

Nevada Land Management Task Force
Meeting Minutes
June 28, 2013, 1:30 p.m.
Nevada Association of Counties (NACO) Offices
304 S. Minnesota Street
Carson City, NV 89703
Video Conferenced to, Nye County, Elko County, Humboldt County

Attendance

Members: Commissioner Jerrie Tipton, Mineral County; Commissioner Lorinda Wichman, Nye County; Commissioner Vaughn Hartung, Washoe County; Commissioner Kevin Phillips, Lincoln County; Commissioner Virgil Arellano, Lyon County; Commissioner J.J. Goicoechea, Eureka County; Commissioner Dan Cassinelli, Humboldt County; Commissioner Tom Collins, Clark County; Commissioner Carl Erquiaga, Churchill County; Commissioner Doug Johnson; Douglas County; Commissioner Nancy Boland, Esmeralda County, Commissioner Demar Dahl, Elko County; Commissioner Patsy Waits, Lander County; Commissioner Bill Sjovangen, Storey County; Commissioner Pat Irwin, Pershing County; Mayor Bob Crowell, Carson City, Commissioner Laurie Carson; White Pine County

Others in attendance: Commissioner Vida Keller, Lyon County;; Commissioner Bonnie Weber, Washoe County; Commissioner Jim French, Humboldt County; Eleanor Lockwood; Steve Walker; Kyle Davis; Sandra Hartung; Kehlen Moss; Linda Moss; Commissioner Jeff Williams, Elko County; Bill Deist; Assemblyman John Ellison; Commissioner Grant Gerber, Elko County; Rob Stokes; Pam Webster; Frank Carbone; Commissioner Butch Borasky, Nye County ; Andrea Kajous; Jake Tibbits; Doug Busselman

Item 1. Election of the Chairman and Vice-Chairman of the Nevada Land Management Task Force. Action Item

Commissioner Tom Collins, Clark County motioned to elect Commissioner Demar Dahl as chair of the Nevada Land Management Task Force (NLMTF). Commissioner Doug Johnson Seconded. The Motion carried unanimously.

After his election Commissioner Dahl gave his thoughts on the taskforce and their role. Commissioner Dahl started by saying that this will be a challenge moving forward. Chairman Dahl gave what he believed the parameters of this taskforce to be. As a taskforce they need to decide what implementation of a mass land transfer should look like. Chairman Dahl stated that he wanted this to be an inclusive and transparent process, and that when this process is complete, everyone in the State who wanted a voice in this study should have been given the opportunity to share in the process. He noted that he wanted everyone to go in with open minds and with a willingness to listen to everyone's point to view, it was his opinion that committee members shouldn't enter a study like this with a foregone conclusion.

Chairman Dahl asked that the Task Force and all other participants agree to be fair and respectful in their work and discourse.

Commissioner Jerrie Tipton, Mineral County made a motion to elect Commissioner Nancy Boland, Esmeralda County, as Vice Chair of the NLMTF. Motion seconded by Doug Johnson. The motion carried unanimously.

Item 2. Public Comment.

None

Item 3. Approval of Agenda. Action Item

Commissioner Tipton, Mineral County, moved to approve the Agenda for the June 28th Nevada Land Management Task Force Meeting. Commissioner Doug Johnson, Douglas County, seconded. The Motion carried unanimously.

Item 4. Briefing on Assembly Bill 227 and Duties of the Task Force.

Chairman Dahl asked Assemblyman Ellison, Bill sponsor to comment. Assemblyman Ellison acknowledged that State Senator Goicoechea did a lot of work on the Senate Side for this bill. He wished the task force the best of luck for their long and hard journey ahead.

Chairman Dahl noted that this effort began a year ago in March, as a result of a congressional hearing that was held in Elko County on their Travel Management Plan and with varied agency trouble the County was dealing with. Nevada looked to the State of Utah, which is the farthest along in this effort for a path to follow. The Utah Legislature passed a bill during the 2011 legislative session, which called for the transfer of the public land in the state. When discussions in Nevada began to follow in Utah's steps, Senator Pete Goicoechea suggested that the State first administer a study which would look at the implication of a transfer. Montana, Idaho and Wyoming and now Utah will be administering their own study.

Chairman Dahl began by summarizing what is required by the taskforce, as outlined in the bill.

Sections 1 through 3 of the bill dictate how appointments and vacancies should be filled, and set a timeline within which the Task Force should complete their work.

Section 4 of the bill states that the County is required to cover the cost of travel of the commissioners and administrative support is to be provided by the counties and by the Nevada Association of Counties.

Section 6 of the bill outlines what the study must include;

An identification of the lands to be transferred and the interests, right and uses associated with those lands. This also requires a plan for the administration management and use of the lands including without limitation the designation of wilderness and other conservation areas or sale lease or other disposition of lands.

Chairman Dahl suggested that the best course of action might be to open up the discussion to whoever wants to provide ideas to the answers of these questions.

Discussion was opened to meeting participants. Commissioner Collins, Clark County, noted that one of the considerations of this committee should be to recognize or to amend the existing designations, he gave the desert tortoise counts in Southern Nevada as an example. He said that there are already wilderness areas and state parks, and asked if the committee would want to exclude or trade those lands. Commissioner Collins concluded by asking: How should this task force address the different categories of how the land is presently described?

Chairman Dahl suggested the Task Force invite everyone present, who has an interest, to submit information on issues related to the identification of the public lands to be transferred and the interest, rights and uses of those lands which are to be transferred. Chairman Dahl noted that Eureka County did studies in 1994 and 1996 on transferring public lands from the federal government to the state. He also noted that others might have ideas on how the questions might be answered down the road; one suggestion was reaching out to respective county natural resource boards. He suggested the information be sent to NACO staff, for their review. After all received information had been compiled and reviewed, the committee can start making decision on moving forward.

Commissioner Hartung, Washoe County, suggested that it might be advantageous to direct County staff to identify lands, which would be the most obvious lands that the counties or state would want to have in their control.

Chairman Dahl stated that Utah called for the transfer of all public lands, with exception of the national monuments, wilderness areas and national parks, noting that the one exception to that rule they made was the Escalante Stair Case Monument.

Commissioner Goicoechea told the committee that Eureka County Staff had scanned the 1994 and 1996 studies and sent them to NACO staff, for their review, noting that the nearly 20 year old studies contain letters and recommendations from people like the State Attorney General, Frankie Sue Del Papa in which she outlines reasons mass conveyance wouldn't work. Commissioner Goicoechea thought that might be a good starting point.

Jake Tibbits, Eureka County Natural Resource Manager noted that the 1994 study primarily looked to identify issues that would arise from transfer and it was not intended to make recommendations. The 1994 study includes a comparative economic analysis, which looks at how other states, which more state land, pay for fire suppression. Mr. Tibbits continued to say that the 1996 Eureka Study looks at alternatives for management, through a survey process during which all state and federal agencies or other stakeholders took a survey about their ideas for management. Mr. Tibbits noted that the studies were done almost 20 years ago, but many of the issues and concerns remain today.

Commissioner Johnson asked the committee chair how the study results will be presented to the Legislature; will the committee present recommendations, a resolution on issues, or present a report of pros and cons of transfer.

Chairman Dahl added that members of this Task Force should have constant conversations with their commissions regarding the study, as to make sure all invested parties are being heard. He also added that the Task Force developments should also be made to the public.

He then went on to ask the Task Force members to have an open mind going in to the study, in that, at the end the study could find that the state is better off with the current standard, and that should be the recommendation to the Public Lands Committee. He added that the Task Force should gather as much information as possible, so that they can do as thorough of a review as possible in order to make the best decision.

Mayor Crowell made the point that the study, as defined in the bill, is looking to transfer federal land to the state and not to the counties, and that it might be challenging to look at the issue solely from the county stand point without state input.

Commissioner Arellano noted that the transfer of control of all public lands in the state is the common goal of the Task Force; however, the Task Force needs to look at the probability of success and address the issue of viability, asking; what is the chance, or the odds on getting all of our public lands back? If the Task Force provides all the study results it can, they will have merit, but at the conclusion of the study, will transfer really happen? Finally he added that the Task Force should not overlook the opportunity to implement policy change, regardless of a successful transfer.

Chairman Dahl responded noting that this body's task, per the legislation, is to consider the implications of the transfer.

Commissioner Tipton, attempted to simplify the discussion by stating that she understood the task as; "what are we talking about, how much are we talking about, what is the cost to the state, what is the revenue to the state; if this all occurs?" And in addition to look at how the state is going to manage the land. She added that Utah county officials have been meeting regularly to discuss how their roles must change to manage the land to the benefit of the county and of the state.

Chairman Dahl redirected the Task Force's attention back to the bill, reading that 6 (a): "it is an identification of the public lands to be transferred, and the interests, rights and uses associated with those lands. The development of a proposed plan, for the administration, management and use of the public lands; including without limitation; the designation of wilderness or other conservation areas, or the sale lease or other disposition of those lands. (C) An economic analysis concerning the transfer of including without limitation; the identification of the costs directly incident to the transfer of title of those lands. The identification of sources of revenue to pay for the administration and maintains of those lands by the State of Nevada. A determination of the amount of any revenue that is currently received by the State of Nevada, or a political subdivision of this state in connection of those lands including without limitation; Any payments made in lieu of taxes and mineral leases. Finally number 4, the identification of any potential revenue to be received from those lands by the state of Nevada after the transfer of the lands, and recommendation for the distribution of those revenues."

Chairman Dahl noted that he believed the Task Force will be surprised at the number of good answers and solutions that come out of opening the discussion to interested parties. He continued to say that other questions in addition to what is in the bill will probably come out.

Chairman Dahl then opened a discussion on the logistics of the process. Committee Vice Chair, Boland, suggested that when talking about the identification of the public lands to be transferred and the interests rights and uses associated with those lands, that each commissioner look at their respective counties' land plan, as all this information is already available there, many through BLM information. Commissioner Tipton added that Task Force members should use their public lands use boards and planning commissions, as there are already many established resources for gathering this information.

Ms. Eleanor Lockwood, Churchill County Manger, added that Churchill County is in the middle of doing their resource management plan revision, as the added issue they have in their county is that almost half of the lands that is managed by BLM had been handed over to the Bureau of Reclamation and they have taken 8 years to do their resource management plan. In that process they will recommend that half of that land be handed back over to the management of the BLM. She said that Churchill is in a position of transition, and does not have the resources to identify the lands that the Task Force may suggest be transferred back to the state.

Commissioner Wichman acknowledged that as each county reviews their land management plan, situations will arise in which not all of the public lands that are managed by other agencies are necessarily desirable for transfer. Noting that there are some lands that have preexisting issues, created by the managing agency - she wouldn't want the county our state to take on that liability.

Chairman Dahl suggested that Commissioner Wichman's concerns regarding not taking on problem land be included in the report.

Commissioner Carson, White Pine County, raised questions about having to deal with federal public land multiple use issues asking if the state would inherit the wild horse and burro issue.

Chairman Dahl responded that that issue is going to be a very important part of the discussion to be had, in addition to the endangered species issues.

Commissioner Johnson drove the conversation back to the format of the study suggesting that the committee look at each point as outlined in the bill; look at the pros and the cons, and have the committee make a recommendation on each.

Commissioner Tipton brought the discussion back to identifying sources of revenue, saying she wants to know how much the BLM and the Forest Service receive in mineral lease money, and how much of the grazing fees go to the BLM vs. the county or the state. Commissioner Tipton also noted that there is land in the state that has been congressionally designated, and that land would have to be maintained by the federal government, whether by US Fish and Wildlife or the BLM. Commissioner Tipton then went on to acknowledge that she believed that Nevada was going about transfer in a very smart way, as opposed to just taking the land back. She also, suggested that the discussion be opened up to the public, for comments and concerns.

Commissioner Collins noted that counties' land use plans are going to differ - some counties might have SNLMPA or Congressional Acts. As an example, he spoke about a Federal Aviation Administration issue, in which the FAA had reduced the impact of the McCarran Airport, creating a situation in which BLM land is now available in the Las Vegas valley; however, the County has to act as the local governing board to ask the BLM to release the land for auction for private development. He posed the question, should the process be that the BLM is putting land up for auction for private development, or should the State of Nevada put it up for auction? He continued to say that the Task Force needs to ascertain consensus on whatever counties' issues are, whether they are tortoise, sage hen, horses, etc.

Item 5. Discussion and Possible Action Regarding the Role of the Board of County Commissioners of Each County and the Nevada Association of Counties in Providing Administrative Support to the Task Force.

Commission Dahl directed the conversation back to the process moving forward. Asking Jeff Fontaine, NACO Executive Director, if it made sense to ask the committee members write up their comments or issues and send them to NACO for staff to review.

Jeff noted that as stated in the bill NACO would be providing administrative support - this could be a significant undertaking for the Association. Jeff continued to say that receiving and compiling information was a task that NACO staff could take on; however, research and producing statistical data is beyond NACO's capacity.

Jeff Fontaine noted that the bill is clear about what each individual board of commissioner is responsible for, in regards to travel and per diem; however, the bill is less specific about what each individual county and NACO will be responsible for. Jeff noted that NACO's abilities will be somewhat limited in administering the study and then this body will have to turn to individual counties for technical support or financial support. Jeff also noted that during hearings on this bill NACO testified that it would not compel any county to participate or contribute if they didn't want to. Jeff continued to say as this study moves along, if there are technical needs that go beyond NACO's scope, like GIS Mapping, NACO might be going back to the counties for that. He also noted that NACO might be reaching out to counties for financial contributions, in case the Task Force needed funds to hire a consultant to assist with aspects of the study.

Item 6. Discussion and Possible Approval of a Format to Study the Transfer of Public Lands in Nevada from the Federal Government to the State of Nevada. Possible Action.

Commissioner Wichman requested that each representative leave the meeting and review the Eureka County studies and return to the next meeting with questions in hand, that are specific and not broad.

Chairman Dahl suggested that those specific issues be turned in and boiled down before the next meeting. Commissioner Wichman raised concerns about not having dedicated staff to review any information.

Jeff Fontaine noted that the way this bill was written and passed made it so Legislative Counsel Bureau would not have any fiscal impact. During the Legislative session NACO testified that the level of detail of the report would be based on and reflect the resources and technical expertise available from counties.

Commissioner Hartung suggested that this body reach out to the Truckee Meadows Regional Planning Agency to utilize their mapping systems to assist in the project.

Chairman Dahl noted that he wanted the Task Force members to leave the meeting and review the Eureka County Studies and the Utah Bill.

Commissioner Erquiaga asked if each representative would be bringing forth information and opinions on just their counties, noting that transfer may or may not be good for a county but might benefit the state and vice versa, adding that at this time, he is not fully convinced that land transfer would be a good thing for the state, especially when you start looking at issues beyond the boundaries of the counties, like horses, and fire suppression.

Commissioner Wichman said she empathized and that, once she started thinking about the issues she became concerned when thinking about things like, PILT Programs, Secure Rural Schools Funds, and other grants the state receives, because of the amount of federal land in the state.

Commission French suggested that in addition to the Utah bill and Eureka Studies, Task Force members review the Taylor Grazing Act as well as the Mining Act of 1872, as those were pieces of legislation that were created initially to decide which entity would receive which land and how it would be used. Chairman Dahl agreed that those two documents should be reviewed, and that part of the Task Force's discussion would have to be the transfer of multiple use, and how that would work. Chairman Dahl asked each committee member to review the identified documents and then send issues, comments or concerns back to NACO staff for review.

Jake Tibbits, Eureka County Natural Resource Manager, noted that before this Task Force can really move forward, they will need to first identify the land they want to manage. After that identification is complete, a more structured feasibility study could move forward. Scoping and input is needed from various state agencies and stake holders. Mr. Tibbits continued to say that even though the Eureka Study reached out for this information 20 years ago, it would be helpful to the Task Force's discussion to reach out for that information again, and to see what those issues are now. He suggested the development of a very standard data entry form, to collect all this information.

Commissioner Goicoechea noted that it might be advantageous for the NACO staff to prepare an RFI to find a project manager for this study. He noted that there is no cost to do an RFI and it would be helpful in seeing who is out there, and what it might cost - which would also help counties get an idea of what they might be asked to contribute.

Jeff agreed that it would be a good idea, however this study might not be a full time task. He added that NACO could possibly reach out to a graduate student at the University of Nevada Reno.

Commissioner Weber noted that NACO might want to contract with an entity like the Truckee Meadows Regional Planning Authority, as they have the many of the resources that this study might need. Commissioner Collins noted that there is also a school in the University of Nevada, Las Vegas that deal with this type of research.

Commissioner Collins mentioned that there had been no discussion yet of entities that might oppose this study, and that those groups should be identified.

Item 7. Approval of Dates and Locations for Future Task Force Meetings.

Commissioner Collins suggested that next committee meeting be scheduled far enough out so that each county representative could have at least one county commission meeting to discuss the Nevada Land Management Task Force with colleagues.

August the 16th in Eureka was suggested, as that date corresponds with the NACO Board of Director's meeting. Commissioner Tipton suggested that meeting dates for the rest of the year be discussed at the August meeting.

Commissioner Williams, Elko County Commissioner, stated that he would have a discussion at the next Elko County Commission meeting. Commissioner Williams noted that the video conference format is very helpful and will be very important as the study progresses, but requested that individuals who are speaking announce their names and counties, to ensure everyone on video conference knows who is speaking.

Jeff Fontaine suggested the meeting be held at 1pm, as the NACO Board of Director's committee will be agendaized accordingly.

Commissioner Dahl gave direction to NACO staff that they provide the committee with the 1994 and 1996 Eureka County reports, and the Utah Report, to anyone that is interested in it. Commissioner Irwin added that staff should add the Taylor Grazing Act, and the Mining Law of 1987 and the NEPA Act to the website for reference.

Commissioner Patsy Waits, Lander County, asked a clarifying question in regards to the standardized form for collecting and submitting information. Commissioner Dahl responded saying that individuals shouldn't wait for a standardized form to submit information.

Commissioner Collins directed NACO staff to send Task Force members an email, for information purposes only, to request that each Task Force member put a discussion item on their next Commissions meeting Agenda, to talk about these issues, before the next meeting.

Commissioner Boland suggested that Task Force members bring forward issues or concerns that may only be issues in their respective counties.

Item 8. Public Comment.

Commissioner Collins spoke briefly about Senate Bill 72, which says that each county has to have an ordinance for issuing rodeo permits. He noted that some of Nevada's counties don't even have a dedicated animal control person. He also stated that in Clark County they are trying to

keep the issue simple and streamlined by keeping the permitting together with business licensing. He encouraged Task Force members to look in to how the bill might affect their individual counties.

Item 9. Adjourn - Action Item

Commissioner Tipton motioned to adjourn the meeting. Commissioner Johnson seconded. The motion passed unanimously.

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