

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

**Seventy-Seventh Session  
February 21, 2013**

The Senate Committee on Natural Resources was called to order by Chair Aaron D. Ford at 2:43 p.m. on Thursday, February 21, 2013, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 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

**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Rob Buonamici, Chief Game Warden, Division of Law Enforcement, Department of Wildlife  
Ken Foose, Exotic Pets  
Colleen Cripps, Ph.D., Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources  
Jennifer L. Carr, P.E., Chief, Bureau of Safe Drinking Water, Division of Environmental Protection, State Department of Conservation and Natural Resources  
Steve K. Walker, Truckee Meadows Water Authority  
Kyle Davis, Political and Policy Director, Nevada Conservation League and Education Fund

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**Chair Ford:**

I will introduce Bill Draft Request (BDR) 45-408.

**BILL DRAFT REQUEST 45-408**: Revises provisions governing certain agencies which manage natural resources. (Later introduced as [Senate Bill 184](#).)

SENATOR SEGERBLOM MOVED TO INTRODUCE BDR 45-408.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Ford:**

I will open the hearing on Senate Bill (S.B.) 11.

**SENATE BILL 11**: Prohibits the possession in Nevada of wildlife that was acquired, hunted, taken or transported in violation of a law or regulation of another state or country. (BDR 45-347)

**Rob Buonamici (Chief Game Warden, Division of Law Enforcement, Department of Wildlife):**

This bill addresses the unlawful possession of wildlife within the State of Nevada that has been unlawfully taken or possessed outside the State and then transported into Nevada. This is commonly known as poaching. This is a violation of the federal Lacey Act.

The Lacey Act gives game wardens authority to deal with poaching. However, game wardens can only pursue these cases after contacting agents with the U.S. Fish and Wildlife Service (USFWS), U.S. Department of the Interior. There are only two USFWS agents in Nevada: one in Reno and one in Las Vegas. They have to accompany our officers to resolve issues.

This bill would create a State equivalent to the Lacey Act. This would allow State game wardens the ability to investigate and recommend prosecution in State court without the assistance of federal agents.

Many western states have a similar provision in their laws. It fosters cooperation between states. Poachers are highly mobile and transient. This bill would allow us to stop them even if they were from out of state. Additional information is in my prepared testimony ([Exhibit C](#)).

**Senator Goicoechea:**

What would you use for probable cause to stop them?

**Mr. Buonamici:**

We use the same probable cause standard that is in Nevada law or under the *U.S. Constitution*. For example, if we receive a call from Montana giving us a description of someone suspected of poaching and we see them, that would be our probable cause.

**Senator Goicoechea:**

Would antlers showing out of a pickup bed be probable cause?

**Mr. Buonamici:**

Yes, but usually in the rural areas. If we see antlers in a pickup truck traveling down Interstate 80, we would not stop the pickup unless we had additional pertinent information.

**Chair Ford:**

The probable cause definition in the *U.S. Constitution* is the criterion you would use if this statute is enacted, correct?

**Mr. Buonamici:**

Yes. We are bound by Nevada law and the *U.S. Constitution*.

**Ken Foose (Exotic Pets):**

I represent Exotic Pets. I question some of the wording in the bill. In the early 1980s, bearded dragons were smuggled out of Australia, taken to Germany and bred as pets. This reptile is prolific and is now one of the most common reptile pets in the world. Will this bill affect those animals?

**Mr. Buonamici:**

If Australian authorities notify us the reptiles were taken illegally out of Australia and are considered wildlife, then yes, it would apply. If they were pets from another country, then it would not. This only applies to wildlife.

**Chair Ford:**

I will close the hearing on S.B. 11 and open the hearing on S.B. 65.

**SENATE BILL 65**: Revises provisions relating to public water systems and certain laboratories. (BDR 40-349)

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

The purpose of this bill is to clarify enforcement authorities related to the regulation of drinking water supplies and certification of laboratories that perform analyses of drinking water. Both these regulatory programs were transferred from the Health Division, Department of Health and Human Services to the Division of Environmental Protection (NDEP), State Department of Conservation and Natural Resources, several years ago. The proposed statutory changes represent cleanup language that would align enforcement authorities for these programs with authorities in other environmental statutes.

We are proposing to change the language to provide authority to issue orders in situations where violations have occurred or are about to occur. Additional information is in my prepared testimony ([Exhibit D](#)), and the proposed amendments to S.B. 65 are in the handout provided to you ([Exhibit E](#)).

**Senator Goicoechea:**

How would you know when a violation is about to occur?

**Dr. Cripps:**

I can give you several examples. If a water system intends to connect to an untreated spring source, then connect to a distribution system, and that source has not been demonstrated to be free of cryptosporidium, viruses or other pathogens, we would be able to issue an order to prevent the use of that spring. We are trying to be proactive and prevent drinking waters from being compromised.

Another example is that if a construction company insists on starting construction on a water system infrastructure without approved engineering design plans, and we had serious concerns about the sanitary conditions of the proposed facility, we could issue an order in advance to prevent construction.

Also, if a water system has an unpermitted groundwater well with unknown or suspect water quality, the NDEP could prevent the use of that well for drinking water through the use of an order.

**Senator Goicoechea:**

If a well is in the public water system and you had concerns about its quality, but the utility company needs to keep the well in the system while tests are being conducted, would that be considered a violation about to occur?

**Jennifer L. Carr, P.E. (Chief, Bureau of Safe Drinking Water, Division of Environmental Protection, State Department of Conservation and Natural Resources):**

There have been instances where wells have been drilled, with or without our knowledge, and we may not know about the water quality. Until we have laboratory results verifying the safety of the water supply, we can prevent the use of that water within the distribution system to protect public health. It would be beneficial for us to have another tool instead of using our injunction authority.

**Chair Ford:**

Are there appellate rights available if they disagree with your order?

**Dr. Cripps:**

Yes. That is part of this whole proposal, to allow appeals to any order we might issue.

**Steve K. Walker (Truckee Meadows Water Authority):**

I represent Truckee Meadows Water Authority. I am in favor of this bill. It further enhances the regulatory regime under which public water systems and water quality testing will fall. That assures the public we are doing things right. It is critical we provide high-quality water.

I want to thank the NDEP for letting us know about this bill early and for their collaboration with us.

**Kyle Davis (Political and Policy Director, Nevada Conservation League and Education Fund):**

We are in support of this bill. It is a good tool to safeguard the water quality in our State.

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**Chair Ford:**

I will close the hearing on S.B. 65. There being no further business, the Senate Committee on Natural Resources is adjourned at 3:06 p.m.

RESPECTFULLY SUBMITTED:

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Lynn Berry,  
Committee Secretary

APPROVED BY:

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Senator Aaron D. Ford, Chair

DATE: \_\_\_\_\_

<b><u>EXHIBITS</u></b>				
<b>Bill</b>	<b>Exhibit</b>		<b>Witness / Agency</b>	<b>Description</b>
	A	1		Agenda
	B	3		Attendance Roster
S.B. 11	C	1	Rob Buonamici	Written Testimony
S.B. 65	D	2	Colleen Cripps	Written Testimony
S.B. 65	E	3	Colleen Cripps	Proposed amendments to S.B. 65