

Nevada Land Management Task Force

(Established Pursuant to Assembly Bill 227 enacted in the 2013 Legislative Session)

Meeting Minutes

Nevada Association of Counties

304 South Minnesota Street

Carson City, NV 89703

February 21, 2014

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SUMMARY OF MOTIONS PASSED

The following table provides a summary of the motions passed during the meeting.

General Topic or Action	Motions Passed	Page of Meeting Minutes
Approval of the Meeting's Agenda	Chairman Dahl accepted a motion from the floor which was seconded to accept the agenda for the meeting. The motion passed unanimously by a voice vote.	5
January 24, 2014 Task Force Meeting Minutes	Chairman Dahl accepted a motion from the floor which was seconded to accept the minutes from the January 24, 2014, Task Force meeting. The motion as corrected by Mr. Clifford's statement passed unanimously by a voice vote.	5
Meeting Adjournment	Chair Dahl accepted a motion from Commissioner Jerri Tipton (Mineral County) which was seconded by Commissioner Tom Collins (Clark County) to adjourn the meeting.	23

SUMMARY OF DIRECTION PROVIDED

The following table provides a summary of the direction agreed upon by the Task Force during the meeting.

General Topic or Action	Direction	Page of Meeting Minutes
Issues Related to the Transfer of Public Lands	All rights and uses that should transfer with the public lands be specifically addressed in the transfer legislation. The Task Force agreed to this statement by a voice vote.	17

SUMMARY OF ACTION ITEMS ASSIGNED

The following action items were assigned during the meeting.

General Topic or Action	Action	Party Assigned Action	Page of Meeting Minutes
Existing Regulatory Structures	Provide a link to the presentations made at the meeting to NACO's website.	NACO	16
Dates & Locations for Next Task Force Meetings	Contact the Public Lands Committee chair to confirm the Committee would like to receive an update from the Task Force at the March 24 th meeting.	Jeff Fontaine	21
Dates & Locations for Next Task Force Meetings	Develop a package for use by each Task Force member when approaching their respective county commission.	NACO Intertech Services, Inc.	22
Agenda Topics for Next Meeting	Send any suggested topics for the March 28 th meeting to Dagny Stapleton.	Task Force Members	23

CALL TO ORDER

Demar Dahl, Chairman of the Nevada Land Management Task Force and Elko County Commissioner, called the meeting to order at 1:08 PM by expressing his appreciation of the efforts and dedication the Task Force members have given to this effort and asking Mike Stemler to lead the participants in the Pledge of Allegiance.

Chair Dahl described a phone call he received from a person in southern Nevada who after watching the February 5, 2014 presentation to the Legislature's Public Lands Committee expressed her disagreement with the Task Force's efforts and felt that the Chairman had lied to the Committee. She believes the purpose of the Task Force is to obtain and sell the public lands.

ROLL CALL

Dagny Stapleton, Deputy Director of the Nevada Association of Counties (NACO), conducted a roll call of the Task Force (Attachment 1) to ensure a quorum was present. Attachment 1 also identifies other individuals attending the meeting.

PUBLIC COMMENT

No one attending the meeting wished to make a public comment.

APPROVAL OF AGENDA

MOTION: Chairman Dahl accepted a motion from the floor which was seconded to accept the agenda for the meeting. The motion passed unanimously by a voice vote.

APPROVAL OF THE MINUTES OF THE JANUARY 24, 2014 MEETING OF THE NEVADA LAND MANAGEMENT TASK FORCE

MOTION: Chairman Dahl accepted a motion from the floor which was seconded to accept the minutes from the January 24, 2014, Task Force meeting. In discussion, **Commissioner Vaughn Hartung (Washoe County)** expressed his appreciation for the quality of the meeting minutes which **Chair Dahl** echoed by stating he has heard similar comments from other people. Mr. Bob Clifford indicated that he did not make a public comment at the January 24, 2014, Task Force meeting; however, his name was accidentally identified in the minutes.

The motion as corrected by Mr. Clifford's statement passed unanimously by a voice vote. Mayor Crowell abstained from voting as he was not present at the January 24th meeting.

DISCUSSION OF THE TASK FORCE UPDATE TO THE NEVADA LEGISLATURE'S INTERIM COMMITTEE ON PUBLIC LANDS, INCLUDING DIRECTION GIVEN FROM THE COMMITTEE AND FUTURE MEETINGS

On February 5, 2014, Chair Dahl, Jeff Fontaine (Executive Director of NACO), and Mr. Mike Baughman, President of Intertech Services, Inc., provided an overview of the Task Force's efforts to date to the Legislature's Public Land Committee (Committee). **Chair Dahl** indicated that the Committee consists of State legislators and one County Commissioner who is **Commissioner Tom Collins (Clark County)**. **Jeff Fontaine** indicated that in addition to the update on the Task Force's efforts, Commissioner Lorinda Wichman (Nye County), Commissioner Kevin Phillips (Lincoln County), and Marci Henson, Assistant Director for Clark County's Department of Comprehensive Planning, provided county reports to the Committee. Mr. Fontaine summarized the presentation which provided the Committee

with an overview of Assembly Bill (AB) 227 and why NACO supported the bill and agreed to provide administrative support to the Task Force. Chair Dahl addressed the Task Force's direction and its major discussions while Mr. Baughman summarized the results of his analysis of the benefits and costs experienced by other states in managing large blocks of state lands. **Mr. Fontaine** indicated the presentation and the subsequent discussion required well over one hour. The Committee asked many questions, showed a genuine interest in the Task Force's effort, and asked to be kept apprised of the AB227 effort. Mr. Fontaine referenced a concern expressed by Assemblywoman Maggie Carlton as to the funding required for the transfer and eventual management of the public lands. Mr. Fontaine indicated that the Task Force is discussing a business plan approach that would identify and suggest alternatives for funding management of the public lands once they are transferred. Overall, the comments received from the Public Lands Committee were positive.

Commissioner Lorinda Wichman (Nye County) asked Commissioner Collins how the presentation was received by the Committee. **Commissioner Tom Collins (Clark County)** indicated that Assemblywoman Maggie Carlton (District 14) and Senator David Parks (District 7) are the most cautious members of the Committee while Assemblyman Paul Aizley (District 41) was the friendliest of the southern Nevada delegation. **Commissioner Collins** indicated that if the Task Force presents a reasonable, logical recommendation that can be supported by the Public Lands Committee, he believes the recommendation has a chance at being passed.

Commissioner Virgil Arellano (Lyon County) asked if there was discussion at the Committee meeting in relation to how the sale of public lands would occur and if there would be a county involvement in those sales. **Chair Dahl** responded that he relayed the Task Force's discussions relating to the sale of public lands, which generated questions from the Committee concerning the role of the counties in those sales. In response to the Committee's questions, Chair Dahl indicated that the task at hand was to consider the implications of the transfer of the public lands from the federal government to the State of Nevada and kept the focus of the Committee's discussion on that issue and did not specifically address the role of the counties. In a follow up question, **Commissioner Arellano (Lyon County)** asked if Payment-In-Lieu-of-Taxes (PILT) were addressed during the Committee meeting. **Chair Dahl** could not remember addressing PILT specifically but indicated it may have been referenced. **Mike Baughman** indicated that the presentation made to the Committee addressed the revenue figures received by the State and local governments from the federal government over the past five years, which included PILT. The presentation also included revenues generated by each state, which would allow the Committee to compare the revenues received from the federal government and the revenues generated from management of the State lands. There were no questions raised or adverse reactions expressed by the Committee.

PRESENTATION ON POTENTIAL REVENUES AVAILABLE TO THE STATE FOR POTENTIAL INITIAL LAND TRANSFER



Don Pattalock

Don Pattalock, President of the New Nevada Resources, LLC (New Nevada Resources), provided an overview of his organization, a privately owned company engaged in resource land ownership and investment; minerals; oil and gas exploration and development; and conservation finance; that owns, controls, and manages over 1.25 million acres of fee mineral rights and royalty interest and approximately 500,000 acres of fee surface ownership in Nevada.

From a historical perspective, the United State government deeded approximately five million acres to the Central Pacific Railway pursuant to the Pacific Railroad Act of 1862. The railroad retained ownership of the land until 1995 when approximately 1.38 million acres were sold to the Nevada Land and Resource Company. In 2011, Conduit LLC purchased Nevada Land and Resource Company and organized its mineral and royalty assets into the New Nevada Resources LLC and the surface estate into the New Nevada Lands LLC.

Revenues generated by New Nevada Resources vary depending on times and markets. Mr. Pattalock summarized eight revenue sources (inset) highlighting access, land sales, and mining.

Mr. Pattalock explained that in 2011, the State Legislature removed the power of condemnation from the mining and sugar beet industries which weighted the scale in terms of access back to the private land owner. Access is very important to everything occurring in Nevada as everyone wants access to private property and other land ownerships.

New Nevada Resources land sales have historically averaged between \$5 and \$7 million annually; however, has been variable depending on market conditions and buyer needs. All land has a potential value as needs change over time. Historically, the lower valued lands have sold more frequently (as compared to higher valued lands in and around communities) as there is a larger pool of potential buyers. Higher valued properties typically hold a higher percentage of their value but capturing and monetizing that value is a much longer process.

Mr. Pattalock provided two examples where it was felt some preliminary ground work or effort was required to make a particular piece of property more marketable to an end user.

The largest portion of New Nevada Resources revenue is generated from the mineral (subsurface estate), which varies depending on the level of activity within the equity markets involving exploration activities. As a private company, New Nevada Resources receives royalties from mineral production in the areas of gold, silver, iron ore, limestone, and barite on their lands; however, there is no federal royalty on hard rock minerals. New Nevada Resources currently does not receive oil/gas royalties; however, has been closely watching oil/gas activities of Noble Energy in Elko County. There are federal royalties on leasable minerals such as oil/gas and geothermal. **Commissioner Vaughn Hartung (Washoe County)** asked how deep the oil/gas resources have been in the Noble Energy exploration efforts. **Mr. Pattalock** indicated that Noble Energy has made a significant effort in Nevada and mentioned that the Grand Canyon well in Railroad Valley is the largest single producing oil well in the continental United States. Many individuals within the oil/gas industry understand the oil/gas potential that lies under Nevada but have not had the technology to capture that potential. **Mr. Pattalock** referenced other oil/gas producing areas such as the Bakken shale in North Dakota, Eagle Ford shale in Texas, and Tuscaloosa Marine shale in Alabama where the oil producing shale is a couple of hundred feet thick and has significantly changed the economies of those areas. In contrast, the Chainman and Elko shale formations lie at depths ranging from 7,000 to 12,000 below the surface of the earth and vary from 10,000 to 15,000 feet in depth. **Commissioner Vaughn Hartung (Washoe County)** explained that some wells in Wyoming are cased to 4,000 feet and are producing significant quantities of oil/gas from shale formations that are significantly shallower in overall depth as compared to the Chainman and Elko shale formations. **Mr. Pattalock** indicated that if the technology to extract the oil/gas from the Chainman and Elko formations is perfected, it could have a major impact on world oil/gas markets. **Commissioner Hartung** indicated that if the technology is perfected, the State would have to endure the castigation that would come from fracking. A question was raised as to why the technology isn't currently available. **Mr. Pattalock** indicated that there are subtleties in fracking these particular formations which are not completely understood. **Commissioner Hartung** asked Mr. Pattalock for his contact information which was provided.

Commissioner Jerri Tipton (Mineral County) asked if the New Nevada Resources had any copper or molybdenum resources within their portfolio. **Mr. Pattalock** indicated that they do not have either of those minerals within their portfolio at this time. **Mr. Pattalock** made reference to Mr. Baughman's state revenue analysis and the importance of such revenues generated from natural resources regardless of the type of natural resource – forestry in Idaho or oil/gas in New Mexico. **Mr. Pattalock** indicated that Nevada does not have those types of resources at this time.

New Nevada Resources, LLC

Revenue Categories

Land Sales

Water Sales/Development

Lease Revenues

Easements/Rights of Way/Access

Mining Leases

Oil and Gas Leases

Geothermal Leases

Royalty Income

Mr. Pattalock summarized the company’s 2013 revenue distribution (Table 1).

Mr. Pattalock offered several reasons why the Task Force should consider public lands within the checkerboard land pattern as part of the initial request for transfer from the federal government.

- The checkerboard land pattern is difficult to manage for both the private land owners as well as the federal agencies.
- There are no United State Forest Service (USFS) lands within the checkerboard, which minimizes the number of federal agencies to be dealt with.
- There are no federally designated wilderness areas or wilderness study areas within the checkerboard land pattern.
- There are few wild horse management areas within the checkerboard land pattern.
- The Union Pacific Railroad mainline, Interstate 80, U. S. 95, and U. S. 93 transportation corridors lie within the checkerboard land pattern.

Mr. Pattalock explained that New Nevada Resources has not, despite several attempts, been able to consummate a land exchange with the federal government in fifteen years.

Commissioner Vaughn Hartung (Washoe County) asked why it is so difficult to work with Bureau of Land Management (BLM). Is it the bureaucracy that exists at the Washington level or is it a more local issue? Mr. Pattalock indicated that he does not believe it is an issue with local BLM management but, somewhere along the line, the vision for what the public lands are for has been lost. Mr. Pattalock indicated there is a significant bureaucracy where, at higher levels such as the State Director, positions are filled by political appointments. Mr. Pattalock indicated that multiple use management where there are divergent interests is very difficult. The best way to deal with the BLM is to know what their job is and work closely with the local offices, which is often a challenge. Commissioner Jim French (Humboldt County) indicated that it is also a continuity of personnel issue where on-the-ground staff and management do not have a long tenure in their position. Commissioner Jerri Tipton (Mineral County) added that the next person who takes a vacant position doesn’t have the history and knowledge of the issues; therefore, it falls to the public land user to educate and bring that person up-to-speed. Mr. Pattalock recognized the growth in the federal bureaucracy where at one time there were a limited number of people working in an office and now several hundred employees work in the same office.

There are approximately 2.1 million acres¹ of unconsolidated federally managed land within the checkerboard land pattern. Mr. Pattalock believes the transfer of public lands to the State within the checkerboard land pattern would be beneficial to the State as well as New Nevada Resources as the lands would be managed from a revenue generation perspective bringing more growth and opportunities for increased agriculture, community development, and regional economic benefits, and improved management through ownership consolidation. Commissioner Kevin Phillips stated that he heard that PILT should stand for “Pennies Instead of Trillions”.

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New Nevada Resources LLC 2013 Revenue Distribution	
Mining Lease Revenue	65%
Royalty Revenue (Leased)	2%
Geothermal Lease Revenue	3%
Grazing Revenue	2%
Land Sale Revenue	5%
Lease Revenue	4%
Water Sale Revenue	19%

¹ Based on an analysis completed by New Nevada Resources of federal land parcels of 3,000 acres or less in size.

Critical Areas to Address Early in the Process

Mineral Rights/Mining Claims

Grazing Rights

Access Easements

Development Rights

Mr. Pattalock believes several different areas (inset) must be addressed early in the transfer process. Addressing grazing rights will be a challenge as it should be completed on a case-by-case basis designed to fit the livestock operation. It will be critical for the State of Nevada to be prepared and have programs in place to manage the lands prior to the actual transfer of ownership.

Mr. Pattalock outlined a sample of initial revenue sources including right-of-way/easements, grazing, sand and gravel, decorative stone, and land sales. Leasable mineral royalties will likely be a negotiated item but could result in substantial revenue for the State if acquired with the transfer. **Mr. Pattalock** offered a word of caution associated with land sales. Just having the lands available for sale doesn't make those lands salable. He suggested the need for a collaborative approach between the State and counties in identifying lands for sale. In identify parcels for sale, it is important to recognize the buyers and the properties those buyers are interested in acquiring. It is important to be realistic in recognizing the revenues that will be generated from land sales.

Following his presentation, **Mr. Pattalock** addressed questions from the Task Force.

Commissioner Tom Collins (Clark County) indicated that when he was in the legislature, a resolution was passed to "put the checkerboard together" but nothing has happened since that time. **Commissioner Collins** stated that the Nevada Congressional delegation must be unanimous in agreement before proposals can go forward which is why the Gold Butte National Conservation Area proposal hasn't moved forward. **Commissioner Collins** was curious as to what would need to be included in legislation to move the transfer proposal forward. He also asked what held up the process of acquiring smaller parcels of federal land in rural counties. In response, **Mr. Pattalock** addressed a specific proposal where New Nevada Resources approached Pershing County prior to pursuing a County land bill. Pershing County expressed an initial apprehension that they would lose control. The Nevada Congressional delegation required County support for any legislation, which must include a wilderness component. **Mr. Pattalock** explained that in the initial negotiations, wilderness groups immediately asked for 500,000 acres of wilderness, which required several months to negotiate to a more reasonable level and eventually derailed the proposal. Other major issues addressed were mineral withdrawals and oil/gas. At the same time the negotiations were occurring on the Pershing County land bill, a similar effort was underway in White Pine County. On the same day Congress was approving the White Pine County land bill, for various reasons, White Pine County voted to stop the process. This sequence of events led to Pershing County to stop their involvement in a Pershing County lands bill.

In his question, **Commissioner Collins** mentioned lands identified for disposal. **Mr. Pattalock** indicated that most BLM Resource Management Plans identify lands for disposal. Within the BLM's Winnemucca District, most of the identified lands lie within the checkerboard land pattern; however, an analysis has not been completed on the disposal of those lands, which is necessary to make the resource management plan have any value. **Commissioner Collins** indicated that many larger developers in the Las Vegas area would not consider larger parcels due to mining and mineral rights that prevented larger master developments. **Commissioner Collins** asked if New Nevada Resources approached the counties to request BLM auction federal land as is done in the Las Vegas Valley. **Mr. Pattalock** indicated that BLM does have sale mechanisms (direct sales, modified competitive sales, and competitive sales) in place.

Mike Stremmer (Pershing County) indicated that Nevada is a "split estate" state and is looking for revenue streams for managing the public lands that are transferred to the State. **Mr. Stremmer** suggested that many ranchers would buy their Federal grazing rights and pay a grazing fee to the County in lieu of paying a tax. Under the current federal grazing fee structure, the State receives 25 percent of every dollar spent for grazing livestock on public land. Of the 25 percent, 12½ percent is returned to the Grazing Board. He asked **Mr. Pattalock** if New Nevada Resources would be interested in selling the grazing rights on their land. **Mr. Stremmer** suggested the Task Force should consider selling the grazing rights on the lands transferred to the State. If the highest and best use of the transferred land were determined to be something other

than grazing (such as a commercial develop), a condemnation process could be used to make that happen. **Mr. Pattalock** indicated that his organization worked closely with some ranchers concerning the sale of New Nevada Resources land; however, even at \$10 per acre, it was not a financially sound approach for running livestock. **Chair Dahl** brought the detailed discussion to a close by referencing the amount of material yet to be addressed at the meeting. **Commissioner Jerri Tipton (Mineral County)** indicated that it will be important that many issues such as mining and grazing be addressed and agreed to early in the transfer process.

DISCUSSION ON CREATING A SHORT AND LONG TERM BUSINESS CASE FOR FINANCING COSTS RELATED TO AN INITIAL TRANSFER OF ANY PUBLIC LANDS FROM THE FEDERAL GOVERNMENT TO THE STATE OF NEVADA, INCLUDING DISCUSSION ON HOW TO QUANTIFY COSTS ASSOCIATED WITH A TRANSFER



Mike Baughman

Mike Baughman, President of Intertech Services, Inc., explained that at the Task Force’s January 24, 2014, meeting, a discussion was initiated concerning the costs associated with the transfer of public lands to the State of Nevada. Normally, BLM would issue a patent to the land which is recorded in the appropriate County Recorder’s office. The transferred lands that have not been surveyed would, in all likelihood, not be considered as “low hanging fruit” but any land that has been surveyed and can be described in aliquot parts would be easily incorporated into transfer legislation or the subsequent selection process. With the large number of acres of land being considered for transfer from the federal government, there will be significant costs associated with recording those properties. The

Task Force will need to address how those fees should be funded. Using information and experience from various sources (such as the Nevada Division of State Lands, the City of Henderson, and county governments) it is possible to develop a generic outline of costs associated with the transfer and recording of transferred lands.

OPTIONS FOR MANAGEMENT OF ANY PUBLIC LANDS TRANSFERRED FROM THE FEDERAL GOVERNMENT TO NEVADA

Using direction received from the Task Force and the *Public Lands Management Alternative Options and Decision Hierarchy Tool* discussed at the Task Force’s December 6, 2013, meeting and presented as Exhibit 1 of the *Alternative for Management of Expanding State Land Base in Nevada* report presented to Eureka County in February 1996, Intertech Services, Inc., developed a *Discussion Tool – Land Management Options – Phase 1* document (Attachment 2) which focuses on an initial transfer that would begin the federal land transfer program in Nevada.

Mr. Baughman provided an overview of each section (inset on next page) of the discussion tool that, if adopted, is designed to provide a short-term revenue source to (1) fund management of the initial Phase 1 expanded State land base and (2) position the state to fund management of subsequent transfers of public land.

If adopted, Phase 1 proposes to:

- Transfer full title to the surface and subsurface estates on six selected categories of BLM-administered lands;
 - All BLM-administered land in Nevada currently under Recreation and Public Purposes Act permit to state, local, or non-profit entities;
 - All BLM-administered land within the checkerboard of lands in northern Nevada;
 - All BLM-administered land in Nevada previously identified by BLM as suitable for disposal but not yet disposed of;
 - All BLM-administered subsurface estate where surface estate is currently in non-federal ownership;
 - All BLM-administered land designated by the Secretary of the Interior as solar energy zones; and,
 - All BLM-administered land identified by BLM as suitable for geothermal leasing but not yet leased for geothermal development.

- Exclude all BLM lands designated by Congress or Executive Order as wilderness, national parks, national monuments, or national recreation areas;
- All transferred lands would be managed in trust by the Division of State Lands within the Nevada Department of Conservation and Natural Resources;
- Management of transferred lands would be overseen by a proposed Nevada Trust Land Commission whose members would be appointed by the Nevada Executive and Legislative branches;
- All transferred lands would be:
 - managed for long-term sustainable net revenue maximization;
 - subject to applicable State and local government statutes, regulations, ordinances, and code; and,
 - subject to valid existing permits, land use authorizations, and rights of access granted prior to the transfer.
- Disposal of transferred lands would be subject to review and approval by the governing local government board;
- Costs to administer transferred lands would be derived from gross revenues collected from management of that land; and,
- Net revenues derived from the transferred lands would be deposited into a permanent fund for the express benefit of the identified beneficiaries.
- Land trust beneficiaries would include the following:
 - Public K through 12 Education
 - Public Higher Education
 - Public Specialized Education (Schools for the Blind and Deaf)
 - Public Mental Health Services
 - Public Medical Services
 - Candidate and Listed Threatened or Endangered Species Recovery Plan Development & Implementation

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Sections of the Discussion Tool – Land Management Options – Phase 1

<u>Section</u>	<u>Description</u>
1	<i>Transfer of Full Title to Surface and/or Subsurface Estates</i>
2	<i>Selected Land to be Transferred During Phase 1</i>
3	<i>BLM Administered Land Excluded from Transfer</i>
4	<i>All Transferred Land Managed in Trust by the Nevada Department of Conservations and Natural Resources – Division of State Lands</i>
5	<i>Nevada State Trust Land Management Oversight by Proposed Nevada Trust Land Commission with Members Appointed by the Nevada Executive and Legislative Branches of Government</i>
6	<i>All Transferred Nevada State Trust Land Managed for Long-Term Sustainable Net Revenue Maximization</i>
7	<i>All Transferred Nevada State Trust Land Uses Subject to Applicable State of Nevada and Nevada Local Government Statues, Regulations, Ordinances, and Codes</i>
8	<i>Transfer of Select Lands Subject to All Valid Existing Permits, Land Use Authorizations, and Right of Access Granted by BLM Prior to Transfer</i>
9	<i>Disposal of Transferred Nevada State Land Authorized Subject to Review and Approval by Governing Board of Local Government within Which Lands are Located.</i>
10	<i>Costs by the State of Nevada to Administer Transferred Nevada State Lands to be Derived from Gross Revenues of Managing Said Land</i>
11	<i>All Net Revenues Derived from Transferred Nevada State Land to be Deposited into Permanent Fund for Express Benefit of Beneficiaries</i>
12	<i>Transferred Nevada State Trust Land Beneficiaries</i>

In closing the presentation, **Mr. Baughman** read the footnote at the end of the discussion tool which states:

“Phase 1 of the land transfer is intended to provide a short-term source of revenue to the State of Nevada (i.e. through sale by the State of lands which had been identified by BLM as suitable for disposal) to fund management of the initial Phase 1 expanded State land base and to position Nevada to be able to fund management of the subsequent transfer of the balance of all non-excluded public land to the state.”

During and following his presentation, Mr. Baughman addressed questions from the Task Force.

Commissioner Vaughn Hartung (Washoe County) asked how the BLM Solar Energy Zones were identified. **Mr. Baughman** explained that when interest in developing the solar resource increased four or five years ago, BLM received a dearth of solar development applications. To address those applications, BLM completed a multi-state analysis identifying the best areas for solar development considering existing transmission capabilities, minimizing environmental impacts, and several other key factors. Based on the analysis, the Secretary of the Interior ultimately identified 17 Solar Energy Zones.²

² In October 2012, the Secretary of the Interior signed the Record of Decision finalizing a program to facilitate development of solar energy on public lands in six southwestern states. The Western Solar Plan provides a blueprint for utility-scale solar energy permitting in Arizona, California, Colorado, Nevada, New Mexico and Utah by establishing solar energy zones with access to existing or planned transmission, incentives for development within those zones, and a process through which to consider additional zones and solar projects. The Western Solar Plan established an initial set of 17 Solar Energy Zones, totaling about 285,000 acres of public lands, which serve as priority areas for commercial-scale

Commissioner Vaughn Hartung (Washoe County) indicated that one of the largest mental health facilities in Washoe County is the County detention center. **Mr. Baughman** indicated trust funds could not be used for the operation of the detention center; however, could be used to fund mental health professionals that work within the detention facility as well as other mental health facilities within the County.

Mike Stremler (Pershing County) asked if a budget identifying the revenues needed to initiate Phase 1 of the transfer process has been developed. **Mr. Baughman** indicated that development of a budget would be premature at this point. The Task Force is working to identify side boards on the transfer effort, which currently ranges from zero acres to potentially tens of millions of acres to be transferred. If the Task Force were to agree to pursue transfer of the lands identified under the second item outlined in the discussion tool, it would be possible to identify (1) a preliminary cost estimate based on the experience and cost figures from other land sales across the state and (2) potential revenue sources. **Mr. Stremler** asked a follow up question relating to the need for the Task Force to agree to a phased approach and to initiate Phase 1 within the checkerboard land pattern. **Mr. Stremler** again suggested that there are ranchers within the checkerboard land pattern willing to buy their federal grazing rights and pay a grazing fee to run livestock on the land. He believes the grazing right concept is a false deal. **Mr. Stremler** asked if it was possible to sell other rights such as geothermal or oil/gas exploration rights, which could generate immediate revenue as well as exclude others from having opportunity to exploit that right. **Mr. Baughman** stated that Phase 1 as outlined in the discussion tool includes lands outside of the checkerboard land pattern. **Chair Dahl** ended this discussion by suggesting **Mr. Baughman** address Item 8 on the meeting's agenda.

Commissioner Tom Collins (Clark County) raised a point that two-thirds of the public schools in Clark County are located on public land, which should be part of the Phase 1 proposal. **Commissioner Collins** indicated that **Mr. Patallock** raised some interesting points in his presentation concerning various County land bills where federal lands were identified to be transferred to the counties. It was **Commissioner Collins** understanding that as a result of the passage of the County land bill, those federal lands were now under county management and not receiving a PILT payment. **Commissioner Kevin Phillips (Lincoln County)** corrected **Commissioner Collins** in the fact that the public lands have been identified to be sold but have yet to be sold. **Mr. Baughman** indicated that the public lands in question would fall under the third item outlined in Section II of the Phase 1 discussion tool document.

Commissioner Collins indicated that federal requirements associated with threatened/endangered habitat currently existing on public land would transfer with that land. **Mr. Baughman** used the Threatened and Endangered Species Act (ESA) as an example to illustrate the point raised by **Commissioner Collins**. Under the ESA, in southern Nevada where there is Desert Tortoise habitat, some counties have already developed Habitat Conservation Plans (HCPs) under Section 10 of the ESA that address non-federal land. Those public lands lying within the area addressed under a HCP will automatically be covered by that HCP when transferred from the federal government to the State. Under the ESA, public lands are addressed in Section 7 while non-federal lands are addressed under Section 10.

Commissioner Doug Johnson (Douglas County) raised a question relating to the loss of PILT payments to those counties affected by implementation of Phase 1. He asked if there should be a percentage given to the beneficiaries of Phase 1 to offset the loss of the PILT payment. **Commissioner Kevin Phillips (Lincoln County)** indicated that he believes there are avenues for generating revenues to replace the PILT payments but it is important to understand the process by which the revenues would be transferred to the counties. The question he asked to emphasize his point is "With the sale of public lands within the checkerboard land pattern in the northern part of the state, how that revenue would be used to replace PILT in Lincoln County?" **Mr. Baughman** indicated that most county land bills include language where a specific percentage of the revenue generated from the sale of public land is identified to be distributed

solar development, with the potential for additional zones through ongoing and future regional planning processes. Of the 17 Solar Energy Zones, 6 were identified in Nevada (Armargosa Valley – Nye County; Dry Lake – Clark County; Dry Lake Valley – Lincoln County; and Gold Point and Millers o- Esmeralda County) totaling 60,395 acres.

to the BLM, the State of Nevada for education, and the counties where the land is being sold. Currently, most legislation identified 85 percent is distributed to BLM, 5 percent to the State, and 10 percent to the county. New transfer legislation could possibly identify 85 percent being distributed to the State, 5 percent to the BLM, and 10 percent to the county. **Commissioner Kevin Phillips (Lincoln County)** indicated that Mr. Baughman’s suggestion might work for the sale of public lands but there needs to be a mechanism to address opportunities that come from leasing the land to offset the loss of PILT payments. **Commissioner Lorinda Wichman (Nye County)** stated that there needs to be a mechanism in place to address all types of revenue and revenue sharing. **Mr. Baughman** summarized that under Item 12 of the Phase 1 discussion tool, it would be necessary to add Item G that addresses a payment to counties in lieu of PILT. **Commissioner Tom Collins (Clark County)** added that the beneficiaries identified under Item 12 of the Phase 1 discussion tool will generate support for a transfer proposal; however, the reality is Clark County is considering approaching BLM to sell land within the Conservation Management Area that are under 50-year leases where the revenue generated will be distributed to BLM, the school district, and the Southern Nevada Water Authority; not to Clark County. **Chair Dahl** indicated that within adjacent states, the majority of the revenues generated are distributed to the public K through 12 education system.

DISCUSSION OF THE EXISTING ENVIRONMENTAL REGULATORY STRUCTURE IN PLACE BOTH AT THE STATE AND FEDERAL LEVELS AND HOW THIS WOULD GOVERN ANY LANDS THAT WOULD BE TRANSFERRED FROM THE FEDERAL GOVERNMENT TO THE STATE

Mr. Baughman provided an overview of Nevada State agencies with key environmental regulatory authority including the Nevada Department of Conservation and Natural Resources, the Nevada Commission on Minerals, and the Public Utilities Commission of Nevada.

At the January 24, 2014, Task Force meeting, Leo Drozdoff, Director of the Nevada Department of Conservation and Natural Resources (DCNR), provided a high level overview of divisions within DCNR and their responsibilities. At previous Task Force meetings, concern was expressed if State agencies would be prepared to assume management responsibilities for such a large transfer of public lands. To assist the Task Force in understanding the roles and responsibilities of the key State agencies with environmental regulatory responsibilities, Mr. Baughman provided an overview of the *Capacity of the State of Nevada to Undertake Environmental Protection Programs* document (Attachment 3), which addressed the following State agencies.

Nevada Department of Conservation and Natural Resources

Nevada Division of Environmental Protection
Bureau of Air Pollution Control
Bureau of Mining Regulation and Reclamation
Bureau of Water Pollution Control
Nevada Environmental Commission
Nevada Division of Forestry

Nevada Commission on Minerals

Nevada Division of Minerals

Public Utilities Commission of Nevada

In addition to the agencies identified above, **Mr. Baughman** referenced a new legislative provision where the Nevada Department of Wildlife (NDOW) may collect revenue on a cost recovery basis when asked to offer opinion as to how specific projects may impact wildlife. **Commissioner Vaughn Hartung (Washoe County)** asked if NDOW would be responsible for assuming management of wild horses if the transfer of public lands to the State occurred. **Mr. Baughman**

indicated that the Nevada Department of Agriculture is currently responsible for managing feral horses (such as those in the Virginia Range) in Nevada. Mr. Baughman indicated that he does not believe the transfer of public lands would affect the status of wild horses and burros protected by the Wild Free-Roaming Horses and Burros Act of 1971 which are located within an identified Herd Management Area (HMA). Those animals would continue to be protected under the 1971 Act unless the Act is amended. **Mr. Baughman** indicated that there is not a process under State law for managing federally protected wild horses and burros. It might be possible for the State to enter into a cooperative agreement with BLM to assume management responsibilities for the animals. **Mr. Stremler (Pershing County)** indicated that it would be important to ensure that the NACO law suit be allowed to complete its course. Mr. Stremler indicated that according to regulations, if there is insufficient public land water, the BLM would be required to zero out the HMA, which would bring the number of animals to a reasonable level prior to the transfer of public lands to the state.

Mr. Baughman indicated that the Bureau of Air Pollution Control has delegated authority from the U. S. Environmental Protection Agency (EPA) to manage and protect the air quality subject to federal laws in all Nevada counties except Clark and Washoe who have received a separate delegation from the EPA. Those delegations would continue apply if the transfer of public lands to the State under AB227 is consummated. **Chair Dahl** asked if delegating the authority for management and protection of the air quality is common in other States'. **Mr. Baughman** indicated that it is a common practice. In essence, by assuming the delegated authority, the state agrees to manage those resources at a level at least consistent with the federal standards. The State may promulgate more restrictive standards; however, under the delegated authority, the air resources cannot be managed at a level less than the federal standards. The Bureau of Water Pollution Control has a similar delegated authority under the Clean Water Act for water resources.

The Bureau of Mining Regulation and Reclamation is responsible for imposing water quality standards for mine discharge and pit lakes, which is different than the responsibilities of the Bureau of Water Pollution Control.

The Nevada Environmental Commission is responsible for establishing regulations that are applied to the land and its users as well as addressing appeals from decisions made by the various State agencies. Washoe and Clark counties are responsible for addressing their own appeals.

The Nevada Department of Forestry is responsible for overseeing the management, protection, harvesting, and transportation of several different tree and cacti species as well as protected flora. A permitting process is in place to address the harvesting and transportation of different species.

The Nevada Division of Minerals is responsible for administering programs and activities to promote, advance, and protect mining and the development and production of petroleum (oil/gas) and geothermal resources in Nevada as well as the abandon mine land program.

The Public Utilities Commission of Nevada (PUCN) is responsible for administration of all utility projects under the Utility Environmental Protection Act (UEPA). The UEPA was enacted in 1971 to address environmental issues related to the construction of utility facilities. UEPA permits granted by the PUCN apply to:

- Conventional power plants.
- Renewable energy power plants rated over 70 Megawatts (nameplate).
- Electric transmission facilities rated over 200 kilovolts.
- Gas transmission lines and associated facilities.
- Water transmission lines and associated facilities.
- Sewer transmission and treatment facilities.

Relying on input received from different state agencies such as the Department of Wildlife, the PUCN will make a determination that the development and operation of that project is in the public's interest. Projects proposed on public land will require an environmental analysis that will be reviewed by the PUCN (or either Washoe or Clark County if is

located within those specific counties) as part of the PUCN permitting process. The law requires that a project submitted to the BLM or the PUCN also be concurrently submitted to NDOW who will in turn establish a cost recovery account to cover their costs of reviewing the project.

In summary, **Mr. Baughman** indicated that there are tools in place which have been working on non-federal lands in both urban and rural areas of the state. **Commissioner Jerri Tipton (Mineral County)** indicated the processes are working on federal lands as well. Often, it is not possible to permit a mine or major project on BLM-administered public land without the involvement of state agencies such as the Nevada Division of Environmental Protection.

Commissioner Tom Collins (Clark County) asked if a parallel avenue might be available for the counties to request management responsibility for the public lands without having to complete the title transfer process. **Commissioner Collins** believes there is a trend where some counties want to be responsible for managing the land but not lose their current revenue sources (such as PILT).

Commissioner Vaughn Hartung (Washoe County) asked that NACO provide the presentation handouts to the Task Force members. **Elyse Monroy (NACO)** replied that the presentation materials have been posted to the NACO website. **ACTION:** It was agreed a link to the NACO website would be sent to Task Force members.

DISCUSSION ON ISSUES RELATED TO A TRANSFER OF PUBLIC LANDS FROM THE FEDERAL GOVERNMENT TO NEVADA INCLUDING THE TRANSFER OF MULTIPLE USES AND VALID EXISTING RIGHTS

Commissioner Jerri Tipton (Mineral County) made reference to the previous discussion raised by Commissioner Tom Collins by indicating that it isn't important who owns the land but she would like to have the decision making authority concerning management of that land. If the Legislature were to make the decision not to pursue the transfer of the public lands to the State of Nevada, Commissioner Tipton would like to pursue transfer of the management responsibilities for those lands. **Chair Dahl** asked if Commissioner Tipton would be amenable to a scenario where Commissioner Tipton owned a piece of land and Chair Dahl proposed that he would assume management responsibility for that property. In response, **Commissioner Tipton** indicated that if Chair Dahl could demonstrate that the piece of property would be managed for health, function, productivity, and sustainability, she might be interested in Chair Dahl's proposal.

Commissioner Lorinda Wichman (Nye County) indicated that the information presented by Mr. Baughman contains the four factors outlined by Commissioner Tipton in her response to Chair Dahl's scenario. Commissioner Wichman indicated that Item 9 under the *Discussion Tool – Land Management Options – Phase 1* document (Attachment 2) could be amended to include management decisions. **Commissioner Vaughn Hartung (Washoe County)** indicated that major projects proposed on public lands must be submitted to the appropriate county for consideration. **Commissioner Wichman** added that she receives notices from the state requesting input when decisions are made involving state lands within Nye County. **Commissioner Jim French (Humboldt County)** indicated that, theoretically, the federal government process allows multiple users to be involved in projects with equal standing, which doesn't necessarily work as intended. The Task Force will need to address a similar process where, under the multiple use concept, the decision may involve many different resources and/or uses such as wild horses, threatened/endangered species or all-terrain vehicle uses. While the Task Force has a similar understanding of how the public lands should be managed, there may be others who do not agree with the Task Force's approach.

Commissioner Lorinda Wichman (Nye County) indicated that there is a process in place within the Nevada Division of State Lands to handle such situations which isn't used very often. **Mr. Baughman** indicated that if the State were proposing to take an action on State lands, the appropriate agency would approach the appropriate County Commission to determine if the action is compatible with the County's land use plan. **Commissioner Wichman** indicated that the *Discussion Tool – Land Management Options – Phase 1* document could be modified slightly to address the expressed concerns. **Commissioner Vaughn Hartung (Washoe County)** provided an example of where the Ruby Pipeline

proposal was thoroughly reviewed using the county's process beginning with the Planning Commission and working its way to the County Commission. **Commissioner Wichman** indicated that the Nevada Division of State Lands is required to follow the federal regulations which are in place.

Commissioner Tom Collins (Clark County) expressed concern with the term "maximization" as used in Item 6 of the *Discussion Tool – Land Management Options – Phase 1* document versus use of the term "sustainability." He believes someone could challenge that an existing use was not achieving the maximum potential revenue for a piece of State property and request another use be initiated. **Commissioner Vaughn Hartung (Washoe County)** asked if Commissioner Collins was referring to the State law of eminent domain. **Chair Dahl** stated that if the land ownership were to stay as it currently is and the counties had full management responsibility for that land, the Task Force would not be considering the transfer of the public lands. The emphasis behind AB227 is to bring management of the public lands closer to the ground.

Commissioner Kevin Phillips (Lincoln County) indicated that the counties would not be able to assume management responsibilities for the public lands unless the State has ownership of those lands. **Commissioner Vaughn Hartung (Washoe County)** stated that the entity responsible for managing the lands would still be required to follow federal guidelines for certain overarches issues. **Commissioner Phillips** explained that he recently accompanied the Lincoln County Road crew for Desert Tortoise training and was amazed to find that the majority of the requirements were derived from the Nevada Revised Statutes; rather than the U. S. Code of Federal Regulations. Based on this experience, Commissioner Phillips believes Nevada has sufficient regulatory mechanisms in place to properly manage the public land resources.

Commissioner Lorinda Wichman (Nye County) asked Commissioner Tom Collins (Clark County) to clarify his position in relation to county ownership of transferred lands as compared to State ownership with county control of transferred lands. **Commissioner Collins** indicated that the purpose is to obtain more local control of the management of public lands. He indicated that there needs to be a structure in place where the county and state governments, not the federal government, collect revenues from the public lands. **Commissioner Wichman** clarified her question by asking if Commissioner Collins agreed that the lands should be transferred to the State after which the county government would work with the State to address management of the transferred land. **Commissioner Collins** indicated that he is identifying a second course of action where counties would be responsible for management of the public lands and the fees collected from management of those lands will be distributed based on an agreement between the counties and the State of Nevada.

Chair Dahl indicated that there are certain things that will automatically transfer with ownership of the public lands. However, there are other uses such as recreation, fishing, grazing permits, etc., that may not automatically transfer. **Chair Dahl** believes all rights and uses that should transfer with the public lands be specifically addressed in the transfer legislation. **DIRECTION:** The Task Force agreed to this statement by a voice vote.

DISCUSSION ON ISSUES RELATED TO A TRANSFER OF PUBLIC LANDS FROM THE FEDERAL GOVERNMENT TO NEVADA INCLUDING OPTIONS FOR DISPOSAL AND SALE OF LANDS

Chair Dahl indicated that the Task Force had previously discussed the disposal of (1) lands that are currently identified by the federal agencies for disposal and (2) lands within the checkerboard land pattern where the counties have agreed on the sale of such lands. **Commissioner Lorinda Wichman (Nye County)** indicated that the Task Force has agreed that disposal of transferred Nevada State lands would be subject to review and approval by the local government's governing board (Item 9 of the *Discussion Tool – Land Management Options – Phase 1* document); however, she heard in discussions today that concurrence and approval by the local government's governing board should be required for other actions as well. **Mr. Baughman** indicated that Item 7 of the *Discussion Tool – Land Management Options – Phase 1*

addresses all Nevada State trust land uses (emphasis added), which addressed Commissioner Wichman's statement. **Commissioner Virgil Arellano (Lyon County)** asked how the Task Force would defend the requirement that local government's governing board concurrence and approval is needed for all changes in use of the transferred state land. **Chair Dahl** indicated that if the concurrence and approval requirement is part of the transfer legislation and the County land use plans are in place, there shouldn't be a problem with defending the requirement. **Commissioner Arellano** asked if a project proponent could challenge a County's decision to deny a proposed project. **Chair Dahl** indicated that the decision could be taken to court or appealed just as it is done now. **Commissioner Tom Collins (Clark County)** indicated that local jurisdiction land uses can be challenged in court and possibly overturned.

Commissioner Arellano indicated that in the previous discussion addressing maximizing³ and sustaining revenues from the transferred public lands, he suggested the language should read "maintain, sustain, manage, protect, and preserve for long-term optimal use and benefit." **Commissioner Arellano** indicated that to build consensus across the state for the AB227 transfer of public lands, the ability to "maintain, sustain, manage, protect, and preserve for long-term optimal use and benefit" will need to be applied to the multiple uses.

Chair Dahl read a statement (below) that was presented during the Task Force's January 24th meeting.

"Which Lands Transfer?

Recognizing one plan for the transfer of the public lands will not fit all states, it will however, be beneficial for the Western States that determine a transfer is in their best interest, to present a united front, in their demand to Congress for the transfer of the public lands.

The State of Utah, being the first Western State to demand a transfer, established a precedent in HB148 by including all lands within its borders, with the exception of National Monuments, National Parks and congressionally designated wilderness areas.

Recognizing there are some lands in Nevada not to be considered for transfer such as Indian Lands and military lands, (excluded lands), it is the position of the NLMTF that in the event of a transfer demand, Nevada's initial position should be for the inclusion of all Public Lands within its borders, except National Monuments, National Parks, Congressionally designated Wilderness Areas and (excluded lands).

The NLMTF recognizes that any transfer will require a transition period during which time the State of Nevada will work with the seventeen Nevada Counties and stake holders on the public lands to ensure all valid existing rights, multiple uses and interests are protected.

The State of Nevada and the Federal Government will negotiate an orderly transition and establish a timetable and process for the transfer to the Public Lands."

Chair Dahl referenced the *Discussion Tool – Land Management Options – Phase 1* document highlighting Item 1 that identifies the lands to be transferred under Phase 1 and the footnote at the end of the document.⁴ **Commissioner Tom Collins (Clark County)** indicated that if the Task Force's recommendation would identify all land designated as state park land be exempt from sale, it would ensure the appropriate lands are set aside and would be easier to gain support for the transfer effort.

³ The previous discussion addressed a statement made by Commission Tom Collins (Clark County) outlined on page 17.

⁴ The footnote is depicted on page 12.

Commissioner Vaughn Hartung (Washoe County) indicated that one Washoe County concern is ensuring that the lands are properly managed during the transfer from the federal government to the State. How would the State or County manage a significant wildfire during the transition period? There must be a mechanism during the transfer process to ensure constituents that the resources will be properly managed. **Chair Dahl** made reference to a time when people living in the Pacific Northwest continually requested additional Secure Rural School (SRS) monies,⁵ which among other things, provided funding to offset the impacts of the listing of the Spotted Owl as an endangered species. Now, the people in the Pacific Northwest are asking to have the natural resources returned to them; rather than requesting additional SRS funds. Local control of the management of the forests in the Pacific Northwest allows for increased opportunities for employment, management for healthy forests, and prevention of wildfire. **Chair Dahl** indicated that the rangelands in Nevada are no different than the forests of the Pacific Northwest. The rangelands must be managed to prevent the increase in herbaceous cover that is susceptible to wildfire. Proper management of the rangelands preventing the accumulation of herbaceous cover will prevent many large fires from starting. **Mike Stremler (Pershing County)** indicated that he was originally from the Pacific Northwest and understands the issues Chair Dahl referenced. Mr. Stremler indicated that not only did the federal government stop logging of old growth forests to protect Spotted Owl habitat, they also removed many of the roads which are critical for access to fight wildfires. **Mr. Stremler** believes the same approach will be used by the federal government in the management of sage grouse. **Mr. Stremler** asked if an attempt to include lands administered by the USFS in the transfer of public lands to the State would make the proposal more difficult. **Chair Dahl** indicated that the success of the Nevada transfer effort will depend, to a degree, on similar efforts being undertaken in other states where inclusion of the USFS-administered lands is important. Without inclusion of USFS-administered lands in Nevada, it is questionable if the Nevada proposal would be supported by the other Western states. **Commissioner Lorinda Wichman (Nye County)** believes each state will be given opportunity to address situations specific to their state. **Commissioner Wichman** indicated that she is originally from Coeur d'Alene, Idaho, and that forests in Idaho are different than forests in Nevada. She believes it is important to understand how the National Forests were created. Some were reserved by Congressional action. **Commissioner Wichman** indicated that after the transfer of the lands is completed, it will not be necessary to travel to Washington, D. C., to address issues but may require a much shorter trip to Carson City. She also stressed that State agencies have the necessary authorities to manage the resources and when allowed to do so, do it well.

Commissioner Kevin Phillips (Lincoln County) asked if the Task Force had a copy of a resolution passed by the State of South Carolina supporting the transfer of public lands in the west. **Dagny Stapleton**, NACO's Deputy Director, indicated that the resolution was not posted on the NACO website. **Commissioner Phillips** read the following section from the South Carolina resolution into the record.

1. Call upon the Federal government to transfer title to all federal lands within the Western states to the state that it is located;
2. Urge the Congress to engage in good faith and communication, cooperation, and consultation to coordinate the transfer;

⁵ On October 3, 2008 the Secure Rural Schools and Community Self-Determination Act of 2000 (SRS Act) was amended and reauthorized in P.L. 110-343. This law ensures that for the next four years (2008 –2011), counties across the country can continue to count on stable and transition payments that provide funding for schools and roads, make additional investments in projects that enhance forest ecosystems, and improve cooperative relationships. With notable exceptions, the SRS Act, as amended, is similar to the original program. The Secure Rural Schools Act amends the Act of May 23, 1908 (16 USC 500) that directs the Secretary of the Treasury to make an annual payment to the States based on national forest receipts. The U. S. Department of Agriculture (USDA) Forest Service coordinates with the Treasury to make the payments. The States distribute the payment among counties in which national forests are situated for the benefit of public schools and roads. The distribution is in proportion to the acreage of national forest in the county.

3. Call upon the western States to agree upon the transfer of the public lands to the respective State to affirmatively cede to the Federal government all lands currently designated as part of the National Park system under 16 USC Section 5(A)(1) and the National Wilderness Preservation System under 16 USC ... and those areas

Commissioner Phillips indicated that he personally and Lincoln County would concur with the South Carolina resolution.

Commissioner Tom Collins (Clark County) indicated that the large fires that occurred in the late 1990s and early 2000s resulted from the federal government's mismanagement. He would recommend the Task Force take management of those lands out of the preview of the federal government.

Commissioner Jerri Tipton (Mineral County) believes that the only reason the Hawthorne Army Depot was removed from the military's base closure list was the contamination issues on the Depot. Commissioner Tipton indicated that the Depot was established in the mid-1930s. If the contamination issues are resolved, BLM will insist that management of the lands within the Depot, which involves approximately 95 percent of the taxable infrastructure within Mineral County, be given to the BLM. **Commissioner Tipton** indicated that she would recommend language be included in the transfer legislation that requires lands within the Depot be returned to county management once they are clean of contamination.

Chair Dahl indicated that there will be many issues that will have to be resolved by the next generation.

Commissioner Patsy Waits (Lander County) indicated that the 1996 Eureka report prepared by Intertech Services, Inc., concluded that the State could accomplish fire suppression responsibilities more cost effectively than the federal government. **Commissioner Vaughn Hartung (Washoe County)** indicated that it isn't a question if the State can accomplish the fire suppression workload but ensuring the State is properly staff to handle those responsibilities and that there is an orderly transition of those responsibilities. **Commissioner Lorinda Wichman (Nye County)** indicated that if the resources are managed properly, there will not be a need for addressing fire suppression in the same manner as the federal government. **Commissioner Jerri Tipton (Mineral County)** indicated that any transfer of public lands will not occur overnight. An orderly transition of capabilities and revenues will have to be part of the transfer approach. **Commissioner Vaughn Hartung (Washoe County)** added that the Task Force is being asked to identify funding sources for the State and would like to ensure the Task Force does not lose sight of what it has been charged to accomplish.

Commissioner Dan Cassinelli (Humboldt County) indicated that it is important to keep the Task Force's effort moving forward which is why Intertech Services, Inc., was hired and suggested following the process outlined by Mr. Baughman. Earlier in the discussion, a suggestion was made by which the Counties might lease the land from the State and assume management responsibilities for the land. Commissioner Cassinelli indicated that in most lease situations, the owner retains management control of that land.

Commissioner Virgil Arellano (Lyon County) asked that Chair Dahl's opening statement at the beginning of the discussion for this agenda topic to be reread to ensure that Commissioner Arellano understood it properly. **Chair Dahl** indicated that the statement was part of the January 24th meeting minutes, which Commissioner Arellano had received. **Commissioner Arellano** asked if there had been a consensus on the statement as he couldn't remember a decision being made. **Chair Dahl** indicated that no decision has been made.

Commissioner Tom Collins (Clark County) indicated that many federal fire suppression resources are employed under contract and could be contracted by the State of Nevada if the lands were transferred to State ownership. Commissioner Collins asked if, at this point in time, the Task Force was excluding the lands administered by the USFS. **Commissioner Lorinda Wichman (Nye County)** indicated that the lands administered by the USFS were not being considered for exclusion from the transfer. **Commissioner Jim French (Humboldt County)** indicated that there were some National Forests that were congressionally reserved. In response to the point raised by Commissioner Collins that many fire suppression resources are contract employees, **Commissioner Vaughn Hartung (Washoe County)** indicated that the

Task Force will need to identify the funding sources that could be used to pay for those contract fire suppression forces. **Commissioner Lorinda Wichman** indicated that the Nevada Department of Forestry is currently using prisoners as part of the fire suppression resources. **Mike Stremler (Pershing County)** indicated that it will not be difficult to identify the revenue sources required for fire suppression resources. As an example, Mr. Stremler indicated that in Humboldt County, Nevada First fed \$1 million of Nevada hay to their livestock that should have never been fed. Mr. Stremler indicated the hay should have been exported to China which would have brought new money into the State and would have been multiplied seven times. Mr. Stremler also indicated that he has asked BLM for temporary nonrenewable (TNR) use on years where there is significant cheat grass growth, only to be denied by the Winnemucca District who hasn't granted a TNR request in fifteen years. Mr. Stremler indicated that BLM has not completed the appropriate National Environmental Policy Act analysis to grant the TNR use because they (BLM) would be sued by Western Watersheds. He also stated that no livestock operator should have had to feed hay in years where there has been a substantial cheat grass growth. **Commissioner Dan Cassinelli (Humboldt County)** indicated that the question at hand isn't identification of revenue sources or issuance of TNR use but what land should be transferred to the State.

Chair Dahl indicated that there have been several ideas suggested which need further thought and discussion prior to the Task Force identifying the lands to be recommended for transfer from the federal government to the State.

DISCUSSION ON WHICH LANDS TO INCLUDE IN A TRANSFER OF PUBLIC LANDS FROM THE FEDERAL GOVERNMENT TO THE STATE OF NEVADA

No discussion on this topic occurred at the meeting.

DISCUSSION ON TIMELINE OF TASKS TO ACCOMPLISH BY THE TASK FORCE PRIOR TO SUMMER 2014, INCLUDING A DISCUSSION OF ACCOMPLISHMENTS TO DATE, CONSENSUS NEEDED, AND TASKS OUTSTANDING

No discussion on this topic occurred at the meeting.

DISCUSSION ON AND APPROVAL OF DATES AND LOCATIONS FOR FUTURE TASK FORCE MEETINGS

The Task Force agreed the next Task Force meeting should immediately follow the NACO Board of Directors meeting scheduled for March 28th. The Legislature Public Lands Committee will meet in Winnemucca on March 24th. **Chair Dahl** understood a Task Force update report was a standing agenda item for all remaining Public Land Committee meetings. **ACTION:** Jeff Fontaine, Executive Director for NACO, agreed to contact the Public Lands Committee chair to confirm the Committee would like to receive an update from the Task Force at the March 24th meeting.

Mike Baughman indicated the Task Force's final recommendation must be presented to the Public Lands Committee (Committee) at its August 1, 2014, meeting in Ely (inset). **Chair Dahl** indicated that the Task Force should request to be on the agenda at the Committee's March 24, 2014, meeting to present the information presented by Intertech Services, Inc., today and, at subsequent meetings, to ensure the Committee has sufficient time to digest the vast amount of information being addressed. **Mr. Baughman** indicated that he personally would not be able to attend the Committee's March 24th meeting. Mr. Baughman suggested a tentative schedule (depicted on next page) that would allow the Task

Legislature Public Lands Committee 2014 Meeting Schedule

*March 24, 2014
Winnemucca*

*April 24, 2014
Tonopah*

*June 12, 2014
Elko*

*August 1, 2014
Ely*

*August 28, 2014
Carson City
Work Session*

Force to adopt a final report to be submitted to the Committee no later than August 1st.

April 25, 2014	Intertech Services, Inc. presents a discussion preliminary draft report to the Task Force.
May 30, 2014	Intertech Services, Inc. presents a preliminary draft report to the Task Force for endorsement prior to submission to the Committee on June 12 th .
June 12, 2014	The Task Force presents a preliminary draft Task Force report to the Committee for review and comment.
June 27, 2014	Intertech Services, Inc. presents the preliminary draft report with revisions based on feedback received during the Committee's June 12, 2014, meeting.
July 18, 2014	Intertech Services, Inc. presents a proposed final report to the Task Force for approval for submission to the Committee.
August 1, 2014	Task Force's final report is submitted to the Committee.

Commissioner Vaughn Hartung (Washoe County) indicated that the Washoe County Board of Commissioners could make a decision relating to support for the AB227 land transfer if the BLM's net revenue, cost, and FTE figures are presented at the Task Force's March 28, 2014, meeting.

Commissioner Tom Collins (Clark County) indicated that, based on his experience in the State Legislature, the Legislature will have a discussion very similar to the discussion encountered by the Task Force today. Commissioner Collins indicated that a subcommittee will be developed very early in the legislative session with the intent of developing a proposal that would be passable in both houses of the Legislature. He suggested talking points need to be developed to assist the Committee in supporting an effort to draft a bill. **Commissioner Collins** also suggested that each Task Force member needs to develop a relationship with Paul Aizley, Chairman of the Public Lands Committee, to gain support for the public land transfer. It will be important that the Task Force maintain a constant presence in front of State Senator Aaron Ford, Chairman of the Senate Committee on Natural Resources, Assemblyman Skip Daley, Chairman of the Assembly Natural Resources, Agriculture, and Mining Committee, and Paul Aizley. **Commissioner Collins** also indicated that it will be important for the Task Force to present a reasonable proposal that will gain at least 22 votes in the Assembly, 11 votes in the Senate, and the Governor's signature. **Commissioner Vaughn Hartung (Washoe County)** agreed with the approach described by Commissioner Collins but indicated that he (Commissioner Hartung) must convince the Washoe County Commission that the AB227 land transfer is a financially responsible effort for Washoe County. **Mr. Baughman** asked if it would be necessary for someone to attend a county commission meeting in each county to address the AB227 effort to gain the necessary support. If so, such meetings would need to be included in the schedule to complete the Task Force's final report. **Commissioner Hartung** indicated that such a presentation would not be necessary for Washoe County as long as he (Commissioner Hartung) receives the BLM's net revenue, cost, and FTE figures for presentation to his Commission. **Commissioner Jerri Tipton (Mineral County)** asked if she could utilize Mr. Baughman to make a presentation to the Mineral County Commission. **Chair Dahl** indicated that she could but any expenses would need to be addressed by Mineral County. **Mr. Baughman** indicated that if a Task Force member would like a presentation for their Commission agenda, it would be important to get the presentation on the Commission's agenda as soon as possible.

Commissioner Lorinda Wichman (Nye County) asked Dagny Stapleton if NACO could assemble a presentation that could be used by each Task Force member. **ACTION: Jeff Fontaine** suggested NACO could work with Intertech Services, Inc., to develop a package for use by each Task Force member when approaching their respective county

commission. **Commissioner Vaughn Hartung (Washoe County)** supported Mr. Fontaine's suggestion which would be beneficial not only to the county commissions but constituents as well. Commissioner Hartung believes the revenue and expense figures will be the most convincing. **Mike Stremler (Pershing County)** indicated that the revenue stream that was presented at a previous meeting will be the most convincing. **Commissioner Tom Collins (Clark County)** indicated that it will be important that the Task Force's effort and recommendation be kept in front of the effort's supporters and understand who will be in opposition to the proposed land transfer.

DISCUSSION AND POSSIBLE APPROVAL OF TOPICS FOR FUTURE TASK FORCE MEETINGS

Commissioner Vaughn Hartung (Washoe County) suggested Jim Lawrence, Administrator of the Nevada Division of State Lands, be asked to attend the next meeting.

Commissioner Tom Collins (Clark County) asked if each county had a Multiple Species Habitat Conservation Plan, to which several Commissioners indicated that their county does not have such a plan. Most, if not all, counties have listed threatened/endangered species or species being considered for listing.

Commissioner Tom Collins (Clark County) asked if someone could approach the federal government to determine if there would be interest in transferring management responsibility for the public lands to the State with an assurance the lands would be managed in accordance with the federal regulations. **Chair Dahl** indicated that transferring management of the land to the State would require a Congressional action.

Commissioner Vaughn Hartung (Washoe County) asked if the BLM revenues, expenses, and Full-Time Equivalency (FTE) were available, which Commissioner Hartung believes will help the Task Force tremendously in making its recommendations. If that information can be obtained by Intertech Services, Inc., it should be on the agenda for the March 28th meeting.

ACTION: Chair Dahl asked the Task Force members to send any suggested topics for the March 28th meeting to Dagny Stapleton.

Commissioner Tom Collins (Clark County) indicated that he needs the letter from the Nevada Bar Association to which Dagny Stapleton indicated that she is working with Nye County on that request.

PUBLIC COMMENT

No one attending the meeting wished to make a public comment.

ADJOURNMENT

Chair Dahl accepted a motion from **Commissioner Jerri Tipton (Mineral County)** which was seconded by **Commissioner Tom Collins (Clark County)** to adjourn the meeting, which occurred at 4:32 PM.

ACRONYMS

The following acronyms were used during the meeting and listed in alphabetical order.

<u>Acronym</u>	<u>Meaning</u>
AB	Assembly Bill 227
BLM	Bureau of Land Management
DCNA.....	Nevada Department of Conservation and Natural Resources
EPA	U. S. Environmental Protection Agency
ESA	Endangered Species Act
FTE.....	Full-Time Equivalency
HCP	Habitat Conservation Plan
HMA.....	Habitat Management Area
NACO.....	Nevada Association of Counties
NDOW	Nevada Department of Wildlife
PILT	Payment-In-Lieu-of-Taxes
PUCN.....	Public Utilities Commission of Nevada
SRS.....	Secure Rural School
TNR.....	Temporary Non-Renewable
UEPA	Utility Environmental Protection Act
USFS	United State Forest Service

ATTACHMENTS**ATTACHMENT 1 – MEETING ATTENDANCE****TASK FORCE**

Participant Name	Position	Government Entity	Present	Not Present
Bob Crowell	Mayor	Carson City	X	
Carl Erquiaga	Commissioner	Churchill County		X
Tom Collins	Commissioner	Clark County	X	
Doug Johnson	Commissioner	Douglas County	X	
Demar Dahl	Commissioner & Task Force Chairman	Elko County	X	
Nancy Boland	Commissioner & Vice Chairman	Esmeralda County		X
JJ Goicoechea	Commissioner	Eureka County	X	
Dan Cassinelli	Commissioner	Humboldt County	X	
Patsy Waits	Commissioner	Lander County	X	
Kevin Phillips	Commissioner	Lincoln County	X	
Virgil Arellano	Commissioner	Lyon County	X	
Jerrie Tipton	Commissioner	Mineral County	X	
Lorinda Wichman	Commissioner	Nye County	X	
Mike Stremler		Pershing County	X	
Bill Sjovangen	Commissioner	Storey County		X
Vaughn Hartung	Commissioner	Washoe County	X	
Laurie Carson	Commissioner	White Pine County	X	
Jim French	Commissioner	Humboldt County	X	
Dominic Pappalardo	Commissioner	Esmeralda County	X	

SPEAKERS

Name	Position	Organization or Entity
Donald Pattalock	President	New Nevada Resources
Mike Baughman	President	Intertech Services Corporation

OTHER PARTICIPANTS

Name	Position	Organization or Entity
Jeff Fontaine	Executive Director	Nevada Association of Counties
Dagny Stapleton	Deputy Director	Nevada Association of Counties
Mike Holbert	Owner	Silver State Meeting Minutes
Bernadette Lovato	District Manager	Bureau of Land Management – Carson City District Office
Ed Martinez	Alternate Chair	Fallon Tea Party
Bob Clifford	Chair	Fallon Tea Party
Martin Bonetti	Member	Fallon Tea Party

OTHER PARTICIPANTS (CONTINUED)

Name	Position	Organization or Entity
Steve Walker		Walker and Associates
Isaac Morrison	GIS/Land Manager	New Nevada Resources
Sandra Hartung		
Rob Stokes	County Manager	Elko County
Bill Deist	County Administrator	Humboldt County
Jake Tibbitts	Natural Resource Manager	Eureka County
Joyce Sheen		Humboldt Sun

Phase 1

- I)** Transfer of Full Title to Surface and/or Subsurface Estate
- II)** Selected Land to be Transferred During Phase I
 - A)** All BLM-administered land in Nevada Currently under Recreation and Public Purposes Act permit to state, local or non-profit entities
 - B)** All BLM-administered land within the checkerboard of lands in Northern Nevada
 - C)** All BLM-administered land in Nevada previously identified by BLM as suitable for disposal but not yet disposed of
 - D)** All BLM-administered subsurface estate where surface estate is currently in non-federal ownership
 - E)** All BLM-administered land designated by the Secretary of Interior as a Solar Energy Zone
 - F)** All BLM-administered land identified by BLM as suitable for geothermal leasing but not yet leased for geothermal development
- III)** BLM Administered Land Excluded from Transfer
- IV)** All BLM lands designated by Congress or Executive Order as Wilderness, National Parks, National Monuments, or National Recreation Areas
- V)** All Transferred Land Managed in Trust by Nevada Department of Conservation and Natural Resources, Division of State Lands
- VI)** Nevada State Trust Land Management Oversight by Proposed Nevada Trust Land Commission with Members Appointed by Nevada Executive and Legislative Branch of Government
- VII)** All Transferred Nevada State Trust Land Managed for Long-term Sustainable Net Revenue Maximization
- VIII)** All Transferred Nevada State Trust Land Uses Subject to Applicable State of Nevada and Nevada Local Government Statutes, Regulations, Ordinances and Codes
- IX)** Transfer of Select Lands Subject to All Valid Existing Permits, Land Use Authorizations, and Rights of Access Granted by BLM Prior to Transfer
- X)** Disposal of Transferred Nevada State Land Authorized Subject to Review and Approval by Governing Board of Local Government within Which Lands are Located
- XI)** Costs by the State of Nevada to Administer Transferred Nevada State Lands to be Derived from Gross Revenues of Managing Said Land
- XII)** All Net Revenues Derived from Transferred Nevada State Land to be Deposited into Permanent Fund for Express Benefit of Beneficiaries
- XIII)** Transferred Nevada State Trust Land Beneficiaries to Include:
 - A)** Public K-12 Education
 - B)** Public Higher Education
 - C)** Public Specialized Education (schools for blind and deaf)
 - D)** Public Mental Health Services
 - E)** Public Medical Services
 - F)** Candidate and Listed Threatened or Endangered Species Recovery Plan Development and Implementation⁶

⁶ Phase 1 of the land transfer is intended to provide a short-term source of revenue to the State of Nevada (i.e., through sale by the State of lands which had been identified by BLM as suitable for disposal) to fund management of the initial Phase 1 expanded State land base and to position Nevada to be able to fund management of the subsequent transfer of the balance of all non-excluded public land to the State.

ATTACHMENT 3 – CAPACITY OF THE STATE OF NEVADA TO UNDERTAKE ENVIRONMENTAL PROGRAMS

NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

NEVADA DIVISION OF ENVIRONMENTAL PROTECTION

1) Bureau of Air Pollution Control (<http://ndep.nv.gov/bape/>)

- Mission
 - ◇ The mission of the Bureau of Air Pollution Control (BAPC) is to achieve and maintain levels of air quality which will protect human health and safety, prevent injury to plant and animal life, prevent damage to property, and preserve visibility and the scenic, esthetic and historic values of the State.
 - ◇ This mission is accomplished through reasonable, fair and consistent implementation of state and federal air quality rules and regulations.
- Statutory Authority
 - ◇ The authority for BAPC to implement air pollution control requirements has been established in Nevada Revised Statutes (NRS) 445B.100 through 445B.825, inclusive, and NRS 486A.010 through 486A.180, inclusive.
 - ◇ The BAPC has jurisdiction of air quality programs over all counties in the State **except for Washoe and Clark Counties**. These counties have their own distinct Air Quality jurisdictions with the BAPC retaining jurisdiction of (only) fossil fuel-fired units that generate steam for electrical production.
- Air Quality Permitting
 - ◇ The permitting branches in the Bureau of Air Pollution Control issues air quality operating permits to stationary and temporary mobile sources that emit regulated pollutants to ensure that these emissions do not harm public health or cause significant deterioration in areas that presently have clean air.
 - ◇ This is achieved by stipulating specific permit conditions designed to limit the amount of pollutants that sources may emit into the air as a regular part of their business processes.
 - ◇ Any process/activity that is an emission source requires an air quality permit.
 - (a) NRS 445B.155 defines an emission source as “any property, real or personal, which directly emits or may emit any air contaminant.”
 - (b) NRS 445B110 defines an air contaminant as “any substance discharged into the atmosphere except water vapor and droplets.”
 - (c) A permit is not required if activities, pieces of equipment or storage containers will not cause emissions other than steam or water particles.
 - ◇ The following thresholds apply to the various air quality permit types:
 - (a) **Class 1** – Typically for facilities that emit more than 100 tons per year for any one regulated pollutant or emit more than 25 tons per year total HAP or emit more than 10 tons per year of any one HAP or is a PSD source or major MACT source.
 - (b) **Class 2** – Typically for facilities that emit less than 100 tons per year for any one regulated pollutant and emit less than 25 tons per year total HAP and emit less than 10 tons per year of any one HAP.
 - (c) **Class 3** – Typically for facilities that emit 5 tons per year or less in total of regulated air pollutants and emit less than one-half ton of lead per year, and must not have any emission units subject to Federal Emission Standards (ie: NSPS, NESHAPS, MACT, etc.)
 - (d) **SAD** – Surface Area Disturbance of > 5 acres.
 - (e) **General/COLA** – Temporary portable equipment for road and highway construction at a location < 12 months.

2) **Bureau of Mining Regulation and Reclamation** (<http://ndep.nv.gov/bmrr/index.htm>)

- Regulation Branch
 - ◇ Statutory Authority
 - (a) The Regulation Branch regulates mining in Nevada under the authority of NRS 445A300 through 445A.730 and the Nevada Administrative Code (NAC) 445A3500 through 445A.447.
- Water Pollution Control Permit
 - ◇ The branch issues a Water Pollution Control Permit (WPCP) to an operator prior to the construction of any mining, milling or other beneficiation process activity. The need for a WPCP is not dependent on whether or not a discharge is intended, or the quantity of ore to be extracted or processed.
 - ◇ All local, State, and Federal laws and regulations must be complied with, including reporting requirements and permit requirements for activities that are not regulated by the WPCP; e.g., air emissions.
 - ◇ Issuance of a WPCP does not relieve the operator of the responsibility to secure the approval of any other State, Federal, or local agencies.
- Regulation Branch
 - ◇ Statutory Authority
 - (a) The Reclamation Branch regulates mining in Nevada under the authority of NRS 519A.010 through 519A.290 and the NAC 519A.010 through 519A.415.
 - ◇ Regulation Permit
 - (a) The branch issues a Reclamation Permit to an operator prior to construction of any exploration, mining, milling or other beneficiation process activity that proposed to create disturbance over 5 acres or remove in excess of 36,500 tons of material from the earth.
 - (b) Aggregate or sand pit operations excluded from obtaining a reclamation permit pursuant to NAC 519A.080.

3) **Bureau of Water Pollution Control** (<http://ndep.nv.gov/bwpc/index.htm>)

- Mission
 - ◇ The mission of the Bureau of Water Pollution Control (BWPC) is to protect the waters of the State from the discharge of pollutants.
 - ◇ The BWPC regulates all discharges to waters of the State through issuing permits and enforcing the State's water pollution control (WPC) law and regulations.
- Water Pollution Permits
 - ◇ Surface water discharge
 - ◇ State water pollution control (groundwater discharge)
 - ◇ Storm water discharge
 - ◇ Underground injection control

STATE ENVIRONMENTAL COMMISSION

A) <http://se.nv.gov/index.htm>

B) Statutory Authority

- 1) The statutory authority for the Commission is contained in NRS 445B.200. This statute defines the composition of the Commission as an eleven member board whose primary function is to act as a quasi-judicial and quasi-legislative board for approval of regulations as well as the disposition of appeals for the Nevada Division of Environmental Protection. The Commission is composed of the following public officials and Governor's appointed representatives.
 - Members by Statute:
 - ◇ The Director of the Department of Wildlife;

- ◇ The State Forester Fire Warden;
- ◇ The State Engineer;
- ◇ The Director of the State Department of Agriculture;
- ◇ The Administrator of the Division of Minerals of the Commission on Mineral Resources; and,
- ◇ A member of the State Board of Health to be designated by that Board;
- Governor’s Appointed Representatives:
 - ◇ One member must be a General engineering contractor or a general building contractor licensed pursuant to Chapter NRS 624;
 - ◇ One member must possess experience in performing mining reclamation;
 - ◇ One member must possess experience and expertise in advocating issues relating to conservation; and,
 - ◇ Two members representing the public at large.

C) Functions

1) Rule Making

- The State Environmental Commission (SEC) acts on “Regulatory Petitions” proposed by the Nevada Division of Environmental Protection (NDEP). These Petitions (i.e., proposed regulations) are initiated to further define existing state law contained in the NRS or new laws enacted by the Nevada Legislature.
- Regulatory Petitions may address new or revised environmental standards, adoption of certain federal regulations, approval of new permitting fees, incorporation of federal required plans, and other functions necessary for the proper execution of state and federal laws and regulations.

2) Appeals

- The SEC also hears and decides contested cases through appeals. Appeals typically address final decisions made by the NDEP regarding various enforcement actions and permits.
- The SEC can also ratify air pollution enforcement settlements and it may levy civil penalties in air pollution enforcement actions when no agreement has been reached with the NDEP.

3) Declaratory Orders and Advisory Opinions

- Any member of the public may petition the Environmental Commission declaratory order or an advisory opinion as to the applicability of any statutory provision, commission regulation, or decision.

NEVADA DIVISION OF FORESTRY

A) <http://forestry.nv.gov/forestry-resoure/protetion-of-timberland-trees-and-flora/>

B) Authority

1) NRS 527 – This regulation allows the State Forester Firewarden to oversee the following:

- Protection of timbered lands
- Protection of trees and flora
- Protection of Christmas trees, cacti and yucca
- Controlled fires
- Control of forest insects and diseases
- Use of mechanical devises for harvesting pine nuts or cones from pinion trees
- Protection and propagation of selected species of native flora
- Forest and range renewable natural resources

C) Permits Required

1) Removal or Possession Permit: A person proposing to remove or possess any Christmas tree, cactus or yucca for commercial purposes on any state, county or privately owned lands shall notify the State Forester Firewarden and obtain a permit to do so.

- 2) Shipping Permit: Christmas trees, cacti or yucca which are removed or possessed for commercial purposes in Nevada and which are to be transported by railroad or other means to other localities in or out of the State of Nevada must be accompanied by a shipping permit issued by the State Forester Firewarden, or the State Forester Firewarden's duly authorized agent.
 - 3) Pinion Pine Nut Harvesting Permit: It is unlawful for any person, firm, company or corporation to use a mechanical device to harvest cones or pine nuts from a pinion tree on lands owned by or under the control of the State of Nevada, or on any private lands without a written permit therefore from the owner or occupant of the land or the authorized agent of the owner or occupant.
- D) Protection and Propagation of Selected Species of Native Flora
- 1) NRS 527.20 to 527.300, inclusive, is to provide a program for the conservation, protection, restoration and propagation of selected species of flora and for the perpetuation of the habitats of such species.
 - 2) A species or subspecies of native flora shall be regarded as threatened with extinction when the State Forester Firewarden, after consultation with competent authorities, determines that its existence is endangered and its survival requires assistance because of overexploitation, disease or other factors or because its habitat is threatened with destruction, drastic modification or severe curtailment.
 - 3) Any species declared to be threatened with extinction shall be placed on the list of fully protected species, and no member of its kind may be removed or destroyed at any time by any means except under special permit issued by the State Forester Firewarden.

NEVADA COMMISSION ON MINERALS

DIVISION OF MINERALS

A) Mission

- 1) The Nevada Division of Minerals, a part of the Commission of Mineral Resources, is responsible for administering programs and activities to promote, advance, and protect mining and the development and production of petroleum and geothermal resources in Nevada.
- 2) The Division's mission is to conduct activities to further the responsible development and production of the State's mineral resources to benefit and promote the welfare of the people of Nevada.
- 3) The seven-member Commission on Mineral Resources is a public body appointed by the Governor and directs mineral-related policy for the Division and advises the Governor and Legislature on matters relating to mineral resources.
 - The Commission on Mineral Resources Board is funded from fees collected from the Mining, Geothermal, and Oil & Gas industries.
 - Responsible for advising the Governor and Legislature on mineral related issues.

B) Regulation

- 1) Oil, gas, and geothermal drilling activities and well operations
 - Permitting, inspecting, and monitoring all oil, gas, and geothermal drilling activities on both public and private lands in Nevada.
 - Monitors production of oil, gas, and geothermal resources to insure proper management and conservation.
- 2) Abandoned mine lands
 - Identifying and ranking dangerous conditions at mines that are no longer operating
 - Securing dangerous orphaned mine openings.

A) http://puc.nv.gov/Utilities/UEPA_Permits/

B) Utility Environmental Protection Act (UEPA) Permit

- 1) NRS 704.865 mandates the PUCN issue permits for all utility projects over a certain scale, including energy generation projects (over 70 MW), transmission projects (over 200 kV), as well as large water and sewer utility projects.
- 2) The permit regulates location, environmental impacts, and creates a process by which stakeholders including local governments, individuals, and representatives or environmental groups, can be parties to the approval process.
- 3) In order to approve any UEPA permit, the PUC must find that, amongst other things, the project has “minimum adverse effects on the environment” and that “the facility will serve the public interest”
- 4) As part of the UEPA process, the Nevada Division of Environmental Protection and the Nevada Department of Conservation and Natural Resources must also review any application for a UEPA permit.