

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

**Eightieth Session  
February 21, 2019**

The Senate Committee on Natural Resources was called to order by Chair Melanie Scheible at 4:02 p.m. on Thursday, February 21, 2019, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 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 Melanie Scheible, Chair  
Senator Chris Brooks, Vice Chair  
Senator Dallas Harris  
Senator Pete Goicoechea  
Senator Ira Hansen

**GUEST LEGISLATORS PRESENT:**

Senator David R. Parks, Senatorial District No. 7

**STAFF MEMBERS PRESENT:**

Alysa Keller, Policy Analyst  
Erin Sturdivant, Committee Counsel  
Christine Miner, Committee Secretary

**OTHERS PRESENT:**

Sherry Rupert, Executive Director, Nevada Indian Commission  
Tim Rubald, Nevada Association of Conservation Districts  
Laurel Saito, The Nature Conservancy  
Kyle Davis, Nevada Conservation League  
Jake Tibbitts, Natural Resources Manager, Eureka County; County Supervisor,  
Eureka Conservation District  
Vinson Guthreau, Deputy Director, Nevada Association of Counties  
Wes Henderson, Executive Director, Nevada League of Cities and Municipalities

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Sheila Anderson  
Jeff Fontaine, Lincoln County Regional Development Authority  
Javier Trujillo, City of Henderson  
Jim Lawrence, Deputy Director, State Department of Conservation and Natural Resources

CHAIR SCHEIBLE:

We will hear a presentation from the Nevada Indian Commission.

SHERRY RUPERT (Executive Director, Nevada Indian Commission):

I have been the Executive Director of the Nevada Indian Commission since 2005. I am of the Washoe and Paiute Tribes. I grew up on the Washoe reservation in Gardnerville. I am not enrolled with the Washoe Tribe of Nevada and California, but with the Benton Paiute Tribe in Mono Lake, California. That is my Grandmother's tribe.

I will discuss the "Overview of Nevada's Tribes" from the visual presentation ([Exhibit C](#)). The mission of the Nevada Indian Commission is to ensure the well-being of American Indian and Alaska Native citizens through development and enhancement of the government-to-government relationship between the State and Indian tribes. The Commission does this through education for a greater cultural understanding of the State's first citizens.

The Commission was established in 1965 to be the liaison for the Governor of Nevada to the 27 State tribes, bands and colonies. We assist State agencies and tribes on issues affecting Nevada's American Indian constituency, and serve as a forum in which American Indian and Alaska Native needs are considered. We are the conduit to channel concerns involving American Indians and Alaska Natives or tribal interests through the appropriate network. The Commission serves as the point of access to tribes for State government programs and policies.

The Commission has a five-member board as shown on page 3 of the presentation. The members are appointed by the Governor—three are American Indian, and two are from the general public. We have five full-time employees, including myself, and I was appointed by then Governor Kenny Guinn. The Commission has a program officer, an administrative assistant, a museum director and a curator. Since 2013, I have been part of the Governor's Cabinet.

The Commission holds quarterly board meetings in the tribal communities. The photo on page 4 of [Exhibit C](#) pictures a board meeting in Duck Valley with the Shoshone Paiute Tribe in Owyhee, Nevada. I make annual visits to the tribes. I attend the quarterly Inter-tribal Council of Nevada meetings in Reno. It is a nonprofit organization comprising the Nevada tribal leadership. We provide updates on what the Commission is doing and receive input from the tribes. I meet with tribes as needed and requested by the tribal leadership.

Recently, we had Nevada Tribes Legislative Day on February 12. We had a Tribal Legislative Forum in January to discuss the legislative process prior to the Legislative Session. We invite Legislators to talk about their experiences and give tips to tribes and tribal lobbyists on how to make the best use of the Legislators' time when speaking with them.

The Commission partners with the Department of Education on the annual American Indian/Alaska Native Education Summit in March. This year it will be March 13-15. We participate in the annual Nevada Tribal Tourism Conference in April. We facilitate discussions through the Bi-state Tribal Natural Resources Committee (BTNRC). Tribal lands are adjacent to public lands and many of our activities take place on public lands, so the BTNRC opens communication between State and federal agencies, tribes and tribal individuals. The piñon and juniper trees are part of this discussion, as well as other items of concern. We host the American Indian Achievement Awards Banquet annually in November during Native American Indian Heritage month. We coordinate the Stewart Father's Day Powwow in June at the Stewart Indian School.

The tribes are the original inhabitants of this Nation and Nevada. There are 573 federally recognized tribes with 6.6 million American Indians nationwide. They represent 2 percent of the U.S. population as of 2015. There are 55.7 million acres held in trust for tribes. The photos on page 6 of the presentation show the beautiful spaces on tribal lands in Nevada. The top left photo depicts Pyramid Lake. The top right shows Duck Valley in the Owyhee area. The bottom left photo shows Cave Rock at Lake Tahoe. This is the homeland of the Washoe Tribe of Nevada and California. The last photo depicts a beautiful flower from one of the lands.

Page 7 of [Exhibit C](#) shows a map of the Nevada tribes. The Great Basin Tribes are the Wa She Shu of Washoe, the Numu of Northern Paiute, the Newe of the Western Shoshone and the Nuwu of Southern Paiute. The blue area of the map

shows the areas of the Wa She Shu, the homeland of the Carson City, Carson Valley and Lake Tahoe areas. The tan color indicates the Northern Paiute area in the northwestern portion of the State. The green area on the eastern side of the State north to south are land areas of the Western Shoshone. The Southern Paiute is represented as brown on the southern tip of the State in the Las Vegas-Moapa area.

There are estimated to be 32,400 tribal members in Nevada. Tribal members have dual citizenship—within their tribe and citizens of Nevada. They are voting members of the State.

The tribe with the largest land holdings is the Pyramid Lake Paiute Tribe. The Tribe has 470,000 acres of land and 2,253 tribal members. The Lovelock Paiute Tribe has the smallest land base with 20 acres in Pershing County. It has 330 tribal members.

Some of the tribes in the nation are very large. The Cherokee Nation in Oklahoma has over 60,000 tribal members. The tribes of Nevada are considered small in comparison. The Walker River Paiute Tribe is the largest tribe in population with 3,311 members and the second largest land holdings of 323,000 acres. The smallest tribe is the Las Vegas Paiute Tribe in Clark County with 56 members. It has the best location and does well economically. It owns land near downtown Las Vegas and the Las Vegas Strip. The tribal offices and smoke shop are located there, as well as a cannabis retail store. The Tribe has land near Mount Charleston and owns Snow Mountain Paiute Golf Course, a multimillion dollar golf course. A small number of members can do amazing things economically.

The Fallon Paiute-Shoshone Tribe in Churchill County owns a cineplex in Fallon and is considering building a hotel there. This is the only Nevada tribe with a movie theater. It is surprising to know that Nevada only has two tribal casinos. The Moapa Paiute Band has a small casino in its travel center in southern Nevada, and the Washoe Tribe of Nevada and California opened a casino in Gardnerville.

The Reno-Sparks Indian Colony is a progressive tribe. This Tribe has diversified its tax base. It owns land in various urban areas in Reno and Hungry Valley, closer to Pyramid Lake. It leases the land to corporations like Walmart, CarMax,

Mercedes-Benz and Acura. The Tribe benefits from the tax dollars received on the leases. Many look at this Colony as a model.

The Fort McDermitt Paiute and Shoshone Tribe is in northern Nevada near the Oregon state line. They have a travel center and a 98 percent unemployment rate. There is much diversity in the economic situations of each tribe.

Many of the tribes see the cannabis industry as an opportunity to create economy by growing plants and opening dispensaries. The Las Vegas Paiute, Walker River Paiute, Yerington Paiute, Lovelock Paiute, Ely Shoshone and Fort McDermitt Paiute and Shoshone Tribes show interest in this opportunity.

CHAIR SCHEIBLE:

Can you explain the different structures of reservations, colonies and communities?

MS. RUPERT:

There are 27 federally recognized tribes in Nevada. Each tribe has landholdings. Some of these are reservations, some are colonies. A reservation is land that has been reserved for the tribe. These lands were inhabited by the tribes when much of the land was taken away by the federal government. Reserved portions of the land were then given to the tribes.

Colonies, bands or members of tribes settled somewhere in the urban areas, for example, the Reno-Sparks Indian Colony. Those lands were put into trust for the tribes.

A community is part of a main tribe. For example, the Washoe Tribe of Nevada and California has four communities. There is the Carson Community Council in Carson City, Stewart Community Council by the Stewart Indian School, Dresslerville Community Council in Gardnerville and Woodfords Community Council in Woodfords. All of these Councils fall under the umbrella of the Washoe Tribe. The Te-Moak Tribe of Western Shoshone has four communities: Battle Mountain Band, Wells Band, Elko Band and South Fork Band.

CHAIR SCHEIBLE:

The larger swaths on the map on page 7 of [Exhibit C](#) are the Washoe, Northern Paiute, Western Shoshone and Southern Paiute. Can you explain what those areas represent?

MS. RUPERT:

Those are the original territories of those tribes, not the current landholdings. The map displays the original homelands of those tribes. The dots represent where the reservations, colonies and community councils are located.

The world views of our indigenous people are explained on page 8 of [Exhibit C](#). Our cultures are living and dynamic. There was much discussion on S.B. No. 244 of the 79th Session, a historic preservation bill. The Nevada State Museum and Division of Museums and History continue to work on the regulations. The Commission takes part in those discussions. Part of the discussions pertain to the belongings in the Museum which reflect the culture, its identity and who has the best knowledge to identify the items. The American Indian cultural groups are raised traditionally and know and understand the meanings of these items better than anyone else, including scholars. The museums are caretakers or stewards, not owners of the cultural belongings. All indigenous belongings have meaning as objects of beauty, purpose and spirit. Indigenous cultures believe some knowledge should only be known by trained initiates or gender.

Many of the federal agencies want the tribes to map out where their sacred sites are located. The tribes do not want people to know where these sites are located. Once sites are publicized, people go there. The tribes struggle with how much information to share. Spirituality is very important to indigenous cultures. They connect past, present and future; and today, they still use cultural items for ceremonies.

Tribal sovereignty is a unique relationship with the federal government. Tribal consultation at the State level is increasing in importance. Tribal sovereignty ensures that any decisions about the tribes with regard to their property and citizens are made with their participation and consent. They have the inherent right to govern themselves, and they perform that right. Treaties established a unique relationship with the federal government. The government has a trust responsibility to protect tribal lands, assets, resources and treaty rights. States do not have that responsibility.

When policies and regulations are being authored by the government, tribal consultation is important to the tribes. If policies change and the tribes are not allowed input, it is concerning when it affects their tribal citizenry.

Page 9 of [Exhibit C](#) shows a picture of Governor Steve Sisolak meeting with nine Western Shoshone tribal leaders in Elko, Nevada. The tribes are currently in discussion with Assemblywoman Sarah Peters to voice their concerns on potential legislation to move forward a mandate for State agencies to consult with the tribes on any issues or policies that could affect the tribal citizenry, government or lands.

The Commission is here to provide information on the tribes, and I have submitted a brief summary of my presentation, "Nevada's Great Basin Tribes" ([Exhibit D](#)). It includes some frequently asked questions about American Indians, tribes and some of the stereotypes which exist.

SENATOR BROOKS:  
Would you describe Tourism Day?

MS. RUPERT:  
The Commission helps coordinate the Nevada Tribal Tourism Conference held annually in April. It is moved to different locations in the State each year to showcase local tribes. We are working with the Western Shoshone Tribe in Elko this year. It is a three-day conference. On the first day, a mobile workshop is done in the field. We will go to the Duck Valley Shoshone-Paiute Tribe and look at its tourism and outdoor recreation programs. The Tribe has campgrounds, a fisheries program and hunting. We will see firsthand what its programs are and hear about their culture. Each tribe is different. Each tribal government has its own constitution and regulations. Culturally, our languages and traditions differ.

On the second and third days of the Conference, tribal tourism experts from across the country are brought in to gauge the interests and needs of the tribes and provide technical assistance and training. This year, we will discuss how to create unique experiences for visitors to Indian country in Nevada. We will develop a marketing toolkit to create events like a powwow. We have 15 powwows in the State. We will show how to use photography and smartphones to create images for marketing purposes. The goal is to help each tribe diversify its economy and utilize the beautiful natural resources on tribal lands.

CHAIR SCHEIBLE:  
We will open the hearing on Senate Bill (S.B.) 96:

**SENATE BILL 96**: Creates a grant program to award grants of money to certain organizations applying for federal funds to finance certain projects related to public lands. (BDR 26-510)

SENATOR DAVID R. PARKS (Senatorial District No. 7):

I am here on behalf of the Legislative Committee on Public Lands to present S.B. 96. I will read from my written testimony ([Exhibit E](#)). There is a friendly proposed amendment for something that was left out of the original draft of the bill ([Exhibit F](#)).

TIM RUBALD (Nevada Association of Conservation Districts):

There are 28 conservation districts in Nevada governed by locally elected officials. The amendment, [Exhibit F](#), proposes to include them as entities that could qualify for the available grants as described in S.B. 96. The Association supports this bill.

LAUREL SAITO (The Nature Conservancy):

On behalf of Juan Palma, the State Director of The Nature Conservancy and Liz Munn, its Sagebrush Ecosystems Program Director, I will read the Conservancy's submitted letter of support for S.B. 96 ([Exhibit G](#)).

KYLE DAVIS (Nevada Conservation League):

The Nevada Conservation League supports S.B. 96 and the proposed amendment, [Exhibit F](#). It is an opportunity to leverage more funding into important conservation programs. The need for conservation work is vast and the League is looking to generate more funding to do needed restoration work in Nevada. This bill is an important step forward.

JAKE TIBBITTS (Natural Resources Manager, Eureka County; County Supervisor, Eureka Conservation District):

Eureka County supports S.B. 96 and the proposed amendment, [Exhibit F](#). The large majority of projects in Eureka County that would fall under this bill are done through or in partnership with its Conservation District. All of the County's economic and social stability is tied to uses on or in concert with public lands. To ensure these lands are sustainable is important. Through our Conservation District, we accomplish many projects on federal land. This bill will allow us to leverage those opportunities which were previously passed on because the funding and capacity were not available.



The Bureau of Land Management (BLM) is working toward having shovel-ready projects available for which the funds from S.B. 96 could be used. Some landscape scale restoration Environmental Impact Studies (EIS) have been accomplished. A program on roadside fuel breaks assessment would cover the entire Great Basin, and there is an EIS for the rangeland restoration program. The intent is to get projects cleared and ready to move forward. This bill will allow leverage for those things coming down the pipe.

VINSON GUTHREAU (Deputy Director, Nevada Association of Counties):

The Nevada Association of Counties supports S.B. 96 and the proposed amendment, [Exhibit F](#). Conservation districts are integral partners for helping our local communities address natural resource issues.

WES HENDERSON (Executive Director, Nevada League of Cities and Municipalities):

The Nevada League of Cities and Municipalities supports S.B. 96 and the proposed amendment, [Exhibit F](#), and appreciates the efforts of the State to help local governments get federal dollars to complete projects.

SHEILA ANDERSON:

I will read from my written testimony ([Exhibit H](#)) in support of S.B. 96 and the amendment.

JEFF FONTAINE (Lincoln County Regional Development Authority):

The Lincoln County Regional Development Authority supports S.B. 96. It is an important legislation for rural counties. Lincoln County has over 10,000 square miles and is the seventh largest county in area in the U.S. Ninety-eight percent of Lincoln County is federally managed, primarily by the BLM. This creates both challenges and opportunities. With just 2 percent in private land available for development, it is difficult to generate economic development dollars. Senate Bill 96 will help Lincoln County leverage federal funding and help diversify its economy to create jobs in the traditional natural resources industry and the growing outdoor recreation market. It is the intent of the bill to allow federal funds administered by State agencies to qualify for this as opposed to federal funds that must be applied for with a federal agency. Those federal funds administered by a federal agency could be matched with the program.

JAVIER TRUJILLO (City of Henderson):

The City of Henderson supports S.B. 96.

JIM LAWRENCE (Deputy Director, State Department of Conservation and Natural Resources):

I am here to testify in the neutral, but supportive of the concept. The bill supports local conservation work and the ability to leverage additional federal funds. The State Department of Conservation and Natural Resources will be tasked with implementing the provisions of S.B. 96.

The Department has been implementing the Conservation Bond Program, known as the "Question 1 Program" passed by voters in 2001, which gave grants to local entities. This was instrumental in providing federal dollars to the State. The capacity of the Program has dwindled since then, and funds have not been available to local governments. The Program granted funds for recreational trails, conservation easements, watershed work and river work. These are expensive projects and could cost from \$500,000 to \$2 million. One grant or 5 could utilize \$500,000.

The intent is unclear in S.B. 96. The language is broad in section 6, paragraph 1, "to finance a project designed to address any issue related to public lands". How this is interpreted could make a difference in how the grant funds are distributed. Public lands could refer to recreational trails, fire, easements for fiber-optic lines for community networking or some other similar need. More clarification or definition is needed.

Adding "conservation districts" to the list of eligible grantees in section 6, paragraph 3 is a good idea. The Department has given grants to general improvement districts for great conservation work, and they are excluded from this list. Was this intentional? The term "community organization" in this paragraph is broad and needs to be defined.

There is support and need for this legislation. Implementation of this gives the Department pause. The requirement for regulations is going to take time to draft, and there is a lengthy administrative process for what could be one to five grants.

The "Question 1 Program" served this need well. Legislation proposed this Session is a renewal of that program. It would be supported by bonds, and it is unclear whether there will be any bonds available this biennium to jumpstart it if it passes. There could be a way to combine S.B. 96 with that legislation. This would narrow it to one track with just one regulation.

SENATOR GOICOECHEA:

The intent of the bill is to focus on projects on public lands, not parts of the community or recreational trails. The bill needs more clarification. Technically, the groups mentioned in the bill are serving under the auspices of some jurisdiction and or conservation district. There is a need to tighten up the language in the bill.

MR. LAWRENCE:

I appreciate your comments and want to be sure a group needing to be defined has not been left out. It raises the question about public lands, and more discussion and clarity will be helpful. Our projects with private landowners on conservation easements for habitat protection have been successful. The issues they address are largely public land issues regarding endangered species. The regulations need to clarify where the lines are to be drawn.

Remainder of page intentionally left blank; signature page to follow.

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CHAIR SCHEIBLE:

Hearing no further business, we adjourn this meeting at 5:02 p.m.

RESPECTFULLY SUBMITTED:

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Christine Miner,  
Committee Secretary

APPROVED BY:

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Senator Melanie Scheible, Chair

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

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	3		Attendance Roster
	C	10	Sherry Rupert / Nevada Indian Commission	"Overview of Nevada's Tribes" Presentation
	D	2	Sherry Rupert / Nevada Indian Commission	"Nevada's Great Basin Tribes" Summary
S.B. 96	E	4	Senator David R. Parks	Written Testimony
S.B. 96	F	1	Nevada Association of Conservation Districts	Proposed Amendment
S.B. 96	G	1	Laurel Saito / The Nature Conservancy	Letter of Support
S.B. 96	H	1	Sheila Anderson	Written Testimony