

ASSEMBLY BILL NO. 171—COMMITTEE ON NATURAL RESOURCES

FEBRUARY 24, 2021

Referred to Committee on Natural Resources

SUMMARY—Establishes certain protections for certain swamp cedars. (BDR 47-468)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to natural resources; providing certain protections for a certain population of Rocky Mountain junipers; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, it is unlawful to cut, destroy, mutilate, pick or remove any flora on any: (1) private lands without a written permit from the owner, occupant or authorized agent of the owner or occupant; or (2) state lands under the jurisdiction of the Division of State Parks of the State Department of Conservation and Natural Resources except in accordance with regulations of the Division. (NRS 527.050) Further, no flora on the list of fully protected species may be removed or destroyed from any other land except pursuant to a special permit issued by the State Forester Firewarden. (NRS 527.050, 527.270) **Section 1** of this bill declares that it is the policy of this State to protect the Spring Valley population of Rocky Mountain junipers, known as “swamp cedars,” that occur in White Pine County within the Bahsahwahbee Traditional Cultural Property. **Sections 1 and 2** of this bill make it unlawful for any swamp cedar within that property to willfully or negligently be cut, destroyed, mutilated or removed without first obtaining a special permit from the State Forester Firewarden.

Section 2 also revises the existing exemption for Indians native to Nevada who gather flora for certain reasons to remove the requirement that such Indians be native to Nevada.



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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 527 of NRS is hereby amended by adding thereto a new section to read as follows:

1. It is hereby declared to be the policy of the State of Nevada to protect the Spring Valley population of Rocky Mountain junipers (Juniperus scopulorum), known as "swamp cedars," that occur in White Pine County within the Bahsahwahbee Traditional Cultural Property as such swamp cedars are a rare occurrence of low-elevation Rocky Mountain junipers and are considered sacred by certain Native American tribes in the State.

2. It is unlawful for any person, firm, company or corporation, his, her, its or their agent or agents, willfully or negligently to cut, destroy, mutilate or remove any swamp cedar described in subsection 1 without first obtaining a special permit from the State Forester Firewarden and complying with any other applicable requirements set forth in NRS 527.050.

3. Except as otherwise provided in this subsection, the State Forester Firewarden may adopt regulations necessary to carry out the provisions of this section. The State Forester Firewarden may not charge a fee for a special permit to cut, destroy, mutilate or remove any swamp cedar described in subsection 1.

Sec. 2. NRS 527.050 is hereby amended to read as follows:

527.050 1. It is unlawful for any person, firm, company or corporation, his, her, its or their agent or agents, willfully or negligently:

(a) To cut, destroy, mutilate, pick or remove any tree, shrub, plant, fern, wild flower, cacti, desert or montane flora, or any seeds, roots or bulbs of either or any of the foregoing from any private lands, without obtaining:

(1) A written permit therefor from the owner or occupant or the duly authorized agent of the owner or occupant; and

(2) If the flora ~~has~~:

(I) Has been placed on the list of fully protected species pursuant to NRS 527.270, a special permit ~~from~~ issued by the State Forester Firewarden ~~+~~ pursuant to NRS 527.270; and

(II) Is a swamp cedar described in section 1 of this act, a special permit issued by the State Forester Firewarden pursuant to section 1 of this act.

(b) To cut, destroy, mutilate, pick or remove any flora on any state lands under the jurisdiction of the Division of State Parks of the State Department of Conservation and Natural Resources without:



(1) Complying with regulations of the Division of State Parks; and

(2) If the flora ~~has~~ :

(I) ~~Has~~ been placed on the list of fully protected species pursuant to NRS 527.270, obtaining a special permit ~~from~~ **issued by** the State Forester Firewarden ~~from~~ **pursuant to NRS 527.270; and**

(II) **Is a swamp cedar described in section 1 of this act, a special permit issued by the State Forester Firewarden pursuant to section 1 of this act.**

(c) To cut, destroy, mutilate, pick or remove any flora ~~that has been placed on the list of fully protected species pursuant to NRS 527.270~~ from any lands within the State of Nevada not otherwise described in paragraphs (a) and (b) without obtaining :

(1) **If the flora has been placed on the list of fully protected species pursuant to NRS 527.270,** a special permit ~~from~~ **issued by** the State Forester Firewarden ~~from~~ **pursuant to NRS 527.270; and**

(2) **If the flora is a swamp cedar described in section 1 of this act, a special permit issued by the State Forester Firewarden pursuant to section 1 of this act.**

➡ For the purposes of this subsection, the State Forester Firewarden may establish regulations for enforcement, including the issuance of collecting permits and the designation of state and federal agencies from which such permits may be obtained.

2. Every person violating the provisions of this section is guilty of a public offense proportionate to the value of the plants, flowers, trees, seeds, roots or bulbs cut, destroyed, mutilated, picked or removed, and in no event less than a misdemeanor.

3. The State Forester Firewarden and his or her representatives, public officials charged with the administration of reserved and unreserved lands belonging to the United States, and peace officers shall enforce the provisions of this section.

4. Except as to flora that has been placed on the list of fully protected species of native flora pursuant to NRS 527.270 or as to flora on state park lands regulated by the Division of State Parks, the provisions of this section do not apply to Indians ~~[- native to Nevada,]~~ who gather any such article for food or **for** medicinal ~~use for themselves or for any other person being treated by Indian religious ceremony.]~~ **or ceremonial use.**

Sec. 3. This act becomes effective on July 1, 2021.

