

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

**Seventy-Seventh Session
May 9, 2013**

The Senate Committee on Natural Resources was called to order by Chair Aaron D. Ford at 1:34 p.m. on Thursday, May 9, 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:

Assemblyman David P. Bobzien, Assembly District No. 24

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Colleen Cripps, Ph.D., Administrator, Division of Environmental Protection, State
Department of Conservation and Natural Resources
Kyle Davis, Nevada Conservation League
Dylan Shaver, Nevada Mining Association
Allen Biaggi, Nevada Mining Association
Susan Juetten
Christine Schwamberger, Nevada Political Action for Animals

Senate Committee on Natural Resources
May 9, 2013
Page 2

Jeremy Drew, Vice Chair, Board of Wildlife Commissioners, Department of Wildlife

Tony Wasley, Director, Department of Wildlife

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

Elaine Carrick

Larry Johnson, President, Coalition for Nevada's Wildlife

Stacia Newman, President, Nevada Political Action for Animals

Gerald Lent, O.D., Nevada Hunter's Association

Joel Blakeslee, Coalition for Nevada's Wildlife

Don Molde

Chair Ford:

We will be hearing Assembly Bill (A.B.) 346. I will open the hearing on A.B. 346.

ASSEMBLY BILL 346 (1st Reprint): Revises provisions governing mining reclamation. (BDR 46-1035)

Assemblyman David P. Bobzien (Assemblyman District No. 24):

Assembly Bill 346 will allow for public access to pit lakes under certain conditions. Pit lakes are bodies of water resulting from open pits used for mining operation or exploration projects. When appropriately reclaimed, pit lakes can offer opportunities for beneficial and recreational use by the public.

This bill has been through a substantial amendment process. We worked with all interested parties and came up with the legislation before you. The provisions of the bill are in my written testimony ([Exhibit C](#)).

Section 3, subsection 3, requires that reclamation plans for mining and exploration projects must, if feasible, provide at least one point of public nonmotorized access to the water level of certain pit lakes. This would apply only to pit lakes with a predicted filled surface area of more than 200 acres. It also requires public access be provided when the pit reaches at least 90 percent

of its predicted maximum capacity. The operator and each landowner, including federal land managers, must be consulted. Again, access would only be provided if it were feasible. We are allowing for engineering and other concerns.

Section 1, subsections 4 and 5, makes provisions about the responsibilities and liabilities of "protected persons." Protected persons include past and present owners, operators, lessees, occupants, contractors, employees and certain other persons associated with the premises on which a pit lake with public access would be located. These persons owe no duty to keep the premises safe. Protected persons do not assume responsibility or incur liability for injuries to persons or property caused by an act of a person who has permission to access the premises.

Section 4 of the bill states that relevant reclamation plans that were filed before the bill takes effect must provide public access to a pit lake as set forth in the bill.

Senator Goicoechea:

The walls in the pit lakes can become unstable over time. Does the bill allow for petition to claim the pit is unsafe?

Assemblyman Bobzien:

The critical language is "if feasible." There will be situations, similar to what you described, that would make it not feasible. There are structural means that can be done to make things safe. There are opportunities for fisheries and boating on these sites.

Senator Goicoechea:

Who makes the determination whether it is feasible? If the lake is on private property, does access have to be granted?

Assemblyman Bobzien:

This is for the operator filing the plan with the Division of Environmental Protection (NDEP), State Department of Conservation and Natural Resources. They are the point of contact. There will be consultations with the landowners.

We want to make it clear that the access was public nonmotorized access to the water level. It is not for big boat ramps.

Chair Ford:

How does NDEP envision the feasibility determination will be made, and who will make it?

Colleen Cripps, Ph.D. (Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources):

This bill has been discussed in detail and the determination will be made in consultation with the landowners and the site operators. It will end up in the reclamation plan that we are developing after working with all the parties.

Chair Ford:

Do you envision this being a NDEP regulation?

Dr. Cripps:

It is unclear at this point whether we would need a regulation or if we can do it as part of the planning process.

Chair Ford:

Does the bill authorize NDEP to make regulations to effect this?

Assemblyman Bobzien:

The NDEP already has the authority to promulgate regulations as necessary. We did spend time discussing how this would interface with NDEP's existing regulatory process.

Senator Settlemeyer:

Does this apply only to public lands? If a private landowner has a gravel pit, such as the Sparks Marina, and homes are built around it, would that landowner be required to provide public access to the private property?

Assemblyman Bobzien:

The 200-acre threshold takes care of many issues. It is any reclamation plan currently in process. That can be public and private land.

Senator Settlemeyer:

If it were 100 percent private property, would this force them to give access?

Assemblyman Bobzien:

The intent is for public lands.

Chair Ford:

Is the intent of the sponsor to exclude private property?

Assemblyman Bobzien:

Yes, it is not intended for private property owners. However, there are areas where private and public land will cross. The majority of pit lakes of this size will be on public lands.

Senator Settlemeyer:

Let us say you had an old copper mine that had water quality problems. They do not want people in the lake, so it has remained private property. They should have the right to keep the property private and not be mandated to give access.

Assemblyman Bobzien:

The feasibility clause captures those concerns of public safety and water quality. These concerns could be part of the reclamation plan.

Senator Goicoechea:

Will this bill be retroactive if reclamation plans have already been filed?

Assemblyman Bobzien:

That was an issue that led to the 200-acre threshold. Mining life cycles are large; some cases take more than a century. This is dealing with future pits. If there is a reclamation plan on file currently, we would like to address this issue going forward. The reclamation plans will be reviewed; they also have long life cycles.

Senator Goicoechea:

I can think of four or five areas that will have pit lakes of 200 or more acres. Several are on private land. Can you speak to the Pipeline Project in Crescent Valley?

Dr. Cripps:

The bill language was negotiated with the mining industry. They have been involved with the bill and the amendment.

Assemblyman Bobzien:

We did work closely with the mining association. I am confident this issue was on their minds as we engaged in discussions.

Kyle Davis (Nevada Conservation League):

We support A.B. 346. Dealing with pit lakes is one of our conservation priorities. We wanted to ensure a productive use of the post-mine lakes. This would take effect when the pit lake reaches 90 percent of its capacity. You may encounter a situation where the pit is unsafe in the early stages, but as it fills up, some of the problems may have dissipated. Water quality changes as the pit fills up.

Dylan Shaver (Nevada Mining Association):

We support A.B. 346. We worked hard to achieve a compromise on this bill. With regard to the public and private ownership issue, the bill does require consultation with all landowners. We believe this consultation is sufficient to resolve any issues. The federal government may decide not to allow access to some lakes, even if it is public land.

Senator Settlemeyer:

If 100 percent of landowners did not want to grant access, would that be allowed?

Mr. Shaver:

That is our understanding.

Mr. Davis:

We are talking primarily about land that previously had public access but was changed significantly by the pit. We want to ensure the productive post-mine use of that pit.

Senator Settlemeyer:

I am looking at it from the perspective of a landowner. I should have the right to keep people off my property, if I so choose.

Allen Biaggi (Nevada Mining Association):

The access is not a mandatory requirement. It is in consultation with landowners. Feasibility is an important consideration. There may be some pits where a lake would not be feasible.

Susan Juetten:

I have submitted a statement from John Hadder ([Exhibit D](#)). He is with Great Basin Resource Watch, and they look at how water is used and how the quality will be affected by mining.

Nevada should have a policy to preserve and protect our water supplies, as well as to protect the general public from risks associated with pit lakes. In our current regime, all of the water in pit lakes will be officially unused, and some lost forever due to evaporation. The groundwater infiltrating into the pit lakes is typically of sufficient quality to be of some use. Thus, useable water is being converted into unusable water. Some fish may be able to survive in the degraded water. Fishermen will come to the pit lakes and, unless the pit lake walls are stabilized and a safe access is provided, the lakes could become dangerous attractions.

Chair Ford:

Are you in favor of A.B. 346?

Ms. Juetten:

Yes, we are. I was giving you some background. We would like to see the 200-acre threshold reduced to 50 acres. That would allow smaller pit lakes, such as the Yerington pit, to be included in the reclamation. Additional information is in [Exhibit D](#).

Chair Ford:

I will close the hearing on A.B. 346 and open the hearing on A.B. 345.

ASSEMBLY BILL 345 (2nd Reprint): Revises provisions governing the management of certain wildlife. (BDR 45-273)

Assemblyman Bobzien:

There are two goals for this bill: ensure wildlife management is based on sound science, and ensure transparency with respect to predator control activities that are funded by sportsmen's fees. I have provided you a walk-through of the bill ([Exhibit E](#)).

The sound science principle has support from sportsmen, conservationists and other parties interested in wildlife. Putting the principle into statute will ensure wildlife management decisions are based on sound science.

Currently, a \$3 fee is charged as part of each application for a game tag. The money generated from this fee is designated for programs for the management and control of injurious predatory wildlife and management activities relating to the protections of non-predatory game animals, sensitive wildlife species and related habitat. It also funds research and studies regarding management of predatory wildlife and public education programs about predatory wildlife. This is broad guidance on how the funds can be utilized. This bill strengthens the ability of the Department of Wildlife (NDOW) to do research and other activities. This bill does not remove any of these uses for money collected from the fee.

Money from the fee may also be used by the NDOW to work with the State Department of Agriculture to carry out such programs. Section 2, subsection 1, paragraph (a) adds language directing the NDOW to use fee money for research relating to injurious predatory wildlife for the benefit of other wildlife.

Section 2, subsection 1, paragraph (b) adds new language allowing fee money to be used for management activities relating to the protection of game animal species that are at risk of, or are historically subject to, excessive predation.

Chair Ford:

Could you give me an example of the type of animal you are talking about and how the money will be used to help it?

Assemblyman Bobzien:

Mule deer are an example of game animals that historically have been subject to excessive predation.

The bill requires the Board of Wildlife Commissioners to establish policies for programs, activities and research related to predatory wildlife. These policies must specify goals and required results. We are creating a framework for the Board to deal with predators and the programs with documented results.

This is to provide transparency and ensure predator control activities are measurable in terms of their impact. Additional information is provided in [Exhibit E](#).

The North American Model of Wildlife Conservation is a success story. It is science-based. Wildlife is a public resource that belongs to everyone. We want

wildlife to be managed for the benefit of all. At the heart of management is the importance of science.

Senator Manendo:

From where would the science phrase originate?

Assemblyman Bobzien:

The science language would primarily originate from NDOW. The language contemplates science in the general sense. It is acceptable that science can come from a larger community, and it is subject to debate. I have left the language in the bill fairly broad. I do not want to get prescriptive with it. Science can be debated, and debates could be beneficial. One person's science is not better than another person's science.

Chair Ford:

This bill does not say only science should be considered. Other items can be considered, as well. Is that correct?

Assemblyman Bobzien:

This question relates to the history of the whole issue. We will not resolve all conflicts with science. My intent is to ground wildlife discussions in science. There is not conclusive science to dictate one management tool is better than another. Overall, the public is best served when science is the foundation.

Chair Ford:

I still read this as saying science is not the exclusive tool. You can introduce other areas for consideration and have discussions along with science.

Assemblyman Bobzien:

I have strong support for the public process. There are differing opinions regarding wildlife, and those opinions can be expressed at the open forum at the meetings of the Board of Wildlife Commissioners. This bill does not preclude other areas, but science still needs to be the foundation.

Mr. Davis:

We support A.B. 345. This bill ensures when we are making decisions about our wildlife resources that all information is available. We want to know what works, what is scientifically defensible and what will benefit our wildlife population.

Section 2 does not add anything new from the original statute, but it does clarify the allowable uses for the predator management fund. In the past, the funding has not always been allocated in the most cost-efficient way. These criteria will allow the Board to look at the projects and spend the funds efficiently and for the benefit of our wildlife.

Christine Schwamberger (Nevada Political Action for Animals):

I support A.B. 345. I have presented you with a copy of my concerns regarding the language in section 1, subsection 1, "and must be managed according to the best science available" ([Exhibit F](#)). I will refer to this language as the science phrase. It is proposed to be inserted in the *Nevada Revised Statute* (NRS) 501.100. It would be more appropriate to place it in NRS 501.105, which discusses the policies and regulations of the Board.

Chair Ford:

Is the sponsor of the bill aware of your concerns?

Ms. Schwamberger:

No, he is not. A member of our group approached him regarding this phrase. We want to make sure the legislative intent does not compromise the absolute public ownership of wildlife.

Chair Ford:

Are you in favor of A.B. 345 even if these issues are not corrected?

Ms. Schwamberger:

Yes, I am. I am only requesting the intent behind the placement of the science phrase does not compromise the public ownership of wildlife. I also want to make sure the intent does not exclude any branch or source of science or public concerns.

Assemblyman Bobzien:

I did have a lengthy conversation with this organization but was unaware this document was going to show up in this hearing, [Exhibit F](#). This is highly unusual. I agree with No. 3 of [Exhibit F](#). This is not exclusively a NDOW science. Science is a broad community discussion. I would need to review the rest of the document.

Senator Segerblom:

Are you trying to amend the bill, or do you just want your concerns noted for the record?

Ms. Schwamberger:

I am not trying to amend the bill. I understood Assemblyman Bobzien did not intend for any branch of science to be excluded.

Chair Ford:

I will put this bill in the next work session. During that time, you can discuss concerns.

Assemblyman Bobzien:

That would be acceptable. I purposefully did not get prescriptive in section 1 of the bill. These are reasonable questions that should be discussed.

Chair Ford:

It is important to make the legislative record clear, but I do not want to supplant the sponsor's intent with our own unless we have had a chance to think about it.

Jeremy Drew (Vice Chair, Board of Wildlife Commissioners, Department of Wildlife):

The Board supported the first reprint of A.B. 245. There was a minor change in section 1, which did not change the overall intent of the bill. The Board is already doing many of the provisions in the bill. We have a policy regarding the fee and how the funding is to be used. We do not intend to exclude anyone from our process.

Senator Settelmeyer:

In the past, these funds have been used for predator control. Will some of these funds be diverted to research? My concern is the sage grouse and the necessary predator control for their protection.

Mr. Drew:

Funding in the past has gone directly to predator control. The primary predator for sage grouse is the raven. The NDOW has a permit that caps the number of ravens that can be taken in a given year. In order to increase that cap, we have

to look at nonlethal means of control and data supporting why we need the increase. I do not see this as exclusionary. I see it as complementary.

Senator Settlemeyer:

I have a letter for the record from former Assemblyman John Carpenter ([Exhibit G](#)). He stated the original intent of the \$3 fee was for ground predatory animal control. I am concerned this bill goes against the original intent.

Chair Ford:

Section 2, subsection 1, paragraph (c) of A.B. 345 states the money can be spent for conducting research, as needed, to determine successful techniques for managing and controlling predatory wildlife. Does this bill request new research?

Mr. Drew:

Some of the research is ongoing. Some is planned. We had discussions with our deputy attorneys general regarding section 2, subsection 1, paragraph (b) that states wildlife management activities relating to the protection of non-predatory game animals, sensitive wildlife species and related wildlife habitat, as to the meaning. Their interpretation was whether we could use the fee for habitat projects.

Senator Goicoechea:

How much money does this \$3 fee generate?

Tony Wasley (Director, Department of Wildlife):

It generates approximately \$400,000 per year.

Senator Goicoechea:

Could we see a shift of the funding from ground control to something else? We do not want to see that. The predator control program in the Diamond Mountains has been successful in eliminating coyotes. Mule deer are migrating from the Diamond Mountains to the Ruby Mountains. There are data supporting that. You are filling a large void due largely to predator control.

Chair Ford:

I understand the bill to say they can continue what they are doing now, as well as directing funds to other arenas for the protection of animals that need protection.

Mr. Drew:

Different options for use of the money have been available all along. I understand Senator Settelmeyer's and Senator Goicoechea's concerns. It is an ongoing debate in conservation circles and sportsmen's circles. The Board will do the best we can with the information. This bill does not change the type of projects we can fund.

Chair Ford:

Does the new language make it more explicit and correspond to your interpretation of the statute?

Mr. Drew:

I am comfortable with the intent of the bill. It does not limit the use of the money any more than what was already in statute.

Senator Goicoechea:

What is the trend of predator control programs?

Mr. Wasley:

We have limited resources. With those limited resources, we want to spend the public's money in the most effective and efficient way possible. This program is a good example of where this research component can help us understand where to be more effective and efficient.

We have had successes with the program, but we also have some of the same questions that Mr. Drew alluded to with the sportsmen and conservation communities. The research components help solidify where we can be most effective.

Oftentimes these discussions are compartmentalized into on-the-ground projects, research projects or habitat projects. If they were all integrated, we would be able to make the best use of the \$400,000 more effectively for the protection of wildlife.

Senator Goicoechea:

Do you want to use this money to gain a better focus on where to implement predator control?

Mr. Wasley:

Yes, we want to use it as effectively and efficiently as possible.

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):

We support A.B. 345. I had concerns about the science phrase, but clarity has been provided.

Elaine Carrick:

I support A.B. 345. I agree with Ms. Schwamberger's concerns about the legislative intent and the clarification. The overall intent of the bill is good, but the interest of the public should have been included. Looking at science is only one avenue in wildlife management. It is not the only tool. Cultural differences, public safety and changing public values toward wildlife should be considered. Science should not be limited to NDOW, but should also include science from other academic sources, both private and governmental. The wildlife in Nevada belongs to the people of Nevada. Social science and biological science should both be considered. These sciences should go hand-in-hand in making the best decisions for the public regarding wildlife management.

Larry Johnson (President, Coalition for Nevada's Wildlife):

I support A.B. 345. Section 1 and section 2 clarify the use of the predator fee money that is already allowed for these projects. Most sportsmen envisioned the \$3 fee would go towards predator control. This is a misconception. There is a need for sufficient data collection and research to justify what is being done on the ground. The language in the bill makes existing statute clearer.

Section 1, subsection 3, paragraph (c) discusses the estimated population or density of each species of predatory wildlife. We manage predatory wildlife based upon trend data gained from harvest data. This issue has been to the federal courts. I will read from *Defenders of Wildlife, Inc. v. Endangered Species Scientific Authority*, 725 F.2d 726 (1984):

The Secretary shall base the determinations and advice given by him under Article IV of the Convention [i.e., CITES] with respect to wildlife upon the best available biological information derived from professionally accepted wildlife management practices; but is not required to make, or require any state to make, estimates of population size in making such determinations or giving such advice.

This clarification is needed so animal rights groups do not sue when NDOW does not have an accurate population or density estimate of each predatory species.

Stacia Newman (President, Nevada Political Action for Animals):

We support A.B. 345. However, we do support the testimony and concerns of Ms. Schwamberger, Ms. McGrath and Ms. Carrick regarding the science phrase. Social science is a part of science. I have attended wildlife county advisory board meetings and NDOW meetings. Our group brings evidence of historical facts to these meetings. Our information is often ignored or dismissed as not being scientific. The word "science" is cloudy even in these meetings.

Gerald Lent, O.D. (Nevada Hunters Association):

I oppose A.B. 345. I was one of the original sponsors of A.B. No. 291 of the 71st Session, which is the bill A.B. 345 is trying to amend. In the late 1990s, my group, Hunters Alert in Las Vegas, surveyed sportsmen in Nevada asking if they were willing to add a \$3 fee onto the cost of a hunting tag for predator control ([Exhibit H](#)). The answer was yes. The bill passed the Legislature and the main priority was for on-the-ground projects for predator control to enhance deer numbers.

Chair Ford:

The current statute does not limit the money for only on-the-ground projects for removal of predators to enhance deer numbers.

Dr. Lent:

Yes, it does.

Chair Ford:

I do not see that restriction in the bill.

Dr. Lent:

The new language in section 2, subsection 3 talks about providing guidance for the development of a program, management activity and research. The original intent was not for research.

Assemblyman Bobzien:

There seems to be some issue with section 2, subsection 1, paragraph (c), which says:

Conducting research, as needed, to determine successful techniques for managing and controlling predatory wildlife, including studies necessary to ensure effective programs for the management and control of injurious predatory wildlife.

This is existing statute and is not being changed.

Dr. Lent:

This bill says each policy must specify the goals and required results of the program. You cannot guarantee anything with wildlife. It is also difficult to set a specific geographic area for the program, as wildlife is not static. The bill also requests setting forth the estimated population or density of each species. How would you estimate a raven or coyote density? There are no goals in deer management areas. You cannot establish a predator control project if there are no population goals.

Chair Ford:

Are you saying that by requiring the Board to establish a policy for the program, research and specify goals, it will wipe out the predation program?

Dr. Lent:

They will not be able to do it.

Joel Blakeslee (Coalition for Nevada's Wildlife):

I support sound science and the facts. Section 2, subsection 3, paragraph (c) is problematic. It is hard to come up with a species population. We manage wildlife population based on trend information rather than numbers. I support predator management. I support A.B. 345 with the above noted exception.

Don Molde:

I support A.B. 345 with the exception of the science phrase. I am concerned about the potential limiting factor of the wording "best science available." Dr. Lent was instrumental in establishing the \$3 predator fee 12 years ago. It was generated by concern for the mule deer numbers. The NDOW has received approximately \$5 million from that funding over the years.

The mule deer population has been over 200,000 only three times in the last 150 years. The predator control program started in 2003. Approximately 90,000 coyotes have been killed over the last 10 years from all sources, such as predator control and private trappers. Nine to ten thousand coyotes are killed each year. About 200 mountain lions are killed each year totaling 2,000 in the last decade. The NDOW has spent significant funding on predator control. The mule deer numbers have remained flat. This program has had no benefit to the statewide number of mule deer.

This bill will allow NDOW and the Board of Wildlife Commissioners to venture into different projects, such as habitat and science, to figure out why the current system in place is unsuccessful. Additional information is in my written testimony ([Exhibit I](#)).

Senator Goicoechea:

The deer numbers today are within 1,000 of what they were 10 years ago.

Mr. Molde:

The numbers are from NDOW's Website. The Website says the deer numbers in the year 2000 were 133,000, and in the last 10 years they have been at 110,000.

Senator Settelmeyer:

I am looking at the minutes from A.B. 291 of the 71st Session. It does not mention mule deer specifically. It mentions deer and antelope, and specifically mentions sage grouse. My focus is the protection of the sage grouse and ensuring they do not become listed as an endangered species. I am concerned about not continuing on-the-ground projects.

Mr. Molde:

My recollection is that the emphasis was on deer. I do agree about the sage grouse. We kill 4,300 ravens a year, which is the limit allowed by the U.S. Fish

and Wildlife Service (USFWS) relative to sage grouse predation. Nonlethal activity is a condition required by the USFWS and NDOW for a raven-killing permit.

Senator Settlemeyer:

Previous testimony from A.B. 291 of the 71st Session says 1,400 eggs were placed in an artificial nest. No eggs survived over 15 days past incubation. Ravens were the determining factor. I disagree with your statement that it was about mule deer.

Chair Ford:

I have heard concerns about section 2, subsection 3, paragraph (c), setting forth the estimated population or density. Could you address the concerns?

Assemblyman Bobzien:

My intent was to acknowledge that best science would give different tools for the estimations. I am a conservationist and a sportsman. I support predator control that is science-based. The intent was to set goals, talk about specific geographic areas, and at the end of the program report as to the findings. It does not assume all goals have to be met all the time. It is science and hypotheses. You lay out what you hope to achieve and report how you did. No one will get a failing grade. We will have the research to fall back on. I agree with Senator Settlemeyer that predator control is important for the sage grouse. Collecting data helps the State's case when we talk with the USFS about warding off endangered species listings.

Existing statute already speaks to conducting research as needed. I do not want to prohibit predator control. People should know how their \$3 is being used. I want to have transparency and structure as how we go forward.

Senator Settlemeyer:

Could we discuss the concept of portioning the fee being, such as 50 cents towards research and a portion toward predator control? I would not want to see the majority go to research and not continue the ground activities. We need more effect, not studies.

Chair Ford:

We also do not want to tie the hands of the people who will use the money. They may need more money at some times or less at other times.

Assemblyman Bobzien:

Spending more time on research and not getting groundwork done is a reasonable concern. Everyone has different ideas of what is and is not necessary. We, as policy makers, can make decisions that are more informed if we have the transparency structure in place rather than setting monetary thresholds.

Senator Goicoechea:

The Board of Wildlife Commissioners will provide the oversight on NDOW's plans. It is fully transparent. Nearly \$700,000 was spent on the Diamond Mountains plan for the mule deer. I want to be sure the Commission will approve NDOW's predator plan.

Assemblyman Bobzien:

I am not familiar with the science around the Diamond Mountains project. I am familiar with the many years of predator control in the Granite Range. The science was not too beneficial in the Granite Range. Isolating geographical areas is the framework to enable you to assess the different predator programs around the State. If we know coyotes are a problem in a specific region, we can focus our program in that area and have tangible results.

Senator Ford:

I will close the hearing on A.B. 345 and open the work session. I will open the discussion on A.B. 128.

ASSEMBLY BILL 128 (1st Reprint): Exempts a person from the payment of a fee for the management of aquatic invasive species under certain circumstances. (BDR 43-809)

Michael J. Stewart (Policy Analyst):

I will refer to the work session document ([Exhibit J](#)). This bill relates to the aquatic invasive species fee and decal. A proposed amendment from the Las Vegas Convention and Visitors Authority was discussed and then withdrawn. An amendment from Sam Medrano was submitted, but Mr. Medrano was not present at the meeting to address the amendment.

SENATOR SETTELMAYER MOVED TO DO PASS A.B. 128.

SENATOR SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

Mr. Stewart:

The next bill is A.B. 483.

ASSEMBLY BILL 483: Limits the amount of the fees that the State Engineer may charge and collect for certain applications to appropriate water for wildlife purposes submitted by the Department of Wildlife. (BDR S-745)

I will refer to the work session document ([Exhibit K](#)). This bill directs the state engineer to charge a fee of not more than \$1,000 each for four applications made by the Department of Wildlife in 1975 to appropriate drain and floodwaters in the Humboldt Sink for wildlife purposes. No amendments were offered.

SENATOR SEGERBLOM MOVED TO DO PASS A.B. 483.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

Mr. Stewart:

Our next bill is 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)

I will refer to the work session document ([Exhibit L](#)). This resolution expresses the Legislature's intent to establish and encourage the creation of a biomass industry in Nevada in order to expand efforts to manage pinyon-juniper

woodlands and restore certain ecosystems on public lands. There were no amendments offered.

SENATOR GOICOECHEA MOVED TO DO PASS A.J.R. 3.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

Mr. Stewart:

Our next bill is 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)

I will refer to the work session document ([Exhibit M](#)). This resolution suggests that, among other options to decrease wildfire activity, the Bureau of Land Management and the United States Forest Service partner with local agencies and other interested parties to determine whether increased grazing would reduce the frequency of wildfires and enhance rangeland and forest conditions. There were no amendments offered.

SENATOR GOICOECHEA MOVED TO DO PASS A.J.R. 4.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

Mr. Stewart:

The last bill is 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)

I will refer to the work session document ([Exhibit N](#)). This resolution notes that Nevada has an abundance of natural and renewable resources, many of which are located on public lands that are managed and controlled by the federal government. This resolution urges Congress to ensure such lands remain open and accessible to multiple uses. It also urges Congress to enact legislation to ensure the State and affected local governments in the State receive a portion of the revenue received by the federal government for activities conducted on those lands. There were no amendments offered.

SENATOR MANENDO MOVED TO DO PASS A.J.R. 5.

SENATOR SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

Senate Committee on Natural Resources
May 9, 2013
Page 23

Chair Ford:

There being no further business, the Senate Committee on Natural Resources is adjourned at 3:21 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	2		Agenda
	B	5		Attendance Roster
A.B. 346	C	3	Assemblyman David P. Bobzien	Written Testimony
A.B. 346	D	3	Susan Juetten	Written Testimony for John Hadder
A.B. 345	E	5	Assemblyman David P. Bobzien	Written Testimony
A.B. 345	F	1	Christine Schwamberger	Written Testimony
A.B. 345	G	1	Senator James A. Settlemeyer	Letter from John Carpenter
A.B. 345	H	2	Gerald Lent	Nevada Hunters Survey Results
A.B. 345	I	2	Don Molde	Written Testimony
A.B. 128	J	1	Michael J. Stewart	Work Session Document
A.B. 483	K	1	Michael J. Stewart	Work Session Document
A.J.R. 3	L	1	Michael J. Stewart	Work Session Document
A.J.R. 4	M	1	Michael J. Stewart	Work Session Document
A.J.R. 5	N	1	Michael J. Stewart	Work Session Document