

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

**Seventy-Fourth Session
March 21, 2007**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Jerry D. Claborn at 1:40 p.m., on Wednesday, March 21, 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
Sherrada Fielder, Committee Secretary
Matt Mowbray, Committee Assistant



OTHERS PRESENT:

Rick Gimlin, Acting Director, State Department of Agriculture
Allen Biaggi, Director, State Department of Conservation and Natural
Resources

Chair Claborn:

[Called the meeting to order. Opened hearing on Senate Bill 47.]

Senate Bill 47: Revises certain provisions concerning the taxation of livestock and sheep. (BDR 50-623)

Rick Gimlin, Acting Director, State Department of Agriculture:

Senate Bill 47 removes a section of language in *Nevada Revised Statutes* (NRS) 575.110 that talks about the location of livestock and sheep as it relates to what we call head tax. It is a tax assessed upon all animals within the State of Nevada that helps support our Division of Livestock Identification. We are asking to remove a piece of language that says, "for the purposes of 575.080 to 575.230, inclusive, livestock and sheep subject to taxation shall be deemed to be located in the county where the owner of the livestock or sheep has his principle place of livestock or sheep business in this State." This has been interpreted by some people to say if they do not own livestock or sheep for business, rather it is more of a hobby, then they are exempt from the tax. That was never the intent. Removing this language would simply say that all people with livestock in the State of Nevada are subject to head tax.

Chair Claborn:

Is this the head tax we have on animals in the State of Nevada?

Rick Gimlin:

That is correct. The time of period the animal is in Nevada; some animals are here temporarily. For example, sheep and cattle will come in to graze for a bit, then leave. What we do is prorate the head tax.

Chair Claborn:

I understand that, but they still have to be taxed even if it is prorated?

Rick Gimlin:

That is correct.

Chair Claborn:

My problem is deciding who gets the tax. Does it go to the State, the county, or place of business? Can you clarify this? If you read the bill further it states,

"For the purposes of NRS 575.080 to 575.230, inclusive, livestock and sheep subject to taxation shall be deemed to be located in the county where the owner of the livestock or sheep has his principal place of livestock or sheep business in this State." My understanding, from what I have heard from people who own the sheep, the State collects the money and it goes to the State. It used to go to the county. Are we removing the provision just for house cleaning?

Rick Gimlin:

Years ago the county used to collect the tax on behalf of the State. In 2001, the counties indicated to the State that they were collecting the tax but got nothing out of the collection and it was costing them money. They felt the Department of Agriculture should begin collection of that tax. Over a four-year period, we moved collection of the tax from the counties to the Department of Agriculture, which received all of the tax funds. However, part of the tax collected on sheep go to Elko County to be distributed to the woolgrowers and to help fight predation of sheep. The point is that the Department collects all the taxes, the taxes then go to the Department and stay there. My understanding is that in the past, at least as long as I have been with the Department since the late 1990s, none of those taxes went to the counties, even though the counties were performing that service at no charge and it was costing them money with no reimbursement.

Assemblyman Goicoechea:

I remember when the counties collected the tax and it seems they received a portion of the tax to offset their costs. There was a five-member board consisting of the brand inspector, and four who were engaged in the industry. They would review the collections. What are the revenues for the last six years?

Rick Gimlin:

I have the average for the last three years which has been about \$148,000.

Assemblyman Goicoechea:

What is the trend?

Rick Gimlin:

The trend has been up and down for a variety of reasons such as wildfire, the number of livestock in the State at any particular time, and what kind of forage is available.

Assemblyman Goicoechea:

Do we have those numbers in our package?

Rick Gimlin:

I do not believe so. Out of curiosity, I went back three years and found the county records were incomplete. They did not have the chance to do discovery and those types of things. We have tried to go out and do more discovery relating to our brand inspection certificates. We have tried to increase identifying all livestock in the State. We hoped the trend would increase but it depends on the feed conditions in the State and livestock prices. The trend follows the amount of livestock in the State at a given time.

Assemblyman Goicoechea:

I would like to see the numbers from 1995 to 2005. I think you will see a significant decline. I know the counties did not want to do it, but they were far more effective.

Assemblyman Marvel:

Prior to 1979, there was an inventory tax imposed on livestock. After 1979, the tax was removed for all merchandise, including livestock. Prior to 1979 the county assessor could keep track of all the livestock, but when the inventory tax was removed there was no reason for the county assessor to go out and verify the numbers. There are all types of hobby animals that are subject to the tax but you are not getting it.

Assemblyman Goicoechea:

How is the State presently collecting it?

Assemblyman Marvel:

It is up to the Department of Agriculture to monitor. That is where the fees go; it is a head tax now.

Rick Gimlin:

The methodology we try to operate by is brand inspections, livestock permits, and such. We would not have to identify the hobby animals, if they are never branded. There is not a good method. We work from the records we have.

Assemblyman Marvel:

We may not capture all the animals, but could we go to the Bureau of Land Management (BLM) and the United States Department of Agriculture (USDA) Forest Service to see what is on the grazing license. However, that would not catch the people who use public lands.

Rick Gimlin:

You are right; the hobby animals are hard to catch because they are not on an inventory any place. If the counties were to take this back over for some reason, under the current law, how would they be able to pick them up?

Assemblyman Goicoechea:

The counties have a better chance of knowing because they know who has filed for agriculture deferment.

Assemblyman Marvel:

Prior to when I quit ranching, the assessors had sent out an annual list of an inventory of all your animals and equipment. That is how they came up with the personal property tax. If you declared correctly, or declared at all, that is where they picked up the numbers. I cannot remember how we transferred the disposition of the collection of the tax.

Assemblyman Goicoechea:

The county still sends out a declaration of personal property. You are supposed to list your livestock and the assessor imposes a head tax from the information received. The money then goes to the State. I thought a portion went to the county, but it might not. How is the State going to accomplish the same process?

Rick Gimlin:

At this point in time, we follow the same process as the counties. We send out a declaration, which is filled out and sent back to us. However, it is only being sent to those we know have livestock by our records, it is not sent to every citizen in the State.

Assemblyman Marvel:

Can you follow the brand book? Usually everyone who has a horse has a brand recorded.

Rick Gimlin:

Yes, we use our lifetime permits to do that, but if the hobbyist has an unbranded animal, we do not have a way to pick it up in the record.

Assemblyman Marvel:

They can not transport an animal without a brand inspection.

Rick Gimlin:

That is the key. If they transport the animal we could pick it up, but there has to be a way to initially get that animal on the record. If we are talking strictly

about hobbyist animals there has to be a health permit or brand inspection. I do not know what that population is, there has to be a way to initially get that animal on the record. Once we do, be it a health record or a brand inspection, from there we have them on file and can move forward. What we come across is a lot of backyard horse owners.

Assemblyman Goicoechea:

We are never going to get to the bottom of this. The revenue numbers are declining. The other side of it is when you talk about a backyard animal. It is going to cost 39 cents to collect the 50-cent tax. When counties did the collections, it was more effective, but was a difficult tax to collect. It is a difficult tax to collect today.

Chair Claborn:

What does this bill do? I do not understand it and I need for the Committee to understand.

Assemblyman Carpenter:

It has been a long time since I paid the tax on my sheep. The way it is collected now, a certain percentage goes to the predator control and a certain percentage goes to the Woolgrowers Association. As for cattle, I do not know. If you want to do a research project we could then find out the answers.

Chair Claborn:

We will get Jennifer, our analyst, to work with you on this and can include it in the work session next week. Would that be okay?

Rick Gimlin:

I would be pleased to work with Ms. Ruedy on this, and hopefully it will clear up some questions for the rest of the Committee and provide some historical information.

Assemblyman Goicoechea:

I am concerned that we are going to repeal a statute here without knowing how it is going to be collected. Can you show us exactly how you are collecting the head tax because we are going to repeal (NRS) 575.110?

Rick Gimlin:

That is correct. The sole intent was to remove the language that the livestock had to be located at the owner's principle place of business. It would not impact our ability to collect the tax; it would make all livestock subject to this tax.

Assemblyman Marvel:

The bill is simple, but how it is administered is what is difficult. It would be up to Mr. Gimlin to come up with regulations on how to collect the tax.

Assemblyman Goicoechea:

Are you saying it does not have to be the county the owner resides in? It is just livestock in the State of Nevada. How are you going about collecting the tax on the livestock in the State of Nevada? We are not getting an answer.

Rick Gimlin:

I would not expect the current process, or method, to change, but in working with Ms. Ruedy, I could demonstrate our current methodology so the entire Committee will know how we go about collecting the head tax at this time.

Chair Claborn:

Any more questions? [There were none.] [Closes hearing on Senate Bill 47.]

Allen Biaggi, Director, State Department of Conservation and Natural Resources:

I appreciate the opportunity to talk to you about some of the activities of Department of Conservation and Natural Resources (CNR). With me is Bob Conrad, our Public Information Officer. I appreciate the opportunity to talk to you today about the Department of Conservation and Natural Resources. One of the things you have heard today, and in previous sessions, is information from other divisions within the Department. You have heard from Conservation Districts, the Division of State Lands, and extensively from the Division of Environmental Protection, so I will not reiterate that information. What I am going to do is talk about Natural Heritage, State Parks, Wild Horse Program, and Water Resources. [Provides copy of PowerPoint Presentation ([Exhibit C](#)).]

A critical person who is with us in the Department is our Deputy Director, Kay Scherer, who has been a tremendous asset. We are very lucky to have her. The overall mission of the Department is to conserve, protect, manage, and enhance the State's natural resources for Nevada's citizens and visitors. We currently have a staff of 935 full-time and seasonal employees. For Fiscal Year (FY) 2008, our proposed budget is approximately \$110,072,786 and \$103,125,662 and for FY 2009.

I want to talk to you about Question 1 (Q1) Bond Program ([Exhibit D](#)) because it has been a successful program. The Q1 Bond was for \$200,000,000. To date, we have sold approximately \$130 million, leaving \$69 million. By any measure, this has been an extremely successful program. The pie chart states who received, county by county, Q1 funds. We have three counties that have not received funds to date – Esmeralda, Eureka, and Mineral. We are working with

those counties to receive some of the bonds so they can do good work in their counties, as well. There is a statutory limitation on how long these bonds can be sold. We are approaching the 2009 timeframe in which we have to sell the bonds. We could ahead, along with the Treasurer's Office, and sell the bonds, but we may incur arbitrage charges. Rather than incur those charges, there is likely going to be a piece of legislation presented behalf of the Department and the State Treasurer's Office to extend the bonding authority for an additional three years. This would allow us to not incur the arbitrage charges and continue the good work we feel these bonds are providing.

Assemblyman Marvel:

You cannot arbitrage. Is it not a federal prohibition?

Allen Biaggi:

No, we can incur arbitrage charges.

Assemblyman Marvel:

I thought there was a federal prohibition.

Allen Biaggi:

Not to my knowledge.

Assemblyman Marvel:

You need to check on that.

Allen Biaggi:

We will do that. It is something we have been very concerned about.

Assemblyman Marvel:

Are these tax-free bonds, too? Can they qualify as municipals?

Allen Biaggi:

I believe they are qualified as municipals.

I will now address the Division of State Parks. The administrator is David Morrow. He has two deputies, Allen Newberry and Steve Weaver. The mission of State Parks is to plan, develop, and maintain a system of parks and recreation areas for the use and enjoyment of residents and visitors; and to preserve areas of scenic, historic, and scientific significance in Nevada.

State Parks has their division headquarters located in the Richard H. Bryan Building in Carson City. There are 24 state parks plus two management units, the Dangberg Home Ranch and the Elgin Schoolhouse in Lincoln County.

We were very happy to pick up the Elgin Schoolhouse as part of our state park system. If you have not visited it, I would encourage you to do so. It is a wonderful location. We have four regional offices for State Parks in western Nevada: Carson City, Fallon, Panaca, and Las Vegas.

State Parks has 106 full-time employees and 138 seasonal positions. We have \$16 million budgeted for FY 2008 and \$14 million in FY 2009. The Lake Tahoe Visitor Center is at Sand Harbor State Park. It is a new facility, which is a beautiful building, has fantastic interpretive exhibits inside, and we will have a dedication in June.

The biggest issue for the Division of State Parks this Legislative Session is our one-shot appropriations. State Parks has suffered over the last few years with regard to replacement of vehicles and computers. A large focus of our energy has been to assist the Department with replacement of vehicles. I believe they are picking up approximately 60 new vehicles. All of them are in excess of the state budget requirements for 80,000 miles. The average for the vehicles is well over 100,000 miles. Some of their vehicles have 300,000 miles. We see this as a very significant safety issue for our employees. We want to be sure, particularly in our remote locations that they have safe vehicles to drive.

Chair Claborn:

Would any of the vehicles be assigned to the Nevada Department of Wildlife, or are they for the Department of Conservation only?

Allen Biaggi:

Those are for Conservation only. However, they will be stationed at our state parks for use only by State Parks.

We are asking for additional funding to expand our seasons of operation to include the early spring and late fall. We have heard from our constituents, advising us very strongly, they would like to have our state parks stay open longer.

We are also very please to have the Dangberg Ranch in Minden opening for limited tours April 1. The Dangberg Ranch was one of the first agriculture operations in the State. We have catalogued over 20,000 items from this historical site. When we took over the ranch it was as if people had just walked away. There were still dishes on the table, all of the clothes were there, and it is a magnificent historical operation.

We are proposing assistance for noxious weed control in state parks for invasive species. We need to come into compliance with the Safe Drinking Water Act at many of our state parks.

We have 24 state parks. Each has a distinct personality. Three of our state parks, which are the gems of our operations, one in the north at Lake Tahoe, Sand Harbor and Spooner Lake, and one in southern Nevada, the Valley of Fire have the highest number of visitors and provide the highest amount of revenues. Our new facility at Sand Harbor will be in operation in June of this year. The Valley of Fire State Park is becoming a greater hub for weddings. We anticipate that this year we will have well over 1,000 weddings conducted. It is beginning to take its toll, not only on our staff, but also on the natural resources at the park. We are looking at ways to better control weddings at the park and to work with the wedding industry in southern Nevada to be able to protect and retain the unique aspects of that facility.

Also, at Valley of Fire State Park, we have recently accomplished a mine reclamation activity of which we are very proud. In association with the Division of State Parks, the Division of Environmental Protection, and the Division of Minerals, we undertook an effort to close some mining features at Valley of Fire State Park that presented a very real life and safety impact to Off-Highway Vehicles (OHV) users. The trenches were very large and were put in a number of years ago. Individuals had been riding their vehicles too close to the trenches, and we believed it was only a matter of time before someone was seriously injured. Using the resources and expertise within the three agencies, and because an individual had a bit of a slip, we worked out a supplemental environmental project, essentially a settlement with that individual, to go to the Valley of Fire and close up those features and address those safety hazards. We are going to be doing something similar this spring and summer at the Berlin-Ichthyosaur State Park, where again there are some historic mining features that present safety hazards to our visitors and residents.

There is going to be a proposal to add a state park at Monte Cristo Castle in Tonopah and Tule Springs in the Las Vegas Valley.

Chair Claborn:

I was going to ask about that. It is going to be a good situation and good for the State.

Allen Biaggi:

They are sites with great natural values. One of our concerns is lack of funding to support the new parks. The Division of State Parks is on the edge of our

fiscal ability to support our current parks. We want to take care of what we have before we add new parks to the system.

Assemblyman Ohrenschall:

Regarding Tule Springs, it used to be way out in the country and now it is almost surrounded by development. I wondered what your views are on preserving the area to the way it was years ago.

Allen Biaggi:

You are correct. Similarly, the Floyd Lamb State Park was also way out and has become surrounded with development. We are in the process of transferring the park from state control to the City of Las Vegas. The Tule Springs State Park is a huge paleontologic resource. We are hoping that by doing a study to figure out ways to protect the area, we can preserve the natural resources there, yet to allow development on private lands that surround it, to continue and hopefully accomplish both efforts with one action.

Assemblyman Ohrenschall:

Is it Tule Springs, adjacent to the Floyd Lamb State Park that is going to the city? I thought they were the same and just went through a name change.

Allen Biaggi:

The Tule Springs paleontologic resources are not part of the state park and are managed by Bureau of Land Management (BLM). The state park, itself, is what we are transferring to the City of Las Vegas. There is a bill before this legislative session to evaluate ways to protect the Tule Springs paleontologic resources and perhaps bring it into the state park system, or develop other means of protection.

Assemblyman Ohrenschall:

What is the difference in acreages between the Floyd Lamb State Park and the Tule Springs State Park?

Allen Biaggi:

I do not know the acreage, but they are two separate areas.

Assemblyman Ohrenschall:

The Floyd Lamb State Park belongs to the city now?

Allen Biaggi:

The deadline of turnover is the end of this fiscal year. We have been working with the City of Las Vegas for the transfer and it has been going smoothly.

Assemblyman Ohrenschall:

Does the city plan to keep the rural framework the State had, or will they make it more of an urban park?

Allen Biaggi:

That has been a huge topic of discussion and has been very controversial. The transfer legislation that gave the park to city control last legislative session was intended to maintain the rural and passive recreation nature of the park so the character of the park does not change.

Assemblyman Ohrenschall:

Are there any restrictions on what the city can do or are we relying on the good will of the city in terms of maintaining the passive nature.

Allen Biaggi:

The legislation specifically mandates what the nature of the park can be and passive recreation was the implementing wording in the transfer to ensure the park retains its character. There also have been a number of public meetings with residents in the area and other interested people to ensure that the park retains its passive use.

We will move on to the Water Resources Division. The mission is to conserve, protect, manage, and enhance the State's water resources for Nevada's citizens through the appropriation and reallocation of the public waters.

Tracy Taylor is the Administrator of the Division of Water Resources, and is also the State Engineer. He was appointed to the position nine months ago. He has three deputies, Jason King, Kelvin Hickenbottom, and Bob Coache who mans the Las Vegas office. Water Resources has a main office in Carson City and branch offices in Elko, Las Vegas, and Winnemucca. Currently, the agency has 87 full-time positions and four seasonal Water Commissioner positions. For FY 2008, the budget is \$7,428,862, and \$7,374,882 for FY 2009.

Assemblyman Goicoechea:

Are we going to get that water this year? [Referring to presentation photo [\(Exhibit C\)](#).]

Allen Biaggi:

I think that is on the Owyhee River.

Assemblyman Goicoechea:

Are we going to see the river overflow?

Allen Biaggi:

I do not think so. We are not looking at that kind of year this year.

Chair Claborn:

Looks like it is wasting water to me.

Allen Biaggi:

Because the reservoir is full, it is going down the river to the Owyhee Indian reservation and to users downstream. Since you brought it up, this is a system we recently did a water-rights settlement on and we did not have to go to litigation. It is a settlement between the Shoshone-Paiute Tribe in the area and the upstream water users. I am very proud of that water settlement and Senator Reid will be doing federal legislation to enact that this Congressional session.

Assemblyman Goicoechea:

In the settlement agreement did we also take care of the issue with Idaho?

Allen Biaggi:

We are working with Idaho right now. They have some concerns with the language of the Congressional bill, but I am confident, with Senator Reid's help and working with the water users and the tribe, we will get there.

Assemblyman Goicoechea:

Now we just need to adjudicate it, right?

Allen Biaggi:

This is an adjudication.

Assemblyman Goicoechea:

It is adjudicated and we will go through a Congressional action?

Allen Biaggi:

That is correct.

Assemblyman Carpenter:

I do think it was a very good agreement. There was a letter in the Elko paper from the tribe and upstream users supporting the settlement agreement.

Allen Biaggi:

The settlement was six years in the making which seems like a long time, but when you are talking about water settlements, that is actually the blink of an eye.

Assemblyman Carpenter:

On your handout, I assume that is your current staffing. Is that for all the divisions?

Allen Biaggi:

That is for the Division of Water Resources and all of its offices.

Assemblyman Carpenter:

Are the 935 positions your entire operation?

Allen Biaggi:

That is for the entire Department.

One of the responsibilities of Water Resources that people are not aware of is statewide dam safety. The State of Nevada owns a number of dams including the high-risk South Fork Dam in Elko County. When I say high-risk, I do not mean it is about to fail or anything of that nature. We categorize our dams by the potential risk to downstream users in the event of a catastrophic failure. That is considered a high-risk dam, and one we are asking for appropriations to ensure that we can maintain the dam to the high quality it needs to be.

One of the other things we have done over the last year was to put water data on the Internet. This includes all of the water rights, all of the well logs, and all of the titles. Those are now available to the public and have been well received. It has reduced the number of people who need to come to our offices. We have over 70,000 water rights in the state, so it was a huge effort.

This Legislative Session is going to be strongly water related. The interim subcommittee for S.C.R. No. 26 of the 73rd Session recommended various legislation. In total, there are two dozen bills that deal with water issues such as penalties, domestic wells, appropriation times, timeframes for appeals, standing for protests, legislative oversight, and water conservation. Senate Concurrent Resolution 11 urges the cooperation among the State Engineer, local governments, water authorities, and districts for water data.

The biggest issue Mr. Taylor has before him is the importation project from White Pine to Lincoln Counties to Las Vegas. The proposed pipeline will remove groundwater from Spring Valley, Snake Valley, Cave Valley, Lake Valley, and Dry Lake, and import it through pipeline to Las Vegas. Mr. Taylor has held a hearing already for Spring Valley and we anticipate a ruling with regard to that valley within the next few months.

Assemblyman Carpenter:

Do you have any update on what is happening to Snake Valley?

Allen Biaggi:

For a bit of background, Mr. Carpenter references the need to enter into an agreement between Nevada and Utah on Snake Valley. That valley is bisected by the Nevada-Utah state line. Congressional legislation mandates that before any water can be pumped out of Snake Valley, there needs to be an allocation agreement between Nevada and Utah. We have been in negotiations with Utah for about a year and three months with another meeting scheduled for this April. We are working hard on coming up with an equitable arrangement for the allocation of the water. It is agreed that Nevada has a right to grow, just as Utah does, and we need to preserve the existing water rights within that valley, allow for growth within Snake Valley, and see if there is water available for transfer in the pipeline to Clark County.

Another issue in the State Engineer's office is the backlog. This slide shows the increase in applications filed. In addition to the increase in filings there is an increase in protests as well. In 2005 and 2006 we saw a 300 percent increase in protested applications, indicating the scarcity and the value of water within Nevada.

Assemblyman Goicoechea:

Can I ask a question regarding an upcoming bill now, or would you rather wait until the bill comes up?

Allen Biaggi:

We can discuss that when the bill comes up.

During the last legislative session, we received approval to add 11 new positions within the Water Resources Division. Mr. Taylor's chief focus has been on backlog reduction for the time he has been in the position. Last year, 1,049 actions were removed from the backlog, the largest reduction in ten years, which is two times more than the annual average over the previous nine years. What that means is our backlog has been substantially reduced. You can see from the graph, our trend is downward and our backlog is the lowest it has been since 1980, all of that, again, in the face of an increasing workload.

This is also shown on the Truckee River, which is heavily in question right now. There have been many deeds received and reports of conveyance filed. You can see the dramatic increasing trend of applications and deeds since 2000.

Because of the resources provided to us last session, the backlog has been reduced to the point that there is now no backlog on the Truckee River. As requests come in, we are able to address them immediately without time delays.

Chair Claborn:

What you are saying is if someone wants an allocation, there is none there?

Allen Biaggi:

No, sir, that means when the applications come in, we can address them immediately. They still have to find the water, but there is no time delay in processing their request.

Chair Claborn:

When you talk about the backup of water does that mean you have excess water or not enough water?

Allen Biaggi:

We are not talking about the backup of water; we are talking about the applications for that water.

I will now move on to the Natural Heritage Program. The mission is to maintain comprehensive information on the locations, biology and conservation status of all endangered, threatened, sensitive and at-risk species in Nevada. The Administrator is Glenn Clemmer. This is not a regulatory program. It is essentially a data-gathering and data-maintaining program. They provide information to other agencies like the Nevada Department of Transportation (NDOT) and to the private sector on sensitive species within the State of Nevada, such as the bat.

The Program has a staff of nine based in Carson City with statewide responsibility. They are getting a new weed mapping position so they can advise the private and public sectors on invasive species and weed distribution in Nevada. They are undergoing an internal reorganization to meet their mission and provide flexibility and plan for succession. The Natural Heritage Program, like all of our programs, has individuals who are approaching retirement age. Their state service is limited, so we want to be sure we are planning for the future within our agencies.

We have recently reached an agreement with Nellis Air Force Base (NAFB) on the endangered bearpoppy on their properties. It is a positive agreement between the Natural Heritage Program, the Division of Forestry, and the Department of Defense on the species in southern Nevada.

One of the benefits bats play for us is insect pervasion, especially in regard to mosquitoes. One of our staff members estimated that bats living under the Mayberry Bridge in Washoe County, in one summer, would eat the equivalent of 50,000 large pizzas. That is a lot of mosquitoes and a lot of predation on undesirable insects.

Chair Claborn:

Would that come under biodiversity?

Allen Biaggi:

Yes, it would.

Chair Claborn:

Would that also come under the wildlife action plan?

Allen Biaggi:

No, what they are doing is maintaining a database of where the sensitive species are in the State of Nevada. Entities such as NDOT go to Natural Heritage when they want to do a road project or when a utility is going to do a project and they identify clearly where those sensitive species are so they can either avoid them or mitigate them in some way.

Chair Claborn:

Is that funded from the general fund?

Allen Biaggi:

There is some general fund, but also a tremendous amount of user fees, particularly from NDOT.

The last program is the Wild Horse Program. Its mission is to sustain viable herds of wild horses on public lands throughout Nevada; and to serve as a clearinghouse for information about wild horses. This is a small program with one employee, and that is its administrator Catherine Barcomb. This program is funded exclusively from the Heil Trust. Mr. Heil bequeathed his estate to the State of Nevada for the protection and preservation of wild horses a number of years ago. That trust will be exhausted in 2010-2011 and at that time, we will need to find other arrangements for the program, or the program will sunset. One of the things my successors did was to establish the Mustang Heritage Foundation, which is a nonprofit program supported by both the Heil Trust and the Bureau of Land Management, to continue to the good work these programs are doing for the future. We hope this program will be self-sustaining, and get its own grants and funding sources to further the work of the wild horse program.

One of the things I would like to point out is through the help of the Bureau of Land Management, Nevada is at the Appropriate Management Level (AML). What this means is that we have achieved the number of wild horses in Nevada that BLM says that range can sustain. That is a huge accomplishment. One of the things that concerns us is BLM is proposing significant budget cuts for wild horse gathers over the next few years. We believe that means we will no longer be at AML and the number of wild horses will increase over time. Wild horses have a rate of increase by 15 percent to 20 percent on a yearly basis so we require constant maintenance to ensure that we maintain AML. We have written letters to our congressional delegation asking that money be restored so we can maintain AML on the range in Nevada.

Assemblyman Carpenter:

Are those cuts being recommended by the BLM or President's budget?

Allen Biaggi:

I believe they are one and the same at this point. All of the federal agencies are under pressure to cut budgets given the financial situation of the federal government and that is one of the areas selected for a cut.

Assemblyman Carpenter:

That would be a disaster for Nevada. We have been working for many years to get to the present level.

Allen Biaggi:

We agree it would be a disaster and we don't want to see the good work that has gone on for the last 10 or 15 years to go to waste.

Allen Biaggi:

The last thing I want to point out is the removal of burros from the Nevada side of Lake Mead. They had to be moved and transported by boat across Lake Mead to the Arizona side, so that they could be relocated. It was a very unique project and something you don't see very often. I think it was an interesting thing to watch.

The last slide I have to show you is charcoal ovens in White Pine County. This was crafted by Italian craftsmen many years ago. I am very proud of my heritage and the Italians who created these charcoal ovens.

Assemblyman Ohrenschall:

A few months ago in Las Vegas there were protests at the Federal Courthouse, about a wild horse roundup in the Spring Mountains. Was that the federal or state government doing the roundup?

Allen Biaggi:

One of the things I learned when I came to this job is that water, state parks, environmental protection, probably nothing generates as much passion as wild horses. That is where we see polarization in people on both sides of the issue. The State of Nevada, at least in our Department, does not round up wild horses. The Department of Agriculture does have responsibility for some horses within the Pine Nut and Virginia Range. The gather you are referring to was by the BLM in the Spring Mountains. They have established appropriate management levels for that area and they felt they needed to remove some animals off that range and it elicited a very strong response by some people in southern Nevada, as do all gathers.

Assemblyman Ohrenschall:

So the Nevada State government does not gather at all?

Allen Biaggi:

Except for the Department of Agriculture periodically in the Virginia and Pine Nut Ranges.

Chair Claborn:

You forgot to mention the 44,000 horses we have penned up between Arizona to Oklahoma, which costs us about \$3 a piece per day. We may have stopped our problem for a little while in the State of Nevada, but then we give them to someone else.

Allen Biaggi:

You are exactly right. A lot of horses are primarily being maintained by the BLM and one of the functions of the Heil Trust and the Mustang Heritage Foundation is to find homes for those animals that are currently being caged. One of the very exciting things about the Heritage Foundation is they recognize the adoption locations are not in the west in Nevada but are in the East. They are taking a marketing base approach to finding suitable homes for the wild horses.

Chair Claborn:

I saw an article on television showing people would adopt the wild horses when they had young children, but after a few years, when the children are older and lose interest, the horses are taken out and dropped off to roam in the wild again. It has really created a problem. Once the horses are adopted they should have to "marry them." We do have a problem with horses and I hope we can control it for the BLM, as well as the ranchers.

Chair Claborn:

Any questions? [There were none.] I was hoping to pass Assembly Bill 42 today, but Assemblyman Bobzien is not here and it is his bill. He is giving testimony on another one of his bills so we can put it off until next week. [Meeting adjourned at 2:46 p.m.]

RESPECTFULLY SUBMITTED:

Sherrada Fielder
Committee Secretary

APPROVED BY:

Assemblyman Jerry D. Claborn, Chair

DATE: _____

EXHIBITS

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

Date: March 21, 2007

Time of Meeting: 1:30 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Sign-In Sheet
	C	Allen Biaggi, Director, State Department of Conservation and Natural Resources	PowerPoint Presentation: Department of Conservation and Natural Resources Overview
	D	Allen Biaggi, Director, State Department of Conservation and Natural Resources	Question 1 Summary-Statistics Report