

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

**Seventy-fourth Session  
April 2, 2007**

The Senate Committee on Natural Resources was called to order by Chair Dean A. Rhoads at 3:30 p.m. on Monday, April 2, 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

**GUEST LEGISLATORS PRESENT:**

Senator Maurice E. Washington, Washoe County Senatorial District No. 2  
Assemblyman John C. Carpenter, Assembly District No. 33

**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Doug Busselman, Nevada Farm Bureau  
Michael R. Montero, Nevada Cattlemen's Association  
Gary McCuin, Agricultural Inspector, Rangeland Specialist, State Department of Agriculture  
Joseph Guild III, Nevada Cattlemen's Association  
Robin Listman  
Fred Messmann, Deputy Chief Game Warden, Department of Wildlife

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Penny Steiner, Maritech Industries  
John L. McLain, Principal, Resource Concepts, Incorporated  
Pete Anderson, State Forester Firewarden, Division of Forestry, State  
Department of Conservation and Natural Resources  
Don Alt  
Janine Hansen, Nevada Eagle Forum

CHAIR RHOADS:

We will open the hearing on Senate Joint Resolution (S.J.R.) 12.

**SENATE JOINT RESOLUTION 12**: Expresses disapproval of recent civil actions filed against local ranchers and the Bureau of Land Management in the management of public rangelands and the issuance of grazing permits for those public rangelands. (BDR R-396)

SUSAN SCHOLLEY (Committee Policy Analyst):

You all have before you a summary of S.J.R. 12 ([Exhibit C](#)). It highlights the recent civil actions filed against the Bureau of Land Management (BLM) and local ranchers who graze livestock on public lands in accordance with long-standing grazing permits.

The resolution notes that the protection of the environment under the National Environmental Policy Act (NEPA) and through the filing of civil litigation is important. It also explains that the production of livestock is also an important activity to our nation and is an essential part of the Nevada economy. The resolution continues on to declare that the excessive filing of lawsuits result in bureaucratic delays that inhibit the implementation of principles of good stewardship in public lands management. Finally, the resolution concludes by expressing the Legislature's disapproval of the filing of recent civil actions against local ranchers and the BLM alleging violation of NEPA and the Federal Land Policy and Management Act of 1976 in the management of rangelands and the issuance of grazing permits.

ASSEMBLYMAN JOHN C. CARPENTER (Assembly District No. 33):

I am here in support of S.J.R. 12. Currently, certain environmental organizations are filing lawsuits against ranchers and the BLM without taking part in any of the process afforded to them. The BLM always has hearings and furnishes all of the information on why they are doing certain things. Instead of taking part in these hearings, the organizations just file lawsuits. By reading one of these

lawsuits, you can read them all because the testimony always says, "All cows are bad and should be off the range." It is difficult to get any kind of positive dialogue started with that kind of attitude. This is what the ranchers and the BLM are facing.

Lines 4 through 7, on page 2 of the bill, put into perspective what I see happening. Many times there are actions the BLM feels are necessary for proper range management, such as improving springs, putting allotment management plans in effect on the range and perhaps building a fence. Many of these actions will help the rangeland and the environment, and most of the time, the ranchers have taken part in the discussions and are aware of the findings of the BLM. When someone files a lawsuit, everything comes to a halt, making it impossible to properly manage the range until the lawsuits are settled. It is detrimental to the resource because neither the ranchers nor the BLM are able to manage it properly.

DOUG BUSSELMAN (Nevada Farm Bureau):

Most of what I was going to say was expressed by Assemblyman Carpenter. I will just add the Nevada Farm Bureau gives its strong support for passage of S.J.R. 12.

MICHAEL R. MONTERO (Nevada Cattlemen's Association):

I am here in support of S.J.R. 12. It is consistent with the Nevada Cattlemen's Association policy. These lawsuits have caused a lot of concern for the ranchers as well as the various State agencies. For example, I am aware of a situation on an allotment in northern Humboldt County where it took over ten years to implement an allotment management plan. One of the main reasons was the concern over litigation that might evolve out of the ultimate decision. An allotment management plan is the basic framework to manage a cattle ranch in Nevada, which relies heavily on public lands.

GARY MCCUIN (Agricultural Inspector, Rangeland Specialist, State Department of Agriculture):

I will read from my prepared testimony ([Exhibit D](#)). The State Department of Agriculture fully supports S.J.R. 12.

CHAIR RHOADS:

We will close the hearing on S.J.R. 12 and open the hearing on S.B. 272.

**SENATE BILL 272**: Revises provisions governing awarding of costs and attorney's fees in certain actions involving rights to graze or water livestock. (BDR 50-370)

JOSEPH GUILD III (Nevada Cattlemen's Association):

I am here to speak in favor of S.B. 272. The testimony related to S.J.R. 12 is relevant to some of my testimony on this bill. Good things can happen in a public land grazing situation when ranchers and the land agencies work together to create allotment management plans. Outside parties file lawsuits and seek injunctive relief to prevent the rancher from occupying public land and using it for livestock grazing purposes. The intent of S.B. 272 is to put some sort of burden on the party seeking to prohibit or prevent the rancher from grazing on public lands. The sole purpose of the lawsuit is to delay the implementation of an allotment management plan or prevent the renewal of a grazing permit. Currently, there is no burden on that party to prevent them from doing this, but there is a great burden on the rancher. The agency charged with making the land better in cooperation with the rancher's activities spends more time defending itself and its actions in court than actually dealing with activity related to livestock grazing. This bill would impose a burden on the losing party to pay reasonable costs and attorney fees.

CHAIR RHOADS:

Currently, if a rancher is taken to court and the rancher wins, can he file a countersuit on the individual or organization that caused him harm?

MR. GUILD:

I cannot see any recourse for the beleaguered ranchers.

CHAIR RHOADS:

Because these activities take place on federal lands, does this bill have jurisdiction over that?

MR. GUILD:

Yes, if it is related to a water-rights situation.

CHAIR RHOADS:

But not grazing?

MR. GUILD:  
Not necessarily grazing.

SENATOR CARLTON:  
Currently, could a judge order a plaintiff to pay the fees if he loses the case?

MR. GUILD:  
There is a provision in the law that says attorney fees can only be awarded where there is a contract dispute and there is an attorney-fees provision in that contract. Whether or not the prevailing party can be awarded attorney fees is at the discretion of the court.

SENATOR CARLTON:  
So, a judge could decide this person really did not have true standing in the court. At the beginning, they can decide whether or not they belong there and at the end, once it is done, they can figure out who pays the bills.

MR. GUILD:  
The mandatory provision in this bill is the one barrier that might cause the kind of people we are talking about to question whether to go ahead and file an action, because if they lost, they would have to pay the attorney's fees. That is the only incentive we have.

SENATOR CARLTON:  
That is what bothers me the most. We know in court, it does not matter if you are right or wrong. It just matters who wins. You can be right and still lose and still have to pay the other person.

MR. GUILD:  
The entities who bring these actions against the ranchers have more resources upon which to draw than the average rancher. They have financial resources and access to good attorneys. The ranchers are in a tough spot when they have to defend themselves. I know of families who have spent hundreds of thousands of dollar defending their actions just to keep grazing on public lands, because some environmental group has decided that is the allotment and the rancher they want to target. You can put a family out of legitimate business by filing a lawsuit.

SENATOR CARLTON:

If you tie S.J.R. 12 and S.B. 272 together, it looks as though we are trying to keep people from having their day in court. If someone abuses the system, that is wrong, but no one should be allowed to say to someone, "You should not come here for your day in court." I am not sure if what we are trying to do here is sending the right message.

MR. GUILD:

The short answer is yes, it is the right thing to do. The long answer is if an organization just stops and thinks that, "Maybe this one is not a very good suit. Maybe what we are doing here is harassment. We will stop at that door, because we may lose this one and have to pay attorney's fees." It is not a big barrier, but it is some kind of a barrier. I am an officer of the court and I would be the last person in this room to say a citizen of this country does not have the right to have their day in court, but it has become irrational in many respects.

MR. BUSSELMAN:

The Nevada Farm Bureau appreciates the actions of what is being proposed by S.B. 272. As we heard in the discussions of S.J.R. 12 and some of the other comments, troublesome lawsuits filed to negatively affect timely management of our resources needs attention. We are concerned over the potential ramifications of S.B. 272. The concern we have is the potential financial burden on Nevada livestock producers. While you may have control over whether you sue or take other legal actions, you do not really have control over whether you are sued or someone is taking actions against you. It has been our experience that lawsuits do not always go to the advantage of livestock producers, because you can be right and still lose the suit. Where the current legal processes make determinations over whether fees and other charges are assessed, the present system should probably be maintained. If I were a rancher and a group decided to sue me for what I was doing and I were to lose, they would be the prevailing side and I would have to pay them for legal fees.

CHAIR RHOADS:

If you go to court today and lose, you have no protection. If this bill passes, you would have an avenue to recoup your attorney fees. Without this bill, you do not.

MR. BUSSELMAN:

We appreciate what you are trying to do and understand in cases where you win the lawsuit, it is a tremendous advantage and a tool. Our concern is if you should lose the lawsuit, you automatically pay legal fees.

MR. MONTERO:

Nevada Cattlemen's Association is in favor of S.B. 272. There is that fear of what happens as a rancher if you come out on the losing end of this type of litigation, but more importantly, we need to have this discussion. I am not aware of a judge having the ability to award attorney fees in this type of case under the current statutory scheme. They may have the ability to award costs, but attorney fees are a little trickier. This type of statute builds into the statutory scheme some mandatory award of costs and attorney fees. It makes the individual who brings this type of lawsuit take a hard look at whether or not they wish to pursue this type of action, with the understanding that should they bring this type of action for an improper purpose, and lose they would then be forced to pay attorney fees and costs. I am not trying to advocate that we deny anyone their day in court. You just need to be sure, if you are going to take an action like this to court, that you have a good case or else you could face the penalty of paying attorney fees and costs. There are similar statutory schemes in the federal system. One that comes to mind is in the discrimination arena. If you bring a lawsuit in the federal system for discrimination, there is a mandatory attorney fees and costs provision built into the statutory scheme.

DON ALT:

I do not support S.B. 272. I am currently in litigation and I know I cannot pay the other side's attorney fees. I looked up "party" in the *Black's Law Dictionary* and I have given each of you a copy of the definition ([Exhibit E](#)). If somebody sees the rancher is going to lose and they file a brief, they are a party on the record and someone like Western Watershed could just sit back and say, "Yeah, that rancher is going to lose;" and he has a pretty good financial statement so he says "Let's file a brief with the court and we will be on the record and get our attorney's fees, and put him out of business."

CHAIR RHOADS:

We will close the hearing on S.B. 272 and open the hearing on S.B. 306.

**SENATE BILL 306**: Regulates the operation of a motorboat equipped with an engine cut-off switch. (BDR 43-81)

SENATOR MAURICE E. WASHINGTON (Washoe County Senatorial District No. 2):

This bill was requested by a constituent and it deals with engine cut-off switches for watercraft. There is a definition of "engine cut-off switch" in section 1, subsection 3, paragraphs (a), (b) and (c). It provides for a penalty misdemeanor for those who do not use the cut-off switch in their watercraft. The cut-off switch is activated by a device that attaches to a person's clothing or by a wireless remote. The purpose of the bill is to provide some safety for those watercraft using our waterways and lakes.

ROBIN LISTMAN:

I was an avid boater from May 1991 until August 18, 2001. On that Saturday, while retrieving a floating device from the back of the boat, the boat tipped and I fell in the water behind the boat. The driver did not notice I had fallen and when he put the boat in reverse, it sucked me into the propeller. Later that evening, my husband had to make the decision to have my leg amputated above the knee. With technology today, this would have been a preventable accident. I still have children who boat and I do not want to get the call to come and identify one of them if they die or lose a limb. I believe in this bill.

CHAIR RHOADS:

What is an engine cut-off switch?

SENATOR WASHINGTON:

It is defined in section 1, subsection 3 of the bill. A cut-off switch could mean a switch that automatically stops the engine of a motorboat if activated by an engine cut-off switch link, or it could be a device that, if attached to the operator, activates an engine cut-off switch if the operator is separated from the motorboat. It could also be a wireless device.

SENATOR COFFIN:

Are very many boats currently made with an engine cut-off switch? Does this include personal watercraft, such as Jet Skis?

Ms. LISTMAN:

Yes.

SENATOR COFFIN:

How many are not equipped with these switches?



SENATOR WASHINGTON:

I do not know the number but would guess that a lot of boats do not have cut-off switches.

SENATOR CARLTON:

Senator Washington, is it your intention for this to be retroactive and go back to affect all boats on the waterways now, or would it be proactive in the future?

SENATOR WASHINGTON:

No, it would not be retroactive.

SENATOR HECK:

I do not see anything in the bill requiring a cut-off switch. It just says the person operating a boat that does have one, must use it.

FRED MESSMANN (Deputy Chief Game Warden, Department of Wildlife):

I represent the Department of Wildlife and the Boating Law Administrator. I am also a member of the National Association of State Boating Law Administrators, which writes model acts and law for states across the country interested in this kind of legislation or any kind of legislation that affects boating. I was also appointed by the U.S. Secretary of Homeland Security, Michael Chertoff, to the National Boating Safety Advisory Council, where we advise the U.S. Coast Guard on issues related to boating safety. One of the charges we have worked on and charged back to the Coast Guard is the model act being represented before you today. In my years of working on this Council, this is a national issue for preventing propeller injuries. We do not want to require people to install these switches on vessels not currently equipped with them. The vast majority of vessels manufactured today do have the engine cut-off switches. The Boating Safety Advisory Council, in concert with the U.S. Coast Guard and the American Boat and Yacht Council, charged the boating industry with coming up with a way to prevent these kinds of accidents.

The National Marine Manufacturers Association requires their builders to have the engine cut-off devices on their vessels. A larger portion of boats manufactured today have these devices. My initial concern with this bill was the fact that our marine patrol officers need the ability to move around in a vessel and do not need to be tethered by a lanyard. When their product first became available on the market, as a member of the Boating Safety Advisory Council,

requested they attend one of our council meetings. We challenged the industry to come up with some kind of technique or device that will save people's lives. The engine cut-off switch is a good way to do that. There is other technology that should alleviate anyone's concerns about whether they have to wear it or not.

CHAIR RHOADS:

What is the penalty if you are caught without one?

MR. MESSMANN:

Most of our penalties are \$50 plus court costs so it would probably run around \$150. However, that is the least of our concern. We would go on a major campaign to make sure people were educated about the wearing of this device.

PENNY STEINER (Maritech Industries):

I am in favor of S.B. 306. Maritech Industries is proud of the technology which we have here for your review and to see how it operates. We have also brought a video demonstrating how the device works. It shows a pontoon boat on Lake Mead. The person operating the boat is wearing a sensor. When he dives into the Lake, immediately an alarm sounds and the engine shuts off. The alarm will continue to sound. The person left on board can put the craft into rescue mode, restart the engine and come around to recover the person in the water. Once on board, the individual simply shakes out the excess water from the sensor which permits the boat to be put back in standard mode. If everyone on board is wearing one and everyone goes overboard at once, the engine will cut off and an operator then has the ability to get back on the boat with the motor off. Maritech has won the National Marine Manufacturers Association's 2005 Innovation of the Year Award for Safety and Canada's Safe Boating Council's Marine Award for 2006.

SENATOR CARLTON:

Why would someone intentionally disconnect this device?

MR. MESSMANN:

I cannot envision why anyone would disconnect it. The old lanyard, which was the typical engine cut-off device, was often disconnected because someone wanted to be able to freely move around the boat. Those lanyards were like a tether.

SENATOR COFFIN:

How expensive are these devices?

MS. STEINER:

The unit I have here is approximately \$699. However, the sensors are reusable and the equipment that is mounted stays with the boat for as long as you own the boat, or longer.

SENATOR COFFIN:

What happens if it gets wet?

MS. STEINER:

If someone falls in the water, it immediately sounds an alarm and turns off the engine. The person who is left on board can then put the boat into rescue mode after making sure the area is clear, and restart the engine to go back around and pick up the person.

SENATOR COFFIN:

If a vessel was equipped with this and the person had disconnected it, would they now be required to reconnect it under this statute?

MR. MESSMANN:

If the vessel was originally equipped with it, then they would be required to have it in running order.

SENATOR COFFIN:

Currently, it is not illegal to disconnect?

MR. MESSMANN:

That is correct.

CHAIR RHOADS:

We will close the hearing on S.B. 306 and open the hearing on S.J.R. 11.

**SENATE JOINT RESOLUTION 11**: Encourages certain activities relating to the use of biomass in the production of energy in Nevada. (BDR R-402)

MS. SCHOLLEY:

Senate Joint Resolution 11 is a measure requested by the Legislative Committee on Public Lands. It defines the sources of biomass and highlights the important characteristics of this renewable energy source. It discusses the fact that the distribution costs for biomass are generally minimal since it is often readily available at the location where it is used. In addition, the resolution states that the availability and benefits of biomass should be widely publicized.

The resolution urges the U.S. Congress to make biomass eligible for production tax credits in the same manner as wind and geothermal energy. Moreover, Nevadans are encouraged to invest in biomass energy production and participate in the establishment of projects that demonstrate the effectiveness of using locally obtained biomass for energy. Finally, the resolution encourages the development of public-private partnerships to create energy projects utilizing biomass. I have given you an outline on the background of the Legislative Committee on Public Lands ([Exhibit F](#)).

JOHN L. MCLAIN (Principal, Resource Concepts, Incorporated):

I am in support of S.J.R. 11. I have prepared testimony from which I will read. I have also furnished additional interesting information on biomass ([Exhibit G](#)).

MR. MCCUIN:

Management of Nevada's rangelands is in gridlock, partly due to actions taken against the land agencies and partly due to a lack of funding by Congress for the land management agencies to do what is necessary. If S.J.R. 11 gets the attention it deserves, it provides private enterprise an opportunity to do what land management agencies cannot do and allows rural economies some expansion and growth.

MR. BUSSELMAN:

The Nevada Farm Bureau also supports passage of S.J.R. 11. From an agricultural production standpoint, we see biomass as having a great deal of potential. As we make this particular energy source more of an economic viability, we can possibly look at it as an alternative for agricultural production.

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

I, too, support S.J.R. 11. The benefits of biomass utilization are numerous, and from the perspective of a fire service, anything we can do to avoid straight

pile-burning of our fuels reduction projects and take that material and utilize it in a cogeneration plant like we have scheduled here in Carson City, is a win-win. It is a win for the air quality and a win for the landfills, because a lot of that material will no longer go into the landfill. It certainly is a win for energy conservation.

CHAIR RHOADS:

We will close the hearing on S.J.R. 11 and open the hearing on S.J.R. 13.

**SENATE JOINT RESOLUTION 13**: Urges Congress to provide additional appropriations for the prevention and suppression of wildfires and the rehabilitation of public rangelands in Nevada. (BDR R-468)

MS. SCHOLLEY:

Senate Joint Resolution 13 is a recommendation of the Legislative Committee on Public Lands. I have given you an outline of their discussions and conclusions ([Exhibit H](#)). It urges Congress to provide additional appropriations or other forms of assistance to federal agencies in the State of Nevada for the prevention and suppression of wildfires and for rangeland rehabilitation. This resolution notes that during 2005, over 1 million acres of land were burned in 794 wildfires across Nevada and, in 2006, nearly 1.5 million acres burned. Nevada ranks among the highest of states in the amount of land destroyed by wildfires. It also notes that the cost to federal land management agencies for fire suppression is significant. In 2005, the BLM spent over \$161 million in its fire-suppression efforts, while the U.S. Forest Service spent about \$614 million.

Approximately 87 percent of the land in Nevada is managed by the federal government. Much of that land includes rangelands that support the ranching industry, which is critical to rural economies in Nevada. In addition, the resolution declares that when wildfires occur, they often destroy large tracts of public lands that are traditionally used to support the ranching industry, leaving those lands unavailable for use until they can be rehabilitated.

MR. ANDERSON:

The Division of Forestry, State Department of Conservation and Natural Resources, supports S.J.R. 13. Without question, our State is under siege from wildland fires. We are seeing millions of acres destroyed and it is increasing across our State. There is no place in our State immune from this rapidly expanding threat. While we have done an excellent job around our communities,

our federal agencies certainly lack the resources to deal with the magnitude of the problem. A three-pronged approach is what is needed.

CHAIR RHOADS:

In the supplemental appropriations bill in Congress that is hung up with Iraq dealings, is there not \$4.5 billion for fire rehabilitation?

MR. ANDERSON:

Yes, that is my understanding. It would go not only to Nevada, but other western states impacted by wildland fires as well.

MR. BUSSELMAN:

The Nevada Farm Bureau is in support of S.J.R. 13. One of the things that has always frustrated us as we have dealt with massive fires has been the fact that when the fire breaks out and there is an emergency situation, there seems to be no absence of money to deal with that emergency. And yet, if we used a fraction of that money ahead of time in a proactive sense in rehabilitating and managing proactively before the fires ever started, we would not have to spend as much money as we do trying to put them out. That is what this resolution works to do.

MR. MCLAIN:

I, too, support S.J.R. 13. When I look at the kind of dollars that have been going into suppression, I realize we have done such a good job of fire suppression in this State, we have built ourselves into the situation we are in now, which is, basically, catastrophic. There is no question the Division of Forestry and the BLM need more funds for suppression, but we have to get money into prevention. There is a very strong correlation between the reduction in livestock use in this State and the incidence and the size of wildfires. We need to use the science that is available and the knowledge we have. There definitely has to be a marriage between the private sector and the federal and state governments.

MR. MCCUIN:

The State Department of Agriculture supports S.J.R. 13. Since the 1960s, we have lost roughly half a million Animal Unit Months (AUM), which is forage for one animal for one month. That reduction in AUMs also coincides with an increase in wildfires. Currently, we have four-legged fire fighters foraging on C Hill in Carson City and will soon have some more coming south from the old

List ranch. This provides private enterprise an opportunity to make money while providing a service that is vitally needed by the State.

MR. ALT:

I am in support of S.J.R. 13. Only the federal government will shut people out of business and take the cattle off the range and then turn around a few years later and hire sheep or goats to come back in and eat the forage. My cattle love cheatgrass. The federal government says cheatgrass is the problem but all they would have to do is place some cattle on the range to eat the cheatgrass. The total digestible nutrient in cheatgrass is 45 percent, which is very decent feed. That is when it is dry and bleached out yellow. It is green in the spring and when it starts turning red, when the milk is in the seed, that is when my cattle really start ovulating, because they are getting all that nutrition.

SENATOR COFFIN:

This is the first time I have heard that. I have heard nothing but gospel on the other side regarding cheatgrass and cattle. What kind of cattle do you graze?

MR. ALT:

They are Beefmasters, which is a cross between the Brahman, Hereford and the Shorthorn.

SENATOR COFFIN:

Are their stomachs conditioned differently than other cattle?

MR. ALT:

It is a matter of opinion, but I think they are. My neighbor across the highway has Angus bulls and when he asked me what I was feeding my bulls, I told him they had been on the range all winter. He claimed my cattle were in better shape than his, even though he had been feeding his good alfalfa. There are some animals that are better adapted to the range, but they all do well there.

SENATOR COFFIN:

Was the cheatgrass they were eating green?

MR. ALT:

No, they eat it year-round. Currently, there is no green cheatgrass because of lack of moisture. The cattle are eating the dry cheatgrass from last year and they are doing fine.

SENATOR COFFIN:

Your view is controversial. Nobody from our rangeland agencies has said there are any cattle that can digest cheatgrass. They just do not like it.

MR. ALT:

I found out about the total digestible nutrient at a Range Board meeting. The man who told me was from the Gund ranch, which is the college ranch in Grass Valley. They have been doing some tests on cheatgrass and found it to be 3- to 3.5-percent protein, and 40- to 45-percent total digestible nutrients.

JANINE HANSEN (Nevada Eagle Forum):

I am very interested in this issue because I now live in Elko and my place butts against the sagebrush and there is nobody on the other side. A wildfire last year in Kittridge Canyon burned right up to the fence of one of my friends. Our property is the only one that has not burned. Fifty percent of Nevada's ranches are now gone. There were 50 ranches in Clark County and now there are none.

On the first page of the bill, lines 11 through 14 shows that 87 percent of the land in Nevada is controlled by the federal government. If we were to really look into it, we would find the government now controls more like 91 percent of our land. Maybe the word should be "managed" rather than "controlled." Do we want to accept that control? During the years of the sagebrush rebellion, we were more open to the fact that we were a sovereign State.

If you look at lines 12 and 13 on page 1, it shows that much of that land includes public rangelands. "Public lands" include only those lands to which no claims or rights exist. In Nevada, almost every piece of public rangeland is already predetermined, recognized grazing allotments. We need to use correct terminology. Instead of saying "public rangelands," we should say "recognized grazing allotments," to recognize the fact there are inheritable rights on those grazing allotments. If someone who has a grazing allotment dies, their child or grandchild can actually inherit those allotments. Those allotments are rights, and by saying they are public rangelands, we do not acknowledge the fact that they are fee lands, or actually privately controlled property rights.

It is very important to not just acquiesce to the federal government. It would be wise of us to recognize that the federal government, especially through the BLM, should acknowledge that the livestock we have actually helps improve the habitat in the State and naturally reduces the danger of wildfires. There is no



provision in this bill recognizing that having livestock eat the grass, gives us needed help with fire suppression. I know people who have contracts with the BLM to run goats to help suppress wildfires in Elko County. That is because of the huge reduction of AUMs of cattle in Nevada. We are now forced into the ridiculous policy of the government paying goats to graze on the land instead of allowing the ranchers to have their cattle where they own grazing allotments. The ranchers improve the habitat for natural wildlife. You will find the best hunting where there are ranchers. These things need to be recognized as we call upon the federal government to not only suppress the wildfire problem which they have created through their mismanagement of the land, but to encourage them to get more cattle out there to eat the grass.

CHAIR RHOADS:

We will close the hearing on S.J.R. 13 and begin our work session with S.B. 330.

**SENATE BILL 330**: Changes the name of the Southern Nevada Women's Correctional Facility. (BDR S-1306)

SENATOR COFFIN MOVED TO DO PASS S.B. 330.

SENATOR SCHNEIDER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:

Next, we have S.B. 433.

**SENATE BILL 433**: Requires a developer of private land to ensure that the land is enclosed by a legal fence under certain circumstances. (BDR 50-264)

SENATOR AMODEI MOVED TO DO PASS S.B. 433.

SENATOR COFFIN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:

We will begin the work session on S.C.R. 11 and S.J.R. 8.

**SENATE CONCURRENT RESOLUTION 11**: Urges cooperation among the State Engineer and certain local governments, water authorities and districts concerning issues relating to water resources in this State. (BDR R-204)

SENATOR AMODEI MOVED TO DO PASS S.C.R. 11.

SENATOR MCGINNESS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:

The last bill to be considered is S.J.R. 8.

**SENATE JOINT RESOLUTION 8**: Urges the President of the United States to make additional offshore areas available for energy development. (BDR R-1355)

SENATOR HECK MOVED TO DO PASS S.J.R. 8.

SENATOR AMODEI SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR CARLTON VOTED NO.)

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CHAIR RHOADS:

There being no further business before the Senate Committee on Natural Resources, this meeting is adjourned at 5 p.m.

RESPECTFULLY SUBMITTED:

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Ardyss Johns,  
Committee Secretary

APPROVED BY:

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Senator Dean A. Rhoads, Chair

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