

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

**Seventy-Sixth Session
March 8, 2011**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Maggie Carlton at 1:34 p.m. on Tuesday, March 8, 2011, 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/76th2011/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:

Assemblywoman Maggie Carlton, Chair
Assemblyman Joseph M. Hogan, Vice Chair
Assemblyman Paul Aizley
Assemblyman Elliot T. Anderson
Assemblyman David P. Bobzien
Assemblywoman Irene Bustamante Adams
Assemblyman John Ellison
Assemblyman Ed A. Goedhart
Assemblyman Ira Hansen
Assemblyman Kelly Kite
Assemblyman Pete Livermore
Assemblyman Harvey J. Munford
Assemblywoman Peggy Pierce

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Amelie Welden, Committee Policy Analyst
Judith Coolbaugh, Committee Secretary
Sherwood Howard, Committee Assistant

OTHERS PRESENT:

K. Neena Laxalt, representing the Nevada Cattlemen's Association
Meghan Brown, Executive Director, Nevada Cattlemen's Association
Jeremy Drew, Director, Coalition for Nevada's Wildlife, Inc.
Joel Blakeslee, Director, Coalition for Nevada's Wildlife, Inc.

Chair Carlton:

[There was no roll call. The Chair reminded Committee members, witnesses, and members of the audience of Committee rules and protocol.] The Nevada Cattlemen's Association (NCA) will give our first presentation. It will be an introduction and overview of the organization.

K. Neena Laxalt, representing the Nevada Cattlemen's Association:

I am here to introduce my client, Ms. Meghan Brown, who is the executive director of the NCA. She drove through a snowstorm on her way in from Elko yesterday to be here for her presentation today.

Meghan Brown, Executive Director, Nevada Cattlemen's Association:

I have distributed a copy of my PowerPoint presentation ([Exhibit C](#)). The NCA was created in 1935 as a trade association. Slide 1 is our mission statement, which is to promote the future of working ranches. We represent the interests of our producers on a state and national level advocating for the future of ranching and multiple uses. [Ms. Brown read from prepared testimony. Some supplement information and dialogue has been included where it is appropriate.] Some of our legislative priorities are shown on Slide 2. The budget for the Nevada Department of Agriculture (DOA) will be a focus, as well as the wild horses on rangeland. We are a public land state possessing the majority of the national wild horse and burro populations, and we have concerns about their habitat. We will also focus on the continuation and future of multiple uses of public lands. Management of water resources is a big issue. We primarily work at the national level on tax issues, but state taxes are also a concern. We enjoy and wish to maintain the multiple uses of the state's lands, which include mining, grazing, wildlife, recreation, off highway vehicle travel, hiking, and camping.

Slide 3 highlights some of the current issues our industry is facing. Within the state, there is a big push and many opportunities for renewable energy development of solar, geothermal, and wind power. We are trying to work proactively since other renewable resources and multiple uses need to be preserved and considered. The Bureau of Land Management (BLM) has proposed a new wild horse and burro program within the state. We are concerned how the program will affect the health of the rangeland and its impact on the continuation of multiple land uses. Secretarial Order 3310, from the Secretary of the Interior (December 22, 2010) on wild lands, authorizes a new designation for our public land system. It will potentially eliminate or reduce some of the multiple uses of public lands. The state budget and its impact on our operations also concern us.

Slide 4 covers some of the issues this Committee will be hearing, and they are ones which are important to the NCA. Those issues include resource health, wildlife, and water. If resource health is not maintained, the passing of ranches to future generations will be impaired. The Coalition for Nevada's Wildlife works well with us to balance wildlife priority issues. The most productive lands in the state are held privately in ranching operations, and we work to enhance, maintain, and restore wildlife areas. Stock water and water for wild horses and wildlife is also a concern. I would be happy to answer any questions.

Chair Carlton:

Are there any questions?

Assemblyman Ellison:

We have worked closely with Ms. Brown on many issues in Elko County. Could you tell the Committee how many allotments there are, and how many cattle are actually being run on those lands?

Meghan Brown:

The state has a total of approximately 450,000 livestock on the ranges. I am not sure how many active permits or allotments there are within the state. Since the 1970s, the number of livestock on the ranges has been reduced by 50 percent, and there are several reasons for the decrease.

One reason cattle numbers are reduced is wildfires, which result in the suspension or reduction of animal unit months (AUM). When a wildfire moves through a landscape and the grazing allotments, the BLM rests that land for a certain time period afterwards. Sometimes we agree with their decision, and sometimes we do not. The AUMs are used to calculate the amount of grazing range that has been suspended or reduced. This action on the part of

the BLM is a recent development. Fortunately this year and last, we did not have a substantial number of wildfires. However, in 2006 and 2007, the state experienced a high number of wildfires. The fires affect the ranchers as well as the wildlife.

Also, we have to deal with invasive weeds, like cheatgrass, which are a concern for preserving and maintaining the overall rangeland health and sustaining biodiversity. Noxious weeds contribute to the decrease in rangeland livestock because the amount of suitable grazing land decreases.

Chair Carlton:

When you use the term "livestock," are you including all kinds or just cattle?

Meghan Brown:

The 450,000 figure is just for cattle. There are only about five sheep producers in the state actively using sheep permits or allotments for grazing. The sheep issue within this state is very controversial. The problem of disease transmission within domestic and wild sheep populations has contributed to the reduction in domestic sheep permits. A lot of sheepmen now run both cattle and sheep.

Assemblyman Bobzien:

It has been tough on the wild sheep as well. We are in an unfortunate situation with the wild horses. We have severe budget cutbacks from Congress, and at the same time, the BLM is trying to figure out how to move forward with their management policy. The current question is which policy is the more responsible. Can you give us your perspective? I understand you are going to Washington, D.C., and I hope you will be talking to our congressional delegation as well as BLM Director Bob Abbey.

Meghan Brown:

The new wild horse and burro proposal recommends a reduction in the number of wild horse gathers on public lands from 10,000 to 7,600 head. Currently, the BLM sets the appropriate management level at 12,700 head. Conservatively, the BLM says there are 20,000 to 25,000 wild horses and burros currently on this state's rangeland. Those numbers have a dramatic impact on water sources, riparian areas, and overall rangeland health.

This is a Nevada issue. In the entire west, there are about 35,000 wild horses and burros on public lands, so we have, by far, the majority of both populations. When we go to Washington, D.C., we will be talking about how the proposal to reduce the number of gathers will affect resource health and multiple uses of the rangeland. There has also been a discussion about public/private

partnerships for adopted and unadopted wild horses still being held in long-term and short-term holding facilities. We are concerned about the spread of private wild horse sanctuaries on public land. We will be using a broad-based approach, and we will definitely talk to our congressional delegation to explain to them what management really means and how important it is to the wild horse population. We will also cover why neglecting management impacts the state's resources and public lands.

Assemblyman Bobzien:
And it costs money.

Meghan Brown:

Absolutely, it does cost money. If the BLM gathers the wild horses now and keeps the numbers down to an appropriate management level, we would have fewer gathers and fewer animals in long-term holding facilities. Half of the budget for wild horses and burros is expended for the care of the horses in holding facilities. If we can increase the care cost and take more horses and burros off the range for the next ten years, then through attrition we would only have to gather 5,000 head each year. The adoption rate is around 3,500 horses per year. This policy would dramatically reduce the holding facility numbers, which would reduce the overall budget cost. We need to get control and balance on the budget side, the resource side, and the horse population side of the issue.

Chair Carlton:

When you talk about wild horses, are you referring to all the horses that are on the range? Does it include the estrays, the wild horses, and those domesticated horses that have been set free?

Meghan Brown:

Under the BLM policy, the figure does include all of the horses because they all have the same impact on the range.

Chair Carlton:

Absolutely.

Meghan Brown:

However, the BLM is only concerned about the horses within their herd management areas (HMA). Horses outside the BLM management areas are considered feral, and they are not within the BLM's purview. The DOA is responsible for the feral horse population, and the BLM does work with the DOA. When a branded horse is caught during a gather, the owner can be issued a trespass warrant or be required to pay grazing fees. Our focus is the

need to deal with the majority of the wild horses, and it is an all-encompassing issue.

Chair Carlton:

We know the wild horses know no boundaries; they just know rangeland.

Assemblyman Livermore:

What is the NCA's issue with renewable energy development?

Meghan Brown:

The NCA's multiple use policy includes developing domestic sources of renewable energy. Some of the tracts of public land scheduled for development are very large, such as solar fields that will cover 14,000 to 15,000 acres. We are concerned how such a large development will impact the land resource. If a permittee on that land suffers a reduction of range, the BLM is asked to find another area for grazing to ensure there is no net loss to the producer in terms of overall AUM production and operation. On one side we advocate for energy development; on the other side, we want to make sure it is responsible development. Whether the wild horses are inside or outside of HMAs, there is an environmental and resource impact.

Assemblyman Livermore:

Did you say 14,000 to 15,000 acres at a time?

Meghan Brown:

Yes, some of the proposed solar fields are that large. The feds have just extended the comment period on comprehensive Environmental Impact Statements (EIS) for all western energy development projects.

Assemblyman Hansen:

What is the approximate amount of the BLM's wild horse management budget in Nevada?

Meghan Brown:

I am not sure what the amount of the overall budget is. I just had a meeting with one of the state's wild horse and burro program specialists, and was told the budget is in flux. Some proposed reductions may be made in the wild horse and burro gather budget. A wild horse and burro program specialists subcommittee is being formed to work on the priority levels for gathers in the next three years assuming the proposed budget cuts are instituted.

Assemblyman Hansen:

Can you give me a rough estimate of BLM's total wild horse management budget?

Chair Carlton:

This is not Ms. Brown's area . . .

Assemblyman Hansen:

I am asking the question because I remember when the wild horse and burro issue was handled entirely by the private sector. Currently, all the options being discussed involve greater government expenditures. There was a time in Nevada when mustangs were a taxpaying resource. We need to look at privatizing certain resources, and this could be one of them. I am old enough to remember when we had "mustangers" in Nevada.

Meghan Brown:

I am sure the budget figure is in the millions, but I do not know the exact numbers. When the Wild Free-Roaming Horses and Burros Act of 1971 (Public Law 92-195), was passed there were 14,700 wild horses nationwide. The numbers today show the necessity to maintain proper range management, to follow the law, and to sustain the resource health and multiple uses of public lands. We need to work with Congress on the financial issues, and we need to work within the state to reinforce what the state government or the BLM can do at this level.

Assemblyman Hansen:

All of that was originally handled by the private sector at no cost to the state. The management of the horses then was superior to what we have today.

Chair Carlton:

When the wild horses were handled by the private sector, what ultimately happened to them?

Assemblyman Hansen:

The horses in a poor and unhealthy condition were turned into dog food, and the good ones morphed into saddle horses. The saddle horses generated blooded stock that increased the genetic pool of the horses. The management of the wild horses was well done by the Nevada ranchers.

Assemblyman Kite:

Is any domesticated animal that is no longer under human control called a feral animal?

Meghan Brown:

They are called feral or estray. There are two different definitions within the state.

Assemblyman Kite:

How many generations does it take for an estray to become classified as a wild horse?

Meghan Brown:

That is the great debate.

Chair Carlton:

Ms. Brown, you do not have to go there.

Assemblyman Kite:

I am wondering what the designation would be for a colt of an estray mare and a wild stallion. Is the offspring estray or feral?

Meghan Brown:

It is a very good question. The wild horse and burro specialists know the type and defining characteristics for each group of wild horses within a HMA. They can recognize the differences between a wild horse and a domesticated horse which has been turned out and becomes feral. For example, there was a gather done around the Pilot Mountain HMA. By working with brand inspectors and the DOA, the BLM's investigation determined those horses did not belong within that HMA, and they were defined as feral. It is a fine line, and usually done on a case-by-case basis. I am not comfortable saying at what point a feral classification would be made.

Chair Carlton:

It is a complicated issue. We do know they are a resource, and they do belong to the public. It is our responsibility to deal with them. People, on both sides of the issue, are very passionate about the wild horses. Are there any other questions? [There were none.]

Meghan Brown:

We would be happy to come back and present more information on any topic.

Chair Carlton:

Thank you. The Coalition for Nevada's Wildlife will give the next presentation.

Jeremy Drew, Director, Coalition for Nevada's Wildlife, Inc.:

I am also president of the Northern Nevada Chapter of Safari Club International. Mr. Blakeslee and I will do the presentation together.

Joel Blakeslee, Director, Coalition for Nevada's Wildlife, Inc.:

I am also the president of the Nevada Trappers Association. I will start with a brief history and background of the Coalition. Then, I will discuss some of our affiliate organizations and their accomplishments. Mr. Drew will finish the presentation.

Over the years, we have had participation from most of the sportsmen's organizations within the state. [Mr. Blakeslee read from prepared testimony ([Exhibit D](#)). Some supplemental information and dialogue has been included where it is appropriate.] We have a PowerPoint presentation ([Exhibit E](#)). Slide 1 lists our affiliate organizations, and Slide 2 details their accomplishments. Slide 3 highlights our history and background. The organization was started in the early 1990s as a response to an Arizona ballot issue. Because of the limitations set on nonprofit 501(c)3 organizations against lobbying for wildlife, conservation, and sportsmen's issues, we formed a different entity, so we could engage in politics. It was a formal corporation under the same code, but we used subparagraph 4 instead. This type of corporation is commonly called a 501(c)4 organization. We also formed a political action committee in 2005. Both expanded our ability to effectively lobby on political issues.

Jeremy Drew:

Mr. Blakeslee briefly touched on our organization's history and background. We are a policy-oriented organization, and everyone serving on the Coalition is a volunteer. Slide 4 shows some of our accomplishments at all levels of government. [Mr. Drew continued to read from the same prepared testimony and PowerPoint presentation.] Our representation process is shown on Slide 5, and we use personal contact and correspondence the most in our lobbying and political efforts. We also work cooperatively with the Nevada Conservation League and share a common agenda framework. Slide 6 lists our guiding principles. Over 90 percent of the Department of Wildlife's (DOW) funding is sportsmen-derived, either directly or indirectly through federal programs. Slide 7 is a flow chart showing how Nevada's Wildlife Commission process works. The key for us is a rapid response. The Nevada Wildlife Commission has nine meetings a year, and the public is involved at all levels. I would be happy to answer any questions.

Chair Carlton:

Thank you for a very good presentation. The sportsmen are an important component of conservation work in our state. Are there any questions?

Assemblyman Hansen:

I saw an advertisement on television during this last election cycle which said, "Larry Johnson, President of the Coalition for Nevada's Wildlife openly endorses Senator Reid." Did you actually take a position on the Angle/Reid race?

Joel Blakeslee:

Yes.

Assemblyman Hansen:

Did the Coalition actually endorse Senator Reid?

Joel Blakeslee:

Yes.

Assemblyman Ellison:

Two desert bighorn sheep tags are normally given out each year. In a fundraiser this year one tag brought in \$90,000, and the other tag was not issued. Could you comment on this? Why was the second tag not issued?

Jeremy Drew:

The program you are referring to is the Wildlife Heritage Trust Account. They sell special heritage tags in an extended season. Up until recently, the sale has been made through a bid process or open auction with select vendors. The Nevada Wildlife Commission sets the number of tags that are allowed to be sold each year. In past years, they have offered two desert bighorn sheep tags, and recently one California bighorn sheep tag was added. This year the Commission decided to issue one California bighorn sheep tag and one desert bighorn sheep tag. Recently, the desert bighorn sheep tag sold for \$85,000.

The Wildlife Heritage Trust Account collects all the money from the fundraisers and auctions. Then, the funds are granted back to the DOW or private organizations to do wildlife projects. The Commission also has a new program in place that is called the Silver State Tag program. One of those tags will be offered in an open draw to all sportsmen. It is simply a different mechanism for raising funds for the Wildlife Heritage Trust Account. Why only one tag was issued this year is probably a question best directed to the DOW.

Chair Carlton:

Are there any questions? [There were none.] Is there any public comment?
[There was none.]

This meeting is adjourned [at 2:10 p.m.].

RESPECTFULLY SUBMITTED:

Judith Coolbaugh
Committee Secretary

APPROVED BY:

Assemblywoman Maggie Carlton, Chair

DATE: _____

EXHIBITS

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

Date: March 8, 2011

Time of Meeting: 1:34 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Meghan Brown	PowerPoint Presentation
	D	Joel Blakeslee	Testimony
	E	Joel Blakeslee	PowerPoint Presentation