

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

**Seventy-Fourth Session
April 23, 2007**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Jerry D. Claborn at 2:34 p.m., on Monday, April 23, 2007, in Room 3161 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/74th/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Jerry D. Claborn, Chair
Assemblyman Joseph Hogan, Vice Chair
Assemblyman Kelvin Atkinson
Assemblyman David Bobzien
Assemblyman John C. Carpenter
Assemblyman Pete Goicoechea
Assemblyman Tom Grady
Assemblyman Ruben Kihuen
Assemblyman John W. Marvel
Assemblyman James Ohrenschall
Assemblywoman Debbie Smith

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Committee Policy Analyst
J. Randall Stephenson, Committee Counsel
Christina van Fosson, Committee Secretary



OTHERS PRESENT:

Alysia Peters, Intern, representing Senator Dina Titus
Leo Drozdoff, Administrator, Division of Environmental Protection,
Department of Conservation and Natural Resources
Mike Elges, Chief, Bureau of Air Pollution Control, Division of
Environmental Protection, Department of Conservation and Natural
Resources
Colleen Cripps, Deputy Administrator, Division of Environmental
Protection, Department of Conservation and Natural Resources
Doug Busselman, Executive Vice President, Nevada Farm Bureau
Joe Guild, representing Nevada Cattlemen's Association
Betty Retzer, Private Citizen, Stagecoach, Nevada
Alexis Miller, Manager, Government Affairs and Community Relations,
Nevada Mining Association
Crystal Soderman, representing Associated General Contractors, Nevada
Chapter
Mike Hillerby, representing Coyote Springs Investments, LLC
Alfredo Alonso, representing Olympia Group, LLP
Michael Alonso, representing Locnavar, LLC

Chair Claborn:

[Meeting called to order.] Today we are going to consider two Senate bills.

Senate Bill 118 (1st Reprint): Requires the State Environmental Commission to adopt regulations relating to the handling and storage of certain quantities of mercury. (BDR 40-209)

Alysia Peters, Intern, representing Senator Dina Titus:

Senator Dina Titus is unable to attend because she is in Floor session. Senator Titus and I both appreciate the opportunity to present Senate Bill 118 (1st Reprint), which is one of the five bill drafts requested by the Legislative Commission Subcommittee to Study the Protection of Natural Treasures during the 2005-2006 Interim.

Senator Titus believes that it is important to make people aware of and distinguish our State's many unique natural treasures. In response to our State's population increase and land-use pressures, one charge of the Interim Study Subcommittee was to ensure that today's natural treasures are available to future generations of Nevadans. The Subcommittee had the opportunity to visit Walker Lake and hold one of its hearings in nearby Hawthorne. Walker Lake is a popular fishing spot for Nevadans and tourists,

and home to the native Lahontan Cutthroat Trout. The lake is a valued and popular stocked fishery, but its ecosystem continues to be threatened by rising salt levels and declining water levels. Increasing alkalinity continues to plague the lake, causing a fishery at Walker Lake to be lost. An important bird habitat will also be lost as the American White Pelican and migrating common loons depend on Walker Lake. Both birds are listed by the U.S. Fish and Wildlife Service as sensitive species. Since the turn of the century, the lake has dropped 130 feet because of upstream water diversions for agriculture and numerous years of drought. The Hawthorne Army Ammunition Depot is located near Walker Lake. It was established in 1930 to receive, renovate, maintain, store, and issue ammunition and its mission remains the same today. Recently, the Defense National Stockpile Center of the U.S. Department of Defense (DoD) decided to store more than 4,500 tons of mercury at the Hawthorne Depot. For 50 years, the nation's mercury stockpiles had been stored in Indiana, New Jersey, Ohio, and Tennessee.

Mercury is a naturally occurring metal found throughout the environment and is recognized as a public health concern and a known neurotoxin. Although some politicians have tried to deny its potential harm, scientists agree that mercury can accumulate in the food chain and negatively affect wildlife and humans. Nevadans treasure the State's natural resources; therefore, it is our duty to use our natural resources wisely and protect Nevada residents from harm. Further, good stewardship of the environment is all of our responsibility. The Subcommittee was concerned about the handling, storage, and transportation of the hazardous material upon learning of the federal government's decision to consolidate the long-term storage of the nation's mercury stockpile in Hawthorne. Therefore, the Subcommittee is recommending S.B. 118 (R1) which establishes standards for storage and handling of large quantities of mercury. The measure requires the State Environmental Commission to adopt specific regulations for the handling and storage of mercury in the quantity of 1,000 tons or more to protect the health, safety, and welfare of the residents of Nevada. The regulation would be included as part of the Chemical Accident Prevention Program (CAPP). Since the Committee meetings, the State Environmental Commission has responded and added mercury to its list of hazardous substances and approved regulations under CAPP for the storing and handling of large quantities of mercury. The Committee believes, and the Nevada Division of Environmental Protection (NDEP) agrees, that it is important to add a provision to the law to ensure that such regulations remain in effect and to make it clear that Nevada has made protection of our region from mercury's dangerous effects a priority. Nevada is not a wasteland and should not become the nation's dumping ground for hazardous materials. We must remain both vigilant and prepared.

Leo Drozdoff, Administrator, Division of Environmental Protection, Department of Conservation and Natural Resources:

We are here to express the Division's support of S.B. 118 (R1). This change in statute would make it clear that the intent is to ensure that regulations would be in place to prevent accidental releases of mercury from handling and storage processes. Specifically, the handling and storage of large quantities of mercury must be covered under the provisions that govern the prevention of accidental chemical releases into the environment.

The federal Defense Logistics Agency (DLA) has determined that the Hawthorne Army Depot will be the repository for the nation's mercury defense stockpile. The Division believes that appropriate regulatory oversight must be in place at this facility to ensure that the public and the environment are adequately protected against potential mercury releases.

Consistent with our intent to ensure that we minimize the potential for mercury to be emitted into the environment, last year the Nevada Division of Environmental Protection (NDEP) moved forward with amendments to the *Nevada Administrative Code* (NAC) to include mercury as a regulated chemical under the Division's Chemical Accident Prevention Program. We fully support the first reprint of S.B. 118 (R1) as it will ensure that there are provisions in place to regulate mercury at this facility.

As a result of the facility being regulated under CAPP, the Division has had some noteworthy results. The DLA and Hawthorne are moving forward with the construction of a fire suppression system that was not originally part of the mercury storage project. This system is part of other work that is being performed on the existing buildings to bring them up to acceptable standards for mercury handling and storage.

We are also working with DLA and Hawthorne on developing a plan for the inspection of mercury containers. We want to be certain of their integrity prior to shipping them to Hawthorne for storage. Colleen, Mike, and I are here to answer your questions.

Assemblyman Marvel:

How much mercury can we expect to be stored there?

Leo Drozdoff:

Approximately 4,500 tons.

Chair Claborn:

Is it in a liquid state? Has it all originated from the State of Nevada?

Leo Drozdoff:

No, the entire nation's stockpile is going to be stored here.

Chair Claborn:

You are saying that the DoD is going to build a repository to hold the nation's mercury in Hawthorne.

Leo Drozdoff:

That is correct. That is where the federal government is planning to keep the repository. Our position is that it is important to have a regulatory process in place to ensure that we have control over this project.

Chair Claborn:

What are the uses of mercury besides leaching gold? Do they use this for switches any longer, or for military devices?

Leo Drozdoff:

The DLA believes that mercury has a place in the future for switches or light bulbs. I am unaware of any plans for the future use of the substance. All I am aware of is that they seek to store it.

Chair Claborn:

Are there any questions?

Assemblyman Grady:

I was on the subcommittee that Senator Titus chaired. During the meeting, I thought we had a commitment from the base that they would work closely with you. They agreed not to bring in substances in amounts that the State objected to. Are those terms being violated?

Leo Drozdoff:

We are working with the DLA. They want us to be satisfied with the terms prior to planning any shipments. We are still working on the issue of ensuring the integrity of the containers. The DLA has postponed their shipments until we finish ensuring that the containers are sound. Ultimately, the material is headed here, but the DLA agreed not to send us anything until we are satisfied with safety measures and until we are prepared for them.

Assemblyman Carpenter:

Where is the majority of this substance coming from?

Mike Elges, Chief, Bureau of Air Pollution Control, Division of Environmental Protection, Department of Conservation and Natural Resources:

There are four other locations across the United States that make up the DLA's stockpile. Essentially, they want to truck material from all four of those locations to Hawthorne, Nevada. They want that to be the consolidated location. That way they can contain this material in one location.

Assemblyman Carpenter:

Is some of this mercury the byproduct of power plants and mines? Where did it come from?

Colleen Cripps, Deputy Administrator, Division of Environmental Protection, Department of Conservation and Natural Resources:

This is all defense stockpile material. There is no private mercury included in these shipments.

Assemblyman Carpenter:

So this is all old military material? Why do they want to bring it to Nevada?

Chair Claborn:

Mr. Drozdoff, I asked you about this stockpile because there was a large building at the Nevada Test Site. The objective was to bring all the leftover atomic bombs to this enormous, concrete building. They were going to disarm the bombs and remove the nuclear substances. Is that the sort of process by which this mercury has accumulated? The origins of the mercury seem very ambiguous. Have regulations changed and that is why they want to store it all in one location?

Leo Drozdoff:

I cannot attest to the DLA's motives. My understanding of the situation is that this stockpile came from some sort of compensation following World War II for our contribution on their behalf during the war. This country was compensated in mercury because at the time it was considered a valuable resource. This country has had mercury in these four locations for a long time. The DLA decided that it was best to store it all in one location. The State of Nevada had no place in deciding that. When the State of Nevada learned of their decision, we decided it would be best for us to be a part of the decision-making process involving the storage of the mercury. If we agree to allow its storage here, then it must be done in a way that is clearly regulated and understood. That is the purpose of this bill.

Assemblyman Goicoechea:

Do you anticipate that they might begin storing private stockpiles there?

Leo Drozdoff:

That was not mentioned in any of the discussions that we had, so I assume that the answer is no.

Assemblyman Goicoechea:

What kind of workforce will this project require?

Mike Elges:

My understanding is that the workforce at Hawthorne would not have to be dramatically changed. They are in the business of handling munitions in a variety of ways. I do not want to speak on their behalf, but based on our discussions with them, my understanding is that it is fundamental. The mercury is going to be transported into the facility and stored in roughly 19 of the existing buildings. There is some work that needs to be done to retrofit the buildings up to an acceptable standard. After that, we would do periodical routine inspections to ensure that there are no breaches of the containers. Most of the inspections will be done remotely. From a workforce perspective, we have no significant issues.

Assemblyman Goicoechea:

They were on the list to close the base two years ago. This would help maintain the base.

Chair Claborn:

Today we are being asked to adopt regulations relating to the handling and storage of a large quantity of mercury.

Assemblyman Grady:

Was this bill changed in the Senate after the hearing to reduce the quantity from 1,000 tons to 100 tons? Was that a committee decision?

Leo Drozdoff:

We prepared testimony and the amendment which proposed dropping the amount from 1,000 tons to 100 tons at the hearing before the Senate Committee on Transportation. We proposed that number to make it consistent with the regulations that have been implemented.

Assemblyman Hogan:

Is the Environmental Impact Statement (EIS) completed or is it underway? Have you commented? Are they doing a thoroughly adequate EIS?

Mike Elges:

The EIS is completed. That is something that we have been reviewing. We are making sure that they conform with the guidelines in the EIS. That process took place well before we were brought up to speed and put regulations in place. We have been trying to catch up with the events taking place. The EIS was designed to articulate the rationale behind why consolidating the mercury stockpile was necessary. They also looked at different locations for its storage. They did not necessarily go into detail about regulatory or statutory structures of the process. To address your questions, yes, it has been done, and we are holding them accountable throughout this process.

Chair Claborn:

I noticed that the only part of the bill that has been changed is in lines 16 through 19, on page 2. There was not a very a significant change there. I think that is what Assemblyman Grady was referring to. It refers to the provisions to protect the health, safety, and welfare of residents in the State from the effects of handling and storage of mercury in quantities of 100 tons or more. Were we going to attempt to do something else, or is that what we are going to do?

Mike Elges:

That is what we are going to do. I would also like to clarify that the State Environmental Commission has already adopted regulations that are comparable to this. This bill would effectively clarify them in statute.

Chair Claborn:

Are there any more questions? Would anyone else like to testify? Is there anyone opposed to this bill? Is there anyone who is neutral? I am closing the hearing on S.B. 118 (R1).

Senate Bill 433: Requires a developer of private land to ensure that the land is enclosed by a legal fence under certain circumstances. (BDR 50-264)

We have several people here regarding Senate Bill 433.

Doug Busselman, Executive Vice President, Nevada Farm Bureau:

I was one of the individuals who testified when the Senate Committee on Natural Resources heard this bill. Because of my testimony in support of the bill, I was asked to come before you to describe the intentions of this bill. The handout being distributed is a background letter that was provided to us by Senator Rhoads ([Exhibit C](#)). It describes a scenario where someone with a grazing allotment went before the Elko County Commission attempting to implement a local ordinance to deal with the issues of open range.

Nevada is an open-range state. Under Nevada law, if a person wants to prevent livestock from roaming onto his private property, he is required to build a private fence. Several sessions ago, the Legislature adopted legislation which requires real estate agents to notify people who are purchasing property in a grazing allotment that they are purchasing an open-range property and that if they want to keep livestock off of their property, they need to build a fence to keep the animals out.

Considering what current law states and what has happened over time, the reason for this bill is that numerous homes have been built in rural areas. It is common for an Angus bull to appear at one of those doorsteps. They are also seen grazing in neighborhood flower gardens. The homeowners get upset about livestock on their properties. The purpose of this bill is to remind property buyers that if they do not want livestock on their property, they have to build a fence.

Senate Bill 433 is a preventative measure that is designed to require developers to build a fence first. That helps to ensure that in the future, people do not forget that they moved to a rural, open-range area, and that they need to build a fence themselves. One issue that is not mentioned in the bill is the definition of "developer." Questions have come about that pertain to whether or not anyone who builds on private land can be considered a developer. *Nevada Revised Statutes* 119.040 provides a definition for "developer." If we need clarification, we could refer to that section of the NRS.

Chair Claborn:

We will have Ms. Ruedy look that up. Then we will get back to you if we have any questions.

Doug Busselman:

When we testified in the Senate, we testified in support of it on behalf of the Nevada Farm Bureau. We have been involved in several controversies that have evolved over time. The situation described is not uncommon. People who move out to rural areas in the State want to change the existing rules governing the open range there. We are in support of this bill. We are also willing to work with any subsequent issues related to this matter.

Assemblyman Goicoechea:

Regarding your reference to developers, realistically it makes no difference whether a person is a developer or someone who purchases 40 acres in the middle of an open range. Developers and property owners encounter the same problems.

Doug Busselman:

I agree that individual property owners or developers have the same problems. However, if we are specifically referring to developers, they deal with several hundred property owners and those numerous individuals involved have more influence than one person who owns 40 acres.

Assemblyman Goicoechea:

If several people are involved, they usually get the county to build their fence.

Assemblywoman Smith:

I asked legal counsel about this bill after I did a close reading of it over the weekend. I wondered about the definition of developer. I am also interested in the maintenance of a fence. I was advised that there is not a definition that applies to that wording. My understanding of the section is that if a person decided to paint a building on their property, it would constitute maintenance and would therefore be required to build a fence around the property.

Assemblyman Bobzien:

I appreciate the intentions of this bill. I understand the conflicting issues that arise because we are an open-range state. Have you done any analysis or have you tried to look closely at how much land we are referring to when we refer to this open range? How much interface are we discussing?

Doug Busselman:

We have not done an analysis to determine the exact amount of land being discussed. We showed up for the Senate hearing and testified in support of the bill and have since been asked to further pursue this issue. We can find out that information for you.

Chair Claborn:

Eighty-seven percent of the land belongs to the federal government. Is there anything that you would like to add to your testimony?

Assemblyman Goicoechea:

As I read the bill, I do not see anything that would make it retroactive. Most of these developments have already been established. Would we need to apply this bill retroactively?

Doug Busselman:

I do not know whether we are discussing retroaction or prospective action.

Assemblywoman Smith:

Maintenance would have to be applied retroactively. If a person has been maintaining their property, they would have to comply with what this bill states.

Joe Guild, representing Nevada Cattlemen's Association:

I am here to support S.B. 433 on behalf of the Nevada Cattlemen's Association. I have been involved as an attorney in helping to defend ranchers who have encountered conflicts that arise due to this matter. This bill would help resolve future conflicts involving grazing land and development projects. In response to Assemblyman Bobzien's question, the Bureau of Land Management (BLM) administers about 64 million acres of land in Nevada that is subject to the Taylor Grazing Act.

There are some unintended consequences that may come about as a result of this bill that are related to questions like Assemblywoman Smith's. We will enthusiastically assist anyone who is willing to propose possible solutions to these potential problems. I have a suggestion that might help improve this bill. It seems that the bill is too broad in scope. The problem is what Assemblyman Goicoechea stated. In the middle of a 50,000 acre grazing allotment, there might be some 20- or 40-acre parcels that take up part of those 50,000 acres.

If people who are not familiar with our grazing laws purchase a few acres of beautiful open-range land, they probably would not know how to handle a bull on their front porch. Similar situations have occurred frequently. Narrowing this bill might be a way to address some of the concerns that will be heard from opponents of this bill.

Assemblyman Marvel:

I support this bill. I have been a rancher all of my life. Some of these ranches have been established since the 1800s. Since then, some of the grazing land has sold and people build homes and plant lawns. In the middle of the night, I would receive phone calls from people complaining that my cattle were on their lawn. In response I would advise them to fence their lawn. Their disgruntled response would sometimes include an expressed desire to take the matter to court. So I would explain the open-range law to them. When people purchase or develop open-range land, they assume the responsibility of protecting their land with a fence. Oftentimes the property owners do not want to acknowledge the original intended use of the property.

Assemblyman Grady:

It is not only cattle that we are dealing with. There have also been several wild horses in Lyon County. People love the wild horses but have issues with the

horses grazing in flower beds. The situation is the same. People build their homes out in these rural areas because they are attracted to the wild landscape, but then they have a problem with the wild horses in their yards.

Chair Claborn:

I agree that this bill speaks broadly. I am interested in working with you towards tightening this bill so that it can pass.

Betty Retzer, Private Citizen, Stagecoach, Nevada:

I am here on behalf of several wild horse advocacy groups. My handouts are being distributed ([Exhibit D](#)). Mentioned earlier was the disclosure form for builders and developers and people selling property. Those are included in the handout. We are in favor of passing S.B. 433 if this bill aids in the enforcement of the existing open-range and fencing laws, and the use of the disclosure form that you received. I anticipate hearing concerns about the consequences of fencing properties in. Our groups are working with local advisory boards, the Lyon County Planning Commission, and Board of Commissioners to resolve these issues.

Chair Claborn:

We will take your testimony into consideration. Would anyone else like to express their support of this bill? [There was no one.] Would anyone like to speak in opposition of this bill?

**Alexis Miller, Manager, Government Affairs and Community Relations,
Nevada Mining Association:**

We are not opposed to the bill, but we have concerns with the broadness of the language in it. We would like an opportunity to work with the sponsor to address some of our concerns.

Assemblyman Marvel:

What are your concerns?

Alexis Miller:

The term "structure" could mean access roads or pits. The mills and the heat-bleach pads are fenced off but some of the other areas of mines are not. That is an example of what I mean when I say that the bill contains broad language.

**Crystal Soderman, representing Associated General Contractors,
Nevada Chapter:**

Our concern is also that the bill is written too broadly. We operate an apprenticeship program in Wadsworth on about 30 acres. Fencing that area

could cost up to \$50,000. That is an expense that we cannot afford as a nonprofit organization. As Assemblywoman Smith mentioned, if we wanted to paint our property or make an improvement to it, we would be required to build a fence around it. Those are our concerns.

Assemblyman Bobzien:

If we were to work through the language, what would we ultimately achieve? Do you have any ideas for narrowing the scope of the impact of this bill?

Alexis Miller:

At this time we would like the opportunity to sit down with the bill's sponsor, Senator Rhoads. We understand his intent, but we want to avoid any unintended consequences.

Assemblyman Marvel:

Do the livestock bother your operations?

Crystal Soderman:

No, I am not aware that they do.

Assemblyman Marvel:

I believe that the sponsor's intent is if people do not want livestock on their lawn, they should build a fence. It is not to require people to build a fence even if they do not have a problem with the livestock on their property.

Assemblyman Bobzien:

Are you saying that the main reason you would oppose the bill is that you would be required to build an unnecessary fence?

[Witnesses nodded in agreement].

Chair Claborn:

Thank you for your testimonies.

Mike Hillerby, representing Coyote Springs Investments, LLC:

I signed in as neutral. I thank the proponents of the bill and Mr. Guild for working with us. We also have some concerns about the broad language in the bill. For example, Coyote Springs is a single parcel of 43,000 acres. We would have about 35 miles of fence to build. We have other issues that other developers of significant parcels will share.

We have ephemeral washes that cross the property. We have arroyos that cross the property. We have the Army Corp of Engineers, Environmental

Protection Agency (EPA), U.S. Department of Fish and Wildlife, BLM, and innumerable agencies which with we have agreements and from whom we are subject to regulations or requirements. We have migratory wildlife paths that will be across the property and desert tortoise habitats. We also bought the Mormon Mesa critical habitat area.

There are some reasons why, from the perspective of some of these federal agencies, we would not be able to put up fences. We may have requirements for the desert tortoise that would be a completely different type of fence that we would have to put up in some areas. With the flood-control basins, the tension basins, the ephemeral washes, and arroyos that we would be unable to fence, this would be a monumental undertaking.

One of the questions asked was whether there are alternatives. We are committed to being a part of determining that. If there was a desire to strengthen the disclosure laws, we would be very supportive of it. We want to ensure our property owners that when the homeowners eventually move in they understand exactly where they are moving.

We are selling a very distinct and special way of life in a specific type of area. We want them to understand what comes with their purchase. We have no concerns about ensuring that the existing law on the disclosure is enforced. Perhaps we could include some limits about active grazing on smaller parcels, rather than one that is the size of ours. We anxiously await working with the proponents of this bill.

Chair Claborn:

Does anyone have questions for Mr. Hillerby?

Assemblyman Carpenter:

Do you have any cattle or horses grazing near your property?

Mike Hillerby:

I am unaware of any active grazing in the area. There are allotments in our area. We need to determine whether, for example, one of the conditions for this might be that there was active grazing happening. We do have allotments in the area and we will do more research about whether we have active or seasonal grazing of cattle or sheep in our area.

Assemblyman Carpenter:

You can be assured that when a bull appears in your tulip patches you are going to hear from your homeowners.

Alfredo Alonso, representing Olympia Group, LLP:

We have similar concerns to those of Mr. Hillerby, but on a smaller scale in Lincoln County. We have not done as much as the Coyote Springs project has, but there are grazing lands nearby. I understand the intent and I am unaware of situations involving cattle grazing within the area, but this is a problem in Fernley and in Elko. When these homebuyers purchase the property, they expect a rural lifestyle until someone opens the door to a large bull. I understand the need for this legislation, but we would like to work with Mr. Guild. We want to commit to working with those involved to find common ground.

Assemblyman Hogan:

I wonder if there is a different approach to this. I would like to somehow strengthen or formalize the general understanding of the situation. The type of situation we are concerned with pertains to the law. If you live in or operate a development in a grazing area with allotments, the law strengthens the rights of the grazers and ranchers. We should forcefully reiterate that in the transfer documents or the promotional documents.

It seems unreasonable to impose upon people who enjoy having wild horses on their doorstep. They would have to build a fence around their property as this bill currently reads. Proponents of this bill do not seem to have considered the statewide fiscal impact of this measure.

We understand that if a grazing bull appears in a homeowner's front yard, there are no legal ramifications directed towards the rancher who owns that bull. If we could make this a better known, enforceable, principle of law, it might solve most of the problem without having to impose fence-building legislation. It might cost a lot less and perhaps address the problem in an easier way.

Alfredo Alonso:

I am certain that everyone here agrees that is one step that could be taken. It would certainly be a more cost-effective and simple way to handle this situation. Perhaps we could discuss this with Mr. Guild and Mr. Busselman but I agree.

Chair Claborn:

I also agree.

Assemblyman Goicoechea:

In our discussion of the grazing situations, we should be well aware that there are escalated conflicts occurring in these communities. Livestock has been shot

or been chased with off-road vehicles. The Committee should be aware of these types of conflicts.

There has to be some common ground. The BLM, property owner, and permit holder should all be involved in resolving this conflict. If we can incorporate language to that effect, we would aid in alleviating the situation to some extent.

Michael Alonso, representing Locnavar, LLC:

Locnavar, LLC owns the Winnemucca Ranch which is east of Reno. We have similar concerns to those stated by Mr. Hillerby and Mr. Alonso. Existing law states that the owner of the livestock is not liable, unless the opposing party has a fence in place. We should not lose sight of that. Disclosure issues already exist as well.

I agree with Chairman Claborn's and others' comments in that those statutes and regulations should be reiterated. From our perspective, we have an 8,700-acre ranch. It is a large working ranch and the family members who own it are ranchers and developers. There are structures on that property that are intended to incorporate a working ranch into the development.

They are up against a large portion of BLM land that is open to several types of recreation. We are hearing that as the proposed development works its way through, people want to maintain open space. They want to be able to use that property to get from one place to another. Those are the concerns that we have.

We are discussing a large property with the same unique issues that Coyote Springs has with the agencies, the wildlife, and all of those organizations. Vice Chairman Hogan is on the right track. If there is something that we can do along the lines of disclosure, then we should, but I feel that the current law is adequate because it effectively protects the ranchers. Conflicts do arise, however, because of the opposing interests and viewpoints. They inevitably take their issues to court or take matters into their own hands. We are happy to work with the proponents of this bill. This is a complicated matter, but we are willing to work through it.

Chair Claborn:

Determining a solution to this will take extensive consideration. This is a serious matter.

Assemblyman Goicoechea:

The term "legal fence" is ambiguous and it would be challenging to build several miles of truly "legal fence" in the State of Nevada. Based on the requirements, it would be almost impossible to accomplish.

Chair Claborn:

I will now close the hearing on S.B. 433. We will reconvene next Wednesday at 1:30 p.m. The meeting is adjourned [at 3:35 p.m.].

RESPECTFULLY SUBMITTED:

Christina van Fosson
Committee Secretary

APPROVED BY:

Assemblyman Jerry D. Claborn, Chair

DATE: _____

EXHIBITS

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

Date: April 23, 2007

Time of Meeting: 2:34 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Guest list
S.B. 433	C	Doug Busselman, Executive Vice President, Nevada Farm Bureau	Letter
S.B. 433	D	Betty Retzer, private citizen, Stagecoach, Nevada	Supplemental information