

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

**Eightieth Session
March 5, 2019**

The Senate Committee on Natural Resources was called to order by Chair Melanie Scheible at 4:00 p.m. on Tuesday, March 5, 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

STAFF MEMBERS PRESENT:

Alysa Keller, Policy Analyst
Erin Sturdivant, Committee Counsel
Steve Woodbury, Committee Secretary

OTHERS PRESENT:

Patrick Donnelly, Nevada State Director, Center for Biological Diversity
Fawn Douglas, Las Vegas Paiute Tribe
Jose Witt, Southern Nevada Director, Friends of Nevada Wilderness
Robert Gaudet, President, Nevada Wildlife Federation
Tiffany East, Board Member, Nevada Board of Wildlife Commissioners, Nevada Department of Wildlife
Larry Johnson, President, Coalition for Nevada's Wildlife
Anne Macquarie, Chair, Executive Committee, Sierra Club, Toiyabe Chapter
Christian Gerlach, Sierra Club
Mike Reese, President, Southern Nevada Coalition for Wildlife
Brett Jefferson, Wild Sheep Foundation; Southern Nevada Fraternity of the Desert Bighorn

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Karen Boeger, Policy Chair, Backcountry Hunters and Anglers, Nevada Chapter
Greg Smith, Director, Nevada Bighorns Unlimited
Maurice White
Byron Brewer
Stephanie Myers
Eric Roberts
Christine Saunders, Progressive Leadership Alliance of Nevada
Kyle Davis, Nevada Conservation League
Meghan Wolf, Patagonia
Dan Kaffer
Judy Larquier
Chip Carroon
James Katzen
Jim Boon, Ph.D., BirdandHike.com
Jim Woods
Tom Clark, Nevada Outdoor Business Coalition
Jonathan Lesperance, Coalition for Nevada's Wildlife; Nevada Sporting Dog Alliance
Hermi Hiatt, Friends of Nevada Wilderness
Terri Robertson
Melanie Croft
William Molini, President, Nevada Waterfowl Association
Kurt Kuznicki
Pauline Houston
J.J. Goicoechea, DVM, State Veterinarian, Deputy Animal Administrator, Department of Agriculture
Peregrine Wolff, DVM, Department of Wildlife
Tyler Turnipseed, Chief Game Warden, Department of Wildlife

CHAIR SCHEIBLE:

I will turn the gavel over to Senator Brooks in order for me to present Senate Joint Resolution (S.J.R.) 3.

VICE CHAIR BROOKS:

We will open the hearing on S.J.R. 3.

SENATE JOINT RESOLUTION 3: Urges Congress to oppose the expansion of the United States Air Force in the Desert National Wildlife Refuge in Nevada. (BDR R-745)

SENATOR MELANIE SCHEIBLE (Senatorial District No. 9):

The Desert National Wildlife Refuge (DNWR) occupies many acres in the southeast part of Clark County. It includes wilderness areas and important historical sites, and it is the habitat to many unique species. It abuts the Nellis Air Force Base (Nellis), and the United States Air Force (USAF) has recently proposed expanding their testing grounds into part of the DNWR. Doing so would destroy sand dunes and other habitats in the area. Since this is a decision to be made on the federal level, S.J.R. 3 is the State's way to communicate to our federal representatives and the relevant federal bodies. Nevadans agree, and testimony will bear out, that expanding into the DNWR is not the right move. We are committed to maintaining those open lands and protecting the species that live there. Passage of this measure will communicate to Congress that any expansion into the DNWR would be done over the objection of the State.

PATRICK DONNELLY (Nevada State Director, Center for Biological Diversity):

I will present an overview of S.J.R. 3 ([Exhibit C](#)). The DNWR, located in Las Vegas' backyard, is a gem of the Mojave Desert. It is home to the largest and most important desert bighorn sheep herd in the southwestern United States, and it is targeted for takeover and potential closure by the USAF, which is seeking to expand the Nevada Test and Training Range (NTTR) at Nellis.

The DNWR was designated in 1936 by President Franklin Delano Roosevelt in recognition of the abundance of bighorn sheep there and the ideal habitat in which they thrive. The DNWR has had many thousands of bighorns historically; now the herd numbers just over 700.

The DNWR covers 1.6 million acres, 1.4 million of which is proposed as "wilderness" by the United States Fish and Wildlife Service (FWS). It comprises the largest national wildlife refuge in the lower 48 states. The National Wildlife Refuge System is a nationwide system of protected public lands, specifically managed to protect outstanding wildlife habitat and provide recreational opportunities for future generations.

Slide 3 of the presentation shows the iconic desert bighorn sheep that lives in the DNWR. The desert bighorn sheep is Nevada's State Mammal and was formerly abundant, a staple of the indigenous American foodways and culture. Overexploitation, habitat fragmentation and disease have diminished the desert bighorn population across the southwest. This is one reason the DNWR is so

important. It is protected because it is the best habitat for bighorn sheep. The Sheep Range is an enormous spine of rocky peaks, stretching from Alamo in the north to Las Vegas in the south. This unbroken, rugged habitat supports the herd. There are also other mountain ranges on the DNWR that support many hundreds of bighorn sheep. The DNWR also functions as a population source, where bighorn can disperse outward from the DNWR into adjacent areas.

The DNWR has unbroken habitat. Because it was withdrawn from mining and other extractive uses in the 1930s, it is highly intact, with few roads and human disturbances. As a result, it provides a uniquely wild outdoor recreation experience.

There are many Joshua trees, as you can see on slide 4, including the famed Yucca Forest, which may be the densest yucca plant assemblage in the Mojave Desert. This creates a high quality habitat for the desert tortoise, a federally protected threatened species that lives on the DNWR.

The DNWR is also home to significant cultural sites, important to the local Paiute tribes. These include the petroglyph site seen on slide 5. There are also tool making sites and agave roasting pits. Many of these sites have not yet been catalogued, and if they were lost, we might not ever even know what we were losing. The Moapa Band of Paiutes passed a resolution in support of the DNWR and opposing the NTTR expansion ([Exhibit D](#)).

There are many miles of rugged dirt roads on the DNWR, the centerpiece of which is Alamo Road. This rough road is the way people used to travel between Las Vegas and Alamo. Now it is a classic desert adventure, taking about four hours to navigate. The route provides access to some very remote areas, including the sand dunes in Desert Valley and Desert Dry Lake, pictured on slide 6. If the proposed USAF expansion takes place, there will be an aircraft runway on this lakebed.

The USAF has proposed expanding the adjacent 2.9 million acre NTTR into the DNWR. The NTTR is the world's premiere bombing range. Militaries from all over the world come to participate in Red Flag exercises there and at Nellis, and it sets the standard for these types of facilities.

The proposal would assume primary jurisdiction over 850,000 acres currently under joint management with the FWS. This area is closed to the public, but it is

managed primarily for the benefit of wildlife. There are specific impact areas within this space where bombing activities occur, but the majority of the area is wilderness quality and managed for wildlife, specifically bighorn sheep and desert tortoise.

Under the expansion proposal, the USAF would assume primary jurisdiction for this area. Alamo Road would be closed, and an additional 227,000 acres of the DNWR would be closed to the public. This includes parts of the Sheep Range, which is the centerpiece of the DNWR. Additionally, 72,000 acres of United States Bureau of Land Management lands in Nye County would be closed.

Under the proposal, the DNWR would be subjected to the construction of 2 new runways, with C-130 flights in and out almost daily, 115 miles of new fencing, which would disrupt the unique, unbroken characteristic of this habitat and change the ecological properties of the area, and an unknown number of new roads. These new roads, probably 30 miles or more, would be used to access signal threat emitters. These are a type of radar tower used in warfare training to mimic threats to passing aircraft. They emit radiation and pose a health hazard to humans, much less wildlife. They would be placed in remote areas on the Sheep Range and other mountain ranges, which would require roadbuilding and frequent truck traffic, all of which would be detrimental to local wildlife.

The expansion would impact recreation as well. Alamo Road, which would be closed, is a popular four-wheel drive tour route. Hunting opportunities in the DNWR would be closed, especially in the Sheep Range. This area offers some of the best bighorn sheep hunting in the State, and the tags that are issued there are highly coveted.

The expansion would also restrict access to guzzlers, which are artificial water sources maintained to support bighorn sheep and other desert wildlife. There is a vast network of these guzzlers created and maintained by the Nevada Department of Wildlife (NDOW), FWS and various sportsmen's groups. Many tens of thousands of person hours have been spent constructing and maintaining these water sources. Access to these guzzlers would be restricted by this proposal, which could jeopardize the long term prospects for the affected wildlife.

There would also be impacts and restricted access to cultural sites. American indigenous tribes could potentially be shut out from their ancestral sites.

Slide 9 of the presentation shows a map of the size of the current NTTR boundaries in relation to the State. At nearly 3 million acres, it is quite extensive and represents a large allocation of public lands for the bombing range as it exists today. Slide 10 shows the existing bombing range, the DNWR, the jointly managed area and the new area that would be closed to the public. The majority of the DNWR would be closed to the public and to the FWS if the proposed expansion goes through.

There is broad and diverse support for protecting the DNWR. The Air Force prepared an environmental impact statement (EIS), solicited public comment and received 32,000 letters expressing opposition to the expansion. Over 250 people attended the public meeting held in Las Vegas in 2018, none of whom spoke in favor of the project. The NDOW is neutral on this proposal, but their comment letter submitted to the USAF raises serious concern ([Exhibit E](#)). It states, "NDOW remains concerned with the alternatives presented in the LEIS as written and especially with the USAF's consistent absence of real and honest coordination with cooperating agencies, including NDOW." It is very unusual to hear a state administrative agency use that kind of language, clearly indicating frustration with the process.

The very large and diverse coalition of organizations supporting protection of the DNWR include sportsmen and environmental groups, many of which are represented here today. This united group strongly supports S.J.R. 3 and the DNWR, with its recreational activities and wildlife habitat.

The actual language in S.J.R. 3 states,

... the members of the 80th Session of the Nevada Legislature strongly oppose the range of alternatives ... set forth in the final legislative environmental impact statement ... their approval by Congress would result in an unacceptable loss of public access to and in the degradation of the Desert National Wildlife Refuge ... the members of the ... Legislature urge Congress to work collaboratively with all interested parties to develop a compromise alternative that would both enhance training opportunities for the United States Air Force and continue to provide essential protections for Nevada's wildlife and outdoor recreational experiences ...

It is important to highlight that the broad coalition supports the mission of our military, to protect us and defend national security. As a State, we have already allocated a significant amount of public resources to facilitate that mission. The area the military already has should be sufficient for their needs. Wildlife and public recreation needs should be met as well.

FAWN DOUGLAS (Las Vegas Paiute Tribe):

I will read written testimony in support of S.J.R. 3 on behalf of the Las Vegas Paiute Tribe ([Exhibit F](#)).

JOSE WITT (Southern Nevada Director, Friends of Nevada Wilderness):

I am speaking on behalf of our thousands of members across the State. Originally protected in 1936, the DNWR is the largest wildlife refuge in the lower 48 states and boasts excellent recreational value and some of Nevada's most pristine wildlife habitats. The DNWR is home to the largest herd of the State's mammal, the desert bighorn sheep, and countless other bird and reptile species. It is a culturally significant place for the Paiutes who have ancestral roots there. For these, and many other reasons, we need to ensure that the DNWR is protected from the military's overreach. The USAF proposal to expand further into the DNWR, when they already have 2.9 million acres to train on, is out of touch.

Millions of Americans enjoy their public lands to hike, hunt and escape the hustle and bustle of our ever-growing city of Las Vegas. This is reflected in the hundreds of people who have turned out to the military's meetings, as well as 32,000 comments that were submitted in opposition to the proposed expansion. There is widespread and diverse support for the DNWR, including among native peoples, conservationists, sportsmen, Democrats and Republicans—all of whom have voiced that these lands need to remain in public hands. I ask that this Committee pass this measure out of the Committee and onto the Senate Floor.

ROBERT GAUDET (President, Nevada Wildlife Federation):

I am speaking on behalf of our 1,600 members and supporters and on behalf of the National Wildlife Federation, the world's largest conservation education organization with over 6 million members and supporters. Located just 25 miles northwest of downtown Las Vegas, the DNWR is a hidden gem sprawled across 1.6 million acres of the southern Nevada landscape. The DNWR provides hiking, birding, hunting, horseback riding, all-terrain vehicle adventures, backpacking

and camping activities on fee-free public lands. The USAF has proposed a land withdrawal that will take nearly 300,000 acres away from the DNWR, ending public access in many areas. We are very concerned about using these lands for military use. While it is essential for our military to have access to adequate resources, this should not be at the detriment of the most wild and important public space in our Country.

The 1.6 million acres of the DNWR is home to Nevada's largest population of bighorn sheep. It also offers protection to countless other wildlife species as well and safeguards ancient archeological sites. Located just a short drive from Las Vegas, the DNWR provides world class recreational opportunities throughout a diverse environment that ranges from dry desert to forested mountain peaks. We strongly support S.J.R. 3 and urge the United States Department of Defense (DOD) to leave these DNWR lands under the sole jurisdiction of the FWS and leave our public lands in public hands where they can be accessible to all. I recommend that our public lands continue to be public, accessible and wild.

TIFFANY EAST (Board Member, Nevada Board of Wildlife Commissioners, Nevada Department of Wildlife):

The Legislative Committee of the Nevada Board of Wildlife Commissioners is in support of S.J.R. 3. The DNWR was created specifically for the conservation of bighorn sheep. The USAF proposed expansion and subsequent activity will likely result in wildlife mortality including our precious bighorn sheep. The NDOW and its conservation partners have made significant investments of time and resources to improve wildlife resources in the DNWR. There will be many adverse effects should the proposed expansion move forward. We appreciate the Committee's commitment to wildlife resources in our State.

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

We support S.J.R. 3 and are in opposition to the proposed withdrawal of over 300,000 acres from the DNWR and the negative impact it would have on public access and wildlife management. Existing withdrawal lands in the NTTS currently encompass nearly 3 million acres, which is larger than many eastern states. Withdrawal would include the DNWR, the core of the desert bighorn sheep recovery. The bighorn sheep is our State animal, which has already been extirpated from most of its range across Nevada.

Sportsmen, in partnership with the FWS and NDOW have funded and constructed year-round water sources benefiting all species of wildlife. These water sources, whether man-made guzzlers or the development of natural springs, require regular access, inspection and maintenance.

The withdrawal would deny sportsmen, resident and nonresident alike, access to five very popular and highly prized Nevada hunting units. In addition to impacts to sportsmen and other wildlife enthusiasts, the withdrawal would greatly curtail camping, hiking, backpacking, horseback riding and other forms of outdoor recreation treasured by the public.

While we strongly support our military and defense efforts, we also feel the USAF mission could be met within the existing areas already withdrawn. We do not see the need to withdraw one of the crown jewels of our National Wildlife Refuge System. I have provided written testimony, which includes the names of all of the members of the Coalition for Nevada's Wildlife ([Exhibit G](#)).

ANNE MACQUARIE (Chair, Executive Committee, Sierra Club, Toiyabe Chapter):

I will read from my written testimony ([Exhibit H](#)) in support of S.J.R. 3. In addition, I brought with me a petition consisting of 642 signatures that we circulated Nevada-wide, thanking you for your action to protect our wild heritage and public lands. The petition is geographically diverse, with signees from Alamo, Boulder City, Beatty, Washoe Valley, Carson City, Elko, Spring Creek, Battle Mountain, Wendover, West Wendover, Reno, Verdi, Virginia City, Minden, Wellington, Zephyr Cove, Incline Village, Gardnerville, Indian Springs, Mesquite, Laughlin, North Las Vegas, Las Vegas, Pahrump and Henderson. The people of Nevada are not in favor of the proposed withdrawal.

CHRISTIAN GERLACH (Sierra Club):

I agree with the testimony of our State Chair, Anne Macquarie. The petition she mentioned, which was started only 5 days ago, continues to grow and now has over 700 signatures. This issue is near and dear to the hearts of Nevadans. I am also submitting a pamphlet ([Exhibit I](#)) I received from the former Chairman of the Moapa Band of Paiute, Greg Anderson, who is active on the Tribe's Cultural Committee. The pamphlet explains the cultural significance of the "nah'gah," which is the desert mountain, or bighorn sheep.

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

We agree with previous testimony. We want to thank our military for their efforts keeping us safe and free. We want to see S.J.R. 3 approved in this Committee and be passed on the Senate Floor.

BRETT JEFFERSON (Wild Sheep Foundation; Southern Nevada Fraternity of the Desert Bighorn):

Our concerns relate to further limiting access for wild sheep management and research and recreational use by the public. The proposed withdrawal will remove access to an excess of 300,000 acres of public land by wildlife managers and the public. As has been stated, it will close the Alamo Road, which provides the only access to the northern portion of the Sheep Range, one of the best bighorn habitats in the world. The proposal would close access to 18 bighorn sheep water developments, which were constructed with sportsmen's dollars and volunteer efforts, in conjunction with NDOW and FWS services. It will remove public access to various natural springs which have historically been maintained for bighorn sheep. Additionally, it will eliminate recreational opportunities and place further limits on hunting.

The decision documents for the proposed project do not specify in sufficient detail what enhancements to military readiness are expected to be achieved with this withdrawal. The Wild Sheep Foundation and the Fraternity of the Desert Bighorn remain ready to engage in the development of alternatives in partnership with the USAF, the NTTR and the DNWR to preserve and achieve both missions. We must continue to coordinate work schedules with the NTTR to gain access annually to inspect and maintain water developments that are within the existing NTTR boundaries. The impact of a change in jurisdiction is of great concern to us, shifting from FWS to the USAF in the management of the wildlife that live on the DNWR. We urge the Committee to approve this resolution and move it forward to a vote on the Senate Floor.

KAREN BOEGER (Policy Chair, Backcountry Hunters and Anglers, Nevada Chapter):

In addition to the written testimony I have submitted ([Exhibit J](#)), I want to comment on the Legislative EIS the military is required to prepare. This type of EIS differs from a public land agency EIS in that a preconsultation with entities such as the tribes or NDOW is not required. In our view, if such consultations had occurred, alternative solutions could have been found that would have been far less controversial and which would have had fewer impacts on wildlife, wildlife habitats and Nevada's hunting traditions.

The segmented process of military expansion proposals, each doing a separate Legislative EIS, manages to escape the issue of cumulative effect. In Nevada, there are currently two military withdrawal proposals, the other being the proposed Fallon Range Training Complex Modernization project. Taken together, the statistics are vast in terms of lands withdrawn from public access, hunting and wildlife and wildlife habitat.

GREG SMITH (Nevada Bighorns Unlimited):

Nevada Bighorns Unlimited (NBU) is a sportsmen group concerned with the conservation of bighorn sheep as well as other issues impacting various wildlife species throughout Nevada. Our membership represents the largest single chapter of sportsmen and sportswomen in the State with over 3,400 members.

Upon review of the proposed withdrawal of over 300,000 acres of public land, major concerns about potential adverse impacts to wildlife have been raised. The DNWR represents a significant portion of Nevada's total bighorn sheep population and is an important area to many other wildlife species. The size of the DNWR was already reduced by the military in 1999 by one-half, or 800,000 acres.

We have concerns regarding the impact on our ability to manage wildlife and their habitat, access and maintain water developments and the loss of access to important recreational areas. Members of NBU strongly support multiple use management on our public lands. We also support the USAF and look forward to seeing alternative developments with reasonable solutions that meet the NTTR training needs while allowing NDOW, Nevada sportsmen and other recreationists continued access to our public lands on the DNWR. The NBU strongly supports S.J.R. 3.

MAURICE WHITE:

I will read written testimony in support of S.J.R. 3 ([Exhibit K](#)).

BYRON BREWER:

I am a Vietnam-era veteran, so I recognize our need for a strong and effective military. I am a member of some of the organizations that have spoken today, but my remarks are my own. Beginning with Robert Moses in New York in the 1920s, road builders got the idea that they could use designated parklands as easy, convenient routes for road building. It took until the 1970s to disabuse them of this notion. Parks are for the people, the community and a place for

people to play. They are not conduits for high speed automobile traffic. Today we are in a similar situation with the military and its quest for land from the DNWR. Wildlife refuges exist for the benefit of animal populations pressured by too many people. They are not land banks for the military seeking more land for training. It is inconceivable that in Nevada, the State with 80 percent federal land, that the USAF would have to take land from the DNWR for its training needs. The land in question is already in use. It is a wildlife refuge. The time has come for the military to recognize this existing use. Please look elsewhere.

STEPHANIE MYERS:

The U.S. military should not be allowed to kidnap the wildlife and environment belonging to Nevada's public.

ERIC ROBERTS:

I am a small business owner and architect in southern Nevada. I agree with previous testimony. As I try to attract young professionals to southern Nevada, one of the most important things we offer is our unique outdoor environment and a link to nature. It is not always the nightlife and the neon that gets young architects and engineers to come and want to stay here in southern Nevada; it is the opportunity to hike, to four-wheel, to hunt and to spend time birding. Taking away an enormous portion of our public lands, an entire ordinal direction of Las Vegas, would be devastating to business prospects. I strongly encourage the approval of this measure, getting it on the floor, making a stand and saying that Nevada can do something for business and for ourselves. Maybe we have done enough for the military.

CHRISTINE SAUNDERS (Progressive Leadership Alliance of Nevada):

I will direct you to my written testimony reflecting the Progressive Leadership Alliance of Nevada's support of S.J.R. 3 ([Exhibit L](#)).

KYLE DAVIS (Nevada Conservation League):

I agree with statements made by my colleagues in the conservation community. The Nevada Conservation League is in support of S.J.R. 3.

MEGHAN WOLF (Patagonia):

I will read written testimony in support of S.J.R. 3 ([Exhibit M](#)).

DAN KAFFER:

I am a retired federal agent who helped conduct plant and animal inventories in the Naval Air Station Fallon (NAS) in the 1980s. I support the other testimony given and ask the question of why we need so much land for the Navy and the USAF. When we were conducting the inventory at the NAS, drills were conducted less than 5 percent of the time. I think it is the same at Nellis and China Lake. Why does each agency need its own? Why can they not share the airspace? An EIS needs to be done combining all of the military bases to see if they can utilize the same space.

JUDY LARQUIER:

The DNWR is for recreational use and environmental protection. I have hiked and camped in many of the areas named for withdrawal. I have enjoyed the peace and quiet and natural beauty of these remote areas, and I oppose the expansion of these areas by the military. I see the withdrawal of the public lands as a major land grab that will eliminate access to some of Nevada's most pristine areas. Full wilderness is a much better designation for these critical habitat areas. I am opposed to the withdrawal of these lands and support S.J.R. 3.

CHIP CARROON:

I strongly oppose the USAF annexation of much of the DNWR. This action would render the DNWR largely ineffective in preserving animal habitat, the reason it was created, and greatly diminish recreational access to the growing Nevada population. We need to be thinking about conserving natural spaces, or we are going to lose the quality of life we are all expecting and cherish. Almost 3 million acres has already been granted to the military at the NTTR, and most of that land is not used intensively. The existing land should be intensively used before consideration is given to designate additional land. The proposal is a vast military overreach, and it needs to be rejected.

JAMES KATZEN:

I am an avid camper and hiker, and the reason President Theodore Roosevelt and John Muir created areas in perpetuity like this was so that people could enjoy them down through the ages. Once they are gone, they cannot be restored to their original use for animals and the environment. I advocate for the military, but I think they have enough land now. I was lucky enough to watch a Red Flag launch at night, which was very spectacular, but we need to keep these lands for the uses for which they have already been dedicated.

JIM BOON, PH.D. (BirdandHike.com):

I oppose the expansion of the USAF lands. My interest is protecting habitat for wildlife and plants and keeping public lands in public hands. I agree with all of the other testimony that has been heard today but want to mention two other points. There are things happening in the DNWR that are not being considered, including small scale observational research. This type of research requires no permits, and the FWS is likely unaware of these projects. For example, I am involved in a national project surveying for nighthawks. We go out every spring when certain weather conditions exist to count these birds. I have talked to the Air Force about how this kind of activity would be handled if the expansion goes through, and they indicated they would issue a permit in advance for a specified day. That approach would not work because of the need for a calm, cloudless, moonlit night. These conditions cannot be scheduled six months in advance. Research of this nature would be eliminated if this project goes forward.

Another issue that has not been addressed is that generals tend to "fight the last war." The future of aerial warfare is drones. We do not need more land so pilots can shoot from further back. We need to focus on drones and similar technology. We should not take over and lock people out of these lands. When manned aircraft becomes obsolete, access to these lands will remain.

JIM WOODS:

I am a birder with a small concern for people like myself who appreciate the outdoors and the wildlife that is found there. This is a growing business. In Douglas County, there are groups centered on feral horses. I have led groups to look at crows, eagles and roadrunners. Animal breeding areas need to stay intact. That is what Nevada offers. We should not start chopping it up and approve things like fracking. Consider what an oil field looks like and how many sage grouse will ever call that place home. We do not want to do that.

TOM CLARK (Nevada Outdoor Business Coalition):

This Coalition was formulated in September of last year, and it is the Statewide business voice for the outdoor recreational industry. The Coalition is in agreement with testimony provided earlier by Patagonia, one of our flagship members. We support S.J.R. 3.

JONATHAN LESPERANCE (Coalition for Nevada's Wildlife; Nevada Sporting Dog Alliance):

We are in full support of S.J.R. 3. This sort of unanimous consensus from this diverse group of stakeholders indicates that the people have spoken. To ask more from this State that has given so much of its public lands for military use, without meaningful stakeholder interaction, appears tone deaf.

HERMI HIATT (Friends of Nevada Wilderness):

I am a plant ecologist. The DNWR has a very high degree of plant endemism, meaning there are plants that do not live anywhere else. Fires could occur with military use and threaten these unique plant species. I agree with all of the previous testimony and support S.J.R. 3.

TERRI ROBERTSON:

I am a fourth generation Nevadan and have spent a lot of time in the DNWR. We have heard lots of statistics today, but I wish I could put in your hearts the wonders and glory of the nature that is there, because it belongs to all of us.

MELANIE CROFT:

I attend Nevada State College, and as a college student, I enjoy being able to participate in recreational activities away from the campus or the Las Vegas Valley. It is awesome to be able to experience the wild. As a young person, it seems terrible to take such a large portion of land away from the people, especially with so many young people becoming more active in the wild. It is fantastic being able to experience sand dunes in Nevada. It would be unfortunate to take that away.

WILLIAM MOLINI (President, Nevada Waterfowl Association):

Many of the previous testifiers have expressed the extreme value of the DNWR as a wildlife habitat. We strongly support S.J.R. 3 and hope you move it forward.

KURT KUZNICKI:

I am speaking as a grandfather of two native Nevadan grandchildren. Thank you to the men and women of the Air Force and their families for their commitment to our Nation, for their courage and for keeping us safe. My fight is not with them. To the DOD, I say Nevada has given enough. On December 12, 1907, President Theodore Roosevelt designated the Vegas National Forest. Part of this land would later be known as the DNWR. President Roosevelt said, "This land

was for the continued use of the American people." He meant present and future generations. Nevada was promised this. On May 20, 1936, the DNWR was created by President Franklin Delano Roosevelt.

On September 9, 1940, the Tonopah Test Range was created. Nevada gave up land that was a wildlife refuge at the time. In 1941, private land was seized that was later added to the NTTR. Nevada was again forced to give up land. In 1942, all of that land was restricted. Nevadans were locked out. On December 15, 1950, President Truman designated the Nevada Proving Grounds, which became a nuclear test site. Nevada was patriotic at that time. On January 27, 1951, the first above-ground test of a nuclear weapon occurred in Nevada. Since then, 1,021 above and below-ground tests have been conducted. In 1963, there was an underground nuclear test at the Project Shoal Nuclear Test Site east of Fallon. In 1968, there was an underground nuclear test east of Tonopah in Project Faultless.

The government picked these sites, in part, because there were not enough people in the rural areas to put up a fight. In 1987, Yucca Mountain was designated as a storage site for all of the nuclear waste this Nation creates. On January 30, 2019, the Department of Energy (DOE) secretly shipped plutonium from South Carolina to Nevada. Now the DOD wants to encroach on the DNWR, and for Nevada to give more. They wish to dispense with what President Roosevelt promised the American people. As has been stated, the DOD has already locked up 3.3 million acres, and the DOE has 800,000 acres in Nevada, which is some of the most contaminated land on the face of the earth. Nevada was poisoned. I hope you will vote your heart and vote against this overreach by the USAF, and let the Country know that Nevada has had enough.

PAULINE HOUSTON:

I am a fifth generation Nevadan. My family lived in Nevada before it became a State, and my great-grandfather was the first State Senator from Nye County. I was raised in Tonopah and the Gabbs area and have seen lots of changes. I currently live in Lovelock. Several of my family members have died from cancer. They were "down winders" exposed to the effects of military nuclear testing. I strongly object to the military taking more land. They have taken land near Gabbs, where my family still owns property. My husband and I graduated from high school there. The military is coming within two miles of Gabbs and moving the main road into town. Our home has been damaged from sonic booms. One of the beams in my family room has dropped several inches. They dive bomb

right over my house in our backyard. Recently a jet flew just above the power lines. The noise is unbelievable; they dogfight just above our house. Access to wildlife is limited only to hunters during hunting season, which is discriminatory to others of us who like to see and take pictures of them rather than kill them.

I would like to see all the opponents group together to challenge the USAF and the Navy to protect the wildlife in the entire State. We have special animals in northern and southern Nevada, and they are cutting off our access by taking over 600,000 acres in the Gabbs, Fallon and Tonopah areas, including Bell Flat near Fallon, which was named after my great-grandfather, Thomas Jefferson Bell. I have provided a document regarding the Fallon Range Training Complex Modernization project ([Exhibit N](#) contains copyrighted material. Original is available upon request of the Research Library.).

SENATOR SCHEIBLE:

I have had the opportunity to visit the DNWR and could not state more eloquently than the previous testifiers what a truly remarkable place it is. There is no place like it on earth.

VICE CHAIR BROOKS:

I have visited the DNWR many times over many years and took my grandsons up Alamo Road last weekend. If the proposed withdrawal goes through, I would not be able to take that road ever again. I support S.J.R. 3.

Seeing no further testimony, I will close the hearing on S.J.R.3 and turn the gavel back to Senator Scheible.

CHAIR SCHEIBLE:

I will open the hearing on Senate Bill (S.B.) 85.

SENATE BILL 85: Revises provisions governing the importation into this State of certain live animals or parts of the carcass of certain animals.
(BDR 45-206)

J.J. GOICOECHEA, DVM (State Veterinarian, Deputy Animal Administrator, Department of Agriculture):

This measure was developed in partnership with Tyler Turnipseed, Chief Game Warden, NDOW; Jack Robb, Deputy Director, NDOW and Tony Wasley, Director, NDOW. The bill is regarding chronic wasting disease (CWD), which is a

transmissible spongiform encephalopathy, similar to bovine spongiform encephalopathy, mad cow disease, Creutzfeldt-Jakob disease in humans, and scrapie in goats and sheep. It is important for us to be proactive, because we do not have CWD in Nevada yet. We do not want it in Nevada. Once established, it will decimate our cervid population: our elk, deer and moose. The infective organisms are called prions, which are abnormal proteins. They are spread primarily by direct contact and body fluids, but they can also be picked up from the environment, if contaminated with these proteins.

This bill has two portions, one specific to *Nevada Revised Statute* (NRS) 501, which is an NDOW statute, and the other to NRS 571, which is a Nevada Department of Agriculture (NDA) statute. The bill was originally intended to be an NDA bill related only to NRS 571, but Legislative Counsel Bureau staff have recommended the current form, which includes revisions to both chapters.

Chronic wasting disease is present in 24 states, and as of January 1, 2019, 2 Canadian provinces. It was first discovered in Colorado in the 1960s in a research facility and then in wild deer in Colorado in 1981. By the early 2000s, it had spread throughout the Midwest. It is now in Utah, our closest neighbor, and is now present throughout Wyoming, Colorado, Nebraska and Kansas. We have many Nevada sportsmen who travel to those states, harvest game and then return to Nevada.

There are only nine states in the United States that do not have some form of import ban related to CWD; Idaho and Nevada are two of those states. There is a similar bill being contemplated by the Idaho Legislature this year to protect that state from this disease.

This bill is not intended to stop people from bringing their trophy game back into Nevada. It is strictly to protect our State from CWD.

Referring to NRS 501, section 1, subsection 1, paragraph (a), subparagraph (6) of the bill states that "Any other animal which the State Quarantine Officer has, by regulation, declared to be susceptible to chronic wasting disease and prohibited from importation into this State ... ". This is an example of how NDOW and NDA work together. By statute the State Quarantine Officer is the Director of NDA, so we must work together to protect wildlife in this State.

PEREGRINE WOLFF, DVM (Department of Wildlife):

You may be aware of references to "zombie deer" in current popular literature. This is a reference to CWD. Infected animals have behavioral changes and weight loss because the prions are destroying the animals' brains. It is a 100 percent fatal disease. There is no vaccine or treatment. If they get it, they will die. In some of the heavily infected states, such as Colorado and Wyoming, they have found that some of the herds with high CWD prevalence are decreasing in size, which is of concern.

The best way that we can prevent it from coming into Nevada is through heavy surveillance of annual harvests and road kill. We look for clinical signs and symptoms consistent with the disease. Research conducted across the United States has found that the biggest risk factor for getting the disease into a state is hunter harvested carcasses or captive cervids coming in from a state in which the disease already exists.

In Nevada, we have very few legal captive deer, which is fortunate for us and helps decrease the risk of the disease coming into Nevada that way. Our focus going forward will be the implementation of carcass transport restrictions, which aims to eliminate infected material coming into the State. This includes tissue from the brain, spinal column and lymph system. The meat, bones, cape, skull and other materials are not affected and are able to come in. We are only trying to limit the tissue that could possibly be infected in order to limit exposure to the landscape, deer or other animals. We want to join the other states and Canadian provinces actively trying to protect our wildlife resources from this devastating disease.

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

I was a field game warden for 16 years, 10 of which were in a duty station in Winnemucca. One of the reasons we began talking about this bill over the past year or two is that while I was working in Winnemucca, which is a major travel corridor for hunters traveling among the midwestern states, Nevada and California, I would frequently get calls regarding dead deer along the highway. Upon investigation, we usually found the byproducts of a butchered deer, probably the result of a legal harvest. We had no way of knowing where the deer was harvested, whether in state or out-of-state. In addition to the possibility of the disease being spread naturally from cervid to cervid, we are concerned that it can spread through human transportation of infected tissue across state lines.

California has a law similar to this bill that could lead to dumping in Nevada when hunters are traveling across Nevada and approaching California agricultural inspection stations. Research shows that the disease can be spread by a bird feeding on infected, dumped material then depositing fecal material miles away.

Working with the NDA, we have developed the language you see in this bill, which prohibits out-of-state hunters from bringing any brain matter or spinal column material into Nevada.

Like many Nevadans, I enjoy hunting in other states, and we do not want to infringe upon that activity. Hunters will need to ensure that big game animals are quartered, boned out or butchered before reentering the State. Some have expressed concerns about skulls, wanting to keep the head of the deer for trophies, which is acceptable as long as there is no residual brain matter.

Section 1, subsection 1, paragraph (a) of the bill specifies the materials that cannot be brought into the State. Subsection 2 of section 1 contains permissive language, defining what may be brought into the State. This includes the meat, hide, cape, clean skull plate, antlers, taxidermy mounts and upper canine teeth.

DR. GOICOECHEA:

Section 2 of the bill makes minor changes related to live animal importation into the State and other technical changes, such as changing "Rocky Mountain elk" to "elk" in subsection 5, paragraph (a), since there are other species of elk that are susceptible to CWD. We now have moose in Nevada, so that species has been added, as well as alternative livestock, which refers to fallow deer and reindeer. These animals, pursuant to NRS 579, must be permitted through the United States Department of Agriculture (USDA). Farming of these animals is not allowed, but they are allowed on a limited basis for exhibition purposes when properly permitted through the USDA.

SENATOR HARRIS:

Is there any risk of someone who is hunting on a seamless state border accidentally crossing the border and unknowingly bringing an animal across the border into Nevada? Will there be an effort after passage of this law to inform hunters of the change?

DR. GOICOECHEA:

Currently, there is no CWD in California's deer population, so there is not a risk at that border. Thankfully, CWD is not a problem on Utah's western border either. Nor is the disease present in Idaho and Oregon, so we have a natural buffer around us. It would be possible to inadvertently shoot an animal on the wrong side of the border.

MR. TURNIPSEED:

When we were first looking at the bill, we were mostly concerned with potentially infected animal material being transported on the roadways into the State. There are hunting areas near state borders, and areas where hunters in Nevada may drive a route that causes them to briefly leave and reenter the State. Officers would use discretion in this case, knowing that it is not the intent of this law to regulate those animals. The intent is to regulate animals from areas of concern outside of Nevada being transported into the State.

SENATOR HARRIS:

Perhaps adding language precluding the "intentional" transport of suspect animals into the State would alleviate some of those concerns. Even though there is currently no risk from Nevada's direct neighbors, the bill, as written, would criminalize unintentional and otherwise harmless hunting activities at Nevada's borders.

DR. WOLFF:

Recently, many of the states with active CWD problems have begun requiring that all hunter harvest animals in those states be tested, because there is currently a recommendation from the Centers for Disease Control and Prevention to do so. There is no published research indicating human susceptibility to CWD; however, testing is being done in some states as a precaution. Recently, there was a CWD-positive animal that was processed in Susanville, with some of the animal's remnants ending up at a rendering plant in Reno. This incident was the impetus for a conversation regarding Nevada rendering plants, how materials are handled and how equipment is sanitized. There is a lot of interplay among states and a need for discussions on how animal material is transported across state lines. We are frequently talking to colleagues in Utah, where CWD does exist and from where migratory herds do cross into Nevada. This bill will help address some of these issues.

SENATOR GOICOECHEA:

Mr. Turnipseed mentioned carcasses sometimes discovered along the Interstate 80 corridor. What is done with those? Are they picked up?

MR. TURNIPSEED:

Six to eight years ago, the carcasses were not picked up, only observed for possible wildlife violations. Currently, we are erring on the side of caution and picking them up, testing them and utilizing NDA's resources to incinerate them.

SENATOR HANSEN:

Is this disease difficult to transmit? If it is present in Utah's natural population, and with inter-herd activity, it would seem only a matter of time before it becomes a problem in Nevada.

DR. WOLFF:

If there is a high enough concentration on the landscape, animals shed material from all of their bodily orifices. Animals can become infected from their first nose-to-nose sniff. If a male is sniffing a female, it may take a couple of times, but it can occur. It is not terribly difficult for transmission to occur.

Another consideration of concern is that where infected captive cervids have been discovered, they have been removed and the land left fallow for up to 16 years. When healthy animals have been returned to the area, they have become infected. It is a major issue that the disease can remain and be taken up by soils and stored in plants, so the land can remain infected for long periods of time.

We are in regular contact with colleagues in Utah, and at the moment it does not appear they have CWD in areas where we have trans-state migration, but this is an area of concern. Most of our surveillance is conducted at Nevada's eastern border where we know we have significant trans-state migration. We are also looking Statewide at road kill and other dumped animal carcasses to make sure we do not miss it in other parts of the State.

DR. GOICOECHEA:

Another thing to keep in mind is that the disease has a relatively long incubation period of about a year, so there can be a normal looking harvested animal that may be infected with CWD. It is difficult to diagnose. If an animal has obvious

symptoms, it may be easier to diagnose, but a healthy looking animal may be infected, and by the time we find it, it could be deep in Nevada.

SENATOR HANSEN:

My concern is from the sportsmen's angle. I agree with Senator Harris and am concerned about liability and putting some level of intent language into the bill. I know some regulations are strict, but I want to make sure we are being reasonable. What is the likelihood of natural transmission with time?

DR. GOICOECHEA:

Talking with colleagues from Utah and Idaho, and observing patterns of progression through Kansas, Nebraska, Colorado, Wyoming and Montana, spread to Nevada is highly likely over time. It will spread to this State. We want to make sure we are doing everything we can possibly do to prevent it, but it will eventually come here.

SENATOR GOICOECHEA:

Could a simple test be developed for a sportsman to determine if an animal is infected, rather than transporting an animal to a facility?

DR. WOLFF:

We do rely on our sportsmen heavily to bring hunter harvested heads in for testing. It is more likely that an adult buck or bull will have CWD rather than a younger animal. We continually ask hunters if we can take tissue samples to test, typically lymph node material from the neck or brainstem material. In most states with CWD, animals will be tested, if requested, and the results provided. In Nevada, we can provide training to sportsmen who wish to sample their own animals, or we have a number of NDOW and NDA agencies and check stations that can test any animals brought to us.

MR. JOHNSON:

We are in strong support of this bill. The requirements to sportsmen is a minor inconvenience in comparison to the need to keep this disease outside of the State. Some of the deer herds in the north midwestern states have been decimated by this disease. We cannot allow it. Our wildlife resources are limited, as we are the driest state in the union, and we do not have large numbers of big game animals. We need to protect them to the best of our ability.

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MS. EAST:

The Legislative Committee supports this legislation, with the understanding that amendments may be forthcoming. It is imperative that we develop programs such as check stations to protect Nevada's wildlife from CWD that could decimate our elk, moose and deer populations and subsequently other wildlife.

MR. DAVIS:

We are in support of this bill and encourage your support.

CHAIR SCHEIBLE:

Seeing no further testimony or public comment, I will close the hearing on S.B. 85, and we will be adjourned at 5:45 p.m.

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RESPECTFULLY SUBMITTED:

Steve Woodbury,
Committee Secretary

APPROVED BY:

Senator Melanie Scheible, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	15		Attendance Roster
S.J.R. 3	C	14	Patrick Donnelly / Center for Biological Diversity	Presentation
S.J.R. 3	D	2	Patrick Donnelly / Center for Biological Diversity	Moapa Band of Paiutes Resolution
S.J.R. 3	E	12	Patrick Donnelly / Center for Biological Diversity	Nevada Department of Wildlife Letter
S.J.R. 3	F	2	Fawn Douglas / Las Vegas Paiute Tribe	Written Testimony
S.J.R. 3	G	2	Larry Johnson / Coalition for Nevada's Wildlife	Written Testimony
S.J.R. 3	H	1	Anne Macquarie / Sierra Club	Written Testimony
S.J.R. 3	I	2	Christian Gerlach / Sierra Club	Pamphlet by the Southern Paiute Nuwu
S.J.R. 3	J	1	Karen Boeger / Backcountry Hunters and Anglers	Written Testimony
S.J.R. 3	K	2	Maurice White	Written Testimony
S.J.R. 3	L	1	Christine Saunders / Progressive Leadership Alliance of Nevada	Written Testimony
S.J.R. 3	M	1	Meghan Wolf / Patagonia	Written Testimony
S.J.R. 3	N	31	Pauline Houston	Draft Environmental Impact Statement