

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

**Seventy-Third Session
April 18, 2005**

The Committee on Natural Resources, Agriculture, and Mining was called to order at 2:51 p.m., on Monday, April 18, 2005. Vice Chairman Kelvin Atkinson presided in Room 3161 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Mr. Jerry D. Claborn, Chairman
Mr. Kelvin Atkinson, Vice Chairman
Mr. John C. Carpenter
Mr. Mo Denis
Mr. Pete Goicoechea
Mr. Tom Grady
Mr. Joseph M. Hogan
Mrs. Marilyn Kirkpatrick
Ms. Genie Ohrenschall
Mrs. Debbie Smith

COMMITTEE MEMBERS ABSENT:

Mr. John Marvel (excused)

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Amber Joiner, Committee Policy Analyst
Mary Garcia, Committee Attaché
Matthew Mowbray, Committee Assistant

OTHERS PRESENT:

David Thain, D.V.M., State Veterinarian; Administrator, Division of Animal Industry; Administrator, Division of Livestock Identification, Nevada Department of Agriculture
Terry Crawford, Director, Nevada Department of Agriculture
Doug Busselman, Executive Vice President, Nevada Farm Bureau
Larry Johnson, Chairman, Coalition for Nevada's Wildlife
Joe Johnson, Legislative Advocate, representing Toiyabe Chapter, Sierra Club
Kaitlin Backlund, Political Director, Nevada Conservation League

Vice Chairman Atkinson:

[Meeting called to order. Roll was called.] Today we have two measures to hear, S.B. 192 and S.J.R. 1. First I would like to open the hearing on S.B. 192 ([Exhibit C](#)). This bill was introduced on behalf of the State Department of Agriculture.

Senate Bill 192: Prohibits importation into Nevada of certain live animals to protect State from effects of chronic wasting disease. (BDR 50-648)

David Thain, D.V.M., State Veterinarian; Administrator, Division of Animal Industry; Administrator, Division of Livestock Identification, Nevada Department of Agriculture:

[Submitted PowerPoint presentation, [Exhibit B](#).] S.B. 192 changes the *Nevada Revised Statutes* (NRS) to prohibit the importation of any animals capable of carrying chronic wasting disease. Chronic wasting disease affects the cervid species—mule deer, Rocky Mountain elk, white-tailed deer, and white-tailed/mule deer hybrids.

No other livestock, including cattle, sheep, and pigs, are known to be affected by this disease. This disease does not appear to affect humans in any way. However, I will talk about why we have concerns with chronic wasting disease.

We propose changing the statute to prohibit the importation of mule deer, white-tailed deer, Rocky Mountain elk, and any other alternative livestock species, in case we identify any other species. We are going to delete the Rocky Mountain elk from the definition of alternative livestock. Currently in the statute, we have a group of animals, elk, reindeer, and fallow deer, that can be farmed or ranched, known as alternative livestock. We are going to remove Rocky Mountain elk from that definition. Currently in the state of Nevada, we

have no producers in the elk farming business, so we will not affect any producers here in Nevada.

[David Thain, continued.] Chronic wasting disease belongs to a class of disease known as transmissible spongiform encephalopathies (TSEs). These are a group of diseases spread by infective prions. They are a different class of infectious agents. We have bacteria, viruses, and fungi, and now we have prions. Prions are abnormal proteins. They don't have any DNA. They convert normal proteins in the body to abnormal and lead to the disease, which typically develops in the nervous system.

The disease from this group we are all familiar with is bovine spongiform encephalopathy (BSE), or mad cow disease. There's scrapie, a disease of sheep and goats; chronic wasting disease, which affects deer and elk; transmissible mink encephalopathy, a disease of mink; Creutzfeldt-Jakob disease, a disease of humans; and the one that is so scary, variant Creutzfeldt-Jakob disease, which is contracted by eating infected material from a cow that died of mad cow disease.

The disease is spread in deer and elk horizontally, from one infected animal to the other. It does not appear to be very involved with spread from mother to fawn. Late in infectivity, when the animals develop neurological signs and you can see they are sick, they shed the prions in the saliva, urine, and feces. That's when other animals can pick it up.

There is a long incubation of this disease, anywhere from two to six years. Diagnosis is very, very difficult. We don't have a really good live animal test where we can take a blood sample or another specimen and tell that they indeed are carrying the disease or they are infected with the disease. It requires a brain sample or tonsil tissue, and those are both very, very difficult to get. They take quite awhile to run through the laboratory process, and a negative test does not necessarily guarantee that the animal is not carrying or incubating that disease.

There's a map on page 3 ([Exhibit B](#)) that delineates where some of the infected areas are in the United States. We do have some positive wild deer in the state of Utah; the big batch up in the Book Cliffs area is a spillover from Colorado. There's one infected deer in central Utah in the Sanpete County area. We haven't identified how it got there or whether there are other infected animals in that area.

Assemblyman Carpenter:

I notice S.B. 192 allows animals to be unloaded in the state for feed or rest or whatever. Is there any danger of those animals spreading this disease, or do you think we're okay there?

David Thain:

The statute allows for interstate movement of these animals through the state and unloading. To our knowledge, if it happens, it happens rarely. There is a remote chance of those animals escaping, but, to our knowledge, we have never been faced with the issue of animals moving through the state. We don't have a good means of regulating those because we don't know who they are. We don't have inspection stations to stop every vehicle.

Assemblyman Goicoechea:

I'm concerned as I look at the map and the distribution of wild herds, especially in that corner of Wyoming and Utah, being somewhat familiar with the area. Why are we not seeing anything into Idaho? That corner tends to get quite a little traffic through there.

David Thain:

It may be that we are not seeing really good testing in that corner by either Wyoming or Idaho, or maybe it hasn't moved, but there is a tremendous amount of herd migration in that direction. There is a significant ongoing sampling and testing program that's paid for by USDA [United States Department of Agriculture] Veterinary Services to identify these at the earliest possible time. I know Utah has done significant testing. Idaho was doing a lot.

We have been having testing ongoing since the fall of 1998, and to date we have not gotten any samples. The Department of Wildlife can discuss what their plans are for our response in the event we did have a positive case. We have been working carefully with them to come up with a pretty good response plan to mitigate any introduction into Nevada.

Assemblyman Goicoechea:

I'm concerned about what is going to happen in the wild. Looking at the dots on this map (page 3 of [Exhibit B](#)), I think it will happen.

Assemblyman Claborn:

Dr. Thain, can you tell us how this affects our game and what organs it affects the most?

David Thain:

The prion attacks the central nervous system and leads to accumulation of abnormal prion proteins that the body is unable to metabolize. The brain starts to develop some real pathology, or holes. That's why it's called a spongiform disease. There are holes, and those neurons disappear, so the animal starts having neurological disease and can't eat. Because it can't eat, that's where we get the term chronic wasting disease.

The other major organs where you get accumulation of these infective prions are the lymphatic system, like the lymph nodes and tonsils. That's why it's felt that when the animals get towards the ends of the disease process, when they are ill, they are shedding the affected prions in the saliva, urine, and feces. Those lymphocytes are shedding that abnormal protein into the environment.

Assemblyman Claborn:

I have never seen one of those animals. Do they lose weight and waste away to nothing?

David Thain:

That's essentially it. They waste away to nothing. Of course, being out in the wild, predators may pick them up earlier in the disease process. They become very weak, unable to do the typical flight or fight, so they are open to predators.

The worst-case scenario that we have seen with our mule deer and with the elk is that typically in the endemic areas in Wyoming and Colorado, where it has been there for good numbers of years, is about a 5 to 10 percent infection rate. We typically don't see significant population effects, but because it is a closely related disease of BSE, there's a tremendous concern by animal health officials, wildlife disease folks, and public health officials for the potential of this disease impacting human health.

Assemblyman Claborn:

If a coyote or mountain lion were to kill one of these infected deer, would it be able to work that off or would it eventually get them as well?

David Thain:

There has been extensive research in Colorado and Wyoming to determine if there's any spillover into the carnivores and the predators. To date, there has been no spillover. They looked critically at whether there is potential spillover into livestock, in both the cattle and sheep populations. To date, they have not been able to identify any spillover.

[David Thain, continued.] I qualify it "as yet" because I think a lot of animal officials got caught by surprise by what happened with mad cow disease as it spilled over into the human population. These diseases have a long incubation period, so I say "as yet." All scientific information to date demonstrates there is no threat to public health or other animals other than the cervid populations I mentioned.

Assemblyman Claborn:

This is something that, if it spread, would be very devastating.

Terry Crawford, Director, Nevada Department of Wildlife:

We are very much in support of this legislation. We feel it is very important for the health of our wildlife, particularly deer and elk, and the public who enjoys those particular species. There are basically two elements to the legislation. One element is the elimination of elk as "alternative livestock" in Nevada. We long have been concerned about ranching deer and elk. In the ten years or so that that has been allowable in Nevada, we have not had an operation develop to do those, and we are particularly glad that has not occurred.

The states where they do have this available are also the states that have had the largest number of problems with chronic wasting disease with numbers of animals in captivity. The purpose of these operations was primarily for the wild game meat, which was considered to be healthier with less fat. However, the market for meat never materialized. It happened at about the same time as ostrich and emus and those sorts of things. Also, Viagra and Cialis have virtually eliminated the market for deer and elk antlers. We don't have any operations in Nevada that would be affected by this particular legislation.

Nevada, along with almost every state in the country, now is very involved in monitoring the disease factors. We initially set up surveillance monitoring. We took a number of samples from a number of hunter-harvested animals and had those tested. To date in Nevada, we have no positive results from testing for chronic wasting disease, and we've worked very closely with Dr. Thain and his folks and the various labs to continue that.

We have moved on to a more proactive monitoring program in areas where we did not get adequate samples originally, or where we think there might be transmission corridors, as Assemblyman Goicoechea referred to earlier. We are targeting our surveillance at those particular locations. When we had animals show up in central Utah, that gave us considerable concern. All the states have very good monitoring programs, most of them more extensive than ours.

[Terry Crawford, continued.] I'm often asked why we haven't encountered chronic wasting disease. I think our climate and our terrain are actually on our side. A year doesn't go by when we don't add a couple of states that have experienced chronic wasting disease. Wisconsin went through a significant depopulation a couple of years ago, and just two weeks ago chronic wasting disease was found in New York state, with some additional incidences in New Mexico. I think our climate and our terrain are helpful, but we need to be vigilant.

We have expended considerable effort contacting hunters who leave Nevada to hunt in other states, especially affected states, and hunters from California who travel through Nevada and may take game in those states and bring it back through Nevada, to make sure that they properly care for it. We have provided a considerable amount of education to our own hunters, whether they hunt in state or out of state, concerning things that they might consider when harvesting an animal and butchering it. For example, bone the meat, don't saw it, because spinal cords and some of those things might be impacted. If you like to have liver and onions, you might want to think twice.

We have tried to do the educational efforts. To date we have no incidences in Nevada or within 100 airline miles. So we are still feeling pretty good about it, but we are trying to keep an eye on it. We are supportive of both elements of this legislation because they work together, and we hope you'll consider it favorably.

Assemblyman Claborn:

Mr. Crawford, I'm just now coming to understand why we don't bring exotic animals in here. This disease could really ruin our whole wildlife situation. I've often wondered why we fought exotic animals coming here, but all it would take is a few infected coming in to destroy everything we worked for so many years to do.

Terry Crawford:

Disease is always our concern, followed closely by genetics that may adversely impact our native animals.

Assemblyman Carpenter:

Will white-tailed deer live in Nevada?

Terry Crawford:

Unfortunately, they probably will, but we are one of the last two states that don't have white tails, and we really don't want them. When they move into the country where there are mule deer, just [by virtue of their] lifestyle and body

morphology, they usually run the mule deer out or interbreed and you end up losing your mule deer.

Our concern is that eventually we will probably get some white-tailed deer out of Idaho, down through the Mary's River Country. Once they move into there, they probably will follow the Humboldt River system down. It will be many decades before it happens, but white-tailed have been expanding their range. We will probably get them some day, but we certainly won't want them.

Assemblyman Goicoechea:

Dr. Thain, how long has it been since they first diagnosed the first chronic wasting? How many years are we into this?

David Thain:

The first chronic wasting was described in about 1967 in the Fort Collins [Colorado] area. It wasn't until 1976 that Dr. Beth Williams clearly identified that it was spongiform encephalopathy.

Assemblyman Goicoechea:

Where are the active scrapie problems in the United States today?

David Thain:

Scrapie is a TSE of sheep and goats. For the past four years, there's been a national scrapie eradication project underway to try to make the United States free of scrapie, probably by the year 2010, with a declaration, by 2020, by the international community. It takes so long because this disease has such a long incubation period. We have not had a scrapie-positive flock here in Nevada since 1999, when we got a positive diagnosis. We depopulated the whole flock because it is such a difficult thing to manage one of these flocks.

Assemblyman Goicoechea:

What is the situation nationwide and in surrounding states?

David Thain:

Nationwide, we continue to have a low number of flocks, and they are typically put under quarantine. There are testing procedures to identify whether there is resistance to scrapie or lack of resistance. Those animals that have a lack of resistance are removed from the flock and destroyed, and then that flock is monitored for a long period of time. So they're still there.

Doug Busselman, Executive Vice President, Nevada Farm Bureau:

A number of legislative sessions ago, the Nevada Farm Bureau was one of the lead organizations in working to bring about the establishment of the alternative

livestock program. Since that time, and since we have not established any kind of industry for alternative livestock, and because of the concerns over the disease issue, both the Nevada Farm Bureau and the Nevada Cattlemen's Association have reconsidered our policy positions and now support both excluding elk as alternative livestock and also not bringing any animals into the state that would be susceptible to carrying chronic wasting disease. We would urge the Committee to favorably consider passage of S.B. 192.

Larry Johnson, Chairman, Coalition for Nevada's Wildlife:

I want to express our support for the bill, both portions that outlaw the import of elk into the state. In past years, we have brought elk in. The most cost-effective way of populating new mountain ranges is to bring them in from other states. This is not a good thing to do anymore with chronic wasting disease out there.

Furthermore, our in-state populations are such that if we ever need to do in-state capture-and-releases, we have sufficient nursery herds that we can do so. In fact, we have done so in the past few years. In actuality, elk are big, strong animals that pioneer across the countryside all on their own, and we really do not see the need even for in-state transplants. That portion of the bill does not impact us at all.

As to the other half of the bill, we have opposed the inclusion of elk in alternative livestock right from the very beginning. We tried to get them removed ever since. It's good to see our agricultural friends come around to our way of thinking. I urge your support.

Vice Chairman Atkinson:

Is there anyone out there wishing to be heard on S.B. 192 who did not sign in? Seeing none, we are going to close the hearing on S.B. 192 and open the hearing on S.J.R. 1.

Senate Joint Resolution 1 (1st Reprint): Urges Congress to take certain actions concerning wilderness areas and wilderness study areas. (BDR R-703)

Amber Joiner, Committee Policy Analyst:

This resolution was introduced on behalf of the Legislative Committee on Public Lands, Subcommittee to Study Wilderness Areas and Wilderness Study Areas.

I would call your attention to the memo I provided today ([Exhibit C](#)), which includes the bill summaries for the two measures we are considering today.

[Amber Joiner, continued.] The background information on S.J.R. 1 is:

The National Wilderness Preservation System consists of federal lands designated by Congress as wilderness. Lands under consideration as potential wilderness are listed as wilderness study areas and must be managed as wilderness until they are released from further consideration by Congress.

The resolution "urges members of the Nevada congressional delegation to work with all interested Nevadans, land managers, affected parties, local governments, special interest organizations, and members of the public in a spirit of cooperation and mutual respect to address issues concerning the designation of wilderness areas in Nevada." It also urges Congress to continue the policy of releasing federal lands that are part of wilderness study areas that are suitable for consideration as wilderness areas. It additionally asks Congress to consider the existence of military operations and air space over the land and urges Congress to adopt a schedule for the timely consideration of a plan to release wilderness study areas.

Assemblyman Hogan:

Could we get an approximate idea of what current wilderness study areas Nevada has?

Assemblyman Claborn:

We have wilderness all over the state. When they first started this, 5.1 million acres were in wilderness area studies. They are all over the state, mostly in the north. What they want with this land is to confiscate it for the government to use for parks and recreation and so on.

When they did this, they confiscated property that could be put to multiple uses by the ranchers, farmers, or whatever. When it becomes wilderness area, you can't do anything in there but have parks and such. Most of them don't allow any motor vehicles. It is a very restrictive situation.

This Committee has been to Washington, D.C. We go about once a year and try to convince all the people in Washington, D.C., such as the U.S. Forest Service and the Bureau of Land Management (BLM), to let some of these properties go or make a decision. I think 1981 is when they first started these wilderness areas.

When they find these areas, what they like is a lot of water and a lot of timber. They don't like wilderness areas in the desert. With our trying to persuade them

to let some of that property go for multiple uses, they have come up with about 768,000 acres of wilderness that was suitable.

[Assemblyman Claborn, continued.] There are still approximately 208 million acres that they are still studying, and approximately 251,000 that have been released as unsuitable. There are so many acres, it's unbelievable. Of the 110 areas of study they were looking at, they released a few, but we are trying to get them to release a lot more so we can use that property for ranching and for multiple uses. However, they are really tough about that.

There's a lot of land out there, and we're fighting them. There are other projects in some of these wilderness areas up around Elko. They have mile squares they call checkerboards. We are trying to get some of that property released back to the State of Nevada so people can use it, but they are really holding tightly to that property.

I think we came a long way, but we need to continue this. If we don't do anything, they'll just sit on these wilderness area studies and we'll never get that property released. It's imperative that we keep this effort going and get them to release some of that property. There's so much property tied up out there—2.8 million acres left. This is something that I'm certainly going to support, and I think everybody in the state of Nevada should support it as well.

Assemblyman Goicoechea:

Once a property is declared a wilderness study area (WSA), it requires a congressional act to release it. We have areas that have been WSAs for 40 years. They end up being de facto wilderness, even though they clearly don't meet the criteria.

In many cases, the federal agency, whether it be the Forest Service or the BLM, has recommended that they not be considered as wilderness areas, yet Congress has failed to act on them. I think that's what the resolution is aimed at. I personally would prefer some language that said, "Let's not consider another wilderness study area until we've taken action on the ones already on the books." There are some really stringent requirements to qualify as a wilderness study area, and there are some wilderness study areas in this state that clearly don't qualify, and yet Congress has failed to take the action required to release them. That's the crux of it: Congress has to act on it.

Joe Johnson, Legislative Advocate, representing, Toiyabe Chapter, Sierra Club:

We indeed support this resolution as written in first reprint. We have been in support of the process of reviewing the WSAs with an orderly and comprehensive approach to designation and release. We particularly would like

to correct one item of misinformation. The WSAs, as well as wilderness, allow grazing, hunting and many other uses. There are indeed some restrictions on motorized transport or other actions that take away from the character of the wilderness.

[Joe Johnson, continued.] We are also in support of an orderly review of excess lands in the state and the orderly transfer of those that have been determined to be unsuitable for management, as cited by the Chairman, in the checkerboard of much of the old railroad land grant. These areas are not in areas of wilderness consideration, although they are adjacent, and resolution of those problems may identify future areas that would qualify for wilderness consideration.

Kaitlin Backlund, Political Director, Nevada Conservation League:

In the 1980s, when the Bureau of Land Management did survey federal lands for areas that would be suitable for wilderness, there were actually many places that were overlooked that are suitable for wilderness designation. There's been quite an active citizen involvement to go out and map the lands in Nevada and put forward citizen proposals to our congressional delegation. Some of those areas have been considered, and at the same time some wilderness study areas were not found appropriate. Those have been released. We would like to go on record in support of the resolution.

Assemblyman Hogan:

In spite of the very bad reputation the concept of land swapping has acquired, particularly in Clark County, it almost seems that there might be a possibility for agencies that have control of lands they've concluded are not really suitable for future wilderness designation to possibly take them off the list and slip in some of these citizen-designated or citizen-nominated areas that may have all the proper qualifications for wilderness. Is that at all a possibility? Are those agencies hard to deal with, with new ideas?

Kaitlin Backlund:

As was indicated by the people who sit on the Public Lands Committee, Subcommittee for Wilderness, it does take an act of Congress to withdraw a wilderness study area or to designate additional wilderness.

Vice Chairman Atkinson:

Is there anyone else here to testify for S.J.R. 1? We will close the hearing on S.J.R. 1.

There will be no meeting on Wednesday. Is there any old business coming before the Committee? Any new business? Any public comment? Seeing none, we are adjourned [at 3:38 p.m.].

RESPECTFULLY SUBMITTED:

Mary Garcia
Committee Attaché

APPROVED BY:

Assemblyman Kelvin Atkinson, Vice Chairman

DATE: _____

EXHIBITS

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

Date: April 18, 2005

Time of Meeting: 1:30 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
SB192	B	David Thain, Division of Animal Industry, Nevada Department of Agriculture	PowerPoint presentation
SJR1, SB192	C	Amber Joiner	Memorandum and Bill Summaries