

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

**Seventy-ninth Session  
March 16, 2017**

The Senate Committee on Natural Resources was called to order by Chair Yvanna D. Cancela at 1:38 p.m. on Thursday, March 16, 2017, in Room 1214 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Yvanna D. Cancela, Chair  
Senator Mark A. Manendo, Vice Chair  
Senator Julia Ratti  
Senator James A. Settelmeyer  
Senator Pete Goicoechea

**GUEST LEGISLATORS PRESENT:**

Senator Moises Denis, Senatorial District No. 2  
Senator Scott Hammond, Senatorial District No. 18

**STAFF MEMBERS PRESENT:**

Alysa Keller, Policy Analyst  
Erin Roohan, Counsel  
Maria Vega, Committee Secretary

**OTHERS PRESENT:**

Tony Wasley, Director, Department of Wildlife, State Department of Conservation and Natural Resources  
Jason King, State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources  
Susan Taylor-Joseph, Deputy Administrator, Division of Water Resources, State Department of Conservation and Natural Resources  
Mike Bertoldi

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Kyle Davis, Nevada Conservation League; Coalition for Nevada's Wildlife  
Larry Johnson, President, Coalition for Nevada's Wildlife  
Gil Yanuck, President, Friends of Nevada Wildlife  
Mel Belding  
Jim Puryear, Nevada Bighorns Unlimited  
Karen Boeger  
Josh Vittori, President, Nevada Bighorns Unlimited  
Greg Smith  
Michael Reese, President, Southern Nevada Coalition for Wildlife  
John Sullivan  
Tina Nappe  
Rex Flowers  
Tom Smith, Coalition for Nevada's Wildlife  
Mark Transue  
Robert Gaudet, President, Nevada Wildlife Federation  
Mike Cassidy  
Caron Tayloe  
Carolyn Stark  
Connie Howard, Nevada Wildlife Alliance  
Trish Swain, TrailSafe Nevada  
Jana Wright  
Stephanie Myers  
Karen Layne  
Fred Voltz  
Jeremy Drew, Nevada Board of Wildlife

CHAIR CANCELA:

We will begin the hearing with the work session on Senate Bill (S.B.) 51.

**SENATE BILL 51**: Makes various changes relating to the adjudication of vested water rights. (BDR 48-180)

ALYSA KELLER (Policy Analyst):

Senate Bill 51 makes various changes relating to the process for adjudication of water rights. It is sponsored on behalf of the Division of Water Resources and was heard by this Committee on March 2.

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The sponsor of the bill worked with various stakeholders and parties who testified at the hearing to address concerns and proposed the amendment attached to the work session document ([Exhibit C](#)).

CHAIR CANCELA:  
Are there any comments from the Committee?

SENATOR SETTELMAYER:  
I want to make sure that none of the amendments conflict with one another.

Ms. KELLER:  
The entire proposed amendment, [Exhibit C](#), was submitted by the Division of Water Resources.

SENATOR SETTELMAYER:  
I think it combines some of the amendments that were made by other individuals.

Ms. KELLER:  
Yes.

CHAIR CANCELA:  
There being no more discussion from the Committee. I would entertain a motion to pass as amended.

SENATOR GOICOCHEA:  
I would like to make a comment before I make the motion. We need to start calling for these proofs. How do we adjudicate water if we do not know how much we have on the books? This gives us a 10-year time frame to submit proofs and have them in place.

SENATOR GOICOCHEA MOVED TO AMEND AND DO PASS AS AMENDED S.B. 51.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CANCELA:

We have just passed our first water bill. We will move on to the work session on S.B. 74.

**SENATE BILL 74**: Revises provisions relating to water. (BDR 48-178)

MS. KELLER:

The work session document ([Exhibit D](#)) summarizes S.B. 74 and the proposed amendment from the Division of Water Resources.

The sponsor, Senator Goicoechea, would like to propose a conceptual amendment to section 1 of the bill, which would provide that the capture areas for wildlife guzzlers cannot exceed one acre, and the piping may not exceed a quarter mile in length.

SENATOR GOICOECHEA:

When I talk about the capture area, I am talking about a manufactured capture area or a roof. If it is a manufactured platform, it will not exceed 1 acre, which is over 40,000 square feet. The other conceptual amendment is not to exceed a quarter mile in length. We do not want to capture a lot of water and pipe it off-site, which would become an appropriation.

CHAIR CANCELA:

This is different, Senator Goicoechea, than what I thought the conceptual amendment was going to be. I thought there was going to be language about the water from the guzzler staying at the guzzler.

SENATOR GOICOECHEA:

What I am proposing is that the piping not exceed a quarter mile.

TONY WASLEY (Director, Department of Wildlife, State Department of Conservation and Water Resources):

The capacity is fine; pipe length accommodates what we have in place, as does the square footage of that acre. We do not see any potential for conflict with the language.

SENATOR SETTELMAYER:

On page 2 of the amendment, section 1, subsection 5, paragraph (b), states, "a guzzler with a capacity of 20,000 gallons or less, developed by any state or

federal agency responsible for wildlife management or by any other person or entity in consultation with the Nevada Department of Wildlife.” Why are we taking Nevada Department of Wildlife (NDOW) out and looking at what the federal government wants, rather than making this a State issue? Why is this being done?

MR. WASLEY:

Wildlife resources of the State are held in public trust by NDOW. The only instance in which a federal agency would have statutory wildlife management authority would be under the Endangered Species Act, otherwise those authorities reside strictly with the State. The definition of wildlife in the wildlife statutes is specific to wildlife managed by NDOW. Under some of the State water statutes, the definition of wildlife may be broadened to include feral horses. There may be some need for clarification on what is intended, in acknowledging federal agency authority as it relates to wildlife management and what it encompasses under the definition of wildlife and State versus federal authorities.

SENATOR SETTELMAYER:

Maybe we should have someone submit an amendment or resolution for clarification.

JASON KING (State Engineer, Division of Water Resources, Department of Conservation and Natural Resources):

Can you rephrase your question?

SENATOR SETTELMAYER:

I am looking at section 1, subsection 5, paragraph (b), that states, “developed by any state or federal agency responsible for wildlife management.” As Mr. Wasley indicated, wildlife is held for the common good by the State. It is managed by the State, unless it is an endangered species. I am trying to figure out why the words, “federal agency responsible for wildlife management” was inserted. Where did this language come from?

MR. KING:

This was an amendment proposed by the Sierra Club. We worked with the stakeholders and listened to what they had to say. We inserted this language. We felt we handled their concerns by adding consultation with NDOW.

SENATOR RATTI:

I was thinking of the Sierra Club's concern. I think the Sierra Club's concern was that guzzlers not be allowed on private land, only on public land. Was that the intent? They could be on State and/or federal public land.

MR. KING:

I do not know what their intention was.

SENATOR SETTELMAYER:

Why are guzzlers not allowed on private property? Are you saying people like the owners of the Tahoe Reno Industrial Complex who have thousands of acres are prevented from building a guzzler to provide water for wild horses?

SENATOR RATTI:

I think the concern was the Sierra Club did not want a property owner calling something a guzzler as an excuse to tap in water and flow water.

CHAIR CANCELA:

Is there anyone here from the Sierra Club?

SUSAN JOSEPH-TAYLOR (Deputy Administrator, Division of Water Resources, State Department of Conservation and Natural Resources):

I heard Mr. Drew testify at the first hearing that NDOW, in consultation with private citizens, does build guzzlers on private land. I did not think about State management of wildlife. I understand your concern, Senator Settelmeyer, and I think it is valid.

CHAIR CANCELA:

Senator Settelmeyer, do you have a proposed change to this language that would resolve the issue?

SENATOR SETTELMAYER:

Take out the words "federal agency responsible for wildlife management." The only endangered species in my area are bald eagles. Perhaps NDOW could provide some clarification on how to resolve this issue, so we are not ceding any of our authority to the federal government when it comes to wildlife management.

MR. WASLEY:

The confusion may be clarified by changing the "or" to "and in some instances." The basis of our concern is that some of these entities that have limited wildlife management authority as described in statute could develop and construct those devices without consultation.

CHAIR CANELA:

We will delete the words, "or entity and in consultation with" and replace them with "and." Is that correct, Mr. Wasley?

MR. WASLEY:

I am not sure that would read smoothly. I suggest, "with the capacity of 20,000 gallons or less, developed by any state or federal agency responsible for wildlife management or by any other person and/or entity and in consultation with the Nevada Department of Wildlife."

CHAIR CANELA:

It will say "any other person or entity and in consultation with" NDOW.

SENATOR SETTELMAYER:

When you say "and in consultation," who has the final say? In my opinion, it should be NDOW. My preference would be "with final approval by NDOW."

CHAIR CANELA:

Does that make sense to you, Mr. Wasley?

MR. WASLEY:

Yes.

MR. KING:

The rest of that sentence says, "if the precipitation of collection does not conflict with any existing water rights." If consultation is going to be put into NDOW hands, part of that consultation will be our office looking at how much water the precipitation is catching, what existing rights are nearby and whether there is a potential conflict. If there were a conflict, NDOW would say, "do not do it."

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SENATOR GOICOECHEA:

Federal agencies responsible for wildlife management in this State are limited. I am concerned we have seen applications from federal agencies that their proof of beneficial use is for wildlife. Ms. Taylor, can you build a guzzler on private property?

Ms. JOSEPH-TAYLOR:

Mr. Drew testified at a previous hearing that they have done that.

SENATOR GOICOECHEA:

The concern is it is limited to the rainwater from a rooftop of a single-family dwelling. Guzzlers can be built on private property if approved by NDOW, a federal agency or other persons or entities.

Ms. JOSEPH-TAYLOR:

I believe we expressed our concerns in testimony about this turning into ponds on private property with which we do have problems.

SENATOR GOICOECHEA:

I wanted the clarification on the record.

SENATOR RATTI:

With the amendment as written, a guzzler can be on private property, but it would have to be approved by NDOW and in consultation with the Division of Water Resources.

CHAIR CANCELA:

I will now entertain a motion to amend and do pass S.B. 74.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 74.

SENATOR RATTI SECONDED THE MOTION.

SENATOR MANENDO:

I will vote on the motion, but I am hesitant about the language, and I want to make sure that we get an opportunity to hear from the people who actually brought forth this amendment.



THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CANCELA:

I will open the work session on S.B. 47.

[SENATE BILL 47](#): makes various changes to the appropriation of water. (BDR 48-499)

MS. KELLER:

The work session document on S.B. 47 includes the proposed amendments ([Exhibit E](#)).

SENATOR SETTELMAYER:

Regarding the amendment to section 4, we are stating that the government can have up to five years, but the people only have a one-year extension of time. Is that correct?

MS. KELLER:

The sponsor of the amendment might want to come forward and respond to the question.

MR. KING:

Senator Settelmeyer, this is existing language. The words we are adding are words that were left out of the statute. The language is for municipal or quasi-municipal use for a public water system. Water systems, unlike a single commercial well serving one commercial endeavor, may serve 10,000 people. The Legislature has recognized that municipalities need additional time to put water to beneficial use.

SENATOR SETTELMAYER:

Things should be the same all the way around. The laws should be the same for everyone.

SENATOR GOICOECHEA:

Regarding the amendment to section 9, I am concerned about having 90 days to notify that the water right has been forfeited if, in fact, the holder received a 1-year forfeiture letter, which gives them 365 days to cure the forfeiture. The

longer the process goes beyond notification at the end of the 365 days, the more opportunity there would be for a water right holder to try and cure his water right. I am concerned that the water right holder might try and cure with that additional two to three months. The State Engineer's Office knows that it issued the forfeiture letter, and we are hoping the forfeiture letter does it. It is incumbent on the State Engineer's Office to check to see if the water right holder cured the forfeiture within the year. If not, they would issue a letter and stop the process.

CHAIR CANCELA:

Are you proposing Senator Goicoechea to keep it at 30 days?

SENATOR GOICOECHEA:

Yes, the timelines have to be met.

MR. KING:

We would be fine with 30 days. The 30 days is a smaller issue, as compared to the forfeiture issue.

CHAIR CANCELA:

Senator Goicoechea are you okay keeping the 30 days?

SENATOR GOICOECHEA:

Yes.

CHAIR CANCELA:

I just want to reiterate, the amendment withdraws all language related to domestic wells is removed from sections 10 through 15 in S.B. 47 as proposed today.

SENATOR GOICOECHEA:

You have to be perfectly clear. Existing law is still in place, and there are areas in existing law where "revocable" is gone, but "temporary" is still there. Temporary permits only pertain to the Las Vegas Valley. We did not delete it from statute; we just reverted to existing law.

SENATOR SETTELMAYER:

By retaining existing law, everything is still in place. There are places in the existing laws where "revocable" is gone, but "temporary" is still in the

language. Temporary permits only pertain to the Las Vegas Valley. The 180 acre-feet is still in effect. I appreciate the State Engineer making these revisions and amendments and working with all the stakeholders to address issues and concerns.

SENATOR GOICOECHEA:

In 1992, the County of Eureka prevailed in its Nevada Supreme Court case against the State Engineer, which ruled that pumping cures forfeiture. At four-consecutive years of nonuse, the State Engineer needs to issue a letter to the water right holders, stating their water rights are subject to forfeiture, and that they have one year to pump and cure that forfeiture. The law states at least four consecutive years but less than five. If the State Engineer's Office does not notify the holder between years four and five and the holder hits the fifth year of consecutive nonuse, the interpretation has been that the State Engineer's Office does not have to issue a forfeiture letter. I feel by deleting "but less than five consecutive years," it comes back to the legislative intent, as clearly stated by the Supreme Court that after four years of nonuse or more, the holder should be eligible for a forfeiture letter giving one year's notice. This is why I am so adamant about the 30-day notice. At the end of one year, the State Engineer's Office should go on-site and determine whether the forfeiture has been cured. If the individual cannot prove to the State Engineer that it has been cured, the water rights are forfeited. We have to draw the line someplace.

MR. KING:

I am in agreement with the language saying in basins where our Office has information and where our Office conducts inventories, if we find there has been four years of non-use, it is incumbent upon us to send out a four-year non-use letter. Then, if the water right holder does not file an application, or resume use, our office has to forfeit it within 30 days. With regard to those basins where we have the information, I agree with Senator Goicoechea that we should have to send out the notice. I have a problem with the amendment from Senator Goicoechea by taking out "but less than five." It opens it up to someone who has not used their water rights in 20 years or even 50 years. Under this new amendment, we have to send that individual a 4-year non-use letter saying you have not used your water in 50 years, but you still have a year to prove up your water right or file an application for an extension of time. We oppose leaving the language open-ended so that someone who has done nothing with their water rights for decades all of a sudden gets a notice.

SENATOR GOICOECHEA:

The Division of Water Resources is charged with this duty. We end up with some selective enforcement because one person gets forfeited, and the neighbor does not.

CHAIR CANCELA:

I am going to let you make a final comment, Mr. King. Then I am going to ask that you all talk about this, come up with a proposed amendment and present it to the Committee. We will not vote on S.B. 47 today. We will bring it back for work session next Thursday, March 23. For the people in the audience, it does not mean that any of the domestic well language will be put back in. Everything else in the bill will remain the same. This is the only piece of the bill that will be discussed at our work session next Thursday.

We will end the work session on S.B. 47 and move on to the hearing for S.B. 221.

[SENATE BILL 221](#): Revises provisions governing wildlife. (BDR 45-814)

SENATOR MOISES DENIS (Senatorial District 2):

Senate Bill 221 creates the Nevada Wildlife Public Education Council. This Council is created within the Department of Wildlife to help Nevadans gain a deeper understanding of how our wildlife species are managed. As the driest state in the Nation, quality wildlife habitats are hard to come by. Many of the popular big game species today would have been on the endangered list 100 years ago. It is through the efforts of sportsmen working in partnership with other organizations and with NDOW that we have brought many of our native species back from the brink of extinction. Mr. Bertoldi will discuss our presentation ([Exhibit F](#)).

MIKE BERTOLDI:

Citizen wildlife councils have been created in other states. The Colorado Wildlife Council is the model for this legislation. It is the oldest, best known and most successful. The Nevada message will be determined by the Nevada Council with advice from the media experts of their choosing. Senate Bill No. 163 of the 78th Session was sponsored by Assemblywoman Joiner and Senator Hammond. It was also to be funded from the Heritage Fund and had support from most of the sportsmen. It passed the Senate unanimously, but died in the Assembly on the last day of the Session. Nevada needs this because

of our urbanization. Over 70 percent of our population lives in 1 urban area and over 90 percent live in 2 urban areas.

We would like the nonhunting and nonfishing public to have an enhanced understanding of the values of Nevada's scientific wildlife management, hunting and fishing. Nevada's wildlife and sportsmen have a tremendous impact on the State's economy, which benefits all Nevadans. Senate Bill 221 defines and creates the Council. It stipulates requirements, duties and mission. It creates the funding mechanism. Funding for the Council from the Heritage Account will be \$660,000 to \$700,000 per year for 4 years. The amount derived from principal is \$500,000 and 20 percent of the previous year's revenue, which is approximately \$160,000 to \$200,000 annually. It includes other funding options, private or public grants, bequests, devices, donations or gifts and voluntary contributions on license and tag applications. It will require another funding source in 2021. At that time, the annual Heritage funding is reduced to 17 percent and nothing comes out of the principal. Another permanent funding source will be required to continue, possibly additional fees on licenses and tag applications.

Over 90 percent of NDOW funding is derived from sportsmen, if not directly, then indirectly, through the Pittman-Robertson Federal Aid in Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act. These acts were passed to provide funding for the selection, restoration, rehabilitation and improvement of wildlife habitat, wildlife management research and the distribution of information. The Council needs to have clear direction and to be fair and workable for NDOW, Nevada sportsmen and the public. It has to be provided with adequate funding.

The Wildlife Heritage Account was created in 1998. It is administered by the Nevada Wildlife Commission. Annual funding is derived from the sale of auction tags, fees from the Silver State Tag drawing and fees from the Partnership in Wildlife (PIW) tag drawing. Annual revenue is \$800,000 to \$1 million annually. Currently, the Wildlife Commission can allocate 75 percent of the past year's revenue for projects. The current principal balance is \$8 million.

Changes to the Heritage Account creates funding for the Council from the Heritage Account of \$500,000 from the principal for 4 years and 20 percent of the previous year's annual revenue for 4 years, which is reduced to 17 percent in 2021. It reduces the Heritage Fund principal by \$2 million over 4 years

leaving a balance of \$6 million in principal. It increases annual Heritage projects funding from 75 percent to 80 percent. It mandates a minimum principal of \$3 million. If the principal drops below \$5 million, annual funding is reduced until the \$5 million in principal is restored. The reduction would leave the annual Heritage projects 75 percent and the Council 15 percent. It also gives the Department access for up to half of the Heritage account principal for catastrophic wild or habitat emergencies as approved by the Wildlife Commission.

The reason for wanting to use Heritage Funds is that it is a large sum of unutilized funds. It is just under \$8 million in principal making less than 0.4 percent in interest. It would not impose fee increases on sportsmen or sportswomen, but eventually fee increases will be necessary to continue the program. These funds come exclusively from sportsmen, specifically hunters.

The goal of this program is to preserve and perpetuate our hunting and fishing heritage. If it is not successful, we can sunset it after four years. We have discussed this with several members of the NDOW idea team that originally created the Heritage Fund concept, and they all agree that this would be a good use of the funds.

SENATOR RATTI:

Why have we not been spending the Heritage Funds on the original mission as it was intended? Why did the balance get so high?

MR. BERTOLDI:

It was set up to grow the principal, and the principal could not be touched. The funding is done through either the interest from the account, from the principal or from the annual funding.

SENATOR RATTI:

My question is, if you are going to use the principal, why would you not want to do more projects? Why would that not be the first priority?

MR. BERTOLDI:

I do not know that there is a lack of funding for projects, right now. Yes, it could be used for more projects. I believe allowing the NDOW director to access it for emergencies would definitely make that available.

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SENATOR RATTI:

Is it available for projects now?

MR. BERTOLDI:

No.

SENATOR MANDENDO:

Are there different boards and councils that work hand-in-hand with the Wildlife Commission?

MR. BERTOLDI:

The Wildlife Commission has several subcommittees, but I am not aware of any boards or councils; there is some work being done with the Department of Agriculture.

KYLE DAVIS (Nevada Conservation League; Coalition for Nevada's Wildlife):

There are a few subcommittees created by the Board of Wildlife Commissioners for various tasks. I would defer to someone from the Wildlife Commission or NDOW to be sure.

SENATOR MANDENDO:

I thought there were some boards, councils and committees that meet to work hand-in-hand and advise. I just wanted to put that on the record.

CHAIR CANCELA:

The bulk of the language focuses on wildlife. I am wondering are there opportunities to talk about outdoor recreation in general within the Council or is that part of the bill? It seems that there are so many different pieces and so much land and recreational activities to enjoy in Nevada that this could be expanded to promote broader activity in Nevada. How does this work with some of our other initiatives in the State, like TravelNevada or the Don't Fence Me In initiative? Is there going to be any interaction with this Council and those groups that are already in place?

MR. BERTOLDI:

I would think we would work with the other councils to get a unified message out. This Council is to promote hunting and fishing to maintain wildlife. I think that is its primary focus. We would like to see some funding for Nevada Tourism and Cultural Affairs, should the Division decide to participate.

MR. DAVIS:

The important thing to focus on in the bill is that it establishes broad guidelines. The purpose of the Council and of the legislation is to inform the public about wildlife management, how it is paid for and how it works. We do not know what the message is going to look like, and we want to let the Council and the experts that they hire to decide what message is going to work best.

CHAIR CANCELA:

The Council's composition requires a member of the Board have a media background and not be tied to any of the agencies doing the bidding for the actual design and publication of the campaign.

MR. BERTOLDI:

The media expert is just advisory on this Council.

CHAIR CANCELA:

I did not see that in the language.

SENATOR SCOTT HAMMOND (Senatorial District 18):

I sponsored S.B. No. 163 in the 78th Session. I am in support of this bill.

LARRY JOHNSON (President, Coalition for Nevada's Wildlife):

I support this bill. Sportsmen in partnership with NDOW have restored more bighorn sheep than in any state other than Alaska. We have more antelope and elk now than anytime in recorded history. Black bears are moving across the State again.

SENATOR RATTI:

Do you think there are adequate funds for wildlife management?

MR. JOHNSON:

At the moment, there is more than adequate funding for wildlife in the State due to the surge of gun and ammunition sales that has occurred in the past decade making Pittman-Robertson funds available. Pittman-Robertson is a triple matching fund. The State has to contribute a 25 percent match, and the 25 percent has to come from sportsmen. We always worry about adequate funding not only for management but also for habitat improvement. There is never enough money. There is money for the day-to-day management, but not for the long term.



GIL YANUCK (President, Friends of Nevada Wildlife):

The NDOW puts out a lot of information, but it is audience specific. It is designed for hunters, anglers and boaters. The education council's job is to work with professional marketing and community relations experts to develop information and marketing material designed to educate the public in general.

MEL BELDING:

Sportsmen have always been proactive in finding ways to fund programs to provide for a better habitat for all wildlife. Senate Bill 221 continues this culture and tradition.

JIM PURYEAR (Nevada Bighorns Unlimited):

I want to speak to the Heritage tags. The money from the Heritage tags would be properly spent to help educate Nevadans on wildlife. This is an educational program.

SENATOR RATTI:

You say this would be an appropriate use for the Heritage Funds. What was the intent for these funds?

MR. PURYEAR:

The Heritage Fund was set up for the good of wildlife. The founders would say, "What better way to use this money than to educate the people of Nevada?" An educated public is a smart public that votes wisely.

KAREN BOEGER:

I have provided written testimony ([Exhibit G](#)). Most Nevadans have little understanding of the management of wildlife. Responsible stewardship of our wildlife will have a higher chance of success with public understanding of and education in wildlife management.

JOSH VITTORI (President, Nevada Bighorns Unlimited):

This will be an evolving project and will be defined by the surveys and the professionals that know what the message should be in order to be effective. It is important that all Nevadans be aware of our wildlife resources. The opportunity to provide for enjoyment in all its forms, including nonconsumptive use. It is essential that we, as a State, are educated about our wildlife resources so that we can make intelligent, informed and responsible decisions. That is why this bill is so important.

GREG SMITH:

This bill is a way of diversifying our economy. The State is currently not represented in this area by any other Nevada groups. This is going to promote the outdoors and rural Nevada. This bill provides a voice for Nevada's wildlife.

MICHAEL REESE (President, Southern Nevada Coalition for Wildlife):

We support S.B. 221. We look at this as another way of educating the public on Nevada's wildlife.

JOHN SULLIVAN:

I support S.B. 221. Wildlife management in Nevada is a success story. Unfortunately, most people do not know about our wildlife. The public should know how their wildlife is managed, how it is funded, the science involved and the role of volunteers. This program will increase support, appreciation and participation in outdoor activities and wildlife management programs.

TINA NAPPE:

I have provided my written testimony ([Exhibit H](#)). My interest in and support for NDOW has not wavered since I left the State Board of Wildlife Commissioners in 1994, after serving as the Conservationist since 1979. A shortcoming of the Agency is that in an increasingly populated and diverse State, it lacks the resources to provide information about its programs to the larger public.

REX FLOWERS:

I served six years on the Washoe County Advisory Board to Manage Wildlife. I was surprised at how little knowledge people had at what happened within NDOW, where the funding came from and how it was used. This program will help initiate people to get out and enjoy our outdoors.

TOM SMITH (Coalition for Nevada's Wildlife):

Last year, sportsmen volunteered 16,500 hours to wildlife projects. I think this bill will encourage more people to volunteer, whether for fish rescue or sage grouse counting.

MARK TRANSUE:

I am in favor of S.B. 221.

ROBERT GAUDET (President, Nevada Wildlife Federation):

Education is the key. I support this bill.

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MIKE CASSIDAY:  
I support S.B. 221.

MR. DAVIS:  
This bill is about educating the general public. How our wildlife is managed and how it is paid for.

CARON TAYLOE:  
I am against S.B. 221. I have provided written testimony ([Exhibit I](#)).

CAROLYN STARK:  
The problem with S.B. 221 is it excludes the values, contributions and the financial impacts of the majority. This bill ignores the financial contributions of 2.8 million Nevadans. It will create another hierarchy for the sole purpose of promoting trapping and hunting. Out of the nine wildlife commissioners, there is just one seat that represents the public. Hunters currently occupy seven of the nine seats.

CONNIE HOWARD (Nevada Wildlife Alliance):  
I have provided written testimony ([Exhibit J](#)). The problem with this bill is the sole focus on the consumptive community. It is unclear where the money would be spent. It is presented as an education bill, but it is a program that is focused solely on promoting, through media and advertising, hunting, trapping and other consumptive uses of wildlife. With the help of experts from all taxonomic fields, the Wildlife Action Plan identified a total of 256 species of conservation priority. This is where Nevada needs to put its focus, not on squandering \$8 million for a public relations campaign to try to recruit more hunters, trappers and anglers. I oppose S.B. 221.

TRISH SWAIN (TrailSafe Nevada):  
The NDOW has two divisions that already provide public education. The Wildlife Diversity Division and the Conservation Education Division. The Wildlife Diversity Division provides vital research on Nevada's lesser-known species and their habitat. The Conservation Education Division provides information on our Nevada wildlife through classroom programs and publications.

JANA WRIGHT:  
I have provided written testimony ([Exhibit K](#)). I oppose S.B. 221. The Nevada Department of Conservation and Natural Resources has a conservation and

education program that has 19 positions. These include hunter and safety training, hunter and angler education, wildlife education, media, and public relations. The proposed makeup of this education council is to be filled by candidates recommended by Nevada sportsmen's groups and county advisory boards.

STEPHANIE MYERS:

The Heritage Fund makes money by selling and auctioning off tags to kill wildlife. The wildlife belongs to all Nevadans. The number of hunters are declining. This bill is to build up those falling numbers. I urge you not to pass this bill.

KAREN LAYNE:

If you want to attract younger audiences, you have to take a look at all of the information you have that is based on geographic information systems and utilize them.

FRED VOLTZ:

Hunters continuously claim they should control all aspects of wildlife management in this State. The obvious bias appears in section 5, subsection 7, paragraph (b). With all the unprotected and unfunded species among the 800 wildlife species for which the Wildlife Commission and Department of Wildlife have responsibility, taking up to \$3 million from the \$8 million Wildlife Heritage Account to advance a hunting marketing blitz is imprudent. Hunters should pursue this effort with private funding from their trade organizations.

MR. WASLEY:

The NDOW is neutral on this bill. I have provided written testimony ([Exhibit L](#)). There is clearly a need to recognize both the funding for conservation as well as sustainable food value from wild harvest. A majority of the budget that NDOW and other State wildlife agencies rely upon to implement conservation is based on the revenues received from hunting and fishing. What this bill would do is help to address what is largely regarded as a national crisis of relevancy for conservation and the work wildlife agencies do. The demographics of Nevada is that we are the third unurbanized State in the Nation. We have significant challenges to the continued social acceptability and approval of many of the ways we provide funding for conservation. The provisions of this bill would create a temporary funding mechanism to address the crisis of conservation by

educating the public and heightening awareness regarding conservation and the related actions of NDOW, volunteers and nongovernmental organizations.

The Department has submitted a fiscal note on this bill. The way the bill is currently written, it would reallocate approximately \$650,000 to \$700,000 annually for expenditures for this campaign. It would be incumbent upon NDOW to staff the Nevada Wildlife Public Education Council, adhere to the Nevada open meeting laws, develop support materials, and produce minutes and supporting documentation. The bill allows up to 10 percent of the appropriation to be spent on administrating the Council. Our estimate of the cost for administrating the program, as submitted, would slightly exceed that 10 percent. It would be somewhere closer to 14 percent annually.

SENATOR RATTI:

You said it would reallocate \$650,000 to \$700,000. That implies that it is allocated somewhere else now. Where is it allocated?

MR. WASLEY:

It is not encumbered. It is allocated to the Heritage Fund and limited expenditure categories. It would reallocate in terms of statutory abilities. It is allocated to the Heritage Account with limitation on expending that principal.

SENATOR RATTI:

Currently, you are allowed to spend and encumber the interest from this account. What are allowable uses for the interest?

MR. WASLEY:

The allowable uses are described in section 9, subsection 1, paragraphs (a) and (b) which states, "The protection, propagation, restoration, transplantation, introduction and management of any game fish, game mammal, game bird or fur-bearing mammal in this State; (b) The management and control of predatory wildlife in this State."

When big game tags are auctioned off, 75 percent of the current year's auction revenue combined with any interest earned can be used for the projects meeting the requirement. The remaining 25 percent is added to the principal.

SENATOR RATTI:

What has the 25 percent been used for?

MR. WASLEY:

The Heritage Fund is administered by the Nevada Board of Wildlife. This is the one program that the Commissioners have authority to determine appropriate expenditures. There is an annual process through which project proposals are submitted to the Commission for their review. Projects are submitted from both the Department of Wildlife internally as well as from external sources. Those projects undergo a review process; there is a subcommittee to the Commission that reviews the Heritage proposals. They rank them and make recommendations to the Board of Commissioners. Those projects can include inspection for wildlife watering devices, habitat rehabilitation programs including the removal of pinion-juniper woodland to increase the suitability of habitat for sage grouse.

SENATOR RATTI:

Is this a competitive process?

MR. WASLEY:

It is competitive in the sense that there are limited funds. We work with project proponents and look for other funding sources. One of the unique values of the Heritage expenditures is that it allows us to use State dollars and nonfederal dollars. It can be used in a way to garner three-to-one federal-to-State dollars. For every dollar that is spent for agency-related projects, we get three federal dollars through the Pittman-Robertson Act.

SENATOR RATTI:

Are we utilizing all the Pittman-Robertson money that is available?

MR. WASLEY:

Yes.

JEREMY DREW (Nevada Board of Wildlife):

In answer to Senator Manendo's previous question, there are 17 county wildlife advisory boards that provide input to the Wildlife Commissioners.

The Commission is neutral on S.B. 221. The whole Commission has not had the opportunity to review the bill. Our Legislative Committee reviewed S.B. 221 and recommended that the Commission support the bill.

There is a need to raise awareness for wildlife in our State, the third most unurbanized State in the Country. Increased awareness will result in an increased appreciation of our wildlife. This bill will provide money to recruit more wildlife advocates.

In answer to Senator Ratti's question whether there is enough money for wildlife. The answer is no, the \$8 million in the Heritage Trust Account is not enough to deal with the challenges we have. This program helps us broaden the bases of support to provide future funding.

SENATOR MANENDO:

What do the 17 commissions and boards do?

MR. DREW:

The 17 wildlife advisory boards are from the 17 counties. They provide input to the Commission on various topics dealing with wildlife, such as setting seasons, quotas and public land issues.

SENATOR MANENDO:

Do they provide any type of education to the community?

MR. DREW:

Yes. Part of their duty is to solicit input from their local communities.

SENATOR MANENDO:

Would this be an eighteenth council?

MR. DREW:

I believe the focus of this Council is quite a bit different from that of the Commission and the county advisory boards.

SENATOR MANENDO:

This bill does not change the current Commission and committees. They can still advocate and educate. There will be some overlap. Do you think this money should go into the schools to educate the kids? Should we set up an account through which money goes directly to the school districts to use to educate children on wildlife.

MR. DREW:

I believe there are many different avenues for informing the children. You would get more for your money if you focused on a media campaign through Web applications, short Web videos and YouTube.

SENATOR MANENDO:

Anyone can create an application and put it out there to educate our kids and the general public. I am always advocating for our wetlands. I would like to see the monies go towards field trips for our kids. They need to see the wildlife firsthand. Do any of your State-funded budgets go to implement the program?

MR. DREW:

I will defer that question to Director Wasley. Could these efforts be done as it stands now by individuals and groups?

MR. WASLEY:

I will address the question regarding education. Model States like Missouri, have an educational requirement through the Missouri Department of Conservation. They have a six-week course as part of their core curriculum from the third grade through high school. In Wyoming, they changed their fifth grade curriculum on eco-system studies from the tropical rain forests to sagebrush eco-systems. The challenge we have is with the funding that is derived for NDOW. The monies are required to be spent on programs from NDOW and the U.S. Fish and Wildlife Service. Otherwise, we risk what is known as diversion, and the diversion of funds would jeopardize over \$10 million of federal funds. That is a significant portion of our operating budget. The education would need to be run through the Department of Fish and Wildlife in order to avoid risking diversion and jeopardizing all of the federal funds. Relative to our budget as it relates to expenditures, there is a fiscal note on this bill where we determined it would cost the State approximately a 14 percent administrative cost to staff the Council in the way described in this bill. There is language in the Heritage Trust that limits overhead charges. I do not believe it is allowable under the Heritage Program.

SENATOR MANENDO:

Are there any General Fund dollars that could be used for this program?



MR. WASLEY:

The in-kind contribution of volunteers for the Department of Wildlife exceeds the Department's General Fund contribution. The General Fund dollars that we receive are specific to our State Wildlife Grant matching programs and our urban wildlife program.

SENATOR SETTELMAYER:

Who selects the individuals for the county advisory boards?

MR. DREW:

Those county advisory boards are appointed by each county commission.

SENATOR SETTELMAYER:

If there are any inequities in that respect, we need to talk to the county commissioners.

SENATOR RATTI:

Ten percent is allowed from the Heritage Fund for administrative costs. You have estimated it to be 14 percent. There is a difference of four percent that needs to be funded by the NDOW budget. Correct?

MR. WASLEY:

As introduced, this bill allows up to 10 percent of the funding to be used to pay for the administrative costs of NDOW. When we were asked what we thought it would cost to staff the Council, we thought 10 percent seemed appropriate. We recalculated what it would take, and we submitted a fiscal note with what we believe to be a more accurate reflection of the cost to staff the Council. It was calculated at 14 percent.

SENATOR RATTI:

Is that 4 percent being spent on something else?

MR. WASLEY:

Yes.

MR. BERTOLDI:

I have heard several comments that this bill is a hunting recruitment program. It is not. It is an education program. This is not a companion bill to S.J.R. 11 of the 78th Session.

SENATOR RATTI:

What is the goal, and what is the outcome you are trying to achieve?

MR. BERTOLDI:

This is not a pro-hunting or hunting recruitment bill. This is an educational bill.

SENATOR RATTI:

You said we can win public support for hunting and fishing followed by the statement this is not a pro-hunting and fishing bill.

MR. BERTOLDI:

This is not a hunting or fishing recruitment bill.

SENATOR RATTI:

The goal is not to recruit more hunters and fishers?

MR. BERTOLDI:

It is not, but it probably would. Our program every year gets approximately 60 kids that do not have any experience in the outdoors. The program is totally funded by sportsmen and our sponsor dollars, which are mainly Cabela's and other sporting goods stores.

SENATOR RATTI:

That is not the point of this bill.

MR. BERTOLDI:

This bill is to educate the public. If the youth were part of that, it would probably be through social media.

SENATOR RATTI:

I still lack clarity. The purpose of this bill is to educate the public on what?

MR. BERTOLDI:

It provides education on why wildlife exists and who funds NDOW.

MR. DAVIS:

The purpose of the bill is to educate about how wildlife is managed and how it is funded. It is spelled out on page 4, lines 9 through 17. There is no doubt we are talking about hunting and fishing and the value of having hunting and fishing

regulated with licensed sales. Having funding going back to conservation is a key component of why we are able to have conservation programs and why we are able to improve habitat.

MR. VOLTZ:

When I look at the NDOW budget, I see that the General Fund is contributing only 2 percent to wildlife efforts in the State. We need more discussion whether the General Fund should be doing more along these lines, particularly when we can fund \$700 million on a football stadium in Las Vegas in a Special Session.

The county commissions can only appoint one person who is not a tag buyer or a license buyer. Whether it is a five-person body as it is in Douglas County or seven-person commission as it is in Clark County, it is a pay for play game. The other problem is when people who do not support the majority of the pro-hunters do not attend the local meetings to give their opinions. Those opinions are rarely conveyed to the Wildlife Commission.

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CHAIR CANELA:

Having no further business on the agenda. I adjourn this Committee at 5:22 p.m.

RESPECTFULLY SUBMITTED:

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Maria Vega,  
Committee Secretary

APPROVED BY:

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Senator Yvanna D. Cancela, Chair

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

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	17		Attendance Roster
S.B. 51	C	10	Alysa Keller	Work Session Document
S.B. 74	D	12	Alysa Keller	Work Session Document
S.B. 47	E	16	Alysa Keller	Work Session Document
S.B. 221	F	13	Senator Moises Denis	Slide Presentation
S.B. 221	G	1	Karen Boeger	Written Testimony
S.B. 221	H	1	Tina Nappe	Written Testimony
S.B. 221	I	1	Caron Tayloe	Written Testimony
S.B. 221	J	2	Connie Howard / Nevada Wildlife Alliance	Written Testimony
S.B. 221	K	1	Jana Wright	Written Testimony
S.B. 221	L	1	Tony Wasley / Nevada Department of Wildlife	Written Testimony