

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

**Seventy-fourth Session
March 5, 2007**

The Senate Committee on Natural Resources was called to order by Chair Dean A. Rhoads at 3:36 p.m. on Monday, March 5, 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 Michael A. Schneider
Senator Maggie Carlton

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Pete Anderson, State Forester Firewarden, Division of Forestry, State Department of Conservation and Natural Resources
Allen Biaggi, Director, State Department of Conservation and Natural Resources
Ron Wenker, State Director, Nevada, Bureau of Land Management, U.S. Department of the Interior
Terri Marceron, Forest Supervisor, Lake Tahoe Basin Management Unit, Forest Service, U.S. Department of Agriculture
Edward C. Monnig, Forest Supervisor, Humboldt-Toiyabe National Forest, Forest Service, U.S. Department of Agriculture
Tom Baker, Humboldt-Toiyabe National Forest, Forest Service, U.S. Department of Agriculture

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CHAIR RHOADS:

The first order of business is a bill draft request (BDR) to create a water district in Nye County. It is BDR S-317.

BILL DRAFT REQUEST S-317: Creates the Nye County Water Authority. (Later introduced as [Senate Bill 222](#).)

SENATOR MCGINNESS MOVED TO INTRODUCE BDR S-317.

SENATOR COFFIN SECONDED THE MOTION.

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

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CHAIR RHOADS:

We have presentations today regarding wildfires. We will first hear from Pete Anderson, who is the State Forester Firewarden.

PETE ANDERSON (State Forester Firewarden, Division of Forestry, State Department of Conservation and Natural Resources):

You have a handout illustrating the PowerPoint presentation I will show you today ([Exhibit C](#)). It focuses primarily on last summer's fires across the State and some of the challenges we see. As you can see from the bar graph on page 1, we are experiencing an ever-increasing number of wildland fires across our State, partly due to cyclic periods of drought, but also due to a spread of cheatgrass in the north and red brome in the south. It is an indicator of the overall health of our rangeland. As you can see at the top of page 2, we were in a lull from 2002 through 2004 because there was a lot of moisture with the lightning activity. However, in 2005, we began to pick up again, particularly in the southern part of the State, and in Elko County in 2006. Suppression costs also escalated rapidly throughout that period with a direct cost to Nevada of over \$7.5 million in 2006.

The map at the top of page 3, [Exhibit C](#), shows the course of wildland fires in the north-central part of the State from 1999 to 2006. You can see the areas where we are experiencing repetitive burning. A lot of that is due to cheatgrass replacing native vegetation and becoming extremely dry in July and August, and

literally acting like gasoline as it ignites during lightning storms and spreads rapidly. In certain locations, where you would normally have a ten-year interval between fires, we are now experiencing every year, every other year or certainly within three to four years, the same area burning again. In 2006, we experienced one of the longest, most expensive fire seasons we have ever had. Both Clark County and Lincoln County burned actively in May and continued through October. We had firefighters on the ground, in the field, constantly, that entire time.

We do a seasonal outlook every year in April, which gives us a pretty good prediction of what to expect for the season. There is no longer any portion of the State spared from fires. The threat we are facing is dramatic, as you can see from the pictures at the bottom of page 5, [Exhibit C](#). Many areas are inaccessible, but many are right next to communities. We lost just under 1 million acres to wildland fires in Elko County last year, with approximately 250,000 acres on private land. Since we were competing with other states for a limited number of resources late last summer, wildfires often were not staffed due to lack of fire-suppression resources. We relied heavily on our own crews and the Nevada Air National Guard, which has been a superb resource for us.

MR. ANDERSON:

There have been significant agricultural and wildlife losses. With the loss of a large amount of winter range, the toll will be felt for many years to come. There are many areas in our State we consider treasures, such as Mt. Charleston, where we have significant forest health conditions that are ripe for a lot of catastrophic wildland fires. The photo at the bottom of page 8, [Exhibit C](#), was taken last year in the Lake Tahoe Basin near Fallen Leaf Lake. Our federal partners at the Lake Tahoe Basin Management Unit and the California Department of Forestry did an excellent job of capturing that fire early with their air resources. It sends the message that we are susceptible to wildland fire in every corner of our State.

Urban development is rapidly expanding with whole communities being constructed in areas that were typically wildland, and it creates a whole new set of problems. Wildland urban interface (WUI) fires continue to increase. The photos at the bottom of page 9, [Exhibit C](#), were taken over the past several years from in and around the Sierra front, including the Waterfall fire. In spite of our best efforts, we continue to lose structures in the WUI areas. The cooperative effort coming together at this time is one of the best, but we still

face challenges. How do we turn the around wildfire problem? I will turn this over to Mr. Biaggi to tell you about the Governor's efforts and those of the wildfire committee.

ALLEN BIAGGI (Director, State Department of Conservation and Natural Resources):

As you are aware, in 1998, 1999 and most recently in 2006, Nevada suffered extreme fire years. Last year, more than 1.3 million acres of valuable sagebrush habitat was destroyed in the State. The State of Nevada alone spent \$10 million in suppression costs last year, and the Bureau of Land Management (BLM) spent \$30 million. A total of \$40 million in suppression costs for Nevada alone shows us that something is awry with our fire cycle, and something must be done. At the direction of Governor Gibbons, the State Department of Conservation and Natural Resources has assembled a task force to address fire presuppression and fire suppression. We need to figure out a way to ensure fires do not start in the first place, or if they do, they are managed in a way that will keep them relatively small and less intense than what we have been seeing over the last few years. The Nevada Association of Counties put together task forces in 1988 and 1999 and came up with some excellent recommendations on what we can do in Nevada for presuppression and suppression. Unfortunately, many of those recommendations have not been put into place. What we have done this year, is get our federal partners, primarily the BLM and Forest Service, as well as local agencies, to revisit, modify if necessary, and implement those recommendations.

We are looking at ways to reduce the fuel levels on our federal and private lands; some through grazing, "greenstripping" and other efforts. Additionally, we are working with our local fire departments and volunteers in the ranching community to provide the tools needed to get out to the fires early and suppress them quickly in order to keep these fires from becoming catastrophic events. No single agency can do this by itself. It will take a concerted effort of federal, state, local and private partnerships to get this work accomplished. I do not want my successor sitting here in ten years, once again coming before you, to say we have had another catastrophic wildfire season and have to do something.

SENATOR COFFIN:

What can we do about the cheatgrass? I do not want to be called a quitter, but I think it is a losing battle. Is there any critter that will consume cheatgrass?

MR. ANDERSON:

There are some efforts under way on a couple fronts. Some preemergent herbicide technology has been used in trials to limit cheatgrass from growing after a burn so the area can be seeded with native plants more successfully. Livestock will eat cheatgrass when it is green, but it is a very short-lived grass and once it turns brown, it is not a preferred food source for most livestock.

SENATOR MCGINNESS:

Do you hire aircraft for fire suppression?

MR. ANDERSON:

The Division of Forestry has three helicopters, which will be up for service this spring. We have had two over the course of the past ten years, and thanks to Senator Amodei last Session, we have funding to rebuild a third, which will allow us to keep at least two ships in the air throughout the course of the fire season. That is the extent of our aerial firefighting capabilities. Our federal land managers provide the vast majority of aviation resources in the west for fire suppression.

SENATOR MCGINNESS:

Do you have any fixed-wing aircraft?

MR. ANDERSON:

We have a single fixed-wing Piper Cheyenne that is not used in fire suppression at this time.

Wildfire rehabilitation is an area where we can make a big difference. We have a small seed-bank program in the Division of Forestry. The BLM has a much larger one, but we still have a great need for rehabilitation across our State and a need to have seed on demand when we run into fire seasons like this past one. Fuel reduction works, as you can see in the pictures at the bottom of page 11, [Exhibit C](#), before and after the Waterfall fire on the west side of Carson City. It gives the firefighters an opportunity to get between the fire and the homes in order to put out the fire. Page 12, [Exhibit C](#), shows examples of fuel breaks, which is the type of work that needs to continue and be expanded across the State to break up the continuity of fuels. The fuel breaks have to be maintained over time. Livestock is also used for fuels reduction and can be an extremely effective tool, particularly at specific times of the year. They can also be used to maintain many of the fuel breaks we are creating. One of our biggest

challenges is getting our urban residents to realize that wildlife outside their back doors is a good thing. We use Smokey the Bear to communicate that message and increase those residents' acceptance of the utilization of livestock in and around the community.

We have the Fuels for Schools program in partnership with the Forest Service. We have our first biomass plant up and running in Ely, where it is heating the elementary school and utilizing the fuels reduction material. The second biomass project is being constructed at the Northern Nevada Correctional Center by the Department of Corrections. Once online, it is estimated to save \$1 million a year in utility costs. We want to see this program expanded to other areas of the State.

Senator Rhoads has a bill this Session to help increase our capabilities in the field, with volunteers. They are our front line, and typically, first on the scene of a wildland fire. There is a critical need for equipment, training and radio communications for our volunteers in ranching communities, so we can get on these fires before they have a chance to grow. There are times when we have multiple starts; 30 or 40 at a time in one afternoon, and volunteers would be integral to that process.

CHAIR RHOADS:

How many volunteer fire departments are there in the State?

MR. ANDERSON:

There are over 200.

CHAIR RHOADS:

Are there quite a few in the southern part of the State as well?

MR. ANDERSON:

Yes, particularly in our rural counties; Nye, Lincoln, Esmeralda, etc.

We have reached a turning point in our State. We have to focus on this and get our wildfire problems into a manageable situation.

RON WENKER: (State Director, Nevada, Bureau of Land Management, U.S. Department of the Interior):

I will go over my prepared testimony ([Exhibit D](#)). Last year was a devastating year for us, with over 1.3 million acres burned. This created a tremendous impact on the local economies. Not only wildlife habitat, but ranching is significantly impacted. During the last 10 years, we have averaged 958 fires a year, burning approximately 549,000 acres a year. In 1999, we had over 1,000 wildfires that burned approximately 1.6 million acres. Just 7 years later, in 2006, we had over 1,200 fires that burned 1.3 million acres. Elko County was particularly hard hit with approximately 946,000 acres burned. I considered the majority of that area very good rangeland, so we are not talking about just cheatgrass fires. Wildfires have a tremendous impact on livestock. More than 125 livestock grazing allotments were impacted last year, and approximately 10 percent of the animal units per month were impacted. Wildfires also destroy habitat for wildlife, including our wild horses. Because 7 herd-management areas for our horses burned, we conducted emergency gathers to pull 672 wild horses off the areas since there was not enough forage to support them.

Emergency stabilization and rehabilitation efforts on which we are embarking are quite significant. We have approximately \$28 million allocated to emergency stabilization to hold the soil intact, and approximately \$9.6 million allocated for rehabilitation. To date, we have spent the majority of that money and will probably be continuing our rehabilitation efforts into the spring. We try to put seed in the ground by drilling whenever possible. Right now, the ground is frozen, but we try to get it in the ground before it freezes, and in the spring when it thaws. We do aerial seeding in the rougher areas we cannot reach by land. To give you a glimpse of the kind of emergency stabilization we are currently using across the State, Elko is our biggest effort, where approximately 295,000 acres are being seeded. Approximately 412,000 total acres will be seeded. We have quite a few fencing projects in place to control animals, so our seeding can be successful.

MR. WENKER:

To date, the fire suppression costs alone for the BLM were \$50,750,000. It is absolutely imperative that we have partners to help us with fire suppression. The State plays a big role, as well as local volunteer fire departments, in assisting in the firefighting. We signed a memorandum of understanding with the State as well as the Forest Service, agreeing to cooperate on both presuppression and suppression activities.

Our 2007 fire suppression resources will remain at the 2006 levels. Congress did give us a slight cost-of-living increase, so from a firefighting standpoint, you can expect to see the same amount of resources on the ground. In the President's budget for 2008, a reduction of approximately 25 percent is proposed. The majority of that proposed reduction is to come from overhead as well as a reduction in the aviation fleet. We are trying to keep the number of firefighters on the ground and minimize the impact at the local level. I am looking at opportunities, such as combining dispatch, and continue looking for opportunities for shared resources with the Forest Service, in order to keep out firefighting capability as high as possible.

The fire outlook for 2007 is not good. Across the State, we are experiencing about 50 percent of normal precipitation, and with carryover fuels, it could prove to be a challenging year. Working in cooperation with the State and local entities will help. You have my assurance that the BLM is committed to this vision.

TERRI MARCERON (Forest Supervisor, Lake Tahoe Basin Management Unit, Forest Service U.S. Department of Agriculture):

I have prepared written testimony from which I will read ([Exhibit E](#)) as I go through my PowerPoint presentation ([Exhibit F](#)).

CHAIR RHOADS:

Having served on the Tahoe Regional Planning Agency committee with Senators Amodei and Carlton, I have been quite impressed in the last three years by what has been done around Lake Tahoe.

SENATOR COFFIN:

I am concerned about the Southern Nevada Public Lands Management Act (SNPLMA) of 1998, as a source of funds for the short-term. We have been seeing it go down with some tracts not selling. Has your budgeting taken into account the fact that revenue from that might drop?

MS. MARCERON:

We are kept abreast of what money is raised through the sale of land. We have a lot of support from U.S. Senators Harry Reid and John Ensign with whom we have been working closely. They are pretty confident they will be able to fund the fuels reduction in the Lake Tahoe Basin under SNPLMA.

SENATOR COFFIN:

The problem is the SNPLMA money may shrink. I guess members of Congress can always find appropriations to help make it up in the short-term, but they cannot generate sales of land.

MS. MARCERON:

I cannot tell you what the long-term vision is for SNPLMA funding, but I can tell you that short-term, we are continuing to receive money. There is \$300 million set aside for Lake Tahoe and we still have a number of rounds left in that process. We are looking for the sustainability of approximately \$10 million in each round to go toward fuels treatment.

EDWARD C. MONNIG (Forest Supervisor, Humboldt-Toiyabe National Forest, Forest Service, U.S. Department of Agriculture):

In your packet, you will find a copy of my prepared testimony ([Exhibit G](#)) along with an Audit Report entitled "Forest Service Large Fire Suppression Costs" ([Exhibit H](#)). There is also a series of photos illustrating some of the changes that have occurred in our forests and rangelands ([Exhibit I](#)) and a list of many of the projects and programs we have instituted through the State and private forestry program ([Exhibit J](#)).

The first three photos, [Exhibit I](#), were taken over the past century in Arizona. They replicate situations we have often seen here in Nevada. The first is a ponderosa pine forest taken in 1909. When we compare this to the later photos, you will notice an entirely different character of the forest. That open-grown, savannah-type forest was maintained for hundreds of years by frequent, low-intensity fires, which burned in this forest every 5 to 15 years. This reduced the fuel loading and encouraged the large trees, which are fire resistant, to prosper. On the second page photo, taken in 1949, you can see that when we took fire off the landscape, that same stand has trees growing under the large ones. In the third photo, taken in 1992, there is an entirely different character with entirely different risks of burning. If a fire were to start in this 1992 forest, the entire stand would burn. The flames would climb from those lower trees to the upper canopy of the old-growth trees, taking them with it. We saw a similar occurrence right here in our own backyard in 2004.

The photo on page 4, [Exhibit I](#), was taken from the Lakeview subdivision in Carson City. It shows what happens when a wildfire enters into a densely packed stand of ponderosa and Jeffrey pine. The next photo is adjacent to the Lakeview subdivision where thinning had been done. Those trees survived because there was enough space in between them, providing us with enough defensible space to protect the subdivision. Page 6 shows photos in central Nevada taken in 1970 and in 2005 just outside Austin. There has been a dramatic change in the last 35 years. The pinion juniper has expanded to the extent that it creates a virtual biological desert under that stand of trees. If you walk into the dense portions of that stand, there is virtually nothing growing under there. There is nothing for the mule deer, sage grouse or cattle to eat. Those trees need to be thinned in order to be able to resurrect the sagebrush ecosystem there, which is an important component for both habitat and human uses.

MR. MONNIG:

The last three pictures on pages 7, 8 and 9, [Exhibit I](#), reflect some of the active management we are doing. The first shows a prescribed burn, where we intentionally started a fire. The next photo shows the black splotches where the burns took place. As you can see, we were not intent on burning all the sagebrush. We just wanted more openings on the landscape to allow more diversity for wildlife use. The photo on page 9 demonstrates the tremendous success of that burn, which allowed native grasses to grow there, providing forage for livestock, as well as important habitat for sage grouse, mule deer and other wildlife species.

TOM BAKER (Humboldt-Toiyabe National Forest, Forest Service, U.S. Department of Agriculture):

Money, whether it is State or federal dollars, goes to programs that are extremely effective. There has been a steady increase each year in federal dollars for State and private forestry, because of the effective use by Mr. Anderson and his staff under the direction of Mr. Biaggi.

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CHAIR RHOADS:

There being no further business, the Senate Committee on Natural Resources is adjourned at 4:54 p.m.

RESPECTFULLY SUBMITTED:

Ardyss Johns,
Committee Secretary

APPROVED BY:

Senator Dean A. Rhoads, Chair

DATE: _____