

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

**Seventy-Eighth Session  
February 12, 2015**

The Senate Committee on Natural Resources was called to order by Chair Don Gustavson at 1:30 p.m. on Thursday, February 12, 2015, 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 Don Gustavson, Chair  
Senator Pete Goicoechea, Vice Chair  
Senator James A. Settlemeyer  
Senator David R. Parks  
Senator Mark Manendo

**STAFF MEMBERS PRESENT:**

Alysa Keller, Policy Analyst  
Matthew Nichols, Counsel  
Lynn Berry, Committee Secretary

**OTHERS PRESENT:**

Ivie Hatt, Program Officer, Emission Control Program, Division of Compliance  
Enforcement, Department of Motor Vehicles  
Peter Krueger, Nevada Emission Testers Council  
Tony Wasley, Director, Department of Wildlife  
Jeremy Drew, Chair, Board of Wildlife Commissioners  
Patrick Cates, Deputy Director, Department of Wildlife  
Fred Voltz

**Chair Gustavson:**

I will open the hearing on Senate Bill (S.B.) 34.

**SENATE BILL 34**: Eliminates provisions relating to authorized maintenance stations licensed to install, repair and adjust devices for the control of pollution from motor vehicle engines. (BDR 40-380)

**Ivie Hatt (Program Officer, Emission Control Program, Division of Compliance Enforcement, Department of Motor Vehicles):**

Senate Bill 34 is a department cleanup bill. This bill eliminates provisions related to authorized maintenance stations. The Department of Motor Vehicles (DMV) currently licenses two different types of emission stations. The first is an authorized inspection station that performs emission tests only, and the second is an authorized station that performs emission tests and repairs. The provisions for an authorized maintenance station are encompassed under the authorized station license. Therefore, there is no need for designation of this license type within statute.

**Senator Goicoechea:**

What does an "authorized maintenance station" mean?

**Ms. Hatt:**

An authorized maintenance station can only provide emission-related repairs. The authorized station can do both emission tests and repairs.

**Senator Goicoechea:**

We have shops and garages all over the State that would fix or repair a vehicle to be able to pass the emissions test. Are they considered authorized maintenance stations?

**Ms. Hatt:**

There is no station or garage licensed as a maintenance station in Nevada. It is either a garage with the ability to do everything or a test and repair station.

**Senator Parks:**

Could you provide some detail on the Smog Spotter program?

**Ms. Hatt:**

The Smog Spotter program allows the public to report a smoking vehicle either by phone or online. That information is sent to the DMV. If it is a verified sighting, which means law enforcement has previously seen this vehicle, a letter is sent to the registered owner instructing the owner to bring the vehicle to the

DMV for a new inspection. If it is a vehicle that has not been verified, a letter is sent to the owner letting that person know the vehicle has been spotted and to get the vehicle repaired. The DMV cannot take action until the vehicle has been reported three times.

**Senator Parks:**

Has this program netted substantial results?

**Ms. Hatt:**

The program has been in existence for 20 years and has been very successful.

**Chair Gustavson:**

Does a regular repair shop need to be authorized to do repairs?

**Ms. Hatt:**

There are two types of stations: a test and a test and repair. A garage can do repairs on any vehicle.

**Chair Gustavson:**

Regardless of whether the repairs are smog-related or not?

**Ms. Hatt:**

That is correct.

**Senator Parks:**

Are there any plans to expand the inspection program beyond Washoe and Clark Counties?

**Ms. Hatt:**

I have not heard of any recommendation to expand the program.

**Senator Manendo:**

Can a "check engine" light cause a vehicle to fail the emission test?

**Ms. Hatt:**

Yes, it would cause a fail.

**Senator Manendo:**

Then people would have to pay twice, even though the car was in compliance, just because the light was on. Can garages tell customers they would not test because the light is on?

**Ms. Hatt:**

No, they cannot. That would be considered a pretest, which is against regulations, and the station could lose its license.

**Chair Gustavson:**

Will the new federal Environmental Protection Agency (EPA) standards affect other counties and require them to do smog checks?

**Ms. Hatt:**

I have not heard of anything that would change the requirements.

**Senator Parks:**

Is there any new legislation requiring smog testing for classic vehicles?

**Ms. Hatt:**

I am not aware of any new legislation affecting classic vehicles.

**Peter Krueger (Nevada Emission Testers Council):**

The Emission Tester Council supports S.B. 34. We agree it is obsolete verbiage that has never been used. This bill does not change the program. As previously stated, there are two types of facilities. One is a test-only facility, which can only determine whether you pass or fail. If you fail, you then go to a garage to have the work done. New car dealerships typically can perform smog repairs.

I agree with Senator Manendo about the "check engine" light issue. It is a problem, especially when the light may have nothing to do with the emission system and the customer cannot be told in advance. We would be in support of any legislation along that line.

The new EPA standards may affect other counties. For example, White Pine County has mining operations that affect pollution. Smog testing is one way to help reduce emissions and could be included in the State implementation plan. Another way could be mandatory carpooling.

**Chair Gustavson:**

Are there repercussions if we do not comply with the EPA standards?

**Mr. Krueger:**

Yes, federal highway funds could be withheld. The new standards are more stringent, and the State will need to come up with a plan for compliance.

SENATOR GOICOECHEA MOVED TO DO PASS S.B. 34.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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**Chair Gustavson:**

I will open the work session with S.B. 4.

**SENATE BILL 4:** Provides exemptions from certain registration requirements for the trapping of wild mammals on private property. (BDR 45-89)

**Alysa Keller (Policy Analyst):**

You have the work session document before you ([Exhibit C](#)). Page 3 shows the amendment proposed by Senator Settlemeyer. Specifically, the amendment adds language that trap registration requirements only apply to a trap used "by a person" to clarify that the requirements do not apply to government agencies.

It also adds language that registration requirements do not apply to traps used on private property "appropriately marked under *Nevada Revised Statute* (NRS) 207.200."

A new section 2 is added to S.B. 4 amending NRS 503.470 deleting the requirement that a permit must first be obtained to take or kill fur-bearing mammals that are injuring property.

**Senator Manendo:**

Did the sponsor of the bill speak with Margaret Flint about the amendment?

**Senator Settelmeyer:**

Yes, we did speak. I told her I thought we had a decent understanding of property rights, making sure a person has the right to protect property on their own property. I did add the request from Washoe County ensuring they were exempt from registering traps. I also included the definition of private property.

SENATOR GOICOECHEA MOVED TO AMEND AND DO PASS S.B. 4.

SENATOR SETTELMAYER SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR PARKS VOTED NO.)

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**Chair Gustavson:**

I will close the work session and open the presentation by the Department of Wildlife (NDOW).

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

This will be a joint presentation by NDOW and the Board of Wildlife Commissioners. All the information is included in the slide presentation ([Exhibit D](#)).

Several key landmark U.S. Supreme Court rulings have made it clear the wildlife belong to no one, but are to be held in trust by government for the benefit of present and future generations. The Public Trust Doctrine has become the legal bedrock for government to establish regulatory authority over wildlife.

We rely on the seven principles of wildlife conservation as listed on slide 3. Boating and wildlife recreation provide more than \$1.6 billion to Nevada's economy. This does not include sport shooting, which makes up one-half of the federal excise tax associated with the sale of guns and ammunition. Due to this contribution, it is important to have a transparent and public process.

**Jeremy Drew (Chair, Board of Wildlife Commissioners):**

The Board sets broad policies and regulations. Those policies and regulations are implemented on a daily basis by NDOW. The Board consists of nine Governor-appointed positions. The 17 County Wildlife Advisory Boards and NDOW provide valuable input at our meetings. Members of the public are

welcome to attend the local County Wildlife Advisory Board meetings and express their concerns at a local level.

There are often contentious issues, especially where wildlife is concerned. We take into account all information and concerns before making a final decision.

Senate Bill No. 82 of the 77th Session urged a comprehensive 3-year review of the black bear hunt. That review has been completed and submitted to the Commission. Trapping regulations contained in S.B. No. 213 of the 77th Session were deferred by the Legislative Commission until after the 2015 Session and are now in S.B. 4.

We put a 96-hour trap visitation regulation in place, so there was no lapse in visitation times going from NRS to *Nevada Administrative Code* (NAC). After an 18-month review regarding the visitation requirement in heavily used and populated areas, we decided on a 2-day visitation requirement for the Las Vegas Valley and the Sierra Front. This requirement was also deferred by the Legislative Commission until after the 2015 Session.

**Senator Goicoechea:**

Is there a bill pertaining to the visitation requirements?

**Mr. Drew:**

I am not aware of any at this time.

**Mr. Wasley:**

Our mission statement is on slide 12 of [Exhibit D](#). The NDOW has responsibility for 892 different wildlife species in Nevada. Twenty-two are endangered, 10 threatened and 3 are candidates on the Endangered Species Act list. Wildlife fees and grants compile 86 percent of the NDOW operations budget. This includes tag and license sales and federal aid funds. Grants from the U.S. Coast Guard and boat registration fees comprise an additional 11 percent. The State General Fund is 1 percent of the budget, but it is important, as it funds the management of nongame species, such as the endangered species. Out of the 892 species, over 800 are nongame.

There are seven divisions within the NDOW structure, as well as the director's office. The director's office is largely administration. It provides key support for the Wildlife Commission, and facilitates and supports the County Advisory

Boards. Fiscal and human resources are also within the purview of this division. The Operations Division's primary functions include wildlife licensing, business services, customer support, facilities maintenance, boating access and air operations.

The Conservation Education Division is responsible for hunter safety training, hunter and angler education, wildlife education and media and public relations. Much of the hunter safety and hunter and angler education training is conducted by volunteers. They log over 4,000 hours of volunteer training. We are able to use these hours as in-kind matches to garner federal funds.

The Law Enforcement Division is our largest division. Their primary functions are wildlife and boating regulations enforcement and public safety. They also provide boating education, dispatch services and radio technology.

The Game Management Division is responsible for wildlife surveys and quotas, seasons and harvest quotas, landowner conflict resolutions, wildlife health monitoring and research collaboration.

The Fisheries Management Division manages sport fish production and fisheries. This division is responsible for monitoring aquatic health and public awareness of aquatic invasive species such as the quagga mussel.

The Wildlife Diversity Division was required to create a State Wildlife Action Plan in order to secure State Wildlife Grant federal funds. Nevada was one of the first states to complete its plan, which is now used as a template for other states. It addresses threats to and needs of individual species and actions to secure their conservation. This division monitors nongame species, threatened and endangered species. We have a geographic information system for monitoring the distribution of species and their habitats. The Tahoe Environmental Improvement Program is administered through this division.

The Habitat Division reviews development of projects on federal lands. An evaluation is required by the National Environmental Policy Act including using the best available science for animal distribution. Mining industrial ponds and habitat conservation and restoration fall within this division. The Nevada Partners Program brings together local, State, private and federal partners to collaborate to determine the best use of funds to restore habitats. The water development program develops artificial water sources for wildlife. In designated



areas, rain is caught on an apron that funnels it into holding tanks. The water is then provided at a "drinker" for wildlife. There are over 1,700 such water developments around the State. There are over 10,000 volunteer hours for this program that can be used to garner federal funds. Senate Bill No. 134 of the 77th Session required NDOW to visit all 1,709 of the water developments, inspect them and note any maintenance needs. Signage was also required for each station with a unique name and phone number for individuals to call if they noticed a problem. That has been completed. Minor maintenance needs were taken care of at the time of inspection. A maintenance schedule is being prepared for the larger problems.

**Senator Goicoechea:**

What percentage of developments are still dysfunctional?

**Mr. Wasley:**

I do not have a specific percentage. Most were good. There are different designs and some require more maintenance than others. We need to retrofit the ones that have high-maintenance designs.

**Senator Goicoechea:**

Some of those water guzzlers are over 35 years old.

**Mr. Wasley:**

That is correct.

The Habitat Division manages the 11 wildlife areas that encompass 120,000 acres.

Our priorities for the upcoming biennium include sage grouse conservation, game management, urban wildlife conflicts and public safety in the water and on the land. We also want to provide training for our personnel. Approximately 50 percent of our employees have less than 10 years of service and training is essential. Other priorities are in [Exhibit D](#).

The director of NDOW is an ex officio member of the Sagebrush Ecosystem Council. We also have an employee on the Sagebrush Ecosystem Technical Team.

The greater sage grouse area spans across 11 states. The bi-state sage grouse area covers a small portion of Nevada and California. It is smaller in numbers and distribution. It is on a different listing timeline than the greater sage grouse. There has been positive feedback from the U.S. Fish and Wildlife Service and we are hopeful they will reconsider their previous recommendation to list this species as threatened. We continue to work towards an effective solution to reach a "not warranted" finding on the greater sage grouse.

Assembly Bill No. 167 of the 76th Session authorized the aquatic invasive species program (AIS). A decal fee was created for every boater on Nevada waters. This generated \$445,000 in fiscal year (FY) 2014. These funds were matched with federal AIS grants, allowing expenditures of \$689,000 in FY 2014 towards monitoring and decontamination of vessels. We have a partnership with the Division of State Parks and the State Department of Conservation and Natural Resources for inspection, decontamination and education stations around the State. Our game wardens provide significant outreach and enforcement. We have public information campaigns and early detection monitoring for quagga and zebra mussels statewide.

Our major budget initiative is urban wildlife management, with emphasis on urban bear and urban coyote issues. We use the State General Fund appropriation and sportsmen revenue saving for this issue. The U.S. Fish and Wildlife Service grants do not allow funding for urban wildlife or human/wildlife conflict issues. We are currently limited to responding to public safety threats. We would like to have education and outreach campaigns and fund staff time to spend on the urban wildlife issues.

Other budget initiatives include bond sales, the big game scientific database, Spanish outreach and marketing, Web tools and videography and consolidation of NDOW headquarters. Additional information is in [Exhibit D](#).

Assembly Bill No. 9 of the 17th Special Session was approved by the Legislature, and the voters in 2002 authorized \$27.5 million for the NDOW. The purpose was for habitat improvements, property acquisitions and facilities. We have spent \$22.2 million since FY 2004. We project to spend \$2.3 million in FY 2015 for revegetation and hatchery maintenance. We are requesting \$1 million to sell additional bonds for FY 2016-2017.

We received \$8.8 million from the Ruby Pipeline LLC in 2010 for sage grouse and pygmy rabbit conservation. A Cooperative Conservation Agreement was signed by the U.S. Bureau of Land Management (BLM), NDOW and Ruby Pipeline, LLC. It applied to three BLM districts: Surprise, Winnemucca and Elko. These funds were to be used only for habitat protection, habitat enhancement, research or property acquisitions and easements. Funds are being matched approximately two to one from other sources. Additional information is in [Exhibit D](#).

There will be four bills presented to the Legislature this Session. They are mainly cleanup bills.

**Senator Goicoechea:**

What is the status of Cave Lake dam?

**Patrick Cates (Deputy Director, Department of Wildlife):**

We have an engineering firm evaluating the dam. The report should be back within 2 months. Depending upon their analysis, we will determine whether it can be repaired or needs a total rebuild.

**Senator Goicoechea:**

A total rebuild would require a realignment.

**Senator Parks:**

Is there any aquatic wildlife in the mining industrial ponds?

**Mr. Wasley:**

They are artificial ponds that did not exist prior to the development of the mine. We do not stock any aquatic life in them. There are fences around them and often they have floating bird deterrent ball covers that camouflage the water to prevent birds from landing there.

**Fred Voltz:**

There seems to be a disproportion of representation on the Wildlife Commission. Hunters and trappers comprise 2 percent of the population, based on the permits secured through NDOW, but their representation on the Wildlife Commission is much larger than the general population. I would like to encourage remediation of that problem.

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The same issue exists on the County Advisory Boards. The majority of the members are hunters and trappers. The general public is not represented.

**Chair Gustavson:**

There being no more business, the Senate Committee on Natural Resources is adjourned at 2:42 p.m.

RESPECTFULLY SUBMITTED:

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Lynn Berry,  
Committee Secretary

APPROVED BY:

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Senator Don Gustavson, Chair

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

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	1		Agenda
	B	4		Attendance Roster
S.B. 4	C	3	Alysa Keller	Work Session Document
	D	32	Tony Wasley	Slide Presentation