

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON NATURAL RESOURCES, AGRICULTURE,  
AND MINING**

**Seventy-Eighth Session  
February 17, 2015**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Robin L. Titus at 1:31 p.m. on Tuesday, February 17, 2015, in Room 3138 of the Legislative Building, 401 South Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/78th2015](http://www.leg.state.nv.us/App/NELIS/REL/78th2015). In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Robin L. Titus, Chair  
Assemblyman Jim Wheeler, Vice Chair  
Assemblyman Nelson Araujo  
Assemblywoman Maggie Carlton  
Assemblyman Richard Carrillo  
Assemblywoman Victoria A. Dooling  
Assemblyman Chris Edwards  
Assemblyman John Ellison  
Assemblyman David M. Gardner  
Assemblyman Ira Hansen  
Assemblyman James Oscarson  
Assemblywoman Heidi Swank

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

None



**STAFF MEMBERS PRESENT:**

Susan E. Scholley, Committee Policy Analyst  
Jim Penrose, Committee Counsel  
Donna J. Ruiz, Committee Secretary  
Cheryl Williams, Committee Assistant

**OTHERS PRESENT:**

Tony Wasley, Director, Department of Wildlife  
Willie Molini, Director, Coalition for Nevada's Wildlife  
K. Neena Laxalt, representing Nevada Cattlemen's Association  
Jeremy Drew, Chair, Board of Wildlife Commissioners, Department of Wildlife  
Patrick O. Cates, Deputy Director, Department of Wildlife  
Richard "Skip" Daly, Private Citizen, Reno, Nevada  
Dagny Stapleton, Deputy Director, Nevada Association of Counties  
Janine Hansen, representing Nevada Committee for Full Statehood  
John Wagner, State Chairman, Independent American Party of Nevada  
Mary Walker, representing Lyon County and Eureka County  
Clay McCauley, Executive Vice President, Nevada Farm Bureau Federation  
Karen Boeger, representing Nevada Chapter, Backcountry Hunters and Anglers  
Ted Imfeld, Program Officer, Division of Management Services and Programs, Department of Motor Vehicles

**Chair Titus:**

[Roll was called. Committee rules and protocol were explained.] I will open the hearing on Assembly Bill 78.

**Assembly Bill 78: Makes various changes relating to wildlife. (BDR 45-362)**

**Tony Wasley, Director, Department of Wildlife:**

Assembly Bill 78 is a bill being put forth by the Department of Wildlife relative to elk damage fees. The department presently collects a \$5 fee in association with each and every application received for an opportunity to secure an elk tag. Those funds are put into a restricted account that can only be used for compensation for damage or construction of fences related to that elk damage. Authority to adjust that fee resides with the Board of Wildlife Commissioners and is capped at \$5. We have been pretty aggressive with our fence construction and, to a lesser extent, damage payments where it applies. As we look forward to growing elk populations, we want to make sure the department can be as responsive as we have been in the past, and we continue to construct

elk fences where we have conflicts with private lands. This bill asks that the Commission have the authority, in the event it is warranted, to raise that fee to no more than \$10.

Assembly Bill 78 does not create a new fee, nor does it necessarily increase the existing fee. [Continued to read from prepared text ([Exhibit C](#)).]

**Assemblyman Edwards:**

Can you explain a little more about what kind of damage we are talking about, with some specific examples and what exactly the additional fee provides?

**Tony Wasley:**

The most common type of conflict we see is on private lands where there are irrigated or cultivated crops, alfalfa being a crop that provides a palatable and nutritious forage for elk. Being in the fourth year of a drought, there are extreme weather conditions where forage quality on native range may be compromised due to the drought. However, we have private landowners who may be cultivating and irrigating alfalfa, which is an attractant for elk. In the late summer months, we can see concentrations of elk move into those areas. The elk may consume the forage, urinate and defecate on the forage, causing lower market value, and they may bed down in the alfalfa, making cutting and harvesting more difficult. Another example may be in an extreme winter event with significant snow depth or long periods of subzero temperatures causing the elk's metabolic demand to rise, causing the elk to consume much more of a high quality forage. The elk may be forced into a situation where they consume, in some instances, large quantities of hay in a short period of time.

In those instances, we have a number of tools at our disposal. We can use emergency depredation hunts to harass those animals out of those areas. We can provide landowners with permits to allow them to do the same. Many of those solutions are temporary. The best long-term solution is to construct a permanent fence around those areas to protect those resources. A majority of these funds have been spent on constructing elk-proof fencing. Those fences are eight-foot-high woven wire with gates. We have been very successful in mitigating landowner conflicts through the use of those fences.

**Assemblyman Edwards:**

What about the possibility of issuing more tags in those areas?

**Tony Wasley:**

That is something we also do. We have significantly increased our elk harvest. Some of the challenges include a hunt unit, for example, which is a large area. It has been more effective to have emergency depredation hunts. Through

an emergency depredation hunt, we can specify a hunt boundary that is specific to those private lands. We have done that in Lages Junction in the eastern part of the state. We have had a prolonged landowner conflict situation there. We determined it would be cost-prohibitive to construct a fence to the tune of millions of dollars. We had a focused emergency depredation hunt with the sole intent of depopulating that area to reduce the conflict.

**Assemblyman Ellison:**

A couple of years ago we brought the Department of Wildlife in to meet with some of the ranchers in Ely. Their hayfields were being destroyed. They were given depredation tags, which took the population down. Repairing the alfalfa fields was never taken care of. Has that ever been addressed?

**Tony Wasley:**

I believe you are referring to elk incentive tags. The state does not have a depredation tag program for elk. The tag program you are referring to is one that provides an incentive to private landowners. It is intended to increase the tolerance of those animals that exist on adjacent native uplands. We have had to use an arbitration process to reach agreement on the level of compensation or level of incentive those landowners are allowed through that formula.

**Assemblyman Ellison:**

Senator Goicoechea and I were both involved in that hearing, and the discussion was that the landowner was given a set amount of elk tags which he could sell, which would help pay for the damage to the alfalfa field. Maybe I did not understand that completely, but in the meantime, his alfalfa fields are being destroyed by the elk. Maybe there need to be more hunts out there, or better control. You should see the damage done to those hayfields.

**Tony Wasley:**

Certainly, any damage documented as being caused by elk is eligible for damage compensation payments through the fund. As a field biologist, I have utilized this fund numerous times to compensate landowners who had damage in similar situations. We have made some recent changes to the arbitration process through the Board of Wildlife Commissioners. Hopefully, we will be able to find a more effective solution to their concerns.

**Assemblyman Ellison:**

I hope so, because it is currently not working.

**Assemblywoman Swank:**

I see many of the fees for stamps, tags, permits, and licenses go to the Wildlife Fund Account, but the fees for the elk, according to the new language,

will go to the Wildlife Heritage Trust Account. Am I reading that correctly, and if so, can you tell me what the difference is?

**Tony Wasley:**

There is not intended to be any change. I am not certain, but I think you may be confusing some of the language of this bill with the next bill. This is not intended to change the location of where these funds are deposited. This is a \$5 fee over and above those other fees that goes into a restricted account specifically for elk damage. This is not intended to change the location or the name of the account; it is only intended to increase the amount that can be collected through the authority of the Commission.

**Chair Titus:**

Just for clarification, the first bill we are hearing is Assembly Bill 78. The second bill we will hear, Assembly Bill 82, will address those issues, Assemblywoman Swank.

**Assemblywoman Swank:**

I am looking at section 1, subsection 4(b), where it says, "If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 ~~or 6~~, 7 or 8...." It is removing section 6. There is a reference to a fee collected pursuant to the subsection that will be deposited into the Wildlife Heritage Trust Account. Is that correct?

**Tony Wasley:**

There are portions of that application fee that go into different accounts. The portion we are referencing here is just the \$5 that is on the elk tag application fee that goes to that account. That is not intended to change at all through this legislation. There are portions of that \$10 fee that apply to all the other tags, including antelope, bighorn sheep, and mountain goats, that follow that formula as far as the accounts into which they are deposited. There is no intent in this legislation to change the account assignment of the funds. It is simply to increase the allowable amount the Commission has the authority to raise.

**Assemblyman Edwards:**

Can you give me an idea of how many elk are involved?

**Tony Wasley:**

The history of this account, going back to 1989, has been that it gradually builds and then rapidly spends down, then gradually builds and rapidly spends down. The reason for that is because we will have weather events that exacerbate the problem. The two extremes are the drought situation versus extreme winter situations. In those situations, we could have 400 to 500 elk

in irrigated croplands. We could have 200 to 300 elk around a stackyard. It is difficult to give an exact number. It varies in terms of the population density in those areas and the severity of the weather driving those conflicts. It would be safe to say several hundred in any instance.

**Assemblyman Edwards:**

How many elk do we estimate are in the state?

**Tony Wasley:**

The current population estimate is about 17,500.

**Chair Titus:**

Are there any other questions from the Committee? [There were none.]  
Is there anyone who would like to testify in support of the bill?

**Willie Molini, Director, Coalition for Nevada's Wildlife:**

I am representing the Coalition for Nevada's Wildlife, which is a coalition of major sportsmen's organizations in this state. I want to say we are in favor of this bill. We think the Department of Wildlife has done an admirable job in elk management, and they have certainly enhanced the opportunity for elk hunting in Nevada over the past 15 years. As sportsmen, we recognize that with enhanced opportunity comes increased responsibility. We think the program of elk damage compensation is sound and is working. As sportsmen, we are willing to pay extra when that is necessary. We are supportive of this bill.

**K. Neena Laxalt, representing Nevada Cattlemen's Association:**

We simply want to go on record in support of this legislation. We think it is very important to prevent and mitigate damage to property in our state.

**Assemblyman Ellison:**

We talked to some of the ranchers in Ely. I agree that maybe the cost needs to come up. I know the ranchers around Ely were largely impacted by the elk and the damage done. Are you hearing any feedback about the elk?

**Neena Laxalt:**

I work for the Nevada Cattlemen's Association only during the legislative sessions, but I do keep up on the issues. This has been a problem for quite a while. Depending on the year, the damage could be worse than others. I think the mitigation program going ahead and being flexible with the money will help a lot, even in the areas that have been mostly impacted.

**Chair Titus:**

Is there anyone else wishing to testify in favor of the bill? [There was no one.] Are there any members of the audience who are opposed to A.B. 78? [There was no one.] Is there any testimony neutral to A.B. 78?

**Jeremy Drew, Chair, Board of Wildlife Commissioners, Department of Wildlife:**

We would like to go on record that the Commission is neutral on A.B. 78 at this time, as we have not had an opportunity as a body to review the bill. The department did bring it before us as one of their priorities before the session. There were no concerns raised at that time by the Commission.

Personally, I view this bill as an opportunity to address a potential problem in a proactive manner as elk herds are expanding, and we anticipate there may be the need for additional resources going forward. Obviously, any change in the fee structure would work through our public process, through the county advisory board, and folks who want to attend our meetings. We would look at that, if needed, in the future. I would be willing to answer any questions.

**Assemblyman Edwards:**

Could you give us an indication of what you would expect might happen if the fee is actually allowed to go up to \$10? Would the fee be raised to \$10, or would it be raised to \$6, \$7, or \$8, or do we just not know at all right now?

**Jeremy Drew:**

It would purely depend on what the demand is. We have seen demand fluctuate in the last couple of years. I believe last fiscal year we had a heavy demand for fencing projects, so the amount requested went up.

**Assemblyman Gardner:**

In this bill, could the fee be raised to \$8 one year and then lowered to \$5 the next year? Is there any flexibility in this bill?

**Jeremy Drew:**

This bill would allow us that flexibility. Basically, the minimum would be \$5 and the maximum would be \$10. I do not anticipate we would fluctuate the cost that much, but hypothetically, it could occur.

**Assemblywoman Carlton:**

This question is for our legal staff. In reviewing Assemblywoman Swank's question from earlier, I am also a little confused. On page 5, lines 1 through 12, it is citing two different accounts. I do not believe Assemblywoman Swank was confused between the two bills; I believe she had a legitimate question. On page 5, line 3, it states the Wildlife Heritage Trust Account in the

State General Fund. On page 5, line 10, it states the Wildlife Fund Account in the State General Fund. Assemblywoman Swank and I would both like an answer addressing those two different accounts and where the money is actually going.

**Jim Penrose, Committee Counsel:**

It looks to me that the language appearing on the first three lines of page 5 are actually part of section 3, subsection 5, which is the fee charged for the Silver State Tag, which is different from the mitigation fee that is involved in the bill. The mitigation fee goes to the Wildlife Fund Account and the Silver State Tag fee goes to the Wildlife Heritage Trust Account.

**Chair Titus:**

Thank you for the clarification. I am sorry for any confusion. Are there any other questions or needs for clarification? [There were none.] I will close the hearing on Assembly Bill 78. I will open the hearing on Assembly Bill 82.

**Assembly Bill 82: Makes various changes relating to wildlife. (BDR 45-365)**

**Patrick O. Cates, Deputy Director, Department of Wildlife:**

I am happy to present today Assembly Bill 82. This is a fiscal cleanup bill. The current *Nevada Revised Statutes* (NRS) references to the Department of Wildlife accounts where fees and other revenues are to be deposited are confusing. [Continued to read from prepared text ([Exhibit D](#)).]

In addition, the Legislative Counsel Bureau (LCB) legal staff added the protection and propagation language to the management of wildlife in section 5, subsection 4(a). This does not change the purpose or use of these funds. It provides uniformity with other language in NRS.

**Chair Titus:**

Obviously, it was confusing to all of us. I purposely scheduled Assembly Bill 78 and Assembly Bill 82 back to back because of the need for language clarification. Are there any questions from the Committee?

**Assemblyman Hansen:**

How many accounts does the Department of Wildlife manage?

**Patrick Cates:**

As part of our reorganization, we created a separate operating account for each division, which means eight operating accounts. We have four special funds. The Wildlife Account is where most of our fee-based revenue goes. We also have the Wildlife Heritage Account, which is for special tags, some of which are



auctioned and others of which are purchased through our application hunt system. That is a special fund that is administered by the Commission. The Wildlife Trust Fund is simply a gift account. We also have an account for Question 1 bond money that we transfer in from the State Department of Conservation and Natural Resources for our portion. We also have another account entitled Habitat Enhancement, which is essentially a mitigation account where industry pays money for damages or potential damages to wildlife.

**Assemblyman Hansen:**

Is it Question 1 or Question 2?

**Patrick Cates:**

It is Question 1 [a 2002 ballot question approved by the voters to authorize the state to issue bonds for conservation and resource preservation].

**Assemblyman Ellison:**

Who audits these accounts? Once they are audited, do the results go on your website? Are there independent audits on these accounts?

**Patrick Cates:**

The operating accounts are all *Executive Budget* accounts, so those are presented and approved by the Legislature every year. The other accounts are established by the Legislature through statute, and they are subject to oversight by the Budget Division of the Department of Administration. They are audited and we produce financial statements every year. In fact, we submitted a report to the Legislature for projects that were done from those accounts.

**Assemblyman Wheeler:**

Regarding section 22, all the duck stamps currently go to the actual protection of ducks, not for all migratory birds. Is that correct? Would this bill change that so the money could be used for other migratory game birds?

**Patrick Cates:**

The duck stamp is used for all waterfowl. I am sorry, what was the reference?

**Assemblyman Wheeler:**

Actually, if you look at the Legislative Counsel's Digest at the top of page 2, lines 21 through 27, it states, "Existing law requires a person to purchase a duck stamp before hunting ducks and certain other migratory birds in this State and provides that the proceeds from the sale of those stamps must be used for the protection and propagation of migratory game birds, and for the acquisition, development and preservation of wetlands in Nevada. Section 22 (NRS 502.300-502.322) of this bill provides that the proceeds from the sale of

duck stamps may also be used for the management of migratory game birds in this State."

What is the difference and why the change? It does not seem to me to be changing from one account to another. It seems to be changing the purpose of the duck stamp money.

**Patrick Cates:**

I am not finding the exact reference, but there is no intent to change the use of the funds.

**Assemblyman Wheeler:**

It is the last paragraph on the Legislative Counsel's Digest.

**Patrick Cates:**

If you look at the actual changes in terminology from existing NRS, we are only changing the terminology of funds and the names of the accounts. The only place we are adding any language as to purpose is for the trout stamp. The rest is existing language.

**Assemblyman Wheeler:**

The existing language now in section 22, subsection 2, adds "and management" of migratory birds. I am wondering what the difference is between what you are doing now and the management of these birds.

**Patrick Cates:**

That was part of the language proposed by LCB legal staff. It really does not change how it is used, but there is a little bit of inconsistency in terminology for each of the fees and what they could be used for. For some fees it would say "management," for other fees it would say "protection and propagation." They were trying to make them uniform.

**Assemblyman Ellison:**

Could you tell me what fund, if any, the predator control money comes from?

**Patrick Cates:**

The predator fees are all deposited into the Wildlife Account. The money is held in reserve and transferred to the Game Division for predator projects on an annual basis.

**Assemblyman Ellison:**

Could you tell me how much money was spent from that account last year?

**Patrick Cates:**

I do not have the exact number. I want to say somewhere in the range of \$200,000 to \$300,000. I could certainly follow up with the exact numbers.

**Chair Titus:**

Are there any further questions from the Committee? [There were none.] Are there any members of the audience who would like to testify in favor of A.B. 82? [There was no one.] Are there any members of the audience who would like to testify in opposition to A.B. 82? [There was no one.] Are there any members of the audience who are neutral to A.B. 82? [There was no one.] I will close the hearing on A.B. 82.

I will open the hearing on Assembly Joint Resolution 2.

**Assembly Joint Resolution 2: Urges the United States Congress and the United States Fish and Wildlife Service to take certain actions to reduce the impact of common ravens on the greater sage grouse population in this State. (BDR R-33)**

**Assemblyman Ira Hansen, Assembly District No. 32:**

As background to Assembly Joint Resolution 2, it actually started last session in this very Committee. Former Assemblyman Skip Daly was Chair of the Committee last session, and he was the originator of this idea. Here is the problem. There are declining sage grouse populations in the state of Nevada, which can have a significant economic impact. We want to maintain the bird, but we also want to avoid any sort of situation where the economies in the rural parts of the state can be severely impacted by the listing of this bird on the endangered species list.

Assembly District 32 is 38,000 square miles, including parts of Washoe County, all of Humboldt County, Lander County, Pershing County, Mineral County, Esmeralda County, and a large section of Nye County. A good portion of this area is existing sage grouse habitat, and a good portion of the economy of these areas will be impacted if this bird is listed.

To try to prevent the listing of the bird, we have come up with numerous ideas that may help, at the very least, to keep the population decline from going any further, and ideally enhancing the population of the bird. One of the problems identified in several university studies, most significantly two that occurred in Elko County by Idaho State University in 2005, and again in 2010, was the problem of predation on sage grouse, especially sage grouse eggs. The primary predator causing the nest destruction was the common raven.

In some circumstances in Nevada, for example, coyotes preying on domestic livestock, we have government agents who remove those predators. We have had discussions in this Committee regarding urban coyotes attacking pets. The people who remove these predators were called government trappers in the old days. In the age of political correctness, they changed the name to animal damage control. Now they have changed the name to wildlife specialist. Their job is to remove predators causing problems.

The situation with the sage grouse and the ravens is primarily because of man-produced food supplies. Raven populations have dramatically expanded in the West. I have provided a report, dated July 5, 2012 ([Exhibit E](#)).

I have done a lot of research on the issue of sage grouse. I have a strong personal interest as well as a professional interest here in the Legislature. The birds I brought in ([Exhibit F](#)) were mounted by George Tsukamoto, who was Interim Director for the Department of Wildlife. They are Elko County sage grouse. Interestingly enough, over the years, I have discovered the honest people on the committees will often acknowledge they do not know what a sage grouse is, more commonly called a sage hen. If you are wondering what they look like, there they are. Those are the birds having a significant impact on the state. Some people like to eat them, as do the common ravens, who like to eat the eggs.

The common raven population has expanded somewhere between 300 and 1500 percent in the last couple of decades due to garbage dumps and animal pits. The impact that is having on the sage grouse population has been well documented. It is, in fact, a significant impact. There have been several studies done in a control area where they reduce the number of ravens. There is another similar area where they do not reduce the number of ravens. They are able to see the nesting success and the percentage of young birds that actually make it the first six weeks of their life. In the areas where there was raven control, those numbers jumped.

I am an advocate of predator control, but I do recognize it is not the only answer to some of these problems. There are habitat issues that also have significant impacts, including wildfires and cheatgrass. The problem we have now is a cap on the number of ravens that can be removed by the professional government trappers of 3,000 birds. That represents about 1 percent of ravens. In those areas where those birds are concentrating on sage grouse habitat, there is a cap on how many we can remove. There is an international treaty, the Migratory Bird Treaty Act of 1918, and [Assembly Joint Resolution 2](#) asks the United States to get us out of that treaty, or get us some sort of

variance that will allow the harvest and removal of a higher percentage of birds. Three thousand is not enough to make a significant impact.

The methodology typically used by the Department of Wildlife is poisoned eggs, which are pretty much raven-specific. By doing that, they have had significant success in reducing the number of ravens. In the areas they reduced, they then saw a sharp increase in the success rate in the nests of sage grouse. In other words, there was good recruitment back into the population.

I would like to give Mr. Daly a compliment and some credit for pushing this issue through. This issue has also gone through our Legislative Committee on Public Lands, and that is why it is in front of you today, to try to encourage the federal government to renegotiate the 1918 treaty to allow a higher number of ravens to be removed.

**Assemblyman Ellison:**

I would also like to thank Mr. Daly. I had sponsored another bill similar to this, but since this was such a good bill, I pulled mine. Last year we were able to increase the number of poisoned eggs by 500, for a total of 2,000 eggs. Currently, ravens are at a 600 percent increase. They are a major impact to the sage grouse. There are ravens around dumps, and in the areas around Jarbidge and Jackpot they now have to put nets over the top of the dumpsters because of so many ravens. If you drive down I-80, you can see them everywhere. These are smart birds. If you try to shoot them, they disappear. I think the only way we can do this is to ask Congress to look at this treaty. If we cannot get this treaty amended, we need to look at something else. We did have a difficult time increasing the number of poisoned eggs last year. Perhaps Assembly Hansen could elaborate on that.

**Assemblyman Hansen:**

We are doing what we can to prevent man-caused increases in the raven population. As Assemblyman Ellison mentioned, they are starting to put nets over dumpsters to try to minimize the raven issue as much as possible. On the other side, we need to allow the Department of Wildlife more flexibility to do what they need to do.

The other issue, which is not directly related to sage grouse but is interesting, especially for the folks in southern Nevada, is that ravens have been shown to have a significant impact on the Desert Tortoise populations. They are very aggressive predators on the young tortoises and the eggs. These are peripheral issues for the entire state. When we deal with one issue, we may significantly help another issue.

The community of Jackpot and others in the sage grouse habitat are doing all they can to minimize the impact they are causing by providing unintended food sources for ravens, which causes the populations to expand. When there is a direct impact in sage grouse habitats and known nesting areas, the only real solution is to remove the predators. The Department of Wildlife is handcuffed because of the cap on the total numbers. This is essentially what A.J.R. 2 is attempting to address.

**Assemblywoman Carlton:**

No place in this resolution does it talk about what efforts we have already taken to reduce the number of ravens. About a year ago, Idaho was given permission by the U.S. Fish and Wildlife Service to take more ravens. Why are we not doing what Idaho has done?

**Assemblyman Hansen:**

I think there is a symbolic issue here also. The reality is, in the state of Nevada, we want to have more flexibility for our own wildlife management. The fact that we are handicapped by an international treaty is frustrating. I am not familiar with what Idaho has done. Perhaps someone from the Department of Wildlife will be able to address that. My understanding is we did, at one time, apply to the U.S. Fish and Wildlife Service, and we had a cap placed of 3,000. I am not sure of the details, but even 3,000 is token. We could remove a lot more than that and have no permanent damage to the raven population. If you check the historic numbers of birds in the state, the raven population was quite minimal until sometime in the 1970s when, for whatever reason, they started to expand exponentially. If you talk to the old-time sheepherders and ranchers, they can tell you that prior to some federal laws, ravens, along with magpies and other predatory birds, were aggressively pursued. I suspect that also helped keep the numbers in check. Because of those caps, those population numbers expanded, and there was also a proportional decline in the number of sage grouse in the state of Nevada.

I do believe there are some clear relationships between the increase in predatory birds that prey on sage grouse and the decline in sage grouse. It is not the only answer, but it is certainly one that is very significant, as has been demonstrated by at least two recent university studies. There was also a study done by the Oregon State Game Commission in 1948. They were wondering why after World War II they started seeing a substantial decline in the number of sage grouse in eastern Oregon, which is very similar to most of northern Nevada's habitat. They did a control/no control study. They dramatically reduced the number of predatory birds, especially ravens, and they saw a huge increase in the nesting success of the sage grouse. This is actually not a new issue.

In fact, you can say it is at least 60 or 70 years old, and it has been documented in several scientific studies.

**Assemblywoman Carlton:**

Some of these conventions, Mexico, Canada, and Japan, are all a part of this treaty going back as far as 1916. It is a very complicated issue. I agree with sending a message. Ravens are not my favorite bird. They chased the quail in my front yard when I lived in Gardnerville. I want to be careful. Maybe the reason they are protected now is because so many people went after them in the early 1900s. We do not want a law of unintended consequences by trying to take too many out at one time.

**Chair Titus:**

Are there any further questions from the Committee? [There were none.] Is there anyone in the audience who would like to testify in favor?

**Richard "Skip" Daly, Private Citizen, Reno, Nevada:**

Assemblyman Hansen hit all the points regarding the thought process behind A.J.R. 2. We have all heard the issues of the sage grouse potentially being listed as a threatened or endangered species and the adverse economic impacts it would have on the state across the board in many industries and applications. No one wants that. I know this issue has been talked about for a long time. The thought process on this resolution, which was put in as a committee bill in the interim, was not to argue with the federal government, that has this treaty, and not to say they do not know what they are doing, but really to give them choices. If they do not want to take the ravens out of the treaty, they can work with our state government and establish a reasonable level of population that can be sustained and then let us manage to that level. I am hoping this resolution will start a dialogue in order to manage it to a more reasonable level. The population of ravens is having adverse effects on other populations in the state.

The first time I heard about using resolutions was when Senator David Parks said they were like letters to Santa. I do believe if the Nevada Assembly and Senate pass a resolution to send it back to Congress, it does not go unnoticed. We are trying to do something, and that is why the bill was put in during the interim. As previous Chair of this Committee, I thought it was an important issue, and it is the least we can do. I do support the bill. I think the Legislative Counsel Bureau (LCB) hit the points I asked them to include. Assemblyman Ellison had told me about his bill regarding this issue, but he decided to go with this one.

**Dagny Stapleton, Deputy Director, Nevada Association of Counties:**

We are in support of A.J.R. 2. As has been discussed at length in this Committee, as well as in the interim, the economy of the state, as well as Nevada's counties, including the ability to produce food and other commodities, develop renewal energy, and guarantee access to recreation and public lands in the state, would be significantly hindered by a decision to list the sage grouse as an endangered species. The Nevada Association of Counties supports the work of this Committee, as well as the plan produced by Governor Sandoval's Sagebrush Ecosystem Council task force, which also addressed managing sage grouse habitat in hopes of avoiding a listing. The task force made similar findings regarding the impact to sage grouse populations from ravens, especially during nesting season, and the fact that raven populations are increasing. We support this resolution urging Congress to amend the Migratory Bird Treaty or otherwise curtail protection of ravens and to work with the state of Nevada to manage raven populations.

**Janine Hansen, representing Nevada Committee for Full Statehood:**

I do live in Elko County, ten miles east of Elko. Ten miles north of where I live is one of the study areas at Devils Gate Ranch with regard to the impact of ravens on the sage grouse. The people who own the ranch are friends of mine. However, even at my own home, which is about seven acres, I have 24 turkeys and 40 chickens who hatch their own babies, and we have had a significant problem with ravens. We have had to take steps in order to protect our property. I have eight grandchildren next door, and when the ravens start flying by, they run over to my house to warn me.

This is a real problem for real people. It goes far beyond something as simple as what I am experiencing. If we do not do something about this and it continues to impact the sage grouse, there will be a significant impact in the rural counties. That is the real problem we face here. We certainly support this bill and are glad to be here to lend our support.

**John Wagner, State Chairman, Independent American Party of Nevada:**

We support this legislation. I know 1918 was a long time ago, almost 100 years. I would think it is a reasonable request that we make of our federal government. I am sure at the time they had good intentions, but there are consequences to their so-called good intentions. This would be good. I think we should emphasize it to our elected officials to push it when they are back in Washington, D.C.

**K. Neena Laxalt, representing Nevada Cattlemen's Association:**

We are in support of A.J.R. 2. I did work in Washington, D.C. several years ago in the office of a U.S. Senator. When these resolutions come forward from



the state, our representatives do read them and carry our feelings forth on what Nevadans and the Legislature are asking them to do.

**Assemblyman Ellison:**

I agree with all the testimony that has been given. I also think this is important to get under control. We not only have the sage grouse, but other things are being impacted, such as the Desert Tortoise. I think it is important for us to amend this and get it out to as many agencies as we can, such as the Western Governors' Association, the Nevada Cattlemen's Association, and others. The Western Governors' Association is having to deal with the sage grouse issue at all of their meetings.

**Chair Titus:**

I want to clarify what you were saying, Assemblyman Ellison. You are not asking to amend this; you are recommending we send it to other agencies?

**Assemblyman Ellison:**

Correct.

**Chair Titus:**

I need some clarification. Mr. Penrose, could you look at the last paragraph where it says, "Resolved, That...?"

**Jim Penrose, Committee Counsel:**

If you want to direct the Chief Clerk to transmit a copy of the resolution to folks other than those identified in the resolution as it stands, we would need to amend it to add those folks.

**Chair Titus:**

It would be a formal amendment, Assemblyman Ellison.

**Assemblyman Ellison:**

I would like that.

**Mary Walker, representing Lyon County and Eureka County:**

We rise in support of A.J.R. 2 for all the reasons previously stated.

**Clay McCauley, Executive Vice President, Nevada Farm Bureau Federation:**

We strongly support A.J.R. 2 and the three objectives outlined in the resolution, which are amending the Migratory Bird Treaty Act to manage the population, working with state agencies to decrease the population, and reducing the population of common ravens in the state by adopting regulations, thus decreasing the risk for nesting sage grouse.

**Chair Titus:**

Any further testimony in favor of A.J.R. 2? [There was none.] Are there any members of the audience who are opposed to A.J.R. 2? [There was no one.] Are there any members in the audience who are neutral?

**Karen Boeger, representing Nevada Chapter, Backcountry Hunters and Anglers:**

The last quarter century up until the last couple of years, I lived in a remote homestead in the Pah Rah Mountain Range. We had sage grouse there until about seven years ago. I certainly do miss them, and I know we need to do something in this state for many reasons, not just for the bird but their habitat too. With that said, I would like to see an acknowledgement within the resolution that in order to be effective with money spent toward eliminating ravens, it has to be done in tandem with addressing the human and environmental issues that give the ravens an advantage. We need to deal with the pinyon/juniper encroachment, which will not cost much money. Pinyons and junipers give ravens an advantage, and they are encroaching into wetlands and other areas. Eliminating those would help. There are proposals from agencies about more transmission lines or power lines. Those also give an advantage to the ravens, so we need to think carefully about where those are going to go. Covering the dumps in all the rural areas is beginning to be done, but we need to make sure it will continue, in addition to tagging the fence lines. It would be good to see an acknowledgement that these things need to happen together. I have been following the Governor's Sagebrush Ecosystem Council meetings fairly closely. I was looking at what they proposed in their alternative to the Bureau of Land Management's Environmental Impact Statement. It looks pretty good, in my estimation, with the acknowledgement that this needs to be a two-pronged process.

**Chair Titus:**

Are there any questions from the Committee? [There were none.] Are there any other members of the audience wishing to testify as neutral? [There was no one.] I will close the hearing on A.J.R. 2. We will move into the work session on Assembly Bill 37.

**Assembly Bill 37: Revises provisions governing consignment auctions of motor vehicles. (BDR 40-379)**

**Susan E. Scholley, Committee Policy Analyst:**

You should all have a work session document for Assembly Bill 37 ([Exhibit G](#)). The document is also posted to the Nevada Electronic Legislative Information System.

Assembly Bill 37 revises provisions governing consignment auctions of motor vehicles. This bill was proposed on behalf of the Department of Motor Vehicles (DMV) and was heard in this Committee on February 12, 2015. This bill amends the definitions of "lienholder" and "registered owner," in the context of consignment auctions, to exclude automobile wreckers, body shops, distributors, manufacturers, rebuilders, salvage pools, vehicle dealers, or garages. [Continued to read from ([Exhibit G](#)).]

Mr. Penrose was kind enough to prepare a mock-up, which shows you what the bill would look like with the amendments as proposed by the DMV. There was no testimony in opposition to the bill, although there was quite a bit of neutral testimony based on the submission of the amendment. I will also remind the Committee that emissions testing is only required in portions of Clark County and Washoe County.

**Assemblyman Carrillo:**

If one dealer is selling to another, are smog checks required?

**Ted Imfeld, Program Officer, Division of Management Services and Programs,  
Department of Motor Vehicles:**

Dealer-to-dealer sales are exempt from smogging.

**Assemblywoman Carlton:**

This was a very confusing bill. I want to make sure the consumer protection portion of the bill is done correctly, which is the most important part of the bill for me. That portion of the bill is in section 15, subsection 2(c), and addresses the issue of selling vehicles that could not possibly pass a smog test.

**Ted Imfeld:**

I do not have a copy of the bill with me. The intent is to limit licensees at the DMV. We did have some dealers who called it a consignment auction and were retailing the vehicles to the public without letting the public know they were not able to pass smog. That is why we are limiting the licensees at the DMV, the dealers, from doing the consignment auction, which allows them to sell the vehicles without the smog test.

**Assemblywoman Carlton:**

The language that states, "...at least 51 percent of the motor vehicles sold by the person in the calendar year..." would cover that issue? To me, that was the whole gist of the bill, and I want to make sure it made it through with all the changes. Perhaps we could ask Committee Counsel.

**Jim Penrose, Committee Counsel:**

Looking at the provisions of the bill, none of the provisions of existing law relating to the conduct of the consignment auction or what one would need to do to qualify to conduct a consignment auction is changed by this bill. The language you are referring to in section 15, subsection 2(c), simply requires a person who applies to conduct a consignment auction must show that the requisite percentage of the vehicles they sold in the preceding calendar year were sold on behalf of someone else. In other words, they were acting as a consignee in those transactions.

**Assemblywoman Carlton:**

My confusion still lies within the discussion point we had in the original hearing of the bill. There were folks who were selling cars to people that could not pass smog and people were stuck with the car. That was the consumer problem I was looking to fix. I do not see the remedy I think they were trying to get to in the bill. Am I missing it?

**Ted Imfeld:**

I missed it about six times when I read the bill. We had to talk to the Legislative Counsel Bureau. It will take me a few minutes to find it.

**Chair Titus:**

We will take a brief recess to give you a chance to answer these questions.

[The meeting was recessed at 2:43 p.m. and reconvened at 2:46 p.m.]

**Assemblywoman Carlton:**

The confusion was partially on my part with the mock-up. I thought I was only voting on sections 14 and 15. I did not realize those were to be inserted into the bill. The language that addresses the consumer protection is still in the bill. When you look at the bill and the mock-up together, it does address the issues I was concerned about. It was not clear that we were not only voting on sections 14 and 15, but it was actually a part of the bill.

**Chair Titus:**

I will entertain a motion.

ASSEMBLYMAN WHEELER MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 37.

ASSEMBLYMAN CARRILLO SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN EDWARDS WAS  
ABSENT FOR THE VOTE.)

Is there any public comment? [There was none.] The meeting is adjourned [at  
2:48 p.m.].

RESPECTFULLY SUBMITTED:

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Donna J. Ruiz  
Recording Secretary

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Lori McCleary  
Transcribing Secretary

APPROVED BY:

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Assemblywoman Robin L. Titus, Chair

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

**EXHIBITS**

**Committee Name:** Committee on Natural Resources, Agriculture, and Mining

**Date:** February 17, 2015

**Time of Meeting:** 1:31 p.m.

Bill	Exhibit	Witness/Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 78	C	Tony Wasley, Department of Wildlife	Written testimony
A.B. 82	D	Patrick O. Cates, Department of Wildlife	Written testimony
A.J.R. 2	E	Assemblyman Ira Hansen	Ravens and Sage Grouse Report
A.J.R. 2	F	Assemblyman Ira Hansen	Stuffed and mounted sage grouse photograph
A.B. 37	G	Susan E. Scholley, Committee Policy Analyst	Work session document