

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

**Seventy-ninth Session
April 11, 2017**

The Senate Committee on Natural Resources was called to order by Chair Yvanna D. Cancela at 1:35 p.m. on Tuesday, April 11, 2017, in Room 2144 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 and to Room 125 of the McMullen Hall, Great Basin College, 1500 College Parkway, Elko, 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:

John C. Ellison, Assembly District No. 33

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Henry Krenka, President, Nevada Outfitters and Guides Association
Walt Gardner, Nevada Outfitters and Guides Association
Mitch Buzzetti
Jim Puryear, Nevada Outfitters and Guides Association
Joel Blakeslee, Southern Nevada Coalition for Wildlife
Rachel Buzzetti, Nevada Outfitters and Guides Association
Linda Linton

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Tyler Turnipseed, Chief Game Warden, Department of Wildlife
Jeremy Drew, Commissioner, Board of Wildlife Commissioners
Kyle Davis, Coalition for Nevada's Wildlife, Inc.; Nevada Conservation League
Tony Wasley, Director, Department of Wildlife
Jason King, P.E., State Engineer and Administrator, Division of Water
Resources, State Department of Conservation and Natural Resources
Joe Guild, Newmont Mining Corporation
David McNinch
William Molini, Coalition for Nevada's Wildlife, Inc.
Caron Tayloe
Dan Carrick, Lahontan Audubon Society
Patrick Donnelly, Center for Biological Diversity
Laura Richards
Tina Nappe
Trish Swain, Nevada Wildlife Alliance
Jennifer Newmark, Administrator of Wildlife Diversity, Department of Wildlife

CHAIR CANCELA:

I will open the hearing on Senate Bill (S.B.) 263.

SENATE BILL 263: Creates the Board to License Master Guides and Subguides within the Department of Wildlife. (BDR 45-208)

SENATOR PETE GOICOECHEA (Senatorial District No. 19):

The intent of Senate Bill 263 is to create a board to license master guides and subguides. The guides and subguides are now licensed with the Department of Wildlife (NDOW). Often, issues of problem outfitters are not responded to in a timely manner.

I will briefly go through the Proposed Amendment 3247 ([Exhibit C](#)). Section 5, subsection 3 regarding the allowance for board members is to the extent money is available from the fees paid by outfitters and guides. It is intended the license fees will support the new Board to License Master Guides and Subguides. There are approximately 100 guides in Nevada. The master guides pay \$750 a year for license fees and there are subguide fees. The Board will oversee the licensing and make recommendations to NDOW of punitive actions if a guide is not following the rules.

Section 5, subsection 4 changes "shall" to "may," providing the Board such staff as necessary to carry out the duties of the Board. There is a fiscal note on the bill, and this change will soften the fiscal note considerably.

The Board will be made up of five members, one who is a member of the Wildlife Commission, one who is from a list of game wardens submitted by the Director, two who are outfitters and one who has held a resident license to hunt or fish in two of the three years preceding the appointment.

This bill is changing oversight of the outfitters and guides from NDOW to a five-member Board that will approve licensing and make recommendations to NDOW.

JOHN C. ELLISON (Assembly District No. 33):

I support S.B. 263. This bill creates a Board to License Master Guides and Subguides within NDOW. The Nevada hunting industry will benefit greatly from the oversight of the licensing. The creation of the Board will ensure that NDOW operates more efficiently. The Board will oversee the licensing and regulations and mitigate any conflicts and clarify regulations. Personnel from NDOW will be able to purposely handle the licensing process. I do not foresee any amendments from the Assembly.

HENRY KRENKA (President, Nevada Outfitters and Guides Association):

I will read from my written testimony ([Exhibit D](#)).

CHAIR CANCELA:

Will the Board still exist under NDOW?

MR. KRENKA:

Yes, it will.

WALT GARDNER (Nevada Outfitters and Guides Association):

I will read from my testimony ([Exhibit E](#)). The debate about the governance of the guide industry goes as far back as 2001 and 2003. I have submitted a copy of the Minutes of the Meeting of the Assembly Committee on Natural Resources, Agriculture, and Mining Subcommittee from April 1, 2003 ([Exhibit F](#)).

The guide industry has no say in the regulations. The industry has no representation on the Board of Wildlife Commissioners and the Commission does not understand the issues of the guide industry. In [Exhibit F](#), Chairman Conklin states "Another thing, which I think somebody pointed out, the outfitters, who are nonwildlife consumptive, have zero representation here." With the makeup of the new Board as proposed by S.B. 263, the outfitters will have representation. The swing vote in any dispute will be the general public, which is fair.

MITCH BUZZETTI:

I support S.B. 263. I will read from my written testimony ([Exhibit G](#)).

JIM PURYEAR (Nevada Outfitters and Guides Association):

I have had a Nevada guide service since 1985. I was vice president of the Nevada Outfitters and Guides Association in the 1990s. The Association started to consider raising the fees and getting representation against illegal guiding and other related issues. I will give you an example of what happened to me last year. The State requires all master guides to carry workmen's compensation insurance on their employees and subguides. I asked one of the chief officers at NDOW if the Department would require every master guide who has a subguide working for him or her to carry a copy of the outfitter's workers' compensation insurance. I already provide a copy of my \$300,000 insurance to NDOW for liability. It is a simple thing to allow this. I was told no. There is not much support from NDOW for logical requests, and these issues will be resolved with this bill.

JOEL BLAKESLEE (Southern Nevada Coalition for Wildlife):

The Southern Nevada Coalition for Wildlife supports S.B. 263.

RACHEL BUZZETTI (Nevada Outfitters and Guides Association):

I am the secretary for the Nevada Outfitters and Guides Association. My husband and I own and operate an outfitting business in northeastern Nevada. I support S.B. 263. I have seen other commissions and boards that have taxed their industries to promote their existence. They have been very successful in doing so. I have watched them show positive results for their industries because they are closely related to the issues when making the decisions. I feel S.B. 263 will help accomplish this for the outfitting industry. The monies will be kept separate and by using the money to evaluate and regulate the industry,

it will grow and prosper. The bill also allows for reimbursement of necessary staff for their time.

Oregon, Idaho, Montana, Colorado, Wyoming and Alaska have outfitter boards that help regulate and strengthen the guide industry within those states. Most of the outfitters in those states pay less in licensing fees than Nevada. The makeup of the Board is similar to other boards in that all licensing is done by the people within the industry who are closely related to the services.

We have an agency that administers the guide industry that does not know how or understand all the details. The agency and Commission are time-starved and committed elsewhere. There are many outfitters who call NDOW about various issues and often do not get a response. This service can be handed off to the new Board for timely handling.

For years, our Association has asked law enforcement not to issue licenses to outfitters who do not have a forest permit to hunt certain species. These outfitters continue to be licensed by NDOW. It lacks the ability to manage the industry effectively. As the secretary of this Association, I receive calls from the public with complaints about different outfitter services. Neither the Association nor NDOW can assist the public with their complaints. This proposed Board would create a venue for the public to address issues as well as give the outfitters a chance to state their issues.

This bill is self-sustaining and has the potential to improve the outfitting and guide industry.

LINDA LINTON:

In 2005, I was hunting for elk by myself and came across a guide who I knew was not licensed for the area. He had a lot of violations related to guiding. As a result, there were hunters who should not have been in the area with an unlicensed guide. I made several phone calls to NDOW and never received a response. I also sent two letters to NDOW and again did not get a response. I support S.B. 263.

TYLER TURNIPSEED (Chief Game Warden, Department of Wildlife):

The Department of Wildlife is neutral on S.B. 263. The Department has no issue with establishing and staffing a new Board. I will address the fiscal note. The language in the original bill stated the Department "shall provide staff." The

proposed amendment, [Exhibit C](#), has been changed to “may provide staff.” This will soften our fiscal note. The other portion of the fiscal note is what we do with the licensing monies. Last year, we received approximately \$158,000 from master guide and subguide licensing fees. It is about \$152,000 on a four-year average. The money staffs one and one-half full-time positions. One of the positions traditionally funded has been vacant for two years, which in part has been my fault for not filling the position in a timely manner. We are attempting to restructure our organization, and we have been unable to get the paperwork approved. Rather than funding one specific investigator as the Guides Association expected, we spread the funds over several wardens who spend time doing guide cases and an administrative assistant who processes the applications. A staff game warden does all of the background investigations for new applicants. Since the position was vacant, \$86,000 of the \$158,000 was utilized.

There is no procedure when a hunting client complains about a guide. When we receive calls about a complaint, we have to tell the individual that it is a civil matter, there is a contract involved, and that has to be addressed in civil court. We file a copy of the complaint letter in the guide’s file. There is no due process in contesting the complaint.

I sent out an email asking the wardens how many guide-related cases they have had in the last three years. They had 41 different guide investigations in the past 3 years, which included record-keeping violations, federal land-use permits, U.S. Forest Service permits and Bureau of Land Management permit cases. Some of those resulted in criminal charges, many have not. Not a lot of those cases have been outright guiding without a license. Of the 41 cases we have investigated, there are many various violations; some are routine hunting violations where a guide was present.

The guidelines governing who we approve or deny in the licensing process are fairly loose. The proposed Board will provide assistance in that arena.

During one of the Association meetings, I was questioned about workers’ compensation laws. I told them we do not enforce the workers’ compensation laws and regulations. These are not part of our wildlife statutes and regulations.

CHAIR CANCELA:

Is this the first time that you are hearing about these issues? If there was no board, is there a forum where people could come together and have those discussions?

MR. TURNIPSEED:

The Nevada Outfitters and Guides Association represents a portion of the licensed master guides. Last year, we licensed 339 subguides and 106 master guides. I do not know how many are members of the Association. I think it is approximately 30 percent or 40 percent. The Association meets several times a year, and we try to have someone from NDOW at those meetings. My position and staff warden positions have had lots of turnover, and we try to attend their meetings, so it is not the first time we have heard their concerns.

JEREMY DREW (Commissioner, Board of Wildlife Commissioners):

The Board of Wildlife Commissioners is neutral on S.B. 263. The Board has not yet reviewed the bill. The testimony today has given me the opportunity to better understand some of the issues. As far as the Commission being time-starved, there are a lot of issues before us that we address but welcome input from all the various avenues to address regulation changes or appeals. If there is an appeal relating to licensing or guide issues, we make time to address them. I can only think of one instance in six years that involved a guide. If the Guides Association thinks we need to do a better job, we are willing to listen. There were some recent regulation changes that the Association and NDOW worked together collectively on before presentation to the Commission.

Is the Wildlife Commission going to get involved in vetting applicants or directing law enforcement as to how guides operate? No, that is getting into the enforcement end of the issues, and that is what NDOW does.

SENATOR GOICOECHEA:

I brought this bill forward for the Nevada Guides and Outfitters Association. Even though it may only represent 30 percent or 40 percent of the guides, the issues the Association experiences are representative of issues across the State.

CHAIR CANCELA:

I will close the hearing on S.B. 263 and open the work session on S.B. 221.

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

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ALYSA KELLER (Policy Analyst):

I will read the summary of the bill and the amendment from the work session document ([Exhibit H](#)).

CHAIR CANCELA:

I want to thank the Coalition for Nevada's Wildlife, Inc. and everyone who worked so hard to come up with the proposed amendment. I will entertain a motion.

SENATOR RATTI MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 221.

SENATOR GOICOECHEA:

I am concerned about the makeup of the Committee of the Wildlife Commission.

KYLE DAVIS (Coalition for Nevada's Wildlife, Inc.):

The original bill would have set up a separate Nevada Wildlife Public Education Council. After discussion with members of your Committee, the proposed amendment changes the Council to a Subcommittee of the Board of Wildlife Commissioners. The members would be appointed by the Chair of the Commission, which is standard for these subcommittees. The makeup of the subcommittee is specified and follows the provisions of the bill. We changed the position "representative of the Department" to "wildlife watcher" with its definition in the amendment.

SENATOR MANENDO:

Who are the three residents of the State who are selected from the list of candidates compiled pursuant to subsection 10 of this bill?

MR. DAVIS:

It is mislabeled in the proposed amendment. Section 8, subsection 10 of the original bill addresses the criteria for those three positions. The positions are filled from recommendations made from Nevada organizations for sportsmen and sportswomen in the counties advisory boards to manage wildlife.

SENATOR SETTELMAYER:

Does this change the Wildlife Commission? This is just a committee that is appointed by them. Is it a subcommittee thereof?

MR. DAVIS:

That is correct. It does not change the makeup of the Wildlife Commission.

SENATOR RATTI:

This change was made at my request. I did not feel the proposed 14 percent of administration dollars which were to be subtracted from the Heritage Account for a separate board made sense. They came back with the solution of having it be a subcommittee of the Wildlife Commission. This would be a more efficient and effective way to do that without having to pay the 14 percent administrative costs and all the work that goes along with a separate body.

SENATOR GOICOECHEA:

With this proposed amendment, will you not use more than the \$2 million of the principal.

MR. DAVIS:

That is correct. It will be \$2 million over the 4 years.

SENATOR GOICOECHEA:

It is no more than 20 percent. Is that interest rather than principal? How are you addressing the interest in the account? I am looking at the amendment.

MR. DAVIS:

The 20 percent annual allocation is removed. The 20 percent that would remain is the administration costs for the Department of Wildlife. I cannot speak to whether the Department has had a chance to estimate how its administration costs may change with this amendment. We wanted to give the Department enough cushion to effectively administer the program.

SENATOR SETTELMAYER:

Madam Chair, would it be possible for NDOW to come forward to say it agrees with the proposed amendment?

TONY WASLEY (Director, Department of Wildlife):

The Department supports the proposed amendment. There has been a change in the percentage the Department will use. However, the total amount is similar. It is just a larger percent due to a smaller total allocation. One possible recommendation in the proposed amendment would be to use "transfer" rather than "spend." That would allow us to put the money into an executive account

and actually use that for personnel in a way that could provide a benefit in implementing the ideas and concepts.

SENATOR SETTELMAYER:

Would you consider this a friendly-friendly to a friendly amendment?

MR. DAVIS:

Yes, it makes sense to me.

SENATOR GOICOECHEA:

I have sportsmen who would rather see this money dedicated to on-the-ground projects. What exactly is this Council going to do with the money?

MR. DAVIS:

The proposed amendment has changed what was in the original bill. The amendment changes section 5, subsection 1, paragraph (a), subparagraph (1) with the language on the first page of the amendment "the essential role and contribution of the North American Model of Wildlife Conservation in restoring, protecting, and enhancing all wildlife resources of the state." Subparagraphs (2) through (7) of this section will remain the same as in the original bill. Section 5, subsection 1, paragraph (b) will be deleted from the bill.

The Council will be creating an education program that will focus on section 5, subsection 1, paragraph (a), subparagraphs (1) through (7) in the proposed amendment.

We agree that we need more flexibility and the ability to use some of the funds for on-the-ground projects. This is the reason we want to keep section 9, subsection 6 from the original bill. Currently, funding would not be available for on-the-ground projects. This bill would allow us to do that.

SENATOR GOICOECHEA:

Mr. Wasley, would you need to go to the Commission for approval if you had a catastrophic threat?

MR. WASLEY:

The challenge is the source of the funding because the Wildlife Heritage Account funds are statutorily protected. In order to gain access to the funds, we need the authority from statute to provide access to those funds.

SENATOR GOICOECHEA:

Which Commission would you go to for approval to access those funds?

MR. WASLEY:

There is no process by which to ask for permission to use Wildlife Heritage Account funds. They are statutorily protected. The only funds the Department has access to in this account are 75 percent of the current year's proceeds. What this bill suggests is that the Department could have access to 80 percent of the current year's proceeds, which is approximately \$1 million a year. This bill will allow the Department to have access through the Board of Wildlife Commissioners. This is an account the Commission maintains authority on how this money is spent. All project proposals come before the Commission, and the Commission has the approval process. Project proposals can only be submitted to the Commission once a year. The Commission has a subcommittee that evaluates those projects and provides permission or denial. This would allow the subcommittee of the Commission to use some of the principal, which could then be used for some of the projects Mr. Davis referred to.

SENATOR GOICOECHEA:

What is the total amount of the principal in the account today?

MR. WASLEY:

It is approximately \$8 million.

SENATOR GOICOECHEA:

We are talking about drawing it down to 50 percent, but now it is 25 percent of the principal with this bill. Do we have a cap of \$2 million with the proposed amendment?

MR. DAVIS:

Yes, the education portion of it would comprise \$2 million. It would also give NDOW a little more authority, especially in the case of an emergency.

SENATOR GOICOECHEA:

Will you take the \$2 million onetime and then allow the principal to continue to grow and then in a couple of years the Committee of the Wildlife Commission goes away?

MR. DAVIS:

It allows four years for this program to prove if it is going to work and be effective. At the end of the four years, if the program is to continue, another source of funding will need to be found.

SENATOR GOICOECHEA:

I need clarification. Is it \$2 million for the next 4 years?

MR. DAVIS:

Yes, it will be \$2 million over the next four years.

SENATOR RATTI:

This is not what I understood. I wanted more of the funding to go to on-the-ground projects. I thought that the bill opened up the \$4 million and gave the Wildlife Commission more access to the funds, not only for this education fund but also for more on-the-ground projects, not just for emergencies. Is that correct?

MR. DAVIS:

The \$2 million that is contemplated would just be for the Education Council. Section 9, subsection 6 would then allow for use of the money in an emergency situation. The proposed amendment changes the percentages in section 9, subsection 5 from 75 percent to 80 percent. It does allow an extra 5 percent of funding on a year-to-year basis for projects.

CHAIR CANCELA:

What if we changed the language so that it was not just for emergencies? Would it be permissive for NDOW to follow the channels within the Commission that are in place today to request funds for conservation projects? Is this the direction you thought the bill was going in, Senator Ratti?

SENATOR RATTI:

I will speak frankly. I would like to see the Committee pull the bill for today and put it on work session for April 13 for more conversation.

SENATOR RATTI WITHDREW THE MOTION ON S.B. 221.

SENATOR CANCELA:

We will close the work session on S.B. 221 and open the work session on S.B. 371.

SENATE BILL 371: Revises provisions governing the care of an animal which has been impounded or treated cruelly. (BDR 50-153)

MS. KELLER:

I will read the summary of the bill and the amendment from the work session document ([Exhibit I](#)).

SENATOR MANENDO:

The concern I had was making sure the animal that was seized would be going to a relative of the owner. Would there be any screening of that individual to make sure that the animal remains safe?

SENATOR GOICOECHEA:

At this point, the animal is being held by the county animal services in that jurisdiction. It would determine if the animal had been abused or neglected.

SENATOR MANENDO:

Does the county animal service screen the person taking the animal?

SENATOR GOICOECHEA:

County animal services will have the animal for seven days, then it could go through the process of checking the person. The shelter makes the call on who they place the animal with, and I trust it will ensure the placement is safe for the animal. It is typical for a shelter to inspect a placement location. I want to point out one thing in section 2, subsection 1, paragraph (a) of the bill with regard to the lien. It can only be imposed if the person is found guilty. This is implied in this paragraph.

SENATOR SETTELMAYER:

The original bill stated 15 days for the detention period, after which a county would have options regarding the impounded animal. This made it necessary to delete the clause, "the lien does not extend to the cost of care and shelter for more than 2 weeks." My question to the sponsor is do you want to bring the language back? This would ensure that no one ever gets a bill for holding an animal more than 2 weeks.

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SENATOR GOICOECHEA:

The change in days was requested by Washoe County Animal Services. Fifteen days is three weeks to Animal Services because of five days in a work week.

SENATOR SETTELMAYER:

Do you still want to delete the line that says, "the lien does not extend ... more than 2 weeks?"

SENATOR GOICOECHEA:

That language has more to do with *Nevada Revised Statutes* 574 about animal cruelty. The amendment to S.B. 371 is about sheriff's offices arresting a person and not the animal, what they do with that animal and how they recover their costs.

CHAIR CANCELA:

I will entertain a motion, including Senator Manendo's conceptual amendment that would ensure the animal gets placed in safe hands and Senator Goicoechea's language about an individual being found guilty.

SENATOR SETTELMAYER MOVED TO AMEND AND DO PASS AS AMENDED S.B. 371, INCLUDING SENATOR MANENDO'S CONCEPTUAL AMENDMENT AND SENATOR GOICOECHEA'S ADDED LANGUAGE.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CANCELA:

We will now open the hearing on S.B. 513.

SENATE BILL 513: Increases the limit on the assessment for water distribution expenses. (BDR 48-905)

JASON KING, P.E. (State Engineer and Administrator, Division of Water Resources, State Department of Conservation and Natural Resources):
I will read from my written testimony ([Exhibit J](#)) in support of S.B. 513.

SENATOR GOICOECHEA:

When was the per acre-foot surface water assessment raised to 30 cents?

MR. KING:

In 2003, we raised the surface water assessment from 25 cents per acre-foot to 30 cents per acre-foot.

SENATOR GOICOECHEA:

Will you promise me that you will not raise the fee over a nickel per year?

MR. KING:

I am on record as saying it will not be raised anytime soon to the \$1 per acre-foot. We have been in discussions with many of the Humboldt River decreed users and have discussed raising it to 50 cents. I cannot say when we would even raise the fee above 50 cents.

SENATOR GOICOECHEA:

We are after the State Engineer's Office to adjudicate these basins and get the investment claims completed. I know it will take money to get this done.

JOE GUILD (Newmont Mining Corporation):

The Newmont Mining Corporation supports S.B. 513. You will recall my testimony a few weeks ago on S.B. 51 was in opposition to taking the cap off this assessment. Newmont Mining has had numerous discussions with the State Engineer since then, with the understanding and the assurance that the State Engineer just gave the Committee. This assessment will not be a onetime increase to \$1. We understand the need for S.B. 513. As the largest surface water rights owner in the Basin, we support the State Engineer's efforts.

SENATE BILL 51 (1st Reprint): Makes various changes relating to the adjudication of vested water rights. (BDR 48-180)

MR. KING:

This assessment is very important to our work on the Humboldt River Basin. We have been operating in the red for the last four biennia. This ability to raise the assessment fees in small increments will allow us to operate in the black.

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CHAIR CANCELA:

I have a letter of support of S.B. 513 from Mike Baughman with the Humboldt River Basin Water Authority ([Exhibit K](#)).

SENATOR GOICOECHEA:

I know some of those people in the Humboldt River Basin. The assessment would be incrementally raised not more than 20 cents per acre-foot in the first round, is that correct?

MR. KING:

Yes, as I mentioned in my testimony, groundwater users are being assessed 50 cents per acre-foot. Given all the work we are doing in the drainage, it is fair to raise the fee to 50 cents on the decreed users. I cannot think of a time frame when I would say we are going to jump it to 55 cents per acre-foot.

CHAIR CANCELA:

I will entertain a motion on S.B. 513.

SENATOR RATTI MOVED TO DO PASS S.B. 513.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CANCELA:

We will open the hearing on Senate Joint Resolution (S.J.R.) 13.

SENATE JOINT RESOLUTION 13: Expresses the support of the Nevada Legislature for certain recommendations relating to the conservation of wildlife in this State. (BDR R-1000)

SENATOR JULIA RATTI (Senatorial District No. 13):

The Board of Wildlife Commissioners and NDOW created the Wildlife Action Plan. The Plan is focused on conservation. Through the process of the plan, they identified 226 species that should be the focus of conservation efforts. Recognizing the way the funding is set up, through the Pittman-Robertson Act, and the way that funding mechanism is targeted, another funding source is

needed. This will allow expansion for providing a mechanism for other species. This will build on some work done by the Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources to make some recommendations to the federal government on how to expand that funding source. This bill will get Nevada to a place where it can include a broad range of species that require conservation attention and efforts. The bill recommends an expansion of the funding source.

MR. DREW:

I will go through some of the provisions of the Resolution and provide some key background and highlights.

Our Board of Wildlife Commissioners was the first in the Country to pass a resolution of support for the recommendations of the Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources. The Panel's findings are reflected via the handout ([Exhibit L](#)).

Senate Joint Resolution 13 is similar to the one passed by the Commission. I will discuss Whereas Statement 1. Director Tony Wasley of NDOW has talked repeatedly throughout the Session about agency statutory responsibility to manage all 890 species found in Nevada, yet only a small percentage of those species generate revenue for the Department to fulfill its mission.

Whereas Statement 2 speaks to the Pittman-Roberston Act and the Dingell-Johnson Act. The two acts combined provide in excess of \$1 billion annually primarily for game and sports fishery management nationwide. On a 3-to-1 federal-to-state match basis, part of that is based on the actual certification of hunters and anglers through license fee sales. Pittman-Roberson was established in 1937 and part of Nevada's wildlife conservation heritage. Senator Key Pittman, for whom the bill was named, was from Nevada.

Whereas Statement 3 talks about similar dedicated and sustainable methods of funding not being available for many of the species which are not hunted or fished. There is a State and Tribal Wildlife Grants Program that occurs nationwide, and the annual appropriation varies each year. On average since it was enacted in 2011, Nevada has received approximately \$800,000 per year, which provides critical support for some species but is not nearly enough to effectively manage all species. There is no dedicated State funding for those

species. The projected fiscal year 2018 NDOW budget consists of only about 2 percent from the State General Fund.

Whereas Statements 4 and 5 speak to the Wildlife Action Plan created by the Department of Wildlife. There are 256 wildlife species that have been identified as having the greatest need for conservation priority within 22 habitat types. The Wildlife Action Plan serves as a strategic blueprint for achieving comprehensive wildlife conservation on a statewide basis with a goal of keeping common species common and is managed by Nevada rather than being listed under the Endangered Species Act. Those species of greatest conservation need include both game and nongame animals. Game animals include mule deer and Lahontan cutthroat trout. The primary needs are for nongame species ranging from gastropods to fish, amphibians, reptiles, birds and mammals. The Plan contains specific goals, objectives and actions for each of the 22 habitat types and the associated species. The Plan encompasses everything from species surveys to specific habitat and enhancement projects. The new funding recommended by the Blue Ribbon Panel would be directed toward implementation of the Nevada Wildlife Action Plan.

The next series of whereas statements speak specifically to the Blue Ribbon Panel, which was a nationwide effort. This is recognized in terms of the need for broader funding for wildlife conservation at the national level. This is not new; there have been several attempts in the past to diversify that funding. The handout, [Exhibit L](#), speaks specifically to the Blue Panel membership. There are 26 members representing everything from nongovernmental organizations to industry to state and federal governments.

The Blue Ribbon Panel's determination was in utilizing an existing source of funding as more appropriate than implementing a new mechanism or new tax. Its recommendation was dedication of \$1.3 billion annually of existing revenue from development of energy and mineral resources on federal lands and waters. The funding would be allocated through the Wildlife Restoration Program, an existing account with U.S. Fish and Wildlife Service that allows for research, monitoring, habitat restoration and enhancement, land protection, planning, wildlife conservation, education and wildlife-associated recreation. The mechanism is in place, but it is not funded at this point.

Whereas Statement 9 speaks to the likelihood that if this were to pass through Congress and federal programs were established, they would likely work under

the Pittman-Robertson model of the three federal to one state matching requirements. If Congress were to pass the bill, it is estimated that Nevada's allocation would be approximately \$20 million per year, which would require about a \$7 million match from the State. It could be cash match funding or in-kind matching or a combination of the two. There are several examples of programs from other states. For instance, Utah funds approximately \$6 million per year from its general fund for wildlife conservation. Texas has a sales tax dedication based on sales of outdoor products.

The Resolution does three things. It supports the findings of the Blue Ribbon Panel and recommends that Congress dedicate the \$1.3 billion in existing revenue in order to diversify funding for management of all wildlife species. The primary means of doing so will be through implementation of the State Wildlife Action Plan at the federal level. It encourages members of the Nevada Congressional Delegation to support an enactment of such legislation. Congressman Mark Amodei signed on as a sponsor for the bill that was submitted and failed to pass before the 114th Congress adjourned.

Finally, the Resolution expresses support for broadening dedicated methods of funding for conservation of wildlife in Nevada, implementing the Nevada Wildlife Action Plan and providing the State match funds if the federal program is implemented.

KYLE DAVIS (Nevada Conservation League):

The Nevada Conservation League supports S.J.R. 13. The League has been active in attempting to expand the base for conservation funding for wildlife and appreciates the findings of the Blue Ribbon Panel. The numerous wildlife bills this Session exhibit the great need for funding, greater than any funding available. The Department of Wildlife stretches the available funding from the Pittman-Robertson Act and the Dingell-Johnson Act for wildlife conservation, but there are many wildlife species needing attention. The diversity of wildlife species in Nevada makes it important to continue to invest in the conservation of those species.

DAVID MCNINCH:

I am a member of the Wildlife Commission representing myself today supporting S.J.R. 13. I have seen many opportunities come and go. This is the single most important wildlife conservation effort that has come along in generations. When the Pittman-Robertson Act went into effect 80 years ago, it was a legacy

legislation. This is an exciting opportunity. I encourage the support of this Resolution.

WILLIAM MOLINI (Coalition for Nevada's Wildlife, Inc.):

The Coalition for Nevada's Wildlife strongly supports S.J.R. 13. I was the Director of NDOW from 1982 through 1998. I recognized, as all the directors have across the Country, that by statute NDOW is responsible for the protection, enhancement and management of all of the State's wildlife resources. The focus has been on game wildlife and game fish. I attempted to get General Fund support for the nongame wildlife program. We hired our first nongame biologist in the 1970s. The focus was on raptorial birds in attempting to discover the distribution and nest site locations for hawks, eagles and later, owls.

The program has advanced and evolved, and NDOW is delivering an outstanding program in the management of nongame wildlife. In the 1980s when the desert tortoise went on the Endangered Species list, we were able to get \$1 million to fund our nongame program. The best data came from NDOW on the desert tortoise.

In 1992 as president of the International Association of Fish and Wildlife Agencies, I set an agenda to fund nongame species through a program which parallels Puttman-Roberson. A national committee known as "Teaming with Wildlife" was set up representing most of the states in the U.S. We were unable to get the outdoor recreation industry to support it.

The Blue Ribbon Panel shows progress in efforts to fund nongame wildlife. It has been 25 years since I first proposed such a funding mechanism in 1992. This Resolution indicates the will of the Legislature to support this on a national basis.

CARON TAYLOE:

Senate Joint Resolution 13 represents a conservation approach by focusing on species in need which will create healthy ecosystems and more wildlife resources for consumptive and nonconsumptives alike. The Wildlife Action Plan advocates are committed to bringing attention to the 256 species within the 22 habitats that are at risk in our State, and we will work for their protection. We appreciate and thank all those who are supporting this legislation.

DAN CARRICK (Lahontan Audubon Society):
The Lahontan Audubon Society supports S.J.R. 13.

PATRICK DONNELLY (Center for Biological Diversity):
The Center for Biological Diversity supports S.J.R. 13. Nevada is home to an incredible array of wildlife. Over 890 species call Nevada home, including many dozens which only live in our State and others who have yet to be discovered. Due to changing climate, inappropriate development and an overconsumption of water resources, many of Nevada's lesser known species are in dire peril of extinction.

The majority of funding for conservation programs is focused on a few high-profile species, such as deer and elk. While we support the conservation of big game species, all of Nevada's wildlife needs to be conserved. The Wildlife Action Plan is a huge step in the right direction for our State. This Resolution correctly expresses the sentiment of Nevadans that all of our wildlife species are of equal importance. There is a price for inaction. Species such as the Amargosa toad or the Big Smoky Valley speckled dace occur only in one or two locations and are vulnerable to extinction. Extinction is forever. Increased funding for wildlife conservation can help prevent species from the threat of extinction and avert listings under the Endangered Species Act.

The Wildlife Action Plan is a blueprint for conserving the many lesser known species of wildlife that occur in our State, and we encourage your support of S.J.R. 13 to define funding for that plan.

LAURA RICHARDS:
The dedicated funding for sports fishing and wildlife restoration through the Pittman-Robertson Act and the Dingell-Johnson Act has been successful in restoring America's game and sports fishing resources. This Resolution today supports the recommendation of the Blue Ribbon Panel to pursue a similar dedicated funding source for species that are not hunted or fished.

The need for dedicated funding is urgent for keeping wildlife and their habitats healthy and in preventing species from becoming endangered. It will address the expanding stressors, such as wildfires, invasive species and habitat fragmentation. Species of conservation priority in the Wildlife Action Plan that benefit from this program include golden eagles, bats, pygmy rabbits, Lahontan cutthroat trout, stream fish, spotted frogs, Gila monsters, desert tortoises and

dozens of other species. By working with species that are indicative of the diversity and health of the States' ecosystems, NDOW is working to avoid additional formal protections. Proactive conservation is the smartest and most efficient way to address the challenges facing wildlife today. Effective natural resource protection will ensure ecosystem resiliency across the changing landscape for all wildlife. The benefits will be healthy and diverse wildlife populations and habitats for future generations of Nevadans. I will quote one of my favorite conservationists, President Theodore Roosevelt,

Of all the questions which can come before this nation short of the actual preservation of its existence in a great war, there is none which compares in importance with the great central task of leaving this land even a better land for our descendants than it is for us.

I urge your support of S.J.R. 13.

TINA NAPPE:

I have provided written testimony ([Exhibit M](#)). I served as the first conservationist in 1979 on the Wildlife Commission. I started out being interested in wildlife but began to focus on endangered fish species in Nevada. In 1969, Nevada enacted the first State rare and endangered species law that received some minor funding in 1973. I credit NDOW and the sportsmen because without the ongoing programs, there would not be the foundation upon which we have the nongame biodiversity program, which costs more that it makes. Please support S.J.R. 13.

TRISH SWAIN (Nevada Wildlife Alliance):

The Nevada Wildlife Alliance and its members support S.J.R. 13.

JENNIFER NEWMARK (Administrator of Wildlife Diversity, Department of Wildlife):

Wildlife Diversity is neutral on S.J.R. 13. This Resolution supports the recommendations of the Blue Ribbon Panel. The resulting funding will provide NDOW the opportunity to more fully implement our Wildlife Action Plan.

In 2015, the Blue Ribbon Panel convened. This Panel was comprised of 26 national business and conservation leaders. It has representatives from outdoor recreation retail and manufacturing to energy and automotive industries, private landowners, educational institutions, conservation organizations,

sportsmen groups and state wildlife agencies. The Panel recognized the critical need for sustained and adequate funding for conservation of all wildlife. The Panel recommended to Congress that it dedicate up to \$1.3 billion annually from existing revenue from the development of energy and mineral resources to fund implementation of state wildlife action plans.

Nevada's Wildlife Action Plan recognizes 256 species of conservation priority within 22 priority habitats. Some of the species in our conservation plan are game animals and fish, mule deer and Lahontan cutthroat trout. It also includes native fishes, amphibians, reptiles, mammals and songbirds. Priority habitats include riparian and spring systems, sagebrush ecosystems and Mojave Desert Scrub. Each species and habitat programs have specific objectives and goals that drive implementation and actions that NDOW takes every year. The Nevada Wildlife Action Plan is proactive rather than reactive. It was developed in collaboration with state, federal and private partners, and it seeks to keep common species common and prevent rare species and habitats from declining. We use appropriated funds and State wildlife grants to fund these projects. These funds are approximately \$800,000 per year. While that support is critical, it is not enough to effectively manage the conservation for all wildlife. If the recommendations of the Blue Ribbon Panel were implemented, the State would receive more than \$20 million to fully implement its Wildlife Action Plan.

SENATOR RATTI:

Between wildfire development and other outside forces, we have urgent needs to fund the Wildlife Action Plan. I am a huge fan of Jennifer Newmark.

CHAIR CANCELA:

I will entertain a motion.

SENATOR MANENDO MOVED TO DO PASS S.J.R. 13.

CHAIR CANCELA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR CANCELA:

I will now open the hearing on S.B. 514.

SENATE BILL 514: Revises provisions governing the Division of Water Resources of the State Department of Conservation and Natural Resources. (BDR 48-903)

MR. KING:

I will introduce S.B. 514 and read from my supporting written testimony ([Exhibit N](#)) as State Engineer and Administrator of the Division of Water Resources.

SENATOR GOICOECHEA:

What fees are we dedicating to the South Fork Dam and are those monies going to be held separately?

MR. KING:

We are talking about General Fund fees. The General Fund monies that our office gets normally would have to revert back on June 30. We are asking to allow those funds to roll over to the next fiscal year to be used in those drier parts of the season.

SENATOR GOICOECHEA:

Are you saying whatever appropriations are made through the General Fund for that fiscal year could be used indefinitely until you get the money put together to complete a project on South Fork?

MR. KING:

That is correct. I will continue to read from my written testimony, [Exhibit N](#). We no longer make blueprints, we plot maps on our plotter and charge for that, retaining those fees for upkeep of the plotter. Last fiscal year the fees were \$150.

SENATOR GOICOECHEA:

Will the fees that go to the General Fund revert at the end of the fiscal year?

MR. KING:

Yes, in section 2, returning to the old methodology, all the fees that we collect will go to the General Fund and will revert.

SENATOR GOICOECHEA:

Technically, it is not part of your budget. Do you have a budget appropriation?

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MR. KING:
Yes, that is correct.

CHAIR CANCELA:
I will entertain a motion.

SENATOR SETTELMAYER MOVED TO DO PASS S.B. 514.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR CANELA:

Seeing no further business, the meeting is adjourned at 3:25 p.m.

RESPECTFULLY SUBMITTED:

Christine Miner,
Committee Secretary

APPROVED BY:

Senator Yvanna D. Cancela, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	6		Attendance Roster
S.B. 263	C	8	Senator Pete Goicoechea	Proposed Amendment 3247
S.B. 263	D	2	Henry Krenka / Nevada Outfitters and Guides Association	Written Testimony
S.B. 263	E	1	Walt Gardner / Nevada Outfitters and Guides Association	Written Testimony
S.B. 263	F	28	Walt Gardner / Nevada Outfitters and Guides Association	Minutes of the Meeting of the Assembly Committee on Natural Resources, Agriculture, and Mining Subcommittee from April 1, 2003
S.B. 263	G	1	Mitch Buzzetti	Written Testimony
S.B. 221	H	3	Alysa Keller	Work Session Document
S.B. 371	I	2	Alysa Keller	Work Session Document
S.B. 513	J	2	Jason King / Division of Water Resources, State Department of Conservation and Natural Resources	Written Testimony
S.B. 513	K	2	Mike Baughman / Humboldt River Basin Water Authority	Written Testimony
S.J.R. 13	L	4	Jeremy Drew / Board of Wildlife Commissioners	Sustaining and Connecting People to Fish and Wildlife
S.J.R. 13	M	1	Tina Nappe	Written Testimony

S.B. 514	N	3	Jason King / Division of Water Resources, State Department of Conservation and Natural Resources	Written Testimony
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