

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-Ninth Session
March 31, 2017**

The Committee on Government Affairs was called to order by Chairman Edgar Flores at 8:10 a.m. on Friday, March 31, 2017, in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 3143 of the Legislative Building, 401 S. Carson 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/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblyman Edgar Flores, Chairman
Assemblywoman Dina Neal, Vice Chairwoman
Assemblywoman Shannon Bilbray-Axelrod
Assemblyman Chris Brooks
Assemblyman Richard Carrillo
Assemblyman Skip Daly
Assemblywoman Amber Joiner
Assemblyman Al Kramer
Assemblyman Jim Marchant
Assemblyman Richard McArthur
Assemblyman William McCurdy II
Assemblywoman Daniele Monroe-Moreno
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblyman John Ellison (excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Steve Yeager, Assembly District No. 9



STAFF MEMBERS PRESENT:

Kevin Powers, Chief Litigation Counsel
Jered McDonald, Committee Policy Analyst
Jim Penrose, Committee Counsel
Lori McCleary, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Andy Maggi, Executive Director, Nevada Conservation League
Annette Magnus, Executive Director, Battle Born Progress
Tom Clark, Board of Directors, Friends of Black Rock-High Rock
Heather Fisher, President, Save Red Rock
Mary Kaplan, Board Member, Friends of Sloan Canyon
Jenna Morton, Private Citizen, Las Vegas, Nevada
David Fraser, City Manager, Boulder City
Brok Armantrout, Director, Community Development, Boulder City
Ron Krater, representing Gypsum Resources, LLC
Jonathan P. Leleu, representing NAIOP, the Commercial Real Estate Development Association
Matthew Walker, Director, Government Affairs, Southern Nevada Home Builders Association
Paul J. Moradkhan, Vice President, Government Affairs, Las Vegas Metro Chamber of Commerce
Shelly J. Capurro, representing Focus Property Group; and Pardee Homes
David Goldwater, representing Lakemoor Canyon Redevelopment Area; and American West Homes
Mark Hettinger, Chief Legal Officer and General Counsel, Walker Digital Table Systems, Las Vegas, Nevada
Rob Hutchinson, Owner, Hutch's Bicycle Garage, Las Vegas, Nevada
Christopher Preciado, representing Clark County Commissioner Chris Giunchigliani
Lisa Mayo-De Riso, Private Citizen, Las Vegas, Nevada
Vickie Simmons, representing Moapa Band of Paiutes, Moapa, Nevada
Jim Boone, Ph.D., Ecologist, Desert Wildlife Consultants, Las Vegas, Nevada
Kathleen Lauckner, Ph.D., Private Citizen, Las Vegas, Nevada
Shannon Salter, Private Citizen, Las Vegas, Nevada
Vinny Spotleson, Member, Executive Committee, Sierra Club, Southern Nevada Group
Justin Jones, Private Citizen, Las Vegas, Nevada
Rudy Zamora, Private Citizen, Las Vegas, Nevada
Carl Irwin, Owner, Irwin Cycles, Las Vegas, Nevada
Pauline Van Betten, Director, Save Red Rock
Paul Papa, President, Southern Nevada Mountain Bike Association
Sheila Billingsley, Private Citizen, Las Vegas, Nevada

Jaina Moan, Private Citizen, Henderson, Nevada
Mia Larsen, Private Citizen, Las Vegas, Nevada
Trent Billingsley, Private Citizen, Las Vegas, Nevada
Alejandra Romero, Private Citizen, Las Vegas, Nevada
Jared Fisher, Private Citizen, Las Vegas, Nevada
Pete Baldonado, Private Citizen, Henderson, Nevada
Shannon Hogan, representing Sempra Renewables, LLC
Lisa Foster, representing Boulder City

Chairman Flores:

[Roll was called. Committee rules and protocol were explained.] I would like to give everyone the rundown for today. I am going to try to be as fair and balanced as I can with those wishing to speak in support and opposition. The way I am going to do that is to allow the first person speaking in support to testify for ten minutes. I will do the same for opposition and neutral. Every other individual after the first speaker will only have two minutes to testify. I will not be doing all support and then all opposition. I will go back and forth so we do not have individuals sitting here for too long without having an opportunity to get their point across.

I do want to say we are incredibly excited to be here in Las Vegas. We think it is important for the whole state to have an opportunity to participate. It is difficult because we are in Carson City, so many individuals in the south do not have the opportunity to share their testimony. It is a tremendous honor for us to be here before you today. This is your Committee and, hopefully, we can do this again.

I will open the hearing for Assembly Bill 277 and invite Assemblyman Yeager to the table.

Assembly Bill 277: Revises provisions governing land use planning. (BDR 22-954)

Assemblyman Steve Yeager, Assembly District No. 9:

Assembly District No. 9 is in the southwest part of Las Vegas, right next door to the Red Rock Canyon National Conservation Area. After I speak today, a number of folks are going to speak in support. These are folks who have fought against encroaching development in many of our state's conservation and recreation areas. Mr. Chairman, with your permission, what I would like to do is take the Committee through the bill and then turn it over to other testifiers who can provide additional testimony. I am more than happy to answer questions after my brief presentation.

Before I begin, I want to let the Committee know that the issue Assembly Bill 277 seeks to address is not a partisan issue. As you can see by the front page of the bill, we have Democrats and Republicans who have signed on as cosponsors. We have our only nonpartisan in the Legislature who has signed on. Senator Scott Hammond also wanted to be a joint sponsor on this bill. I was not able to obtain his signature before turning the bill in, so I would ask for an amendment adding him as a cosponsor to the bill. There may be others later as I continue to have conversations in the building.

Assembly Bill 277 is an act relating to land use planning. It includes restricting certain powers of local governments with regard to the planning, subdivision, regulation, and zoning of lands that are located in our national recreation areas, our national conservation areas, and lands adjacent to conservation areas. The bill does look rather thick, but sections 1 through 4 are identical in terms of the language; however, they are housed in different chapters of the *Nevada Revised Statutes* (NRS) that apply to counties, cities, and unincorporated towns as well. Section 1, subsection 2, paragraph (a) are the restrictions this bill would seek to enact. In subparagraph (1), a local government would be restricted from increasing the number of residential dwelling units that zoning would permit as of the effective date of this act if it were to be passed. In subparagraph (2), a local government would also be precluded from establishing any new nonresidential zoning districts. In subparagraph (3), a local government would not be able to expand the size of any current nonresidential zoning district. What follows subparagraph (3) are some exemptions. These begin on line 23. The local governments can still continue to regulate other matters such as landscaping, buffering, screening, signage, and lighting, and local governments retain all other zoning authority otherwise granted under NRS.

Moving on to page 3 of the bill, at line 10 is the definition of "adjacent lands." This restriction in A.B. 277 applies first to national recreation areas; second to national conservation areas; and then five-mile adjacent lands to the conservation areas. On line 15, you will also see a carve-out for disposal areas for the Bureau of Land Management (BLM), U.S. Department of the Interior. Disposal areas are essentially federally owned land that has been designated for potential disposal. As a state, we cannot regulate the zoning on that land. On line 20 is the definition for "national conservation area," and on line 22 is the definition for "national recreation area."

Nevada has three national conservation areas: Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area in northern Nevada; Sloan Canyon National Conservation Area on the outskirts of Henderson; and Red Rock Canyon National Conservation Area in southwest Las Vegas in the Summerlin area. In terms of national recreation areas, we have two in Nevada: Lake Mead National Recreation Area; and Spring Mountains National Recreation Area, which abuts Red Rock Canyon National Conservation Area.

That is essentially what sections 1 through 4 of the bill will do. Section 5 of the bill seeks to repeal prior legislation: one piece of legislation which has already been held as unconstitutional and a companion piece of legislation that made sense to put into the repeal section of the bill.

Mr. Chairman, I am presenting A.B. 277 today because I believe that we have an obligation to protect our public lands and conservation areas so that future generations have the same opportunity to enjoy these beautiful and awe-inspiring lands. This is really about more than just the land itself. It is about the air, the water, the view, and the wildlife that are found in and around these areas. Protecting these precious resources requires a collaborative approach of many regions within our state.

Throughout the last couple of decades, there have been various efforts to prevent developing and altering these iconic lands, including two pieces of legislation: The Red Rock Canyon Conservation Area and Adjacent Lands Act from 1993 [Chapter 639 of *Statutes of Nevada* 1993]; and the Spring Mountains National Recreation Area Act from 2009 [Chapter 198 of *Statutes of Nevada* 2009]. Those were enacted because of the unusual beauty and the rapidly increasing population and growth in the region around both of those areas. However, the Red Rock Canyon Act was held to be unconstitutional by the Nevada Supreme Court because it was a local or "special law" which is prohibited by Article 4, Section 20 of the *Constitution of the State of Nevada* [*Attorney General v. Gypsum Resources*, 129 Nev. Adv. Op. 4, 294 p.3d 404 (2013)]. The reason it was found unconstitutional is because it was written too narrowly, and it only applied to an area near Red Rock Canyon. It violated the constitutional requirement that laws passed by this Legislature have general application.

Assembly Bill 277 seeks to address the problems that the court noted in the Red Rock Canyon Conservation Area and Adjacent Lands Act. It does that in the following ways, some of which we have touched on already. Assembly Bill 277 includes any land located in or adjacent to a national conservation area, as well as the recreation areas. It applies statewide, not just to one particular area in southern Nevada. Assembly Bill 277 recognizes the necessity to protect all the precious lands we have across the Silver State. These are areas that have been designated by BLM as containing some of the West's most spectacular landscapes. As I noted, we have five particular areas in our state that this bill encompasses.

I want the Committee to know that I consider A.B. 277 to be a starting point. I have had many discussions over the last few weeks with interested parties and many discussions with counties, municipalities, and developers, all of whom would be impacted in some way by A.B. 277. I am committed to working with those individuals to try to address their concerns as best as possible in a way that balances their interests, but also protects these lands from increased development. Although we do not have much time left before a looming committee deadline, I am committed to working as hard, as long, and as late as possible these next couple of weeks to get this right and advance a piece of legislation of which we can all be proud.

Assembly Bill 277 represents our commitment to protecting these stunning and pristine public lands. Turning Nevada's lands over to the highest bidder would leave our state's natural heritage open to careless and irreversible exploitation that would deny the public access to our lands and also allow mining, fracking, and other drilling. We simply do not want that. Outdoor recreation in Nevada accounts for over \$14 billion in consumer spending, \$1 billion in state and local tax revenue, and thousands of direct, local, and good paying jobs. Why would anyone want to risk damaging such an important part of our state's economy? With that, I conclude my presentation and stand ready to answer any questions.

Chairman Flores:

For the members of the audience, I do want to let you know that if you look up at the monitor, the individuals you see there is the other half of the Committee. Because of the fact we have ongoing committees in Carson City, it made it difficult for the entire Committee to fly to Las Vegas. As we are moving forward with this dialogue, you will see questions come from those here in Las Vegas and from members of the Committee in Carson City. I will now open the hearing for questions from the Committee.

Assemblyman Brooks:

I was born and raised on the west side of Las Vegas and spent much of my growing up time in Red Rock Canyon. I am curious about section 1 of the bill. On page 2, starting on line 13, it states, ". . . unless such an increase can be accomplished, within a given area, by the trading of development credits or another mechanism that allows a greater number of residential dwelling units to be constructed in that area without increasing the overall density of residential dwelling units in that area." Could you explain to me what that mechanism would be and how it would work?

Assemblyman Yeager:

If the Committee would allow it, I would like to defer that question to legal counsel, Mr. Powers, in terms of how it would actually look on the ground.

Kevin Powers, Chief Litigation Counsel, Legal Division, Legislative Counsel Bureau:

The Legal Division of the Legislative Counsel Bureau is a nonpartisan legal agency. We do not support or oppose any particular viewpoint, policy, or piece of legislation. However, we do provide the Legislature with objective legal analysis and advice regarding issues of law, including the interpretation of statutes and constitutions.

With regard to this particular exception, I believe it envisions that one could essentially increase the number of residential units in a given area by having multi-family residential units without increasing the overall density. That would be the goal here, to allow local government the flexibility to have the same density level, but increase the units by having multi-family units instead of single-family residential units within the residential dwelling unit zoning area. The way the legislation is drafted is to allow flexibility for each of the local governments to come up with a system or mechanism whereby they create a developmental credit system so the developer can go to the local government to ask for permission to engage in a different zoning to have a multi-family residential unit instead of a single-family unit and, thereby, increasing the number of units but not increasing the density of the overall area.

Assemblywoman Neal:

I am confused about a couple of things. You said there was a section in the bill that was replacing language because there was a ruling that it was unconstitutional. Where exactly is that language and what is the name of the case?

Assemblyman Yeager:

Section 5 of the bill provides a roadmap of which sections of NRS would be repealed. If you look at page 7, that will give you the various NRS provisions that are being repealed by this bill. The Red Rock Canyon National Conservation Area and Adjacent Lands Act is the one that was held unconstitutional. On page 1, line 9 of the bill in the Legislative Counsel's Digest, it gives you the citation for that case [*Attorney General v. Gypsum Resources*, 129 Nev. Adv. Op. 4, 294 p.3d 404 (2013)]. That was the case that held the Red Rock legislation unconstitutional. This bill seeks to enact a new constitutional statutory zoning scheme.

Assemblywoman Neal:

My second question is related to section 4 on page 6, line 8, where it says a local government shall not, "Expand the size of any nonresidential zoning district in existence on the effective date of this act, other than for public facilities." Is that talking about any other casino or business? What is the vision with that language?

Assemblyman Yeager:

I believe your assessment is correct. The goal would be to essentially freeze the zoning that currently exists in those areas, whether it is residential or nonresidential zoning. Whatever zoning is in place at the time this bill were to be enacted would be perfectly fine. The only real exception that is made in the language of the bill is for public facilities, such as parks; some infrastructure, such as storm sewer systems and traffic-controlled sidewalks; and recreational facilities. Those would be allowed. Within the recreation and conservation areas, plus the five-mile buffer, the zoning that exists the day this bill is enacted would essentially be frozen, whether it is residential or commercial.

Assemblywoman Neal:

When I was reading the Legislative Counsel's Digest, it sounds like we need to make sure it is uniform. Are there other parks in Clark County where these limitations are actually on an area?

Assemblyman Yeager:

Perhaps that is a question Mr. Powers would be able to help me with.

Kevin Powers:

The purpose of this legislation is to create a uniform system of land use planning. This legislation would apply uniformly throughout the state to every national conservation area, every national recreation area, and lands adjacent to a national conservation area. Currently, there are three national conservation areas in the state. In Washoe County, there is the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area. In Clark County, there are two national conservation areas: Red Rock Canyon National Conservation Area and Sloan Canyon National Conservation Area. There are several national recreation areas throughout the state as well. This is uniform law because everything similarly situated is subject to the same statutory requirements.

Assemblywoman Neal:

Basically, if we pass this law, the limitations of these provisions will now be applied to Black Rock Desert. Is that correct?

Kevin Powers:

That is correct.

Assemblywoman Joiner:

I appreciate your bringing this bill, Assemblyman Yeager. I visited Red Rock Canyon with my children over the holidays, and it was incredible. We are very proud to have it in Nevada, and I think we should be protecting it. Since the court case in 2013, have there been changes in the zoning that have allowed more density that has started to encroach on the area? The reason I am asking is because this freezes the current zoning. For those of us who do not live in southern Nevada, it is hard to keep track of what developments are happening. It did look like there was development happening when I visited. I am wondering if we have lost some ground since 2013 when it was declared unconstitutional. Has some development happened, or is stopping it right now sufficient?

Assemblyman Yeager:

I think you are asking specifically about Red Rock Canyon, and I can tell you, it is a bit of a complicated issue. The zoning that currently exists there has been in place for some time. That particular project was the subject of the litigation, and it already has low-density residential zoning. The Clark County Board of Commissioners is potentially considering higher density development, but that decision has not yet been made and is still in process. To answer your ultimate question, there has not yet been any development that I am aware of in that area. That is the status of that particular project. Again, this legislation is meant to apply much more broadly than just Red Rock Canyon and to encompass the other areas we have talked about. Hopefully, that answers the question. It is in progress in terms of what the Clark County Board of Commissioners is going to do. Frankly, that issue is being held up in litigation at the moment as well. It is hard to know when a decision will be made.

Assemblyman Daly:

I have a couple of comments and then a question. I think the work we are doing is important in all the areas of the state, not just the main focus of the Red Rock Canyon area. It is also important to have the buffers we are talking about in the bill to help preserve those areas. Even though it is narrowly crafted, it still allows for some other uses and zoning that is already there. I think it works in the spirit of the multiple uses of these areas, and I think we are moving in a good direction. I appreciate your comments and that you are willing to work with everyone so we do strike that balance between preservation and other reasonable uses.

Since it is a uniform law and generally applies across the state, if there were a future designation of a recreation or conservation area, would it automatically apply? Or, would it take future legislation to have it apply to a new area? I am assuming it would automatically apply if one were designated.

Assemblyman Yeager:

In the interest of making sure the answer is accurate, I will defer to Mr. Powers to answer that question.

Kevin Powers:

As the legislation is proposed before you, it defines the national conservation areas and the national recreation areas as any area designated as such by the Congress of the United States. It contemplates that if Congress, in the future, designates any area as a national conservation area or a national recreation area, this legislation would apply to those future designated areas.

Assemblywoman Monroe-Moreno:

I know we are dealing with the potential of moving low-density housing to higher-density housing, which the Clark County Board of Commissions is looking at for Red Rock Canyon. However, in the other national conservation areas, are there any current public buildings or dwellings that would be affected by the five-mile radius?

Assemblyman Yeager:

The answer is yes. I do not have a map today, but I could provide one. The five-mile radius does encompass parcels of land that are already developed. It is pretty broad in that sense, but again, anything that is currently existing, or any zoning that is currently in place, would not be changed or limited in any manner. A lot of the land we are talking about has already been zoned. The BLM disposal area is essentially exempt from the definition of adjacent lands, and it actually includes most of the Las Vegas Valley. If there is public land in the Las Vegas Valley, that land would be exempt from the zoning restrictions in A.B. 277.

Assemblyman Brooks:

What would the zoning restrictions of this bill be on the BLM disposal land that could become city or county land in the future?

Assemblyman Yeager:

That is also a question I would like to defer to Mr. Powers. I think I know the answer, but legally I want to make sure we get the answer correct.

Kevin Powers:

Currently, within the BLM disposal area, that federal land would be federal property. This bill exempts any of that federal property from the scope of the restrictions. Once that federal property is disposed of by BLM, it would then become private property. At that time, the private property could then be restricted by the provisions of this bill. Also at that time, it would depend on what the zoning requirements were in the local government zone where the property is located.

Assemblyman Kramer:

My question has to do with the definition of a "national conservation area" and a "national recreation area". I know it has been discussed, but specifically, how many blocks of land in Nevada does this constitute besides the Lake Mead National Recreation Area and the Red Rock Canyon National Conservation Area?

Assemblyman Yeager:

I do not have a precise answer today and will have to get back to you. As we have talked about, in southern Nevada we have Red Rock Canyon, Sloan Canyon, Spring Mountains, and Lake Mead. Those are the areas we are talking about. In northern Nevada, it would be the Black Rock Desert. Again, that five-mile adjacent land we are talking about only applies to the three conservation areas. In terms of the acreage, I will have to get back to you with an answer.

Assemblyman Kramer:

I am a little confused. Some of these are recreation areas and some of them are conservation areas. It looks like the five-mile limit is only for the conservation areas, which confuses me a little more. It looks like Lake Mead is a recreation area and would not have the five-mile limitation on Overton or Boulder City. Is that correct?

Assemblyman Yeager:

You are correct with respect to there being no five-mile radius on the recreation areas. For Lake Mead and Spring Mountains, there is no five-mile adjacent radius. That would take out some of Boulder City and Overton, although there is a five-mile buffer on Sloan Canyon, which is to the west of Boulder City. That five-mile perimeter does potentially impact those areas, at least as the legislation is drafted currently.

Assemblyman McCurdy:

To answer Assemblyman Kramer's question about the acreage of the national conservation areas, Black Rock Desert is roughly 1.2 million acres; Red Rock Canyon is roughly 195,000 acres; and Sloan Canyon is approximately 48,000 acres.

Assemblywoman Neal:

When we discussed the ongoing lawsuit [*Attorney General v. Gypsum Resources*], how does this particular bill intervene or impact the lawsuit?

Kevin Powers:

As I understand the lawsuit, it is by parties in opposition to the development on Blue Diamond Hill against the most recent action of the Clark County Board of Commissioners dealing with the development agreement the Commission entered into with a private developer, which I believe is Gypsum Resources. This piece of legislation would not have a direct impact on that litigation. That litigation is about whether or not the county acted appropriately in saying the agreement from 2011 was still in effect and the developer could proceed under that agreement. That is an issue of law that the court will have to determine. This legislation, however, would have an indirect effect because even if the

Commission were to eventually approve an agreement with the developer and finalize it, then that would be subject to the limitations in this legislation if it is passed. If this legislation is passed, the developer could then only develop under the zoning that was in effect at the time of passage of this act. The developer would be limited by this legislation. However, this legislation does not directly affect the current litigation.

Assemblywoman Neal:

If they have already entered into an agreement, this legislation would make the county have to create a new agreement subject to the limitations. We are saying as a public policy, or a matter of right, the state can intervene and change the contract terms. Would that open a door of retroactivity that somehow what the developer believed he was going to get in the agreement is now no longer in existence?

Kevin Powers:

There are several things going on in your question. I will try to work through each of them. As a fundamental starting point, no property owner is entitled to a particular zoning designation. All a property owner is entitled to is reasonable use of the property that is subject to reasonable government regulation. In the context of the development being proposed near the Red Rock Canyon National Conservation Area, there has not been a final determination by the County Commission changing the zoning designation, so the current zoning designation is still in place and there is not a final designation; therefore, not a final agreement that would be affected by this legislation. There is not any sort of impairment of a contractual obligation.

In addition, the State of Nevada, although limited in what it can do with regard to contracts, is not completely prohibited from impairing contracts if there is a reasonably legitimate state justification for the legislative action. This piece of legislation is reasonably related to legitimate governmental interests in protecting the scenic value, the geological significance, and the recreational opportunities of these areas. Those are legitimate state interests, and this legislation is reasonably related to furthering those legitimate state interests. We believe this legislation, therefore, is constitutionally defensible and solves all of the constitutional issues that the other legislation, unfortunately, was found to be lacking.

Assemblywoman Neal:

That gives me clarity. I have seen that issue come up before, but not in relationship to water. In the City of North Las Vegas, we have Tule Springs Fossil Beds National Monument. If Congress designates Tule Springs as a recreation or conservation area, that could impact the residential units and nonresidential development. North Las Vegas is small, so it could impact almost the entire city. I want to get some further clarification on that issue. The broader question is, if a city or county were already engaged in the act of economic development in order to benefit the city and services, how would this tie their hands or limit them in terms of the five-mile radius? It may be so broad that it impacts the need to economically develop an area of land.

Kevin Powers:

As was mentioned earlier, if Congress were to designate a new national conservation area, then that designation would put the five-mile zone into play, but only if it were a national conservation area, not a national recreation area. I think implicit in the understanding of the way the system works with the national conservation areas, there are only a few areas throughout the nation that get that designation because of the geological, scenic, historic, or archeological significance. It is highly unlikely that many more areas in the state would be designated as national conservation areas. It is certainly a possibility, so it cannot be ruled out. However, as we mentioned before, if the designation did come about, then yes, the five-mile buffer would kick in under this piece of legislation.

I believe there was a second component to your question, if you could repeat it, please.

Assemblywoman Neal:

If a city, such as North Las Vegas, needed to develop areas that are reasonable and legitimate for services or benefits to the citizens, how would this impact or limit the ability to proceed with some kind of nonresidential economic development?

Kevin Powers:

If a city had property that was subject to the national conservation area adjacent lands buffer zone, then without a change in the state legislation, the city could not approve nonresidential development that conflicted with this particular statutory provision. It would require a change in the legislation at that point if there were a need to have a city proceed with approving nonresidential development.

Chairman Flores:

Are there any further questions from the Committee? [There were none.] We have quite a few people signed in to speak. I want to remind everyone of how I would like to proceed. I will ask those in support to fill up the seats in Carson City and Las Vegas. I will allow ten minutes to the very first person who speaks. Everyone after the first testifier will be given two minutes. After three people have spoken, I will switch to opposition for the sake of fairness and to make sure we have this hearing as balanced as possible. I will open the hearing for support.

Andy Maggi, Executive Director, Nevada Conservation League:

I appreciate your having us here today. I do not believe I will need the full ten minutes to say what I have been asked to say here today. I am here for two reasons. First, I would like to strongly encourage your support for A.B. 277 on behalf of the Nevada Conservation League and all of our members who are here today. Second, I would like to help the Committee understand more about national conservation areas and why they are unique and deserving of additional protections by the state.

Nevada's national conservation areas are part of the BLM's national conservation lands, which include about 873 sites and areas across the country. These include approximately 32 million acres of national monuments, conservation areas, wilderness areas, study areas,

wild and scenic rivers, national scenic and historic trails, and the conservation lands of the California desert. National conservation areas are uniquely diverse. They encompass red rock deserts, as we have here in Nevada, rugged ocean coastlines, deep river canyons, and broad Alaskan tundra. Many areas are remote, but like the ones here in Nevada, many of these lands are uniquely accessible, making them excellent tourist destinations.

The national conservation areas also reveal and protect our cultural legacy, from safeguarding Indian cliff dwellings and cultural sites and preserving remaining traces of our national historic trails and pathways. Other speakers who will talk about our particular lands will fill you in on those here in Nevada. National conservation areas are part of an active, vibrant landscape where people live, work, and play. They offer exceptional opportunities for recreation, solitude, wildlife viewing, exploring history, scientific research, and many traditional uses.

National conservation areas within this system of lands are particularly unique. National conservation areas are designated by Congress to preserve, protect, enhance, and manage public lands for the benefit and enjoyment of present and future generations. The designation is similar to those of national parks, but managed by different agencies. Unlike the national parks, there are only 16 national conservation areas across the country in only 10 states. We are fortunate to have three in Nevada, and all of them feature exceptional scientific, cultural, ecological, historical, and recreational value. We are fortunate that these lands have been set aside. They are truly gems, particularly ours in Nevada. They bring value, economic and other, that we share; therefore, we all have a role to play in their protection.

Development on the doorstep of some of these national conservation areas was the very reason they were created and brought into existence. We must continue that work protecting them. This is why we believe the state is right to take a role in protecting our national conservation areas and recreation areas. We encourage your yes vote on A.B. 277.

Annette Magnus, Executive Director, Battle Born Progress:

Battle Born Progress is a statewide issue advocacy and strategic communications organization. I am here today representing the 14,000 Nevadans who subscribe to our statewide lists. Battle Born Progress fully supports A.B. 277. Our organization has worked to keep public lands in public hands for years. We know of Nevadan's overwhelming support issues, like the one before you today, and we will support leaders who vote the right way on these important issues.

Voters and people all across Nevada have been watching what has been happening with these critical lands issues. Just last month, we saw a public outcry at the Clark County Board of Commissioners meeting for what happened with Red Rock Canyon. People of all parties from all across Nevada love our lands and are angry at even the thought of any development in or around our special places, which includes Red Rock Canyon.

We want to be sure we share with you some recent polling completed before the county commission meeting in February by Public Policy Polling about the way people feel about our lands and, specifically, protecting Red Rock Canyon. Seventy-nine percent of voters polled oppose a plan to build homes in Red Rock Canyon next to the national conservation area. Overall, 73 percent of voters said they would be less likely to support an elected official who votes in favor of the developers' plans, including overwhelming majorities of Democrats, Independents, and Republicans. In fact, the crosstabs showed even stronger opposition from people who fall in demographics of voters who are likely to vote in a midterm election. For instance, Republicans were 77 percent less likely to support a candidate who voted for the developers' plans. Voters ages 46 to 65 pooled at 82 percent less likely to support a candidate who voted the wrong way on this issue.

Over the past few weeks, we have also seen an outpouring of support for protecting Red Rock Canyon. Hundreds of thousands of impressions on social media on the issue, over 50,000 petition signatures, and the hashtag was trending by supporters all over the world. That proves where people stand on this issue. People want Red Rock Canyon and other special places across Nevada protected for future generations to enjoy.

This polling and the Nevadans taking action on Red Rock Canyon are not an anomaly. In poll after poll, Nevadans consistently support protecting Nevada's natural treasures. The Center for Western Priorities conducted a poll as part of their Winning the West Campaign. This poll, conducted in May 2016, outlines many of the points I am making and highlighting here today. We can provide more of this polling for the Committee to review.

Chairman Flores:

We will move to Carson City for those in support.

Tom Clark, Board of Directors, Friends of Black Rock-High Rock:

What Friends of Black Rock-High Rock does is work to protect, serve, and do things around the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area. We have the longest name, and I think that is because we have the most acreage. As was testified to earlier, it is about a 1.2 million acre conservation area.

The national conservation area itself is phenomenal. I encourage folks from the south and rural areas to venture north and see what the Black Rock Desert is all about. Many people think about it as the playa where activity takes place, but it is 1.2 million acres because the emigrant trails, the vistas, and the beauty of that area are really astonishing. When people look at it as just a desert, they miss many of the key elements that attract visitors outside of the activities that take place on the federal land. The Friends of Black Rock-High Rock work to preserve that. We have a beautiful center there and encourage you to visit, get a trail map, and take a look around at what the Black Rock Desert has to offer.

As to the essence of this piece of legislation, we are wholly in support. We work with the county governments and others to ensure any type of development that could be negative to those wonderful viewsheds and historical elements within the Black Rock Desert are preserved.

Assemblywoman Bilbray-Axelrod:

My question for Mr. Maggi is specifically about national conservation areas. From what I understand, a place like Tule Springs, which Assemblywoman Neal mentioned, is a national monument and would not become a national conservation area. I do not think that is an appetite of Congress. When was the last time a national conservation area was brought forth to Congress and passed through? Is this something that regularly happens, and are we anticipating that we will see more? Or, in your opinion, do we already have the only ones we are going to have?

Andy Maggi:

My understanding is that the last time a national conservation area was designated in Nevada was 2009. While I cannot guarantee that Congress will not feel other areas of the state are deserving of the same protection, I do not know of any currently proposed.

Chairman Flores:

We will take three more people in support of the bill in Las Vegas. After those three testify, we will take those wishing to testify in opposition. The same will be true for Carson City. If there is anyone in Carson City wishing to testify in opposition, please make your way up to the witness table. Again, we are still hearing from those in support.

Heather Fisher, President, Save Red Rock:

My two favorite things about Nevada are the land and the people. The land is so beautiful, and the people really appreciate it. That is true by us being assembled here today and by Assemblyman Yeager bringing this bill and the Committee taking time to hear it. We have many people in support, but I would like to focus on two things. This morning, we had 50,140 people on the petition and it is still pouring in. It is very exciting. I check it quite often because it keeps growing.

This is my favorite petition [Ms. Fisher held up a petition]. This petition is by an elderly gentleman who took it around the Las Ventanas care community. He brought me this homemade petition with the same wording as ours and took it to all the seniors in his care center. That is emotional to me; people care so much. I am going to read a letter by a high school student who could not be here today because she is out of town. It affects Red Rock Canyon, but it is an example of the protection we can do for all of our national treasures in Nevada.

My name is Sydney Christensen and I am a high school student. I have lived in Las Vegas my entire life. When I heard about the plans to build in Red Rock, I became passionate about the Save Red Rock cause and started spreading the word because I knew others would feel the same way. I took

petitions into my school and spread the word online, and the response was overwhelming. Hundreds of students were not only signing the petition but spreading the word and reaching out to me to ask how they can join the cause because they were just as passionate as I was. I speak on behalf of hundreds of students across the valley when I say we are concerned. Concerned about what these developments will do to the ecosystem. Concerned about how this will affect the traffic. Concerned about how this will affect the safety of the visitors and wildlife in the park. Concerned about having constant construction plaguing our enjoyment of the park. Concerned about how this will affect our beautiful Red Rock skyline. Concerned about the future of Red Rock. We, the students of Las Vegas, are the future of Las Vegas, and the future wants to keep Red Rock rural. So I am saying this for my little brothers, for my nephews, and for all the generations to come. Keep Red Rock rural.

Mary Kaplan, Board Member, Friends of Sloan Canyon:

I serve on the board for Friends of Sloan Canyon. I am here in support of A.B. 277 for some simple reasons. We would like to see the limit of development because it is just a stone's throw away from our newly installed visitor's center and the national conservation area. This is such a pristine land. I do not know if any of you have ever visited Sloan Canyon, but people are amazed with this hidden treasure once they do go through it. The building is so close that we are limited in our solitude now because of the construction. We need to maintain this for the future of our children and their children. If we do not do it now, then who will? We have elected you, as representatives of this state, to do that for us.

Sloan Canyon offers an enormous amount of recreation and solitude. Just go there and sit, take it all in, and feel the spirit of the hills, the animals, the plants. Right now is the perfect time for people to visit the area. It is so pristine. We need to protect that. This is also a spiritual place for our Native Americans who passed through there, hunted there, and they lived there temporarily.

Sloan Canyon offers hiking, biking, equestrian, and camping. Geological wonders are there, especially throughout the Hidden Valley area. The construction and homes being built are intruding on the areas, including Sloan Canyon National Conservation Area and the South McCullough Wilderness Area. We have over 1,700 petroglyphs in the Sloan Canyon area, which I invite you to come and see. We offer educational programs. Last month we had 140 students from Pinecrest Academy of Nevada that we exposed to the culture of the area they live in.

Lastly, I would like to make sure you come to our area. Please come and visit. Maybe you will learn firsthand what this is for your children as well. We are in support of A.B. 277.

Jenna Morton, Private Citizen, Las Vegas, Nevada:

I am here in support of A.B. 277, representing the business community and also After-School All-Stars, for which I am the chairperson. Briefly, with respect to the business community, outdoor recreation in this country represents over \$600 billion in revenue. In Nevada, it represents about \$14.9 billion in revenue and about 148,000 direct jobs. That is excuse alone to protect these natural areas.

As you have heard from others here, and you will probably hear more, our children are probably a bigger reason. My involvement with After-School All-Stars has enough meaning to bring tears to my eyes. I have hundreds of journal entries from our students. After-School All-Stars is an after-school program in 15 Clark County schools. We sometimes have the opportunity to take our children on field trips to natural areas. They write journal entries, and some of the journal entries would move you. What their visits to these areas represent for them is wonder, self-esteem, and pure joy.

I am in support of this bill because this bill protects the essential nature of these areas for our children. I want to suggest to you that awe, wonder, joy, and self-esteem cannot be measured in units or density. Once that essence is altered, we cannot get it back.

I would quickly like to read a few words from one of our students named Adelei from Von Tobel Middle School. She says:

Being outdoors is one of the most exhilarating feelings in the world. I have been going on these field trips for about three years. Because of all these awesome trips, I know that in the future, I am going to take my kids to the outdoors because I want them to experience everything I went through when I was their age. Outdoors is a feeling that is awesome.

Most of our programs are in the schools where the children are, and most of these children do not get to leave their neighborhoods. Increasing the barriers for them to achieve this kind of wonder and awe would be devastating for our community. Again, it is the essential nature of these areas. Once we change it, we cannot get it back. I know what it does for me. We have heard testimony about what it does for others and our psyches. When you see the faces of children when they experience this for the first time, it is something you will never forget. I do not want to take that opportunity away from our children.

Chairman Flores:

At this time, I would like those wishing to testify in opposition to please come up. The Committee does not come to Las Vegas very often. I am trying not to cut anyone off. The first individual will get ten minutes and those going after will get two minutes. If you go slightly over, it is not a problem. I have been allowing it with support, so I will do the same for opposition. I am not sure if those in opposition have coordinated who wishes to go first to use the allotted ten minutes.

David Fraser, City Manager, Boulder City:

I will mention that the city of Boulder City has met with Assemblyman Yeager, the bill's primary sponsor, so I do not think anything I say here today will surprise him. I do appreciate the Committee's time, and I will stick to my allotted time, although I could speak quite a bit longer about this because I am so proud of what we have done in Boulder City.

I feel a little strange appearing in opposition to this bill because Boulder City not only supports conservation of our natural resources, but we have, in fact, been a leader in conservation of our state's natural resources. Boulder City was created in 1931 by the federal government to house the workers at Hoover Dam. Boulder City, in fact, created, as it were, Lake Mead, which is why Lake Mead National Recreation Area is there. The city actually came into existence to provide that natural resource. I should also mention that Hoover Dam provided the West's first green energy project, and made the development of Las Vegas Valley possible through the water drawn from Lake Mead. Additionally, in the 1990s, the city's boundaries were expanded to include a large portion of the Eldorado Valley for the purpose of establishing a 167-square-mile habitat for the desert tortoise, which is an endangered species. The map we have provided ([Exhibit C](#)) shows in yellow what the five-mile boundary would look like around Sloan Canyon National Conservation Area. The blue area shows what the five-mile boundary would look like around Lake Mead. Earlier in the hearing, it was stated Lake Mead would not be included. We were not sure of that when we came here today, so that is why the blue area is there. The area in green is the overlap. The red line designates the city limits.

The city has a proud history of assisting in the conservation of our natural resources, so I feel a little odd opposing. However, as you can see, if Lake Mead were included, the entire original town site of the city would fall within its boundaries. If Lake Mead is not included but a five-mile buffer around Sloan Canyon is included, that would take the entirety of the city's energy zone.

You may not know that Boulder City provides 1 gigawatt of green energy to the market. In fact, Boulder City has singlehandedly surpassed what the state set as their goal for green energy production. If this five-mile boundary were included around the Sloan Canyon National Conservation Area, that would eliminate the possibility of 550 megawatts of green energy into our market. As you know, the Legislature is also requiring NV Energy to increase their portfolio of green energy. Boulder City has been part of that, and part of their green energy portfolio is in Boulder City. We think it not wise to take away the opportunity for us to provide that green solar energy in a place that is so well suited for it, and which is a commodity that is so important for our state.

I keep saying we support conservation and we want to support it. We have had some discussion with the bill sponsor about a few different ways this bill could be amended that would satisfy us. It occurred to me this morning, and this may be the one thing that surprises the sponsor since I have not mentioned it to him, for our purposes it may be as simple as including municipally owned land in the exemption that has been created for the federally owned lands. I am happy to work with the sponsor.

With me today is Brok Armantrout, our Community Development Director. Our lobbyist, Lisa Foster, is in Carson City. I will make any of us available to the Committee collectively or individually at any time to discuss this further, as our time is limited here today.

Assemblyman Brooks:

I am looking at the map you provided ([Exhibit C](#)). Now that we have read the bill and realize the Lake Mead National Recreation Area is not the issue you thought it could be, I am more concerned with the five-mile radius around Sloan Canyon National Conservation Area. You said that impacts the solar zones. The bill does not change existing zoning. Is there no zoning whatsoever in those existing solar zones in the five-mile radius around Sloan Canyon?

David Fraser:

Presently, they are zoned as study areas. When we have a land lease proposed for a solar plant, we zone it for that purpose. We do it in that order. We could blanket-zone it, but in terms of good planning and conservation, we do not tend to want to do those types of blanket zones. We zone it as the plants come up.

Assemblyman Brooks:

If it is currently zoned as a study area, what does that mean? The way I read the bill, if it passes, then it would have to stay a zoned study area. When it is zoned as a study area, what are the allowable uses of the land under that zoning designation?

David Fraser:

I can give a general answer to that question, but my Community Development Director could give a more specific answer.

Brok Armantrout, Director, Community Development, Boulder City:

The answer is that under the study zone, nothing can be developed. It is purely just for study. As Mr. Fraser indicated, we do that on purpose in order to do proper planning as the city grows and expands.

Chairman Flores:

Are there any further questions from the Committee? [There were none.] We will continue with those wishing to testify in opposition.

Ron Krater, representing Gypsum Resources, LLC:

As a landowner in Clark County, Gypsum Resources, LLC is keenly interested in the proposed legislation that would have a direct impact on their property. Upon initial review of the proposed A.B. 277, it appears strikingly similar to the previous Senate Bill 358 of the 72nd Session, which was ruled to be unconstitutional by the Nevada Supreme Court. Following the court's ruling, we assumed that this issue had been settled in that the law deprived Gypsum Resources of the equal protection of the laws by treating Gypsum Resources' land differently from most other lands in Nevada.

In regard to the Red Rock Canyon National Conservation Area, which we are a neighbor to, in establishing this national conservation area, Congress specifically expressed that these 200,000 acres would adequately preserve the areas worthy of preservation. "The Congress does not intend for the establishment of the conservation area to lead to the creation of protective perimeters or buffer zones around the conservation area," [*United States Code*, Title 16, Section 460ccc-9].

As with most legislation, the details are important. As we continue to look more closely at the proposed bill, it appears to primarily target the Gypsum Resources' properties. While A.B. 277 initially states that the lands affected by this legislation include all national conservation areas located in Nevada, and all lands within a five-mile radius of those national conservation areas, upon further study of subsequent sections, specifically section 7 [Section 7 of chapter 105, *Statutes of Nevada* 2003], it seems that "adjacent lands" is being defined on a parcel by parcel manner, and quite narrowly as a series of parcels that is limited to Gypsum Resources' lands and other lands only in close proximity. At least upon initial review, A.B. 277 seems to focus primarily on our property. Again, the practical effect of A.B. 277 seems to be to remove Clark County's zoning powers over Gypsum Resources' land and to create a law that primarily targets a specific landowner.

If the intent of A.B. 277 is to indeed act as a statewide law, encompassing all three national conservation areas and all properties within five miles of those national conservation areas, then the law would negate the powers provided by the *Nevada Constitution* for many jurisdictions. Additionally, this law would affect hundreds of thousands of acres of land—private lands and public lands—and tens of thousands of property and public landowners, effectively eliminating the rights of those landowners to ever modify the use of their land forever.

Gypsum Resources is currently processing a Major Projects application as per the zoning code, Title 30, in Clark County, and has worked in earnest since 2011 with the county and other stakeholders on this application. It is our continued belief that Clark County has the jurisdictional power, the institutional knowledge, and the leadership to effectively define and manage the land use policies of Clark County, and specifically of Gypsum Resources' properties.

In regard to this process, we respectfully request that the record be kept open so that we, along with other affected landowners, may submit additional comments to this Committee. Thank you very much for your consideration.

Jonathan P. Leleu, representing NAIOP, the Commercial Real Estate Development Association:

Today we stand in opposition of A.B. 277 for two reasons, both of which we have been discussing with the sponsor for some time. The reasons we are opposed to the legislation are somewhat limited. The first reason is because of the buffer. As you all know, NAIOP is the

Commercial Real Estate Development Association, including land developers and landowners. The five-mile buffer seems very large. We are working with the sponsor on that buffer and on language that could make this bill more palatable.

The second reason we are opposing this legislation is because we believe the zoning process that all of our members go through at the county and the city levels must be predictable. This legislation, from a policy standpoint, tends to throw a bit of turmoil into the predictability of the zoning process we must go through and must practice on a day-to-day basis to get projects approved. I am happy to answer any questions the Committee may have.

Matthew Walker, Director, Government Affairs, Southern Nevada Home Builders Association:

We have heard from many passionate folks today who are not enthused about this project, but I want to bring to the Committee's attention some projects ten years from now we would be very excited about. If General Motors wanted to build a factory in west Henderson, or a development group wanted to build a supplemental airport, then we would be left with major economic development projects on islands of disposable land in the south part of Clark County. They would be unable to get the necessary transportation or utility infrastructure that would be provided by private developers in order to support those projects and the jobs associated with those projects. Special legislation could certainly be attempted to carve those projects out, but as we saw with S.B. 358 of the 72nd Session, it is certainly in legal jeopardy. That increased risk of litigation adds significant risk and uncertainty to our future economic growth in southern Nevada.

I also want to piggyback on Mr. Leleu's comments regarding local control of zoning processes. We feel, as an association, this is an essential part of land use and property ownership in southern Nevada. We would hate to see residents of rural towns in Clark County have to go to Washington, D.C., or Carson City, to add a casita for their aging parents or add a bar to an existing restaurant. Again, we want to generally express our support for the maintenance of local control of those land use processes so folks like the proponents of this bill can go to their local elected officials who are accountable and be heard as well. I think everyone sees the need for a balanced solution and sees potential issues with the five-mile buffer zone. We appreciate the conversations we have had with the bill sponsor thus far and want to continue those conversations to find some middle ground.

Chairman Flores:

We will now hear from those in opposition in Carson City.

Paul J. Moradkhan, Vice President, Government Affairs, Las Vegas Metro Chamber of Commerce:

The Las Vegas Metro Chamber of Commerce is in opposition to this bill for some technical reasons. The Chamber has spoken with the bill sponsor, and we appreciate his open dialogue as we try to address those concerns with the bill. The Chamber does have concerns with the five-mile radius as currently proposed. As you heard from the representative for NAIOP and

Southern Nevada Home Builders Association, we have similar concerns about the impacts it could have on zoning in terms of economic development areas, along with the impact it may have on existing development agreements at the local government level.

For the record, the Chamber does support conservation efforts. We were a leading advocate on the federal level for the creation of Tule Springs Fossil Beds National Monument. We do believe there can be a balanced approach, and we look forward to continue working with the bill sponsor to address those concerns.

Assemblywoman Neal:

My question is for Mr. Powers. I was listening to the opposition testimony and I was reading a portion of the *Attorney General v. Gypsum Resources* case. It states, "Moreover, S.B. 358 permanently bans Clark County from ever rezoning the lands adjacent to Red Rock. Thus, S.B. 358 does regulate county business." When I was listening to them discuss it and looking at the "shall not" in section 1, would that fall into the permanent ban of rezoning?

Kevin Powers:

To understand the *Gypsum Resources* case from the Nevada Supreme Court, you have to look at the type of law the Legislature enacted in 2003. The Supreme Court determined it was a "special law." Once it fell into the category of a "special law," then it could not regulate county business in a way that was nonuniform throughout the state. However, in contrast, A.B. 277 is not drafted as a "special law." It is drafted as a law of general application. As long as the general law applies uniformly throughout the state to every national conservation area, every national recreation area, and as defined in the bill, adjacent lands, it is a uniform law and falls outside the prescriptions in Article 4, Section 20 of the *Nevada Constitution*, which prohibits special laws regulating county business, and Article 4, Section 25, which requires a uniform system of county government. If they are not dealing with a "special law," Article 4, Sections 20 and 25 do not apply.

I would like to clarify for the record, the person testifying in opposition referred to section 7 of the bill. There is no section 7 of the bill. What that person was referring to is on page 7 where there are sections being repealed by the bill. At the bottom of the page, you will see "Section 7 of chapter 105, Statutes of Nevada 2003." That describes a particular area and tracts of land. That is from the 2003 Red Rock Bill that is being repealed by this legislation. This legislation does not specifically address the situation as did the 2003 bill. Instead, this is a piece of general legislation that applies uniformly to every national conservation area, every national recreation area, and all adjacent lands within the buffer zone around the national conservation areas.

To summarize, this is a general law. It would not fall within the limitations imposed by the Nevada Supreme Court in the *Attorney General v. Gypsum Resources* case because that was a "special law."

Assemblywoman Neal:

I do not know if I heard this correctly, but in the opposition as well, they were talking about the study zone. How would that play into this bill? This bill does not even take a study zone into consideration.

Kevin Powers:

With regard to nonresidential zoning districts, this bill does two things within the area that the bill affects. First, a local government cannot establish any new nonresidential zoning districts. If a nonresidential zoning district exists on the effective date of this bill, this bill will not affect that nonresidential zoning district. In addition, this bill does not affect uses within the nonresidential zoning district. What it does is preclude the local government from creating new ones. If a nonresidential zoning district exists on the effective date of this bill, the local government can still zone within that nonresidential zoning district and allow any type of uses that are appropriate in a nonresidential zoning district.

In addition, this bill says the local government cannot expand the size of any existing nonresidential local district. If a nonresidential zoning district was one square mile on the effective date of this bill, that nonresidential zoning district could not be expanded beyond that one square mile.

I am not familiar with what kind of zone a study area is. If that is considered a nonresidential zoning district and has been established on the effective date of this bill, then it would not be affected by this bill, but the size could not be expanded. However, the local government can permit whatever they decide to permit within that nonresidential zoning district.

Chairman Flores:

Would the member of the audience who brought up that topic in opposition please come back up to add some insight into Assemblywoman Neal's question?

David Fraser:

I am not sure if I am the one who brought that up because I lost track of the question. I do want to clarify something from Mr. Powers' remarks.

Assemblywoman Neal:

I am not sure who referred to a study zone.

David Fraser:

I referred to a study zone.

Assemblywoman Neal:

Mr. Powers, would you restate my question?

Kevin Powers:

Again, the bill deals with nonresidential zoning districts. We would obviously need a representative from the cities to describe what a study zone is and what it is considered. If a study zone is considered a nonresidential zoning district and it is established on the effective date of this bill, then this bill would not affect that nonresidential zoning district except that the city could not expand the size of the nonresidential zoning district. If a study zone were, in fact, a nonresidential zoning district, the limitation on the study zone would be not expanding the size. However, uses within the nonresidential district that existed on the effective date of this bill would not be affected.

David Fraser:

I get that concept. In our study zone under our zoning code, no development is allowed. The fact that it could remain a study zone would not allow us to build a solar plant, for example. The areas that are within five miles of the Sloan Canyon study area that are not already reserved for natural resources capture a great portion of our desert tortoise habitat which we are not developing anyway, and under our agreement with the federal government cannot develop. The hashed area on the map ([Exhibit C](#)) is the desert tortoise habitat.

With regard to the study zone, it would not do us any good if that remained because, again, nothing is allowed there. The reason we designated it a study zone is to make sure that nothing develops there until we are convinced that something should be developed there. We are anticipating the areas that are presently study zones that would be affected by the radius around Sloan Canyon would be solar facilities. We would need the ability to rezone them for solar once we had a solar developer ready to use that for renewable energy. I hope that answers the question.

Assemblywoman Neal:

Thank you for that, it does answer my question. I am sorry for the delayed question. Would this bill limit the ability to rezone after the study?

Kevin Powers:

I think a starting point with regard to this particular issue is that the bill does not define the term "nonresidential zoning district." As an issue of statutory construction, the Committee may want to consider developing a definition for a nonresidential zoning district. Having said that, with regard to Assemblywoman Neal's question, if a nonresidential zoning district exists on the effective date of this bill, the only limitation is that the size of that nonresidential zoning district cannot be expanded. However, the uses within the nonresidential zoning district can be determined by the local government. It does not limit the local government on what uses to authorize within that nonresidential zoning district.

Assemblywoman Neal:

I did want to make that very clear. I know we have a lot of opposition on the record with no clarity as to what their comments meant. The current uses can stay in play, but the size is limited.

Assemblywoman Bilbray-Axelrod:

I would like to keep Mr. Fraser at the table, and my question is probably for Mr. Powers. Mr. Fraser brought up the possibility of exempting municipal lands as an option. I do not understand if legally that would make it a "special law." Would having that exemption still make this bill a general law? Mr. Fraser, was that your recommendation?

David Fraser:

Yes, that is correct. That occurred to me during this hearing, so I have not had our legal team research it. But it occurred to me if we just add municipally-owned lands to the section that already exempts federally-owned lands, that might be sufficient for our purposes.

Assemblywoman Bilbray-Axelrod:

Mr. Powers, would that work within the scope of the bill and still have it be a general law?

Kevin Powers:

There are two parts to the answer. First, if the bill exempted municipally-owned land and did it for all municipally-owned land, that would still be a general law because all similarly situated land would be treated equally. However, for municipally-controlled or owned land, the exemption would apply as long as that land remains in the municipal ownership or control. If the municipality sold the land to a solar developer, it would no longer be municipally-controlled land; therefore, it would come under the prescriptions of the bill. Although that exemption can be done, it may not achieve the result that some of the municipal governments intend if they plan on selling the municipally-owned land to private developers for renewable energy projects.

David Fraser:

I can only speak to Boulder City, but in our case, we do not sell the land to the solar developers. We do that with long-term leases. Part of the reason for that is some uniqueness to our local codes. Another reason for that is when they are done with solar development, that gives us an opportunity to reclaim the land. In fact, our solar contracts all have language that indicates when the developer is done with the land, it must be returned to its natural state. I think that works in concert with what is trying to be accomplished here. In our case, even while the land is under lease and operating, it is still municipally-owned land. I have not had that reviewed by our legal staff, but I would like to take a look at that and maybe visit with the sponsor about the possibility of going in that direction.

Chairman Flores:

Once your legal counsel reviews that, please reach out to the sponsor and every member of this Committee so we can have that question answered. Is there anyone in Carson City wishing to speak in opposition?

Shelly J. Capurro, representing Focus Property Group; and Pardee Homes:

While Focus Property Group and Pardee Homes are testifying in opposition, we have been working with Assemblyman Yeager and the City of Las Vegas, and we feel confident in this process. As stated by Mr. Moradkhan, our concerns are going to be resolved. We do support conservation and recreation areas. We look forward to continuing to work with Assemblyman Yeager on this bill.

David Goldwater, representing Lakemoor Canyon Redevelopment Area; and American West Homes:

I am testifying reluctantly in opposition and am probably more neutral. I am representing Lakemoor Canyon Redevelopment Area and American West Homes. My first comments relate to Lakemoor Canyon, which is a redevelopment area across from Lake Las Vegas. It is a former abandoned mine site. Not to get too much into the details, but it is a site that had been spoiled and is littered with diesel fuel and shavings since the 1970s. The concept is in exchange for cleaning up the site, there will be an exchange of federal land that will once again be in private hands. I wanted to bring that to the attention of the Committee because it is an important redevelopment area for the City of Henderson. I have also spoken with the bill sponsor, and he has been more than gracious and willing to work with me.

I am also representing American West Homes. American West Homes was gracious enough to work on the bill and has provided maps of affected areas ([Exhibit D](#)), and their professionals worked on those affected areas.

Assemblywoman Neal:

Based on what Mr. Goldwater stated, the Legislature passed a bill related to Three Kids Mine [[Senate Bill 297 of the 78th Session](#)]. The bill allowed the transfer and cleanup of land. Does this bill affect federally designated land that is going to shift ownership?

Kevin Powers:

Without examining all the particular facts and circumstances, it would be impossible for this office to come to an opinion on that issue at this time.

David Goldwater:

For a point of clarification, Three Kids Mine is the exact property I was talking about. All of our estimates are that this bill would have an effect in its current form and in the manner in which the land is not yet in private hands. The land is still held by the federal government. The land will be transferred when the elements of the federal legislation have been met.

Assemblyman Brooks:

Mr. Goldwater, is that concern based on the five-mile radius associated with the national conservation areas, or is it based on the radius from the recreation areas? I know there was some confusion earlier with someone else.

David Goldwater:

It is based on the five-mile radius for the recreation area, and also the definition of the disposal area that is found in section 1, subsection 4, paragraph (b) of A.B. 277.

Kevin Powers:

As the record was clarified earlier, given the definition of "adjacent lands" that is used in each section of the bill, particularly section 1, subsection 4, paragraph (a), which states, "'Adjacent lands' means any tract of land which is: (1) Located not more than 5 miles from any national conservation area" Again, to emphasize for the record, the five-mile adjacent land zone only applies to lands within five miles of a national conservation area, not a national recreation area. If the land Mr. Goldwater is referring to is within five miles of a national recreation area, it would not be within an adjacent land zone.

Chairman Flores:

At this time, we will reopen testimony in support of A.B. 277.

Mark Hettinger, Chief Legal Officer and General Counsel, Walker Digital Table Systems, Las Vegas, Nevada:

I was born in Boulder City and I am a third generation Nevadan. Quality of life is a major key to attracting the talent we need in the gaming technology field. A big part of the quality of life is protecting the natural treasures in our state, like Red Rock Canyon and Sloan Canyon, so that we can attract potential employees with recreational opportunities here in Nevada.

Assembly Bill 277 sends the right message to those looking to relocate to Nevada for jobs—that we care enough about our national conservation areas to protect the areas around them from more intense development. We have seen recent examples in other states, such as Utah, where public officials' actions against public lands have resulted in a loss of business for the state. We need to learn from their experience and act to attract rather than repel businesses and employees to our state by supporting and protecting our natural treasurers.

Putting on my lawyer hat for a moment, I have reviewed A.B. 277, and I have also reviewed some of the prior legislation that sought to protect lands near Red Rock Canyon and the litigation that ensued. By my read, A.B. 277 resolves the concerns the Nevada Supreme Court and federal district courts have expressed in the prior litigation.

Assembly Bill 277 is not targeted at or limited to any one property or landowner, which has been testified to previously. It includes lands adjacent to all national conservation and recreation areas in Nevada. I appreciate the hard work of Assemblyman Yeager and the bipartisan cosponsors of the bill. I would urge the Committee to support A.B. 277.

Rob Hutchinson, Owner, Hutch's Bicycle Garage, Las Vegas, Nevada:

I am a small business owner and own Hutch's Bicycle Garage. My company sells bikes and other outdoor gear to people here in Las Vegas and in other states. I have also appeared in commercials for a Nevada tourism company that markets our state's tourism resources to visitors from other states and countries.

Outdoor recreation is a big driver for Nevada's efforts to market itself as a tourist destination. The TravelNevada website highlights recreation opportunities in Sloan Canyon National Conservation Area, Red Rock Canyon National Conservation Area, and Spring Mountains National Recreation Area, just to name a few. I have had the pleasure of taking many of our state's visitors to these national conservation and recreation areas over the years.

Outdoor recreation is big business for Nevada. Interbike International Bicycle Exposition is one of the largest gatherings of bike makers and dealers in North America, drawing more than 20,000 visitors to Las Vegas every year. I go every year. The first two days of this convention includes an outdoor demonstration in Bootleg Canyon, which is in Boulder City outside Lake Mead National Recreation Area and not too far from Sloan Canyon. According to a recent article, Interbike owners will take elected officials' public lands decisions into account in deciding where to host further Interbike shows. On that same note, the Outdoor Retailer, a \$45 million tradeshow announced it is leaving Salt Lake City as a result of the elected officials' public lands decision. Las Vegas is currently pursuing that show to come here.

With A.B. 277, you have the opportunity to show Nevada that its public officials care about our public lands and will act to protect them. This will ensure that we can keep Interbike in Las Vegas, and hopefully attract other tradeshow, like Outdoor Retailer, to Nevada. For small business owners like me and others, recreation tourism is what allows us to survive and prosper in this community. I appreciate Assemblyman Yeager's efforts on this bill, and ask the Committee to vote yes on A.B. 277.

Christopher Preciado, representing Clark County Commissioner Chris Giunchigliani:

I will read from the letter from Clark County Commissioner Chris Giunchigliani ([Exhibit E](#)).

Dear Assemblyman Flores:

First, I apologize for not being in attendance but I am out of the country. I am writing as an individual in support of A.B. 277. I commend Assemblyman Yeager for submitting it.

I was fortunate enough to have served and voted for SB 358 in 2003. Its WHEREAS clauses by Senator Titus still rings true today:

WHEREAS, Red Rock Canyon is a natural wonder within the State of Nevada that is uniquely beautiful and of scenic interest; and

WHEREAS, Red Rock Canyon includes several distinctive and significant geologic features, including, without limitation, the Keystone Thrust Fault, Willow Spring and Rainbow Mountain; and

WHEREAS, In addition to its scenic beauty and geologic significance, Red Rock Canyon provides numerous recreational opportunities to visitors from both within and without the State of Nevada, including, without limitation, hiking, climbing, bicycling, camping and horseback riding; and

WHEREAS, With regard to tourism, Red Rock Canyon provides a dramatic counterpoint to the activities offered within the more urban portions of Clark County, helping to draw to the area tourists who might not otherwise be interested in participating in gaming, attending shows or other such activities; and

WHEREAS, A significant part of the reason that Red Rock Canyon is of interest to tourists, sightseers and recreational users is that it provides an area of sanctuary from the congestion and sprawl of the more urban portions of Clark County; and

WHEREAS, if the scenic views and largely rural character of Red Rock Canyon were to be encroached upon by development that is on a large scale or inappropriate character, the value of Red Rock Canyon with respect to tourism, sightseeing and recreation would be greatly diminished, to the detriment of Clark County and the State of Nevada as a whole; now, therefore . . .

This bill as drafted remedies the issues raised in the Supreme Court hearing, it still protects a property owners rights to what is was zoned for when the land was purchased and it protects our jewel of Red Rock and other conservation areas. The bill also still allows local government control over planning but properly restricts the zoning to its original density to build only two per acre and not increase the density.

I borrowed a description of facts about Red Rock from the original minutes for your information [Minutes of the Meeting of the Assembly Committee on Government Affairs, Seventy-Second Session, May 10, 2003]: "Red Rock Canyon is a uniquely beautiful land where Mother Nature has worked for over 600 million years to create. Less than 20 miles from Las Vegas, it's an awe-inspiring desert playground sculpted by the winds and rains of time. Not only is the canyon a scenic area, which provides recreational opportunities for thousands of people each year, but it is also an area rich in cultural resources, which tells a story of human activity in southern Nevada dating from prehistoric times."

I know there is support from Nevadans across the state, along with Sierra Club, Red Rock Audubon, Friends of Nevada Wilderness, travelers, hikers, bikers, and so many others.

I was one of the only two commissioners who voted recently to support Red Rock and not support the increased density as requested in a settlement agreement, which I might add I still believe expired.

This bill is an important step toward protecting our natural wonders. I urge you to support this legislation unanimously as did the 2003 session of the Legislature.

Chairman Flores:

Members, we will defer from any questions, as Commissioner Giunchigliani is not here, and I think it would be more appropriate to address any questions directly to her.

Lisa Mayo-De Riso, Private Citizen, Las Vegas, Nevada:

I am here today in support of A.B. 277. The Wilderness Society has a well-known mantra: Wilderness is more than a place for recreation, it is a place for inspiration. It has been the inspiration that has helped the Save Red Rock effort in its 14-year battle to protect Red Rock. In 2003, I sat in this very room, which was packed with people who were here to support a bill to protect Red Rock. It was a bipartisan bill that was passed unanimously by both parties, both legislative bodies, and signed by the Governor. Fourteen years later, as one of the founders of Save Red Rock, I come before you today to urge you, really beg you, to pass A.B. 277.

At its core, this bill is about balance. The balance between protecting grand vistas, hiking trails, crystal streams, and all the amazing treasures we have from the north to the south across Nevada. We have to balance that with the more emerging, economic frontier in Nevada and an inevitable population growth. Developers, whether they are commercial or residential and were here in opposition, make a conscious decision when they purchase property to build homes. This law tells them that within a five-mile radius of a national conservation area or recreation area, unless they are willing to go along with the underlying zoning, they should not buy it. Do not step into that zone.

The other thing A.B. 277 does, which I think is important, is it gives a greater voice to those of us who are fighting to protect these areas and our neighborhoods. Groups like NAIOP, developers, or the Chamber, have a very powerful voice at the local level of our government. For citizens and people who are trying to protect those areas, it is a daunting task to go up against the local jurisdictions. This law would give us more power and something in writing we can depend on.

In closing, I want to add a quote from Benjamin Franklin, who said that if you would not be forgotten as soon as you are dead and rotten, either write something worth reading or do things worth the writing. Assembly Bill 277 is worth reading, worth writing, and worth passing.

Vickie Simmons, representing Moapa Band of Paiutes, Moapa, Nevada:

Moapa Band of Paiutes is in support of Assembly Bill 277. As Moapa Paiutes, we strive to preserve our legends, songs, and dances. However, cultural disruption during the past two centuries has threatened the continuation of traditional life. Red Rock and Sloan Canyon conservation areas are within the ancestral lands of the Southern Paiute Nation. These lands are part of our Southern Paiute heritage and culture. Both areas contain numerous petroglyphs that are thousands of years old. These petroglyphs and the lands surrounding them are an important part of Native American culture that we must protect. Allowing urban development close to these conservation areas would threaten these culture resources and destroy the natural character of these beautiful areas. Urban development would also threaten the wildlife that needs these open spaces to survive. On behalf of our tribe, I urge you to protect Native American culture, our plants, and animals and support A.B. 277.

I stuck to the script for my tribe, but this is my personal statement. It is raining today. *A-wanga*, which means "let it rain." We always like rain here. I have spent the last years of my mother's life—she died eight years ago—and she spent the last ten years of her life visiting and going to all these sites in southern Nevada with other Native Americans. I think those were the happiest days of her life, visiting ancestral lands, recording, and putting what she could remember on record. She was a fluent speaker, and my brother is also a fluent speaker. She was full-blooded Indian. I am a half-breed, but I am proud of our people and that we survived here. Wherever there was water, that was where they were; wherever there were sheep and animals, that was where they were; wherever there were pine nuts, that is where they were. There are a lot of petroglyphs, and my grandmother, Topsy Swain, said they are from the people who came before. We did not always know what they meant, but we know these places are special. We do believe the land is alive and that we should take care of it. I urge those voting on this to consider the future generations and try to save these areas and leave them as pristine as we can at this point in time. We cannot just keep building; there is just not enough water. We have to conserve areas and do what is important for the future and for the people—not just for Native American people, but all the people who enjoy these areas.

Jim Boone, Ph.D., Ecologist, Desert Wildlife Consultants, Las Vegas, Nevada:

I would like to comment on the scientific value of conservation lands. The lands being discussed today were set aside to protect them from ever-increasing population and development pressures, primarily for recreation. However, our conservation lands are also important reservoirs of natural lands that provide opportunities for scientific research. For plants and wildlife, buffer zones around the edge of conservation lands are important because development on the edge affects the plants and animals inside the conservation areas.

As a recent example, a friend of mine who lives on the edge of Las Vegas in a new neighborhood has desert woodrats coming over his wall and eating his wife's freshly planted shrubs. For those who do not know desert woodrats, which are also called pack rats or trade rats, they are cute little creatures with big black eyes, big ears, very soft fur, and long, fuzzy tails. If you were to make a plush toy of a desert rodent, you would model it on a desert woodrat. Despite the fact that they are very cute, he plans to trap and poison these native creatures. However, to be successful, he will have to kill these animals over a wide area of the desert to keep the next nearest one from moving into the area next to his yard, obviously affecting the desert beyond his yard. I suggested he plant native shrubs and avoid the problem altogether. However, his wife objects to that, and we shall see what happens in the long run.

In another example, light pollution from the edge of town affects the number and distribution of nocturnal rodents. In effect, these rodents are driven out of the edge areas because they lose the cover of darkness that protects them from predation when they are feeding at night.

From these two examples, we can see the restricting development on the rural fringe will help protect the scientific value of lands within the conservation area boundaries. I urge you to pass A.B. 277 to help protect the existing scientific value of our conservation lands.

Kathleen Lauckner, Ph.D., Private Citizen, Las Vegas, Nevada:

I would like to represent science education and also support A.B. 277. As my colleague Dr. Boone just stated, it is very important to save these areas for scientific research. However, on a broader sense, I want to say that the comments I have today came from Megan Sharp Weatherly, who was a master's student at the University of Nevada, Las Vegas (UNLV) in 2010. Finding her thesis, it fit so well today, I just want to paraphrase some of the things she wrote.

Development in and near Red Rock Conservation Area has been an issue since the 1960s. To developers, the Red Rock landscape is wealth. Its prospective value hinges on the vistas, neighborhood quality, and accessibility it can provide. The landscape is capital exchanged in a market economy, and thus, developers take a quantitative approach to it.

Ever since the 1960s, the development of the area brought a fight from the environmentalists and later, neighbors arguing that more development would hurt their property values. The ensuing controversy that follows the mention of development in this very special area has driven environmentalists to fight for saving this beautiful vista from a myriad of intrusions.

Early on, it was the government itself embarking on projects to build the loop and the visitor center. That, in and of itself, ruined the natural landscape, but it gave locals and visitors an easier view of the beauty and access.

Gas and oil leases were fought off. Protection of the canyon then stated that the 'welfare of human beings' involved just a little more than energy needs. Perhaps there are those who go to the beautiful places like Red Rock and see no more than red rocks. But there are also those who get from such natural beauty areas a rebirth of the joy of life, a wonderful confrontation with reality, a cherishing of the God-given gifts of nature. It is called mental health.

Thanks to the Hughes Corporation, a buffer zone was established to keep the Summerlin development out of the canyon, but development nonetheless. Other fights over time included the Blue Diamond Power Station and the Red Rock Casino. Each decade since the area was designated a conservation park, many have wanted to put their property closer and closer to take advantage of the view of the beautiful red vista. Now we need to fight against Jim Rhodes and his partners of Gypsum Resources' desire to build 5,000 more homes on the southwest side of the area.

Nature means earth's natural world, and conservation is meant to maintain, to protect, and to keep alive. A response by the environmentalists is designed to address biodiversity loss from development and how much can be allowed before the biology of the conservation area will not be sustained or sufficient to save the ecosystem.

All I want to say from her perspective, even back in 2010 and before that, is what is it we value? We must value our conservation areas. I understand the economics and I understand that developers want to develop. But at what point do we make it stop? Please support A.B. 277, and please support our conservation areas.

Shannon Salter, Private Citizen, Las Vegas, Nevada:

I am an instructor of English at UNLV. I just want to echo what has already been said. What we see is everything, especially in the desert. Being able to see distance and natural distance that is not encroached upon by housing development is everything. It defines how we are able to think and how we are able to experience life. The developers argued that only a certain percentage of the development of 5,000 houses would be visible from the popular motorist loop of Red Rock Canyon, but any percentage of the housing development that is visible from that loop will destroy the experience of Red Rock Canyon. Certainly, hikers who are hiking at a higher altitude, or rock climbers, will see much more than the percentage people see from the motorist loop.

There is a reason people see God in the desert. The God of the desert is the God of the desert for a reason, and it is partly because of distance, space, and the sense of emptiness. To build outside Red Rock Canyon is a loss. If we lose that scenery, if we lose that sense of distance and magnitude, that is a loss that we will not recover.

Vinny Spotleson, Member, Executive Committee, Sierra Club, Southern Nevada Group:

I am testifying in support of A.B. 277. The Southern Nevada Group of the Sierra Club organized and supported the establishment of both the Red Rock Canyon National Conservation Area and the Sloan Canyon National Conservation Area. Sierra Club has policies that support the conservation of open space that I would like to quote from directly. These are recommendations about how to treat our open spaces. First is the preservation of hills, coasts, wetlands, other outlying natural areas and agricultural lands by zoning, curbing suburban highway development, control of municipal services and other devices to eliminate "leap-frog" sprawl. We also recommend abundant, convenient public open spaces, including parks, playgrounds and natural "unimproved" areas. Our third recommendation is to have infill residential and commercial development on unused or under-used land within city boundaries and already served with streets, water, sewer, and other public services, but excluding parks, park-like lands, agricultural lands, and sensitive and hazardous areas.

This bill meets all three of those policy suggestions. It encourages infill development and keeps urban development away from our protected areas. Thus, A.B. 277 will preserve that natural character of both canyons. On behalf of the Southern Nevada Group of the Sierra Club, I urge you to protect our national conservation areas and support A.B. 277.

Justin Jones, Private Citizen, Las Vegas, Nevada:

I had intended to give some prepared remarks that related to Red Rock, but I actually just want to talk about courage. I appreciate what you guys do every day. I have been on that side. I have had the opportunity to serve with a few of you in the Legislature. I know it is not easy. I know you have to balance a lot of interests, competing interests oftentimes. I appreciate that you do the job every day.

This is an important issue for all Nevadans. We have seen and heard from many of them today. We have seen the outcry on Red Rock Canyon, Sloan Canyon, and many other public lands issues. I appreciate that you all have to weigh the competing interests that are before you, both today and on other issues before the Legislature. I appreciate that I have seen a lot of courage at the Legislature already this session. I hope to continue to see that type of courage. Unfortunately, we have not always seen that level of courage in some of our local officials. I would just ask that as you consider this bill, and as you consider other bills before the Legislature this session that relate to conserving our public lands for future generations, you show the courage to not be afraid of potential lawsuits, threats from developers, or threats from other factions and do the right thing for the people of Nevada. I appreciate Assemblyman Yeager for having the courage to bring this bill. I appreciate the bipartisan nature of this proposal, and I would encourage you support A.B. 277.

Rudy Zamora, Private Citizen, Las Vegas, Nevada:

I am here to support A.B. 277. I would like to echo other remarks that have been said here this morning. Specifically, I am here as a dad. I want to make sure that public lands are available for my two-year-old son, so he can enjoy what I have been able to enjoy here in Nevada. Not only for him, but for kids in his age range, and for his kids, and kids of his kids. I want to make sure these public lands are available for generations to come.

Carl Irwin, Owner, Irwin Cycles, Las Vegas, Nevada:

I am the owner of Irwin Cycles in Las Vegas. Thank you for giving us the opportunity to talk to you today. I am in support of A.B. 277. As the owner of an outdoor-based business, the landscape of Las Vegas directly affects my commerce, as well as the commerce of many other businesses in the area. Previously being employed by other outdoor sports retailers in the area who did tours and rented bicycles and things, I had the opportunity to meet with many people who travelled from around the world to come to Las Vegas specifically to see Red Rock Canyon. When quizzing these people about how much time they spent on the Strip in Las Vegas compared to how much time they spent in outdoor recreation, it was amazing how many people spent as little time as possible on the Strip. I will echo what others have said. It is a beautiful place. All of the national conservation areas are beautiful. I really hope you protect them for future generations.

Pauline Van Betten, Director, Save Red Rock:

In 2001, I was appointed to be a member of the Clark County Environmentally Sensitive Lands Advisory Committee. Our goal was to provide different ways to protect the lands that we know are so important. One of the first things we did was look at creating a buffer zone around Red Rock Canyon. The Red Rock overlay was created and was passed in 2003. Buffer zones do work.

Since 2003, any new home has to have low-level lighting to protect night skies. No home can be over 35 feet high to protect the viewshed. Corridors need to be preserved so wildlife migration can be in effect. Commercial signage cannot be neon. There are design standards for building. This has helped us prevent widespread grading and protect the wildlife, the night skies, and viewshed. However, the Red Rock overlay is missing the most important thing. It does not have regulations on intensity and density that zoning regulations can provide.

We are looking to the state to pass A.B. 277 to prevent rezoning of rural lands around the Red Rock area. This is the most important thing, and I urge you to pass A.B. 277.

Paul Papa, President, Southern Nevada Mountain Bike Association:

The Southern Nevada Mountain Bike Association is a local chapter of the International Mountain Bicycling Association. We are here in support of this bill. We want you to understand how important the recreational areas are to us. We have bike trails in Red Rock, Sloan Canyon, and just outside of Lake Mead in Bootleg Canyon. We work to maintain

those trails. In fact, with a grant from Recreational Equipment, Inc. (REI), this past weekend we put up trail signs in the national conservation area to mark most of the trails in Red Rock Canyon.

We are contacted almost on a daily basis by people who come to Las Vegas specifically to ride the trails. We have trails that are internationally known and trails that are considered epic. Recreation is one of the strongest parts of Nevada. We are very much in support of that. I am here to ask you to please pass this bill.

Sheila Billingsley, Private Citizen, Las Vegas, Nevada:

I am here in support of A.B. 277. I would like to address the pressures that are placed on local governments when they do make important land decisions. They have a hard job, and they have to juggle things like development, conservation, elections, and money. In southern Nevada, we have not forgotten the FBI [Federal Bureau of Investigation, U.S. Department of Justice] sting that shows these things are factors and can be an issue. This bill helps our local governments keep conservation where conservation belongs, and it allows them to balance their jobs well.

If you drive up Highway 93, there is Coyote Springs, which is a failed development. It was considered progress at the time. Detroit is a good example of things gone good and bad and coming back, but our conservation areas need to be protected in another way, which would help on a more futuristic basis for our children, as everyone is speaking about. We think A.B. 277 helps local governments throughout Nevada protect these areas and allows them to focus on their jobs.

Jaina Moan, Private Citizen, Henderson, Nevada:

I support A.B. 277. I have a prepared personal statement, but I would just like to make a comment about economic development. From some of the comments made by the opposition, it seems there is an assumption that protection precludes economic development. That is certainly not the case. As we have heard, many business owners have stated the economic benefit they have realized from these national conservation areas. The other thing I think is important to point out is this economic development is sustainable. It will last into the future because we are protecting and preserving these places. The economic benefits you will see from these lands will be there for a long time to come.

I often hike in the Sloan Canyon National Conservation Area. Every time I visit, I realize how grateful I am to be able to walk outside in the desert without the buzz of the big city and people around me. I like people, and I like the city, but it is healthy for the mind, body, and spirit to surround yourself with the landscape. Out there, there is a special place to be and breathe. It is a respite that is open and accessible to all of us. We are lucky in Las Vegas to have two national conservation areas directly bordering the city, and a national recreation area. This is a special thing. These landscapes were designated as national conservation areas because they are uniquely spectacular. Encouraging development is a threat to these

landscapes and we need to recognize that. We best protect them, lest we lose them. This act would help protect these special places by ensuring that the zoning interest is made for the larger collective benefit to the land and the public. I urge you to please support A.B. 277.

Mia Larsen, Private Citizen, Las Vegas, Nevada:

I am a Nevada resident, a Clark County School District graduate, and a current student at Stanford University who is for A.B. 277. The natural gems of this city and this state are more than just sights to see. They have been a crucial aspect of my development and matriculation, as well as other students like me. Every time I venture out into the mountains and the glorious box canyons, I find a diverse community with familiar strangers. Hiking locals and foreign adventurers from places I will never see is more community than I have ever found living in any gated neighborhood.

We need this bill. We need to protect these sacred spaces. When I come home, and this Battle Born State will always be my home, there must be a place where I can visit that holds onto the beauty and innate values of our natural history. The industry of the city is built on a policy of destruction and renewal. We toss the old and move in with the new without taking a single breath. There is nothing poetic or beautiful about it. It is thoughtless, capitalistic, and uncaring. Our springs and canyons are not grounds for expanding hotels and model homes like the Strip. The only reason for any exploration into these valleys is recreation and conservation. That is it. It is simple.

Our community has known this to be the unspoken law for decades. There is a looming storm of dangerous change slowly breaching its way across this nation. We are losing our grasp on the national and honored lands. This bill is one way we must take our stand on the issue and model for this country the preventative respect we must have for recreation and conserve natural spaces.

Trent Billingsley, Private Citizen, Las Vegas, Nevada:

I moved to southern Nevada in order to start a climbing gym and guide service 20 years ago. Although this is uniquely a Nevada decision, there are repercussions that echo around the world. I have hosted climbers throughout the world from Latin America, Denmark, and Germany in my home. My wife and I spent two days last weekend at the Red Rock Rendezvous with 3,000 other like-minded rock climbers. There were people from all over the United States and the world at that event. They were aghast at the idea that a development of 5,000 homes had been proposed across the road from where the event was being held. We looked at the dark night sky and realized if this development goes through, that would go away. I urge you to think not only for Nevada, but also for the rest of the country as you make this decision. Thank you for your consideration.

Alejandra Romero, Private Citizen, Las Vegas, Nevada:

I am a UNLV student. I would like to thank Assemblyman Yeager for his support. I am here representing myself. I have been in Las Vegas since I was 8 months old, so the valley and the desert are all I know. I did participate with the Latino Youth Leadership Conference (LYLC) that really changed my life and did keep me off the streets and out of trouble. When

I think back on everything this valley has given me, and the professional development and opportunities through LYLC, it really brings me back to conservation because we did spend a lot of time outdoors in recreation. Through the friends and professionals I met, such as Assemblyman Flores and others here in the room, we have made a lot of great memories. That makes me feel this is something we should preserve, conserve, and stand up for, especially when we talk about children who have terrible education systems here in the valley. We live with disproportionate impacts through the quality of air. I think being out there is more than just connecting with nature. I would urge you to stand up for this bill.

Chairman Flores:

Ms. Romero mentioned LYLC, and I want to thank her for the shout out for our Latino Youth alumni. They do amazing work in that conference.

Jared Fisher, Private Citizen, Las Vegas, Nevada:

I would like to thank the Committee for your time. I know you have all sacrificed a lot to be here today, and I know it can be tough to leave your family for these sessions. I am a resident of the Las Vegas Valley and have lived here for 25 years. I am in the tourism industry, and I am an avid outdoorsman. This bill is a very important issue. I had the unique experience of traveling by bicycle through the Nevada deserts last summer from east to west through all the mountains. I was able to see a good part of this state and understand how unique Nevada is and what an incredible resource this state is, especially our national conservation areas and our recreation lands.

We need to consider the future of how we decide upon developments. We need to build our cities up and not out. By doing that, we take so much less of the resources that our planet needs most. We do not need to be using more resources, we need to be conserving. When we start moving developments closer to our national recreation lands, we are doing the opposite of what we need to be doing as a society.

As I have travelled throughout the world, one thing I noticed that people say a lot is that America is the envy of the world. They say that because we have the most unique national park system, national recreation areas, and national conservation areas that they do not have. They did not think about that in the old days in England and Germany. They developed their lands haphazardly. Now, they look back and wish they had taken the time that Theodore Roosevelt had taken for America. President Roosevelt wanted to make those lands special and place them aside. When we consider bringing developments closer to those lands, what are we actually doing? Are we doing the things that our forefathers thought were the best for our country, or are we just thinking more about economy and moving money in certain people's pockets? I want you to consider that. Know that I love this state. I am a graduate of UNLV, my company started from a UNLV marketing project, and I love everything about this state. I love our conservation areas, and I hope that you do to and consider this bill.

Pete Baldonado, Private Citizen, Henderson, Nevada:

I was not going to speak, but I wanted to see our government work. I wish more people would get involved. It is an experience. On one hand, I see a lot of businessmen and attorneys representing businesses who want to make money. On the other hand, I see people who want to conserve something that has been here for a thousand years. You have a tough decision to make. I hope you consider the fact that if you save this land, it is going to be here forever.

Chairman Flores:

Without picking sides on this argument, there is nothing more powerful than having our constituents here as opposed to lobbyists. This is your house, and I thank you. In the interest of fairness to those of you who did not come up to speak, I think you should be recognized. We have about 60 people signed in for support, but not all have had an opportunity to speak. If you wish to show solidarity and want to be recognized, I would like to ask all of those in support to rise. Is there anyone else wishing to speak in support? [There was no one.] Is there anyone wishing to speak in the neutral position?

Shannon Hogan, representing Sempra Renewables, LLC:

We would like to note our concerns for the record. Sempra Renewables, LLC has developed a number of renewable power projects in the Eldorado Valley in Boulder City and currently has plans to build additional projects. As written, this piece of legislation will prevent Sempra Renewables from being able to move forward with its plans. We have had discussions with the bill sponsor about our concerns, and we look forward to working with him on an amendment.

Assemblyman Brooks:

When you said this bill would halt the future development on the plans Sempra Renewables has, does that mean there are parcels picked out and you are in current negotiations with Boulder City?

Shannon Hogan:

Yes, it does.

Assemblyman Brooks:

Are you in current negotiations on parcels that would be in the study zone or are they currently zoned for solar?

Shannon Hogan:

I do not know the answer to that question. I will get those details from my client, and I would be happy to provide you with that information. Sempra Renewables is in the planning process.

Lisa Foster, representing Boulder City:

In order to answer Assemblyman Brooks' question, I believe the planning director from Boulder City may still be in the audience in Las Vegas and can speak to the application from Sempra Renewables.

Brok Armantrout:

To answer the question, Sempra Renewables, as well as other solar developers, are in negotiations with the city to develop some lands. The lands are still zoned as study areas. The city practice is not to zone the land until there is a lease in place.

Assemblyman Brooks:

Does the city enter into negotiations for the lease of the land without it being properly zoned for the developer to use the land under the lease they are negotiating?

Brok Armantrout:

During the negotiations, the size of the lease varies until the very end when it is determined how many acres the lease will be for. Many factors come into play such as the shape or shadowing issues. Instead of zoning a large area of land that may not be zoned for solar, the city waits until there is an actual lease and knows the exact legal description, and it is then zoned at that time.

Assemblyman Brooks:

The lease negotiation is contingent upon zoning for solar development. Is that correct?

Brok Armantrout:

That is correct.

Chairman Flores:

Is there anyone else wishing to testify in the neutral position? [There was no one.]
Assemblyman Yeager, do you have any closing remarks or response to the opposition?

Assemblyman Yeager:

I do want to let the Committee know that I have been working with the City of Henderson on some of their concerns. I do not think anyone from the City of Henderson was here today. I want to thank you for your time and attention in this hearing. I know it has been a long week for all of us, and it was a sacrifice to get to Las Vegas in particularly treacherous conditions yesterday. I do appreciate those of you who sacrificed sleep or came in early this morning.

I am incredibly humbled by the testimony we heard today and the number of people in support. To me, the public lands and the environment is something that is truly special. One of my regrets for serving in the Legislature, as you all know, is it is really hard sometimes to even get outside and take a walk. I do look forward to the end of the session when I can do things like hike at Red Rock Canyon, Sloan Canyon, and other places.

I am committed to working very hard to advance good policy that protects our public lands while balancing the other interests we heard about today. The approach I advanced in A.B. 277 is truthfully one of many approaches we may take to achieve this worthwhile objective. I will continue to work as hard as I can on this bill over the next two weeks with the goal of preserving the beauty of our Battle Born State, not just for us, but also for those who will follow in our footsteps. I am committed to doing that, and again, I want to thank the Committee for your time, patience, and consideration.

[Exhibits submitted but not discussed during the hearing include ([Exhibit F](#)), ([Exhibit G](#)), and ([Exhibit H](#))].

Chairman Flores:

I will close the hearing on A.B. 277. Is there anyone in Carson City or Las Vegas who is here for public comment? [There was no one.]

I would like to recognize Assemblyman McCurdy's father, William McCurdy Sr., and his son, Billy, who are in the audience today.

Having no further business, this meeting is adjourned [at 10:44 a.m.].

RESPECTFULLY SUBMITTED:

Lori McCleary
Committee Secretary

APPROVED BY:

Assemblyman Edgar Flores, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a map titled "Potential Impact of A.B. 277 on Boulder City, Nevada," presented by David Fraser, City Manager, Boulder City.

[Exhibit D](#) is maps of Las Vegas Valley Conservation Area, submitted by David Goldwater, representing Lakemoor Canyon Redevelopment Area and American West Homes, regarding Assembly Bill 277.

[Exhibit E](#) is a letter dated March 28, 2017 in support of Assembly Bill 277 to Chairman Flores from Chris Giunchigliani, Vice Chair, Board of County Commissioners, Clark County.

[Exhibit F](#) is a letter dated March 30, 2017 in support of Assembly Bill 277 to Chairman Flores, submitted by Jocelyn Torres, Nevada Program Director, Conservation Lands Foundation.

[Exhibit G](#) is a letter dated March 29, 2017 in support of Assembly Bill 277 to Chairman Flores, submitted by Michael Myers, Executive Director, Friends of Black Rock-High Rock.

[Exhibit H](#) is a written statement in support of Assembly Bill 277, submitted by Friends of Red Rock Canyon, Blue Diamond, Nevada.