MINUTES OF THE
SENATE COMMITTEE ON NATURAL RESOURCES

Seventy-fourth Session
March 12, 2007

The Senate Committee on Natural Resources was called to order by Vice Chair Mike McGinness at 3:30 p.m. on Monday, March 12, 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 Mike McGinness, Vice Chair
Senator Mark E. Amodei
Senator Joseph J. Heck
Senator Bob Coffin
Senator Michael A. Schneider
Senator Maggie Carlton

COMMITTEE MEMBERS ABSENT:

Senator Dean A. Rhoads, Chair (Excused)

STAFF MEMBERS PRESENT:

Susan Scholley, Committee Policy Analyst
Randy Stephenson, Committee Counsel
Ardyss Johns, Committee Secretary

OTHERS PRESENT:

Zach Hymanson, Executive Director, Tahoe Science Consortium
Julie W. Regan, APR, Chief, Communications and Customer Service, Tahoe Regional Planning Agency
Allen Biaggi, Director, State Department of Conservation and Natural Resources
Pamela B. Wilcox, Administrator and State Land Registrar, Division of State Lands, State Department of Conservation and Natural Resources
Rick Gimlin, Acting Director, State Department of Agriculture
Roger Works, State Department of Agriculture

Steve Robinson, Deputy Chief of Staff/Legislative Director, Office of the Governor

VICE CHAIR MCGINNESS:
We have four bill draft requests (BDRs) to introduce. We will do one after another starting with BDR R-204.

BILL DRAFT REQUEST R-204: Urges cooperation among the State Engineer and certain local governments, water authorities and districts concerning issues relating to water resources in this State. (Later introduced as Senate Concurrent Resolution 11.)

SENATOR COFFIN MOVED TO INTRODUCE BDR R-204.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS RHOADS, AMODEI AND SCHNEIDER WERE ABSENT FOR THE VOTE.)

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BILL DRAFT REQUEST 48-206: Makes various changes to provisions governing the State Engineer. (Later introduced as Senate Bill 274.)

SENATOR COFFIN MOVED TO INTRODUCE BDR 48-206.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS RHOADS, AMODEI AND SCHNEIDER WERE ABSENT FOR THE VOTE.)

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BILL DRAFT REQUEST 30-207: Makes various changes relating to water. (Later introduced as Senate Bill 276.)

SENATOR COFFIN MOVED TO INTRODUCE BDR 30-207.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS RHOADS, AMODEI AND SCHNEIDER WERE ABSENT FOR THE VOTE.)

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BILL DRAFT REQUEST 48-208: Makes various changes relating to underground water. (Later introduced as Senate Bill 275.)

SENATOR HECK MOVED TO INTRODUCE BDR 48-208.

SENATOR COFFIN SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS RHOADS, AMODEI AND SCHNEIDER WERE ABSENT FOR THE VOTE.

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VICE CHAIR MCGINNESS:
We will open the hearing on Senate Concurrent Resolution (S.C.R.) 3.

SENATE CONCURRENT RESOLUTION 3: Expresses support for the Tahoe Science Consortium. (BDR R-251)

ZACH HYMANSON (Executive Director, Tahoe Science Consortium):
The Tahoe Science Consortium was formed through a Memorandum of Understanding in August 2005. It is a partnership among the Desert Research Institute (DRI), the University of Nevada, Reno (UNR), University of California, Davis (UCD) the U.S. Geological Survey, the U.S. Forest Service and Sierra Nevada College. Funding for the Consortium comes from the Southern Nevada Public Lands Management Act (SNPLMA) grants. Our total annual funding is between $250,000 and $285,000.

The primary objective of the Consortium is to provide environmental managers and decision makers with comprehensive and well-synthesized scientific findings drawn from research, monitoring and modeling. The Consortium was established to strengthen and maintain pathways of communication and collaboration with the agencies and organizations that need scientific information to support the development of sound decisions and management strategies for the Lake Tahoe Basin.

Over the last year, the Consortium has developed a strong working relationship with the management agencies concerned about the welfare of the Lake Tahoe Basin. With regard to Nevada, this includes the State Department of Conservation and Natural Resources, the Nevada Department of Transportation and the Tahoe Regional Planning Agency (TRPA). These resource-management agencies and their California counterparts have established the means for ongoing interaction and communication with the Consortium.

The Consortium is now fully operational. In addition to having an executive director, we have established our infrastructure, including an executive committee and a committee of scientists. We also have developed a consortium charter. Our headquarters are collocated with UCD, UNR and DRI research facilities at the new Tahoe Center for Environmental Sciences on the Sierra Nevada College campus in Incline Village.

Since its formation, the Consortium has focused its efforts on three activities. The first of those is development and implementation of an independent peer-review process. The science practice of independent peer review is essential to maximizing the credibility and cost-effectiveness of the science that does occur in the Lake Tahoe Basin. The Consortium is administering an independent technical peer review of proposals for new scientific work received in response to the Request for Proposal developed for disbursement of the SNPLMA Round 7 science funding. We are also responding to individual requests from agencies for the peer review of technical documents.

MR. HYMANSON:
Our second major activity is development of a comprehensive science plan for the Lake Tahoe Basin. This plan will help to guide future science investments that are intended to obtain the kinds of information resource managers and decision makers need. The science plan is already being used to help in the formation of a science element that will be part of the new Lake Tahoe Environmental Improvement Program. Elements of the science plan are also being used to guide development of science needs for inclusion in the SNPLMA Round 8 project package, now being developed by the federal agencies.

Our third activity is to provide technical consultation and input at the request of resource management agencies. This is an ongoing activity. Examples of the kinds of activities Consortium members are involved in include scientific work resulting in technical information and models that will be used in the

development of the Lake Tahoe total maximum daily load regulatory approach. We also provide technical input into the development of an adaptive management system for the Lake Tahoe Basin. In addition, we do a review of the SNPLMA Round 8 capital projects to evaluate proposed monitoring efforts and to identify opportunities to increase the information gained through project implementation.

That gives you a brief overview of the Consortium, how it is organized and some of its major activities.

JULIE W. REGAN, APR (Chief, Communications and Customer Service, Tahoe Regional Planning Agency):
I have a brief statement in support of S.C.R. 3. Since the establishment of the TRPA in 1969, Lake Tahoe's institutional framework has evolved from an emphasis on planning and regulation to opportunities for highly collaborative and scientifically informed management. Lake clarity and other restoration efforts are primary goals of the Tahoe Basin's current management and regulatory strategies. The Environmental Improvement Program is a key component of our efforts to preserve Lake Tahoe for future generations, and science plays a crucial role here.

The management and regulatory agencies in the Basin have expressed a desire to utilize the concept of adaptive management and continuous improvement. The relationship between the TRPA and the Tahoe Science Consortium is critical to the success of adaptive management in the Lake Tahoe Basin. The Science Consortium will help support timely scientific inquiries, data gathering and management and broad-based public involvement in interpretation of monitoring and experimentation.

Specifically, the Tahoe Science Consortium will benefit the TRPA and other land, resource and management agencies by promoting scientific collaboration and partnerships with management agencies and research institutions in order to develop and implement effective environmental policies. It ensures the TRPA's desire for continual advancements in utilizing credible scientific information to guide regulatory and land-use decisions while relying on the scientific community to identify areas of uncertainty and to help develop strategies to reduce these uncertainties. The Consortium will also provide a formalized structure to ensure scientific accountability for regional, federal, state and local agencies for resources used to support restoration at

Lake Tahoe. The Science Consortium is also expected to help us better track performance and progress toward meeting environmental-threshold goals. Projects will have independent scientific review and the Consortium will offer new opportunities for synergistic research which, in turn, has greater yields for management agencies. Increases in authorship on journal papers are also expected to enhance the credibility of the research conducted in the Basin.

This year, as we update the TRPA's 20-year regional plan, using the best available science is more important than ever. The Tahoe Science Consortium is important to our collective future to serve as stewards of the ever fragile Lake Tahoe Basin and we respectfully ask for your support.

SENATOR COFFIN:
Do you have information about the formation and depth of Lake Tahoe?

MR. HYMANSON:
There is a unification of the conceptual understanding of how the Lake formed, its current depth, the geologic activity that was instrumental in its formation and what the current situation is in terms of geologic faults and such. There are approximately 500 meters of water and 500 meters of sediment below the water. One of the secrets we are anxious to get to, is to drill into that sediment and really look into the history of the Lake from that perspective.

SENATOR COFFIN:
What about the trees that grew below the current waterline? How old are they and what do they tell us about the age of the Lake? Can we tell if there was a long drought and that is why those trees grew there, or did they grow and were submerged by some geologic event?

MR. HYMANSON:
I do not know that specific information, but my understanding is that they were growing at a time when the lake level was lower. There was volcanic activity at the north end that allowed the lake level to rise and submerge those trees.

MS. REGAN:
If the Committee has not had the opportunity to go to the Tahoe Center for Environmental Sciences, there is fantastic exhibit that requires the use of three-dimensional (3-D) glasses. It allows you to explore the lake bed and see all the seismic activity that might have occurred over time. It is a worthwhile

couple of hours. It is located on the campus of the Sierra Nevada College in Incline Village.

ALLEN BIAGGI (Director, State Department of Conservation and Natural Resources):
The State Department of Conservation and Natural Resources was a signatory to the Memorandum of Understanding that established the Consortium in August 2005. The Consortium brings to bear in an integrated and consolidated fashion, the best and the brightest minds of both Nevada and California learning institutions and transfers the research that they determine to sound decision making within the Lake Tahoe Basin. This is all done with the goal of protecting and conserving the fragile environment of the Lake Tahoe Basin. As the director of Nevada's resource management agency, and as a member of the Tahoe Regional Planning Agency's governing board, I strongly support the passage of S.C.R. 3.

PAMELA B. WILCOX (Administrator and State Land Registrar, Division of State Lands, State Department of Conservation and Natural Resources):
I have given you a written statement (Exhibit C). It is critical to our programs to make sure we always have the best science and know we are putting our dollars on the ground as effectively as possible. For many years, scientists and management agencies have tried to work together, but those of you who have worked with scientists, trying to coordinate their work is very much like the proverbial herding of cats. Mr. Hymanson has done a good job of bringing those different scientific voices together and providing a focal point whereby we can all go back and forth with one another about the work we are doing and our research needs.

VICE CHAIR MCGINNESS:
We will close the hearing on S.C.R. 3 and hear an overview of the State Department of Agriculture.

RICK GIMLIN (Acting Director, State Department of Agriculture):
I have given each of you a paper copy of the slides I will be showing today (Exhibit D, original is on file in the Research Library). The mission of the State Department of Agriculture is to benefit the welfare of all the persons residing in the State by encouraging the advancement and protection of Nevada's agriculture-related industries. Our Department has a statutory responsibility to protect the public and the food chain. Currently, our 46-year-old facility has no

capacity to respond to additional types of zoonotic diseases, and laboratory space is not available to lease. Our agency needs certain infrastructure to meet its mission. Accreditation is required from the National Animal Health Laboratory Network and the American Association of Veterinary Laboratory Diagnosticians to handle diagnostic specimens and isolated pathogens safely. International Organization for Standardization certification cannot be obtained for any laboratory in the existing Reno complex.

There are some life safety-code violations that need to be addressed. Some of these include egress, which is obstructed with active files and laboratory equipment due to space limitation and overcrowding. Also, the electrical systems do not meet modern laboratory equipment grounding requirements. In many cases, we have had to install new circuits when we buy a new piece of equipment.

The 1997, 2003 and 2005 Legislatures have funded Project 05-P09 and construction documents are nearly completed. The existing facility has exceeded it useful life. In fiscal year 2008, the Department will pay almost $250,000 a year in lease costs.

Our statutory authority comes from the *Nevada Revised Statutes* (NRS) 561. We administer NRS Titles 49, 50 and parts of Title 51. We have 6 divisions, Plant Industry being the largest with 38 full-time employees. Measurement Standards follows with 21 full-time employees. Administration employs 15. Wildlife Services has 12 full-time State, and 21 federal employees. Animal Health has 10, and Livestock Inspection has 4 full-time employees. We have a total of 100 full-time staff, 110 deputy brand inspectors located statewide and up to 40 seasonal staff, depending on the time of year.

Our main office is in Reno with branch locations in Sparks, Carson City, Las Vegas, Elko and Winnemucca. In the 2007-2009 *Executive Budget*, we have 12 budget accounts. We are worth approximately $32 million over the biennium. The General Fund accounts for 27 percent of our funds while federal funds account for 21 percent, and fees and other sources make up the balance of approximately 52 percent. Additionally, we have 8 other nonexecutive budget accounts that total about $2 million.

Our Division of Plant Industry provides a wide variety of services and programs. We have laboratories that analyze and identify pesticides, fertilizers and

antifreezes. Our entomology lab identifies arthropods. Plant pathology identifies plant diseases and various nematodes and our seed lab looks at purity and germination. The Division of Plant Industry also has a nursery licensing program and pest-control operator licensing program. Under our nursery licensing program, there were 1,186 nurseries and landscapers licensed, and 1,224 inspections were conducted. Some of our inspection items include quality, pest prevention and may involve quarantine of some stock. Our pest control operator licensing program licensed 422 companies that employ 1,293 individuals. That program seeks to ensure the safe commercial use of pesticides.

MR. GIMLIN:
We enforce quarantines as stated in NRS 554. Some of the pests are shown in the middle picture on page 2, Exhibit D. There is the Japanese beetle, the Colorado potato beetle and the African honey bee. We also perform organic certification and producer certification. In terms of organic certification, there are 29 organic producers and handlers who must conform to the U.S. Department of Agriculture (USDA) national standards, such as no use of synthetic pesticides. They also must meet detailed record-keeping requirements. In terms of producer certification, we have 29 certified Nevada producers and if they sell it, they grow it. They must meet Nevada's farmers' markets requirements.

Some of the other services provided by the Division of Plant Industry include seed certification, seed labeling standards and vital sanitary certification, which enables export of agricultural products to other countries. We do inspection of onions and potatoes as they are sent out of the fields and also when they are received. We also register antifreeze and fertilizers.

Under pesticide enforcement, we have a wide variety of duties. We investigate pesticide use, sale and production and do marketplace inspections. We certify applicators. In terms of registration, 9,629 products were registered as of December 31, 2006. That helps provide some of the funding for groundwater monitoring and the pesticide disposal program. With assistance from both state and federal agencies that overlook environmental protection, we also conduct groundwater monitoring and worker-protection programs.

One of our more widely known pests in Nevada is the infamous Mormon cricket shown on page 3 of your handout, Exhibit D. The map on that same page

shows the areas of infestation and gives the number of acres involved. There is a variety of treatments we use to try to control Mormon crickets. Last year, Dimilin was applied aerially to 361,000 acres. It is an effective method and acts as a growth regulator. We also used carbaryl as an aerial bait over 18,500 acres, which is another tool used to try to control that pest. In terms of ground bait, we applied 82.5 tons. Ground baiting is used when aerial baiting is not an option. We also issued $100,000 in reimbursements to qualified landowners. There is a specific criterion to follow, and qualified landowners can receive 66-percent reimbursement of professional application costs. Page 4 of your handout, Exhibit D, shows photos of some of our proposed treatment areas. The lower-left photo shows a horde of crickets, and the one on the right shows aerial application of Dimilin.

Some of our current surveys in the Division of Plant Industry include imported fire ants, gypsy moths, Japanese beetles and emerald ash borers, shown on page 4 of your handout, Exhibit D. It is very important to do what we can to keep pests out of the State. As we have seen in other states, once pests are established, the cost of managing them rarely diminishes.

The Division of Plant Industry also contains our noxious weed program. On the regulatory side last year, five abatement actions were taken and four of those owners complied. We performed one abatement action and a lien was placed upon the property. Three other abatement actions are pending verification this spring. In terms of biological control, we received a $40,000 USDA grant last year, allowing us to release 4 insect agents at 11 sites. Those funds also provided supplies for various noxious weed groups.

MR. GIMLIN:
We have received a variety of funding sources. The U.S. Forest Service provided $125,000 last year to 18 weed groups. During the 2005 Legislative Session, the Legislature provided us with $100,000 in State funding for abatements. Additional funding is provided from pesticide registration fees with $10 of the $100 fee coming directly to this program. The Nevada Department of Transportation, UNR and the Pyramid Lake Paiute Tribe also provided funding for this program, and additional funding came from the Division of Forestry, State Department of Conservation and Natural Resources for control and restoration projects. We have 31 cooperative weed-management associations with at least one in every county. This has been a great success story for this

State. We have 18 producers of weed-free forage certification who certified 3,025 acres last year.

Our Division of Livestock Identification protects livestock owners from theft or loss of animals by inspecting livestock for evidence of brands or marks of ownership prior to sale, slaughter or leaving the State. As mentioned previously, our brand inspectors are located statewide, and serve the industry when called upon to do so. The division also enforces livestock laws and records all livestock brands. Every four years, all brands in the State are rerecorded and must be recorded again before 2008. The Division returns stray livestock, also known as estrays, and it licenses livestock dealers. It also licenses livestock auctions and works closely with large events, such as the National Finals Rodeo.

The photo on the left at the bottom of page 5, Exhibit D, shows a brand that was altered. As a result, the manager of the ranch was sentenced and ordered to pay a fine. These are some of the problems we run into with livestock in this State. Our Agriculture Enforcement Unit (AEU) was created in 2001 by the expansion of the NRS 289.290 to include Titles 49, 50 and chapters in Title 51. The AEU seeks to protect the people of the State and its agriculture industry and food supply from the illegal or unintentional importation of plant and animal diseases, pests, noxious weeds, theft of livestock and unfair agricultural business practices. It does this by performing administrative stops and inspections of vehicles carrying agricultural products, commodities or livestock. Officers of the AEU also work with the Nevada Highway Patrol (NHP) at truck-check sites, and perform wholesale and retail nursery stock and pesticide inspections.

MR. GIMLIN:
In the late 1990s, southern Nevada and the Reno-Sparks area were experiencing tremendous growth. This provided a huge market for plants and nursery stock. Without any enforcement, these areas became a dumping ground for infested or infected, substandard plants thus threatening the large investment in landscaping by resorts and private individuals. We do not want Nevada to be a dumping ground. Nevada elected not to bear the cost of building, equipping and staffing permanent ports of entry on a 24-hour, 7-days-a-week basis. Therefore, the AEU acts as mobile ports of entry inspection stations for agriculture products, commodities and livestock. It works with the NHP at check sites to maximize resources. The staff investigates cases and is also responsible

for follow-up and related paperwork. The picture at the top of page 7 of your handout, Exhibit D, shows one of our AEU officers inspecting a load of plants from Texas. He is in what appears to be a 40-foot container truck. Can you imagine inspecting a full semitrailer load of plant material in Las Vegas, in the middle of summer? It can be a very daunting task.

Our Nevada Wildlife Services Program is known under several names in Nevada, including the Predatory Animal and Rodent Control and several years ago, was known as Animal Damage Control. When we talk about Nevada Wildlife Services, we are referring to the Department's Division of Resource Protection and the USDA collectively forming the Nevada Wildlife Services Program. The Wildlife Services' mission is to provide leadership in managing problems caused by wildlife and to protect Nevada's agricultural, industrial, private and natural resources. It safeguards public health and safety through cooperative assistance in the control and prevention of damages and diseases caused or vectored by wildlife. Wildlife Services helps people with wildlife conflicts through a variety of means, including simple resources such as publications and loaning of traps, to more complex solutions of providing ongoing on-site services.

Wildlife Services activities include the protection of Nevada's livestock and poultry from predators such as coyotes and mountain lions. Wildlife Services partners with five of Nevada's grazing boards to cooperatively fund efforts to protect livestock in Nevada. It also partners with the Department of Wildlife (DOW) to implement the DOW's predation management plan as approved by the Wildlife Commission. Six projects are currently underway to protect Nevada's natural resources, such as mule deer and bighorn sheep.

MR. GIMLIN:
As Canada geese and other bird populations continue to increase in Nevada, Wildlife Services cooperates with airports to help manage wildlife hazards to aircraft. Also, as Nevada's human population continues to grow, Wildlife Services cooperates with companies, corporations, and individuals to manage urban wildlife damage. From skunks under the house to ducks in the swimming pool, Wildlife Services helps with urban wildlife biologists in Reno and Las Vegas. Also, since we get our hands on a lot of wildlife, Wildlife Services cooperates with the Centers for Disease Control and Prevention and Washoe County District Health Department to collect wildlife samples for disease monitoring. For example, over $200,000 of federal monies came to Nevada in

2006 to collect and test over 2,500 samples for avian influenza. This is the largest sampling effort ever undertaken to test wildlife for a zoonotic disease.

The Wildlife Services State office is in Reno with a district office in Ely and field offices in Elko and Las Vegas. Three aircraft and crew are maintained in Winnemucca, Elko and Ely. The photo at the top of page 9 of your handout, Exhibit D, shows the 33 employees in the program. The picture below that shows some of the predators in the State, such as mountain lions, coyotes and ravens. It also shows some of the wildlife we protect, such as bighorn sheep, mule deer and antelope.

Another department within the State Department of Agriculture is the Division of Measurement Standards. It is made up of two bureaus, the Bureau of Weights and Measures and the Bureau of Petroleum Technology. The Bureau of Weights and Measures enforces NRS 581, 582 and 590. The mission is to ensure there is equity in the marketplace. Through inspection and test, the Bureau of Weights and Measures ensures that commercial weighing and measuring devices are accurate and the transaction between business and consumer is accurate. Common devices tested include gas pumps, grocery store scales, propane meters and truck scales. There are 13 inspectors who test 34,000 commercial devices using a variety of equipment. The Weights Bureau maintains a metrology lab that sets the standards for mass and volume for the State. The lab certifies these standards for commercial use and for private industries that require standards that are traceable to the national standards. The lab certifies weights from 1 milligram to 2,500 pounds and certifies volume from 1 milliliter to 1,000 gallons. Public weighmasters are licensed through the Division and repair companies known as Registered Service Agents are registered. The Weights Bureau has other consumer-protection programs such as package inspection and price verification.

MR. GIMLIN:
Our fuels program oversees the operation of two petroleum laboratories, one in Sparks and one in Las Vegas. Our facilities analyze all petroleum product samples collected by field staff for compliance with quality standards established in the *Nevada Administrative Code* (NAC) 590. State standards are generally those established by the American Society for Testing and Materials. Samples are collected weekly by all petroleum standards inspectors and delivered to the laboratory chemist. Each inspector routinely collects samples each week. Products not meeting State specifications must be corrected

immediately or they will be placed off sale until corrections are made and verified by laboratory analysis.

The Bureau of Petroleum Technology's laboratory analyzes in excess of 4,000 samples a year. Currently, the laboratory is performing approximately 18,000 analyses on those 4,000 samples a year. Violation rates are approximately 4.4 percent. The program made additions to NAC 590 that established specifications for alternative fuels as approved by the Division of Environmental Protection in NAC 486A.015, including hydrogen, methanol, ethanol and biodiesel. The program is now developing methods for testing the new standards.

ROGER WORKS (State Department of Agriculture):
The work we do in our division tends to be very complex. Most of what we do is broken down into two categories. One is program diseases and the other is surveillance diseases. Program disease would probably be best thought of as those diseases having a regulatory component. Typically, these are diseases of economic importance to the livestock industry. Consequently, regulation of program diseases is essential to the industry. Diseases such as brucellosis and tuberculosis also have a strong public-health component. Some of the other program diseases are probably more specific to animals themselves, such as scrapie and trichomonas. As was mentioned earlier, our laboratory is part of the National Animal Health Laboratory Network. In addition to serving our State, we are also part of a national surge capacity when it comes to food protection and treating diseases of severe economic importance; foot and mouth disease or swine fever, for instance.

MR. GIMLIN:
Surveillance diseases are diseases of public-health concern. You may be familiar with Johne's disease, which has been implicated as having a possible component in the human's Crohn's disease. Chronic wasting disease and bovine spongiform encephalopathy are both transmissible spongiform encephalopathies that we have concern about being passed on to humans. West Nile virus is just one sampling in which we take part, but is one we see very readily in our newspapers in the summer. Avian influenza is a pathogenic strain of H5N1 that we have been carefully monitoring globally because of the sheer concern for human pandemic flu. It is just one of many avian influenza viruses we track in our surveillance work. Rabies is one of the oldest public-health diseases. We are proud to have a capability to rule in, or rule out, rabies within 24 hours at our

laboratory. In addition, we are certified for things like anthrax. However, there are other diseases of public-health concern, such as plague, for which we do not have the facilities to handle safely. Additionally, we work with wildlife/livestock interface. With things like bighorn sheep and commercial sheep grazing, there are diseases of interest that could affect them both. Hopefully, we are helping to develop better management tools for the use of public lands.

I was asked to briefly talk about the National Animal Identification System (NAIS). This is a USDA program that was initiated a few years back and was highlighted by international diseases of interest, like foot and mouth disease or mad cow as we saw occur in Europe. Since the events of September 11, 2001, we have renewed interest in the implementation of NAIS. It is a tool that would enable the rapid trace-back of animals for the entire movement of their lifetime, from birth to the time of slaughter or disease. It creates the potential of a rapid isolation if we had introduction of either unintentional or intentional foreign animal diseases. At the current time, all participation in NAIS is voluntary.

When NAIS was first proposed, the USDA had intended to initiate it as a mandatory national program. It immediately met with resistance, and for some very good reasons, the number one being database security. As you know, with most public databases, even though the intention was good, through the Freedom of Information Act, we could not guarantee that information held in databases would not be readily accessible to anyone in the world. Since then, there has been the opportunity for private industry to step forward and develop databases that could be interfaced by government officials in the event of an outbreak. Currently, there are some databases under investigation for suitability. However, because of the fact that the USDA is not pushing for a mandatory program, the industry has lost a lot of its interest in NAIS. If this goes forward, it will be an important tool for the management of the industry.

MR. GIMLIN:
There were concerns that government officials would use NAIS for reasons not originally intended. While we were concerned about disease control and prevention, there are those who would be interested in looking at the data for tax purposes, so there has been a lot of resistance from that standpoint. Currently, we are in a stage called "premises registration." It is strictly voluntary and does nothing more than to register the locations of animals around the State as well as elsewhere in the country. We will probably see NAIS used for

private use, but whether it will come to fruition for control of diseases remains to be seen.

VICE CHAIR MCGINNESS:
You said there were 1,100 nurseries. When you see plants and shrubs outside a grocery store, is that considered a nursery?

MR. GIMLIN:
It is. That would be stock that is offered for sale to the public.

VICE CHAIR MCGINNESS:
You said you put a lien on property for weed abatement. How is that going?

MR. GIMLIN:
We put the lien on the property and in the spring, we will check to see if the measures are being followed and have been effective.

STEVE ROBINSON (Deputy Chief of Staff, Legislative Director, Office of the Governor):
I will read a letter from Governor Gibbons to the chairman of the State Department of Agriculture expressing his concerns about the vacancy within that Department (Exhibit E).

I want to make it clear that this is not to cast any aspersion on the hardworking and diligent employees in the Department now, but the Department is a troubled agency and is in a state of having troubles with its employees. Various agricultural organizations have come to the Governor and said they are troubled by this. The Department requires permanent leadership. The director is appointed by the State Board of Agriculture and approved by the Governor.

SENATOR CARLTON:
Is anybody interested in the job?

MR. ROBINSON:
It is my understanding that the Board is undertaking a recruitment process currently, and the Governor's Office has received a couple applications for the job.

VICE CHAIR MCGINNESS:
There being no further business before the Senate Committee on Natural Resources, the meeting is adjourned at 4:29 p.m.

RESPECTFULLY SUBMITTED:

Ardyss Johns,
Committee Secretary

APPROVED BY:

Senator Mike McGinness, Vice Chair

DATE: