

**MINUTES OF THE
SENATE COMMITTEE ON NATURAL RESOURCES**

**Seventy-fourth Session
May 14, 2007**

The Senate Committee on Natural Resources was called to order by Chair Dean A. Rhoads at 3:30 p.m. on Monday, May 14, 2007, in Room 2144 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Dean A. Rhoads, Chair
Senator Mike McGinness, Vice Chair
Senator Mark E. Amodei
Senator Joseph J. Heck
Senator Bob Coffin
Senator Michael A. Schneider
Senator Maggie Carlton

GUEST LEGISLATORS PRESENT:

Assemblywoman Sheila Leslie, Assembly District No. 27

STAFF MEMBERS PRESENT:

Susan E. Scholley, Committee Policy Analyst
Randy Stephenson, Committee Counsel
Shirley Parks, Committee Secretary

OTHERS PRESENT:

Leo Drozdoff, P.E., Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources
Colleen Cripps, Ph.D., Deputy Administrator, Air and Waste Programs, Division of Environmental Protection, State Department of Conservation and Natural Resources
D. Roger Bremner, Administrator, Division of Industrial Relations, Department of Business and Industry
Kyle Davis, Nevada Conservation League

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Joseph (Joe) Johnson, Toiyabe Chapter Sierra Club
Russell A. Fields, Nevada Mining Association

CHAIR RHOADS:

We will open the work session on Assembly Bill (A.B.) 115. I will enter for the record a letter from Barrick Gold Corporation ([Exhibit C](#)).

ASSEMBLY BILL 115 (1st Reprint): Enacts provisions governing mines.
(BDR 46-858)

LEO DROZDOFF, P.E. (Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources):

The Division of Environmental Protection, State Department of Conservation and Natural Resources, supports A.B. 115. We worked extensively with Assemblywoman Sheila Leslie. There are two basic components to the bill. The first component instructs the Division of Mine Safety and Training to develop regulations regarding worker safety.

The second component, as it pertains to Division of Environmental Protection (DEP), directs the agency to develop regulations to collect fees which will result in two additional inspectors at mine sites for a greater field presence.

CHAIR RHOADS:

How are they being funded?

MR. DROZDOFF:

This will be funded through fees on the mining industry.

COLLEEN CRIPPS, PH.D. (Deputy Administrator, Air and Waste Programs, Division of Environmental Protection, State Department of Conservation and Natural Resources):

The fees we are referring to will support two staff, and the fees were agreed to by the mining industry.

SENATOR MCGINNESS:

There is an issue of the bill that I need clarified. It is section 1, subsection 1, paragraph (g). To what does the statement, "Any national consensus standard" refer?

MR. DROZDOFF:

Section 1 pertains to the Division of Mine Safety and Training, and this is their portion of the bill. They have a representative here who can answer your question.

D. ROGER BREMNER (Administrator, Division of Industrial Relations, State Department of Business and Industry):

Basically, A.B. 115 gives us broad latitude to update our regulations. There are many sources to consider when adopting regulations. We can decide which of these items should be regarded as necessary to include in our updated mining safety regulations. It is not a direct answer to your question, but this is what the bill will provide.

SENATOR MCGINNESS:

If you adopt these regulations, will you go through a public education process?

CHAIR RHOADS:

In today's world, is there good enough technology to really get an accurate measurement of mercury? Our experience in these last months leads us to question the reliability of the equipment.

MR. BREMNER:

I am not a qualified industrial hygienist, but I believe the technology is good. It is my understanding that sometimes weather conditions such as temperature and humidity can effect mercury measurement. I do not have the answers to your questions, but I will get back to you when I do.

CHAIR RHOADS:

Does everyone use the same type of equipment to measure mercury? There are several different proposals available to us right now.

DR. CRIPPS:

There are differences between how the agencies are monitoring whether we are monitoring emissions or ambient air. There are varied pieces of equipment designed for this.

KYLE DAVIS (Nevada Conservation League):

We are pleased with the outcome of A.B. 115. We represented one of the environmental groups that was involved with negotiations on the bill. We are in support of the bill. It is a good step forward in monitoring mercury pollutants.

SENATOR COFFIN:

I read a news story this weekend about mercury, "Testing has found three forms of mercury exiting five Nevada mines." Is there any new ground with mercury monitoring?

MR. DAVIS:

In terms of that news story, I do not have an answer. In terms of the overall issue, to some degree, we are still in a data gathering process. We are learning the scope of the problem. This is why we are in support of the bill. It will provide the opportunity to have more data.

JOSEPH (JOE) JOHNSON (Toiyabe Chapter Sierra Club):

We are supportive of A.B. 115. We believe it is a good start. Earlier in life I was a geologist. I requested mercury analysis and tested thousands of samples, both in the ambient air, rock and soil. There are many methods of analysis and some are ultra sensitive.

From a health standpoint, I am not qualified to comment on the issue. In general, the speciation of mercury vapor is important. This is in part what will be established in the overall program as it is laid out in the bill.

RUSSELL FIELDS (Nevada Mining Association):

The bill achieves its purpose. We are here in support of A.B. 115. We have worked hard to understand the issues. The bill will move us forward in several important areas. One is the regard for the health and safety of the workers in the mines. Another area of importance, we can provide greater confidence to the public that the mines are inspected, investigated and well-regulated.

CHAIR RHOADS:

If there were no mines in Nevada, and you were able to measure it, would you still find mercury?

MR. FIELDS:

Absolutely, there would be significant measurements of mercury present. Nevada is in a mercury belt that actually circles the globe. Gold deposits are a major reason we have the large mercury deposits.

ASSEMBLYWOMAN SHEILA LESLIE (Assembly District No. 27):

The mining industry has cooperated with us. So many different conservation organizations, the DEP and the Governor's Office have worked very well together to bring this bill before you. The bill will do so much to protect our citizens; both the workers in the mining industry and the public at large. There are safety concerns about the consumption of fish in rural Nevada. We are unable to eat fresh fish from our lakes and rivers because of mercury pollutants. Assembly Bill 115 will make a difference. It is a good bill.

CHAIR RHOADS:

The hearing is closed on A.B. 115. We will begin the work session with A.B. 13.

ASSEMBLY BILL 13 (1st Reprint): Revises provisions governing the use of watercraft. (BDR 43-144)

SUSAN E. SCHOLLEY (Committee Policy Analyst):

The bill increases the age at which a person must wear a personal flotation device from less than 12 years of age to less than 13 years of age. It raises the age level by one year. The bill also establishes safety requirements for businesses that rent aquatic devices. It asks that each person operating the device to document their name and age. Other details are in the summary.

SENATOR HECK:

While I support all the safety aspects of A.B. 13, I think there are far too many requirements on the owners of a business. They will now have to track all this rental documentation. For this reason I will vote no on the bill.

SENATOR CARLTON:

I have some thoughts about this bill. This is a little different approach on the issue. Renters of the devices are treated differently than those who own them. Safety should be for all users of these devices. I would support the bill in its original form.

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SENATOR CARLTON MOVED TO RETURN A.B. 13 TO ITS ORIGINAL FORMAT.

THE MOTION FAILED FOR LACK OF A SECOND.

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CHAIR RHOADS:

Are there any other comments from the Committee?

SENATOR MCGINNESS MOVED TO DO PASS A.B. 13.

SENATOR SCHNEIDER SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS CARLTON AND HECK VOTED NO.)

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CHAIR RHOADS:

We will open the hearing on A.B. 67 which authorizes the State Department of Conservation and Natural Resources to collect money from sales of emission credits or allocations.

ASSEMBLY BILL 67 (1st Reprint): Revises provisions governing the control of air pollution. (BDR 40-568)

Ms. SCHOLLEY:

In its first reprint, A.B. 67 authorizes the State Department of Conservation and Natural Resources to collect money from the sale of emission credits or allocations providing deposit of this money into the account for management of air quality in the State General Fund. There are other provisions in the bill summary to consider. There were clarifying amendments proposed at the hearing. They were worked out by the Division of Environmental Protection and other interested parties.

CHAIR RHOADS:

Committee, is there any discussion?

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SENATOR AMODEI MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 67.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:
We will open the hearing on A.B. 217.

ASSEMBLY BILL 217: Revises the membership of the State Environmental Commission. (BDR 40-1196)

Ms. SCHOLLEY:
This bill asks the Governor to appoint one member of the State Environmental Commission who would have experience and expertise in advocating issues relating to conservation.

SENATOR HECK MOVED TO DO PASS A.B. 217.

SENATOR AMODEI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:
We will open the hearing on A.B. 573. This bill is about wildlife one-day fishing permits and expansion of requirements for hunting permits.

ASSEMBLY BILL 573 (1st Reprint): Revises certain provisions governing wildlife. (BDR 45-1413)

Ms. SCHOLLEY:
The bill authorizes the Department of Wildlife to issue one-day group fishing permits and to establish fees for such permits. The bill also expands the requirements for hunting licenses or permits.

SENATOR COFFIN MOVED TO DO PASS A.B. 573.

SENATOR MCGINNESS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:

We will open the hearing on Assembly Joint Resolution (A.J.R.) 7.

ASSEMBLY JOINT RESOLUTION 7 (1st Reprint): Urges the Secretary of the Interior to fully fund the interagency airtanker base programs for wildland fire suppression in Battle Mountain, Minden and Stead. (BDR R-290)

Ms. SCHOLLEY:

Assembly Joint Resolution 7 urges the U.S. Secretary of the Interior to fully fund the interagency airtanker base programs.

SENATOR COFFIN MOVED TO DO PASS A.J.R. 7.

SENATOR MCGINNESS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:

We will open the hearing on A.J.R. 9.

ASSEMBLY JOINT RESOLUTION 9: Urges Congress to allow certain proceeds from the Southern Nevada Public Land Management Act to be used for Nevada's state parks. (BDR R-693)

Ms. SCHOLLEY:

Assembly Joint Resolution 9 urges Congress to allow certain proceeds from the Southern Nevada Public Land Management Act to be used for Nevada's

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State Parks. There is a mock-up proposed amendment to this bill ([Exhibit D](#)) to exclude the specific names of various parks which would benefit from this bill.

SENATOR McGINNESS MOVED TO AMEND AND DO PASS AS AMENDED A.J.R. 9.

SENATOR SCHNEIDER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:

There being no further business to come before the Senate Committee on Natural Resources today, we will adjourn at 4:01 p.m.

RESPECTFULLY SUBMITTED:

Shirley Parks,
Committee Secretary

APPROVED BY:

Senator Dean A. Rhoads, Chair

DATE: _____