

**MINUTES OF THE
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Eightieth Session
June 1, 2019**

The Senate Committee on Government Affairs was called to order by Chair David R. Parks at 8:44 p.m. on Saturday, June 1, 2019, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4404B of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator David R. Parks, Chair
Senator Melanie Scheible, Vice Chair
Senator James Ohrenschall
Senator Ben Kieckhefer
Senator Pete Goicoechea

STAFF MEMBERS PRESENT:

Mike Stewart, Committee Policy Analyst
Heidi Chlarson, Committee Counsel
Becky Archer, Committee Secretary

OTHERS PRESENT:

Tom Clark, Nevada Outdoor Business Coalition
Kyle Davis, Nevada Conservation League
Dominique Etchegoyhen, Deputy Director, State Department of Conservation
and Natural Resources
Annette Magnus, Executive Director, Battle Born Progress

CHAIR PARKS:

We will open the hearing on Assembly Bill (A.B.) 486:

ASSEMBLY BILL 486 (2nd Reprint): Creates the Division of Outdoor Recreation within the State Department of Conservation and Natural Resources. (BDR 18-840)

TOM CLARK (Nevada Outdoor Business Coalition):

We support A.B. 486. The Nevada Outdoor Business Coalition is a group of 40-plus businesses in the State ranging from large companies such as Patagonia and REI down to small companies of outfitters, guides and others who work in the outdoor industry throughout the State.

The Coalition worked with Kyle Davis with Nevada Conservation League, Lieutenant Governor Kate Marshall, Bradley Crowell with the State Department of Conservation and Natural Resources, the Office of Economic Development, the Department of Tourism and Cultural Affairs, and outdoor companies to get an idea of what this new Division of Outdoor Recreation would look like. Knowing a number of other states had instituted these types of offices, we did not want to start with a blank slate. The Coalition reached out to the outdoor recreation offices in Colorado, Utah, Wyoming, Oregon and other states. These states are all part of the Confluence of States, which I will discuss further later. The information from these contacts gave the Coalition the path to get to A.B. 486.

The intent behind the Division of Outdoor Recreation is to bring together three disciplines—State Department of Conservation and Natural Resources, the Office of Economic Development and the Department of Tourism and Cultural Affairs—under one roof with staff intelligence gathered by the different organizations to promote the outdoor recreation industry within the State. This new Division will help attract and build small and large businesses plus attract conventions related to the outdoor industry while ensuring people are not destroying the parks, pathways and access to the areas the State wants its visitors and residents to travel to and visit.

This Division will promote the outdoor industry. In the Coalition's discussions, we were surprised at the number of residents in Clark and Washoe Counties who have never ventured out and visited places like the Great Basin National Park, hiked the canyons around Lamoille or availed themselves to fishing, hunting and other outdoor recreation the State offers. The Division of Outdoor Recreation will bring all aspects together with one common mission of promoting the outdoor industry.

The Confluence of States consists of eight member states. The Coalition talked to the Colorado Office the most because Colorado is similar to Nevada in the types of outdoor activities. The Coalition likes the way the Colorado Outdoor

Recreation Industry Office is set up. The proposed setup of the Division in A.B. 486 is similar to the Colorado Office. The biggest difference is the Colorado Office has a larger advisory board.

The Confluence of States' intent is to bring the directors of outdoor recreation together on a quarterly or biannual basis to share information on how the different states promote the economic development and tourism pieces as well as handle the conservation side within their respective state. This includes seeking federal grants and private resources to help meet the mission of the office.

The director of the Colorado Outdoor Recreation Industry Office could not be here for this meeting. The director provided testimony in the Assembly Committee on Government Affairs when A.B. 486 was introduced. The director stated the Colorado Outdoor Recreation Industry Office would be happy to sponsor Nevada in becoming a member of the Confluence of States with the passage of this bill.

The Advisory Board will be headed by the Lieutenant Governor and will include members throughout the State representing disciplines consistent with the Confluence. For example, members representing education, and health and human services are key elements to outdoor recreation. The Coalition wants people who get out, exercise, participate in hiking and the like, and understand where the outdoor recreation places are. Kyle Davis will go into detail as far as who the Advisory Board members will be.

SENATOR KIECKHEFER:

Outdoor recreation means a lot of different things to different people. Is there an overlap with the Department of Wildlife? Hunters and anglers have outdoor recreation experiences similar to the activities that may be captured with this office.

MR. CLARK:

There is overlap, and we recognize that overlap. One member on the Advisory Board will be from the Department of Wildlife. The Department of Wildlife has hunting seasons and wants to make sure the Outdoor Recreation Division is not promoting certain locations during hunting seasons. The Division would not promote people to ride their side-by-side utility task vehicles or hike in certain popular locations of the deer hunters and anglers. This Division will

have an understanding of what is happening at the Department of Wildlife, the Department of Tourism and Cultural Affairs, and the Office of Economic Development to make recommendations going forward to promote and build up the outdoor recreation industry in the State.

KYLE DAVIS (Nevada Conservation League):

Senator Kieckhefer, I point to section 22 which outlines the Division's duties. The Administrator has the responsibility to coordinate with the Department of Tourism and Cultural Affairs and the Office of Economic Development as well as the Department of Wildlife and other sections of the State Department of Conservation and Natural Resources (SDCNR) to ensure all the different aspects of outdoor recreation are included.

Dominique Etchegoyhen will give details of how he envisions this office working with other sections of the SDCNR.

SENATOR KIECKHEFER:

The fiscal appropriation looks to be enough to cover the staff positions in the upcoming biennium. Is there enough money in the appropriation to get the office up and running and do the job as well?

DOMINIQUE ETCHEGOYHEN (Deputy Director, State Department of Conservation and Natural Resources):

Yes. The funding in the bill's fiscal note is enough to get it up and running. Not all staff positions will be hired in the first year. The first-year staff hire will be the Administrator. The funding will also cover the office space as well as travel expenses for the Administrator to attend recreational conferences to network with the rest of the Western States.

CHAIR PARKS:

The Assembly Committee on Ways and Means considered this bill. Are these funds available?

MR. ETCHEGOYHEN:

My understanding is the needed General Fund dollars are available. The funding will not come out of the SDCNR's budget.

MR. CLARK:

The bill is the second reprint. This budget has changed quite a bit since it was first introduced. The bill started out with two administrators and a larger budget of over \$1 million. The budget has been pared down considerably. The Division may receive private and federal grants. The other states within the Confluence have received help with funding for certain activities within the outdoor recreation offices from private industries such as Patagonia and REI.

MR. DAVIS:

Assembly Bill 486 is a priority bill for the Nevada Collaborative Conservation Network, which is a coalition of 22 conservation organizations across the State. We thank Assemblywoman Maggie Carlton for her work on this issue. The Network is thrilled to support a bill which recognizes the incredible value of Nevada's public lands and the recreational opportunities available to Nevadans.

According to an economic study conducted by the Outdoor Industry Association in 2017, outdoor recreation in Nevada generates \$12.6 billion in consumer spending annually, supporting 87,000 direct jobs and generating \$1.1 billion in State and local tax revenue. To capitalize on this economic potential, many states, including several in the West which Mr. Clark spoke of, have recently established offices of outdoor recreation.

Utah was the first state to create the Office of Outdoor Recreation within the Governor's Office of Economic Development. The offices of outdoor recreation are established in different parts of the state government, depending on the state.

I will walk through the bill. Sections 1, 6, 17 and 18 create the position of the Administrator of the Division and define the duties and qualifications. Sections 4 through 6 and 15 create the Division of Outdoor Recreation. Sections 7 through 14 define terms for the bill. Section 20 outlines the staffing for the Division, which will include the deputy administrator. The staffing may include other positions as funding becomes available.

Section 22 is the most important part of the bill because it defines the role of the Division which includes: marketing and business development for outdoor recreation; coordination with the Department of Tourism and Cultural Affairs, Office of Economic Development, Department of Wildlife and interested organizations; promotion of the growth of the outdoor recreation economy;

stewardship and conservation of public lands; recommendations of policies to enhance outdoor recreation; and engagement of diverse communities in outdoor recreation.

Sections 27 and 28 create the Advisory Board and outline its duties. The Board is delineated by expertise and not geography as this expertise could come from any area of the State. The Board is a hybrid of appointees from various State entities along with appointees specific to this Advisory Board made by the Governor. The Board will include the Lieutenant Governor as the chair; the Executive Director of the Office of Economic Development; the Administrator of the Division of State Parks, the Chair of the Nevada Indian Commission; and the Directors of the following Departments: Conservation and Natural Resources, Tourism and Cultural Affairs, and Wildlife.

The Governor will appoint four additional members from a list submitted by the Lieutenant Governor and the Director of SDCNR. The appointees will include a representative of the outdoor recreation industry, a representative of conservation interests, a person with experience in and knowledge of education, and a person with experience in and knowledge of public health.

Section 34 requires the Division to complete an impact study on outdoor recreation in the State by February 15, 2020.

A number of supporters of this bill were unable to be here tonight. Some of the organizations that provided letters of support to the Assembly Committee on Government Affairs include the Conservation Lands Foundation, Patagonia, REI, the Sierra Club, The Nature Conservancy, Friends of Nevada Wilderness, the Outdoor Industry Association and the Las Vegas Metro Chamber of Commerce.

CHAIR PARKS:

Section 26 covers the policy on gifts, grants and so on. It is standard boilerplate language.

MR. ETCHEGOYHEN:

I appreciate the opportunity to testify on A.B. 486. The intent of this bill aligns well with SDCNR's mission to protect, manage and enhance Nevada's cultural, natural and recreational resources. The State Department of Conservation and Natural Resources is composed of ten unique divisions and programs, all of which intersect on one or more levels with outdoor recreation.

The most obvious intersection is with the Division of State Parks, which manages 27 State parks and recreation areas across Nevada. In 2018, the State Parks set a new visitation record with 3.69 million visitors while also undertaking the creation of two new State parks, the Ice Age Fossils State Park and the Walker River State Recreation Area. In addition to managing our State park system, the SDCNR also plays an important role creating outdoor recreational opportunities beyond park boundaries. Two key examples include grants available to numerous State and local agencies via the federal Recreational Trails Program, which is a program of the U.S. Department of Transportation's Federal Highway Administration and the Land and Water Conservation Fund through the National Park Service.

Another outdoor recreation program in SDCNR is the Off-Highway Vehicles (OHV) Program, which promotes the safe and responsible use of Nevada's off-highway recreational opportunities. The Nevada Commission on OHV ensures that today's OHV registration fees are used to create tomorrow's off-highway adventures. Each year, the OHV Commission awards approximately \$1 million in grants to fund planning, mapping, signage, education, restoration and maintenance of OHV trails and trailhead facilities.

To help assess recreational needs and opportunities in Nevada, the SDCNR facilitates regular, Statewide visitor surveys. A 2016 survey of outdoor recreation in Nevada found that 68 percent of respondents travelled 100 miles or more to recreate within the State. Nevada hosts large numbers of year-round visitors, many of whom come for hiking, history, hunting, fishing, boating and more. Studies consistently demonstrate significant economic, social and health benefits from outdoor recreation. Accordingly, it is critical to provide a coordinated and diverse set of outdoor recreation opportunities for all Nevadans and visitors.

If the Legislature establishes the Division of Outdoor Recreation, the effort will be aided by important priorities already identified in the *Nevada Comprehensive Outdoor Recreation Plan 2016-2021* assembled under the SDCNR. The Plan's priorities are to: maintain and rehabilitate existing facilities; increase connectivity between trails, facilities and other recreation locations; conserve water and habitat; engage youth; integrate with economic security and growth; and meet the needs of underserved regions and populations. A new Division of Outdoor Recreation will help further enhance and implement this Plan throughout Nevada.

As demand for outdoor recreation in Nevada continues to grow, the SDCNR strives to develop, maintain and improve Nevada's outdoor recreation opportunities. The SDCNR's challenge is to improve the quantity and quality of recreation, while keeping in mind that such recreation relies upon natural resources which must be protected. Blending the conservation of Nevada's spectacular natural resources with sustainable recreation is the key to providing one-of-a-kind outdoor recreation experiences which will increase tourism and economic development, while improving the health and enhancing the quality of life of all Nevadans.

While SDCNR is neutral on A.B. 486, we strongly support the intent and spirit of creating a new Division of Outdoor Recreation within the State Department of Conservation and Natural Resources.

CHAIR PARKS:

Fourteen exhibits are on record from the Assembly Committee on Government Affairs' hearing. The issues were well-covered.

SENATOR OHRENSCHALL:

I like the bill. When you mentioned the Ice Age Fossils State Park, it is hard not to think of our former colleague, Assemblyman Harry Mortenson, and his wife Helen Mortenson, who were instrumental in getting the park developed.

How do you see the role of this Division with the federal government? The State has a lot of Bureau of Land Management (BLM) land. People like to hike and participate in other recreational activities on BLM land. The land needs a lot more work as far as maintenance or development of trails. Will there be coordination with BLM?

MR. CLARK:

Absolutely. Between 84 and 87 percent of Nevada is owned by the federal government. The BLM, the U.S. Forest Service and other federal government entities must be a part of this conversation. One reason for having the Lieutenant Governor Kate Marshall as head of the Advisory Board is she understands the Confluence and the mission. When the Advisory Board meets, it will have an agenda to bring those people to the table, whether the entity is rural, urban, State, the BLM or the Forest Service; input is needed from them. For example, permitting is different on federal land versus State land. Sometimes, the federal government might want to close access to a particular

area. This Division will understand that policy and be a center point in interacting with federal agencies. Coordination is a priority. A strong relationship will exist between this Division, the federal government and all stakeholders.

MR. DAVIS:

Part of the reason in placing the Division of Outdoor Recreation within the SDCNR is the SDCNR has experience working with federal partners on a number of these processes, such as the Travel Management Plan with the U.S. Forest Service or an overall Risk Management Plan update through the U.S. Environmental Protection Agency. The SDCNR works with federal agencies to take into account the importance of outdoor recreation.

CHAIR PARKS:

The Advisory Board does not have any members from BLM, the U.S. Forest Service or any other federal agency. While the federal entities may not be an ex officio member, you mentioned the entities are encouraged and asked to participate.

MR. CLARK:

There are many federal agencies. The Coalition learned from the other states in the Confluence; in particular, Colorado had too many advisory members because the office did not limit the number of members. Due to the large number of members, the Colorado office rarely gets anything done. The Coalition learned from that experience. The federal agencies will be part of the conversation, but we want the process to be manageable at the same time.

ANNETTE MAGNUS (Executive Director, Battle Born Progress):

I am here as a native Nevadan and to represent the 20,000-plus subscribers who are the Battle Born Progress network Statewide. We support A.B. 486. Our organization has a long and proud history of supporting conservation efforts, and protecting and promoting public lands across the State.

Creating the Division of Outdoor Recreation is an effective way to prioritize access to parks and public lands and gives special attention to an important industry for Nevada and the rest of the Nation. Nevada's public lands attract people from all over the world. This Division will not only promote Nevada's natural treasures to tourists but will also engage and encourage Nevadans to get outdoors and enjoy our State.

People who travel to Nevada to get to other beautiful spaces in the West should be staying in Nevada and recreating here, which will be good for Nevada's economy. For example, tourists from all over the world fly to Las Vegas to then travel to the Grand Canyon. It would be great to keep those tourists in Nevada to visit Gold Butte National Monument, which is Nevada's piece of the Grand Canyon. This bill will help the State do just that.

This bill will create a Division to specifically promote and enhance the Silver State's outdoor recreation industry while creating opportunities to engage those of us who live in and enjoy Nevada's natural treasures in our own backyard.

We thank Assemblywoman Carlton and the Legislature for taking the lead on this critical issue in figuring out ways to prioritize and promote Nevada's public lands.

I ask you to support A.B. 486.

SENATOR KIECKHEFER MOVED TO DO PASS A.B. 486.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR PARKS:

This concludes the Senate Committee on Government Affairs. We are adjourned
at 9:12 p.m.

RESPECTFULLY SUBMITTED:

Becky Archer,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster