, which does not mean it gives a license to drill. It would just allow an opportunity to reevaluate.

SENATOR SCHNEIDER:

Are you saying someone just wants to come here and talk to us after we have a bill draft?

CHAIR RHOADS:

Yes.

SENATOR SCHNEIDER:

Is this a private organization?

CHAIR RHOADS:

Yes, it is based in Washington, D.C. At one time, Mr. Frey was a congressional aide.

THE MOTION CARRIED. (SENATORS AMODEI AND COFFIN WERE
ABSENT FOR THE VOTE.)

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CHAIR RHOADS:

Michael Stewart, who staffed the Legislative Committee on Public Lands for the 2005-2006 interim, will give us a rundown on what was accomplished. He put together the packet you all have before you ([Exhibit C](#), original is on file in the Research Library).

MICHAEL J. STEWART (Principal Research Analyst):

Nevada's Legislative Committee on Public Lands was statutorily established by the 1983 Session of the Nevada State Legislature. Senator Rhoads has chaired this Committee for over 20 years. In the past 24 years, the Committee has provided the only legislative oversight of the federal government's management of nearly 87 percent of Nevada's land.

The Committee provides a forum for the discussion of public lands matters with federal and state officials, representatives of special interest organizations and

other concerned individuals. It seeks information that may be used for future legislation or other legislative actions. In addition to an array of general natural resource topics, the Commission monitors and discusses issues relating to endangered species, livestock, grazing, recreation, wilderness and wild horses. Furthermore, it monitors local government natural resource issues, wildlife matters and military activities, including military land and airspace proposals. The Committee is charged by *Nevada Revised Statute* 218.5368 to actively participate in local, regional and national efforts to increase State and local roles in the management of public lands, and as a result, the Committee always expects a very busy legislative interim.

Every interim, the Committee meets primarily in the rural areas of Nevada and makes great efforts to hear from those in our rural communities. It appreciates the input of those who use our public lands. It optimizes its effectiveness by annually visiting members of the United States Congress, executive branch officials and private organizations in Washington, D.C. These productive sessions in our nation's capital provide Committee members with insight on federal policies and key contacts on public-lands issues. They also afford opportunities to educate federal officials on the public-lands perspective in Nevada and foster greater rapport with the members and staff of Nevada's Congressional Delegation and various interest groups.

MR. STEWART:

During the 2005-2006 Legislative interim, the Committee addressed a host of issues. It held a total of eight regular meetings throughout the State and attended two in-state informational tours. Meeting locations included Elko, Carson City, Pahrump, Fallon, Hawthorne, Battle Mountain, Mesquite and Ely. Every interim, the Committee tries to spread its meeting locations out to different places. We have met in practically every county in the State of Nevada since 1983, with the exception of Esmeralda and Storey Counties. It visited the facilities at Naval Air Station, Fallon and also participated in a tour in eastern Nevada highlighting the partnership and landowner assistance programs of the United States Fish and Wildlife Service and the Nevada Department of Wildlife.

As noted earlier, the Committee participated in two informational tours in Washington D.C., to converse with various elected officials, congressional staff and federal agency officials involved in public-lands policy matters. The Committee typically considers and discusses more than 50 public-lands-related

issues during its meetings and tours throughout the interim. During the past interim, these topics included:

- BLM and United States Forest Service (USFS) activities and policies in Nevada.
- Our checkerboard land issues.
- County and city public land issues.
- Drought relief.
- Endangered Species Act of 1973 and possible reforms of the Act.
- Federal and State legislation concerning natural resources.
- Fire suppression and prevention.
- Grazing issues.
- Land sales, disposals and exchanges.
- Local government involvement in management of federal lands in Nevada.
- Military operations and land use of military installations.
- Mining generally, including mineral exploration, mill site issues, permitting, abandoned mine lands, and federal and state regulation.
- National Environmental Policy Act and possible reforms to the Act.
- Noxious weed and invasive species abatement.
- Off-highway vehicle (OHV) federal travel management policies, and possible regulation of OHVs.
- Payments in Lieu of Taxes.
- State agency activities review.
- Water issues in general.
- Wild horses and burros; wilderness and wilderness study areas.
- Wildlife management.

MR. STEWART:

During the course of its meetings, the Committee was presented with numerous recommendations and requests. At its final meeting and work session, the members voted to request the drafting of nine bills and resolutions for consideration by the 2007 Nevada Legislature, which I will briefly review.

For the first time in many interims, the Committee had a greater focus on energy development on public lands. The sources of energy on public lands have become more highlighted as we face higher energy prices, nationwide. One topic the Committee has been increasingly interested in is biomass. Biomass is plant matter, such as trees, grasses, agricultural crops and other biological material that can be used as a solid fuel, or converted into liquid, gas or other

forms for the production of electric power, heat or fuels. At its meetings in Pahrump and Hawthorne, the Committee engaged in discussion concerning potential uses and benefits of biomass. It remains encouraged by potential economic and environmental benefits of biomass development, and was intrigued by presentations from Dr. Elwood Miller and John McLain of Resource Concepts, Incorporated. Dr. Miller encouraged the Committee to support a resolution encouraging private investment in biomass-related initiatives and the creation of financial incentives for the development of on-site generation systems using biomass.

While examining Geographic Information Systems (GIS), the Committee became aware that while some GIS applications are occurring within the Division of Forestry, much of the use of GIS among State agencies and departments is often limited to the Nevada Department of Transportation and the State Department of Agriculture. A natural resource-related GIS coordinator does not exist in State service. Some argued before the Committee that without such a coordinator to oversee and share GIS data sets in partner with local governments and other State agencies, and to provide GIS training, some of the potential for mapping would be lost. For example, testimony indicated that Nevada's Division of State Lands is unable to produce a map showing current State land holdings because the Division lacks the appropriate GIS software and machinery and has no GIS-trained personnel on staff. The committee was intrigued by this concern and voted to enact legislation creating the position of a natural-resources planner within the Department.

MR. STEWART:

The next recommendation concerns the legal challenges related to grazing decisions of federal land-management agencies. Throughout the interim, the Committee continuously heard about legal challenges made by certain groups and organizations to decisions rendered by the various federal land-management agencies, especially the BLM, concerning grazing. Many agency decisions extending the use of grazing allotments and reducing or expanding animal-unit months on those allotments, have been continuously challenged in court. Several individuals testified before the Committee and suggested these challenges represent efforts by certain groups to freeze and eventually eliminate public-lands grazing. The Committee was concerned about this and therefore requested the drafting of a resolution to express concern about the pattern we have been seeing concerning legal challenges.

MR. STEWART:

The fourth bill draft request would be a natural-resources planning position within the Division of State Lands, State Department of Conservation and Natural Resources. The Division actively works with local governing bodies to help identify federal lands suitable for auction. They help select lands that may be appropriate for acquisition as environmentally sensitive, and establish appropriate uses on State and federally owned land, and assist in realty actions. The Division works closely with local governments that do not have an active planning staff. When the Committee was at its meeting in Hawthorne, it heard from several individuals who praised the work of the Division of State Lands and identified the need for more natural-resource planning personnel to assist them as these federal land-management bills are passed. The Committee recommended there be legislation creating the position of a land-use planner with the Division.

I cannot recall an interim in which we did not have some sort of recommendation on noxious weeds and invasive species. This issue is huge and has great impact on our federal lands. During the interim of 2005-2006, that was no different. The nonnative plants across our rangelands are flammable, increasing fire frequency and intensity. They typically outcompete native plant species and thereby decrease the natural biodiversity of the wildlife habitat. Encroachment of noxious weeds reduces resource values of agricultural land, rangeland, forests, critical watersheds and wildlife habitats, while increasing the economic burden of protection, control and restoration.

One of the major issues identified was funding for noxious-weed matters. Therefore, two proposals were requested by the Committee. One was to provide an appropriation to help our cooperative weed-management areas for weed-control projects. The other proposal was to enact legislation authorizing the use of a certain portion of proceeds of the Governmental Services Tax for the control of noxious weeds in Nevada, and authorizing a slight increase in that tax to cover the cost of noxious-weed abatement.

Another BDR proposal from the Committee concerns off-highway vehicles. Throughout the last few interims, the Committee has looked into this issue. State agency involvement in OHV management has increased somewhat in the last few years. In fact, during the 2003-2004 interim, the Public Lands Committee requested the drafting of S.B. No. 400 of the 73rd Session. The measure was amended significantly during the 2005 Session. The bill requires

the State of Nevada to play an official role in issuing certificates of operation, and local governments now have specific authority to designate a portion of certain roadways as acceptable for OHV use. Much of the testimony received during the 2005-2006 interim, was in response to S.B. No. 400 of the 73rd Session. Many believed the final version of the bill did not go far enough in specifically requesting OHV registration and providing general statewide oversight. The Public Lands Committee felt compelled to request more legislation amending existing provisions and setting forth new provisions concerning OHVs in Nevada. The measure would provide for the continued issuance of certificates of operations for OHVs, set forth an OHV registration program and provide for other OHV regulation.

CHAIR RHOADS:

Nevada is the only western state not having some type of licensing and regulation of OHVs.

MR. STEWART:

Another BDR introduction requested by the Committee has to do with a new State park at Monte Cristo's Castle. During its meeting in Fallon, the Committee heard a presentation from proponents of the creation of a State park at Monte Cristo's Castle, which is located in northeastern Esmeralda County. These proponents discussed their 4-year effort towards establishing a State park, which calls for a park designation of 6,400 acres on land currently under the management of the BLM. If approved, this land would need to be transferred from the BLM to the State of Nevada. The land is characterized by unique geographical and geological features such as rock spires, steep cliffs and giant boulders. The Committee was intrigued by the proposal and requested the Legislature enact legislation establishing a State park at Monte Cristo's Castle.

Finally, throughout the interim, the Committee consistently heard reports regarding the lack of needed funds for wildfire suppression and rangeland rehabilitation following wildfires. Whenever we have an intense fire season, many of our resources are exhausted early on. Budgets for fire suppression and subsequent land rehabilitation are reduced, and therefore, reduce the ability of the various agencies to respond to wildfires. This leaves many thousands of acres without adequate post-fire treatment. The Committee requested a resolution to be drafted, urging the United States Congress to provide greater funding for wildfire suppression efforts and rangeland rehabilitation for those areas already impacted by fire.

Should you have any questions concerning basic natural-resource issues, you will find the Legislative Committee on Public Lands report, [Exhibit C](#), a useful tool you can keep on your desk. You will find summaries of some of the water-related discussions the Committee engaged in during the 2005-2006 interim. There are issue summaries for approximately a dozen different topics concerning the BLM and the USFS activities, county and city public lands issues, mining, energy development, noxious weeds, OHVs, Payments in Lieu of Taxes, endangered species and wildfire suppression. There are also summaries of each of the Committee recommendations.

CHAIR RHOADS:

There being no further business to come before the Senate Committee on Natural Resources, we are adjourned at 4:04 p.m.

RESPECTFULLY SUBMITTED:

Ardyss Johns,
Committee Secretary

APPROVED BY:

Senator Dean A. Rhoads, Chair

DATE: _____