

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

**Seventy-Eighth Session  
March 10, 2015**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Robin L. Titus at 1:35 p.m. on Tuesday, March 10, 2015, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including 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: [www.leg.state.nv.us/App/NELIS/REL/78th2015](http://www.leg.state.nv.us/App/NELIS/REL/78th2015). In addition, copies of the audio or video of the meeting may be purchased, for personal use only, 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:**

Assemblywoman Robin L. Titus, Chair  
Assemblyman Jim Wheeler, Vice Chair  
Assemblyman Nelson Araujo  
Assemblywoman Maggie Carlton  
Assemblyman Richard Carrillo  
Assemblywoman Victoria A. Dooling  
Assemblyman Chris Edwards  
Assemblyman John Ellison  
Assemblyman David M. Gardner  
Assemblyman Ira Hansen  
Assemblyman James Oscarson  
Assemblywoman Heidi Swank

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

None



**STAFF MEMBERS PRESENT:**

Susan Scholley, Committee Policy Analyst  
Jim Penrose, Committee Counsel  
Donna J. Ruiz, Recording Secretary  
Lori McCleary, Transcribing Secretary  
Cheryl Williams, Committee Assistant

**OTHERS PRESENT:**

Bob Roper, State Forester, Division of Forestry, State Department of Conservation and Natural Resources  
Nora Rasure, Regional Forester, U.S. Forest Service, Intermountain Region, U.S. Department of Agriculture  
Bill Dunkelberger, Forest Supervisor, Humboldt-Toiyabe National Forest, U.S. Forest Service, U.S. Department of Agriculture  
Amy Lueders, Nevada State Director, Bureau of Land Management, U.S. Department of the Interior  
John Ridgeway, Private Citizen, Las Vegas, Nevada  
Linda Sanders, Private Citizen, Las Vegas, Nevada

**Chair Titus:**

[Roll was called. Committee rules and protocol were explained.] We have presentations from three different departments today. I felt it was important the Assembly Committee on Natural Resources, Agriculture, and Mining learn about some of our natural resources and issues facing Nevada. We will start with Mr. Roper.

**Bob Roper, State Forester, Division of Forestry, State Department of Conservation and Natural Resources:**

With me today is Dave Prather, the administrative officer. Since I have only been in this office about 30 days, I do not know everything, and Mr. Prather has all the details to fill in the blanks.

The Division of Forestry (NDF) of the State Department of Conservation and Natural Resources is an organization made up of a lot of proud, dedicated individuals who deliver the level of services that protect our watershed, which includes the rangelands, the forests, and the watershed values. We also work with conserving plant and wildlife. We do that through some excellent examples in emergency management by partnering with the local, state, and federal agencies to deal with the statewide wildland fire problem.

Two weeks ago, a think-tank organization called CoreLogic finished a report they published [page 3, [Exhibit C](#)]. I wanted to give you a snapshot of what their report said. They wanted to be able to display the values at risk. When we have a wildland fire, everyone talks about the cost of putting that fire out. What you have to understand is, when a wildland fire happens, it is not the cost of the wildland fire, it is the economic issue, closed roadways and transportation issues, downed power lines, the utility infrastructure, the environment, the loss of habitat, and damage to the watershed. In some studies, what they are venturing to say now is that when we talk about the true cost of a wildland fire, it is not only the cost of fire suppression. About 60 percent more is tacked on to that cost due to all the other contributing factors. That is why we all need to work together to deal with this.

The upper chart breaks down the information by parcel, low to very high, and then sub-parcels, agriculture to urban. If someone has done an excellent job protecting a particular parcel by using modern building codes and defensible space, the very high category in Nevada is \$164 million at risk according to the study.

The lower chart looks at a community, not just one parcel alone. In effect, if homes are built in a dead-end canyon with narrow roads and only one way in and one way out, they extrapolate the data to the true cost of a wildland fire. The potential loss goes up to about \$3.2 billion dollars in the very high range. There are different ways to look at it, but NDF, as we deal with threats, especially with the wildland urban interface and the growth of population, must look at the larger picture, not parcel by parcel.

For emergency response [page 4, [Exhibit C](#)], we have agreements with all of our local co-operators. Wildland fires do not respect jurisdictional lines. With the resources NDF has, we cannot put out a wildland fire alone, nor can the local governments or the federal government. Together with a great co-operative relationship, we use the "closest resource concept." If the wildland fire does not respect jurisdictional lines, neither should we. If we are closer than a federal asset, we will respond and work with them. Likewise, if a local asset is closer to an area impacting state lands, they will take care of it until we get there. We have a great working relationship. With that, we have to have a robust emergency response capability. We cannot do that alone, so these agreements and partnerships are important.

With the state having a lot of volunteer fire departments in the rural areas, they are subject to the same financial restrictions that most of us have. As a state agency, we determine how we can support their operations. Working with our federal co-operators, we have access to the Federal Surplus Personal Property

Donation Program through the U.S. General Services Administration. Within that program, as the U.S. Department of Defense and other government entities demobilize equipment, it is put out for public use. We have direct access on how to screen those resources. We can acquire them and transfer them to ourselves and to our co-operators. We do that to build capacity. In addition to that, we also have firefighters, bulldozers, specialty firefighting forces, and helicopters.

Our helicopter program is located at the Minden-Tahoe Airport. We have three helicopters, which are the 1960 vintage Huey-type helicopters. They are all in excellent condition as far as flying. However, because the U.S. military is no longer supporting that model anymore, there will be a time when we will have to look at the next era of helicopter fleet that we will need to support.

Questions have come up in the past about our helicopter fleet being a duplication of services, but our fleet is here year-round. Some of our co-operators hire their helicopters on a seasonal basis. We keep our helicopters running year-round because we are doing seeding work after the fire and other project work. In addition, my first week in this great state, we started having wildland fires the first week of February. We provide that search capacity by keeping our helicopters year-round and can fly into our partners' jurisdictions when needed.

The next slide [page 5, [Exhibit C](#)] shows the transition. Nevada Division of Forestry is a proud organization that, in the past, had an all-risk capability. This is what we call the "473 fire districts" [referring to *Nevada Revised Statutes* (NRS) Chapter 473], where some of the smaller communities did not have the capability to provide all-risk, which are structure fires, hazardous material fires, and urban search and rescue capabilities. They had an agreement with the state to provide funding for those. In 2011, a decision was made to have those counties and communities absorb those functions and NDF would become specialized in wildland fire protection. All the counties have now transitioned to that capability. We are currently working with Clark County to finish that transition, which should be complete by July 1, 2015.

Coupled with that, we also have the Wildland Fire Protection Program, where the counties will pay additional money to NDF. That money includes funding for our firefighting force, it augments our helicopter fleet, and so forth, so we can provide some of the specialized services and the search capacity to augment what local government needs. It also gives the local government access to the program for those extraordinary costs they may incur during the plight of having a large wildland fire come into their community. They cannot afford all the wildland fire suppression equipment.

Our commitment with our local partners is to build capacity in their operations. A current example of that is Assembly Bill 163, which was heard today in the Assembly Committee on Government Affairs. That bill forms the creation of the rangeland fire protection associations. We need citizens' and the community's help. That type of legislation is instrumental in getting those people the legal authority so we can work with them to provide the training needed so they can be the first set of eyes on a lightning strike in a remote area. They can keep a fire small until reinforcements arrive. It is a great way to build capacity with our partners.

**Chair Titus:**

I have some concerns about what you have just said. In my community, we had a lightning fire witnessed by men very capable of putting it out with their bulldozers, only to have the firemen arrive and tell them they must cease and desist while the fire is staged. In the meantime, while the firefighters staged the fire, the fire got out of control. I know of other cases where local citizens have been told to stop fighting the fire until the firefighters can get there, and then the fire gets out of control. If you are now looking at partnering with citizens, do they now need a training program in order to help?

**Bob Roper:**

Yes. There will be a specific program that will identify the training and the proper personal protective equipment they are required to have. There is a whole cadre of programs to do that. It is not just an NDF program. It also exists with the fire protection districts within NRS Chapter 474 and our federal partners, the U.S. Forest Service of the U.S. Department of Agriculture and the Bureau of Land Management (BLM) of the Department of the Interior. We have heard some of those stories you related. I would say that might have happened in the past. What we want to do is learn from the past and create a model that can work into the future to deal with the goal of suppressing fires when they are at their smallest. This is one way to do that.

**Chair Titus:**

I appreciate that because it took a half hour before the official firefighters arrived. In the meantime, our local citizens were trying to fight the fire.

**Assemblyman Hansen:**

Assembly Bill 163 is my bill. I would like to thank Mr. Roper. What Chair Titus brought up was the genesis for that bill. I actually had a rancher in my district in Humboldt County who went out to fight a fire. To make a long story short, he was threatened with felony arrest because he did not have the correct incident commander license, or something like that. We are addressing that issue. I would like to say that the NDF and Mr. Roper have been totally

cooperative and have helped coordinate the counties. The NDF is working to address that very concern. There are safety issues, of course, and that is why they need a reasonable level of training. The U.S. Bureau of Land Management and the U.S. Forest Service have also been helpful in providing equipment. Overall, it has been a good, well-coordinated effort by federal, state, and local people to make the whole issue of rangeland fires go away.

**Bob Roper:**

I would like to talk about our conservation camps [page 6, ([Exhibit C](#))]. The conservation camps have been a long-term program for NDF. Our records show we have trained over 7,400 inmates in the program. Normally, we are running 700 to 800 inmates per year through our camp program. With that, we have crews of around 12 to 15 people who go out to do a variety of projects. Last week I was at Three Lakes Camp outside of North Las Vegas. The next day I was visiting the new fire chief in Clark County. They were mentioning how much they like having our project crews come into the city and county to do normal projects and rehabs in the community. Some of the projects they do include sandbags during flood conditions and working with some of the conservation districts on levy improvements. It is a win-win situation. They provide the rehabilitation for some of the crews, and at the same time, they are a ready-reserve force. They can go from a project crew to being on a fireline. It is a great working relationship. We have a longstanding partnership with the Division of State Parks of the State Department of Conservation and Natural Resources. This program generates revenue to offset our operating costs, as well as saving other state and local government agencies money as far as the labor costs incurred in doing that type of work.

We have a very strong resource program in our agency [page 7, ([Exhibit C](#))]. Within the agency, we have foresters who work with landowners to talk about the vegetation on their land, whether it is rangeland or forest. Together they can determine how to work with each other to improve the health of the vegetation.

The U.S. Forestry Division has designed the National Cohesive Wildland Fire Management Strategy, which has three legs. The first leg is restoring landscapes, the second leg is developing fire adaptive communities, and the third leg is having an adequate and aggressive fire response.

The best way to deal with controlling a wildland fire is creating a healthy landscape. We make sure there are no diseased trees, that we have area separation, and that the vegetation is vibrant. The natural vegetation we deal with is sometimes the best inhibitor to a raging wildfire. Much of our resource program is heavily funded by grant opportunities through our federal partners.

We deal with watershed management. Even after a wildland fire, after the hoses are rolled up and the smoke is gone from the sky, we and other state and federal partners spend weeks and months rehabilitating the area to make sure the watershed is protected. We also deal with issues regarding flooding in the area.

The NDF is heavily involved in the sage grouse issue and the Sagebrush Ecosystem Program. Again, if we have a happy, healthy wildlife habitat, it ensures the wildlife can flourish in the state.

We have a nursery on Eastlake Boulevard just outside Carson City. We also have a nursery in the Las Vegas area. Both of those nurseries grow seed stock in order to replenish what is burned by putting native seeds in the area. In the Las Vegas area, we have an urban forestry program to supply trees to the urban communities. We also have a seed bank program. Our conservation crews collect seeds when the rangeland fuels are blossoming in order to gather native seeds. This is beneficial to our organization and the state by keeping invasive species, like cheatgrass, from overcoming the native fuel source. The native fuel sources are also essential to the proper habitat for the wildlife we are trying to protect.

Every program that has a robust operation requires administrative support [page 8, ([Exhibit C](#))]. Our headquarters are located at the Nevada National Guard Joint Force Headquarters on Fairview Drive in Carson City. There, we provide the fiscal services, accounting, and the strategic direction we are taking NDF in the future.

One of the core areas we deal with is wildland fire billing. I bring that up because there are a lot of issues surrounding wildland fires, and the costs become quite high. The NDF tries to make sure local governments and the state receive all the money it is due after a wildfire. Proper billing and replacement of that is essential. At our Eastlake Boulevard area, as well as in some of our camps, we have fleet repair and our radio system to make sure we have statewide communication.

The next slide [page 9, ([Exhibit C](#))] shows some of the program issues NDF is dealing with. Over a period of time, due to the President's budget, we have recognized a declining number of federal grant dollars available to us, whether they are competitive grants or grants associated directly with our programs. Because a large portion of our agency is funded by federal grant dollars, this is one area that causes us to tighten our belts, and it is a constant challenge.

Through the U.S. Government Services Administration is the Federal Surplus Personal Property Donation Program. This is how we get excess property. There has been a shift of that program to the Defense Logistics Agency of the U.S. Department of Defense, and there has been a new interpretation of rules and new changes to the program. It has changed the way we can procure equipment, and there are now restrictions on how we actually acquire equipment. That affects some of our local co-operators and how we can support them.

We also have an aging fleet and facilities. Things have been deferred for quite some time. Just this past February, one of our crew buses, carrying a full crew, lost its brakes going down Spooner Summit into the Lake Tahoe area. The driver did an excellent job of bringing the vehicle to a safe stop. We ended up taking 36 of our crew buses out of service in order to do brake repairs. Whenever there is a problem like this, it is a common practice to ground the same vintage part of the fleet until the problem can be ascertained. During that time, we were unable to aid other agencies, so we had less revenue capability.

The Fire Management Assistance Grant Program (FMAGP) is a Federal Emergency Management Agency (FEMA) program that came from the Robert T. Stafford Disaster Relief and Emergency Assistance Act. When a large wildland fire is impacting a populated community, we work with our local co-operators. If it is an urgent threat where an X number of homes could be destroyed, an FMAGP request goes through NDF, through FEMA, through our other co-operators, and then hopefully FMAGP is authorized for the fire. That ensures that 75 percent of those suppression costs are paid for. The problem with that is we continue to have different interpretations of the rate structure on reimbursements, as well as the time frame for being reimbursed.

We also have the issue of hiring and retaining qualified staff. Due to the high number of retirements as the baby boomer generation is leaving, we are in a constant state of having people trained and moving up in the organization.

We are also lagging in technical capability. Many times citizens will contact their representatives to find out where the fire is located. The representatives may then call my office. I may not always know where a fire is. Even in this age of instant access and instant media, we are still struggling with how to get the latest and greatest information to our own agency and to our policymakers. I would like to tell you I am on top of everything, but I am no faster than the Facebook page or tweet that is already out there.

This slide [page 9, ([Exhibit C](#))] is regarding federal fire borrowing issues. Over the last couple of years, the federal government has realized when there have



been large siege fires, they have to rob from their normal day-to-day prevention and resource operations to fund the wildland fire suppression costs. They have no other way to do it. There have been several attempts at shifting some of that to be able to provide legislation that would be tied to the FEMA program for disaster assistance money. That way, our federal partners and grants can still be done at the local and state level to deal with fuel reduction projects and resource mitigation to restore those landscapes. This is a piece of federal legislation that has a direct relationship to NDF and how we deal with our operations.

That gives you the quick overview of the Division of Forestry. I am available for any questions.

**Assemblyman Hansen:**

Does the NDF do any of the planting or do they just supply the seeds? The reason I ask is because I have noticed on C Hill and in other areas they have used quite a bit of forage kochia in their mix. Are you involved in selecting the actual seeds that you use? I notice they are starting to use some non-native vegetation. Are you familiar with that?

**Bob Roper:**

I cannot speak to C Hill specifically, but before seed is put down, the resource advisors look at the area to come up with a plan on exactly what type of seed mix is needed. As I understand from staff, a bag of seed is rated as far as what it contains. They have certain criteria they try to maintain to make sure they keep out invasive species. This is something the resource community deals with, and they want to make sure the invasive species are not included.

**Assemblyman Hansen:**

The NDF was also involved when they started using livestock grazing to reduce non-native species, such as cheatgrass. Can you give me an update on that? My goal is to put you out of business in the sense that I do not want any fires. Traditionally, we have had extensive grazing programs, and until the last decade or so, we had not had these massive, million-acre wildfires. I think one of the reasons is because livestock consistently kept the fuel loads down. Are you familiar with the success or the ability to use livestock to substantially reduce the fuel loads so we do not have these catastrophic fires, especially close to urban areas?

**Bob Roper:**

I cannot speak to that specifically, but my partner can. I can tell you in my previous work experience, we created grazing programs where the ranchers would actually change fence lines and water sources so we could do a living

fuel break in areas to create buffer zones and deal with erosion issues. It was a great program. You can ask the U.S. Forest Service that question.

**Chair Titus:**

Mr. Roper, I would like to thank you for your time today. It seems you have grasped quite a bit in your short tenure as our State Forester. Welcome to Nevada, thank you for caring about Nevada, and thank you for being here today. We will begin the next presentation.

**Nora B. Rasure, Regional Forester, U.S. Forest Service, Intermountain Region, U.S. Department of Agriculture:**

Joining me today is Bill Dunkelberger, the forest supervisor for the Humboldt-Toiyabe National Forest. I appreciate the opportunity to be here today to speak before your Committee. It is also an honor to be here with Bob Roper and Amy Lueders, as both the Nevada Division of Forestry (NDF) and the Bureau of Land Management (BLM) are great partners. We value our relationship and collaboration.

The mission of the U.S. Department of Agriculture (USDA) Forest Service [page 2, ([Exhibit D](#))] is to sustain the health, diversity, and productivity of the nation's forests and grasslands to meet the needs of present and future generations.

We provide for and manage multiple uses, ranging from recreation to grazing, with the goal of sustaining those uses over time. This is a complex mission when you think about things like increased demand on resources, funding constraints, drought, increasing catastrophic fire potential, and invasive species.

The USDA Forest Service manages and protects 154 national forests and 20 grasslands in 44 states and Puerto Rico [page 3, ([Exhibit D](#))]. The Intermountain Region covers 12 national forests and 1 national grassland in Nevada, Utah, and portions of Idaho, Wyoming, and California.

The USDA Forest Service has the world's largest forestry research organization. We also provide technical and financial assistance and work in partnership with state and local government agencies, businesses, private landowners, and tribes to help protect and manage non-federal forest and associated range and watershed lands.

The Humboldt-Toiyabe National Forest (HTNF) is the primary forest throughout the state of Nevada, covering 6.3 million acres. The forest employs over 260 permanent employees and an additional 160 employees in the summer [page 4, ([Exhibit D](#))].

The HTNF is organized into nine ranger districts and the Spring Mountains National Recreation Area (SMNRA) [page 5, ([Exhibit D](#))]. I wanted to point this out because it is important to recognize that Mr. Dunkelberger, as the forest supervisor, and I are very committed to local involvement and local decision-making. Where we have district rangers in these local communities, they are the primary point of contact for the community. They are the primary person making decisions about what is happening on the ground.

I would like to share some of the highlights of our work [page 6, ([Exhibit D](#))], starting with our efforts to protect communities and landscapes. With other federal, state, and local partners, the USDA Forest Service is committed to maintaining and fielding a safe, effective response organization that can be mobilized for managing wildland fires or other emergencies. We are jointly committed to reducing the loss of life and property and maintaining landscape values.

We continue to administer the National Cohesive Wildland Fire Management Strategy with the BLM, NDF, and others. We are working collaboratively across all landscapes to make meaningful progress toward the three goals of resilient landscapes, fire-adaptive communities, and safe and effective wildfire response. We look forward to the National Cohesive Wildland Fire Management Strategy workshop that is going to be held jointly with the BLM and NDF this fall, where we will further discuss implementation of the strategy across all lands in Nevada. We also support the NDF helping to create rangeland fire protection associations. I understand you are currently working on that, as previously mentioned.

The USDA Forest Service is implementing hazardous fuels projects and landscape restoration projects to protect communities and habitat [page 7, ([Exhibit D](#))]. In fiscal years 2012 to 2014, we completed almost 49,000 acres of fuels treatments. In 2015, we expect to treat about 7,600 acres. We are targeting the Governor's Farm Bill-nominated insect and disease areas. For example, the Bear Creek project in Elko County is a great example of our shared success and strong partnership with the state of Nevada. The project will help reduce the risk of wildfire to the community of Jarbidge through removal of hazardous fuels due to insect and disease mortality. The planning effort is underway, and we could begin implementation to treat 500 acres in fiscal year 2016. This is a partnership project with the NDF, the Department of Wildlife, and the community of Jarbidge.

The Overland Pass Integrated Resource Restoration Project [page 8, ([Exhibit D](#))] is a joint project with the Ely BLM district and other partners to eliminate hazardous fuels and improve sage grouse, mule deer, and other wildlife habitat.

The project covers almost 18,000 acres across multiple jurisdictions. It is located in Elko County and White Pine County. Barrick Goldstrike has contributed funding, and the NDF is engaged in the National Environmental Policy Act (NEPA) analysis and implementation. We expect the final decision to be completed in 2015 and to begin implementation in 2016.

I understand, Chair Titus, that you expressed interest in USDA Forest Service post-fire restoration efforts [page 9, ([Exhibit D](#))]. The USDA Forest Service implements a burned area emergency response program to help stabilize and prevent further damage to life, property, or natural resources after fires. One recent example of this is the Carpenter 1 Fire on the SMNRA, where we spent \$1.5 million to stabilize slopes behind the communities. Stabilization included aerial mulching and seeding, noxious weed monitoring, and road and culvert repair and stabilization. The photo here shows where four units were helimulched in the Rainbow Canyon watershed. The yellow and gold stripes overlaying the helimulched units are where seed was released.

Flash floods and debris flows over the Carpenter 1 Fire burned areas damaged homes in the Rainbow Canyon subdivision [page 10, ([Exhibit D](#))]. The state of Nevada, with the U.S. Army Corps of Engineers, agreed to construct a 2,427-foot channel to divert flows around 42 houses. The USDA Forest Service is constructing the channel with the Corps' oversight and funding. Completion of the channel is expected this month, at which point it will be turned over to the state for subsequent operation and maintenance. We appreciate the state taking the lead on this project.

The USDA Forest Service is committed to providing resilient landscapes and helping to build resilient communities [page 11, ([Exhibit D](#))]. To that end, as part of our multiple-use mandate, national forest system lands in Nevada provide livestock grazing on 254 allotments on 5.6 million acres for over 250,000 animal unit months (AUM) for cattle and sheep. We are discussing the possibility of a memorandum of understanding with the State Department of Agriculture for voluntary permittee monitoring. This draft data collected could be helpful to the USDA Forest Service in completing our NEPA analysis for permit reissuance.

We also have the largest locatable mineral program on USDA Forest Service lands in Nevada, and the largest gold mine, the Jerritt Canyon Mine. Over 10 million board-feet of timber were cut in the national forests in Nevada over the last three years.

**Chair Titus:**

On your livestock grazing allotments, you said you have 250,000 allotments currently. What was it ten years ago?

**Nora Rasure:**

I do not have those figures in front of me. That is certainly information we could get to you.

**Chair Titus:**

I would appreciate it if you could get me a history of the grazing allotments.

**Bill Dunkelberger, Forest Supervisor, Humboldt-Toiyabe National Forest, U.S. Forest Service, U.S. Department of Agriculture:**

When we testified before the Legislature two years ago, Senator Goicoechea requested that information, which we provided. We can refresh that information and provide it to the Committee.

**Assemblyman Ellison:**

Every morning I see the trucks coming down Highway 50 loaded with huge logs. Are they doing logging up at Lake Tahoe now?

**Nora Rasure:**

We are not aware of that operation. That is something we can find out about and provide you additional information.

I would like to talk about the bi-state sage grouse conservation efforts [page 12, ([Exhibit D](#))]. The USDA Forest Service and BLM developed planned amendments to help conserve, enhance, and restore sagebrush and associated habitats to provide for long-term viability of the bi-state sage grouse. The final environmental impact statement and record of decision were issued on February 6, 2015, with a 60-day formal objection period. The U.S. Fish and Wildlife Service of the Department of the Interior determination deadline on its proposed rule is April 2015. The USDA Forest Service is committed to providing funding over the next 10 years to help fund bi-state sage grouse restoration work. We have also been working closely with other federal agencies, state agencies, private landowners, permittees, and tribes to implement conservation actions on public and private lands and allotments in the bi-state area. The USDA Forest Service is an active advisory member of the Sagebrush Ecosystem Council and will help implement the state's conservation credit system where appropriate.

**Assemblyman Wheeler:**

As I am sure you are aware, the state of Nevada has asked, through resolutions, to increase predator control, especially regarding the raven. Have you heard of anything coming out of Washington, D.C., in response to any of that to help increase those numbers?

**Nora Rasure:**

I am not familiar with anything coming from Washington, D.C., regarding the ravens.

**Bill Dunkelberger:**

I am not aware of anything from Washington, D.C., either. Ms. Lueders may address that in her presentation. We have been working closely with the U.S. Fish and Wildlife Service, who issues the permits. I believe they are increasing the number of permits they are issuing.

**Nora Rasure:**

I also believe U.S. Fish and Wildlife may be able to provide additional information about that.

Outdoor recreation is an important component of Nevada's tourism industry [page 13, ([Exhibit D](#))]. The national forests provide a wide array of recreational opportunities. National Visitor Use Monitoring Program data estimated 3.6 million visits, including 884,000 visits to the SMNRA. Visitors spent \$200 million on services while recreating in Nevada, and they use a wide array of recreation sites and trails in Nevada.

The Southern Nevada Public Land Management Act (SNPLMA) has been a boon to Nevada providing more than \$2.6 billion for federal, state, and local projects throughout the state. The HTNF, as well as the Lake Tahoe Basin Management Unit at Lake Tahoe, are partners in implementing projects to meet the strategic plan goals of sustainability, connectivity, and community. The SNPLMA has provided a lasting legacy for Nevadans throughout the state, helping to protect and restore landscapes, species and their habitats, protecting life and property through hazardous fuels reduction, providing recreational opportunities to urban and rural communities, and fostering awareness and appreciation of the outdoor environment [page 14, ([Exhibit D](#))]. The HTNF is implementing over 120 projects, totaling over \$260 million in several ranger districts.

The SMNRA Visitor Gateway Complex [page 15, ([Exhibit D](#))] is one of the largest USDA Forest Service projects. It includes a 4,500-square-foot visitor center, which you can see in the photo, the Silent Heroes of the Cold War National Memorial, and the Paiute Nation Seven Sacred Stones, which

is in the forefront of the photo. The grand opening for the visitor center is May 29, 2015. Partners in the event include the Southern Paiute Nation, Silent Heroes of the Cold War, Outside Las Vegas Foundation, Southern Nevada Conservancy, and Friends of Nevada Wilderness. Invitations will be sent out shortly, including to southern Nevada State Legislature members.

The USDA Forest Service and the state of Nevada have successfully worked together to improve our forests, rangelands, and communities. I look forward to exploring new ways to work together and enhancing existing opportunities through open and constructive dialogue. We are honored to be one of the public stewards of resources in Nevada, and we seek to ensure these resources continue to meet the needs of generations to come.

**Assemblyman Hansen:**

My question is for Mr. Dunkelberger, since he was involved in what I am going to address. During a meeting in Tonopah, the issue of wild horse populations in that area came up. To my shock, despite the fact that the Wild Free-Roaming Horses and Burros Act of 1971 had been in place, and one of the provisions from Congress was that you had to establish appropriate herd numbers in those herd management areas, it has not been done. I think that was in 2013. We were shocked that, after more than four decades, the USDA Forest Service had failed to comply with a congressional mandate. Has that been done since?

**Bill Dunkelberger:**

It has not been completed, but we are working very hard to get it completed. We are actually working on five different herd management areas this year to get the animals established. Not to make an excuse, but I think you know we have to go through the required NEPA process, and we have to involve the public. That can become very controversial and it takes a long time to do.

**Assemblyman Hansen:**

You have to admit, it has been since 1971 that you have had a chance to do it. I understand a reasonable level. I am very frustrated with this because, as you know, those are critical numbers to determine what the appropriate level of wild horses should be in those areas. In the absence of those numbers, we can never hold the USDA Forest Service accountable for what many of us perceive as mismanagement of some of those rangelands.

**Chair Titus:**

Could you go back to slide 14 where you have the pictures of the sagebrush restoration project in White Pine County [page 14, ([Exhibit D](#))]? Do you know what years the before and after pictures were taken?

**Bill Dunkelberger:**

I believe those pictures were taken in the last two years. This was in the Ely ranger district.

**Chair Titus:**

Was this for the purpose of restoring sage grouse habitat?

**Bill Dunkelberger:**

That was one of the purposes. It was for restoring the sagebrush, sage grouse habitat, and fuels reduction.

**Chair Titus:**

Were there any identified leks there?

**Bill Dunkelberger:**

I can find out for you. I am not familiar with the exact location of the picture.

**Chair Titus:**

I was just wondering about the amount of money spent on that project, how many sage grouse were identified before the project, and how many sage grouse were identified after the project.

**Bill Dunkelberger:**

I do not have that information, but I can get it to you.

**Assemblyman Hansen:**

I can follow up on that for you, Chair Titus. It was mainly to reduce the pinyons and junipers. It was remarkably successful, especially the tremendous increase in native perennial grasses that came up following the removal in those areas. That is the area south of Ely, correct?

**Bill Dunkelberger:**

Yes. I believe District Ranger Jose Noriega took the subcommittee on a field trip to that area.

**Assemblyman Hansen:**

I was on that trip. Unfortunately, it is incredibly expensive to do that over a substantial portion of the rangeland. I do not think there were any leks in that area, as I recall. Historically, there had been sage grouse in those areas and Mr. Noriega was hoping to see if there would be a comeback. It was very interesting; it is just incredibly expensive to do it with the pinyon/juniper issues we have statewide.



**Chair Titus:**

Are there any further questions from Committee members? [There were none.] We will now start the presentation from the Bureau of Land Management and welcome Ms. Lueders.

**Amy Lueders, Nevada State Director, Bureau of Land Management,  
U.S. Department of the Interior:**

Thank you for the opportunity to be a part of this panel with our partners from the USDA Forest Service and the Department of Forestry (NDF).

On this slide [page 2, ([Exhibit E](#))], the yellow areas are the public lands managed by the Bureau of Land Management (BLM). We manage about 48 million acres in the state. You will hear various figures kicked around in terms of the percentage of public land ownership, but in terms of public lands managed by BLM, it is about 67 percent.

Our state office is headquartered in Reno. We also have 6 district offices across the state and 14 field offices. Our district managers are the local point of contact and decision-making, and they are very integrated in the communities where they live.

I have been asked to speak specifically about sage grouse and fire, but I wanted to use this medley slide [page 2, ([Exhibit E](#))] to talk about the diverse programs we manage within the BLM. We manage for multiple use and sustained yield. We have many activities that occur on the public lands in Nevada. We have the largest mining program, and interestingly, the gold produced in Nevada accounts for more than 75 percent of the gold produced in the United States, and nearly 7 percent of the gold produced in the world. We are very proud of the efficiencies we have achieved in the permitting process while ensuring there are no long-term liabilities on future generations.

We manage the largest wild horse and burro numbers within the BLM. We have 83 herd management areas within the state. We have set an appropriate management level for those herd management areas within the state. That appropriate management level is just under 12,700. Our current population estimates on the range are 30,000 to 32,000 horses.

Grazing is an important part of the multiple uses of our public lands. We have 45 million acres of public rangeland, 745 grazing allotments, and 550 operators.

Energy is also an important part of what the BLM manages on public lands. Although Nevada has very limited oil and gas production on public lands, we have oil and gas leases encompassing 3.8 million acres. We have over

500 federal geothermal leases over approximately 1 million acres. We have 2 wind project rights of way, one of which is in Spring Valley that is operational with a generating capacity of 150 megawatts. We have 3 operational solar projects with a combined generating capacity of 410 megawatts. We are currently working on 3 projects within our dry lake solar energy zone in Clark County, with a combined generating capacity of 480 megawatts. We have very diverse resources within the state.

In addition to that, we have all forms of recreation that occur on public lands, whether it is off highway vehicles, either races or individuals enjoying that activity, hiking, mountain biking, and climbing. I would certainly be happy to provide further details on any of those programs to the Committee as a whole, or to any individual members who may have areas of interest.

Ms. Rasura covered the bi-state sage grouse, but I will talk about the greater sage grouse [page 4, ([Exhibit E](#))]. There are four components to provide for sage grouse conservation. We are currently working on one of the components, which is the BLM and the Forest Service land use plan revisions occurring range-wide across the entire western range of greater sage grouse. Here in Nevada, Governor Sandoval has done an excellent job with the Sagebrush Ecosystem Council working on a state plan, putting a number of very strong components in place. The state plans are important in terms of the all-lands approach as we look at sage grouse conservation.

The third piece for sage grouse conservation is restoration. The Forest Service previously talked about some of the projects they have done on the ground to improve habitat conditions, and I will give some further examples.

The last piece, as Mr. Roper discussed, is a strong fire strategy and reducing the threat of rangeland fire to sage grouse and their habitat.

If you look at this map [page 5, ([Exhibit E](#))], it details the sage grouse habitat that was done by Peter S. Coates, Ph.D., of the U.S. Geological Survey (USGS) Ecological Research Center, and has been adopted by the state. About two-thirds of sage grouse habitat in Nevada is on BLM/Forest Service-managed lands, and about one-third on state or private lands. I think that highlights how important it is to work together to address this landscape scale issue, and how important an all-lands approach becomes to providing for sage grouse conservation.

Within the BLM and the Forest Service, we initiated planning to revise our land use plans to address what the U.S. Fish and Wildlife Service of the Department of the Interior calls adequate regulatory mechanisms.

As the Fish and Wildlife Service is faced with the listing determination of whether greater sage grouse are warranted for listing under the Endangered Species Act, they have to look at how the threats to the species are being addressed. For us, that means we need to have land use plans that provide for adequate certainty of effectiveness and implementation in achieving sage grouse conservation.

I like to talk about sage grouse conservation in terms of three components, particularly as we look at the plans [page 6, [Exhibit E](#)]. The first is to avoid, which means to limit or eliminate new surface disturbance and fragmentation in that most important sage grouse habitat. Where that is not possible, we need to look at how we can minimize the impacts. Can we move or co-locate projects? We have a number of successful examples where the administrative facilities associated with a mining operation have been moved outside of sage grouse habitat to avoid those impacts. Lastly, for those impacts that can be neither avoided nor minimized, we need to mitigate those impacts. Clearly, the state has taken a cutting-edge approach in terms of the conservation credit system. The state has stood up to address the mitigation of the direct and indirect impact of disturbance on sage grouse habitat.

We are working to finalize the BLM/Forest Service land use plans across the range [page 7, [Exhibit E](#)]. Here in Nevada, it is the Nevada and northeast California resource and management plan amendment. All of the BLM and Forest Service plans are on the same timeline. We anticipate issuing our final environmental impact statement in late spring of this year, with a record of decision in late summer of this year. We have worked very closely with our partners to resolve key issues and provide for that balance between economic development, multiple use, and sustained yield, while providing for that certainty for sage grouse conservation.

**Assemblyman Edwards:**

Is the decision coming up in six to eight weeks whether or not to list the sage grouse as an endangered species?

**Amy Lueders:**

This listing decision is made by the U.S. Fish and Wildlife Service as to whether or not the sage grouse should be listed under the Endangered Species Act. There was a rider that was attached to a U.S. House of Representatives Committee on Appropriations bill that said the Fish and Wildlife Service could not publish a rule to list for a year, which would be September 30, 2015. They do plan on making their determination, which is not a final rule making, by September 2015.

**Assemblyman Edwards:**

Is there a review two or three years down the road, or is that the final review?

**Amy Lueders:**

Through the Fish and Wildlife Service listing information, there is a five-year review. I believe we will see litigation regardless of what the decision is that may cause the review period to be sooner. The bi-state sage grouse final listing decision is estimated by the end of April of this year. That may be the one you are referring to because it will be the first one up.

The third component of sage grouse conservation is doing projects on the ground and making our resources better. In BLM Nevada, we have taken an approach to look at landscape scale projects. This is a landscape scale species with landscape scale issues. We also need to look at efficiencies in terms of our National Environmental Policy Act (NEPA) process, getting projects that we could do for multiple years done and not having to do environmental analyses every year.

This map [page 8, ([Exhibit E](#))] highlights where we are done, or are nearly done, with our environmental analyses for some of these landscape scale areas. We have the Desatoya Mountains area, the Lone Willow area outside of Winnemucca, south Steptoe and Cave Lake Valley watersheds out of Ely, Pine Nut Land Health Project out of Carson City, Three Bars Restoration in the Roberts Mountain out of Battle Mountain, and we have been working very closely with the Strategic Alliance of Northeast Elko County, who have put together an action plan very similar to what we created for the bi-state action plan.

In terms of some of the work we have done, here is a project we did in Ely [page 9, ([Exhibit E](#))] in partnership with the Department of Wildlife and the Mule Deer Foundation where we were able to leverage federal, state, and private dollars. This was a pinyon/juniper treatment. There was a lot of what we call phase 3, which is early introduction, and then the marching of pinyon/juniper into the sagebrush habitat. The work done by USGS and others has been very impactful in terms of sage grouse habitat, even having a small number of pinyon/juniper trees. This is an area we treated with chaining to ensure we could keep the sagebrush and grass component. We did not see this area convert to a denser pinyon/juniper cover, and we were able to do it at an early phase, which is more cost effective.

Fire and invasive species here in the Great Basin are the greatest threat to the sage grouse [page 10, ([Exhibit E](#))]. One of the pieces of addressing that threat that has recently come out is Order No. 3336 by the Secretary of the Interior

regarding rangeland fire. As recently as today, BLM posted its implementation strategy for the Secretarial Order. I can certainly get that website address because I think this Committee would be interested in seeing the strong components in terms of the state relationship and the state interface.

There are two components to the Secretarial Order. The first is what we can do prior to this coming fire season. The second is what we can do longer term and beyond to prevent and suppress rangeland fire, to address the accelerated spread of invasive species, and to restore sagebrush landscapes that have been damaged by fire and invasive species. There are a number of components that I will try to cover in a little more detail.

The first is the fire and invasives assessment tool [page 11, ([Exhibit E](#))]. As I believe Assemblyman Hansen noted, fuel treatments are very expensive. As you noted from the map [page 5, ([Exhibit E](#))], there are many acres of sage grouse habitat. We need to have the ability to identify where we should go first and where we would get the greatest return on investment if we are going to spend a dollar. We have been working closely with a number of scientists in terms of what factors are important. One of those, through the fire and invasives assessment tool, is resistance and resilience. There is a recently published paper by Dr. Jeanne Chambers, a research ecologist with the U.S. Forest Service in Reno. For simplification, where is the good stuff, and where, if there is a fire, is it hard to get the good stuff back? This tool, which we have been working on with federal and state agencies, is addressing where the priority areas are and what the priority treatments are. We are working to have the first round of that done at the end of this month. For anyone who is interested, I would be happy to sit down and brief you in terms of what we are seeing. Clearly, the next step for us is to involve the local working groups and the conservation districts to get the local information about what people on the ground know. We will make adjustments according to that local input. I think this will be an important tool to help us prioritize the first bite and the second bite of what is a very large issue.

The next component of the Secretarial Order is collaboration [page 12, ([Exhibit E](#))]. Both of the previous speakers talked about how important an integral collaboration is in the wildland fire program. We need to make sure we go even further. Here in Nevada, we are fortunate to have a wonderful working relationship between the BLM, the Forest Service, NDF, and county and local volunteer fire departments. It is important to maximize the efficiencies of all the resources we have because, as Mr. Roper said, fire knows no boundaries.

We have wildland fire protection plans the NDF has put into place. These have been a great efficiency in terms of how within the state we look at wildland fire by reducing the number of agreements, leading to increased efficiencies. Rural fire departments are a huge part in terms of solving wildland fire. Last year we trained nearly 700 firefighters from volunteer fire departments. That is an important part of what we do, to ensure they have the training in place to be safe and effective on the ground. We look forward to working with the state on Assembly Bill 163 and continuing our focus in terms of training volunteer fire departments, ensuring they have the appropriate equipment to be safe and effective on the ground. I certainly think it is an incredible tool to increase the efficiency and effectiveness in wildland fire.

As Mr. Roper discussed, one of the strengths of the wildland fire program is to look across boundaries in terms of where assets are located and using the closest resources [page 13, [Exhibit E](#)]. I believe the ability to reach beyond state boundaries is very important and increases our effectiveness.

For the 2015 fire season, just within Nevada, we will have seven single-engine air tankers. We find the single-engine air tankers are very effective for the types of fires in Nevada. We will have four helicopters and two air attack aircraft, which are used for aerial detection of fires and air traffic control. We are proud to have two hotshot crews, one in Carson City and one in Elko. We have one Type 2 Initial Attack crew, which was the first veteran hand crew, consisting entirely of veterans. We have 49 fire engines and 6 dozers. The heavy air tankers are managed nationally, and we have access to those and additional equipment as fire activity, or the possibility of fire activity within the state, is heightened.

Fire management does not come cheap [page 14, [Exhibit E](#)]. There has been a wide range in terms of the numbers of acres burned. We have been fortunate over the last five years in terms of the total acres burned, but there are wide ranges of costs associated with those fires on BLM lands in Nevada.

That is a brief overview of what we do within BLM. I appreciate the opportunity to provide a slice of what is a very complex, diverse, and often controversial mission of BLM. I am very proud of the employees we have and their ability to work closely with the communities where they live.

**Assemblyman Araujo:**

How many employees are currently in the state of Nevada and how does that break down between the different counties?

**Amy Lueders:**

If we count firefighters, it is about 800 employees within the state, probably fairly evenly distributed across the district offices. The Las Vegas office is probably our largest district.

**Assemblyman Hansen:**

I am glad you mentioned employees and community relations because, as you know, in Battle Mountain we have had some serious issues with District Manager Doug Furtado. There has been a petition to actually have him removed, which was taken all the way to Washington, D.C. However, Mr. Furtado remains in Battle Mountain, and it is a boiling caldron in my district. I was wondering if there is any possibility of a transfer, because this is a serious friction point.

**Amy Lueders:**

This year I brought in the National Riparian Service Team, which is a group of people within the bureau, to bring a fresh perspective in terms of recognizing many of the controversial issues. Many of the issues, I believe, have become very personal. The team will provide a fresh set of eyes to look at the issues and determine if there are solutions that have previously been missed. They are currently working on the Argenta Allotment and looking to use the team in a broader discussion regarding how we can create flexibility and incentives for good operators. That is an action I took based on some of the concerns expressed.

**Assemblyman Hansen:**

The answer is no, then. Back to sage grouse. As you know, Nevada has a sage grouse team with Shawn Espinosa from the Department of Wildlife (NDOW) as the de facto leader. Mr. Espinosa told me the most stand-out spot in Nevada was the Smith Creek Ranch in central Nevada in the Desatoya Range. The reason I bring that up is because that is an active cattle ranch where they created a meadow complex. I know for a fact there is a certain amount of predator control there. They saw the sage grouse population go from dozens to literally hundreds. I personally saw over 300 birds there, but NDOW has documented as many as 500. I am wondering, since that is a private grazed cattle ranch with BLM land attached, why, with all the money BLM has expended, are you not able to have a similar program somewhere else? Why does the BLM list grazing as one of the main dangers to sage grouse numbers when, in fact, situations like Smith Creek Ranch show they are not totally compatible, but they actually seem to enhance the populations of the native species?

**Amy Lueders:**

I certainly think Smith Creek Ranch is a tremendous example of how you can make multiple use and sustained yield work. As you noted, that is one of the areas where we have our landscape project. I am very proud that we are part of the efforts there, but it is due to a lot of folks. The operators of that ranch have done a tremendous job, and there have been a lot of partnerships in terms of leveraging funds. I think it does demonstrate that we can provide for multiple use, sustained yield, and sage grouse habitat. I think that is a model we are looking to replicate in terms of proper grazing not being a threat. Proper grazing can enhance sage grouse habitat. I think we need to make sure we highlight those. Often, we do not do a good job of telling the success stories. That is something we are looking at in terms of proper livestock grazing, which is clearly not a threat. Improper livestock grazing has been identified as a threat by the Forest Service. However, there are many success stories in both the greater sage grouse habitat and the bi-state sage grouse habitat of where proper livestock grazing has enhanced the quality of the habitat.

**Assemblyman Oscarson:**

The district I represent in Pahrump has been fairly vocal in some of their concerns about the resource management plans. I appreciate the fact that you are staffing the office in Pahrump more often so we can have a resource for people to have a better communication line. I know there was some talk about an extension of the resource management plan. I know you did extend it initially, and Congressman Hardy had asked for an additional extension, which I believe was denied. Can you speak to that at all, if you are able to? I know there are some additional comments folks have indicated to me they have for that particular area they are still working on. I think yesterday was the deadline.

**Amy Lueders:**

Thank you for the recognition of the staffing. That decision was made in order to increase our presence in Pahrump. We are certainly very appreciative that Nye County provided us the ability to use some of their space to do that. Hopefully, it will become an opportunity for folks, if they have issues, to resolve them informally. If you could get the word out, that would be great.

As you noted, the public comment period for the southern Nevada Draft Resource Management Plan did close on Monday. I think it was at the end of a 150-day public comment period. It still remains very important for us, even once the public comment period closed, to work very closely with our cooperating agencies, of which Nye County is one. They provided very thorough comments on the resource management plan and we look forward, as we review those, to continue the conversation. I think that is the important



thing, even though the public comment period has closed. Our ability to continue the conversation with those local governments and cooperating agencies will continue, and I am personally committed to it.

**Assemblyman Oscarson:**

Another area I represent is the Red Rock folks in Blue Diamond. As you know, that was another one of the concerns. Senator Goicoechea and I sent a letter regarding the concerns we have about what happens at the Blue Diamond Hill Gypsum Mine. I would ask you to be thoughtful of that and pay particular attention to what they are trying to do there. I know you have been contacted multiple times, and Senator Goicoechea and I have spoken with you about it. Anything you can do to pay particular attention to that area would be appreciated.

As a caveat, Senator Goicoechea and I have a constituent office in Pahrump, and next door Congressman Hardy has a constituent office. I believe it would be good to get your folks together with our staff so there can be a coordinated effort when people come in with BLM questions, as they often do with the elected officials.

**Amy Lueders:**

I think that is a fantastic idea. After this meeting, perhaps you could let me know who Deborah McNeil, the BLM Pahrump Field Office Manager, could get in touch with. I will certainly have her stop by and have her visit with your staff in Pahrump. Red Rock is a treasure for the entire state of Nevada, and certainly for those who live in the area and those of us in BLM who are lucky enough to be part of managing it on behalf of the public. I look forward to further discussions on the Blue Diamond Hill issue.

**Assemblyman Ellison:**

The BLM is totally outside of regulations on grazing. Could you let us know what the BLM is going to do in the future to get these herd management numbers down?

**Amy Lueders:**

The wild horse and burro issue is a very challenging program. We are all very proud of wild horses and consider them an iconic part of the landscape. Certainly, we are well above the appropriate management level, which is the level we have identified as creating for that sustainable ecological balance. We have a number of challenges nationally within the program in terms of our limited removal targets. For 2015 in Nevada, our target is to remove 1,000 excess horses, which does not keep up with the reproduction rate of the numbers we have on the range. We are constrained in terms of funding and the

space we have in terms of long-term holding. Currently, we manage more horses in long-term holding than we manage on the range. About 75 percent of the bureau's budget is in the wild horse and burro program. It is a huge fixed cost for the long term.

We have been very aggressive in terms of looking at additional tools on fertility control. The National Academy of Sciences report that we commissioned said we needed to look at additional fertility control tools. Currently, we have the porcine zona pellucida (PZP) vaccine fertility control, which is effective for about two years. We certainly need something with longer effectiveness. We recently completed a request for proposals asking if there are other tools that would give us a longer-term ability to suppress the growth rate on the range. The National Academy of Sciences results are very encouraging in terms of a number of new tools we will be exploring and proceeding with additional trials in terms of their effectiveness.

It is a challenging program because of the constraints we have on management in terms of space. We are looking for creative solutions. Our northeast Resource Advisory Council recently afforded a proposal to look at a pilot program out of the Ely district in terms of how we can work in partnership with private landowners and other interested parties in performing some bait trapping and fertility control in trying to keep those herds in check. We are looking at how we can increase the demand for adoption. However, it is definitely a challenging situation due to the small number of tools we have to manage a very difficult issue.

**Assemblyman Ellison:**

If a rancher has exceeded his animal unit month (AUM), the BLM will pull their permit, find the rancher in contempt, and remove him from his allotment. In most cases, the rancher is never allowed another allotment. Yet, the BLM is ignoring their own laws and regulations. This is the frustration the ranchers have. The ranchers have to comply with the law, yet the BLM does not. Putting these horses in holding pens is not the answer. Unfortunately, we may have to put our foot down and say this program is totally mismanaged. I cannot stress that enough.

**Chair Titus:**

I have a question regarding fire management and the number of acres burned. Obviously, 2012 was a horrible year for the amount of acreage lost. How many acres have actually been reseeded of these millions of acres that have been affected?

**Amy Lueders:**

I do not have those numbers with me, but I can certainly follow up and get those numbers to you. We generally do not reseed 100 percent of the areas burned. If we look at the recent Bison Fire outside of Carson City, it is a good example of prioritizing where we made our investments. We worked very closely with the U.S. Fish and Wildlife Service, the Bureau of Indian Affairs of the Department of the Interior, the local affected tribes, the Department of Wildlife, and the Division of Forestry to determine what areas would come back naturally. We did not make investments in those areas. We determined what areas would likely come back with invasives or cheatgrass, so we made some investment in those areas. We determined where we could provide additional recovery with shrubs and forbs, and invested in those areas. We determined the appropriate seed mix. In some cases it will be native, which is our first choice, and in other cases we need to have a transition strategy that may introduce things like forage kochia or other non-natives to provide that ability to out-compete things like cheatgrass in the short term. We look in terms of using a team to prioritize where we put the treatments and what seed mix we use.

**Chair Titus:**

I have some concerns from many constituents about the law enforcement powers of the BLM and the encroachment into state's rights. What are your policies on law enforcement for your BLM employees?

**Amy Lueders:**

I would certainly look forward to having a more in-depth conversation with you and any others who are interested in terms of law enforcement. However, BLM law enforcement does not enforce state laws; they enforce federal laws and regulations. They are there to provide for the protection of our public, our employees, and the resources we manage.

**Chair Titus:**

Thank you. I just wanted to get you to say that publicly.

**Assemblyman Hansen:**

Several of my constituents are concerned about an alleged arrangement between Nye County and the BLM to keep certain negotiations or discussions confidential. Have you heard anything along those lines? I do not know if there is any validity to that, but if there is, I want to make sure we squash it soon. I do not know the specifics, other than I have been contacted by folks in grazing districts who are quite concerned.

**Amy Lueders:**

I am not sure in regard to confidential discussions. I know one issue that has come up recently in some of the discussions, particularly in Nye County, involving cooperating agency status on our National Environmental Policy Act documents. Because we are cooperating agencies, we share information because of their special relationship as either a local government, a sovereign nation through a tribe, or other federal agencies. We do provide them a special relationship in our NEPA process, so there are things we provide cooperating agencies that are not available to the public. I know there has been some confusion around that issue. That is the only thing I have heard that has come up recently in terms of the confidentiality piece.

**Assemblyman Oscarson:**

Senator Goicoechea, Assemblyman Hansen, and I represent that area, so any information you could provide us that is not proprietary would be appreciated rather than hearing it from our constituents or from those who may or may not have the accurate information. That way, we can redirect them.

**Amy Lueders:**

I would be happy to make sure we keep you informed.

**Assemblyman Edwards:**

I heard you say you would be interested in relating the specifics of what kind of law enforcement the BLM has. When could that happen?

**Amy Lueders:**

When you invite me, I will make sure I have the right people there.

**Chair Titus:**

We are going to have a meeting in my office after this meeting on some of those issues, and you are welcome to attend, Assemblyman Edwards.

Are there any further questions from the Committee? [There were none.] At this point, I will open the meeting to public comment. I know there are some people in Las Vegas, so we will go there first before anyone in Carson City.

**John Ridgeway, Private Citizen, Las Vegas, Nevada:**

I have one item of concern. You mentioned fire control, fuel control, and the noxious weed control. They use a chemical, which is an approved herbicide, but it contains dioxin. That is also known as Agent Orange, which had adverse effects on human beings, as we know from the Vietnam era. It also has another name, 2,4-D. It is on the approved herbicide list. It is also mentioned in the BLM resource management plan. They also use the word insecticide

along with 2,4-D. Dioxin is a danger to humans, and it is known to be a danger to our honeybee population. They do not talk about what effects it has on reptiles. I would like a closer look at the use of dioxin in their herbicide program.

**Linda Sanders, Private Citizen, Las Vegas, Nevada:**

In controlling the wild mustang population, what thoughts have they given to neutering the stallions?

**Chair Titus:**

Ms. Lueders, would you mind answering that question?

**Amy Lueders:**

With our request for proposal, we are looking at all kinds of tools, whether it is through additional fertility control drugs or less invasive sterilization methods. We are looking at the whole gamut in terms of what is possible. Certainly, the Wild Horse and Burro Advisory Board, which is a national group, has discussed both gelding and spaying as fertility control tools. We have not yet used that on the range. We are looking at the suite of tools and the best tools to use.

**Assemblyman Ellison:**

At one time, they did spray the mares with a chemical, but after a few years, they were even more fertile.

**Chair Titus:**

Are there any other comments from Committee members? [There were none.]  
Is there any further public comment in Las Vegas? [There was none.] Are there  
any public comments in Carson City? [There were none.]

This meeting is adjourned [at 3:11 p.m.].

RESPECTFULLY SUBMITTED:

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Donna J. Ruiz  
Recording Secretary

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Lori McCleary  
Transcribing Secretary

APPROVED BY:

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Assemblywoman Robin L. Titus, Chair

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

**EXHIBITS**

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

**Date:** March 10, 2015

**Time of Meeting:** 1:35 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
	C	Bob Roper, Nevada Division of Forestry	PowerPoint presentation
	D	Nora Rasure, U.S. Forestry Division	PowerPoint presentation
	E	Amy Lueders, Bureau of Land Management	PowerPoint presentation