

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

**Seventy-fourth Session  
February 28, 2007**

The Senate Committee on Natural Resources was called to order by Chair Dean A. Rhoads at 3:30 p.m. on Wednesday, February 28, 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 Mark E. Amodei  
Senator Joseph J. Heck  
Senator Bob Coffin  
Senator Maggie Carlton

**COMMITTEE MEMBERS ABSENT:**

Senator Michael A. Schneider (Excused)

**STAFF MEMBERS PRESENT:**

Susan Scholley, Committee Policy Analyst  
Randy Stephenson, Committee Counsel  
Ardyss Johns, Committee Secretary

**OTHERS PRESENT:**

Pamela B. Wilcox, Administrator and State Lands Registrar, Division of State Lands, State Department of Conservation and Natural Resources

CHAIR RHOADS:

We will start with Senate Bill (S.B.) 47, which was heard during our meeting of February 14, 2007.

**SENATE BILL 47:** Revises certain provisions concerning the taxation of livestock and sheep. (BDR 50-623)

CHAIR RHOADS:

This is more or less just a housekeeping bill. Its intent is to ensure all livestock in Nevada are subject to a head tax.

SENATOR MCGINNESS MOVED TO DO PASS S.B. 47.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR COFFIN ABSTAINED FROM THE VOTE. SENATORS AMODEI AND SCHNEIDER WERE ABSENT FOR THE VOTE.)

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CHAIR RHOADS:

We will now go to S.B. 48, which changes the name of district brand inspectors to agricultural enforcement officers.

**SENATE BILL 48**: Redesignates district brand inspectors as agricultural enforcement officers. (BDR 50-628)

CHAIR RHOADS:

I have a letter from the Office of the Attorney General, State of Nevada in support of this bill ([Exhibit C](#)).

SENATOR MCGINNESS MOVED TO DO PASS S.B. 48.

SENATOR CARLTON SECONDED THE MOTION.

SENATOR HECK:

In the original hearing of S.B. 48, there was concern expressed about the additional duties or authorities an agricultural enforcement officer would have over a district branding officer, and the scope of their authority.

Senate Committee on Natural Resources  
February 28, 2007  
Page 3

SUSAN SCHOLLEY (Committee Policy Analyst):

This bill changes the name of the job classification to a broad agricultural enforcement officer, and within that, people would be hired as district brand inspectors. Is that correct, Mr. Stephenson?

RANDY STEPHENSON (Committee Counsel):

That is correct. The idea is just to name these folks. It is not going to expand their powers of a peace officer in any way.

SENATOR HECK:

So, the authority of a district brand inspector is the same as that of an agricultural enforcement officer.

MR. STEPHENSON:

Yes, that is my understanding.

THE MOTION CARRIED. (SENATOR COFFIN ABSTAINED FROM THE VOTE. SENATORS AMODEI AND SCHNEIDER WERE ABSENT FOR THE VOTE.)

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CHAIR RHOADS:

We are pleased to have Pamela Wilcox here today to give us a presentation on the activities of her agency.

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

I have a few slides that talk about our history and have given each of you a paper copy of those ([Exhibit D](#)). I will start with the Division of Conservation Districts program, which started in the 1930s during the dust-bowl years when clouds of dust came off lands in the Midwest and blew as far as Washington, D.C. Congress, in response, created a series of conservation programs, including the Soil Conservation Service (SCS). President Roosevelt sent model legislation to all states suggesting if they created locally elected conservation districts, the SCS would assist them with natural resource conservation.

Conservation districts have no taxing authority and are not paid anything. They are volunteers who do any natural resource programs that are important locally. With no taxing authority, districts get whatever money they can get from any source, including grants. The photo at the top of page 2, [Exhibit D](#), shows a Nevada Tahoe Conservation District project. It is a conservation landscaping demonstration they are installing at Sierra Nevada College. The purpose is to show landowners in the Tahoe Basin what Best Management Practices they can use on their land. The pictures at the top of page 3, [Exhibit D](#), show a river restoration project at the West Walker River. That river did a lot of damage from the floods of 2006, and in this location, 35 feet of bank was lost. That land came out of the ranchers' fields, so the conservation district restored the land to the fields, and later, revegetated it with willows to make sure it was self-sustaining. The districts provide many different kinds of programs, including educational, watershed management and restoration, agricultural practices, water conservation and water-quality improvement projects.

Page 3, [Exhibit D](#), shows the Division of State Lands mission statement, which was developed by staff members. The picture is of Lake Tahoe Nevada State Park. What we call sovereign lands, are lands submerged beneath navigable bodies of water. Every state, under the equal-footing doctrine in the U.S. Constitution, at the moment it becomes a state, takes title to submerged lands. Those lands are held by the state in perpetuity to protect the state's navigational rights. Since we are a desert state, we do not have a lot of navigable bodies of water. Lake Tahoe, Washoe and Walker Lakes are all navigable, as well as the Truckee, Carson and Virgin Rivers. Navigability is ultimately determined by the courts. It is, therefore, possible that in the future, we might consider parts of the Walker or Humboldt Rivers to be navigable.

SENATOR COFFIN:

Because Lake Mead is a reservoir, artificially created, is it not considered part of our sovereign lands?

MS. WILCOX:

Lake Mead is not, however, the thread of the Colorado River, buried at the bottom of the lake, is. Sometimes, that becomes a point of issue. For example, there has been dispute over a bomber airplane that crashed and lies on the bed of Lake Mead. One of the questions that had to be resolved in order to determine who owned the bomber, was whether it crashed within the original

thread of the channel, or elsewhere. A determination was made that it was not within the original thread, so it was not on State land.

The other traditional category of land is trust lands. States receive grant lands from the federal government at statehood. When Nevada became a state, we received sections 16 and 36 in every township, as school-trust lands. We were the only state that traded that grant back. We traded in 4 million acres for half as much state selection land, so we ended up taking title to 2 million acres of land that we could select anywhere we wanted out of the public domain. We mostly selected those lands in the river valleys and near the mining communities. There was so much need for that land; it was all gone by 1900. All of the money generated on trust land goes into the Nevada State Permanent School Fund. Today, we have about 2,500 acres left, which is land that came back to us because whoever decided to buy it, thought it was such undesirable land, they did not want to finish making payments on it.

Agency lands are ones we have acquired for use by the different State agencies. We are the State's real estate office and hold title to almost all of the State's land. The exceptions are the Legislature, the university system and the Nevada Department of Transportation. Otherwise, whether it is under a State park, a prison or the State capitol building, we hold title for the State. We acquire new land needed by the State, and dispose of land that is in excess of its needs. We need the approval of the Legislature to dispose of lands. Most of our staff's time is actually spent with various kinds of authorizations for people to use State land; easements, leases and different kinds of permits. We are also an official State archive. We have all of the State land records since statehood in our office. We have a climate-controlled vault in which those records are held.

The State Land Use Planning Agency is a section of the Agency created by statute. It has two main jobs. It provides technical planning assistance and facilitation to local governments in rural counties, and it works on federal-land issues. The picture at the top of page 6, [Exhibit D](#), shows one of two staff planners conducting a session in Beatty. Beatty is currently in the middle of a public land debate involving several factors. One is whether some Bureau of Land Management (BLM) land outside town should be sold to accommodate additional development. There is also a sensitive species, the Amargosa toad, located on the wetlands outside town. Therefore, the federal agencies, the

Nevada Department of Wildlife and the townspeople are all working together to try to develop a master plan that will guide what will happen in the future.

MS. WILCOX:

We do a lot of outreach activities, such as regular training sessions for county commissioners and planning commissioners who do not have a good understanding of the State's planning laws. We explain what master planning is about, what zoning is for and what are their powers and responsibilities. We do a lot of different planning activities relating to federal lands. The upper right picture in the box at the bottom of page 6, [Exhibit D](#), is the Las Vegas Bearpoppy. It is a sensitive species, and there is a massive planning effort ongoing in the Las Vegas Valley to protect it. The picture in the middle is Crescent Dunes north of Tonopah. We have several places in Nevada with wonderful sand dunes that provide recreational opportunities. We work on these federal land issues in a number of different ways. We do what we call Public Lands Policy Plans. We help local governments adopt land-use plans so they can be clear, in writing, how they hope the federal lands in their counties will be used.

We work with the State Clearinghouse, which is a review of proposals to use the federal land. Increasingly, we spend a lot of time on congressional land bills that are going county by county. There are bills being discussed in more than half of Nevada's counties, and we try to stay abreast of that effort and to help represent the State. We work with the BLM's Resource Advisory Council and all kinds of environmental review processes.

This agency was given jurisdiction to hold the funds created by the Mount Charleston License Plate Program. It has not generated as much money as we had hoped, but at the present time, we have approximately 2,800 registered Mount Charleston license plates. We agreed to allow that fund to build up and it is now over \$150,000. We are finalizing guidelines under which we will be issuing grants for environmental projects in the Mount Charleston area.

SENATOR AMODEI:

I know there was a master plan for the Capitol Complex. Do you do master planning in terms of State facilities and State lands, and in terms of needs, and how often is that process updated? The reason I ask, is because I know we have had a master plan for the Capitol Complex, but when did we last visit that

from the foundation up, and revisit it in the context of how the State is growing? What is its mission in other areas, whether it is the Truckee Meadows, Elko County or Clark County? I assume your agency is the tip of the spear on that issue. Can you give me a feeling for where we are in terms of maintaining, updating it as necessary, or seeing it evolve?

Ms. WILCOX:

The job of planning for the State's future land needs; lands we need for future State facilities, is shared between our office, the State Public Works Board and the Buildings and Grounds Division. We have developed several master plans. The master plan for the complex here in Carson City was updated just a few years ago, so it is quite current. It had to be updated in order to site the Bryan Building, which was the first new building to be built on the Capitol Complex in a long time. Everyone wanted to make certain the building would be sited in a way that would be harmonious with what we expected for the future.

We went through a similar planning process for Stewart, so we have a master plan for the Stewart facility, which is currently in the process of being updated. There was a master plan done for the Las Vegas Valley a few years ago. It was an inventory of existing agencies having offices and other land uses, and a projection of future needs. There also is discussion of doing one of those for the Reno area. Otherwise, in the smaller communities, we try to talk regularly to the agencies that have offices, so that we are aware of their land needs. Every time there is an opportunity to get a piece of land for free, the Division tries to secure that land and hold it for future State needs.

The State Land Use Planning Agency has an advisory council. As far as I know, it is the only State entity having one representative from each county. Seventeen members are appointed by the Governor and are typically county commissioners or planning staff. We meet quarterly and talk about State and federal land issues, flood control and so on. Another program within our office is the Question 1 Program. It was initiated when the voters approved Ballot Question No. 1 in 2002, which is the conservation bond program. It was a \$200 million bond program, and of that amount, \$65.5 million was used to create the State's first conservation grant program. There are a number of categories for which grants can be applied. So far, we have awarded nearly

\$30 million in grants to 90 different projects in 13 of the 17 Nevada counties. Most go to local governments, but nonprofits are also eligible in some cases.

The top project is in Clark County and is called Project GREEN, which is a recreational trail in the Pittman Wash in Henderson. Another project was a land acquisition of 1,200 acres at Soda Lake in Churchill County. It is an area subject to development pressures, and the county applied for funds to be able to secure these lands for public access in the county recreation area.

MS. WILCOX:

We have an interagency effort to protect Lake Tahoe. We coordinate the work of many different agencies. We have a Tahoe team made up of nine members; one from the Department of Wildlife, one from the Division of Forestry and one is a recreational specialist who is an employee of the Division of State Parks. They, along with a number of people from the Division of State Lands, are all housed together in our office, where we coordinate the State's environmental improvement program. We also work very closely with the Division of Environmental Protection, the Nevada Department of Transportation and any agency that has any jurisdiction in the Tahoe Basin, to make sure the Lake is protected. This effort was started in 1997 after the Presidential Forum at Lake Tahoe, where the State made a commitment to put \$82 million worth of projects on the ground in 10 years. The bottom box on page 9, [Exhibit D](#), shows a summary of the 124 projects we were responsible for doing with that \$82 million. We have 65 projects completed and 37 in progress, with 22 projects remaining to be started in the future.

In order to protect the clarity of the Lake, water quality is our highest priority. All of our water-quality projects are complex and focus on a combination of things. The first is source control. The most advantageous thing is always to make sure the soil stays on the ground. The second is flow reduction to try to minimize the impact of precipitation, which does most of the damage. The third is conveyance, in so much as we cannot prevent it, we try to capture and convey the soil to a treatment facility. We have done more than 2,000 acres so far, with more yet to do.

SENATOR COFFIN:

The quagga mussel has invaded Lake Mead and Lake Mohave, and they are almost uncontrollable. You can only remove them by mechanical means, which means scrubbing them off hard surfaces. They come in on boats. How are we



going to keep them out of Lake Tahoe? Do we have a program to literally inspect and/or scrub every boat that checks in there before they infest Lake Tahoe?

Ms. WILCOX:

That is a topic of huge discussion at Lake Tahoe right now. The discussion actually started a few years ago with a vegetative species that started to show up, and now, the quagga mussel is accelerating the concern. The Tahoe Regional Planning Agency has been discussing the shore zone ordinance for 10 or 12 years and it is close to adoption. One of the things under discussion is there may have to be a program to clean boats both coming into and leaving the Lake. We already have milfoil in the lake, which is an invasive aquatic plant, and we do not want it spread to other areas.

SENATOR COFFIN:

Did you know quagga mussels actually clean up the water? It cleans the water because it lives on the phytoplankton. It leaves the water clearer, but it starves the fish.

Ms. WILCOX:

We are very concerned about all of Nevada's water. Other water-quality projects include an erosion-control grant program. Some of the projects are done by the State, but more are done by local jurisdiction. Another big focus of the program is Forest Health Restoration. Our highest priority is to reduce excess fuel loads on State-owned land, which is primarily the land within Lake Tahoe Nevada State Park. So far, we have treated 936 acres for forest-fuels reduction and forest-health improvements. The top photo on the right on page 11, [Exhibit D](#), is beautiful, but that is not the way a healthy forest should look. It is massive, dense fir trees, choked with both living and dead vegetation, and extremely prone to fire. The bottom photo on the right shows you some of the material that was taken out during a major thinning operation. This also improves wildlife habitat. In addition to generally improving wildlife habitat, we have found some really interesting species. The picture at the top of the bottom box on page 11 is of a mountain beaver, which is rare in this part of the world, and we are doing our best to protect their habitat. The picture under that is an aspen stand. This was also choked with a fir thicket, which has been removed, providing a far superior wildlife habitat. Improving the biodiversity of the vegetative species will, in turn, improve the biodiversity of the habitat for wildlife species.

We do a lot of recreation projects. The picture on the top of page 12, [Exhibit D](#), is the new Sand Harbor Visitor Center, which was considered to be an environmental-improvement project and was partially funded with environmental-improvement project dollars. We also do a lot of recreational trail projects. We created a new trail up North Canyon to Marlette Lake. The existing trail had become so heavily used by bicycles, there were conflicts between the mountain bikers and the hikers. We put in a new, narrower trail for hikers, that goes up on the other side of the canyon. We have also completed trails near Sand Harbor.

The Lake Tahoe License Plate Program has been very successful. So far, we have approximately 21,000 registered plates. Because this program has been in existence since 2000, it has generated more than \$3.5 million for grants for projects to protect Lake Tahoe. Every year we award \$300,000 to \$400,000 in grant funds. The two pictures in the bottom box of page 12, [Exhibit D](#), are before and after pictures of the Sand Harbor parking lot. The sand would come through the small fence and across the parking lot, where it would end up in the storm-drain system, and then wash into the Lake. It has been replaced with a wall and fence system, which channels the public use of the facility, and keeps the sand out of the parking lot to better protect the water quality of the Lake.

SENATOR AMODEI:

I apologize for missing the first part of the meeting regarding S.B. 48. I received a memo from the Legal Division of the Legislative Counsel Bureau last week regarding brand inspectors and probable-cause stops. I will make a copy of that memo available to the Committee members. I say that because the conclusions of the memo have raised some issues in my mind regarding probable cause and stops, as far as some existing regulations in the State Department of Agriculture.

I have not looked into it yet, but I think the jurisdiction for that, even though it sounds like law enforcement, is probably with this Committee. The bill does not deal squarely with that, but it may be the only piece of legislation that is arguably germane to the issue. I am not sure where it is headed. I was not here for the hearing, and have not read through the whole memo yet.

Senate Committee on Natural Resources  
February 28, 2007  
Page 11

CHAIR RHOADS:

We have already voted on S.B. 48. We will let it go for now, but we will place it on the secretary's desk to stop further action until more information is forthcoming. This meeting is adjourned at 4:21 p.m.

RESPECTFULLY SUBMITTED:

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Ardyss Johns,  
Committee Secretary

APPROVED BY:

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Senator Dean A. Rhoads, Chair

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