

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

**Eightieth Session
May 15, 2019**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Heidi Swank at 4:06 p.m. on Wednesday, May 15, 2019, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Heidi Swank, Chair
Assemblywoman Shannon Bilbray-Axelrod, Vice Chair
Assemblyman Alex Assefa
Assemblyman John Ellison
Assemblyman Ozzie Fumo
Assemblywoman Alexis Hansen
Assemblywoman Sarah Peters
Assemblyman Greg Smith
Assemblywoman Robin L. Titus
Assemblyman Howard Watts
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

Assemblywoman Maggie Carlton (excused)

GUEST LEGISLATORS PRESENT:

Senator Ira Hansen, Senate District No. 14

STAFF MEMBERS PRESENT:

Jann Stinnesbeck, Committee Policy Analyst
Allan Amburn, Committee Counsel
Nancy Davis, Committee Secretary
Alejandra Medina, Committee Assistant



OTHERS PRESENT:

Greg Lovato, Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources
Kyle J. Davis, representing Nevada Conservation League
Patrick Donnelly, Nevada State Director, Center for Biological Diversity
Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada
Steve K. Walker, representing Eureka County
Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation
Jonathan Lesperance, Private Citizen, Reno, Nevada; and Director, Coalition for Nevada's Wildlife, Inc.
Jennifer Newmark, Administrator of Wildlife Diversity, Department of Wildlife
Willie Molini, Director, Coalition for Nevada's Wildlife, Inc.
Linda J. Linton, Director, Coalition for Nevada's Wildlife, Inc.
Karen Boeger, Co-Chair/Secretary, Nevada Chapter, Backcountry Hunters and Anglers
Laurel Saito, Nevada Water Program Director, The Nature Conservancy

Chair Swank:

[Roll was called. Rules and protocol of the Committee were reviewed.] I will begin with the work session, starting with Senate Bill 140 (1st Reprint).

Senate Bill 140 (1st Reprint): Revises provisions relating to the use of groundwater in certain basins. (BDR 48-541)

Jann Stinnesbeck, Committee Policy Analyst:

Senate Bill 140 (1st Reprint) was sponsored by the Senate Committee on Natural Resources and was heard in this Committee on May 1, 2019 (Exhibit C). The bill requires the State Engineer, in any basin in which there is groundwater that has not been committed for use, to reserve 10 percent of the total remaining groundwater. The bill also provides that the reserved groundwater is not available for any use, except on a temporary basis in an emergency, if the basin is located within a county under a declaration of drought. There was one amendment proposed by Assemblywoman Swank which removes subsection 3 of section 1 of the bill.

Chair Swank:

I will take a motion to amend and do pass Senate Bill 140 (1st Reprint).

ASSEMBLYWOMAN BILBRAY-AXELROD MOVED TO AMEND AND DO PASS SENATE BILL 140 (1ST REPRINT).

ASSEMBLYWOMAN PETERS SECONDED THE MOTION.

Is there any discussion? Seeing none, we will vote.

THE MOTION PASSED. (ASSEMBLYWOMAN CARLTON WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Bilbray-Axelrod. The next bill is Senate Bill 250 (1st Reprint).

Senate Bill 250 (1st Reprint): Revises provisions relating to the dedication of water rights. (BDR 48-664)

Jann Stinnesbeck, Committee Policy Analyst:

Senate Bill 250 (1st Reprint) was sponsored by Senators Settlemeyer, Goicoechea, and Hardy, et al., and was heard in this Committee on May 13, 2019 ([Exhibit D](#)). The bill provides that before a supplier of water may require the dedication of a right to appropriate water in order to ensure a sufficient supply to certain parcels, the dedication requirement must be the subject of an ordinance, published rule, or regulation adopted by the supplier of water and must be based on reliable data and demand estimating procedures. The bill also provides that, except in the case of mergers or acquisitions of a utility water system or transactions by the water supplier in furtherance of developing or maintaining a sustainable water supply, the supplier of water is prohibited from selling a right to appropriate water that has been previously dedicated. There is one amendment proposed by Assemblywoman Swank which:

- Adds that a supplier of water may not sell, lease, convey, or transfer certain rights to appropriate water;
- Provides an exception for certain sales by the supplier of water; and
- Adds public utility to the definition of a supplier of water.

Chair Swank:

I will take a motion to amend and do pass Senate Bill 250 (1st Reprint).

ASSEMBLYMAN WATTS MOVED TO AMEND AND DO PASS
SENATE BILL 250 (1ST REPRINT).

ASSEMBLYMAN ELLISON SECONDED THE MOTION.

Is there any discussion? [There was none.] I would like to thank all stakeholders and Senator Settlemeyer for working with me on this bill.

THE MOTION PASSED. (ASSEMBLYWOMAN CARLTON WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Ellison. The next bill in the work session is Senate Bill 347 (1st Reprint).

Senate Bill 347 (1st Reprint): Revises provisions relating to hemp. (BDR 49-976)

Jann Stinnesbeck, Committee Policy Analyst:

Senate Bill 347 (1st Reprint) was sponsored by Senators Settlemeyer and Goicoechea, and was heard in this Committee on May 8, 2019 ([Exhibit E](#)). The bill revised several provisions related to the growth and production of hemp in Nevada. Among other provisions, the bill:

- Requires sites used for growing, handling, or producing hemp to be certified and registered with the State Department of Agriculture and authorizes the Department to adopt regulations for the certification and registration of such sites;
- Authorizes the Department to establish fees by regulation for services performed by the Department;
- Requires maintenance of certain records by the grower or handler; and
- Authorizes the Department to impose certain administrative fines and to adopt regulations necessary to comply with requirements of the United States Department of Agriculture.

There is an amendment proposed by Assemblywoman Swank which requires the Department to impose an administrative fine under certain circumstances.

Chair Swank:

I will take a motion to amend and do pass Senate Bill 347 (1st Reprint).

ASSEMBLYMAN FUMO MADE A MOTION TO AMEND AND DO PASS
SENATE BILL 347 (1ST REPRINT).

ASSEMBLYWOMAN PETERS SECONDED THE MOTION.

Is there any discussion? Seeing none, we will vote.

THE MOTION PASSED. (ASSEMBLYWOMAN CARLTON WAS
ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Fumo. The next bill in the work session is Senate Bill 400 (1st Reprint).

Senate Bill 400 (1st Reprint): Revises provisions governing the auditing and bonding of public livestock auctions. (BDR 50-634)

Jann Stinnesbeck, Committee Policy Analyst:

Senate Bill 400 (1st Reprint) was sponsored by Senators Goicoechea and Settlemeyer and was heard in this Committee on May 8, 2019 ([Exhibit F](#)). This bill changes the amount of a surety bond required before the State Department of Agriculture may issue a license to an operator of a public livestock auction, from at least \$200,000 but less than \$1 million, to \$200,000 or the amount of bond coverage calculated for a market agency pursuant to federal regulations, whichever is greater. The bill also requires the licensee to submit to the director of the Department an annual audit of the licensee's custodial account for consignor's proceeds, which must be performed by a certified public accountant. There are no amendments for this measure.

Chair Swank:

I will take a motion to do pass Senate Bill 400 (1st Reprint).

ASSEMBLYMAN WHEELER MOVED TO DO PASS SENATE BILL 400 (1ST REPRINT).

ASSEMBLYMAN WATTS SECONDED THE MOTION.

Is there any discussion? Seeing none, we will vote.

THE MOTION PASSED. (ASSEMBLYWOMAN CARLTON WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Assefa. Now we will move on to Senate Bill 417 (1st Reprint).

Senate Bill 417 (1st Reprint): Revises provisions governing public sales of livestock. (BDR 50-371)

Jann Stinnesbeck, Committee Policy Analyst:

Senate Bill 417 (1st Reprint) was sponsored by Senator Goicoechea and was heard in this Committee on May 8, 2019 ([Exhibit G](#)). The bill authorizes the State Department of Agriculture to issue a limited license to conduct an annual sale of livestock and establishes the conditions and requirements for such a sale to take place. There is one amendment proposed by Assemblywoman Swank which:

1. Clarifies that the amount of the surety bond or deposit receipt required by Nevada's Department of Agriculture:

- a. Is based on the amount of bond coverage calculated for a market agency pursuant to federal regulation; and
 - b. May be less than the \$200,000 amount otherwise required for such bonds or deposits.
2. Clarifies that the Department is required to establish by regulation the fee for a limited license to conduct an annual sale of livestock.

Chair Swank:

I will take a motion to amend and do pass Senate Bill 417 (1st Reprint).

ASSEMBLYWOMAN BILBRAY-AXELROD MOVED TO AMEND AND DO PASS SENATE BILL 417 (1ST REPRINT).

ASSEMBLYWOMAN PETERS SECONDED THE MOTION.

Is there any discussion? Seeing none, we will vote.

THE MOTION PASSED. (ASSEMBLYWOMAN CARLTON WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblyman Watts. Next up is Senate Bill 442.

Senate Bill 442: Revises provisions relating to the issuance of permits for hazardous waste facilities. (BDR 40-1205)

Jann Stinnesbeck, Committee Policy Analyst:

Senate Bill 442 was brought forth on behalf of the Office of Finance in the Office of the Governor and was heard in this Committee on May 13, 2019 ([Exhibit H](#)). This bill increases the maximum period, from five to ten years, for which permits for hazardous waste facilities may be issued by the State Department of Conservation and Natural Resources. There are no amendments to this measure.

Chair Swank:

I will take a motion to do pass Senate Bill 442.

ASSEMBLYWOMAN TITUS MOVED TO DO PASS SENATE BILL 442.

ASSEMBLYMAN FUMO SECONDED THE MOTION.

Is there any discussion? Seeing none, we will vote.

THE MOTION PASSED. (ASSEMBLYWOMAN CARLTON WAS ABSENT FOR THE VOTE.)

I will assign the floor statement to Assemblywoman Titus. We will now move into bill hearings, beginning with Senate Bill 53.

**Senate Bill 53: Revises provisions governing the review of certain mining regulations.
(BDR 46-218)**

Greg Lovato, Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources:

I am pleased to introduce and support Senate Bill 53, which adds a time limit for the Mining Oversight and Accountability Commission (MOAC) within the Department of Taxation to review regulations approved by the State Environmental Commission (SEC), Division of Environmental Protection (NDEP), State Department of Conservation and Natural Resources, and the Commission on Mineral Resources, Division of Minerals.

The MOAC was first created during the 2011 legislative session to provide oversight of state agencies that oversee taxation, operation, safety, and environmental regulations of mines. The MOAC was set up to have regular quarterly meetings to receive reports from state agencies and other meetings as needed to review regulations before such regulations are agendized for action by the Legislative Commission.

Currently, the MOAC statute [*Nevada Revised Statutes (NRS) Chapter 514A*] requires that proposed mine reclamation regulations approved by the SEC be reviewed, but not approved, by MOAC, before they are reviewed and approved by the Legislative Commission. This sets up a process whereby proposed regulations undergo public notice, opportunity for comment, and review by three separate bodies prior to enactment or rejection.

Senate Bill 53 proposes a 30-day limit for MOAC to review regulations after they are approved by the SEC. We are proposing 30 days as this is generally the time under which a body with full membership can establish a quorum. If the MOAC does not review the regulations within 30 days, S.B. 53 proposes that regulations are then subject to review and approval by the Legislative Commission, as provided for under NRS Chapter 233B. Senate Bill 53 also proposes a parallel change for Commission on Mineral Resources regulations.

We are proposing this change for two reasons:

1. The ongoing lack of membership in MOAC can cause unnecessary delays; and
2. There is already adequate public process for review of public regulations in place without MOAC review.

First, the ongoing lack of full MOAC membership and ability to review regulations can cause delays and waste agency resources. Although MOAC was created in 2011, it has not had any meetings since December 2015 due to lack of members. Also, in 2015, two MOAC meetings had to be scheduled specifically to review the NDEP Bureau of Mining Regulation and Mine

Reclamation and Division of Minerals regulations since a quorum at the first meeting could not be maintained, resulting in unnecessary delays for important mining regulations.

Second, the existing process in place to adopt mine reclamation and Division of Minerals regulations has more than adequate opportunity for public review and input, absent additional review by the MOAC. For example, prior to proposing a regulation to the State Environmental Commission, NDEP staff posts agendas and holds public workshops on the proposed regulations in accordance with Open Meeting Law. The NDEP also maintains e-mail lists and notifies interested parties of proposed regulations. The NDEP also publishes small business impact statements and prepares an analysis of economic effects of the proposed regulations. The SEC meetings to adopt regulations are then publicly noticed and conducted in accordance with the Open Meeting Law. After the SEC approves regulations, they are then subject to public notice, review, and approval by the Legislative Commission in accordance with its procedures. These existing procedures provide ample opportunity for interested members of the public to provide comment without additional review by MOAC.

Assemblywoman Peters:

I would like to address the idea of public involvement in the regulatory process. In the regulatory process, when the people who are handling the public comment are regulators, it can often feel from the public view as though their feelings, stories, struggles, and tribulations are not translating into a regulatory understanding. I feel the framework of MOAC creates a panel of people who can help translate those public comments into actionable items for regulation. I say this because in this state, how we manage our regulations can be very prescribed for definite intention. When you have someone coming in and saying, "Culturally, this belongs to my family and I am very interested in maintaining this," that does not necessarily translate directly into a prescribed resolution. I think it is very important to have some kind of vetting to ensure that those comments and public input have meaningful impact to regulations. I understand that MOAC has not been very active based on membership. Can you give us a breakdown of who has been on the board, and what their backgrounds have looked like? What kind of people could be included on the MOAC Commission, based on the current regulations for that Commission?

Greg Lovato:

The MOAC was first constituted after the 2011 Session. It met through 2015 with regular quarterly meetings. By the end of 2015, it was unable to keep a quorum and has not met since 2016. It was staffed by members from the Department of Taxation. The NRS Chapter 514A is Mining Oversight and Accountability Commission. That chapter defines membership. There are seven members who are mainly nominated by elected officials and appointed by the Governor from a group that certain bodies in the Legislature appoint. I do not know if there are any real restrictions other than no more than two can be from the same county. The way MOAC is set up right now, its nominees are, for the most part, either appointed by the Governor or nominated by certain bodies in the Legislature to be appointed by the Governor.

Assemblywoman Peters:

I think this opens up the opportunity for exploring who can be an effective member on that board to get to the crux of what the point of the Commission is. It is my understanding, the Commission is to be a public input vetting for the regulatory process.

Greg Lovato:

I think the original purpose of MOAC was to oversee all the agencies that regulate mining. From NDEP's standpoint, it pertained to reclamation, regulations, and financial assurance associated with making sure there was adequate bonding for closing mines. Based on the testimony that NDEP provided, every third quarter NDEP would provide an update to MOAC on mine reclamation regulation, enforcement, et cetera. While it was probably a helpful venue for those interested in mine regulation, we did not see any activity or inquiry come out. We took pride that there were not a lot of follow-up items or additional questions and felt that NDEP was doing a pretty good job of upholding our requirements under the reclamation statutes. I would leave it to the policy makers in terms of MOAC's role and who should be on it.

Assemblyman Watts:

Looking at the statute, you cannot get to a quorum without having both the Governor-appointed and the recommended positions. Do you have any sense as to whether the breakdown was in not getting recommendations to the Governor, or was it that appointments were not being made?

Greg Lovato:

I do not know. The process of appointing would have come from those legislative bodies who sat with the Boards and Commissions Office of the Governor, or maybe with the Department of Taxation. I do not know what happened.

Assemblyman Watts:

Was there an issue with this kind of regulatory review prior to the MOAC membership falling below quorum levels?

Greg Lovato:

From our perspective, we did not really understand the added exposure for the regulations. It did not seem that there was a real value to having it go through three bodies as opposed to two. Those who wanted and were interested in mining regulation, were already able to weigh in through the other processes. That was our perspective; it seemed like duplicative government to have three different bodies reviewing regulations. I do not know if we actually proposed any regulations between 2012 and 2015, but in 2015 when we did propose regulations, we were trying to ensure that bonding was provided for any reclamation of mine-impacted waters. Most of the time we are increasing regulation, and we are concerned about the future. If we proposed new regulations and MOAC was not around, would those regulations be duly enacted; would there be a question as to whether it was appropriate to be able to enact and enforce regulations without MOAC review? That is the simple change that S.B. 53 tries to fix: putting a time limit on MOAC. That is the only thing it changes.

Assemblyman Watts:

I am trying to figure out if there are already structural issues or if there are more issues with the elected officials and the administration staffing the Commission. It seems to me that we can address a lot of these issues by getting the membership on MOAC replenished.

Assemblyman Smith:

I think it is pretty sad that we are at the point where we have to have a bill that addresses a nonfunctioning commission. My initial reaction was, why have this commission if it does not function and now we have to build a law that says we go around them to do business? Now that I have had time to study the bill and get input, I understand more about why they do not function. I am leaning more toward favoring this bill and staffing the commission—give them a couple of years, and if they are still not functioning, it would be my opinion that we come back and figure out why or do away with the commission.

Assemblyman Wheeler:

Are you addressing the bill as written, or are you addressing the conceptual amendment that is with the bill ([Exhibit I](#))?

Greg Lovato:

I addressed the bill as written. I think the amendment was proposed by Assemblywoman Swank, and I yield to the Chair to review the amendment.

Assemblyman Wheeler:

I see the purpose of the bill; it makes good sense. When looking at the amendment, I think you lose diversity if you start reducing the membership. I also think you need to get people who will actually show up to the meetings.

Assemblywoman Bilbray-Axelrod:

I do not want to put you in the position as a Monday morning quarterback, but if you were to look at MOAC in a big picture, what do you think the issues are? Are there other things that you would like to share with those of us who are new to this issue?

Greg Lovato:

Most of what I know about MOAC is more inherited than actual experience. I was not around as an administrator when it was fully active. Only at the very end did I become involved with trying to pass the regulations in 2015 when there was not a quorum. I can only speak to NDEPs experience with MOAC. From our perspective, we understood that there were questions about not only currently operating mines—did they have adequate financial assurance? There were also questions about legacy mines, including the Anaconda Copper Mine in Lyon County. Looking through the 2011 testimony, there was a sense that folks were desiring a single place to understand how mining regulation was working in the state. From NDEPs standpoint, we were able to provide information on what we were doing, and provide another venue, but it did not seem like it led to either fundamental changes or questions in what we were doing.

Chair Swank:

I would like to talk a little bit about MOAC. I was very excited when I saw this bill come forward because over the last several sessions I have been trying to get MOAC up and running. I am calling this the "MOAC Reinvigoration Act." I think there is a way that we can bring this Commission back. I think there were a lot of missteps in the past that did not get people appointed or nominated. I do think there is a reinvigorated interest in making this Commission work. Being the operations person that I am, I wanted to think about what was not working and how to get MOAC going again, which is why I brought forward the amendment that you see on the Nevada Electronic Legislative Information System (NELIS) ([Exhibit I](#)). I have had some good conversations with the Office of the Governor and I am fine with leaving the membership at seven. I think that all the other pieces of the amendment are important. I also understand that we need a bit of time for MOAC to get back up on its feet, which is the idea of those 30 days sunseting next mid-year. That will give us a year to get things up and running, to get all of the people appointed, and to get things working. I also think that one of the problems is that if we term people out at two years, it is going to make it more difficult to get other people appointed to the Commission. I want to make sure that this Committee understands what the background was with my amendment.

Is there anyone here who would like to testify in support of S.B. 53? [There was no one.] Is there anyone here in opposition? [There was no one.] Is there anyone here in neutral?

Kyle J. Davis, representing Nevada Conservation League:

I am also speaking as a former member of MOAC. I served on the Commission up until the point that it was impossible to have a meeting because we did not have a quorum. I am here in neutral today because I am certainly sympathetic to the situation that NDEP finds itself in: not being able to get regulations approved because appointments have not been made to fill MOAC. To be clear, this Commission operated well while there was membership. The problem was there were not enough members to hold a meeting. That is the problem that we are facing. Appointments were not made as people resigned from the board, replacements were not appointed. That is why the Commission has not been able to meet for a number of years. I agree with you, Madam Chair, that there was value in this Commission and it is something that is worth bringing back.

One other point that I want to speak to is the issue of whether adequate public process is enough. I think it is important to note that there are a lot of factors that go into the adoption of regulations and the oversight of industries and other issues in this state. I think it is also important to talk about who is in those positions in terms of making decisions. I think Assemblywoman Peters got to this very well. I would like to point out that MOAC has membership that is appointed both by the Governor as well as Majority and Minority leadership in this body.

When we start talking about other boards that were mentioned, such as the Commission on Mineral Resources, certainly they have to go through a public process. I think it is also important to note that as a seven-member commission, six of whom are required to come from the extractive industry—this is not what I would consider necessarily representative of

the broader population of Nevada. While there is certainly a public process that is available to us, we think there is value in having the MOAC to bring that public perspective to these very important regulations that affect our environment.

Patrick Donnelly, Nevada State Director, Center for Biological Diversity:

We are neutral on this bill and generally support the conceptual amendment ([Exhibit I](#)). We had pretty big concerns about this bill on the Senate side, but appreciate the tenor of where this is going now, which is to reinvigorate the MOAC. This is a very important body that represents the constituency that may be unrepresented elsewhere in regulatory authorities. I think the key point is the Governor and the leadership in this building need to appoint these members and fill these positions so that this can be a functional body; then it will be able to do the job that this Legislature intended it to do when it was formed eight years ago.

Christine Saunders, Policy Director, Progressive Leadership Alliance of Nevada:

As the bill is written, we are neutral; however with the conceptual amendment, we would be in great support. The Commission has not met since 2015 because members were not appointed and a quorum could not be reached. Yet, over the years, Progressive Leadership Alliance of Nevada has continued to make recommendations of memberships. There is currently one member; she was appointed in 2018 and her term ends June 30, 2019, yet she has never attended a meeting. It is important that we have a functioning MOAC and we believe that the amended bill will help us get there.

Chair Swank:

Is there anyone else who would like to testify in neutral on S.B. 53? Seeing no one, are there any closing comments?

Greg Lovato:

I would like to say we acknowledge and appreciate all of the discussion about MOAC today. I understand the different perspectives around the state about the oversight of mining. This bill was narrowly focused on our being able to move regulations forward in a timely manner.

Chair Swank:

We do understand that there is an issue right now. With that, we can move this bill today. I would take a motion to amend and do pass S.B. 53 with the amendment ([Exhibit I](#)), along with the alteration that this would be a seven-member board.

ASSEMBLYWOMAN BILBRAY-AXELROD MOVED TO AMEND AND
DO PASS SENATE BILL 53.

ASSEMBLYMAN WATTS SECONDED THE MOTION.

Is there any discussion?

Allan Amburn, Committee Counsel:

I would like to ensure that I understand the change with the amendment ([Exhibit I](#)). In section 1, we will not be amending subsection 1 and will leave it at seven members. The other amendments to that section will still be occurring.

Chair Swank:

That is correct.

Assemblywoman Hansen:

For flexibility, if we are having trouble with getting MOAC staffed, could we make it more enabling by saying up to seven? I like the idea of having more members, but I know we have an issue with filling the membership.

Allan Amburn:

When dealing with the membership of bodies, it is good to have a definite number. That provides clarity to the memberships, quorums, and to essentially make it work.

Assemblyman Wheeler:

From what we heard in the testimony, the issue is not the number of members, it is the fact that they were not appointed or reappointed. As one of the appointers, they will be reappointed on my end. I would like to keep the diversity and keep the number at seven.

Assemblywoman Peters:

I think it is important to acknowledge the number of people who submitted their applications and were never responded to for appointments to those positions.

Assemblyman Ellison:

I am getting confused between the bill and the conceptual amendment. I am going to vote this bill out but I want to reserve my right to change my vote on the floor.

Chair Swank:

Seeing no further comments, we will vote.

THE MOTION PASSED. (ASSEMBLYWOMAN CARLTON WAS
ABSENT FOR THE VOTE.)

I will take the floor statement. I will close the hearing on [Senate Bill 53](#) and open the hearing on [Senate Joint Resolution 1](#).

Senate Joint Resolution 1: Urges Congress to require the Bureau of Land Management and the United States Forest Service to include cheatgrass in certain forage estimates. (BDR R-257)

Senator Ira Hansen, Senate District No. 14:

Approximately nine million acres of Nevada have now converted to cheatgrass, in some cases, monoculture cheatgrass. In all seriousness, about half of that is in my district. Before I get into Senate Joint Resolution 1, I would like to go over a quick history of cheatgrass in Nevada. Cheatgrass was probably intentionally introduced in the West in about 1890. By 1900 it was common in Nevada. It became a big issue first in 1939 when six civilian conservation young men were killed fighting a cheatgrass-driven wildfire near Oroville, Nevada. At that time, the University of Nevada, Reno (UNR) was asked to do a study on it.

I have a PowerPoint presentation to show you ([Exhibit J](#)). Page 2 shows what you should see all over Nevada. It is a traditional sagebrush shrub community with some perennials mixed in. Perennials are what most native grasses are in Nevada. Perennial grasses are bunch grasses, they do not look like a carpet, they literally grow in little bunches. They are the most desirable grass that exists. Cheatgrass is an invasive species. All of the yellow grass you see in that picture is cheatgrass. Cheatgrass is a very hot fuel when it is dry and has turned yellow, which it does very early in the summer—that is what drives the fires. If a lightning strike or a lit match were to get into that cheatgrass, the scenario would change. For example, page 3 is a picture of a range fire. After the range fire, page 4 shows what is primarily left. That is a picture of a monoculture cheatgrass community. You can see some of the skeletons of the native shrubs. For the most part, if a fire like this occurs at 6,000 feet of elevation or under, with less than eight inches of precipitation annually, that community you see on page 4 is pretty much what you are going to have. I have seen situations like this that have been like that for 40 years—without another fire. Normally, every few years there is another fire and the native shrub and perennial communities can never reestablish. For those of you that drive Interstate 80 between Reno and Elko, you will see yellow mountain ranges which would be gray if there were native shrub and perennial communities.

Page 5 ([Exhibit J](#)) shows the cover page of a 1942 study on bronco grass; cheatgrass has had many names through the years. Another common name is June grass—it was called that by the livestock people because it matured in June. The reason for the bill is because some of the recommendations that go back to 1942 have never been followed. For example, page 6 shows what was recommended in 1942: "In northern and central Nevada it has become a permanent source of feed for many important range areas and must be recognized as an integral part of our grazing resources." The report also noted [page 7]: "It creates a serious fire menace when it is fully mature and dry It will necessarily have to be recognized as the forage plant which at the present furnishes a large portion of all the feed for livestock on the spring-fall ranges of northern and central Nevada."

Interestingly enough, cheatgrass was not considered a bad plant until fairly recently. Page 8 shows the cover page of a report done in 1970 on chukar partridge, by Glen C. Christensen who was the Chief of the Division of Game for the then Nevada Department of Fish and

Game. Mr. Christensen noted in his report [page 9] that: "Exotic plants such as . . . cheatgrass (*Bromus tectorum*) play a very important part in providing favored foods for the chukar and cheatgrass is considered by me to be a major factor in influencing habitat desirability in the life cycle of the chukar."

When I went hunting in 1976 with my old science professor, I did not get any birds—he got a couple, and I was kind of annoyed. He told me that I have to find some cheatgrass. At that time in Nevada it was fairly uncommon.

Page 10 is the cover sheet of the 1978 annual report that the Department of Fish and Game produced. In it, cheatgrass was noted as a crop: "Because of the excellent weather patterns and resulting range conditions, the chukar population trend has finally taken a strong upswing. Ample winter and spring precipitation resulted in exceptional growth of desirable annual range plant species such as cheatgrass"

Starting in the 1960s—not so much to deal with cheatgrass, but to deal with trying to reestablish the perennial communities, which had been grazed pretty aggressively since the 1880s—UNR came up with some plans to try to deal with the range. One of the things they tried was to have turnout times later. Turnout times are when you are allowed to turn livestock out; traditionally in Nevada, they did it fairly early in the spring. One of the reasons was the animals would eat the cheatgrass. However, in the early spring, the perennial grasses are actually very vulnerable to being overly exploited because those grasses have not yet fully matured. The idea was that you were going to start the grazing season later and later. One concern that was expressed was if you do that, cheatgrass would, in fact, expand because now you are not grazing in its desirable forage point.

By 1965, they started cutting it back; by 1970, cheatgrass was still considered good; by the 1980s we started to see some major problems. The first major fire in Nevada was in 1964. There is a book titled *Cheatgrass: Fire and Forage on the Range* by James A. Young and Charlie D. Clements. James Young has done a lot of extensive studies. In his original book, *Cattle in the Cold Desert*, he noted a firestorm in Nevada in 1964 as the worst fire in Nevada history at 300,000 acres. Last year in my district, there was a 500,000-acre fire. Last year alone, 1.2 million acres burned in Nevada—things have dramatically changed. Cheatgrass kept expanding exponentially. The efforts to improve it were challenged by a lot of folks, but the Bureau of Land Management (BLM), U.S. Department of the Interior; and the Forest Service, U.S. Department of Agriculture continued to pursue it.

This is not a new issue; 11 years ago UNR had a bunch of range and fire experts meet at UNR for a conference with a specific concern: an attempt to address this constant fire situation.

Wayne Burkhardt attended the conference. Mr. Burkhardt was a 40-year range scientist at UNR. He stated [page 13, ([Exhibit J](#))]:

For the past 10 years, the management strategy, at least on public lands, has been to reduce or modify livestock grazing on these annual grasses, presumably to allow the re-establishment of native bunchgrasses. This has proven to be disastrous. Preadapted annual grasses can out-compete native bunchgrasses for early spring moisture on arid range sites. Reductions in grazing on these rangelands have not promoted the establishment of native flora, but rather have allowed flammable fuel build-up and increased fire frequency, intensity and spread. These unnatural fires remove the sagebrush overstory, prevent shrub re-establishment and create the conditions for the establishment of monotypic annual grasslands on what should be a shrub/grassland vegetation community.

There are a few more comments that I will not read. There is one comment from Paul Tueller [page 15, ([Exhibit J](#))]. I picked Mr. Burkhardt and Mr. Tueller because they are UNR range scientists; between them, they have almost 100 years of range experience. The overall conclusion of these experts who met in 2008 at UNR is shown [page 16, ([Exhibit J](#))]. The first recommendation is: "Recognize cheatgrass as a major forage species on the rangelands of the Great Basin and develop grazing management systems that optimize the use of this resource while reducing uncontrollable fires." You will notice that is almost the exact same recommendation from the 1942 bronco grass study done by UNR.

I asked the Legislative Counsel Bureau (LCB) to find out why the BLM and Forest Service do not include cheatgrass in any of their calculations. Page 17 shows their reply. In summary, they stated: "In Nevada, BLM does not have a standard for annual grasslands, so they do not currently manage annual grasses." The bottom line is, BLM has not attempted to manage for an annual grass. Basically, it comes up in the spring and dies in the fall. There is not a consistent plant to manage. It is also very susceptible to changes such as precipitation. It is understandable why BLM has not formally adopted it. I will say, while I have been working on this resolution, I met with the BLM and the Forest Service, and whether this resolution passes and goes to Congress and has them give direction to BLM, which I would like to see, they are already working in this direction.

For those of you who are staying in Carson City, if you walk out the front door you will see a big "C" on the hill with an American flag above it. About 15 years ago, "C" hill burned, and cheatgrass grew back. In order to prevent a constant repeat cycle of cheatgrass, Carson City got a sheep allotment just to the west of "C" hill; they also brought in some goats at one point. This is called the Carson City Sheep Grazing Program. Page 19 is a response from Carson City Parks, Recreation and Open Space Department, which states that the purpose of the program is to reduce wildfire danger. The purpose is not to reestablish perennials, but simply reduce the likelihood of fires sweeping into residential sections of Carson City. The goals are to modify the vegetative composition and fuel characteristics by reducing cheatgrass and encouraging perennial grass. The ideal ultimate goal would be to get back to the native plant communities. Carson City concluded with: "The Parks, Recreation and Open Space Department - as well as the citizen advisory committee and Board of Supervisors - are of the opinion that this is a valuable program, especially at the negligible

cost." The irony is that we have been cutting back on livestock grazing throughout Nevada for at least the last 40 years, and now we are actually subsidizing—we are actually paying people to bring livestock in to graze.

I have watched this transition in my lifetime. From what we once saw, to now, with the overwhelming cheatgrass, it is very discouraging to me. I am a native, and I love the outdoors. I have spent years of my life in the backcountry. Because I am not a range scientist, I have included three additional studies that are available on NELIS [([Exhibit K](#)), ([Exhibit L](#)), and ([Exhibit M](#))]. There was \$100 million spent in Nevada fighting fires. We toured the George Gund Ranch in 2011 and 2013 where they were doing studies.

Senate Joint Resolution 1 is very simple. We are going to ask Congress to direct the Department of the Interior to start including annual grasses in their calculations. I am not asking for any specifics. There are a few other western states with similar issues, but most of the people in Congress could not care less about cheatgrass in Nevada. There are other things in Nevada besides Las Vegas and brothels. I want a very simple resolution with one specific goal, simply to bring this to the attention of the U.S. Congress, and to make a good faith effort on the part of the Nevada Legislature to try to deal with these range issues. We are not in charge of the public lands within the state of Nevada. In the meantime, this is the best we can do to try to nudge those federal agencies in the right direction.

I would like to read the very last "whereas" of the resolution:

WHEREAS, The management and control of livestock grazing on the public lands of this State are primarily the responsibility of the Bureau of Land Management and the United States Forest Service; now, therefore, be it RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the members of the 80th Session of the Nevada Legislature hereby urge Congress to work with the Bureau of Land Management and the United States Forest Service to ensure that cheatgrass is included in the forage estimates

That is the goal of this resolution. I am trying to help where I can in a very positive way. I have studied this my whole adult life and I have reached a point of total frustration. I would also note that the BLM and the range industry people who work with the BLM and Forest Service are also frustrated.

Thank you for your time.

Assemblyman Ellison:

The 1964 fire that you referred to, was that the Humboldt Range fire?

Senator Hansen:

I'm not sure of the exact name, but it was in Elko County.

Assemblyman Ellison:

I was in the middle of that fire on horseback. It was amazing how bad that fire was and how much livestock was lost. We were going up canyons in the middle of the night trying to get away from the fire. When BLM does reseeding, are they seeding with 100 percent cheatgrass?

Senator Hansen:

Typically, reseeding was done with native plants, but that did not work very well. If you go back far enough, crested wheat grass actually worked pretty well because with time it would reestablish the native plant communities. The crested wheat grass acted as a buffer from fires. The BLM has used forage kochia, crested wheat grass, and Siberian wheat grass. They have tried several different things to create fire breaks using different plants. The bottom line is, in the area where the land has been grazed in a wise fashion, it has absolutely reduced the cheatgrass and reduced fire loads substantially. The fires in Nevada, from 1900 to 1990, averaged 15,000 acres a year; since 1990 to current, it is averaging almost 1 million acres a year. The increase is directly attributable to the expansion of cheatgrass and the inability to properly get that under control.

Assemblyman Ellison:

When cheatgrass is green, the cows will eat it. Once it dries out, cows will not touch it.

Senator Hansen:

One of the things the Gund Ranch Research and Training Facility did was experiment extensively with fall grazing. It actually worked exceptionally well. They found that the litter accumulation of cheatgrass builds up over a few years and that is the source of the seeds. With fall grazing—which no one expected to work—it has worked exceptionally well. Not only that, the perennial plant community on the Gund Ranch has expanded very well in areas that are aggressively grazed. Again, my goal is not to tell BLM to graze in the spring or the fall. My goal is to simply ask Congress to get BLM started in that direction, and then use the best available science to hopefully get this situation under control.

Assemblywoman Peters:

You showed us a quote from LCB stating that BLM does not have a process for managing annual grasses, and yet this resolution identifies cheatgrass only. Is there a reason why this is only addressing cheatgrass?

Senator Hansen:

I would not mind expanding it, but the fires are clearly being driven by cheatgrass. My goal is to reduce the fires. I would just leave this at cheatgrass because it is so simple. I am thinking that a Congressman from Wisconsin or Pennsylvania is not going to know what cheatgrass is. I want to keep the resolution short and simple and hopefully we can get a response from the U.S. Department of the Interior.

Assemblywoman Peters:

I was involved in the review of the weed issue in Tuscarora. My concern is that another annual grass may take over the place of cheatgrass. My suggestion might be to include annual grasses such as the prolific expansion of cheatgrass. I like the idea of using best science because I think the smarter the "ask," the better the outcome would be in ensuring that we do request for managed grazing as opposed to just opening it up for grazing. To that point, I prefer goats as a management tool for weeds because they are not as particular and they take out other weeds such as whitetop, which plays hand-in-hand with cheatgrass in a number of areas. Also, cattle can sometimes be a carrier of seed, which can spread other invasive species.

Senator Hansen:

I do not want to get into specifics on what livestock we would use. I want this to be as generic as possible and let the best available science determine this. If they think goats are the best way to go, I have no problem with that. You may hear testimony that cattle grazing is what caused this issue in the first place. It is true that when disturbances occurred from grazing, that was a nice window for cheatgrass to grow in. The reality is that this plant is very adaptable to Nevada. For example, Anaho Island in Pyramid Lake, which has never had any grazing on it, is now totally cheatgrass-infested. If you go to the parking lots to the south of this building, there is cheatgrass in all the planters. Cheatgrass does well in the disturbed areas, but even in the absence of disturbance, those areas are still loaded with cheatgrass. It is true that the initial disturbance may have created a perfect climate, that is old news. Now we are dealing with situations where this grass is not going to go away. We need to start managing for it rather than wishfully hoping like we did 40 years ago that with proper grazing management we would eliminate cheatgrass. Those theories have had the exact opposite effect as we can clearly see here in Nevada.

Assemblywoman Hansen:

Thank you for the presentation. I can attest that an awful lot of homework over the years has gone into this. I am in awe of the information you presented today and the good things that can be had for our state by trying to get Congress to take notice.

Chair Swank:

I would like to direct the Committee to the amendment ([Exhibit N](#)). There is a mock-up on NELIS. As you know, Senator Hansen, we have had a lot of conversations about fires and cheatgrass this session. I have some concerns about how expansive this current wording is in the resolution. Are there any further questions from the Committee? [There were none.] I will now hear anyone who wishes to testify in support of [S.J.R. 1](#).

Steve K. Walker, representing Eureka County:

As I said in the Senate, Eureka County supports this resolution. We also recognize that cheatgrass is an invasive species and using grazing is but one tool. Other practices that may be combined with grazing or as independent practices include: fire control, enhanced water distribution, fire rehabilitation, and developing water systems that could allow high-intensity,

short-duration grazing which would effectively reduce cheatgrass and encourage perennial plants.

Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation:

We are also here in support of this resolution, mostly from the concept that we believe that livestock grazing, managed properly, is an effective tool in managing our rangelands to improve on the challenges we are having with fuel loads and annual grasses. If I might make a reference to the amendment on NELIS ([Exhibit N](#)). On the top of page 2 of [S.J.R. 1](#) where it mentions the research conducted by UNR, beyond the targeting, there is also the issue of season of use. If there could be a way to incorporate that concept, it was the use of grazing in fall and winter that was effective in terms of changing the rangeland conditions from the monoculture to allowing for perennial yield. As Senator Hansen indicated, it has to do with removing the materials that provide for a seed base for cheatgrass to grow. If you are only going to use springtime grazing and try to beat cheatgrass while it is green, you are never going to be effective in accomplishing that. I think UNR proved in their research that by having effective fall and winter grazing and getting livestock to take care of removing the forage, that is when you will see results. If there was a way to incorporate effective season of use, we would appreciate that as well.

Chair Swank:

I believe that if you look at lines 13 and 14 of page 2 of the amendment ([Exhibit N](#)) where it says "Temporary Non Renewable (TNR) use," that refers to the seasonality.

Jonathan Lesperance, Private Citizen, Reno, Nevada:

I would certainly support anything that brings attention to this issue in our state. I appreciate Senator Hansen's passion in bringing this forward. In full disclosure, my grandfather lived and worked at the Gund Ranch and I have heard a fair bit about cheatgrass in my life. Speaking from a wildlife perspective, I appreciate the call for the best science practices moving forward. There are also diseases that are concerns for the wild sheep. The most pressing issue for our wildlife resources are habitat loss and habitat degradation, of which this annual cycle and habitat conversion to cheatgrass is a huge factor.

Chair Swank:

Is there anyone here to testify in opposition?

Patrick Donnelly, Nevada State Director, Center for Biological Diversity:

I want to be very clear that grazing is a major driver of the establishment, spread, and persistence of cheatgrass. The Great Basin desert was never adapted to have ungulates of more than 1,000 pounds roaming around eating vegetation. That is not a natural part of the Great Basin ecosystem. As a result, cattle disturb the ecosystem, particularly breaking up biological soil crusts and other components that hold our soils together, which creates a new vector for a new cheatgrass invasion. Cattle have really been the driving factor on spreading and causing cheatgrass to persist. Obviously, we are in a fire cycle now and there are other dynamics at play, but there is very little evidence that post-fire grazing prevents reinvasion. There is no peer-reviewed evidence that demonstrates that at this time.

A 2013 study by Michael D. Reisner, et al., found no support that cattle reduced invasions of cheatgrass, and indeed they confirmed that cattle likely increase the potential for future invasions. Even with the fire vector—for instance, the Martin Fire, which we are all very well aware of as the largest fire in Nevada's history—Department of Wildlife biologists who spent a lot of time in that country said the leading cause of that fire was the Aroga moth infestation that had killed off a lot of the sagebrush, or rendered it extremely low vigor, causing it to burn. Cheatgrass was a factor, but it was not the only factor, or even the dominant factor. We heard the example of "C" hill, but again, that was goats and sheep, not cattle—cattle are a very different thing; they are very large animals who do disturb the environment. This appears to be a way into outcome-based grazing which is a current idea of using cattle to reduce fire danger, but the science is still being sorted out on that. I think that endorsing this would be premature.

Assemblywoman Titus:

Although I do not necessarily agree with some of your statements, you did mention sheep, goats, and the positive grazing. Do you have any comments on what the impact is from the wild horses?

Patrick Donnelly:

We do not have a position on wild horses as it relates to this issue.

Chair Swank:

Is there anyone who would like to testify in neutral? Seeing no one, Senator Hansen, would you like to make any closing remarks?

Senator Hansen:

I would like to address the amendment ([Exhibit N](#)). The only objection I have is the idea of a monoculture. Mr. Donnelly and I agree that once it reaches that stage of "post-fire," then it does not do any good. At that point, you will never reestablish, short of doing some pretty dramatic things. If there is some other magical cure, I would love to hear it. If we use aggressive grazing, we can reduce the fuel load dramatically and we could keep the native plant community. Thank you very much.

Chair Swank:

With that, I am interested in a motion including the proposed amendment ([Exhibit N](#)) to Senate Joint Resolution 1.

ASSEMBLYWOMAN BILBRAY-AXELROD MOVED TO AMEND AND
DO PASS SENATE JOINT RESOLUTION 1.

ASSEMBLYWOMAN PETERS SECONDED THE MOTION.

Is there any discussion? Seeing none, we will vote.

THE MOTION PASSED. (ASSEMBLYWOMAN CARLTON WAS
ABSENT FOR THE VOTE.)

I will take the floor statement. I will close the hearing on Senate Joint Resolution 1 and move on to Senate Joint Resolution 4.

Senate Joint Resolution 4: Expresses the support of the Nevada Legislature for certain federal legislation relating to the conservation of wildlife in this State. (BDR R-507)

Kyle J. Davis, representing Nevada Conservation League:

I will be attempting to pinch hit for Senator Ratti on Senate Joint Resolution 4, which has to do with federal legislation dealing with the conservation of wildlife. The resolution deals with Recovering America's Wildlife Act. This is legislation that was introduced into Congress in 2017. The Recovering America's Wildlife Act is essentially a funding mechanism to provide funds for species that are difficult to find funding for otherwise. Our state has a Nevada Wildlife Action Plan that prioritizes 256 species of wildlife having the greatest need for conservation. There have been some avenues of federal funding in the past for these types of species, but it has been difficult to come by.

There was The Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources that was empaneled in 2015. They looked through a number of different options in which to provide this type of funding to the states that do this type of work. This panel recommended that Congress dedicate \$1.3 billion annually in existing revenue from the development of energy and mineral resources on federal lands and waters. This money is to be directed to programs to diversify the funding for and the management of all species of wildlife. This recommendation found its way into the Recovering America's Wildlife Act. The \$1.3 billion would be allocated to various states on a proportional basis, similar to the way Pittman-Robertson Wildlife Restoration Act (P-R) and Dingell-Johnson Sport Fish Restoration Act (D-J) allocate funding currently from the federal government. If this legislation were to pass, it would provide another resource in order for us to do the important conservation work that we need to do to conserve the various native species that we have here in Nevada. That concludes my presentation, and I believe that Jennifer Newmark has more to add.

Jennifer Newmark, Administrator of Wildlife Diversity, Department of Wildlife:

I appreciate the opportunity to tell you a little bit about our Wildlife Action Plan which Recovering America's Wildlife Act would really help us implement. Those 256 species are the priority species that are listed within our plan. They cover both nongame species and game species including sage grouse, bighorn sheep, and waterfowl, all important species to our state. We currently receive state wildlife grants to help implement that plan, but it is a pretty small amount. This will give us the opportunity to more holistically manage the state's wildlife. Some of you may have heard this before, but we have statutory authority over more than 890 species within the state. Approximately 8 percent of those species are revenue-generating species by 5 percent of our population. By adding this federal funding, it would

provide us the opportunity to complement existing funding sources and holistically manage our wildlife. One point of clarification, Recovering America's Wildlife Act has not been introduced yet to this Congress, although they are very close—it is coming; it is very important, and it is a national priority from our association of fish and wildlife agencies.

Kyle Davis:

The version that was introduced in 2017 had both bipartisan support and regional support from across the country. There is a great amount of support from all different sectors in terms of sponsoring this legislation.

Assemblywoman Titus:

On page 2, line 28, the resolution says, "For state matching funds if a dedicated method of federal funding is obtained . . ." If those federal funds are obtained, where do you anticipate getting those state matching funds? I am always concerned that you are going to use my hunter and application tag fees for yet another project for the other 800 species that I am not hunting for.

Jennifer Newmark:

One thing that is unique about Recovering America's Wildlife Act as the legislation is currently proposed, it would allow non-Department of the Interior federal funds to be used as matching funds. This is very important because we would have the opportunity to use other federal funds, such as the Department of Defense and the Department of Energy. Those are options for finding matching funds. We have some internal sources as well. To your point about using sportsmen dollars as a match, there is language in the legislation that would require states to use their sportsmen dollars to match for P-R and D-J as they are currently used—recognizing that as an important contribution and that match must be maintained. We are looking to enhance funding and not take funding from sportsmen revenue.

Chair Swank:

Seeing no further questions, is there anyone here in support of S.J.R. 4?

Willie Molini, Director, Coalition for Nevada's Wildlife, Inc.:

I am president of the Nevada Waterfowl Association. I am president of the Great Basin Bird Observatory. In representing those organizations, along with the Coalition for Nevada's Wildlife, we very strongly support this resolution. I applaud the Legislative Committee on Public Lands for bringing forth this resolution. In full disclosure, I must admit that I have an inherent bias as I was Director of the Department of Wildlife for 16 years. When I was president of the International Association of Fish and Wildlife Agencies in 1991, we kicked off an initiative which we called Teaming with Wildlife to do this very thing—to try to find funding patterned after the P-R to support the management of nonhunted and nonconsumed fish and wildlife. I have spent a good part of my adult life working on this issue. I would say that I do not represent these entities, but I am a member of the National Wildlife Federation, the Rocky Mountain Elk Foundation, Backcountry Hunters and Anglers, Ducks Unlimited, Theodore Roosevelt Conservation Partnership, and The Wildlife Society, all of which support this legislation.

Jonathan Lesperance, Director, Coalition for Nevada's Wildlife, Inc.:

We fully support this resolution. We are excited about some very great resolutions that have come out of this session, this being one of them. I will point out, referencing the "America's Wildlife Values, Nevada State Report," that the good news for this resolution is that the majority of Nevadans support a combination of public taxes and license fees being the mechanism for conservation funding. The bad news is that the majority of Nevadans think that is currently how conservation funding exists. There is a public education component we will need to address, and I think there is a lot of opportunity for creative means to secure and appropriate those funds in Nevada just like we do with P-R and D-J.

Linda J. Linton, Director, Coalition for Nevada's Wildlife, Inc.:

I am speaking on behalf of the Coalition for Nevada's Wildlife and personally, as I am a member of many international and Nevada wildlife organizations. I did sit through S.J.R. 4 when it was heard by the Senate and I echo the testimony of Larry Johnson, who is the president of the Coalition. We must protect all wildlife in this state. I believe that whether it is sage grouse, Lahontan cutthroat trout, rabbits, upland game birds, or insects, biodiversity is imperative. I also believe that sportsmen are the ultimate conservationists, and I also believe that through proper education and media, those who are not sportsmen will become a more beneficial source for support of wildlife and their habitat. In the meantime, we require this additional funding for all wildlife. Therefore, the Coalition supports the resolution, asking Congress to act on the Recovering America's Wildlife Act.

Karen Boeger, Co-Chair/Secretary, Nevada Chapter, Backcountry Hunters and Anglers:

Thanks to the Legislative Committee on Public Lands for bringing this very important resolution forth. Among other reasons, I am here to speak because the Recovering America's Wildlife Act is among our national Backcountry Hunters and Anglers' top five priorities for this Congressional season. Passing this resolution in Nevada gives our Congressional delegation a sure sign that we Nevadans are united in support of that act. You have heard the very urgent reasons this act is needed and its purposes of conservation and restoration that it will fund. In our view, an overarching beneficial spin-off of those habitat projects will be viability of all wildlife species, including our very valued sporting species and domestic livestock that depend upon healthy habitat. I think Assemblywoman Titus would agree, we need to get those horses properly managed. I also want to add that moose are one of those species that are in need of this habitat enhancement. We hope you all share our belief that habitat and wildlife issues should by nature be nonpartisan and will pass this resolution unanimously.

Laurel Saito, Nevada Water Program Director, The Nature Conservancy:

Today I am speaking on behalf of Jaina Moan, External Affairs Director, and Juan Palma, Nevada State Director, The Nature Conservancy. The Nature Conservancy (TNC) mission is to conserve the lands and waters on which all life depends and for the past 35 years, TNC has worked in Nevada to protect the amazing wildlife species that are found across the state.

In 2011, TNC and other cooperators were contracted by the Department of Wildlife to inform a comprehensive climate change revision of the original Nevada Wildlife Action Plan. The Nature Conservancy focused on measuring climate change effects on the future condition of ecological systems, which are building blocks to the major habitat types. Our analysis revealed high restoration costs for restoring Nevada's ecosystems to support wildlife given climate change projections. There is, and will be, a continued need for additional funding to support the Wildlife Action Plan. The Recovering America's Wildlife Act would provide funding that Nevada and many other states need now to protect wildlife populations. We support S.J.R. 4 and encourage the Committee to adopt this resolution. [A written letter was also provided ([Exhibit O](#)).]

Chair Swank:

Is there anyone else who would like to testify in support? [There was no one.] Is there anyone who would like to testify in opposition? [There was no one.] Is there anyone who would like to testify in neutral? Seeing no one, Mr. Davis, would you like to make any closing comments? [He did not.] I will accept a motion to do pass S.J.R. 4.

ASSEMBLYWOMAN BILBRAY-AXELROD MOVED TO DO PASS
SENATE JOINT RESOLUTION 4.

ASSEMBLYMAN WATTS SECONDED THE MOTION.

Is there any discussion?

Assemblywoman Titus:

Unfortunately, although I support conservation and habitat, I am very concerned about the possible funding and where it will come from, so I will be voting no.

Assemblyman Ellison:

I am a no, also.

Chair Swank:

We will vote.

THE MOTION PASSED. (ASSEMBLYMEN ELLISON AND TITUS
VOTED NO. ASSEMBLYWOMAN CARLTON WAS ABSENT FOR THE
VOTE.)

I will assign the floor statement to Assemblyman Watts. I will close the hearing on S.J.R. 4. We have one more bill, Senate Bill 236 (R1), and we have a Committee hearing scheduled for May 17, 2019. I will now open up for public comment. Seeing no one, we are adjourned [at 5:39 p.m.].

RESPECTFULLY SUBMITTED:

Nancy Davis
Committee Secretary

APPROVED BY:

Assemblywoman Heidi Swank, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is the Work Session Document for [Senate Bill 140 \(1st Reprint\)](#), presented by Jann Stinnesbeck, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Senate Bill 250 \(1st Reprint\)](#), presented by Jann Stinnesbeck, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Senate Bill 347 \(1st Reprint\)](#), presented by Jann Stinnesbeck, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for [Senate Bill 400 \(1st Reprint\)](#), presented by Jann Stinnesbeck, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for [Senate Bill 417 \(1st Reprint\)](#), presented by Jann Stinnesbeck, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for [Senate Bill 442](#), presented by Jann Stinnesbeck, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is a proposed conceptual amendment for [Senate Bill 53](#) by Assemblywoman Heidi Swank, Assembly District No. 16.

[Exhibit J](#) is a copy of a PowerPoint presentation for [Senate Joint Resolution 1](#), titled "Cheatgrass in Nevada: a Brief Range History," presented by Senator Ira Hansen, Senate District No. 14.

[Exhibit K](#) is a document titled "Case Study: Reducing cheatgrass (*Bromus tectorum* L.) fuel loads using fall cattle grazing," written by L. Schmelzer, et al., provided by Senator Ira Hansen, Senate District No. 14.

[Exhibit L](#) is a report titled "Explaining patterns of species dominance in the shrub steppe systems of the Junggar Basin (China) and Great Basin (USA)," written by Wendy Trowbridge, et al., provided by Senator Ira Hansen, Senate District No. 14.

[Exhibit M](#) is a report titled "Viewpoint: An Alternative Management Paradigm for Plant Communities Affected by Invasive Annual Grass in the Intermountain West," written by Barry L. Perryman, et al., provided by Senator Ira Hansen, Senate District No. 14.

[Exhibit N](#) is a proposed amendment to Senate Joint Resolution 1, submitted by Assemblywoman Heidi Swank, Assembly District No. 16.

[Exhibit O](#) is a letter dated May 14, 2019, to Chair Heidi Swank, signed by Juan Palma, Nevada State Director, The Nature Conservancy, in support of Senate Joint Resolution 4.