

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

Nevada Revised Statutes 218E.510

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Nevada Revised Statutes

NRS 218E.510 Creation; membership; budget; officers; terms; vacancies; alternates.

1. There is hereby established a Legislative Committee on Public Lands consisting of four members of the Senate, four members of the Assembly and one elected officer representing the governing body of a local political subdivision, appointed by the Legislative Commission with appropriate regard for their experience with and knowledge of matters relating to public lands. The members who are State Legislators must be appointed to provide representation from the various geographical regions of the State.

2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

3. The members of the Committee shall select a Chair from one House of the Legislature and a Vice Chair from the other. Each such officer shall hold office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the office of Chair or Vice Chair, the members of the Committee shall select a replacement for the remainder of the unexpired term.

4. Any member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session of the Legislature convenes.

5. Vacancies on the Committee must be filled in the same manner as original appointments.

6. The Legislative Commission may appoint alternates for members of the Committee. The Chair of the Committee may designate an alternate appointed by the Legislative Commission to serve in place of a regular member who is unable to attend a meeting. The Chair shall appoint an alternate who is a member of the same House and political party as the regular member to serve in place of the regular member if one is available.

(Added to NRS by 1979, 5; A 1983, 209; 1985, 589; 2009, 1150, 1561)—(Substituted in revision for NRS 218.5363)

ABSTRACT

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

Nevada Revised Statutes 218E.510

Nevada's Legislative Committee on Public Lands is a permanent committee of the Nevada Legislature whose authorization and duties are set forth in Chapter 218E of the *Nevada Revised Statutes*. Created in 1983, this body is responsible for reviewing and commenting on proposed and existing laws and regulations that affect the 61 million acres of federally managed lands in Nevada and receiving reports from regional and local water districts in Nevada. The Committee also provides a forum for the discussion of public lands matters with federal, State, and local officials; representatives of special interest organizations; and other interested individuals.

The Committee held five meetings during the 2009-2010 Interim. Three of the Committee's meetings were held in rural Nevada cities or towns: Ely, Tonopah, and Winnemucca.

At every meeting, the Committee received reports from the Bureau of Land Management and the United States Forest Service on their activities and programs in the nearby districts or national forests. Other federal agencies appearing before the Committee included the U.S. Fish and Wildlife Service and the National Park Service.

State agencies, including the Division of Water Resources, the Division of Forestry, and the Commission for the Preservation of Wild Horses, in the State Department of Conservation and Natural Resources, the Commission on Mineral Resources, the State Department of Agriculture, and the Department of Wildlife, made presentations to the Committee.

During the course of the interim, the Committee heard from almost every county commission in the State.

Other entities making presentations to the Committee included the Wildfire Support Group, Nevada Fire Safe Council, National Fish and Wildlife Foundation, Great Basin Water Network, Chemetall Foote Corporation, Solar Millennium LLC, SolarReserve, El Paso Corporation, Nevada Cattlemen's Association, Western Legacy Alliance, and Pine Forest Wilderness Study Area Working Group.

The Committee also received a report from the Legislative Committee to Oversee the Western Regional Water Commission.

At its work session in Ely, the Committee approved 10 proposals for drafting legislation and another 25 proposals for sending letters or including statements in the final report.

Topics covered included:

- Water resource issues;
- Hearings and applications related to water rights;
- Coordination of federal planning processes with local government plans and policies;
- Federal legislation relating to public lands;
- Wild horses;
- Grazing and rangeland health;
- Off-highway vehicles;
- Biomass projects;
- Renewable energy issues; and
- Wildfire prevention.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

Nevada Revised Statutes 218E.510

This summary presents the recommendations approved by Nevada's Legislative Committee on Public Lands during the 2009-2010 Legislative Interim at its final meeting on July 30, 2010, in Ely, Nevada. These recommendations will be forwarded to the Legislative Commission for transmittal to the 76th Session of the Nevada Legislature in 2011.

RECOMMENDATIONS FOR LEGISLATION

1. Amend the statutes to require that a water right be obtained for a pit lake or gravel pit, used for purposes of evaporation.
2. Amend the statutes (such as *Nevada Revised Statutes* [NRS] 533.370) to clarify the renotification and hearing process.
3. Amend the statutes (such as NRS 534.350) to eliminate the requirement for a public hearing prior to issuing an order granting domestic well credits to public water systems.
4. Amend the statutes (such as NRS 533.435) to revise the fee for agricultural applications to appropriate water.
5. Amend the statutes (see Senate Bill 394, Chapter 504, *Statutes of Nevada 2009*) to extend the deadline for implementation of the titling and registration provisions for off-highway vehicles (OHVs).
6. Amend the statutes (such as Chapter 490 of NRS), in relation to the provisions for titling and registering OHVs as enacted in S.B. 394, to exempt homemade or other OHVs without vehicle identification numbers (VINs) in a manner similar to the existing statutes for certain motor vehicles without VINs.
7. Adopt a resolution urging the federal government to enact legislation enabling the sharing of at least a portion of the revenue generated by activities on public lands with the State and local governments, including without limitation, the reinstatement and continuation of the federal laws and policies whereby local governments receive appropriate rents and royalties for geothermal activity on federal land.
8. Adopt a resolution supporting the efforts of the Pine Forest Working Group and the Humboldt County Commission in their reexamination of wilderness study areas in the Pine Forest area of Humboldt County.

9. Adopt a resolution urging the State, local governments, users of public lands, and conservation organizations to be proactive in habitat protection, restoration, and mitigation to prevent listing of the Greater Sage Grouse as an endangered species.
10. Adopt a resolution addressing the importance of rangeland health to the State's wildlife, endangered species, tax base, and economy and the importance of maintaining the State's tradition of multiple uses of public lands. Further, communicate to the Bureau of Land Management (BLM) the importance of staying within current appropriate management levels (AMLs) and the State's opposition to the expansion of existing herd management areas. Finally, take the steps necessary to ensure that the BLM complies with existing federal laws relating to wild horses and burros and to oppose changes to the Wild Horse and Burro Act that would negatively impact Nevada.

RECOMMENDATIONS FOR COMMITTEE ACTION

11. Send a letter to Nevada's Congressional Delegation, the Secretary of the Interior, and the Governor of Nevada, expressing the Committee's strong opposition to agreements, such as the one entered into by El Paso Corporation and the Western Watersheds Project, that seek to permanently retire grazing permits and eliminate grazing on public lands. Further, urge Nevada's Congressional Delegation and the Governor to oppose any federal legislation that would allow or facilitate in any way the permanent retirement of grazing permits on public lands and to oppose any federal endorsement of such a policy. Further, express the Committee's disappointment that local residents and livestock organizations were not consulted nor allowed to comment prior to the consummation of the agreement, which is being relied upon as mitigation for required federal permits. Also, send a copy of the letter to the Federal Energy Regulatory Commission and the El Paso Corporation.
12. Send a letter to the BLM in support of Carson City's application to nominate the acquisition of the Bently Ranch in the "Parks, Trails, and Natural Areas" category for funding under the Southern Nevada Public Land Management Act.
13. Send a letter asking the State Engineer to adopt regulations to add criteria for determining "environmental soundness" in relation to interbasin transfers of water as used in NRS 533.370(6).
14. Send a letter to Nevada's Congressional Delegation seeking their support in opposing proposed federal legislation that would redefine "navigable waters" or otherwise expand the scope of the federal Clean Water Act (see H.R. 5088 in the 111th Congress), and infringe on the authority of states to regulate water within their boundaries.

15. Send a letter to the BLM in support of a pilot demonstration project in Lincoln County for biomass power generation asking the BLM to commit to providing a 20-year supply of wood from the BLM's proposed thinning of 3.2 million acres of pinion and juniper in the Ely District.
16. Send a letter to the Secretary of the Interior, the Director of the BLM, and the BLM District Managers in Nevada urging them to: (a) reconsider the imposition of hot season grazing deferments; (b) work with rangeland scientists, livestock organizations, and grazing permittees on identifying options to address grazing impacts on riparian and other sensitive areas; and (c) implement alternative programs and policies that protect all public lands and habitats while mitigating or minimizing impacts on the operations of grazing permittees.

RECOMMENDATIONS FOR STATEMENTS IN THE FINAL REPORT

17. Include a statement in the final report stating the Committee's opposition to any reconsideration of the current designation of Great Basin National Park as a Class II airshed.
18. Include a statement in the final report urging Congress to continue to fully fund payments to states under the Payments in Lieu of Taxes Act and to reauthorize and fund the Secure Rural Schools Act.
19. Include a statement in the final report urging the federal government to consult with the affected State and local governments and to hold public hearings prior to any designation of a new monument under the federal Antiquities Act of 1906.
20. Include a statement in the final report expressing the Committee's support of the reform of the federal Equal Access to Justice Act to prevent abuses.
21. Include a statement in the final report supporting the Esmeralda County Commission's position that any consideration of landmark status for Goldfield be limited to the town and not adjacent mining areas.
22. Include a statement in the final report supporting pending legislation in the 111th Congress sponsored by U.S. Senator Harry Reid (D-Nevada) (S. 3408) and U.S. Representative Dean Heller (R-Nevada) (H.R. 5370) to clarify title in Ione and Gold Point, former mining towns in Nevada, and further supporting future efforts to clarify title in other similarly affected mining towns in the State.
23. Include a statement in the final report urging federal agencies to consult with all affected local governments early in the federal planning processes and to provide an opportunity for public input at the earliest possible time and urging federal agencies to make themselves familiar with the provisions of the policies and plans of local governments that

have been prepared pursuant to the provisions of NRS 321.7355 as enacted in 1983 to complement the Federal Land Policy and Management Act. Further, the statement would urge federal agencies to consult with affected ranchers and livestock organizations in the development and implementation of grazing policies and restrictions and to encourage federal agencies to use conservation agreements instead of grazing restrictions, whenever feasible. The statement would also urge federal land managers to review and consider county master plans when developing local resource management plans or travel management plans and further urge the BLM to improve public involvement and transparency in its right-of-way permitting process and to improve its environmental studies and review.

24. Include a statement in the final report recognizing the importance of public lands to Nevada's economy and quality of life, and the importance of all parties working together to maximize the use of public lands in the State. Also, include a statement supporting an increase in the acreage of public lands subject to disposal and efforts to make the disposal process more streamlined and efficient. Finally, include a statement opposing the withdrawal of public lands from exploration, leasing, or other uses, and supporting increased access to public lands.
25. Include a statement in the final report encouraging federal agencies to consider impacts on water purveyors when making decisions on public lands, such as changes of use or disposal of lands, and to provide funding mechanisms to mitigate those impacts.
26. Include a statement in the final report recommending that local governments notify irrigation districts of proposed parcel and subdivision maps, and applications for new school construction or other construction that may impact or be impacted by the irrigation district and its infrastructure. Further, include a statement asking local governments to provide a meaningful opportunity to irrigation districts to comment and propose mitigation measures to protect public health, safety, and welfare and avoid impacts to the districts' infrastructure or easements. Finally, include a statement suggesting that the Public Lands Committee consider these issues during the 2011-2012 Interim, take testimony on possible legislative or other solutions, and, if appropriate, request legislation.
27. Include a statement in the final report encouraging the State Engineer to consider the water dedication requirements set by local governments or water purveyors and to consult with affected local governments or water purveyors when setting water dedication requirements.
28. Include a statement in the final report urging regional water authorities and private and public water purveyors to maximize conservation efforts, and to thoroughly investigate potential alternative water sources, such as desalinization, use of reclaimed water, rainwater capture, and cloud seeding, and encouraging cities and counties to maximize conservation efforts and to use alternative sources of water to the greatest extent feasible.

29. Include a statement in the final report encouraging the State Engineer, when feasible as a condition of certain water rights permits, to make a determination of the maximum distance to which groundwater can be lowered before the basin's ecosystem and other water rights holders in the basin will be deemed negatively impacted. Further, encourage the State Engineer to develop and enforce effective monitoring and mitigation measures, for both surface and groundwater projects, to ensure that permit conditions are met and impacts are dealt with in a timely and meaningful way. Finally, encourage the State Engineer to impose appropriate safeguards as a condition of interbasin transfers.
30. Include a statement in the final report recognizing that Nevada has a finite sustainable water supply (surface and groundwater) for its communities and environment, and encouraging local governments to base their land use plans on identified sustainable water resources.
31. Include a statement in the final report voicing the Committee's support for the "Assembly Bill 198 Program" that makes grants to publicly owned small water systems to enable them to meet the requirements of the State Board of Health and the Safe Drinking Water Act.
32. Include a statement in the final report supporting renewable energy projects on public lands in Nevada provided that: (a) the design and location of facilities minimize disruption to public land users; (b) the impacts of the project are fully mitigated and there is no net loss of animal unit months; and (c) cooperating agency status is granted to affected grazing boards to ensure them a meaningful role in the planning and implementation of a project.
33. Include a statement in the final report asking the Legislature to consider whether the tax abatements to encourage economic development in the form of geothermal development and energy production in Nevada are necessary and appropriate given the unique and limited nature of the resource and the importance of the abated tax revenue to the local governments.
34. Include a statement in the final report supporting: (a) continued and expanded funding for the Wildfire Conservation Group; (b) additional U.S. Department of Agriculture (USDA) National Resources Conservation Service (NRCS) fuels management projects in Nevada funded through the Environmental Quality Incentives Program; (c) increased USDA Agricultural Research Service or NRCS funding and rangeland research positions for Nevada, including the Great Basin Region; (d) the use of a collaborative landscape partnership approach by federal agencies; (e) the case-by-case qualifying of certified professionals as technical service providers by the NRCS State Conservationist for conservation planning purposes; and (f) the Committee's efforts in Washington, D.C., to obtain the support of Nevada's Congressional Delegation and the appropriate federal agency personnel for efforts listed above.

35. Include a statement in the final report expressing the Committee's support for maintaining wild horses and burros at AMLs through timely gathers, adoption programs, private partnerships and the use of sanctuaries, and sterilization.