

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

**Seventy-Seventh Session
May 2, 2013**

The Senate Committee on Natural Resources was called to order by Chair Aaron D. Ford at 1:57 p.m. on Thursday, May 2, 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 Tick Segerblom
Senator James A. Settelmeyer
Senator Pete Goicoechea

COMMITTEE MEMBERS ABSENT:

Senator Mark A. Manendo, Vice Chair (Excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Paul Aizley, Assembly District No. 41
Assemblyman Cresent Hardy, Assembly District No. 19

STAFF MEMBERS PRESENT:

Michael J. Stewart, Policy Analyst
Brenda Erdoes, Counsel
Lynn Berry, Committee Secretary

OTHERS PRESENT:

Lindsey Dalley, Partners in Conservation
Wendy Mulcock, Youth of Moapa Valley
Rebecca Palmer, Acting State Historic Preservation Officer, Office of Historic Preservation, State Department of Conservation and Natural Resources

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Thalia M. Dondero, Las Vegas Ice Age Park Foundation
Helen Mortenson, President, Las Vegas Ice Age Park Foundation
Harry Mortenson
Stephen Rowland, Geology Professor, University of Nevada, Las Vegas
Kristina L. Swallow, P.E., Engineering Program Manager, City of Las Vegas
Omar Saucedo, Las Vegas Metro Chamber of Commerce
Rita Ransom, Sierra Club
Joe Johnson, Sierra Club
Dagny Stapleton, Nevada Association of Counties
Steve Walker, Douglas County
Jim R. Barbee, Director, State Department of Agriculture
Doug Busselman, Nevada Farm Bureau Federation
Alex Tanchek, Nevada Cattlemen's Association
Brett J. Scolari, Reno-Sparks Convention and Visitors Authority

Chair Ford:

We will be hearing three bills and a resolution today. I will open the hearing on Assembly Bill (A.B.) 381.

ASSEMBLY BILL 381 (1st Reprint): Encourages the Office of Historic Preservation of the State Department of Conservation and Natural Resources and Partners in Conservation to collaborate to identify and develop programs for the preservation and protection of the historical culture of St. Thomas, Nevada. (BDR S-909)

Assemblyman Crescent Hardy (Assembly District No. 19):

All of our ghost towns in Nevada are unique, but St. Thomas holds some particular distinctions. It was first settled in 1865 and at its height was full of homes, shops and nearby farms.

St. Thomas flooded after Hoover Dam was built and was later engulfed by Lake Mead. In 1936, the lake began to rise and the citizens of St. Thomas started to leave their homes.

St. Thomas was underwater for nearly 65 years but surfaced occasionally when the reservoir was low. Approximately 10 years ago, as drought and increasing demands for water led to reduced lake levels, the town emerged from Lake Mead and has been visible since. It is currently a part of the Lake Mead National Recreational Area, managed by the National Park Service.

This bill seeks to preserve the culture of St. Thomas for future generations. It is in no way trying to preserve the site itself, as the waters of Lake Mead may rise again in the future. There have been reunions and cultural programs at the site.

Two organizations, the Office of Historic Preservation and the Partners in Conservation, can have a great impact on preserving the cultural resources of St. Thomas. Additional information is in my written testimony ([Exhibit C](#)).

Lindsey Dalley (Partners in Conservation):

We help communities preserve valuable things. This is not about artifacts but is about our youth and the future. This includes communities in the Virgin Valley and Moapa Valley areas. I will be referring to my slide presentation ([Exhibit D](#)). Page 3 of the presentation shows St. Thomas around 1900. It was known as the "crossroads," as it was on the main road between Los Angeles and Salt Lake City.

The photo on page 5 shows the water from Lake Mead starting to cover the town. The people moved into the surrounding communities as the floodwaters increased. Three reunions have been held in St. Thomas when the waters receded: 1952, 1965 and 2012.

The photos on page 8 through 13 of [Exhibit D](#) show the activities from the 2012 reunion. People performed original "ethnodramas" on the site of the schoolhouse, depicting the lives and events of the time. Personal effects from St. Thomas families were on display. There was also an 18-mile overnight youth handcart trek along the historic path that ended in St. Thomas.

Currently, the trailhead ends a mile and one-half above the town. In order to reconnect with the culture, we wanted the remaining older St. Thomas residents and the youth to be able to get down to the town. The hike down to the town was fairly strenuous. We were able to secure permission from the National Park Service to construct a road to St. Thomas. The cost was over \$100,000 in time, equipment and fuel. All was donated.

Assemblyman Hardy:

This is the reason we are here today. Without the help of U.S. Senators Reid and Heller and our Congressional Representatives, it would have been extremely difficult.

Mr. Dalley:

I have a testimonial letter from Lola Leavitt Egan for A.B. 381 ([Exhibit E](#)). She comes from fifth generation St. Thomas ancestry. Pages 14 through 29 of [Exhibit D](#) correspond with her letter. I will read her written testimony, [Exhibit E](#).

The postmaster hand-stamped about 5,000 letters the last day before the total evacuation of St. Thomas. He threw the stamp into the lake as they left the town. That stamp surfaced when the waters receded 1952. The stamp is still with Ms. Egan's family today.

This legislation will allow the culture to be passed on to our children for Nevada's benefit.

Wendy Mulcock (Youth of Moapa Valley):

I worked with over 600 youth of the Moapa Valley, helping to organize the "St. Thomas Alive" experience and handcart trek in 2012. The youth were changed as a result of this experience. Our goal was to provide a synergistic connection between learned historic culture and reliving, as closely as possible, the same cultural experience in the same location. We wanted our youth to hear the stories and live the experience.

The youth were divided into impromptu families. They were given surnames of actual families who had lived in St. Thomas. They shared a handcart with only essential items. On the trek, they learned about the families whose names they had been given. We walked almost 20 miles. Pages 29 through 32 of [Exhibit D](#) show pictures of our trek. The youth sent letters to me expressing how difficult pioneer life must have been and how grateful they were to the pioneers.

These letters proved the youth were able to experience the living culture. Our culture is connected to the land.

I support A.B. 381.

Mr. Dalley:

There are strong ties to this area.

Assemblyman Hardy:

This is important legislation.

Rebecca Palmer (Acting State Historic Preservation Officer, State Department of Conservation and Natural Resources):

We support A.B. 381. St. Thomas is on federal land and therefore the State Historic Preservation Office does not manage this site. St. Thomas is on land managed by the National Park Service. They are responsible for ensuring the preservation and protection of the resource. There is a consensus between the National Park Service and our office for St. Thomas to be eligible for the National Register of Historic Places. My office has reviewed all the previous actions the National Park Service has proposed for St. Thomas.

Site stewards have been assigned to St. Thomas in the past. My office can continue to work with the Partners in Conservation to train and assign site stewards. However, no State funding exists for additional program development. Additional information is in my written testimony ([Exhibit F](#)).

Chair Ford:

I will close the hearing of A.B. 381. I will open the hearing on Assembly Joint Resolution (A.J.R.) 1.

ASSEMBLY JOINT RESOLUTION 1: Expresses the support of the Nevada Legislature for the designation of the Upper Las Vegas Wash as a national monument. (BDR R-487)

Assemblyman Paul Aizley (Assembly District No. 41):

I have provided a support letter from the Desert Research Institute ([Exhibit G](#)) and maps delineating the upper Las Vegas Wash area ([Exhibit H](#)). The upper Las Vegas Wash runs along the foot of the mountains to the north of Las Vegas and North Las Vegas.

For millions of years, sediment accumulated in this area leaving a geological and paleontological record. The present stream cuts through the sediment exposing fossils dating back 200,000 years. Almost 500 fossil sites have been documented with such finds as the sabre tooth tiger, mammoth, horses and ground sloths.

The upper Las Vegas Wash is home to many unique species of living plants and animals. The American Antiquities Act of 1906 was enacted to protect prehistoric ruins and artifacts on public lands from theft and vandalism. Our goal

is to preserve the upper Las Vegas Wash. This project has public support, and we consider this area to be unique and an important part of our State heritage.

A comparison could be made between the Las Vegas Wash and the La Brea Tar Pits in California. This could become a tourist attraction for our State. Additional information is in my written testimony ([Exhibit I](#)).

Thalia M. Dondero (Las Vegas Ice Age Park Foundation):

I support A.J.R. 1. I speak with students from kindergarten through high school. They are amazed these fossils exist in the desert. I have a large tooth artifact that weighs about 20 pounds. Everyone is always excited to hold and view this artifact. This needs to be a national site and have a museum as well.

Helen Mortenson (President, Las Vegas Ice Age Park Foundation):

I support A.J.R. 1. Tule Springs is in the upper Las Vegas Wash and is a paleontological find. In 1933, Fernley Hunter, working for the American Museum of Natural History, found obsidian with bones of sloths and a camel. It is significant because obsidian is not usually found in our area. It was transported in and modified by man. Fernley Hunter secured funding from Mark Harrington and the Southwest Museum. Expeditions were held in 1952, 1955 and 1956. Many fossils were found including sloth, ice age horses and ice age camels.

In 1962, Tule Springs was chosen as the site to test Dr. Willard Libby's new radiocarbon dating technique. A team of scientists spent 4 months at the site discovering significant fossils. Some of the mammoths were as tall as a single story home. However, no concrete evidence was found to say that American Indians were there.

In 2002, scientists returned to Tule Springs for a reunion. In 2004, it became a disposal area of 11,000 acres. Power poles appeared. The San Bernardino County Museum mitigated the power poles and in the process took 10,000 fossils back to the San Bernardino County Museum.

Many fossils remained in the area previously excavated by the 1962 scientific team. An organization was formed to protect Tule Springs. Many petitions were signed, and contact was made with U.S. Senator Harry Reid. Senator Reid expressed support. Not only was it of paleontological significance, it was also

a security issue, according to a Nellis Air Force Base colonel. Legislation proposed in the U.S. Congress failed to pass out of committee.

Many tourist attractions are within a 200-mile radius of Las Vegas. Visitors come from outside the United States, and this would be a great attraction.

Harry Mortenson:

I support A.J.R. 1. There is no opposition to this resolution. The City of Las Vegas, the City of North Las Vegas, the Southern Nevada Paiute Tribe and Nellis Air Force Base have written resolutions in support of making this a national monument.

Stephen Rowland (Geology Professor, University of Nevada, Las Vegas):

I support A.J.R. 1. I have been doing research in the Tule Springs area for several years. It is a world-class geological site. Making this a national monument will attract ecotourism and researchers and will provide education for our youth. This site will be the only site within the National Park Service devoted to ice age mammals.

Kristina L. Swallow, P.E. (Engineering Program Manager, City of Las Vegas):

We support A.J.R. 1.

Omar Saucedo (Las Vegas Metro Chamber of Commerce):

We support A.J.R. 1. It is important for our State to designate the upper Las Vegas Wash as a national monument since it has been utilized by scientists to conduct research since the 1930s. It will help ensure that future generations will continue to study, research and analyze the fossils collected there.

It is also important for tourism and economic development. We have expressed support at the federal level to our Congressional Delegation.

Rita Ransom (Sierra Club):

I am in favor of A.J.R. 1. I am a participant in the Tule Springs Coalition, which is an advocacy group made up of many participants. These include environmental and conservation groups, small businesses, Nellis Air Force Base, Native-American tribal members and others.

There is tremendous community support for this proposed monument. There is also ample evidence from a variety of reliable sources touting the intrinsic and extrinsic economic values of this monument.

This is an unprecedented opportunity to create a positive and enduring legacy for our State. Additional information is in my written testimony ([Exhibit J](#)).

Joe Johnson (Sierra Club):

I support [A.J.R. 1](#).

Senator Segerblom:

I want to thank the Mortensons for all their hard work on this bill.

Assemblyman Aizley:

The maps in [Exhibit G](#) show the extent of the Wash, the location and the development that is creeping up. I would like to see the entire area preserved for future generations.

Chair Ford:

I have received a letter for the record from Joshua Bonde in support of [A.J.R. 1](#) ([Exhibit K](#)). I will close the hearing on [A.J.R. 1](#) and open the hearing on [A.B. 2](#).

[ASSEMBLY BILL 2 \(1st Reprint\)](#): Revises provisions governing the Land Use Planning Advisory Council. (BDR 26-175)

Dagny Stapleton (Nevada Association of Counties):

[Assembly Bill 2](#) deals with the Land Use Planning Advisory Council, Division of State Lands, State Department of Conservation and Natural Resources. The Advisory Council is a vehicle to distribute information to counties regarding public land use planning. It is also an advisory board regarding the development of plans and policies of federally owned lands in Nevada. It resolves inconsistencies between plans of adjacent jurisdictions and develops regulations and recommendations on areas of environmental concern as designated by the Governor.

The Advisory Council consists of 17 members, one from each county. Over 80 percent of Nevada land is publicly owned. This bill proposes to add one additional seat to the Advisory Council. This seat would be a nonvoting

representative. It also proposes to codify the nomination process for the Advisory Council.

This bill proposes to allow an appointee to the Advisory Council to serve on one other State board, commission or similar body. Currently, the *Nevada Revised Statutes*, prohibits a gubernatorial appointee from serving on more than one board. Most of the appointees to the Advisory Council are county commissioners. There are other State boards and commissions which are important to counties for which there may be limited candidates. This is especially true for the rural counties. Some examples of these boards or commissions are the Fund for Hospital Care for Indigent Persons, the Nevada Nuclear Waste Task Force and the State Transportation Board, Nevada Department of Transportation.

Six of the seventeen counties only have three commissioners. It would likely be one of these commissioners who would serve on the Advisory Council and have the interest and background to also serve on another gubernatorial appointed commission or board. The State would benefit from the expertise and interest of these appointees to work on important issues within the State.

Steve Walker (Douglas County):
Douglas County supports A.B. 2.

Chair Ford:
I will close the hearing on A.B. 2 and open the hearing on A.B. 19.

ASSEMBLY BILL 19 (1st Reprint): Revises provisions governing the Nevada Junior Livestock Show Board. (BDR 50-322)

Jim R. Barbee (Director, State Department of Agriculture):
We support A.B. 19. This bill seeks to repeal NRS 551.020, State Advisory Board of Trustees for Trust Relating to Fairground, and transfer the authority to the Nevada Junior Livestock Show Board, State Department of Agriculture. The original board never met, but their duties were important; hence the transfer. The Nevada Junior Livestock Show Board will review property plans for the Washoe County fairground uses and physical improvements to the facilities. This property is under the authority of the State Board of Agriculture, State Department of Agriculture, and has a long-term lease with Washoe County.

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Doug Busselman (Nevada Farm Bureau Federation):

We support A.B. 19. I am a member of the Board that is being deleted. We never met. We support the move to the Nevada Junior Livestock Show Board. They are active and meet on a regular basis.

Alex Tanchek (Nevada Cattlemen's Association):

We support A.B. 19.

Brett J. Scolari (Reno-Sparks Convention and Visitors Authority):

We are neutral on A.B. 19. The Reno-Sparks Convention and Visitors Authority manages the property under lease to Washoe County. I am here to answer any questions you may have regarding the property.

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Chair Ford:

I will close the hearing on A.B. 19. There being no further business, the Senate Committee on Natural Resources is adjourned at 3:10 p.m.

RESPECTFULLY SUBMITTED:

Lynn Berry,
Committee Secretary

APPROVED BY:

Senator Aaron D. Ford, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	8		Attendance Roster
A.B. 381	C	4	Assemblyman Cresent Hardy	Written Testimony
A.B. 381	D	48	Lindsey Dalley	Living Culture presentation
A.B. 381	E	3	Lindsey Dalley	Lola Leavitt Egan Testimony
A.B. 381	F	2	Rebecca Palmer	Written Testimony
A.J.R. 1	G	1	Assemblyman Paul Aizley	Support letter Dr. Stephen Wells
A.J.R. 1	H	3	Assemblyman Paul Aizley	Maps of Las Vegas Wash
A.J.R. 1	I	3	Assemblyman Paul Aizley	Written Testimony
A.J.R. 1	J	2	Rita Ransom	Written Testimony
A.J.R. 1	K	1	Joshua Bonde	Support Letter