

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

**Seventy-sixth Session
May 13, 2011**

The Senate Committee on Natural Resources was called to order by Chair Mark A. Manendo at 3:38 p.m. on Friday, May 13, 2011, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 555 East Washington Avenue, Las Vegas, 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 Mark A. Manendo, Chair
Senator David R. Parks, Vice Chair
Senator John J. Lee
Senator Dean A. Rhoads
Senator Michael Roberson

GUEST LEGISLATORS PRESENT:

Assemblywoman Irene Bustamante Adams, Assembly District No. 42
Assemblywoman Maggie Carlton, Assembly District No. 14
Assemblyman, Pete Goicoechea, Assembly District No. 35
Assemblyman Ira Hansen, Assembly District No. 32

STAFF MEMBERS PRESENT:

Michelle Van Geel, Policy Analyst
Charity Fowler, Counsel
Sandra Hudgens, Committee Secretary

OTHERS PRESENT:

Richard L. Haskins II, Deputy Director, Department of Wildlife
Rob Buonamici, Chief Game Warden, Department of Wildlife
Kyle Davis, Political and Policy Director, Nevada Conservation League
Andy Belanger, Southern Nevada Water Authority; Management Analyst,
Las Vegas Valley Water District

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Robert F. "Rob" Joiner, AICP, Pyramid Lake Paiute Tribe
Tom Smith, Vice President, Coalition for Nevada's Wildlife, Inc.
Jason King, P.E., State Engineer, Division of Water Resources, State
Department of Conservation and Natural Resources
Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation
Jeremy Drew, Director, Coalition for Nevada's Wildlife, Inc.
Tina Nappe
J. J. Goicoechea, D.V.M., Eureka Vet Service; Nevada Cattlemen's Association
Joe Guild, Nevada Cattlemen's Association
Demar Dahl, Chair, Board of Commissioners, Elko County
Carrol Abel, President, Hidden Valley Wild Horse Protection Fund
Bonnie Matton, President, Wild Horse Preservation League
Dorothy Nylen, Director, Wild Horse Preservation League
Holly Haley, Nevada State Director, Humane Society of the United States
Diane J. Davis
Deniz Bolbol, American Wild Horse Preservation Campaign; American Society
for the Prevention of Cruelty to Animals
Debbie Coffey
Laura Leigh, Wild Horse Education
Rebecca Hilton
Arlene Gawne
Beverlee McGrath, American Society for the Prevention of Cruelty to Animals
Carla Bowers, Western Watersheds Project
Palomino Armstrong, Pet Owners Rights Nevada
Martin Gavin
Lars Hanson
Mike Ahles
Elyse Gardner, Humane Observer; The Cloud Foundation; Front Range Equine
Rescue
Janet Little
Cat Kindsfather, Wild Horse Preservation League
Kimberly Rhodemyre
Mandy McNitt
Etta Butler
Susan Courtemanette
Betty Kelly

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CHAIR MANENDO:

Assemblywoman Maggie Carlton has something to put on the record for Assembly Bill (A.B.) 322.

[ASSEMBLY BILL 322](#): Revises provisions relating to wildlife. (BDR 45-150)

ASSEMBLYWOMAN MAGGIE CARLTON (Assembly District No. 14):

I appreciate you allowing me these few moments at the beginning of your Committee hearing to correct the record. For your records, State Assemblywoman Maggie Carlton, ... [I am here] in my capacity as Chair of Natural Resources in the Assembly [Assembly Committee on Natural Resources, Agriculture and Mining]. Earlier this week you received testimony, I believe on A.B. 322 that was submitted by a member of my committee. Those minutes were obtained without going through the chair of the committee. They were not complete and correct. There are corrections that will need to be made on those minutes. ... Rather than go through the in-depth analysis with you right now, I will have staff and legal create a new document for the committee to have as part of the record so that we can address some of the inaccuracies that were presented to the committee.

This was on the Wildlife Commissioners [Board of Wildlife Commissioners, Department of Wildlife] and Dream Tag bill. The minutes were used that had not been finalized and released to the public. It was a glitch. It was an error. We are going to work on correcting the error, but it was not appropriate for those minutes to be entered into the record without going through the whole process because we know the process minutes go through before they are released to the public. ... I will make sure those minutes are available to all the members of the committee.

CHAIR MANENDO:

I will open the work session with A.B. 306.

[ASSEMBLY BILL 306](#): Revises the manner in which certain supervisors of a conservation district are appointed. (BDR 49-1037)

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MICHELLE VAN GEEL (Policy Analyst):

I will read the information on the work session document for A.B. 306 ([Exhibit C](#)). There was no testimony in opposition to the bill.

SENATOR RHOADS MOVED TO DO PASS A.B. 306.

SENATOR LEE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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MS. VAN GEEL:

I will read the information on the work session document for A.B. 368 ([Exhibit D](#)).

ASSEMBLY BILL 368 (1st Reprint): Revises provisions governing brands and brand inspections. (BDR 50-510)

SENATOR PARKS MOVED TO DO PASS A.B. 368.

SENATOR LEE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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MS. VAN GEEL:

I will read the information on the work session document for A.B. 451 ([Exhibit E](#)).

ASSEMBLY BILL 451: Repeals obsolete provisions regarding the Advisory Council on the Metric System. (BDR 51-82)

SENATOR LEE MOVED TO DO PASS A.B. 451.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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MS. VAN GEEL:

I will read the information from the work session document on Senate Concurrent Resolution (S.C.R.) 1 ([Exhibit F](#)).

SENATE CONCURRENT RESOLUTION 1: Expresses support for the Pine Forest Wilderness Study Area Working Group. (BDR R-213)

SENATOR RHOADS MOVED TO ADOPT S.C.R. 1.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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ASSEMBLYWOMAN IRENE BUSTAMANTE ADAMS (Assembly District No. 42):

Thank you for the opportunity to present A.B. 167, today. I'll begin by providing an overview of the intent of the legislation, and then I also have invited two technical experts with me to provide greater detail through a PowerPoint that we have prepared [[Exhibit G](#)]. I will read the rest of my written testimony [[Exhibit H](#)].

ASSEMBLY BILL 167 (1st Reprint): Enacts provisions for the protection of the waters of this State from aquatic invasive species. (BDR 45-847)

RICHARD L. HASKINS II (Deputy Director, Department of Wildlife):

Assembly Bill 167 will go a long way to address the problems in Nevada and nationwide as shown in the PowerPoint presentation on page 2, [Exhibit G](#).

The definition of aquatic invasive and injurious aquatic species is found on page 3, including, without limitation, predation, parasitism, interbreeding and transmission of disease.

The next page shows the graphic results of quagga mussels and their ability to clog pipes and affect infrastructure for water-delivery systems and power

plants. The picture shows zebra mussels located in the El Dorado Reservoir in Kansas. You can see how prolific they are even on native ground. You can imagine the impact to the aquatic ecosystem.

Distribution throughout the United States is shown on page 5. There were efforts to keep zebra and quagga mussels east of the 100th meridian which runs down through the center of the nation to the tip of Texas. In 2007, this effort failed when quagga mussels were found in the Colorado River System and Lake Mead. They have spread rapidly since that time to the lower Colorado River and through the water delivery systems in southern California and Arizona.

A graph of quagga and zebra mussel distribution with time frames is shown on page 6, [Exhibit G](#). Most of the sightings occurred in 2007, 2008 and 2009. We need to add a couple more spots to the Nevada map because preliminary indication shows quagga mussels in the Rye Patch and Lahontan Reservoirs. We normally would not have gone public with that information because it is based on preliminary tests. In order to certify those results, we need a duplicate test. The first test was microscopy; they actually saw what they believe are quagga mussel veligers which are the larvae form of quagga mussels. The next step will involve the verification test either with deoxyribonucleic acid or through additional electron microscope verification. We are also in the process of duplicating those samples and taking additional samples from those waters. For several years, we have been taking samples from around Nevada. As a result of this recent finding, we have crews out there right now pulling additional samples from those waters and other waters within the system. South Fork Reservoir lies upstream from Rye Patch Reservoir in the Humboldt River System. Wild Horse Reservoir is a constant water concern because it flows into the Columbia River System. We have teams pulling samples from there.

Survey work is being done on Lake Mead to find out from where visitors are coming and to where they are going with their boats to determine the pathway of mussels shown on page 7. Pathway is a terminology explaining how aquatic invasive species (AIS) move from one area to another.

"Trash racks" prevent large items going into the intake towers at Hoover Dam shown on page 8. Once the mussels are established, they build on each other. Flowing water going through the "trash racks" are perfect for quagga mussels

because food is brought to them. Any item left for a short time in Lake Mead becomes habitat for quagga mussels. Additional pictures of quagga mussels on Hoover Dam are shown on pages 9 and 10, [Exhibit G](#).

The economic impact of quagga mussels to Nevada is indicated on page 11. We have had to close down the Lake Mead Fish Hatchery. We have not been able to figure out how to provide quagga-free water to the hatchery to grow fish. We have concerns with other AIS as shown on page 12.

The curly leaf pondweed is another AIS, and the northern pike, called an injurious aquatic wildlife, is shown on page 13. In White Pine County, we are dealing with the loss of the regionally important rainbow trout fishery in Comins Lake due to the illegal introduction of northern pike. The loss of the fishery is estimated to cost \$324,000 per year because of the loss of tourism, according to local merchants.

The economic impacts of AIS in the United States are shown on page 14. This is a national problem. It is not just a Department of Wildlife (DOW) problem; we have a responsibility to work with our partners in Nevada. We need to work together to protect public interests in every area from water diversions, power companies, irrigations and infrastructure to boating and fishing industries. Other states are looking to us to do something. They are looking at Lake Mead as ground zero and want to know what we are doing to address the problem.

Part of the solution to the AIS problem is [A.B. 167](#). The goals are listed on page 15, [Exhibit G](#) and involve as many entities in the State as we can get involved. It is one thing to have a plan but without authority to enforce the plan, it does not work. It is not just a DOW problem. Our intent is to develop an AIS statewide-management plan as indicated on page 16.

The graph on page 17 shows Nevada is one of the last states to have an integrated plan. We have bits and pieces of a plan, but it is time for Nevada to step up to the plate and get that plan done. The key to this plan is the authority for peace officers to enforce the plan.

ROB BUONAMICI (Chief Game Warden, Department of Wildlife):

We have no authority to inspect vessels for any invasive species. It would have to be a voluntary inspection station, and it would not be mandatory. What the authority entails is listed on page 18, [Exhibit G](#). We would not impound or

quarantine a vessel unless an individual disregards our warning not to launch a contaminated vehicle. It would be unreasonable to expect everyone to know their vessel is contaminated unless it is coming from a place like Lake Mead which is known to be contaminated. Penalties for offenses are listed on page 18. The cost for cleaning up the mussels from pipes is substantial, well over the \$250,000 that a second offense felony-civil penalty could cost.

Enforcement concerns and solutions are listed on page 19. We are trying to educate the public about zebra mussels. We are trying to use the least intrusive inspections to the public while providing maximum benefit to the resource. The reason for quarantine and penalties for those who do not comply when told their vessel is contaminated is shown on page 20. Most people do their best to comply.

MR. HASKINS:

There is a proposal for an AIS annual watercraft sticker similar to the ones used in Idaho and Wyoming. Different stickers would be designated for the different classes of boats. The maximum fee would be \$10. Monies collected will go towards programs listed on page 21. The monies collected will not be enough to handle the whole State; we will have to depend on our partners like state parks, Bureau of Reclamation, water irrigation districts and tribal entities. It will have to be a partnership effort. A rough budget is shown on page 22. The next page shows some of the costs associated with the program. We do not plan to add more full-time staff; we can hire part-time staff and use existing staff. Except in southern Nevada, boating is a seasonal activity.

CHAIR MANENDO:

How are you planning to deal with the four mobile boat-wash stations shown on page 23 until the revenue is generated?

MR. HASKINS:

There are a couple of stations right now. There are two stations at Lake Mead. The Duck Valley Indian Reservation at Wild Horse Reservoir is working to install a wash station. There is some coverage at Lake Tahoe. To remove the veligers, the boats need to be pressure washed with high-temperature water before they move to another body of water. I do not have a good answer for you right now.

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MR. BUONAMICI:

We have federal matching funds available through our boat access program that will help offset some of the cost.

CHAIR MANENDO:

How many boat launches will you have to cover?

MR. HASKINS:

There are around 50 boat launches. We need to do a risk analysis. We need to know from where the people using the boat launches are coming or to where they are going. We need something quickly to deal with Rye Patch and Lahontan.

CHAIR MANENDO:

About 2,600 vessels out of 18,000 launched at Lake Tahoe last year needed to be decontaminated. It is a big job. Do you currently have staff to cover the inspections?

MR. HASKINS:

We are going to rely on partners. We hope to figure out a program. If a boat is taken home to sit for a while, that should take care of the veligers, and it would not have to be formally decontaminated with a high pressure wash. If a boat leaves Lahontan or Rye Patch and the owner wants to use that boat in a short period of time, it will have to be decontaminated if it is to be used in a body of water that is not contaminated.

CHAIR MANENDO:

How do you determine if a person knowingly launches a contaminated vessel?

MR. BUONAMICI:

The requirement for a felony conviction is to prove intent. Unless we have a reason to pursue an investigation to prove this person knew the vessel was contaminated, we would have to accept their word. People call to report violations, which gives us a starting point in an investigation. There are loopholes.

CHAIR MANENDO:

This is a really big issue. ... We appreciate the presentation. It's good educational information. ... Sometimes we get a full house,

sometimes we don't. ... The wisdom of this Committee was [to] have this bill on a day when we knew a lot of people would come. ... For the record, we were thinking ahead and educating people from the north and south.

SENATOR ROBERSON:

For you to be able to charge them, would you have to notify the people their vessels are contaminated, then have them ignore you and try to place the vessel into the water?

MR. BUONAMICI:

Yes, that is correct.

SENATOR ROBERSON:

Why is the first violation only a misdemeanor? Would the civil penalty apply to the first instance as well?

MR. BUONAMICI:

Correct.

SENATOR ROBERSON:

Would you be able to charge them with the civil penalty as well as the misdemeanor?

MR. BUONAMICI:

Correct.

SENATOR ROBERSON:

Is there any thought for making it a felony for the first violation. If someone is intentionally doing this, and it is costing thousands of dollars to eradicate the problem, there should be a severe penalty.

MR. BUONAMICI:

It was originally drafted by the DOW as a felony and subsequently changed in the Assembly on the first reprint.

SENATOR ROBERSON:

What was the concern in the Assembly for having a felony on the first offense?

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MR. BUONAMICI:

They were concerned about the serious repercussions of being convicted of a felony on a first offense. What if the boat operator really did not know?

SENATOR ROBERSON:

But if you tell them of the problem, and they continue to put the boat in the water

MR. BUONAMICI:

I understand.

CHAIR MANENDO:

It is like a slap on the hand when people deliberately launch a contaminated vessel into our waters costing our taxpayers thousands of dollars just because they do not care.

SENATOR PARKS:

Is there a special decal for someone who only takes their boat to Lake Tahoe and removes it from the water on a regular basis so the owner will not have to go through the inspection each time the boat goes to the lake?

MR. HASKINS:

Lake Tahoe has modified their program with a seal for boats that is only used on Lake Tahoe. They charge a one-time fee for the initial inspection. Lake Tahoe is a gem to the Nation and a lot of money is being pumped into the program there. We do not envision a program of that magnitude for the rest of the State. We could not afford it.

SENATOR PARKS:

Is this a bill the Governor will sign?

MR. HASKINS:

The fee structure was worked out between the Governor's staff and Assemblywoman Irene Bustamante Adams. The last time I checked, the Governor indicated his staff would follow the progress of this bill.

CHAIR MANENDO:

We need an answer from the Governor's office if we are going to process this bill. There is no reason to go forward with this bill if he is going to veto it.

SENATOR ROBERSON:

Would the Governor be in support of this bill because this is truly a user fee?

MR. HASKINS:

The last conversation indicated this was a user fee and is associated with a discreet program not intended to generate revenue but to pay for the cost of the program. We will pass your concerns to the Governor.

SENATOR LEE:

Section 7, subsection 16 of A.B. 167 says, "'Vessel' means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water." I am certified in scuba. Are you concerned about scuba gear? Scuba gear is not a vessel, it is an apparatus.

MR. HASKINS:

Yes, we are concerned about scuba gear. We have other concerns you will hear about from others. We are concerned about other organisms that were pointed out to you earlier. Scuba gear typically dries out thoroughly between dives; if not, it could be a pathway. This bill addresses the boating pathway. Part of our AIS plan is to figure out what the other pathways are and try to deal with them.

KYLE DAVIS (Political and Policy Director, Nevada Conservation League):

We are in support of A.B. 167. We have worked closely with Assemblywoman Irene Bustamante Adams and DOW trying to address concerns in the Assembly. We are one of the only states that does not have a program. We are seeing the spread of species like quagga mussels. I was upset to hear that my hometown near Rye Patch could be infested with these mussels. We need to prevent further lakes being infested. I agree with all the concerns. We need to get this bill passed.

ANDY BELANGER (Southern Nevada Water Authority; Management Analyst, Las Vegas Valley Water District):

We are in support of A.B. 167. We are dealing with this problem in Lake Mead, and it is a serious issue. It is costing us between \$1 million and \$4 million a year in monitoring, litigation and those types of efforts. We have to send divers down twice a year to clean the screens to our intake towers at Hoover Dam shown on pages 8, 9 and 10, [Exhibit G](#). It is amazing how quickly these species multiply.

ROBERT F. "ROB" JOINER (AICP, Pyramid Lake Paiute Tribe):

Pyramid Lake has the same circumference as Lake Tahoe. The Pyramid Paiute Tribe has a 9,200-year-old culture based upon tourism. The Pyramid Paiute Tribe has been diversifying their economy. Presentations have been made in this Session before the Senate Select Committee on Economic Growth and Employment showing how to diversify their economy with industrial parks and fiber optics.

The culture and the economy are currently based on the fact they have endangered cutthroat trout. They have the only place in the world where the prehistoric cui-ui fish is located. The Pyramid Paiute Tribe has their own program and regulations they have initiated as shown in the handout I have provided ([Exhibit I](#)). Any effort to respond rapidly to monitoring and enforcement is a step in dealing with this problem. It is never too late to make this program work, and we support this bill.

TOM SMITH (Vice President, Coalition for Nevada's Wildlife, Inc.):

This bill is overdue. It is negligent not to have a program in place to prevent the spread of invasive species. I encourage you to pass this bill.

I am a member of the Nevada/California Council of Federation of Fly Fishers, and I am the vice president of the conservation part of that. I am also past director for Trout Unlimited and currently director for the Truckee River Flyfishers. One thing this bill is not addressing is felt soles on waders or wading shoes. I will read my prepared testimony ([Exhibit J](#)), and I have another handout ([Exhibit K](#)). One company no longer produces felt-sole waders. I would encourage you to add this amendment to the bill outlawing felt-sole waders. Many states are abandoning them. New Zealand has outlawed felt soles because it has spread the didymo, page 12, [Exhibit G](#). One of the problems with felt-soled waders is they smell like the sponge on your sink. They have the capability of carrying invasive species from one watershed to another. If we do not protect the waters that feed the lakes, we are not protecting the lakes.

CHAIR MANENDO:

Have you spoken to the sponsor of the bill?

MR. SMITH:

I have not had the opportunity.

CHAIR MANENDO:

You might want to get together with Assemblywoman Bustamante Adams regarding your amendment.

SENATOR PARKS:

Do these felt-soled waders dry out in a few days?

MR. SMITH:

In most cases they would dry out. If the waders are put in a plastic bag for traveling, they are not going to dry out. They do not dry out fast.

ASSEMBLYMAN IRA HANSEN (Assembly District No. 32):

We have new information since we heard this in the Assembly. I am neutral on this bill. I think the education part of this bill is something we should pursue. However, when we start going through the logistics, felt-soled waders are just the tip of the iceberg. I will read the process that needs to be done to decontaminate the vessel ([Exhibit L](#)). If people intentionally fail to do these steps, they are going to be charged with a felony. It is something to think about. The quagga mussel saved \$860 million for Clark County because they eat the algae and made the quality of the water go up, thereby keeping the county from having to put in a pipeline.

We just found out the Rye Patch Reservoir in the Humboldt drainage system and Lahontan Reservoir in the Carson drainage system has the quagga mussel. Lake Tahoe has the Asian clam in the Truckee drainage system. The quagga mussel reproduces quite rapidly once it is there, and you cannot get rid of it. There is not one case that proves the invasion of AIS was done intentionally. Because our ability to block the invasion is zero, I have proposed an amendment ([Exhibit M](#)) to which Assemblywoman Bustamante Adams has agreed. It removes the nonmotorized portions of this bill. The ability to sterilize every item I described is impossible, [Exhibit L](#).

I think we should put a sunset into this bill or review it in a couple of years. If you already have quagga mussels, you cannot get rid of them. We need some time to review the program to see if it is really needed. The penalty for the first offense is \$25,000 if you do not follow the procedure as outlined in the bill. That is too stiff. We need to look at this realistically.

SENATOR ROBERSON:

I like a lot of the points Assemblyman Ira Hansen made. I do not think you would receive a fine unless you intentionally introduce AIS into the water. I would like to hear from the sponsors concerning your contention.

ASSEMBLYMAN HANSEN:

An example of a person knowingly introducing AIS is intentionally dumping an ice chest into one body of water when it came from another body of water. Some government programs can grow and expand well beyond their true need and intentions.

CHAIR MANENDO:

We will close the hearing on A.B. 167. I would like to consider the fee structure, and smaller fees for smaller boats.

SENATOR ROBERSON:

I would like to hear from the sponsors of the bill. Assemblyman Hansen's interpretation of section 5 is different from my interpretation.

CHAIR MANENDO:

We will reopen the hearing on A.B. 167.

MR. BUONAMICI:

If I understand the question correctly, ... if somebody fails to clean their drain dry ... would they be subject to a felony? ... The answer is no. You're subject to a felony when you intentionally, knowingly introduce that species into a body of water. The other factor in Assemblyman Hansen's testimony was with regard to the quagga mussel. This bill addresses all types of aquatic invasive species. So, the horse isn't out of the barn on ... [a] lot of these. The horse hasn't even come to Nevada, yet. So, that's another thing for consideration.

MR. HASKINS:

This piece of the statute also applies to aquatic injurious species which is designed to address the issue of people taking a cooler of northern pike and planting them, which would be a very intentional action. It is not just the quagga mussel but other activities are going on.

CHAIR MANENDO:

We will close the hearing on A.B. 167 and open the hearing on A.B. 329.

ASSEMBLY BILL 329: Defines the term “wildlife” for certain provisions of law relating to water. (BDR 48-312)

ASSEMBLYMAN PETE GOICOECHEA (Assembly District No. 35):

Sometimes, you have a simple little bill that takes a life of its own, and this is one of those. ... it's only the front page, and it has definitely ... got a life of its own. I just want to make a couple of clarifications as we start. There's nothing in this bill that changes where a ... horse or a burro drank last week, where ... he drank this morning or where he'll drink next week. The misconception seems to be that if you appropriate water, you own it. ... Water belongs to the people of the State of Nevada. You only appropriate the right to use it, and you don't have the ability to take it home with you. ... On public lands you can't deny access to it. So, I just want to clarify that before we start it. A.B. 329 is ... intended to address one issue and only one issue, and that is the fact that we've had applications made by federal agencies that used Nevada's wildlife as a beneficial use. This bill is intended to establish that Nevada has a primacy over its wildlife and its water resources. I can't use your cows, Senator Rhoads, to establish a beneficial use. I can't use Senator Lee's dog to establish a beneficial use. And in this case, what is happening, the federal agencies are using Nevada's wildlife to establish beneficial use for wildlife and wild horses and burros. This bill just clarifies the ... wild horses and burros are under jurisdiction of the federal government. That came in 1971 with the passage of the Wild Horse and Burro Act. ... State of Nevada has no jurisdiction over wild horse[s] and burros and the federal agencies have no jurisdiction over Nevada's water. ... I hope as these people come forward, I think most of you people on the Committee understand that the sources that wild horses and burros are using today are probably in most cases appropriated. The state engineer, I know is here this afternoon to testify and I'm sure he can verify that. The bottom line is, those horses are drinking water today, they did last month and they will next month and they are probably drinking from appropriated sources. This bill does nothing to change that.

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The bottom line is this only clarifies that the federal agencies cannot use Nevada's wildlife to prove beneficial use on Nevada's water.

JASON KING, P.E. (State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources):
I will read my prepared testimony ([Exhibit N](#)).

DOUG BUSSELMAN (Executive Vice President, Nevada Farm Bureau Federation):
We are in support of A.B. 329. I will read my written testimony ([Exhibit O](#)).

MR. HASKINS:
We are neutral on A.B. 329. I will read my written testimony ([Exhibit P](#)).

MR. KING:
If this bill were to pass, it would not impact the watering of existing wild horses and burros. It would be impracticable to think that would stop. There is a statutory provision, NRS 533.367, that allows wildlife which customarily uses water from a spring or seep to have access to that spring or seep.

If the bill were to pass, our office would no longer be able to issue a water right for wildlife, including wild horses and burros. However, if a person obtains access to public land or buys private land, we would be able to issue water rights for livestock for managing wild horses on that land.

CHAIR MANENDO:
Do you see any legal ramifications?

MR. KING:
No, I do not see a problem. I think the language in the bill is okay. It gives our office the ability to issue water rights for livestock that would include the wild horses and burros. Our existing water rights for wildlife would continue for the wild horses and burros.

CHAIR MANENDO:
What will happen if this bill does not pass? What challenges would we face?

MR. KING:

If this bill doesn't pass, then we're back to the status quo, and that is: it would be our policy that we could issue wildlife permits to BLM [Bureau of Land Management] for the watering of wild horses and burros if the place of use is in a herd management area [(HMA)], if it's outside a herd management area, it has been our policy that we haven't issued that. So, we would continue to do that. Now, I will say that again, an application would be filed would be in publication for 4 weeks, 30-day protest period. People could come in, whomever, and want to protest that, for whatever reasons, and we could run it through the courts that way.

CHAIR MANENDO:

If someone wanted to establish a sanctuary, what would be the process if this bill passes. What kind of obstacles would this person have?

MR. KING:

I think the obstacles would be, if the bill passes, ... the obstacles would ... we would now be shifting, issuing water rights for wildlife purposes to issuing wildlife, issuing water rights for livestock purposes. And under that definition, the person, the applicant that's making the filing ... must be legally entitled to place that livestock on the lands, owns, leases or otherwise possesses a legal or proprietary interest in the livestock. So, there's those conditions. We would want to see, [if] someone wants to create a sanctuary, we would want to see, probably, some kind of piece of paper that looks like they are there to manage the wild horses. And I'm not sure what that looks like. But if we see that there is this agreement for that person to run wild horses in the sanctuary, we believe we can issue water rights for livestock. But if there was a basin that wasn't fully appropriated they could file for a new appropriation and we could issue a water right. If it is fully appropriated, they could purchase water rights, file a change application for livestock.

JEREMY DREW (Director, Coalition for Nevada's Wildlife, Inc.):
I will read my written testimony ([Exhibit Q](#)).

MR. DAVIS:

We support this legislation. Jeremy Drew has outlined the significant environmental impacts that come from the overpopulation of wild horses in our State. Nevada is the driest state in the Nation. We have scarce and precious resources in our State. In spite of that, we maintain a healthy ecological balance. We are either the fourth or fifth most biologically diverse state in the Nation, and we have a number of different wildlife species. In order to maintain that balance and maintain that diversity and make sure all our wildlife species are able to thrive and grow and live healthy lives, we need to make sure that we are managing our wildlife resources. Our DOW does a good job of managing our wildlife, and they have jurisdiction over almost all the animals in our State. They do not have jurisdiction over wild horses and burros. That is why we think this is an appropriate law for the Legislature to consider. This will clarify wild horses and burros are not wildlife as the State considers wildlife. They are under the jurisdiction of the federal government, and they are a protected species by federal law. We cannot do anything in this State that conflicts with federal law. Nothing in this bill is going to prevent wild horses from being able to access the water they currently access. There is no way for people in the State to prevent that from happening because it would be against federal law. This bill clarifies the difference between wildlife over which the State has jurisdiction and wild horses and burros that are under federal jurisdiction. This bill gives the State the ability to manage our wildlife populations for the health of all of our populations and habitat. For that reason, we support the bill.

VICE CHAIR PARKS:

Mr. Drew commented that wild horses are not a native species. In your research, have you determined if they are native?

MR. DAVIS:

I understand they are not a native species. I am not a scientist; I would let Mr. Drew answer the question.

MR. DREW:

It is our understanding, through the science available, the horses that were here originally became extinct. The animals here now are descendents from horses brought over to the New World by the Spanish.

TINA NAPPE:

Part of my testimony is written ([Exhibit R](#)). My background is in conservation of Nevada's endemic species and range and water issues. I support A.B. 329 with some caveats. It is difficult to add wild horses and burros to wildlife under the conditions they exist today because they are not managed but are allowed to explode in population, which is detrimental to our water sources and to the horses. The DOW is not managing the wild horses and burros. Therefore they are not considered wildlife. It is not enough for the BLM to have a reserve doctrine for horses. Wild horses and burros should be considered a beneficial use of wildlife and documented as such. That way they can qualify independently for using water sources. The application process will provide an opportunity for protesting or for asking for mitigation. The mitigation might include the fencing of some riparian areas that have been damaged by horses, requiring the water be piped out into another area.

J. J. GOICOECHEA (D.V.M., Eureka Vet Service; Nevada Cattlemen's Association):
I will read my written testimony ([Exhibit S](#)).

JOE GUILD (Nevada Cattlemen's Association):

I am here in support of A.B. 329. Part of my testimony is written ([Exhibit T](#)).

A little background if you don't mind so I can give you some context to the Committee and perhaps the audience about some expertise I might have in this area. I am a past president of the Nevada Cattlemen's Association. I've been a practicing lawyer in Nevada and California for the last 30 years concentrating on natural resource law and water law. I'm currently part of a management team of a large public lands ranch in eastern Nevada which has wild horses, and a lot of other wildlife for that matter, that run on the federal ranges that we use under permits. And finally, I am the current chairman for the National Cattlemen's Beef Association [(NCBA)] Federal Lands Committee. We represent over 25,000 federal lands ranchers in the United States on that committee. Mr. [Dr.] Goicoechea stated that Nevada Cattlemen's policy on wild horses [was]. Let me paraphrase the National Cattlemen's Beef Association[']s policy on wild horses so that there is no misunderstanding as ... Dr. Goicoechea said that our presentation here in support of A.B. 329 could be mischaracterized in any way that this might be an anti-wild horse measure. [The] NCBA's policy: "We support management at levels based upon the

ranges' capability of accommodating horses and burros for the health of both the animals and the range." This is a pro-Nevada water law bill. It is not an anti-wild horse bill as has been stated here prior to my testimony, which I won't repeat, except in a couple of pertinent places to emphasize some points. The federal government has the authority and the duty under the law to take care of the wild horses. Nevada has primacy over its water, and the citizens of Nevada own that water, and have the right to use that water after the state engineer has issued a permit or recognized vested rights, or whatever, but it is only a use right, not an ownership right, but courts throughout the Nation have recognized use rights as property rights. The State of Nevada manages the wildlife in Nevada, not the federal government. This is about keeping the federal government from owning a water right in Nevada and by implication creating a beneficial use in Nevada for wild horses. I'll close with this statement: ... Passage of A.B. 329 will not take any water away from any agency or animal including wild horses. This is to prevent further degradation of Nevada water law and protecting ... existing water rights and resources ... in Nevada.

DEMAR DAHL (Chair, Board of Commissioners, Elko County):

There is a lot of misunderstanding. This is not a bill that will deprive a horse of drinking water. The Board of Commissioners, Elko County is concerned about our natural resources in Elko County. We are concerned about the condition of the range, the wildlife and the ability to run cattle on the range. We have passed a number of resolutions on wild horses and on wild horse management, or the lack of it. We are primarily concerned about the water rights and the State being able to control them. The BLM cannot use livestock that belong to someone else to perfect the water rights and to show beneficial use on the water rights. The BLM should not use wild horses to show beneficial use for water rights. This bill will help preserve Nevada water law.

CARROL ABEL (President, Hidden Valley Wild Horse Protection Fund):

I will read my written testimony ([Exhibit U](#)). I have submitted a proposed amendment to A.B. 329 ([Exhibit V](#)).

BONNIE MATTON (President, Wild Horse Preservation League):

We oppose A.B. 329. I will read a letter from Willis Lamm ([Exhibit W](#)).

DOROTHY NYLEN (Director, Wild Horse Preservation League):

I will read part of my testimony ([Exhibit X](#)). I am bothered by the language in the definition of wildlife. Every animal including exotic species is listed as wildlife as shown on page 5, [Exhibit X](#). I do not want wild horses identified as wildlife because of the politics of the Board of Wildlife Commissioners, Department of Wildlife, who would as soon be issuing licenses to shoot them. That has happened before in Nevada history. Is the issue about horses or about water? They are using water against horses. The people who designed this bill wrote a letter to the state engineer asking to have horses removed, which is against Nevada law. The ranchers who take this position say the horses were their horses they let loose.

HOLLY HALEY (Director, Humane Society of the United States):

We oppose this bill. I will read the written testimony from the members of the Humane Society of the United States ([Exhibit Y](#)).

DIANE J. DAVIS:

I have operated the Dream Chaser Ranch Horse Rescue for the last 10 years. I am speaking for all members of our corporation in opposition to A.B. 329. This bill is about water. It may not affect where the horses drink today or tomorrow but it may affect where they drink later. Any of the sanctuaries trying to get started will have problems if this bill is passed. Even though the proponents of this bill say the horses are not wild, they still call them wild horses, not livestock. If you look up the definition of livestock, it does not cover wild horses and burros. Therefore, a loophole is created whereby the State is able to turn down any groups or people who want to start a sanctuary for these wild horses and burros. This bill is going to have a negative impact on wild horses and burros. It will not happen today or next week, but it will have an impact eventually. They are saying wild horses and burros are not wildlife but it states in section I, of this bill, "As used in this title, unless the context otherwise requires, 'wildlife' means any wild mammal" If this bill is passed, there can never be a sanctuary in Nevada for the wild mustangs. Because wild horses are a protected species, it does not change them from being wildlife to being livestock. This is a bill being rushed through to stop any sanctuaries from being built.

DENIZ BOLBOL (American Wild Horse Preservation Campaign; American Society for the Prevention of Cruelty to Animals):

I am speaking on behalf of the American Wild Horse Preservation Campaign which is a coalition of more than 40 organizations throughout the Country, including the American Society for the Prevention of Cruelty to Animals (ASPCA), Humane Society, Cloud Foundation and all the organizations working on the wild horse and burro legislation. On behalf of the ASPCA and the American Wild Horse Preservation Campaign, we are submitting a letter from the lawyer we have engaged with Schiff Hardin, LLP ([Exhibit Z](#)). This is what your legal staff should do for a legal analysis of the ramifications of this bill. To rely on the National Cattlemen's Association former president for legal advice would be erroneous.

CHAIR MANENDO:

We do not rely on them for legal advice. We rely on our Legislative Counsel Bureau staff when and if we need legal advice. Legislators can ask a lobbyist questions that can be answered appropriately at that time. This body does not rely on outside legal advice.

MS. BOLBOL:

I would urge you to ask the state engineer what authority he has to issue a certificate of water right for livestock and then use it for wild horses. You said the sanctuary can get water rights for livestock and then use it for wild horses in a sanctuary. There is no authority to do that. We keep hearing people say, "This is not going to change anything for wild horses. They're going to drink today, tomorrow and the next day." Under what authority are they going to have the right to drink water? There will be no authority because right now the authority falls under the classification of wildlife. The State cannot issue tags for them, so they are not managing them as wildlife, but that is because the federal government has issued special protections for them. Unless the horses and burros are qualified as beneficial use, they are not going to get water. This bill will create litigation for the State because it will challenge the federal government. The state engineer said BLM would not be issuing certificates for water rights if this bill is passed. If you have to pass this bill, add the amendment that wild horses and burros are beneficial use.

DEBBIE COFFEY:

Next month, 2,080,000 acres in Nevada are going to open up to oil and gas drilling in addition to the 288,000 acres where that has been happening in the

last couple of years. Knowing how much water is used for that and how much water is used in mining, there will be water rights hearings. With the little bit of water a horse drinks compared to that, it seems out of balance, and will have an impact on available water for the horses.

LAURA LEIGH (Wild Horse Education):

I spent the last year and a half on the range documenting wild horses in Nevada. It is fiction that wild horses are overpopulated. We did survey work before the herd management roundup was scheduled. The number of horses that were claimed to have been on that land was not present, and the roundup was called off. Several roundups scheduled to occur in this State were not over appropriate management levels (AML), but birth control is going to be used to keep them under AML. There was a huge roundup of antelope this winter in the Ely/Elko area. The pre-roundup did not demonstrate being over AML; they were under AML. This situation is currently being addressed at the federal government level. There is talk about repatriating horses into areas where they have been removed but are legally allowed under 1971 legislation. There would need to be water in those areas.

For the State of Nevada, and all of you have taken [an] oath when you take your chair, to uphold the *Constitution of the State of Nevada*. The State of Nevada gives over the authority to the federal government to determine protocol and policy. For you to determine what the federal government [can do], [regarding] the definitions for beneficial use on public land, on federal land, it's a violation, in my opinion, [against] the *Constitution of the State of Nevada*. And I really think this legislation needs to be looked at very carefully before any step is made because, as a resident of the State of Nevada, I find it really out of line in many ways.

REBECCA HILTON:

Wild horses and burros are federally protected animals. There is an "Annie Oakley Law" that protects the wild mustangs. In 11 years, the wild mustangs will be extinct. Everything needs water to live. It would be an atrocity and an inhumane act to pass this bill. The wild mustangs and burros belong to all the American people, and if this bill is passes, I will no longer be proud to be an American.

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CHAIR MANENDO:

Can you let me know more about the Annie Oakley Law in Nevada?

MS. HILTON:

I believe it was 1971, 1973 or 1974.

ARLENE GAWNE:

I spent several years in Africa photographing wildlife at water holes. The bigger animals crowd out the smaller ones. I disagree with the speakers who previously testified that horses dominate water holes. We are not doing scientific analyses of the impact of the horses on the range in Nevada, nor are we doing a scientific or objective counting of the wild horses and burros. If BLM did long-term and scientific studies, a lot of the arguments would disappear. The rest of my testimony is in written form ([Exhibit AA](#)).

CHAIR MANENDO:

Ms. Fowler, is the Annie Oakley law federal or State?

CHARITY FOWLER (Counsel):

According to this that we were just given ... the "Wild Horse Annie Act," and it was passed in 1959. It was a federal law, Public Law 86-234, and according to what I have been able to find, in a very short time, it seems to have been the precursor to the ... Wild Free-Roaming Horse and Burro Act of 1971 which was passed 12 years later. It forbade the use of aircraft and motor vehicles to hunt wild horses and burros, and it forbade the pollution of watering holes, and doing anything to harm or kill them but it didn't require the ... actual protection of them, going forward which is what happened 12 years later with the law on the [Wild] Free-Roaming Horses and Burro Act of 1971.

BEVERLEE MCGRATH (American Society for the Prevention of Cruelty to Animals):

I concur with all of the previous statements against A.B. 329. This bill appears to be reasonable except for the ranching and hunting interests. Our organization feels the intent behind this bill is to remove more wild horses from the range to allow permits for water to be given to the ranching community and not for the horses.

CARLA BOWERS (Western Watersheds Project):

The letter I will be reading is from the nonprofit Western Watersheds Project whose mission is to protect and restore western watersheds and wildlife through education, public policy initiatives and litigation.

It's absurd to claim that wild horses are damaging the range when livestock outnumber wild horses by at least 50 to 1 on Bureau of Land Management lands. In reality, it is privately owned cattle, not wild horses that are devastating vast tracts of public lands in the West. It is well documented that the number one threat to the ecological balance and Nevada range is the grazing of livestock. The prominence of livestock on the Nevada range is long known to have a devastatingly detrimental impact on the land, riparian areas, ecosystems and wildlife. Western Watersheds Project urges you to vote no on A.B. 329.

In the ten western states, livestock that graze BLM lands number from one million to three million animals. We have one million head of elk in the Nation. We have 780,000 pronghorn antelope. We may have 20,000 wild horses in Nevada. There may be less than that. We need a proper census to tell how many wild horses are on the range.

CHAIR MANENDO:

What do you think is a manageable number of wild horses for Nevada? I hear people say, "There's not enough food. They're starving. We don't have proper management."

Ms. BOWERS:

Many HMAs have been zeroed out completely of wild horses and burros. As the land is squeezed down further and further, the original acreage given to the wild horses and burros in 1971 has been reduced by at least half. In 1971, there were 53 million acres in the 10 western states allocated to the wild horses and burros. Today, we have less than 26 million acres in the 10 western states. Because of the decrease in land available to the wild horses and burros, there is less forage for them. We have to stop squeezing them off the land. More land and forage is being allocated to livestock and for the benefit for wildlife. We are not against any usage of public land, but wild horses and burros are losing their forage and land acreage. The question is the allocation of forage and water. The

wild horses and burros should be allocated one half of the forage and water, not the 10 percent they are getting today. You are not hearing the whole story.

PALOMINO ARMSTRONG (Pet Owners Rights Nevada):

The Pet Owners Rights of Nevada have 8,000 members who would like it on record that we oppose A.B. 329. If the law is passed, it would be harder for people to get water for the horses due to the classification. If the law is passed, there should be an amendment to allow water for horses, especially if they are on sanctuaries. We have an ongoing issue that there are too many horses. If people establish sanctuaries, that should help with the problem.

CHAIR MANENDO:

Is Pet Owners Rights a Nevada group?

MS. ARMSTRONG:

Yes, we are located in Incline Village.

MARTIN GAVIN:

Why is this bill needed? Whom will it benefit and whom will be hurt? Both things will happen. If this bill is passed, who will guarantee wild horses will not be impacted? By removing wild horses and burros from the definition of wildlife, the process to get water rights for the HMA can be impeded and possibly be prevented. You do not have to have an imagination to figure out what can happen to wild horses and burros if they do not have sufficient water available. The state engineer will control all the water in the State. The federal government will control the wild horses. If the wild horses need water, someone will have to represent them at the federal government level to get water and then go back to the state engineer to give them water. If the state engineer refuses to give them water, what happens? In the lobby of the Grant Sawyer State Office Building, there is a stand with brochures advertising our beautiful State. There is one brochure advertising wild horses. These horses are a natural resource. Do not pass this bill and kill our wild horses who cannot speak for themselves.

LARS HANSON:

I am a lifelong horseman. I concur with the other opponents of this bill. I am concerned about the wording of the language in the bill. Why is there a need to differentiate wild horses and burros as a class? Illusions of scientific evidence have been brought up by those people in support of this bill saying the wild

horses are not wildlife. History demonstrates wild horses antedate human life. The original "Wild Horse Annie Act" prevented rounding up by helicopters and other motorized vehicles. When the act was amended 12 years later in 1971, encroachments had been made, permitting wide-scale roundups by helicopters causing damage and harm done to the wild horses in that process.

CHAIR MANENDO:

I think helicopter roundups are horrible. It is not a proper way to round up these wild horses.

MR. HANSON:

Having worked in law enforcement, the nuance of language is what is not said. I have worked on large-scale ranches with millions of acres of allotments. The damage done by livestock compared to wild horses is monumentally worse. The data and the AML used by the BLM to justify roundup and slaughter is atrocious. One word I have not heard here today is in reference to the estrays which are not protected. They are being hauled off by the hundreds, destined for slaughter. This is a "slippery slope" we are moving towards. As a former federal officer, I am suspicious of the idea that this bill is preventing the federal government from encroaching and land grabbing. The true intent and purpose of this bill is to segregate these animals as a class from wildlife. Just because they might formerly be classified as wildlife does not automatically imply they would be hunted. This whole bill relies on this one particular phrase to reclassify these animals which is ultimately destined to deny them water.

MIKE AHLES:

The definition of feral is wild. We are talking about wildlife, so why give it another name? I was born here, as were my parents, grandparents and my great-grandparents. Therefore I consider myself a native American. I think wild horses are as native as all of us. Henry David Thoreau said it best, "In wildness is a preservation of nature [sic]." Maybe we should leave it to nature to preserve itself. A big issue is the number of wild horses. At an advisory committee meeting a year and a half ago at the John Ascuaga's Nugget in Sparks, Don Glenn of the U.S. Department of the Interior presented a slide show of wild horses. He showed how they count horses aerially and he told the advisory committee the horses are impossible to count. We are allowing horses to be taken because there are too many, but they are impossible to count. I found a State quarter in the gift shop with wild mustangs on the back of it. This quarter is protected by a piece of plastic. I am protecting a symbol of

freedom by a piece of plastic. What are we doing to protect our freedom because wild is free? Those wild mustangs are free, and what are we doing to protect them? I called the Office of the Attorney General last year to let them know that atrocities are happening in this State. Genocide is happening to a species and I have watched it firsthand. The Attorney General said that it was out of their jurisdiction. Freedom in the State is out of their jurisdiction. Do not pass this bill. There is more information in the handout ([Exhibit BB](#)).

ELYSE GARDNER (Humane Observer; The Cloud Foundation; Front Range Equine Rescue; Colorado Wild Horse and Burro Coalition):

I am here to speak for 25,000 or more people involved in my organizations. We oppose this bill.

CHAIR MANENDO:

Are you a Nevadan?

MS. GARDNER:

I am a Californian. Nevada is the keeper of a very precious trust because the wild horses of this Country are a national treasure. They are a heritage species and they belong to all of us. Nevadans have the enviable position of being caretakers of wild horses and burros. You do not realize the treasure you have. All the organizations I represent are opposed to A.B. 329. I have documented roundups over the last two years. This bill is an attempt to wrest power from the BLM. The ranchers want lower AMLs and fewer horses. This bill is an attempt to wrest power from the BLM and control wild horses in this State. As a court reporter and a former legal secretary, I have heard a lot of word games in my career. It is absurd to water horses with livestock water rights. What is the legal basis for this bill? The motives are obvious. It is a veiled attempt to undermine the status of these horses and ultimately kill them off.

JANET LITTLE:

I have been involved with wild horses for the past six years. I live in Cold Creek, Nevada, an hour away from the Las Vegas Valley in wild horse territory. I am against this bill. In the Cold Creek area, the allotment of water for the wild horses is 7 percent. There are elk, deer and coyotes there. This bill will take all the wild horses' water rights. The proponents of the bill are saying they will have water tomorrow but they are not saying they will have it next year. If this bill passes, the BLM will gather the horses because BLM was put in charge of protecting and managing the wild horses and burros. In order to save the wild

horses and burros, they will have to remove them if there is not adequate water or forage. I have pictures of elk, deer and wild horses all standing side by side eating and drinking water with no problem. The flag hanging in this building has a tortoise, big horn sheep and wild horses.

CAT KINDSFATHER (Wild Horse Preservation League):

I have been documenting the BLM captured horses, although I did not attend any of the roundups. It is upsetting to see these horses disappearing with these roundups. The proponents of the bill changed their comments to make it seem like they were not against wild horses. Nevada has a gold mine with wild horses in promoting tourism. Please do not pass this bill.

KIMBERLY RHODEMYRE:

I will read my written testimony ([Exhibit CC](#)).

MANDY McNITT:

I have submitted written testimony ([Exhibit DD](#)). If this law is passed, wild horse sanctuaries will become nonexistent. Would that not make the BLM's job harder? All the proponents of this bill are known opponents to wild horse existence. Water is not just for humans. Under Nevada law the rights to use of Nevada water can only be lost in the present day legal term to voluntary abandonment. I do not think you can say that wild horse roundups are voluntary, not for the horses.

ASSEMBLYMAN GOICOECHEA:

... I apologize, I hate to have to see you suffer through this. I can only speak to the bill, the legislative intent of the bill. And clearly the intent is to preclude the federal government from acquiring Nevada's water resources. If that's a problem with the people in this room, I'm sorry, but I am a third-generation Nevadan. [I] lived in the same valley. It is a big issue to me. So, I am sorry.

Before we get much farther into this, and we have a lot of press here, I would ... invite you people to please go to the Website, look for the Rock Springs Restoration, riparian restoration, in White Pine County, a cooperative agreement between Goicoechea Ranches and the BLM. The primary use of that water, is [for] wild horses. We own the water rights but the primary use there is [for] wild horses, and we are restoring that facility for wild

horses. I ask you to please go look at that and find out what it's all about. I think there is a lot of twisted information here, and brought forward. I continue to hear about preserves [and] sanctuaries. This bill has nothing to do with that. If there is [sic] some issues with the BLM and their management of the horses, I suggest you contact your congressman.

CHAIR MANENDO:

Could you repeat that Website again?

ASSEMBLYMAN GOICOECHEA:

I do not have it. It can be found under BLM in White Pine County. It is called the Rock Springs Riparian Restoration. It is a cooperative agreement between Goicoechea Ranches and the BLM. We hold the water right and the primary use is for wild horses.

ETTA BUTLER:

This is my horse, Amigo [([Exhibit EE](#))]. Amigo was rescued in 2005. He's from Dayton. He is a pure-blooded Kiger [mustang] and they tell us that there's no pure-blooded mustangs in Nevada anymore. ... they're all feral, they're all estrays ... no they're wild. ... I'm sorry ... If I had one drink left, and it was between me and my horse, I'd give it to this horse [[Exhibit EE](#)]. All of us here would still be walking from New York, if it wasn't for the horse. I'm sorry you've got your sage grouse, you've got your big horn sheep, you've got all the cattle, I love all of them, I truly do, but this right here is what made America, this is what made us free, this is what goes to every war, even now in Afghanistan and all [the] way back, World War II, everywhere. I'm sorry, I'm a Nevadan, my parents were, my grandparents were. I was upset that ... Senator Rhoads left. [Senator] Dean Rhoads left. ... That bothers me. That man knows this horse issue from ... all the way down. That man hates the horses. He needed to be in this room, today, to see how many people care for the horses.

CHAIR MANENDO:

Ma'am, ... Senator Rhoads ... does not hate horses. I will tell you that. ... He's been a rancher, but he's had horses as long as I ... I've known Senator Rhoads for almost 20 years. ...

MS. BUTLER:

I'm not going to argue because I respect you, but I was with Ken, Governor Guinn, when [Senator] Dean Rhoads said we're going to round up 6,000 horses in 2006 and there were 28,000 [wild horses] in Nevada then. It would have been nice to have him here

...

CHAIR MANENDO:

Senator Rhoads and Senator Parks needed to get to another committee that needed to get started.

SENATOR ROBERSON:

... When you said, you know we do have a bit of a budget crisis going on, and Senator Rhoads is in Senate Committee on Finance right now. It's not that he did not want to be here. So, I don't appreciate the personal attacks on my colleague.

MS. BUTLER:

Well, I'm just a Nevadan.

SENATOR ROBERSON:

We are all Nevadans.

CHAIR MANENDO:

We love our State. Senator Rhoads loves this State. They needed to get to another committee. We have done a really good job. I commend everybody for being respectful. I appreciate the hearing on A.B. 329, and I will close the hearing on this bill.

SUSAN COURTEMANETTE:

Not only is there surface water available for the wild horses, there are also underground water reservoirs.

BETTY KELLY:

I have been with the Wild Horse Rescue for 40 years. I have presented a written testimony for you ([Exhibit FF](#)). Most of the pro-arguments for this bill are mythical and not true. We need to bring Nevada into the 21st century. I have a saying that explains this bill, "Trust me, you won't get pregnant." If this bill is passed, it is going to be a big mis-pregnancy against the wild horses.

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CHAIR MANENDO:

There being no further business, the Senate Committee on Natural Resources is adjourned at 7:07 p.m.

RESPECTFULLY SUBMITTED:

Sandra Hudgens,
Committee Secretary

APPROVED BY:

Senator Mark A. Manendo, Chair

DATE: _____

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 306	C	Michelle Van Geel	Work Session Document
A.B. 368	D	Michelle Van Geel	Work Session Document
A.B. 451	E	Michelle Van Geel	Work Session Document
S.C. R. 1	F	Michelle Van Geel	Work Session Document
A.B. 167	G	Assemblywoman Irene Bustamante Adams	PowerPoint Presentation
A.B. 167	H	Assemblywoman Irene Bustamante Adams	Written Testimony
A.B. 167	I	Robert F. "Rob" Joiner	Pyramid Lake Paiute Tribe regulations
A.B. 167	J	Tom Smith	Written Testimony
A.B. 167	K	Tom Smith	Felt-soled waders information
A.B. 167	L	Assemblyman Ira Hansen	Process used to decontaminate a vessel
A.B. 167	M	Assemblyman Ira Hansen	Proposed amendment
A.B. 329	N	Jason King	Written Testimony
A.B. 329	O	Doug Busselman	Written Testimony
A.B. 329	P	Richard L. Haskins	Written Testimony
A.B. 329	Q	Jeremy Drew	Written Testimony
A.B. 329	R	Tina Nappe	Written Testimony
A.B. 329	S	J.J. Goicoechea	Written Testimony
A.B. 329	T	Joe Guild	Written Testimony

A.B. 329	U	Carrol Abel	Written Testimony
A.B. 329	V	Carrol Abel	Proposed Amendment
A.B. 329	W	Bonnie Matton	Letter from Willis Lamm
A.B. 329	X	Dorothy Nysten	Written Testimony
A.B. 329	Y	Holly Haley	Written Testimony from the Humane Society of the United States
A.B. 329	Z	Deniz Bolbol	Letter from Attorney with Schiff Hardin
A.B. 329	AA	Arlene Gawne	Written Testimony
A.B. 329	BB	Mike Ahles	Study in Mismanagement
A.B. 329	CC	Kimberly Rhodemyre	Written Testimony
A.B. 329	DD	Mandy McNitt	Written Testimony
A.B. 329	EE	Etta Butler	Picture of her horse
A.B. 329	FF	Betty Kelly	Written Testimony