

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

**Seventy-Fourth Session
February 19, 2007**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Jerry D. Claborn at 1:34 p.m., on Monday, February 19, 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

GUEST LEGISLATORS PRESENT:

Senator Dina Titus, Clark County, Senatorial District No. 7
Senator Dean A. Rhoads, Rural Nevada Senatorial District



STAFF MEMBERS PRESENT:

Jennifer Ruedy, Committee Policy Analyst
J. Randall Stephenson, Committee Counsel
Sherrada Fielder, Committee Secretary
Betty Francis, Committee Secretary
Matt Mowbray, Committee Assistant

OTHERS PRESENT:

Don Henderson, Director, State Department of Agriculture
Michael J. Stewart, Principal Research Analyst, Research Division, LCB

Chair Claborn:

[Called meeting to order. Opens hearing on Assembly Bill 42.]

Assembly Bill 42: Authorizes the State Department of Agriculture to accept and make certain grants. (BDR 50-634)

Don Henderson, Director, State Department of Agriculture:

[Read from written testimony ([Exhibit C](#)).] The bill is a housekeeping measure to provide new policy. The authority of the Department to issue grants is limited to single programs, such as the revolving account for the agriculture working fund for the Division of Plant Industry. The Department as a whole does not have the authority to issue sub-grants, other than that provided by acceptance of the specific funding instruments, such as federal cooperative agreements. The lack of authority to issue grants and sub-grants could prohibit the Department from being able to serve its constituents and the functions of its mission statement. This legislation will provide the authority for all divisions and programs in the Department to issue grants and sub-grants. If the legislation is not approved, the Department will continue to depend upon the existing funding instruments such as the federal agreement to provide express authority to issue grants and sub-grants.

The ability to issue grants and sub-grants varies across the Executive Branch by department. Chapter 231 of *Nevada Revised Statutes* (NRS)—Economic Development and Tourism—provides authority on a broad level, and is also program-specific to issue grants. Chapter 439 of NRS—Administration of Public Health—provides the authority to provide grants specific to each of the programs in that chapter. In order to carry out the legislatively authorized programs of the Department, it is necessary to have statutory authority to issue grants of legislatively approved or authorized funding and sub-grants of federal or other grant monies. An example of a current grant is the US Forest Service

grant money the Department receives to create and facilitate the on-the-ground operation of Cooperative Weed Management Areas (CWMAs). The majority of funds from these grants are designated to the Department to issue sub-grants to the CWMAs. Oftentimes we are involved with pass-through funding. If this legislative body wants to direct certain money to certain parties in agriculture, it is often done through our office. For example, there was a \$50,000 appropriation to the Nevada Grown Association that came through the Department. Additionally, there is BDR S-253 which would make an appropriation to the Advisory Council for Organic Agricultural Products. Having this authority is just a housekeeping item that would help the Department and the federal agencies get the money to where it is intended to go. If this bill were to be passed, the acceptance of the grants appropriations and distribution of such funding would still follow the approval procedures of the Budget Division and Legislature, which provide necessary checks and balances.

Assemblyman Grady:

Can you do this with the staff you have now? And will the audit procedures be set up so you can follow this grant mechanism through?

Don Henderson:

In fact, it would streamline our abilities in this regard. The procedures for auditing are already in place. We issue these grants today. The problem we run into every time there is funding that needs to be distributed, is that first we have to approach the Budget Division, and they ask us if we have the statutory authority to do this.

Assemblyman Marvel:

How often will you use this?

Don Henderson:

A couple times per session we would have use of it, but mostly immediately after the session when appropriations are made and we get the funding out to the right parties. Typically, it would be immediately following the session; however, we do receive federal grants on cooperative agreements on a year-round basis.

Assemblyman Hogan:

How did you handle the situation prior to this bill? What method did you use?

Don Henderson:

We have handled it through a variety of mechanisms. Occasionally we have had to go through quasi-government agencies such as the Nevada Association of Counties (NACO). That occurred in 1999 after the fire season. There were

state contingency funds we wanted to get out to the ranchers who were impacted by those extensive burns. The only mechanism we could use that was legal was to farm the money from the Division of Emergency Management directly to NACO, while the Department of Agriculture actually administered the grant program.

Assemblyman Hogan:

At times it is convenient to have agencies that are quasi.

Chair Claborn:

Any questions? [There were none. Closes the hearing on Assembly Bill 42.]

Senator Dina Titus, Clark County, Senatorial District No. 7:

I have had the pleasure of chairing the Interim Committee to look at saving Nevada's natural treasures. I am excited to present the findings of the Committee with you and share some of our experiences. I understand you have the summary report of the hearings and recommendations of the Committee ([Exhibit D](#)).

The Committee was created by S.C.R. No. 35 of the 73rd Session. Nevada has many natural treasures we need to identify and protect. As more people come to Nevada, they are going out to the rural areas for recreation, hiking, fishing, and hunting. They are going to the scenic places where the treasures exist. If we do not protect them, we will lose them.

Our study provided the Committee the opportunity to identify these treasures. We traveled to various parts of the State to visit some of the sites and hear testimony from people in those locales. We addressed critical areas in Nevada, and took input from interested parties. We used the committee hearings as a way to not only get information, but also to foster cooperation with federal and local officials to ensure these areas remain accessible and viable now and for future generations.

A diverse group of legislators served on the Committee from both rural and urban parts of the State. It was comprised of Senator Mark Amodei, Senator Dean Rhoads, Assemblyman Tom Grady, Assemblyman Joseph Hogan, Assemblyman Harry Mortenson, and Assemblyman Harvey Munford.

We held five public meetings throughout the State. We were in Las Vegas, Pahrump, Hawthorne, and Ely with the final meeting being a work session. We have recommended five different bill drafts and eight letters to be sent on behalf of the Committee to various people, as shown in the report. We issued three statements to be included in the final report that summed up our concerns.

In each location, we heard testimony concerning these at-risk sites. For instance, the United States Fire Service provided information on the Spring Mountain National Recreation area, which includes Mt. Charleston. As you know, the Pahrump population growth, as it becomes more of a bedroom community for Las Vegas, is straining that resource [Mt. Charleston]. There are no facilities on the back side of Mt. Charleston to accommodate recreation in the area. We also heard about a western slope master plan with the Forest Service in consultation with the City of Pahrump to provide recreational facilities, including campgrounds, trails, and picnic areas. We received testimony regarding the other side of Mt. Charleston, specifically from the Kyle and Lee Canyon areas. Each weekend Mt. Charleston—which used to be a day-trip from Las Vegas, where you could pack a picnic and take your family on an excursion – has now become virtually an urban park as growth has extended out to the boundaries. This has a tremendous burden on the facilities at Mt. Charleston, and every day the place has been trashed. The Forest Service and Nevada Department of Transportation (NDOT) gave us presentations on how they are looking at possibilities of providing transportation to the area that would cut down on personal car traffic.

In Hawthorne, the focus was on Walker Lake. We heard extensive testimony about the lake. It is a familiar site as you drive to Carson City, and is one of only six freshwater terminal lakes in the world. It is famous for the Lahontan Cutthroat Trout. The lake has lost over three-fourths of its volume and has fallen by 140 feet; correspondingly, the salt levels have risen, which threatens the trout. Not only does it hurt the environment and ecosystem, but the economy also, as fewer people will no longer go there to fish. The Walker River Paiute Tribe provided information on the cultural, historical, and current uses of the lake and Walker River. We heard from federal representatives trying to coordinate the Walker Lake Working Group to come up with solutions. The Walker River Irrigation District came to inform us of pending litigation, and we heard from other interested environmental groups who want to save the lake.

In Ely, we heard from representatives of the Great Basin National Park, Bureau of Land Management (BLM), and the Eastern Nevada Landscape Coalition. In the report, you will see a summary of the five BDRs the Committee recommended. They address a range of topics: the handling and storage of large quantities of mercury at the Hawthorne facility; creating a state paleontologist position; reducing the maximum weight limit for motor vehicles traveling on scenic highways; limiting the liabilities of owners of property for recreational purposes, primarily the bike trails being built in Northern Nevada; and recognizing the month of May as Archeology Awareness and Historic Preservation Month. The topics range from complex and serious to symbolic

things we thought were important. At least one of the bills will come before your Committee, which will be the handling and storage of mercury. That bill is being supported by Nevada's Division of Environmental Protection (NDEP), so you will hear testimony for what we can do to enhance our regulation for storage of mercury. The Committee had consensus on the issues. We heard testimony on the Monte Cristo State Park and were generally supportive of it, but we understand a bill draft was coming from another source, so we did not put it in as a BDR from this Committee.

This was a great Committee and the members were excited to learn of the many issues from the pupfish in Ash Meadows to the water problems in Elko. It was one of those committees that combined land, water, environmental, parks, and recreational issues, which are all tied to the economy of the State. If these areas are not preserved, it will affect the economy of rural Nevada because these are places where people can go to generate revenue.

Chair Claborn:

Any questions of Mrs. Titus? [There were none.]

Senator Dean A. Rhoads, Rural Nevada Senatorial District:

[Submitted a report on the Legislative Committee on Public Lands, ([Exhibit E](#)).] The Committee was started in 1983 by the Nevada Legislature to provide a forum for the discussion of public land matters with federal and state officials, representatives of special interest organizations, and other concerned individuals who seek information from them that may be used for future legislation or other legislative actions. In addition to an array of general natural resource topics, the Committee on Public Lands monitors and discusses issues relating to endangered species, livestock grazing, recreational wilderness, and wild horses. The Committee monitors local government natural resource issues, wildlife matters, and military activities, including military land and airspace proposals. The legislative committee is charged by NRS 218.5368 to actively participate in local, regional, and national efforts to increase state and local rules in the management of public lands. Consequently, the Committee always expects a busy legislative interim. Every interim, the Committee meets primarily in the rural areas of Nevada and makes great efforts to hear from those in our rural communities. We appreciate the input of those who use our public lands. The Committee optimizes its effectiveness by annually visiting members of the United States Congress, Executive Branch, and officials and private organizations in Washington, D.C. These sessions in our nation's capital provide Committee members with insight on federal policies and key contacts on public land issues. It affords opportunities to educate federal officials on the public lands perspective in Nevada and fosters great rapport with the members and staff of Nevada's Congressional Delegation and various interest groups.

The Committee had a total of eight regular meetings throughout the State and attended two in-state informational tours in Washington, D.C. We met in Elko, Carson City, Pahrump, Fallon, Hawthorne, Battle Mountain, Mesquite, Ely, and the Fallon Naval Air Station Base.

Over the last 20 years, our Congressional Delegation has taken the lead in supporting some of our recommendations. They rely on us to make recommendations on certain matters and follow through, so we work closely with our Congressional Delegation.

Chair Claborn:

Any questions of Mr. Rhoads? [There were none.]

Michael J. Stewart, Principal Research Analyst, Research Division, LCB:

I have served as the staff member to the Committee on Public Lands for the last ten years. We meet throughout the State and have a list of everywhere the Committee has met since 1983. This last interim, we tried to cover areas the Committee had never been to before, such as Battle Mountain.

Each interim we typically address over 50 different land and natural resource issues. During this past legislative interim, we addressed issues concerning BLM activities and policies, law enforcement regulations, checkerboard land issues, Colorado River Commission, and drought relief. We heard from organizations, such as the Northeastern Nevada Landscape Coalition and the Eastern Nevada Landscape Coalition. The Committee discussed elk management and had extensive discussion on endangered species and the potential reform of the Endangered Species Act of 1973. We heard information on fire suppression activities and the interagency coordination for fire suppression and rangeland rehabilitation, grazing issues, water topics, land sales, and disposals. The Land Sale Acts, the Lincoln County Conservation and Development Act of 2004, and a similar act for White Pine County were also issues, along with the Southern Nevada Public Lands Management Act and the use of the funds from the land sales resulting from the Acts. The Committee typically hears from local governments. Every time we were in a particular community, we invited the local governments to come to the meetings to share with us their experiences with federal land management agencies. This is where the Committee would get ideas for bill drafts.

The Committee has jurisdiction over military operations, military affairs, mining, the Nevada Fire Safe Council, noxious weeds, evasive species, and off-highway vehicle use. There is a BDR coming through on that. We talked about payments in lieu of taxes, use of resources such as pinion juniper and biomass,

Question One Bond Money, renewable energy, and geothermal. Nine BDRs were considered by the Committee. The first is biomass energy in Nevada. The second is in response to a need for geographic information systems (GIS) and for a coordinator within the natural resources agencies to address key GIS natural resource mapping activities. Another bill draft has to do with ongoing legal challenges and issues regarding rural land use, planning, and noxious weeds, specifically as it relates to funding for cooperative weed management agencies and other weed-related programs, and the registration, titling, and administration of off-highway vehicles. There is a BDR for the establishment of a state park at Monte Cristo's Castle located in northeastern Esmeralda County. Our final BDR involves the increase of funding to Nevada for wildfire suppression efforts and range rehabilitation for those areas impacted by fire. That would be a resolution to Congress urging for that.

As you look for different topics on public lands, or if you have a question on a particular issue, you can reference it in this report. We generally summarized issues regarding the BLM, city and county public lands issues, Forest Service activities, federal land disposal and acquisition legislation, mining issues, energy development, noxious weeds and evasive species, and wildlife issues. At the end you will see the BDRs, and Committee letters and statements. The Public Lands Committee is charged with reviewing water issues. There was a specific water study this last interim in S.C.R. No. 26 of the 73rd Session, so the Committee had to deal with cross-jurisdictional issues with the two committees. We worked it out through a memorandum of understanding on which water topics S.C.R. No. 26 of the 73rd Session would cover compared to which ones the Public Lands Committee would cover. Such topics are listed in the report.

Chair Claborn:

Any questions for Mr. Stewart?

Assemblyman Goicoechea:

Do you have any idea what committee the off-road vehicles will go through?

Michael J. Stewart:

Last session it went through Transportation and may go through it again.

Assemblyman Goicoechea:

Do you know if the bill is out yet?

Michael J. Stewart:

No, it is not yet available.

Chair Claborn:

Is there anything else from the Committee? [There was none.] Any public comment? [There was none.]

[Meeting adjourned at 2:16 p.m.]

RESPECTFULLY SUBMITTED:

Sherrada Fielder
Committee Secretary

APPROVED BY:

Assemblyman Jerry D. Claborn, Chair

DATE: _____

EXHIBITS

**Committee Name: Assembly Committee on Health and Human Services /
Senate Committee on Human Resources and Education**

Date: 02/19/07

Time of Meeting: 1:30 PM

Bill	Exhibit	Witness / Agency	Description
***	A	*****	Agenda
***	B	*****	Sign-In Sheet
***	C	Don Henderson, Director, Department of Agriculture	Written Testimony
***	D	Senator Dina Titus, Clark County, Senatorial District 7	LCB Bulletin No. 07-13 – Protection of Natural Treasurers, January 2007
***	E	Senator Dean Rhoads, Rural Nevada Senatorial District	LCB Bulletin No. 07-15– Legislative Committee on Public Lands, January 2007