

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

**Seventy-Seventh Session
April 30, 2013**

The Senate Committee on Natural Resources was called to order by Chair Aaron D. Ford at 1:33 p.m. on Tuesday, April 30, 2013, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 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 Aaron D. Ford, Chair
Senator Mark A. Manendo, Vice Chair
Senator Tick Segerblom
Senator James A. Settelmeyer
Senator Pete Goicoechea

GUEST LEGISLATORS PRESENT:

Assemblywoman Maggie Carlton, Assembly District No. 14

STAFF MEMBERS PRESENT:

Michael J. Stewart, Policy Analyst
Brenda Erdoes, Counsel
David S. Ziegler, Supervising Principal Research Analyst
Patricia Devereux, Committee Secretary

OTHERS PRESENT:

Jeremy Drew, Project Manager, Nevada Pinyon-Juniper Partnership; Vice Chair,
Board of Wildlife Commissioners, Department of Wildlife
Dagny Stapleton, Nevada Association of Counties
Jacob Tibbitts, Manager, Department of Natural Resources, Eureka County
Kyle Davis, Nevada Conservation League & Education Fund
Joel Blakeslee, Coalition for Nevada's Wildlife

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Elaine Carrick, NoBearHuntNV

Christine M. Schwamberger, Nevada Political Action for Animals

Trish Swain, Nevada Political Action for Animals

Jana Wright

Stephanie Myers

Beverlee McGrath, American Society for the Prevention of Cruelty to Animals;
Best Friends Animal Society; Nevada Humane Society; Northern Nevada
Society for the Prevention of Cruelty to Animals; Nevada Political Action
for Animals; Lake Tahoe Humane Society and Society for the Prevention
of Cruelty to Animals; Compassion Charity for Animals; Pet Network of
Lake Tahoe; Wylie Animal Rescue Foundation; PawPac; Lake Tahoe Wolf
Rescue

Carolyn Stark, NoBearHuntNV

Fred Voltz

Jean Perry-Jones

Sandra Noffsinger

Don Molde

Gail Dietrich, Nevada Alliance for Retired Americans

Margaret Flint, Nevada Humane Society

Chair Ford:

We will open the hearing on Assembly Joint Resolution (A.J.R.) 3.

ASSEMBLY JOINT RESOLUTION 3 (1st Reprint): Expresses the intent of the
Legislature to establish a biomass industry to restore certain ecosystems
on public lands. (BDR R-210)

Assemblywoman Maggie Carlton (Assembly District No. 14):

I was chair of the Legislative Committee on Public Lands during the 2011-2012
interim. Assembly Joint Resolution 3 came out of that Committee and tours we
took on public lands. There are 200,000 acres of sagebrush habitat in central
and northeast Nevada annually transitioning to a stage in which trees are
dominant. The Nevada Pinyon-Juniper Partnership project was a critical part in
the biomass discussions.

Senator Segerblom:

Why are high-density pinyon-juniper forests crowding out sagebrush?

Assemblywoman Carlton:

While on a tour, the Committee on Public Lands encountered a wildfire. Pinyon-juniper forests require a lot of water, significantly altering the moisture makeup of hills and valleys where sagebrush grows. The Committee on Public Lands saw a couple of springs from which the pinyon-juniper had been removed. The difference in those riparian areas versus other extremely dry valleys with a lot of pinyon-juniper on a hill was striking. There was a great difference in the two valleys' ecosystems.

David S. Ziegler (Supervising Principal Research Analyst):

Based on discussions held during the interim with scientists, no one really knows why pinyon-juniper is spreading into and filling valleys. There is no single reason. A biologist told me that thousands of years ago, there was minimal pinyon-juniper in Nevada. In the last 30 years, it has become more dense and dropped down alluvial fans into valley floors and sagebrush steppe habitat.

Jeremy Drew (Project Manager, Nevada Pinyon-Juniper Partnership):

You have a copy of the printout of my slideshow ([Exhibit C](#)). The goal of the Nevada Pinyon-Juniper Partnership is to promote sound, proactive management to achieve healthy ecosystems for stronger communities. The Partnership consists of all levels of government—State, federal and local—plus nongovernmental organizations. We stand on three main pillars: science and monitoring, resource restoration and utilization of pinyon-juniper. The three have a strong interaction, allowing us to inform one another and foster a strong feedback loop.

Page 5 shows a pinyon on the left and a juniper on the right. They are often found growing together over 9 million acres across Nevada, as shown in the center image. When viewed in a historical context, there are infill and expansion issues. These photos on page 6 of a mountain in the Shoshone Range show tree distributions in 1973 and 2007. During those 35 years, there was significant infill on the hillside, mostly due to a lack of disturbance—including fire. In 1973, the dominant cover was mountain mahogany; by 2007, it was predominantly pinyon-juniper.

Pinyon-juniper expansion has three phases, as seen on pages 7 through 9. In phase I, trees are present, but grasses and brush species dominate. Phase II is a co-dominate situation, and in phase III, trees dominate the site and resources. There are 20 to 40 years between phases, with a marked decrease in the

understory. Going from phase II to III, an ecological threshold is crossed with reduced grass and brush. Annually, Nevada loses about 100,000 acres and the Great Basin 250,000 acres of grass and brush to pinyon-juniper.

If a phase I or II ecosystem burns, the successional pattern is reset, and the habitat returns to the grass and brush of phase I. That is a resilient, healthy ecosystem. Phase III has an extremely high fuel load, which creates hot canopy fires. There is no understory to restore the site, and invasive plants like cheatgrass or other noxious species proliferate. This is the Partnership's biggest concern and worst-case scenario. The non-resilient ecosystem is highly susceptible to undesirable vegetation. There is decreased biodiversity, forage, habitat and resilience; increased erosion, fire danger and invasive species; and altered fire cycle, hydrology and soils.

The chief threats to sage grouse are invasive species, wildfire and conifer encroachment. The red areas on the map on page 13 are sage grouse population habitat units. Pinyon-juniper invasion is listed as a high threat to them.

The chart on page 14 shows the Bureau of Land Management (BLM) Ely District's resource management plan over the next 20 years. It shows the current and desired ranges of conditions for pinyon-juniper woodland. There are 2.91 million acres of overmature woodland transitioning from phase II to III. Over the next 20 years, the BLM wants to redistribute that back to mature and immature woodland. Page 15 shows the average cost per acre to accomplish this is \$250 per acre over 2.75 million acres for a total of \$682.5 million. Not even the federal government will have that much money available over the next 20 years.

Page 16 shows the restoration cycle. It includes baseline data collection, implementation of guidelines of the National Environmental Policy Act of 1969 and of restoration, and post-project monitoring. This creates jobs and requires money. The Partnership is advocating a biomass industry with a valuable product gleaned from the landscape. The value is returned through the restoration and implementation chain, while ecological services are developed.

Page 18 shows what pinyon-juniper biomass utilization entails. Traditional potential uses are firewood and pellets, fence posts, niche-wood products like furniture and electrical biomass power generation. An Ely school is heated and

runs on biomass power. New, unproven technologies are biochar and mulch soil amenders, biofuels, bio-plastics, chemicals and solvents. The University of Nevada, Reno is looking at using biomass to create fuel.

Fire in pinyon-juniper is a matter of "when," not "if," and it can have both positive and negative aspects. Active fuels management can serve as a fire surrogate and build ecosystem resilience before the ecological threshold is crossed. Larger-scale management will require significant funding, which may be supplemented by private industry. On November 29, 2012, Assemblywoman Carlton wrote about the Legislative Committee on Public Lands:

The Committee on Public Lands agrees that it is most appropriate to address the many problems associated with pinyon-juniper encroachment in sagebrush ecosystems by using that biomass that results from large-scale treatments and capturing its economic value.

Senator Segerblom:

Is pinyon-juniper growth a continuous cycle between fires?

Mr. Drew:

Over the years, fire suppression has not reset the "ecological clock." Scientists think there have been climatic changes. Pinyon once grew in Las Vegas Valley. Both species have adapted to take advantage of climate change, north and south and up and down in elevation. There is some combination of climatic factors in the Great Basin and other areas, including mesquite woodland in the Southwest and big-timber forests of the Northwest that we do not completely understand. Factors include a combination of land-use management practices over 150 to 200 years and changing climatic conditions.

Dagny Stapleton (Nevada Association of Counties):

The Nevada Association of Counties (NACO) supports A.J.R. 3. We were part of Assemblywoman Carlton's Pinyon-Juniper Working Group. We understand the potential for economic development for counties and the environmental benefits of developing a strategy to deal with expanding pinyon-juniper woodland.

Jacob Tibbitts (Manager, Department of Natural Resources, Eureka County):

We support A.J.R. 3. We subscribe to the ideals of Aldo Leopold when he wrote about economy and ecology working together. This resolution tries to foster that. "Eco" is "house" in the Greek language and is part of both "economy" and "ecology." The resolution would create a culture in which those tasked to create changes would actually benefit from them economically through utilization or stewardship contracts.

Kyle Davis (Nevada Conservation League & Education Fund):

Assembly Joint Resolution 3 would be a win-win situation benefiting wildlife habitat while potentially creating renewable energy opportunities for the State.

Joel Blakeslee (Coalition for Nevada's Wildlife):

We support A.J.R. 3.

Chair Ford:

We will close the hearing on A.J.R. 3 and open the hearing on A.J.R. 4.

ASSEMBLY JOINT RESOLUTION 4 (1st Reprint): Urges the Bureau of Land Management and the United States Forest Service to assist the State of Nevada with the prevention and suppression of wildfires and repeat wildfires in this State. (BDR R-209)

Assemblywoman Maggie Carlton (Assembly District No. 14):

During the 2011-2012 interim, the Legislative Committee on Public Lands developed A.J.R. 4. At the Committee's first meeting in November 2011, then-Chair Senator Dean A. Rhoads brought up the issue of severe wildfires a few years earlier that had seriously impacted public lands in northeast Nevada and other State areas. We discussed grazing in conjunction with controlling fuel loads that feed fires.

Grazing is a critical component that needs to be addressed. It is an issue that engenders much passion, with strong feeling on all sides. It is fair and correct to discuss how grazing impacts wildfire. The plight of sage grouse came up in almost all of the Committee on Public Land's discussions. We had lengthy conversations with BLM representatives about the timing of issuing grazing permits, how cattle are moved between ranges, how to use grazing to reduce fuel loads and time frames to deal with these issues. The Governor's Greater Sage-grouse Advisory Committee made recommendations about grazing

flexibility and targeted grazing, two issues the Committee on Public Lands also examined.

In June 2012, Committee on Public Lands members and I toured the University of Nevada, Reno, College of Agriculture, Biotechnology & Natural Resources, Nevada Agricultural Experiment Station's Gund Research Ranch. We looked at how cheatgrass impacts rangeland and options for controlling it. We decided the issue was so important that a resolution should be made.

Chair Ford:

The resolution states:

Whereas, In a 1,700-acre study conducted by researchers at the University of Nevada, Reno, late-season livestock grazing was shown to reduce the amount of cheatgrass, which could fuel a fire, from 500 pounds per acre to 25 pounds per acre ...

Are you advocating grazing on cheatgrass to eradicate it?

Assemblywoman Carlton:

Yes. Hungry cows will eat cheatgrass. That was part of our discussions with the BLM on trying to use flexible grazing. The cattlemen and cattlegirls know what is going on in the range. If they put cattle out in late autumn, cheatgrass will be knocked down. If a late-season or spring fire comes through, fuel loads will be much less. There must be criteria for issuing grazing permits. We must know the amount of rainfall there has been and how many cows the range can handle. The BLM needs to evolve into using flexible grazing practices so those working the range can help protect it.

Senator Goicoechea:

Utilization of cheatgrass is all about grazing timing. Once cheatgrass is seed ripe, grazing cannot damage it. It matures very early and by mid-June is already dry and combustible. It becomes critical to remove that fuel load, because if we do not do so, the stage is set for another catastrophic fire.

A big issue for me is that after a burn, typically the federal agencies will require a 2-year closure of the affected range. Sometimes it is better to graze after 1 year, because the cheatgrass is seed ripe. If you try to get through the rest of the season, often thunderstorms with lightning will ignite the vegetation on the

land again before it is reopened for grazing. That second fire is catastrophic. If the only fuel was cheatgrass, the soil is then sterilized.

Ms. Stapleton:

The NACO supports A.J.R. 4. Public lands play an important role in the lifestyle and economy of all Nevada counties, especially rural ones. We are increasingly concerned about wildfires on public lands and support any effort to increase federal resources for fire prevention and suppression.

Mr. Tibbitts:

Eureka County supports A.J.R. 4. I am familiar with the cheatgrass research at the Gund Ranch, a large portion of which is in Eureka County. Targeted grazing not only reduced the cheatgrass fuel from 500 pounds per acre to 25 pounds per acre, but it greatly reduced the seed bank for the next growing season. The study livestock gained weight and thrived.

Mr. Blakeslee:

The resolution is an excellent idea. Everything begins with habitat, so we need to do what we can to foster it.

Chair Ford:

We will close the hearing on A.J.R. 4 and open the hearing on A.J.R. 5.

ASSEMBLY JOINT RESOLUTION 5 (1st Reprint): Urges Congress to take certain actions concerning federal public lands in Nevada. (BDR R-208)

Assemblywoman Maggie Carlton (Assembly District No. 14):

At its May 2012 meeting, the Legislative Committee on Public Lands heard testimony about energy development, mining, recreation and the increased demand for facilities, roads and services on public lands. State and local governments are limited in their ability to collect fees and taxes from public land users.

The Energy Policy Act of 2005 created a revenue-sharing provision for geothermal energy generation on federal lands. This helped State and local government to deliver goods and services better and make capital improvements. Legislation proposed by U.S. Senator Harry Reid and U.S. Representative Dean Heller would establish a leasing program for solar energy projects on public land that would have given 25 percent of revenue to

host states and counties. In 2011, members of the Nevada Congressional Delegation worked to establish a revenue-distribution formula for solar and wind energy development on public lands that would share the rents and royalties with the State and counties through the U.S. Department of the Interior.

There have been recent efforts to establish revenue-sharing programs. Senate Joint Resolution No. 4 of the 76th Session was unanimously adopted, urging Congress to ensure public lands in Nevada remain open to multiple uses and to enact revenue-sharing legislation. If there is a way to bring more dollars into the State, I will sign on to it. We deserve our fair share of revenue generated for any activities on our public lands.

Ms. Stapleton:

The NACO supports A.J.R. 5, which specifically deals with the federal policy that 25 percent of revenue paid to the federal government for use of public lands for geothermal production goes to the host counties. There have been recent attempts to divert those revenues to the U.S. Department of the Treasury. The resolution would encourage the federal government to preserve the revenues for counties. The NACO also supports the proposal to expand that revenue share to host counties for solar and wind energy development on public lands. These revenues are important to counties to offset local costs associated with such developments.

Mr. Tibbitts:

Eureka County supports A.J.R. 5.

Chair Ford:

We will close the hearing on A.J.R. 5 and open the hearing on Assembly Bill (A.B.) 168.

ASSEMBLY BILL 168 (1st Reprint): Requires the membership of each county advisory board to manage wildlife to include one qualified member who represents the interests of the general public. (BDR 45-780)

Assemblywoman Maggie Carlton (Assembly District No. 14):

I sponsored this bill by request of Clark County Commissioner Chris Giunchigliani. She encountered an issue in which she wanted to appoint a resident to the Clark County Advisory Board to Manage Wildlife. The person did not fit any of the listed criteria, so the appointment was denied. Public

members should have a place on every county board. There are 17 county advisory boards (CABs) to manage wildlife, and the bill would add a public member to each of them.

Chair Ford:

How was this bill received in the Assembly? Has it been amended?

Assemblywoman Carlton:

Yes. This is the first reprint ([Exhibit D](#)). The reception among Assembly members was all over the map. Some were in full support, and some wanted the bill to go further, which we denied. One public member on the wildlife CABs is enough. Some Legislators did not like A.B. 168 at all and did not see why the public should be included in wildlife CABs.

Most reasonable people thought that having a public member was not a bad idea, but the language had to be exact to ensure all concerns were addressed. We reworded the last half of the bill to make sure the definition of "public member" was clear and they were properly assigned to each wildlife CAB.

Chair Ford:

Is the bill before us a decent compromise?

Assemblywoman Carlton:

Yes. We addressed some of the issues that came up, but some Legislators just do not like it.

Senator Goicoechea:

Do most wildlife CABs have five members?

Assemblywoman Carlton:

Some wildlife CABs have three members, some have five, and Clark County has seven.

Senator Goicoechea:

I worked on appointing wildlife CAB members in Eureka County for 16 years. When the public member cannot be a hunter or angler, is that your intent? If someone is a committed conservationist but also an angler or hunter, is he or she ineligible to join a wildlife CAB? In rural communities, it is extremely difficult to get anyone to serve on and show up for county meetings.

Assemblywoman Carlton:

That issue was discussed in several meetings. If we are going to have a public member, he or she should not have to meet other criteria or have hidden agendas. We would not prohibit a public member from a wildlife CAB because he or she does not have a fishing or hunting license. A public member should be truly that, not representing a specific group.

Senator Goicoechea:

Are you saying that as long as that person filled the general public slot, he or she could have a fishing license?

Assemblywoman Carlton:

No.

Senator Goicoechea:

If the person was not affiliated with a group, he or she could not have a hunting, fishing or trapping license. Is that correct?

Assemblywoman Carlton:

Because other wildlife CAB members are required to have those licenses, there needs to be someone without them. Otherwise, you could end up with a wildlife CAB consisting of all anglers, all hunters or all ranchers. Public members must not represent particular constituencies.

Chair Ford:

As I read A.B. 168, I do not see that restriction. Section 1, subsection 2 states, "In addition to the members appointed pursuant to subsection 1, the board of county commissioners shall appoint"—and here is the key terminology—one qualified person to the board who represents the interests of the general public of the county." The only other criterion is he or she must be a county resident. It does not state that a public member cannot be an angler or hunter. Are you arguing otherwise, that the member cannot be a sportsman or sportswoman?

Assemblywoman Carlton:

That is the bill's intent. The bill's originator had not been able to appoint wildlife CAB members because they did not have fishing or hunting licenses. The target public member would be a true conservationist.

Chair Ford:

I do not see a definition of “represents the interests of the general public.” I do not see a prohibition on an appointee being a sportsman or sportswoman.

Brenda Erdoes (Counsel):

I agree. There is no restriction concerning sport licenses because section 1, subsection 2 stands alone in defining the public member. There is also no definition in the *Nevada Revised Statutes* (NRS) that specifies the appointee cannot have a fishing or hunting license. We can add restrictive language to the bill.

Chair Ford:

The only qualification for the member is that he or she “must be a resident of the county from which he or she is appointed.”

Mr. Ziegler:

Clark County must have five or seven wildlife CAB members, at the board of commissioners’ discretion. In all other counties, CABs have three or five members, at the discretion of the board.

Elaine Carrick (NoBearHuntNV):

You have a copy of my written testimony ([Exhibit E](#)). NoBearHuntNV supports A.B. 168. *Nevada Revised Statute* 501.265 requires wildlife CAB members to be hunters, anglers, trappers or engaged in ranching or farming. This excludes the vast majority of Nevadans who do not participate in those activities from having any representation on wildlife CABs.

The Department of Wildlife’s (NDOW) mission statement reads:

To protect, preserve, manage and restore wildlife and its habitat for its aesthetic, scientific, educational, recreational, and economic benefit to citizens of Nevada and the United States, and to promote the safety of persons using vessels on the waters of this state.

This statement is meant to include all Nevadans. The public trust doctrine provides that wildlife resources on public lands are entrusted to the government to manage for the benefit of all of the public.

The makeup of wildlife CABs does not include all Nevadans because NRS 501.265 strictly limits who can be on the boards. Assembly Bill 168 will allow for one general public representative outside of the sportsmen, ranching and farming communities to diversify wildlife CABs. New ideas could emerge to help better manage wildlife, which is what we all want in the long run. The bill does not entail a fiscal note.

Chair Ford:

Do you still support the bill even though it does not prevent the public member from having a sporting license?

Ms. Carrick:

When a county commission appoints the member, it would choose someone who truly represents the public and not the consumptive communities. That is the purpose of A.B. 168.

Chair Ford:

There are two schools of thought on the issue. General public members can also hold sporting licenses, or, because section 1, subsection 3, paragraph (a), subparagraph (2) identifies "People who are engaged in ranching or farming in the county," section 1, subsection 2 should not be read to include consumptive users of wildlife. I am not certain that your interpretation of the bill's language will be guaranteed at the county commission level. A CAB could say it will not appoint a public person who is a rancher or farmer or holds a sporting license. Alternatively, it could say that just because a person is a hunter or angler, it does not mean that he or she cannot be a general public member. Are you content with the language being interpreted either way?

Ms. Carrick:

I did not interpret A.B. 168's language in the latter way.

Chair Ford:

Do you think the second interpretation would be upheld in court?

Ms. Erdoes:

I believe a court would hesitate to overturn county commissions' actions based on the bill's provisions. This is the kind of thing brought to the Legislative Counsel Bureau Legal Division 3 or 4 years after it passes by a commission that intends to load wildlife CABs the way it sees fit. If we are asked for an opinion,

it will be that NRS does not prohibit such loading. Intent is one thing, but many times, in a court challenge, intent will not override an unambiguous section that allows anyone to be appointed as a public member.

Chair Ford:

I share that opinion. New language must be worked out before A.B. 168 can come before us in a work session.

Christine M. Schwamberger (Nevada Political Action for Animals):

I know that A.B. 168 would allow a hunter, trapper, angler, rancher or farmer to be appointed as a public member to a wildlife CAB. That defeats the purpose of the bill's spirit. The other CAB members are required to have consumptive licenses and interests. I am concerned they cannot properly represent animal advocates' interests. I reluctantly support the bill as written.

Trish Swain (Nevada Political Action for Animals):

I agree with Ms. Schwamberger's testimony. I support A.B. 168 because it is a step toward where our hopes lay. We had hoped a point of view not bound by the hunting tradition would have been represented on wildlife CABs. You can call it a rural-versus-urban philosophical gap or traditional-versus-progressive gap, but the gap is large. We have become aware of it as we, as animal advocates, attend CAB meetings.

Jana Wright:

I am speaking on behalf of Clark County Commissioner Giunchigliani. You have a copy of my prepared testimony ([Exhibit F](#)). Assembly Bill 168 would require county commissioners to add a public member to wildlife CABs at their next vacancies. I can agree to disagree with my sportsmen friends. I just want them to allow me to feel like my voice is heard. Commissioner Giunchigliani has received many emails and calls asking how to get a public member on the Clark County Advisory Board to Manage Wildlife. That Board has seven members, as the NRS allows. If the bill is passed, a true public member would be appointed by the Clark County Board of Commissioners after July 2013. We hope other wildlife CABs vet applicants to ensure they truly represent the public.

Chair Ford:

Will Commissioner Giunchigliani support the bill as written?

Ms. Wright:

Yes. However, she asks the Committee to be aware that when vacancies occur, if hunters, trappers, anglers, ranchers or farmers apply, they are recommended by organizations with which they are affiliated. She hopes that public member candidates are not affiliated with lobbying-type groups.

Stephanie Myers:

You have a copy of my written testimony ([Exhibit G](#)). I spoke before the Clark County Advisory Board to Manage Wildlife about how my dog had been caught in a Max Canyon trap in the Spring Mountains. I thought the board members would be sympathetic to my dog's plight, and they might say, "Let's see what can be done about that. We're probably not going to outlaw trapping. But maybe we should require signs so people who are unaware of what we're doing will know there is a danger."

Nothing could be further from the truth. The board snickered when I told my story, and people in the audience laughed and ridiculed me. I did not know that the wildlife CAB requires its members to be hunters, trappers or anglers and the audience consisted of like-minded individuals. Board members generally vote together, according to trappers' interests. This is the fox guarding the henhouse. It is in their best interests to retain the status quo.

Since less than 4 percent of Nevada's population is trappers, hunters or anglers, we need general public members on the CAB. A board deciding and making recommendations about wildlife needs more compassion and humanity for innocent victims of traps.

Chair Ford:

In view of previous testimony, do you still support A.B. 168 if the general public member has a consumptive-use license?

Ms. Myers:

Yes, reluctantly.

Beverlee McGrath (American Society for the Prevention of Cruelty to Animals; Best Friends Animal Society; Nevada Humane Society; Northern Nevada Society for the Prevention of Cruelty to Animals; Nevada Political Action for Animals; Lake Tahoe Humane Society and Society for the Prevention of Cruelty to Animals; Compassion Charity for Animals; Pet Network of Lake Tahoe; Wylie Animal Rescue Foundation; PawPac; Lake Tahoe Wolf Rescue):

Animal-advocacy groups understood the intent of A.B. 168 is to have a public representative on wildlife CABs. Even though we are now somewhat confused, we still support the bill as written. We view it as a step forward, but ask the Committee to change the language so that CAB members do indeed represent the public. The hunting, angling, trapping and ranchers lobby for the CAB positions, which ordinary citizens do not. We need to add language to the bill that all Nevadans, not just a certain segment, would be considered for the CABs.

Mr. Davis:

The Nevada Conservation League supports A.B. 168 as written, understanding today's interpretation. We support adding new perspectives to wildlife CABs. I grew up in a rural Nevada county. In some populous counties, there is a great demand to be on government boards, but in rural counties, commissioners are begging for volunteers to join them. If in the future true general public members are not being appointed, we can change that next Session.

Senator Goicoechea:

Having been a county commissioner, I agree with Mr. Davis's assessment and understand the bill's intent. Commissioners are just not going to ignore its provisions. There was a man on the Eureka County wildlife CAB for about 25 years. He owned a hardware store, had hunting and fishing licenses, and was an avid catch-and-release angler. He was a true conservationist who took far more photos of wildlife than he ever took game animals.

Chair Ford:

I agree. Current wildlife CABs will understand the bill's intent. However, 10 to 15 years down the road when the boards' memberships have turned over, people will not look back and ask what the original intent was. They will read the NRS and appoint a general public member with no restrictions. If the Committee added language to the effect that "... and that person shall not have a hunting, trapping or fishing license or be a rancher or farmer," would that be

acceptable? Otherwise, the language will not lead to Assemblywoman Carlton's intent.

Carolyn Stark (NoBearHuntNV):

The public member of wildlife CABs should not be a hunter, trapper, angler, rancher or farmer. As of this morning, according to the NDOW Website, 87 people sit on the CABs, and they are all under the aforementioned categories. This excludes the 2.6 million Nevadans who do not hunt, fish, trap, farm or ranch. The 2006 U.S. Fish and Wildlife Service National Survey of Fishing, Hunting, and Wildlife-Associated Recreation for the Nevada Fish and Wildlife Office found 63,000 hunters and 686,000 wildlife watchers. For every 724 hunters, there is one CAB representative; there are zero representatives for the 686,000 wildlife watchers. The latter represents more than 25 percent of the State's population, while hunters are less than 2 percent. This clearly demonstrates a flawed structure as it relates to wildlife decision making. Wildlife watchers outnumber and outspend hunters, yet we are unrepresented and lack a vote on wildlife CABs.

Chair Ford:

According to testifiers' interpretations of A.B. 168, does your support hinge on the appointee not being a consumptive user of wildlife?

Ms. Stark:

I would prefer the bill to be rewritten as to its original intent. I support it, but we will be back in a couple of years to change it.

Fred Voltz:

The term "balance" comes to mind when we are talking about A.B. 168. At a recent Carson City Advisory Board to Manage Wildlife meeting, a member of the public brought up for discussion the topic of trap registration. The CAB chair indicated he knew nothing about trapping yet had spoken to a trapper to find out more about it before beginning the discussion. There was no discussion with anyone opposed to trapping.

Regardless of one's perspective on an issue, balanced policy making requires decision makers to ponder all perspectives before making a decision. That Carson City meeting is a glaring and common example of how policies are decided at wildlife CABs and the NDOW. It drives home why we need a public member on the CABs. A legal argument could be made that given the

enumerated people in the bill's section 1, subsection 1, because there is no specific mention of the public member having hunting, angling or trapping licenses, the person should not have those licenses.

Chair Ford:

I agree with your legal interpretation. My point is there are multiple interpretations, and if we want something that precludes that, we need to contemplate other language.

Mr. Voltz:

I agree that an amendment is in order to clarify the bill now and in the future.

Jean Perry-Jones:

In more than 40 years in Nevada, I have enjoyed skiing, hiking, biking, picnicking, camping, horse riding, canoeing, boating, sledding, rock climbing, exploring, bird and wildlife watching, and myriad other outdoor activities. I am not a hunter, trapper, angler, farmer or rancher. I am not represented on my wildlife CAB. The State's wildlife belongs to all Nevadans, not just to a small percentage of us. Wildlife CABs should be inclusive and represent the public beyond their current, narrow requirements for membership.

Assembly Bill 168 would not exclude public members from holding consumptive-use licenses or being ranchers or farmers. The bill could be improved, but I support it as written, because I want to be included and represented when wildlife decisions are made.

Sandra Noffsinger:

I support the spirit and intent of A.B. 168, and I thank Chair Ford for his alternative interpretation of its provisions. I oppose the bill as written because it needs to be amended so there is no later ambiguity.

Don Molde:

I support A.B. 168 as written. Despite the Chair's concerns about its language, I agree with Senator Goicoechea and Mr. Davis that the judgment of county commissioners should be emphasized. This is not a new issue for the Washoe County Advisory Board to Manage Wildlife. There is no reason to second-guess its judgment on the matter. Members are perfectly capable of knowing the bill's legislative intent, and if it turns out we have misjudged their acumen, it can be fixed later.

Senator Settlemeyer:

Would you not agree that commissioners might not do their jobs and could try to skirt the issue? Some people may be concerned about how decisions affect their next election campaigns.

Mr. Molde:

I fully agree with you, and you can take it to another level. We had a recent Governor who made some appointments to the Board of Wildlife Commissioners that caused a bit of a kerfuffle. I would rather view the glass as half full, not half empty, and see where the bill takes us.

Mr. Blakeslee:

I have had many conversations about the issues in A.B. 168. Sportsmen do not oppose its concept, and the way it is written is not onerous to us. However, if we change the language to define the general public and exclude sportsmen, we will be concerned. I consider myself a member of the general public even though I am a hunter and trapper. I consider any consumptive user as the general public. Tell me what is a member of the general public. They are not necessarily anti-hunter and anti-trapper.

Gail Dietrich (Nevada Alliance for Retired Americans):

I am a forest ranger's daughter, so I have spent a lot of time in nature. I support A.B. 168 with the proposed revisions. It is nonsensical to do something we know will not hold up in the future. We need to get it corrected now.

Mr. Drew:

I am speaking as the vice chair of the Board of Wildlife Commissioners. The Board reviewed the bill as originally written and chose to remain neutral on it. We knew there would be an amendment, [Exhibit D](#), because of discussions like today's. The issue is further complicated by small counties with three wildlife CAB members and larger ones with up to seven members. How would the positions be filled if there were no general public person available?

County advisory boards are a direct function of and beholden to county commissions. The Board of Wildlife Commissioners does not want to dictate the makeup of CABs. However, the Board did endorse incorporating more public involvement with a public seat. Nevada is extremely diverse, from Esmeralda County with several thousand people with a three-member wildlife CAB to Clark County with a large population with a seven-member board.

Senator Settelmeyer:

Since you were on the Douglas County Wildlife Advisory Board, you know that sometimes smaller counties have difficulty finding members for various CABs. I appreciate Assemblywoman Carlton's concept of leaving the bill's language general enough so that in larger counties with many people who want to serve, general public members may be appointed. In Mineral County, with just 800 to 900 people, not even 3 people may want to serve on a CAB. Do you see an overabundance of applicants in all counties, or is it problematic just in certain counties?

Mr. Drew:

I was not a member of the Douglas County Wildlife Advisory Board, but I interfaced frequently with it. It has been difficult to fill positions. The more restrictive we make some mandates, the more limited the applicant pool becomes. The original A.B. 168 was deliberately worded so if CABs could not find applicants without consumptive licenses, such license holders could fill the general public seat.

Margaret Flint (Nevada Humane Society):

I agree with Mr. Drew's testimony. The bill's original language did address rural counties' concerns that if there are not enough people to fill the wildlife CAB positions, the general public member could have consumptive licenses. I fish and would probably serve well on a CAB. The fact that I have a fishing license should not preclude my serving.

Chair Ford:

You and Mr. Davis are good examples of general public members who would likely serve well, even though he is a hunter.

Assemblywoman Carlton:

The Assembly Committee on Natural Resources, Agriculture and Mining processed A.B. 168 differently from my intent. I respect its compromises to make sure the makeup of north, south, rural and urban wildlife CABs memberships are fair and equitable. I would like to know how the Board of Wildlife Commissioners defines "member of the public," whom it includes in its makeup.

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Chair Ford:

In view of today's testimony, we will deal with the bill as it is written in work session. Seeing no more business before the Senate Committee on Natural Resources, I adjourn this meeting at 3:03 p.m.

RESPECTFULLY SUBMITTED:

Patricia Devereux,
Committee Secretary

APPROVED BY:

Senator Aaron D. Ford, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	6		Attendance Roster
A.J.R. 3	C	20	Jeremy Drew	Presentation: Nevada Pinyon-Juniper Partnership: Promoting Sound Proactive Management to Achieve Healthy Ecosystems for Stronger Communities
A.B. 168	D	2	Assemblywoman Maggie Carlton	Proposed amendment No. 372
A.B. 168	E	1	Elaine Carrick	Written Testimony
A.B. 168	F	1	Jana Wright	Written Testimony
A.B. 168	G	1	Stephanie Myers	Written Testimony