

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON NATURAL RESOURCES, AGRICULTURE,  
AND MINING**

**Seventy-Seventh Session  
February 28, 2013**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chairman Skip Daly at 12:50 p.m. on Thursday, February 28, 2013, in Room 3161 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada, and to Great Basin College, 1500 College Parkway, Greenhaw Technical Arts Building, Room 118, Elko, Nevada. Copies of the minutes, the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [nelis.leg.state.nv.us/77th2013](http://nelis.leg.state.nv.us/77th2013). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Skip Daly, Chairman  
Assemblyman Paul Aizley, Vice Chairman  
Assemblyman Richard Carrillo  
Assemblywoman Lesley E. Cohen  
Assemblyman John Ellison  
Assemblyman Ira Hansen  
Assemblyman James W. Healey  
Assemblyman Pete Livermore  
Assemblywoman Heidi Swank  
Assemblyman Jim Wheeler

**COMMITTEE MEMBERS ABSENT:**

Assemblyman Paul Anderson (excused)

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Maggie Carlton, Clark County Assembly District No. 14  
Senator Pete Goicoechea, Senatorial District No. 19

Minutes ID: 368



**STAFF MEMBERS PRESENT:**

Dave Ziegler, Principal Research Analyst  
Amelie Welden, Committee Policy Analyst  
Cheryl Williams, Recording Secretary  
Steve Sisneros, Committee Assistant

**OTHERS PRESENT:**

Steve Walker, representing Eureka County  
Dagny Stapleton, representing the Nevada Association of Counties  
Nancy Boland, Chair, Board of Commissioners, Esmeralda County  
Doug Busselman, representing Nevada Farm Bureau  
Don Alt, Chairman, Nevada Live Stock Association  
Janine Hansen, representing the Nevada Committee For Full Statehood  
Grant Gerber, Commissioner, Board of Commissioners, Elko County  
Tina Nappe, Private Citizen, Reno, Nevada  
Jeremy Drew, Vice Chair, Board of Wildlife Commissioners, Department  
of Wildlife; and Program Coordinator, Nevada Pinyon-Juniper  
Partnership  
Doug Martin, District Manager, Extension 22, Nevada Tahoe Conservation  
District; and Co-chair, Nevada Pinyon-Juniper Partnership  
Steve Bradhurst, Executive Director, Central Nevada Regional Water  
Authority

**Chairman Daly:**

We are going to hear a presentation from Assemblywoman Maggie Carlton regarding the Legislative Committee on Public Lands. Please just give a short overview of some of the issues that were addressed during the interim. When you conclude, we will listen to Assembly Joint Resolution 3.

**Assemblywoman Maggie Carlton, Clark County Assembly District No. 14:**

I had the honor to chair the Legislative Committee on Public Lands during the last interim. It was created decades ago and has had many different titles. Our former colleague Senator Dean Rhoads led the Committee for as long as it had existed. I was the first Assembly Member, the first woman, and the first southern Nevadan to chair the Committee. It was a great honor and I learned a lot. I appreciate the hard work by my Committee members.

The Legislature recognizes that over 85 percent of Nevada's land area is federally managed. It is very important that the Committee on Public Lands is involved with discussions regarding federal lands. Some of the subjects typically considered include general forest and range subjects, livestock raising,

noxious weeds, wildfire, and wild horses and burros. We talk about the resources on public lands, energy, minerals, recreation, rural infrastructure and services, roads, solid waste management, communications, water, wastewater, oversight and management of public lands, acquisition, disposal, planning, revenue sharing, and wilderness. Since 2003, we have considered the activities of the Colorado River Commission and water authority districts and systems. The Committee on Public Lands has introduced many pieces of legislation following their interim studies. The most recent study focused on sage-grouse, federal revenue sharing, and wilderness study areas. I thank Senator Don Gustavson for being a trooper with the Committee. He was our consistent alternate and did a very good job. The Committee members traveled 5,000 miles by plane and car. This is big and we covered a lot of ground.

We worked with the Bureau of Land Management, the U.S. Forest Service, local counties, water agencies, and most state agencies. The Committee received reports from the Southern Nevada Public Lands Management Act (SNPLMA). We discussed the recent rulings of the State Engineer concerning applications to appropriate water in White Pine and Lincoln Counties. We worked on a definition of wildlife and the federal Equal Access to Justice Act. The Committee submitted two bill draft requests. The first was the Hoover Power Allocation Act. The second concerned the potential listing of the Greater Sage-Grouse as endangered. You have three resolutions from the Committee before you today. I was very proud that everything that came out of the Committee was unanimous, even with the diverse backgrounds of its members. That is not to say that there was not heated debate and discussion. It was my honor to serve as Chair and I hope they allow me to serve on this Committee again. I truly got a different perspective on Nevada in the last two years and met wonderful people.

**Chairman Daly:**

Thank you for your work. I know you chaired this Committee last session. We have those three resolutions from the Interim Committee in front of us today. Does anyone have any questions?

**Assemblyman Hansen:**

I want to thank you for your chairmanship. It was wonderful to work with you. We were able to vet all of the issues in a fair way. The letters we drafted were superb. I think you did a great job.

**Assemblywoman Cohen:**

Could you please state slowly what SNPLMA stands for again?

**Assemblywoman Carlton:**

It stands for Southern Nevada Public Lands Management Act.

**Chairman Daly:**

We will open the hearing on Assembly Joint Resolution 4.

**Assembly Joint Resolution 4: Urges the Bureau of Land Management and the United States Forest Service to assist the State of Nevada with the prevention and suppression of wildfires in this State. (BDR R-209)**

**Assemblywoman Maggie Carlton, Clark County Assembly District No. 14:**

Assembly Joint Resolution 4 was originally suggested by Senator Rhoads, who was personally affected by many of the fires in 2011. In studying the many different issues and taking multiple field trips, it was easy to see that wildfires touch many different aspects of rural Nevada. Wildfires are expensive and difficult to control. Rehabilitation is also difficult. We learned about the problems with cheatgrass and other invasive weeds. Sage-grouse is a very important component. If this small little bird gets listed, it could shut down the state. Everything we did had a flavor of those issues.

We took a field trip to the Gund Ranch Research and Training Facility and learned about grazing, cheatgrass, and how grazing can be used to fight wildfire. It is not a silver bullet that will fix it. There are many different ways to fight wildfire in this state. Many Committee members suggested how they would prefer to deal with grazing and wildfire.

Grazing is a very passionate and complicated issue. It is not as simple as I thought when I started. We saw a wildfire in Spring Valley and it was the first time I had seen one. I was pretty far from it but it still scared me. I looked at it through a pair of binoculars just as a juniper exploded, which made quite an impression on me. I would not want to be the person who had to deal with that fire on that hill at such a steep grade that made it difficult to do anything. We watched the helicopter dump water on the fire. As the Committee worked through this issue, this resolution was the most comfortable for everyone. We had some folks who wanted to go further in one direction and other folks who wanted to go the other way. This was the middle ground that we found in addressing grazing and wildfire. I would be happy to answer any questions.

**Chairman Daly:**

We love two-page bills.

**Assemblywoman Carlton:**

We try to do resolutions this way knowing full well that they can be beneficial if we get the chance to work with the Bureau of Land Management (BLM) or the U.S. Forest Service. We can take these resolutions to Washington, D.C. to demonstrate how the State feels. I know some people do not feel like resolutions carry much weight, but when you have the faith and credit of the State behind you, it carries some weight. If it comes out of the body unanimously, it gives the full weight of the Legislature in a bipartisan way to say how we value our public lands.

**Chairman Daly:**

Does anyone have any questions for Assemblywoman Carlton on A.J.R. 4? [There was no response.] I spoke with Assemblywoman Carlton on the deliberations that happened on the Interim Committee on Public Lands. I appreciate your time and the nuance of it. We are saying that grazing may be one part of an overall plan to fight wildfires but there are many ways to have that done. We want to encourage the BLM to partner with as many people as possible to maintain habitat for all uses. As I have said before, we believe in multiple use of public lands. With that, I will open it up to anyone who is in support of A.J.R. 4.

**Steve Walker, representing Eureka County:**

Eureka County is in full support of A.J.R. 4.

**Chairman Daly:**

Short and sweet. We like that.

**Dagny Stapleton, representing the Nevada Association of Counties:**

We are in support of this resolution. Public land plays a central role in Nevada's counties, their economies, and their way of life. We are concerned about the increasing impact of wildfires on public lands and support any effort to increase federal resources directed to wildfire prevention and suppression.

**Nancy Boland, Chair, Board of Commissioners, Esmeralda County:**

Esmeralda County supports this resolution. During these times, the reductions in federal budgets are putting more pressure on Nevada to provide these services. They are very important.

**Doug Busselman, representing Nevada Farm Bureau:**

We are in support of this resolution. It is much better to be proactive and prevent fires from ever starting as opposed to having to go through the devastation of dealing with them after they have burned.

**Don Alt, Chairman, Nevada Live Stock Association:**

We are in full support.

**Janine Hansen, representing the Nevada Committee For Full Statehood:**

We have long supported a balanced approach to the public lands. We feel that it is very important to let the cows eat the grass in order to suppress wildfires. I moved to Elko about eight years ago and live about ten miles outside of town. In the last two years, there have been two wildfires less than 1.5 miles from my home. I have seven grandchildren who live next door. It is very frightening to be in that situation. It is very important to realize that there are measures that the state can take to suppress that fire. We noticed the wildfires' impact on wildlife.

Wildfires are also very expensive. We spend a lot of money cutting the weeds near our house for fire preparedness. Last year, it was a little cheaper because I got my son's cows to come in my yard. We appreciate this effort to protect our homes and property.

**Chairman Daly:**

I see no questions. Do we have anyone else in support for A.J.R. 4? Seeing no one, we will open up the microphones to anyone in opposition to A.J.R. 4. Seeing no one, we ask anyone to come up in the neutral position. [There was no one.] We appreciate your time on this today. Hopefully, we will be able to accommodate everyone. This resolution does not see grazing as the only solution. We appreciate the people who came up to give those comments. With that, we close the hearing on A.J.R. 4 and open the next hearing on Assembly Joint Resolution 2.

**Assembly Joint Resolution 2: Urges the Bureau of Land Management and the United States Forest Service to partner with the livestock industry in this State to increase livestock grazing on public lands. (BDR R-18)**

**Assemblyman John Ellison, Assembly District No. 33:**

With me today is Senator Goicoechea, who is the co-sponsor of the bill.

**Senator Pete Goicoechea, Senatorial District No. 19:**

Thank you for hearing Assembly Joint Resolution 2. Assemblywoman Carlton did a tremendous job chairing the Committee on Public Lands during the interim. The issues addressed in A.J.R. 2 are very similar to the resolution you just heard. The key component is fire. You have the fire, burned area rehabilitation, and recurring fire. The latter is really the issue. If we are going to avoid the issue of initial attack and how to put it out, we have to do something to reduce the fine fuels. Cheatgrass or downy brome burns well. When you do a

rehabilitation assessment, it takes at least a year to get the fire area seeded. Typically a Bureau of Land Management (BLM) plan would call for a two-year closure. This addresses the fact that it should be two growing seasons. My allotment in the Ruby Mountains near Mitchell Creek burned three times in seven years. After the end of the second growing season, fine fuels like cheatgrass are dry. Lightning storms in August ignite another fire. Then you go through the whole cycle again.

The whole intent of this resolution is to recognize that grazing is a tool. Short-term, intensive grazing allows you to remove the invasive fuels and avoid burning the area black again. That is a key component of A.J.R. 2.

I have spent my life fighting fires in eastern Nevada. I was there in 1999 when a million acres of eastern Nevada burned. There were times when we had as many as five fire-fighting bombers and seven earth movers trying to keep the fire from crossing the ridge in Elko. That fire started in Austin, which shows that wildfire can be major. We need to use grazing as a tool. The only real difference between Assembly Joint Resolution 4 and A.J.R. 2 is that the latter looks at two growing seasons rather than a two-year closure. It clearly makes sense. Whether you have native or nonnative plants, if you reduce that fuel through short-term intensive grazing when they are dry, you will avoid the threat of fire.

**Chairman Daly:**

Anyone who has lived in Nevada knows cheatgrass and has seen fires. I have lived here my whole life and I have seen wildfires repeatedly. Are there other possible purposes for that fuel?

**Senator Goicoechea:**

Cheatgrass has a very fine seed. It does not take long after the plant dries that the seed drops. You cannot remove all of it at that point because it is dry forage. Even livestock will not eat it when it is dry. The best thing you can do is put a cow track in it to knock it down to make it less explosive. It helps to make a mark in it and get it tipped over. After a snow, it will soften again and becomes somewhat palatable forage for livestock, but that is a different scenario. In this resolution, we are focused on short-term grazing when there is a threat for fire.

**Chairman Daly:**

If there are two growing seasons in a two-year period, during which one do you want to knock that fuel down?

**Senator Goicoechea:**

Typically it would be almost into the third year. The first year would be the year of the fire. During the winter and spring it would be rehabilitated. You would go through the second year and past the second growing season before you opened it up. Typically, the closure will come out the following year. It is during that second growing season when the cheatgrass has returned that you get the second fire. Two weeks ago a pilot was killed reseeding the Pinto fire. When we wrote the rehabilitation plan for that fire, they agreed that it was appropriate to close it for two seasons so there would be no livestock.

**Assemblywoman Swank:**

When you talk about intensive grazing, do you measure it by the number of livestock per a certain area?

**Senator Goicoechea:**

Intensive means a greater number of livestock for short periods of time to get the tracks in there. I am not talking about putting 50 head in there and leaving them for 500 days, because that is also intensive. I mean having enough livestock to knock that foliage down.

**Assemblywoman Swank:**

What is that number?

**Senator Goicoechea:**

It depends on how big the fire is and the number of water sources. It has to be very flexible. Anything beats turning it black again.

**Assemblywoman Swank:**

What kind of danger does this pose to animal habitats that might be in the ground in the burn area?

**Senator Goicoechea:**

Unfortunately, when you come back to the area after a fire in the second year, it is a pretty spare environment. It takes a while for those creatures to come back, which is another reason why you want to avoid that second fire.

**Assemblyman Ellison:**

If you look at the studies done on the sage-grouse, it usually takes two to three years before they come back. But if their eggs are laid and you have another fire, then it is destructive to animal life for wild horses, deer, and sage-grouse. The State Department of Agriculture said in the last hearing that the fields will burn again if we do not put cattle on them.



**Chairman Daly:**

After a fire on BLM land, they have the rehabilitation and reseeding if there are resources for that. Who gets to add input after that?

**Senator Goicoechea:**

Eureka, Lander, and Elko Counties became cooperating agencies. We had liaisons on the burn area assessment team and met three times a week to discuss which seed mixture was the best for rehabilitation and the critical areas to control erosion. We even sowed hard cereal grains such as barley and wheat to stabilize the soils over such a vast area. Ten years later, we have native species established. It looks like a garden now but it took a long time. Some of those areas actually burned again. Everyone is involved in rehabilitation including the state agencies. Today, sage-grouse and rabbitbrush are major components. The bottom line is that everyone with an interest in the land gets involved and BLM or the U.S. Forest Service (USFS) are ultimately in charge of the burn area assessment.

**Chairman Daly:**

Therefore the counties, the State Division of Wildlife, the USFS, and the federal agencies are trying to work together to rehabilitate the burned areas. Does money come from the counties or the federal government? Does Nevada have a stake in this?

**Senator Goicoechea:**

The Nevada Division of Forestry has been very active in seed production, rehabilitation, and providing equipment and manpower. A lot of crews fill a big piece of this for erosion control.

**Chairman Daly:**

Does the final decision get made by the federal agencies if it is on federal land?

**Senator Goicoechea:**

Ultimately, it is a cooperative agreement but the BLM is in charge if it is on public lands.

**Chairman Daly:**

Thank you.

**Assemblyman Aizley:**

Does the sagebrush grow back? Is it conducive to cattle grazing? What does it do for the sage-grouse? Do you want it or not?

**Senator Goicoechea:**

Sagebrush is not really a forage source for domestic livestock but sheep use black sage in the winter months. It is more of a cover protection for nesting birds. Any fire rehabilitation seed mix contains sagebrush. Fire typically sterilizes the ground and sagebrush will not come back. That is when you really run the threat of another hot fire because nothing comes back.

**Assemblyman Aizley:**

Nothing comes back except for cheatgrass.

**Senator Goicoechea:**

Cheatgrass always seems to be first and foremost and it is the biggest threat.

**Chairman Daly:**

Seeing no other questions, we ask people in support of A.J.R. 2 to come up.

**Doug Busselman, representing Nevada Farm Bureau:**

We support this resolution as we did the last one and encourage the Committee to see if there is a way to combine the two. We need to consider that the reason we need to control a burned-out area of cheatgrass is because the second time it burns more area and keeps increasing the size of the affected landscape. It also increases the frequency of fires so that sagebrush, which takes a longer time to regenerate, never gets enough time to come back. It is both the expansion of area and frequency. Grazing can reduce that fine fuel load and lessen the impact of the fire as a good strategy.

**Don Alt, Chairman, Nevada Live Stock Association:**

We support this. Before I moved to Nevada, I was in southeastern Oregon. A fire came through the country right up to the fence next to our house. It stopped when it came to the fence because my boys herded their sheep up and down that fence as a 4-H project. The sheep had eaten all of the dry grass and the fire just stopped. In the fall of 2011, when Dean Rhoads had all of the fires at his place, that forage should not have been there. It should have been grazed. I can understand the need for a year to get the grass roots established. Two years is just making a big seed bed for fire.

**Steve Walker, representing Eureka County:**

I have a degree in range management. I know the plants and I mostly agree with Mr. Goicoechea's comments. Sagebrush is unlike other shrubs in Nevada rangelands in that it does not crown sprout. Rabbitbrush, horsebrush, and snow shrubs sprout from the root material after the fire. Sagebrush has to start anew from a seed and it gets set back in the plant succession cycle. Having said that, Eureka County is in full support of the resolution.

**Chairman Daly:**

Seeing no other questions, we will take comments from Elko.

**Grant Gerber, Commissioner, Board of Commissioners, Elko County:**

[Mr. Gerber provided written testimony ([Exhibit C](#)).] My family settled in Elko County in the mid-1800s. In 2009, I began the Smoked Bear campaign. I am also an attorney. Millions of animals are burning and hundreds of millions of pounds of pollution are spewed into the air because of the mismanagement of the BLM and the USFS. In the last eight years, over 13 million animals have burned and over 440 million pounds of pollution have been spewed into the air from fires in Nevada.

The 4 million acres that have burned in Nevada since 2005 have been mostly in Elko, Lander, Eureka, and Humboldt Counties. Some of these areas have burned three times in the last seven years. The microorganisms have been decimated. The soil is becoming sterile. All of this is a result of the federal government reducing grazing. Grazing by sheep is down over 95 percent and grazing by cattle is down over 50 percent on the BLM and USFS land in Nevada. The government is continuing to reduce grazing while fuel loads continue to grow. Last year, 1.8 million animals including sage-grouse, rabbits, chipmunks, deer, porcupines, and badgers burned in Nevada. Over 61 million pounds of pollution were spewed into the air causing blankets of smoke containing mercury, benzene, carbon monoxide, formaldehyde, ozone, and volatile organic compounds to spread over Nevada's cities. The federal government's fires caused more pollution than all of the power plants, construction, manufacturing, mining, and agriculture in the entire state. But because it is the federal government causing this pollution, there is no government agency that addresses it. The wildlife carnage has reached such large proportions that some people are finally beginning to acknowledge this massive loss.

The federal government, however, refuses to acknowledge the millions of animals that they are killing. For years, the federal government has used the fires as another excuse to reduce grazing even further. This is exactly backward from what should be done. If you had a fire in your backyard, the first thing you would do is plow, fertilize the area, and seed it. The last thing you would do is watch the weeds take over and wring your hands. The rancher that has the grazing allotment that just burned should be encouraged to begin grazing the burned area as soon as he feels it is practical. That way, the soil will be plowed by the hooves and it will be fertilized. This will begin the regeneration of the microorganisms in the soil and help reduce the invasion of weeds. It will also prevent fuel buildup and other fires. By preventing another fire, many animals will be saved and pollution will be prevented. I strongly support A.J.R. 2.

**Chairman Daly:**

I do not see any questions. Thank you for your testimony. We will come back to Carson City.

**Dagny Stapleton, representing the Nevada Association of Counties:**

We are in support of this resolution.

**Janine Hansen, representing the Nevada Committee For Full Statehood:**

I certainly appreciated Mr. Gerber's testimony from Elko. I support his efforts in the Smoked Bear campaign to preserve wildlife and save them from being burned. I support his position that the public lands have been mismanaged by BLM and USFS. The Nevada Committee For Full Statehood has realized that many of our natural resources along with our economy have been damaged. It is sad that fire suppression is the largest industry in Elko instead of economic activities utilizing the natural resources. We certainly appreciate and support this resolution.

**Chairman Daly:**

Seeing no questions, I will make one final comment. I understand that grazing is a tool that can be used to help manage the rangeland, especially in cases of fire. Criticizing the BLM and other federal agencies that we have to work with is probably not productive. As former Defense Secretary Donald Rumsfeld said, "You go to war with the army you have, not the army you might want or wish to have at a later time." We have to partner with the agencies that we have to partner with in this state. That criticism is not going to help and it is not the flavor of this Committee. With that, we will open up the microphone to anyone in opposition to A.J.R. 2.

**Tina Nappe, Private Citizen, Reno, Nevada:**

I have spent 40 years working in conservation, wildlife, and habitat issues. I have spent many years fighting the livestock industry on the amount of grazing it has on public lands. Today, I want to start with my conclusion before I go through my reasons.

I concur that this resolution could be combined with A.J.R. 4, which I did not find objectionable. I have served on the Governor's Greater Sage-Grouse Advisory Committee. The goal of that committee is for Nevada to be successful in submitting an alternative program plan to BLM that they will accept so that Nevada can continue managing sage-grouse. Otherwise, it may be listed as an endangered species. Many national conservation organizations oppose livestock grazing. That is the reason we have so many wildfires and sage-grouse are declining. The role for all of us, including this Committee, is to find out how we can meld the internal views of the state with the national perspective. This

resolution is something those national organizations would take as a symbol of the opposition.

Committee members commented that the focus of this resolution is cheatgrass. That is really not stated in this resolution. From what I can see, the resolution presumes that all livestock grazing is virtuous, which it is not. It has not been in the past and is not now. This resolution does not take into account the shortcomings of grazing. It also assumes it is beneficial to sage-grouse, which is not entirely known. According to one study, livestock grazing can be either negative or positive for sage-grouse habitat depending on the timing and intensity of grazing and which habitat element is being considered. These are the types of things federal agencies have to look at. If they do not, organizations will make federal agencies look at them. I do not want Nevada to be in a position of questioning how the federal agencies manage its grazing. It would be helpful if you could focus this resolution more. If cheatgrass is the main concern, make it cheatgrass in certain areas. Do not make it generic so that every permittee gets to expand their grazing.

I suggest that the Committee on Public Lands develop a multiple-use group to create a position statement on grazing that is not just based on grazing. It should look at the other inherent values that grazing has. It would be very helpful to conservationists to not just focus on livestock grazing. The land will erode over time. If you had the chance to read my memo ([Exhibit D](#)), Ely is already saying that they are cutting back on livestock grazing because there is not enough forage available. Our bottom line is to protect our native forage. Grazing needs to accommodate and promote that. I do not see that in this resolution.

**Kyle Davis, representing Nevada Conservation League:**

[Mr. Davis presented a proposed amendment ([Exhibit E](#)).] I am here in opposition to the resolution. The examples and testimony that you have heard do not go with the resolution. The solution given in the resolution is a blanket increase in grazing. We are concerned that it is far too broad. Let us make the resolution reflect specific examples where we know grazing can reduce wildfires. I have had conversations with Mr. Ellison and Mr. Goicoechea to find language that can accommodate both of our concerns. We are probably pretty close to finding that language. I would appreciate any opportunity to work with the Committee as well as the bill sponsors.

**Assemblyman Livermore:**

For several years, Carson City had burning on its western slopes. After the fires, Carson City contracted for sheep grazing on its lands for fuel reduction. This has paid off because we have not had a major fire on the western slopes

for some period of time. Do you also know applications of fuel reductions or examples where grazing benefit the economy?

**Kyle Davis:**

I am not saying that there are not applications when grazing could be helpful in terms of reducing fuel load. I just think that all of the factors need to be considered because negative factors could outweigh the positive impact in some cases. It is possible that we could manage all of our public lands toward one specific goal, but that would leave out a lot of competing values that people have for public lands. Certainly, there may be cases where this would work and we want to encourage those. Our concern is that this resolution is a blanket approach rather than a target approach.

**Assemblyman Hansen:**

Most of the organizations that the Nevada Conservation League represents have been ardent critics of public lands grazing for a long time. To come here and change is sort of suspicious to me. However, as I stated in my report ([Exhibit F](#)), I have studied this intensely. The studies show that the sage-grouse populations peaked during the same time that we had the highest level of public grazing. The increase in fires that we have experienced can be closely correlated to the substantial decline that we have seen to the number of livestock on the ranges. I have here a study from the Great Basin Wildfire Forum where all the range experts got together and concluded that we need to increase grazing on these nonnative grasses in order to reduce fuel load. You have talked about native grasses. You are almost living in the past. We have to totally change the ecosystem after the introduction of cheatgrass. I hear everyone saying that livestock grazing may not be the answer, but you never suggest what is the answer. No solutions are ever proposed. I would like to hear your solutions in the absence of livestock grazing to reduce the amount of cheatgrass on Nevada ranges.

**Tina Nappe:**

My goal here is to put Nevada in the best position to be designated for state management of sage-grouse and not to have the sage-grouse listed. I am looking at this resolution from that point of view. I did not say that I am opposed to livestock grazing and I am not. Livestock ranching is extremely important in the state. We have taken it for granted so much that we have not looked at it holistically. That is why I suggest that the Committee on Public Lands work with a lot of groups to develop that. This resolution may focus on cheatgrass to you, but it does not to me when I read it. It said more grazing, no matter where. That is my concern.

**Chairman Daly:**

I think we all agree that wildfires are far worse for the environment than anything else, including grazing. I want to see people work together with this. One resolution has an emphasis in one direction while the other has a more balanced approach. Ms. Nappe said two words that I hope to see in this resolution, which are timing and intensity. If you get the right timing and intensity, we can make a difference in fire suppression. That is more valuable than some of the offsets you might have. I agree that it is not the only solution and we need to move toward a balanced approach. We should not attack the BLM. Still, we can cooperate and go forward. Do you agree that fires are the worst thing that could happen and timing and intensity is something we should address in either or both of these resolutions?

**Kyle Davis:**

Yes, I think avoiding wildfire is fundamental to preserving healthy ecosystems. As I mentioned, I have been talking with the sponsors of the resolution and I am hopeful that we can get to targeted timing and intensity that may have some benefit as opposed to calling for blanket grazing increases. There is definitely a shared goal and I am optimistic that we will get there.

**Chair Daly:**

Does anyone else have any questions or is anyone else in opposition to A.J.R. 2 that wants to come up? Seeing no one, we will open it up to neutral. I do not see anyone. Mr. Ellison, do you want to give closing comments?

**Assemblyman Ellison:**

Grazing is a tool to prevent millions of acres from being burnt over and over. Wildfires cost millions of dollars. Some of these fires run so hot they destroy undergrowth, roads, fences, and riparian areas. We are not saying that cattle should be shipped to every inch of the state. This resolution works with BLM, USFS, and ranchers so that they can come together and use grazing as a tool.

**Chair Daly:**

I appreciate that. I am hoping all of the parties can get together and meet what I think is very close to what we want and will include timing, intensity, appropriate use, and partnering with federal agencies. We will close the hearing on A.J.R. 2. If Assemblywoman Carlton could continue to stay, we would like to move into the presentation of the Nevada Pinyon-Juniper Partnership before we hear the resolution regarding that. I think the presentation would be useful to the Committee.

**Jeremy Drew, Vice Chair, Board of Wildlife Commissioners, Department of Wildlife; and Program Coordinator, Nevada Pinyon-Juniper Partnership:**

The Nevada Pinyon-Juniper Partnership is a collaboration of folks from the private sector, counties, the Nevada System of Higher Education, state and federal agencies, and nongovernmental conservation organizations. As project manager, I am directed by our executive committee to advance our mission, which is to promote sound, proactive management of pinyon-juniper woodlands to achieve healthy ecosystems for stronger communities. Sarah Adler with the U.S. Department of Agriculture's Rural Development Division, Doug Martin with the Nevada Resource Conservation District, and U.S. Forest Service staff are here today.

We have three main components to the partnership. The first is to promote sound, proactive management. On page 2 ([Exhibit G](#)) you will see that you must have science and monitoring above utilization and resource restoration. Utilization refers to how we are trying to build more resilient ecosystems and utilize the biomass that comes off of these projects to build our communities and economies.

Pinyon and juniper are two different trees. Pinyon is most famous for its introduction of pine nuts. The juniper produces juniper berries. Anyone who drinks gin knows a little about that. The two trees often occur together and their names are used synonymously. Over 9 million acres of land in Nevada are dominated by pinyon and juniper vegetation. That area is shown in red on the map on page 4 ([Exhibit G](#)).

On page 5, there are two pictures of the same location taken 34 years apart. In the picture taken in 1973, you will notice pinyon and juniper spread out in the upper left but with spacing between the trees. By 2007, the infill has closed the canopy and there is much less spacing between the trees. In 1973, the alluvial fan is primarily sagebrush with probable grass understory. In 2007, those trees are expanding down into the sagebrush ecosystem. These are examples of infill and expansion.

To give you an example of a pinyon-juniper ecosystem, we broke it down into three phases. Phase one would be a site primarily dominated by perennial vegetation, such as understory herbs, forbs, shrubs, and grasses. In this initial expansion phase, trees are present and establishing. The further you get in time from fire or other disturbance, the more you get to phase two. This is when the trees and herbaceous vegetation are co-dominant. Eventually, in the absence of a disturbance or fire, you get to phase three. A phase three woodland has complete dominance by the trees. Much of the shrub understory is gone. Many



times you will see dead shrubs and sagebrush skeletons. You have less perennial grass and much more bare ground.

In the context of wildfire, if you burn a phase one or phase two ecosystem, that ecosystem still has some resiliency. In other words, you still have a seed bank in the understory to come back following the fire. A late phase three site that has lost its understory and ecosystem resilience has an increased fuel load. Here you get fires with trees exploding. This essentially alters your site and opens the door for undesirable vegetation. This is a problem because you decrease your biodiversity, foraging habitat, and natural resilience while you increase erosion, fire danger, and invasive species. Your site ends up with an altered fire cycle, hydrology, and soil. This is what we are trying to avoid. Experts believe that there are 100,000 acres of pinyon and juniper moving from a phase two to phase three ecosystem.

Another item of great concern is sage-grouse. Page 12 ([Exhibit G](#)) shows three of the top threats to sage-grouse in Nevada: invasive species, wildfire, and pinyon-juniper invasion. The map shows the population management units. The red areas are population management units where pinyon-juniper invasion, expansion, and infill have been identified as a high threat to sage-grouse habitat. You will see the entire bistate population, northern Washoe County and central and eastern Nevada. The map on page 12 was taken out of the Bureau of Land Management's (BLM) Resource Management Plan for BLM's Ely District. This district encompasses White Pine and Lincoln Counties and a small portion of Nye County. The red bars indicate their current condition and the green bars indicate their desired condition. You will see 2.9 million acres of pinyon-juniper woodland in an over-mature woodland phase. Their desire is to take that red column and move it back to the immature woodland phase and build back the ecosystem resilience that I talked about earlier.

We are not advocating for clear cuts. In a phase two or three, especially in a woodland with infill, we are looking for multiple values out of ecosystem-based proactive management. That could be fuels reduction, watershed health, resilience, or biodiversity. It could even include pine nut production by thinning some of the trees that have closed in on the canopy. The cost of such a fuel treatment would be \$100 for a prescribed fire to \$400 to actually remove the trees. The average cost of treatment is \$250 per acre. If you multiply that by the 2.75 million acres that BLM's Ely District alone needs to address, we are near \$680 million. No one has \$680 million to address this problem. This does not include the component into sagebrush ecosystems.

When we talk restoration, some folks are concerned that we are advocating for a streamlined National Environmental Policy Act (NEPA) process. We are not.

The partnership advocates for baseline data collection, planning, an open and transparent NEPA process, restoration, implementation, and past project monitoring to inform our research, and adaptive management. This sort of system requires program dollars from the federal government for our state and private partners. By bringing a utilization component into this system, we break the chain and pull out the biomass produced by the trees. Instead of leaving them on-site, we are pulling that biomass product out to fuel a biomass industry. We hope to produce jobs and return value back to the system. That value is not just dollars. It is ecosystem services, rebuilding resiliency, and reducing fuel load.

Utilization includes a broad range of potential uses for pinyon and juniper biomass. Some of these uses are firewood, pellets, fence posts, particleboard, power generation, heat, steam, charcoal, mulch, biofuels, and even bioplastics. Fires in these ecosystems are going to happen. The question is when they will happen, not if they will happen. Fires can be good or bad. Active management, particularly based on sound science, monitoring, and adaptive management can rebuild resilience back into the system. Large scale management will require significant funding. That is where we feel a private biomass industry may be able to help. I would like to echo some of the comments from earlier. I really appreciate Assemblywoman Carlton. As chair of the Committee on Public Lands, she took time to learn our issues.

**Assemblyman Livermore:**

I would like more information on the areas of pinyon and juniper overgrowth. Could you show us on the map on page 12 ([Exhibit G](#)) the area you are talking about and how it corresponds to wildland fires?

**Jeremy Drew:**

The yellow area on the map has less pinyon and juniper trees but a lot of fire. Wildfire is the top threat to sage-grouse, as identified by the U.S. Fish and Wildlife Service statewide, whether it is burning in sagebrush or pinyon-juniper ecosystems. The real reason those are yellow is because there are fires there.

**Assemblywoman Cohen:**

Do we currently have biomass industry or are you hoping to start it?

**Jeremy Drew:**

Current biomass utilization is going on. Firewood is our biggest industry. However, it is at a small scale so it does not address the millions of acres that we talked about. The Nevada Pinyon-Juniper Partnership is looking to bring in different sorts of utilization. We are working with the University of Nevada,

Reno and Utah State University to look at bringing in a potential biofuels industry and using pinyon and juniper as feedstock for that.

**Chair Daly:**

It seems like controlling the infill of these forests is pushing against the tide. Before we were managing forests, what was the natural process?

**Jeremy Drew:**

Fire suppression has played a huge role in where we are today. There has been too little fire in pinyon-juniper ecosystems, which seems counterintuitive to what we were talking about previously. We are paying for that now. Our burn interval has increased. Normally, a fire would burn and return the ecosystem to shrubs and grasses. In addition, we have had the introduction of cheatgrass. Now, when fires burn in those high fuel loads, we have an increased chance of cheatgrass reintroduction into those sites. Proactive management pays huge dividends by crossing those ecological thresholds to cheatgrass. At the same time our hope is to prop up an industry and provide jobs to rural Nevada.

**Chair Daly:**

I know the eastern forests have been managed longer than ours and they have many of the same issues. If we were to move forward with biomass production, what would the process look like?

**Jeremy Drew:**

The restoration needs to occur one way or another, as indicated in BLM's Resource Management Plan. The federal government and our agency partners are really the ones who need to do the baseline analysis. They go through the National Environmental Policy Act to identify the treatments. That needs to happen whether utilization happens or not. We are not advocating for a biomass industry that determines the treatment. We have worked closely with our federal partners. The Bureau of Land Management and USFS are planning to treat tens of thousands of acres of pinyon and juniper in the Ely District. They have said they do not need support in finding more funding for this restoration but an outlet for it. Instead of paying \$250 per acre to treat this area, we can offer a stewardship contract which is mentioned in the resolution. Their payment for that service is taking the biomass off the land.

**Chair Daly:**

Potentially, we could tell them to pay us like they do in logging.

**Jeremy Drew:**

We would love to get to that point.

**Chair Daly:**

Thank you for your presentation. We are ready to move on to the next resolution.

**Dave Zeigler, Principal Research Analyst:**

I was the policy analyst assigned to the Committee on Public Lands and Assemblywoman Carlton asked me to present this resolution.

**Chair Daly:**

We will open the hearing on Assembly Joint Resolution No. 3. Please proceed.

**Assembly Joint Resolution 3: Expresses the intent of the Legislature to establish a biomass industry to restore certain ecosystems on public lands. (BDR R-210)**

**Dave Ziegler, Principal Research Analyst:**

I must be clear that I am not personally advocating for or against the passage of this resolution. Mr. Drew covered many of the things Assemblywoman Carlton would have said. After the Committee on Public Lands met in June, the Nevada Pinyon-Juniper Partnership provided research on the costs and benefits of treating the pinyon-juniper forests before they get too dense. The preliminary research indicated that the benefits of treating the fuels before the trees become dominant far outweighs the monetary costs of fire suppression. When you add the benefits of erosion control, better forage, better recreation opportunities, less wildfire damage, and better wildlife habitat, the benefits increase and the benefit-to-cost ratio improves. In addition to all the benefits that Mr. Drew mentioned, it makes dollars and cents. When the Committee met in June and August, the witnesses encouraged the Committee to support the establishment of a biomass industry in Nevada in order to capture the numerous benefits of restoring the degraded pinyon-juniper and sagebrush ecosystems. The Committee voted unanimously to recommend adoption of this resolution. We also wrote to the Bureau of Land Management (BLM), United States Forest Service (USFS), the U.S. Congressional delegation, and the Secretaries of Agriculture and the Interior urging them to help Nevada establish a biomass industry.

**Assemblyman Aizley:**

Would you remove all of the biomass or would you leave some of it to replenish the forest floor?

**Dave Ziegler:**

I am not expert in range science. My understanding is that you want a mosaic ecosystem that includes a little bit of everything. You do not want a monoculture but as much diversity as possible in the system.

**Chair Daly:**

Seeing no other questions from the Committee, we will take testimony in support of A.J.R. 3.

**Jeremy Drew, Vice Chair, Board of Wildlife Commissioners, Department of Wildlife; and Program Coordinator, Nevada Pinyon-Juniper Partnership:**

The Nevada Pinyon-Juniper Partnership is in full support of the resolution. I distributed the resolution to my executive committee and received suggested amendment language, which I provided to the Committee ([Exhibit H](#)). We are suggesting technical cleanups and addition of the principles I talked about in my presentation. We are not trying to change the intent but clean a few things up.

**Chair Daly:**

Please run through the amendment so we can have that information.

**Jeremy Drew:**

I checked with Assemblywoman Carlton and she requested that I present this amendment here today. On page 1 ([Exhibit H](#)), we are advocating that you say 9 million acres because we are more comfortable with that estimate. In some areas, one-quarter of the ecosystem is pinyon-juniper but it is not applicable to the entire state. The pinyon-juniper type is not a traditional forest but more of a woodland. In the second paragraph, we replaced the word "forest" with "ecosystem." When we talk about diversity and crowding out of shrubs, we added herbaceous vegetation as well to bring in the perennial grass and forb component. In the third paragraph on page 1, we really want to stress that any proactive management should be environmentally sound and scientifically based in both the expansion of woodlands and infilled woodlands. The last paragraph on page 1 talks about the production of renewable energy. We added "and wood products" as mentioned in the presentation. Renewable energy is one component of a biomass industry, but there is a lot of room for traditional wood products and emerging markets such as biochemicals.

We added a new paragraph on page 2 ([Exhibit H](#)). We are not advocating that we circumvent the National Environmental Policy Act process and wanted to make it very clear. The third paragraph replaces "forest" with "ecosystem resilience," which is one of our pillars. In the fourth and fifth paragraphs on page 2, we added "wood products" and "environmentally sound" because we want to make sure we are encouraging practical management that is sound and

based on science. Page 3 ([Exhibit H](#)) includes many of the same changes. I know it is repetitious but we want to make sure we have the science and sound principles first. Hazardous fuels reduction is one of the benefits of those treatments and a critical component for our rural communities.

**Steve Walker, representing Eureka County:**

In 1974, I got a performance award from USFS working as a range conservationist in Ely. I did 4,000 acres of pinyon-juniper chaining, which involved two large Caterpillar machines hooked onto 150 to 250 feet of anchor chain, driving over the landscape in a J pattern, snapping trees, rocks and everything. We had to follow up with axes and crews to cut the whips back. It was an intensive treatment. At the time, it was not for fire control but for increasing perennial grass for grazing. This is a much better solution.

I flew over the United States about a year ago. I noticed that they are still chaining in southern Utah. I applaud what we are trying to do. We are moving forward on this issue. Eureka County is in support of the resolution.

**Doug Martin, District Manager, Extension 22, Nevada Tahoe Conservation District; and Co-chair, Nevada Pinyon-Juniper Partnership:**

I got involved in this in 1970. I am a graduate of the University of Nevada's renewable natural resource program. I have spent 40 years working in natural resources in Nevada and this is my passion. I am currently the district manager of the Nevada Tahoe Conservation District. It is the largest conservation district in the state. We are doing a million dollars' worth of erosion control work in Lake Tahoe. We have good science and good resource management.

As Mr. Drew pointed out, we currently have 100,000 acres passing the threshold into phase three. This phase is better defined as a lack of herbaceous understory, which is the seed bank. Phase two has this, so when a fire goes through, you have recovery of native plants. Phase three has sterilization and loss. If we have 100,000 acres transferring over to that and all of the pots of money can only treat 10,000 acres, you are losing ground significantly every year. You can let nature take care of this, but you are not going to like the result. If you want to see the result, I would be happy to take you on a tour to Jackass Flats about three miles south of here. A fire went through and three years after the fire it is a monoculture of cheatgrass and tumble mustard, which is of no value to anyone. The Partnership is trying to augment the cost through utilization of the material.

There are existing markets for utilizing material. One of the things we are doing is working in Lincoln County to create a cooperative that is a wood-utilization cooperative. Eureka County is doing treatments but we are also trying to utilize

the material that they have through grants for use of that material on the ground. One of the best success stories, if you ever get the chance to see it, is at the Smith Creek Ranch in Porter Canyon. That rancher has provided the University of Nevada one of the best study areas for the responses of treatment. As you start treating, you start understanding their cycle. Some trees take up to 30 gallons of water a day. In that particular study area, BLM is also listening and watching. They see the value of sage-grouse habitat improving in the same area. The problem is that the cost is not going down per treatment per acre. We want to look at all aspects of utilization. Mr. Drew pointed out the strong possibility of working with the University of Nevada in the biofuel area in partnership with the U.S. Navy. Biochar is a wonderful example. The Partnership is very supportive of this resolution.

**Kyle Davis, representing Nevada Conservation League:**

We definitely support the efforts of the Nevada Pinyon-Juniper Partnership. We think this is a great example of a win-win relationship that can do good work that benefits the ecosystem, hopefully creates economic development, and gets renewable energy happening. We urge this Committee's support of the resolution.

**Assemblyman Ellison:**

We went to a program in Washington where they were making shingles out of pinyon and juniper trees. It was amazing what they were doing by pruning these areas and making these products. The forest was coming back very well. Have the juniper been affected by the mountain pine beetle or other insects?

**Jeremy Drew:**

They have absolutely been affected, especially in areas where we have dense pinyon and juniper. There is an area in Lincoln County that has had an outbreak of the pinyon ips beetle and there are a lot of dead trees. The outbreaks are annually documented by the Nevada Division of Forestry and we may be able to get some more information for you.

**Chair Daly:**

This is just another area that we now have to manage and balance because of human activities over time. Is there any activity besides this resolution to bring in jobs and address these problems that we could encourage?

**Jeremy Drew:**

I think this resolution will really help when the Partnership works with its federal partners and higher levels of management. This is a great first step. We have ongoing talks with various industries about ways to bring down the costs of treatment and delivery of biomass to processing plants. We are working on

emerging markets and expanding traditional uses. The University of Nevada, Reno and Utah State University have the biofuels grant. If there is anything else, I will be sure to bring it to your attention.

**Don Alt, Chairman, Nevada Live Stock Association:**

When you look at adjudication on the range allotment that began with the BLM's Taylor Grazing Act, they estimated the amount of wildlife. Many of them used to have sheep and goats. The sheep and goats devour pinyon and juniper. Now that the sheep and goat industries are gone, that encroachment is coming back. I think we all know that the sheep and goats are no longer out there because of the environmental organizations. Once the older trees are gone, if it was occasionally grazed with sheep, the problem would not come back.

**Dagny Stapleton, representing the Nevada Association of Counties:**

We were a part of the Nevada pinyon-juniper working group and we recognize the real benefits that development of a biomass industry would have in our state, especially in rural counties. We also recognize the positive environmental impacts. We are in support of the resolution.

**Assemblyman Hansen:**

Is there some hope in the future that you will be able to use the native biomasses to produce power? How much of a subsidy would be required?

**Dagny Stapleton:**

I cannot speak on subsidies but I know the Partnership looked at the economic benefits of developing a biomass industry. They are looking at it for power.

**Chair Daly:**

Seeing no one else in support of A.J.R. 3, we will now listen to opposition. We still have a link to Elko. Seeing no one in opposition, we will open it up for testimony in the neutral position. Seeing none, we will close the hearing on A.J.R. 3 and open the hearing on Assembly Joint Resolution 5.

**Assembly Joint Resolution 5: Urges Congress to take certain actions concerning federal public lands in Nevada. (BDR R-208)**

**Dave Ziegler, Principal Research Analyst:**

Again, I am not personally advocating for or against this resolution but am here to provide information. At the May 2012 meeting, the Committee on Public Lands heard testimony that activities occur on public lands such as energy development, mining, roads, and services. The State of Nevada and its local governments are limited in the ability to collect fees or taxes from the users of the federal lands. The Federal Policy Act of 2005 set up a revenue-sharing



program from geothermal development on federal lands to help affected state and local governments deliver essential services and make necessary capital improvements.

In 2010, Senator Reid and then-Representative Heller introduced legislation that would have established a leasing program for solar energy projects on federal lands with payments of 25 percent of the revenue to go to host states and counties. A year later, members of our Congressional delegation were cosponsors of legislation that would have established a revenue distribution formula for solar and wind energy on public lands. It would have divided revenues among counties and states, the Department of the Interior, and a conservation fund. However, there have been a number of efforts in the administration's budget and U.S. Congress to roll back the existing revenue sharing programs. To date, these bills that would have expanded revenue sharing have not passed. In the 2011 Session, the Legislature unanimously adopted Senate Joint Resolution No. 4 of the 76th Session urging Congress to ensure that the public lands in Nevada remain open to multiple uses and to enact revenue sharing legislation.

In August of last year, the Committee on Public Lands recommended the adoption of this resolution, which updates the information in S.J.R. No. 4 of the 76th Session and the sense of the Legislature on this subject. I am sure if Assemblywoman Carlton was here, she would urge your support.

**Chair Daly:**

When I look at lines 31 to 38 on page 2 of the resolution, it talks about the appropriate grants and royalties for activities to generate electricity from geothermal resources. Can you recall why wind and solar and other royalties were not included?

**Dave Ziegler:**

I researched the chronology for the Committee on Public Lands but I did not commit it to memory. In 2005, the Energy Policy Act was strictly limited to geothermal energy development. I think Senator Reid and Senator Heller tried to expand it into solar in 2010. They were cosponsors to the 2011 legislation that would have added wind. In other words, you started with geothermal in 2005, almost added solar in 2010, and added solar and wind in the 2011 bill that did not pass. Right now, we are limited to revenue sharing on geothermal energy.

**Chair Daly:**

If efforts have been made but they were not successful, I am not sure why we would not continue to ask them to continue to make efforts on wind and solar.

The Crescent Dunes Solar Energy Project in Tonopah is spread over thousands of acres with 40,000 mirrors pointing at molten salt on top of a tower. Other than the construction activity, the federal government has a billion-dollar guaranteed loan to a foreign company. NV Energy will partner for the power, but there are no full-time employees to run the plant once it is open. People will make a profit off of that resource in our state, and there are thousands of acres being taken in southern Nevada for renewables.

**Dave Ziegler:**

I want to make it clear that the Committee on Public Lands urged the staff to make sure the resolution was broad enough to encompass geothermal, solar, and wind resources. They did not want it limited to any one of those resources. If that is not clear in the resolution, it may need to be cleared up.

**Chair Daly:**

I really only see geothermal in the resolution. Seeing no other questions from the Committee, we will move on to testimony in support of A.J.R. 5.

**Dagny Stapleton, representing the Nevada Association of Counties:**

We are in support of the resolution regarding the policy which ensures that 25 percent of the revenue paid to the federal government for the use of public lands for geothermal production is apportioned to host counties. As you heard, there were recent attempts to divert this revenue to the federal treasury. This resolution encourages the federal government to preserve these revenues for counties. We are also in support of sections 1 and 2 on page 2, which would expand the share of revenues paid to the federal government from solar and wind development from federal lands to counties. These revenues are important to offset the costs associated with new energy development.

**Steve Bradhurst, Executive Director, Central Nevada Regional Water Authority:**

The Central Nevada Regional Water Authority is an eight-county unit of local government that would like to thank the Committee on Public Lands for this resolution and strongly endorses it.

**Steve Walker, representing Eureka County:**

When products from the national forests are sold, 25 percent of those sales go back to counties in lieu of taxes, so there is a precedent for this. Eureka County supports this resolution.

**Chair Daly:**

I think everyone supports that all of the resources be included in this resolution and not just geothermal.

**Don Alt, Chairman, Nevada Live Stock Association:**

When the grazing fees are paid to the federal government, 50 percent of that fee comes back as range improvements. Each year, ranchers submit their range improvement requests. Each year, the counties say that they do not have any money and the improvements get put off. However, at the end of the year, there are millions of dollars left over that were never spent. That money should have been spent in the state. A few years ago, the Solicitor General audited three of the northern counties and found that the majority of money had been misappropriated. There are many things that money could be used for, such as seeding for fires. A portion is supposed to come back to counties and I do not know if it does or not, maybe 25 percent.

**Janine Hansen, representing the Nevada Committee For Full Statehood:**

Our purpose is to educate and advocate for placing Nevada on an equal basis with states east of the Mississippi River, where states control their own land and resources. We understand that there are difficulties, especially in local communities, when the majority of the fees go to the federal government. There have been many key initiatives by western states, such as the Action Plan for Public Lands and Education Initiative in Utah, which aim to capture fees in order to help pay for education. We certainly support the effort to maintain the fees we are getting now and encourage a broader view for Nevada to control its own land and resources.

**Chair Daly:**

Seeing no other speakers, we will move to opposition for A.J.R. 5.

**Kyle Davis, representing Nevada Conservation League:**

I am in full support of getting more funding back from the federal government. The resolution mentions that lands will be managed according to multiple use. The concern I have is that multiple use can mean many different things to many different people. Too often in Nevada, the term is used as shorthand for the economic use of natural resources, whether it be mining, ranching, or energy. While all of these uses have value, the protection of important landscapes like wilderness, national conservation areas, and national parks also have value. It is not just an environmental value. There are indirect economic impacts as well, such as the impacts on hunting, fishing, or camping. In order to avoid confusion if this resolution is to move forward, it needs a statement about multiple use that includes all of these uses and is in line with the definition of multiple use contained in the Federal Land Policy and Management Act of 1976.

**Assemblyman Aizley:**

Mr. Davis, are you okay with commercial use as well as other uses?

**Kyle Davis:**

If any commercial use is sited in the right area and resource impacts are taken into account, then it can be a productive use of public lands. I think all of these things need to be evaluated. I also think that there is space and importance for setting aside landscapes that are important for other values.

**Chair Daly:**

I think I see what you are talking about. When you look at the second paragraph of the resolution, it says, "land suitable for raising livestock, large deposits of gold, silver, copper and other minerals, and plentiful renewable resources, including, without limitation, sun, wind, and geothermal resources. . . ." but does not mention multiple use for recreational activities such as hunting, fishing, and just open space. Is that what you are getting at?

**Kyle Davis:**

[Mr. Davis presented a proposed amendment ([Exhibit I](#)).] That section could be an appropriate place to add language. On page 2, line 29 of the resolution, it says, "remain open to multiple uses." Here, you could say "as defined by the Federal Land Policy and Management Act of 1976." The definition in that act is incredibly long, so it may be easier to reference it.

**Assemblyman Livermore:**

Local communities like Carson City have developed in their governance names of agencies like Open Space Advisory Committee, which is filled by citizens from Carson City. Do you think they would be the body that has the public's best interest in mind when deciding how to use these public lands or would it be some agency in Washington, D.C.? Nevada has 17 counties. I enjoy the individual counties deciding how to use the public lands in their best interest. Your definition may include that. Given home rule, I think the people who live in each county have good ideas on how to use the land.

**Kyle Davis:**

There is definitely a role for residents' opinions in land use designations and they should be taken into account.

**Assemblyman Livermore:**

I think I heard you say that local citizens understand the value of the area where they live. I think that local decisions are a priority, which is how to best utilize these lands effectively for its citizens. I understand that Nevada is a beautiful place to enjoy and I think they see that value too.

**Assemblyman Hansen:**

When we drafted this resolution, sportsmen were well represented. I am an extremely active sportsman and have been for years, so they are not going to slip something by me. I do not think we need go back and split hairs to carefully define in a resolution what multiple use is going to be. Multiple use has broad meanings, and we intended it to be so that everyone could be included. Narrowing it by a definition found in federal regulations would actually be a mistake. This resolution was passed unanimously by the Committee on Public Lands after reviewing that, so I would like to see it left alone.

**Chair Daly:**

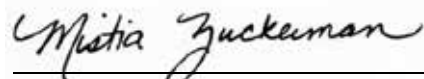
Seeing no one else in opposition, we will move to neutral testimony. Seeing no one in neutral, we will close the hearing on A.J.R. 5. Is there any public comment? Seeing, none, meeting is adjourned [at 2:57 p.m.].

RESPECTFULLY SUBMITTED:

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Cheryl Williams  
Recording Secretary

RESPECTFULLY SUBMITTED:



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Mistia Zuckerman  
Transcribing Secretary

APPROVED BY:

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Assemblyman Skip Daly, Chairman

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

**EXHIBITS**

**Committee Name:** Committee on Natural Resources, Agriculture, and Mining

**Date:** February 28, 2013

**Time of Meeting:** 12:50 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.J.R. 2	C	Grant Gerber, Chair, Elko County Commission	Written testimony
A.J.R. 2	D	Tina Nappe, Private Citizen	Memo
A.J.R. 2	E	Kyle Davis, Nevada Conservation League	Proposed amendment
A.J.R. 2	F	Assemblyman Hansen	Report
	G	Jeremy Drew/Nevada Pinyon-Juniper Partnership	Presentation
A.J.R. 3	H	Jeremy Drew/Nevada Pinyon-Juniper Partnership	Suggested amendments
A.J.R. 5	I	Kyle Davis	Proposed amendment