

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Eighty-First Session
March 16, 2021**

The Committee on Government Affairs was called to order by Chair Edgar Flores at 9:05 a.m. on Tuesday, March 16, 2021, Online. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblyman Edgar Flores, Chair
Assemblywoman Selena Torres, Vice Chair
Assemblywoman Natha C. Anderson
Assemblywoman Annie Black
Assemblywoman Tracy Brown-May
Assemblywoman Venicia Considine
Assemblywoman Jill Dickman
Assemblywoman Bea Duran
Assemblyman John Ellison
Assemblywoman Susie Martinez
Assemblyman Andy Matthews
Assemblyman Richard McArthur
Assemblywoman Clara Thomas

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Sandra Jauregui, Assembly District No. 41

STAFF MEMBERS PRESENT:

Jered McDonald, Committee Policy Analyst
Judith Bishop, Committee Manager
Kyla Beecher, Committee Secretary
Cheryl Williams, Committee Assistant



OTHERS PRESENT:

Kyle Davis, representing Nevada Conservation League
Larry Johnson, President, Coalition for Nevada's Wildlife
Denise Rohrer, Co-Chair, Legislative Committee, Sierra Club Toiyabe Chapter
Grace Palermo, Southern Nevada Programs Director, Friends of Nevada Wilderness
Calli Wilsey, Senior Management Analyst, Intergovernmental Relations, City of Reno
Matthew Walker, representing Southern Nevada Home Builders Association
Kerrie Kramer, representing NAIOP
Jake Tibbitts, Natural Resources Manager, Department of Natural Resources, Eureka County
Jamie Rodriguez, Government Affairs Manager, Office of the County Manager, Washoe County
Dan Morgan, Chief Executive Officer, Builders Association of Northern Nevada
Dagny Stapleton, Executive Director, Nevada Association of Counties
Marla McDade Williams, representing Churchill County
Alan Jenne, Administrator of Habitat, Department of Wildlife
Joanna Jacob, Government Affairs Manager, Clark County

Chair Flores:

[Roll was called. Committee rules and protocol were explained.] We have one bill presentation this morning. We have Assembly Bill 211. Assemblywoman Jauregui will be presenting that. Good morning and welcome, Assemblywoman Jauregui.

At this time, I would like to open the hearing on Assembly Bill 211.

Assembly Bill 211: Establishes provisions relating to a plan to address impacts to wildlife. (BDR 22-795)

Assemblywoman Sandra Jauregui, Assembly District No. 41:

Nevada has some incredibly unique and diverse wildlife habitats. Because of our state's abundance of public lands, Nevada is the seventh most biodiverse state in the United States. This is something we can all be proud of and something we should all want to protect. With the growing popularity of Nevada as a place to call home, comes growth and development.

Assembly Bill 211 amends land use planning statutes to require local governments to consider wildlife and wildlife habitat in their land development review process. Existing law already requires numerous state and local agencies, like the Division of Water Resources and the Division of Environmental Protection in the State Department of Conservation and Natural Resources, to review tentative development maps. In addition to water and environmental reviews, tentative map reviews must also consider access to utilities and schools.

They must consider the impact on traffic, flood potential, and recreation. As development pushes further into previously undeveloped land, this bill will ensure that effects of developments on wildlife are addressed prior to the approval of a development proposal.

Taking a look at the bill, section 1, subsection 1, paragraph (a), of Assembly Bill 211 requires that "the governing body shall file a copy of the subdivider's tentative map with the Department of Wildlife," just like the Divisions of Water Resources and Environmental Protection. This bill gives the Department of Wildlife (NDOW) up to 30 days to review the map and comment, in writing, on the potential impacts to wildlife and wildlife habitat. If applicable, those comments must include a plan for how the subdivider may avoid, minimize, or mitigate the potential impacts to wildlife and wildlife habitat. The planning commission or governing body may then take any comments from NDOW into consideration before approving a tentative map, just like it takes into consideration impacts on traffic, schools, and recreation. These provisions do not apply in cases where the planning commission or governing body has adopted a habitat conservation plan that included any determination of impact to wildlife and wildlife habitat required pursuant to federal law, including habitat conservation plans approved by the United States Fish and Wildlife Service, United States Department of the Interior.

Section 1, subsection 3, of Assembly Bill 211 authorizes NDOW to "charge the subdivider a fee of not more than \$5,000 for reviewing a tentative map." The amount of the fee must be based on the size of the proposed subdivision and types of wildlife habitat that would be impacted. The fee could be \$100, \$1,000, \$3,000, but not more than \$5,000.

Finally, section 1, subsection 4, of the bill authorizes that the "Department of Wildlife may adopt any regulations necessary to carry out the provisions of this section."

I have been contacted by concerned parties and have begun meeting with many of them. I want to thank them for reaching out and walking me through their concerns. I look forward to having more time after the hearing to work with them. I would also like to note that there is a proposed amendment by Clark County [[Exhibit C](#)], which is a friendly amendment, and we have accepted it. With that, Chair Flores, I would like to turn it over to Kyle Davis.

Kyle Davis, representing Nevada Conservation League:

Assembly Bill 211 is a priority bill of the Nevada Conservation League, which is a coalition of 21 organizations across the state that work on conservation issues. Assembly Bill 211 is an attempt to bring more information to life for decision makers as our state continues to grow. Assembly Bill 211 does not create a new permitting authority of the Department of Wildlife. It simply ensures that when local governments are making decisions on new developments, they are doing so with the benefit of knowing the potential impacts on our state wildlife populations.

Assemblywoman Jauregui has already done a good job of outlining the bill. I just want to touch on a couple of points. First, she mentioned the amendment. There should be an

amendment on the Nevada Electronic Legislative Information System [[Exhibit C](#)] from Clark County. We do consider this to be a friendly amendment. This clarifies the entity that adopts the habitat conservation plan.

Clark County has adopted a multiple species habitat conservation program that takes into account the impact on wildlife for all development across the county. Developers pay \$550 an acre and the county invests that money into mitigation programs. As this program accomplishes many of the same goals as this legislation, we did not want to duplicate efforts. That is why you see this in section 1, subsection 2, of the bill. To the extent that other governments have similar programs in place, they would also be able to take advantage of this provision.

Second, the fee: The legislation was drafted to set the limit at \$5,000 for fees that could be charged by NDOW. We felt that it was important to provide for cost recovery for the work that NDOW does to provide this information to developers. The Department of Wildlife's mission is to protect, conserve, manage, and restore wildlife. We do not think it is an appropriate use of those dollars to subsidize development. We do not anticipate that the fees will be that high. The schedule would be set during a regulatory process that would have full public involvement. We did feel it made sense to put an upper limit in the statute. This is not always done. For example, *Nevada Revised Statutes* (NRS) 278.3295 gives authority to the State Environmental Commission within the State Department of Conservation and Natural Resources to divide the fee for similar reasons but does not set an upper limit. Our legislation does. With that, I would be happy to answer any questions.

Chair Flores:

Thank you, Mr. Davis. Thank you, Assemblywoman Jauregui. We appreciate both of you for joining us this morning, walking us through that amendment, and explaining the purpose of what we are trying to do here to help. Members, at this time, I would like to open it up for questions.

Assemblyman Ellison:

In the past, the county, the county commission, the Department of Wildlife, and the planning commissions always did this. Now, you are going to remove this. According to this, Clark County asked for the planning commission to be taken out of that. I do not think that would work for the whole state, mostly in areas like Lake Tahoe and Elko where they are just now putting subdivisions outside that are still within the local jurisdiction. You are saying this will remove that and give control to the Department of Wildlife, is that correct?

Kyle Davis:

No, that is not the intent. The amendment [[Exhibit C](#)] is from Clark County. All the amendment does is clarify that in cases where a county has adopted a habitat conservation plan, the governing body adopts the habitat conservation plan and not the planning commission. It does not change anything. This bill does not change anything in terms of the responsibilities for considering and approving developments and subdivisions. That all remains the same. The only difference that we would put into place is that a copy of the map

would be given to the Department of Wildlife. The Department of Wildlife would give information on the impacts to wildlife back to the planning commission or the governing body. The ultimate decision still stays with that local government. It does not change that at all.

Assemblywoman Considine:

I have a question about how many tentative maps are submitted quarterly. I know that can vary greatly, especially for some of the counties that are exploding in growth and for Clark County, which is continuously growing. Is it possible that the number of maps that might be submitted in a quarter might be a little excessive? Is this going to add a large load to the Department of Wildlife? Are these more often spread out pretty equally?

Kyle Davis:

I do not have those numbers in front of me. It does vary by jurisdiction. You see a lot more maps filed in Clark County, Las Vegas, Henderson, and North Las Vegas. Under the provisions of this bill, Clark County does have a habitat conservation program in place that is approved by the United States Fish and Wildlife Service. They would not be going through this process; they would continue with their existing process.

In other counties, it is going to vary. There are a lot more in Washoe County than in Esmeralda County. The short answer is, I do not have that information for you. The longer answer is, I know that, to some degree, some counties are already doing this in terms of consulting with the Department of Wildlife.

We are trying to standardize that process across the state and provide some amount of cost recovery for the Department of Wildlife for the work they are providing these local governments and developers in approving these maps. Essentially, that is the intent of the bill. To some degree, that is also the purpose of allowing for some amount of cost recovery for the Department of Wildlife. To the extent that this workload does increase or stays at a high level, they have the ability to make sure they have staffing on hand to be able to deal with that. In terms of those numbers, I believe you most likely will have some of our local governments testifying on this bill. They would probably be better served to have that information than we would.

Chair Flores:

Members, are there any additional questions? [There were none.] Thank you for the presentation. At this time, I would like to invite those wishing to testify in support of Assembly Bill 211.

Larry Johnson, President, Coalition for Nevada's Wildlife:

I want to thank you for the opportunity to testify in support of A.B. 211. The Coalition for Nevada's Wildlife was formed in 1991. We are the policy, issue, and lobbying arm of sportsman and wildlife conservationists across the state. We want to point out that past land

development has often had devastating impacts on our public wildlife resources by monopolizing water resources, destroying habitats, interrupting migration corridors, and a wide variety of other impacts.

In the past, land development has proceeded without regard to the needs of wildlife. Oftentimes, developers can mitigate these impacts if they have been made aware during the planning stages. It is not a matter if developers are bad guys or want to impact our wildlife resources, it is just a matter that it is often not considered in time.

This bill simply allows the Department of Wildlife to make local agencies aware of the issues and offer potential mitigation. Unfortunately, we have a number of developments in northern Washoe County that have had devastating impacts on our deer herds. When we develop adjacent to the mountains, whether it be Peavine Mountain, Mount Rose, Slide Mountain, or all the way through Washoe Valley into Carson City, the impact on these deer herds is, quite frankly, they go away. Those populations suffer irreparable losses. This bill goes a long way in making the developer and local agencies aware and educated on potential impacts, as well as possible mitigation measures. We urge your support and thank you for your time.

Denise Rohrer, Co-Chair, Legislative Committee, Sierra Club Toiyabe Chapter:

I am a newfound resident of Nevada [\[Exhibit D\]](#). On behalf of the Sierra Club and our more than 40,000 members and supporters statewide, I am speaking in support of A.B. 211, which asks the state to consider and address the potential impacts to wildlife prior to development.

If we are to protect Nevada's essential and majestic wildlife populations from economic development, we must conduct responsible development planning and find better ways to coexist with nature. From an environmental perspective, this legislation directly supports the state's efforts to protect wildlife species whose habitats could be impacted by proposed housing developments.

Even during a pandemic, Nevada is experiencing substantial growth. Nevada's census data projects an increase in population of nearly 500,000 people by 2025. In Nevada, we share our state with more than 4,000 living species of mammals and 300 endemic species of plants and animals; 22 are endangered and 16 are threatened species. Some of these are in dire need of our protection as developments continue to expand.

It is also economically smart. Nevada's "Wild West" appeal is one of the main attractions for new businesses and residents. Nevada has a unique advantage over other states. It is one of those rare places where you can have a great career and an amazing quality of life. Often, commutes to work include spectacular mountain views and opportunities to catch a glimpse of rare wildlife in their true habitats.

It is a place where the wild is in your backyard. Experiences such as hearing a pack of coyotes while lying in bed at your home bring a sense of coexistence with nature that many treasure and seek out, including myself.

It is why I moved here from Boston. I have lived all over the world. Nevada is by far my favorite place because of its wild appeal. Too many times I have seen cities lose their luster because of irresponsible planning that did not consider its impact on the natural world while expanding. Too many times animals have gone extinct this way. I hope Nevada can learn this lesson before it is too late.

For these reasons, the Sierra Club strongly supports A.B. 211. We hope you will, too, by voting in favor of this smart and proactive development planning process. This process includes wildlife analysis and consideration by the Department of Wildlife. Let us all do our part to Keep Nevada Wild.

Grace Palermo, Southern Nevada Programs Director, Friends of Nevada Wilderness:

On behalf of our organization and members, I am speaking in support for A.B. 211. Nevada's wildlife and the land it lives on make our state such a wonderful place to live. Land development can decrease and fragment wildlife habitats, disrupt migration corridors, and negatively impact air and water quality. The early development of the Department of Wildlife in proposed developments would be a great step in minimizing and mitigating those impacts. I urge you to support A.B. 211 to help take care of our state's wildlife and their habitats that make Nevada a great place to live.

Chair Flores:

[There were no more callers in support.] At this time, we will go to those wishing to testify in opposition to Assembly Bill 211.

Calli Wilsey, Senior Management Analyst, Intergovernmental Relations, City of Reno:

I would like to thank this bill's sponsor for connecting with us last night to understand our concerns on A.B. 211. We are here today to put a few issues on the record based on how the bill is currently drafted. We look forward to continuing to work with the bill sponsor after today's hearing. Our concerns are not related to the bill sponsor's goal or having the Department of Wildlife provide comments on tentative maps within the city's jurisdiction. In fact, we currently encourage NDOW's involvement in our agency review process and include them in our distribution of all our planning cases.

The challenge we have as the bill is written is related to the 30-day time frame for review. Under a subsection of NRS 278.335, other state agencies are provided a 15-day time frame to provide those written comments. The different time frame can create confusion and cause delays in the review process. It also limits the ability of our staff to effectively address concerns raised by the departments prior to the tentative map hearing, which must occur within a statutory time frame of 45 to 60 days, depending on the county's population. We would suggest including NDOW's review requirement in the existing statutory framework.

We also wanted to put on the record that the city's current fee for a tentative map-based application is about \$5,400, which accounts for review, comments, and analysis by numerous agencies. If the maximum were applied, this would almost double the cost of applying for a

tentative map in our jurisdiction. While we understand the fee structure will be determined by NDOW through the regulatory process, we suggest this is an important consideration as we work to address housing shortages and affordable housing needs in our community.

Thank you for the opportunity to put these points on the record today. We look forward to continuing to work with the bill's sponsor to find a way to address the procedural concerns we have.

Matthew Walker, representing Southern Nevada Home Builders Association:

I am testifying in opposition to Assembly Bill 211. As drafted, section 1, subsection 2, provides the recognition that the Pahrump Valley and Clark County have a federally recognized multiple species conservation plan in place. It exempts tentative maps in the area from a duplicative review by NDOW. Because local governments are not in control of these federal approvals, we think it is important that there be a circuit breaker in the bill should a federal permit expire or otherwise become inactive.

A two-year delay in Assembly Bill 211's application to jurisdictions currently covered by a regional permit should the permit become inactive would allow time for local government to resolve issues with the U.S. Fish and Wildlife Service, or provide NDOW the ability to request additional resources necessary to facilitate a massive increase in tentative map reviews that would be associated with the expiration of an exemption for Clark County. We greatly appreciate the bill's sponsor meeting with us to discuss this concept. We are sure we can land something that will address our concerns by the time this is in work session.

Lastly, because I do not have the opportunity to talk about these issues in this Committee very often, I wanted to highlight the amazing benefit that regional multiple species habitat conservation plan permitting is for our economy and conservation efforts in southern Nevada. Marci Henson and her team at the Clark County Department of Environment and Sustainability have delivered hundreds of millions of dollars in economic development through their work to manage the federal permit and associated programs. We would just like to really express our appreciation to Ms. Henson, Clark County, and the Nye County staff who facilitate the permitting process and do the significant amount of work associated with that. Thank you.

Kerrie Kramer, representing NAIOP:

I would first like to thank the sponsor for taking the time to work with us on A.B. 211. Over the years, NAIOP has worked very hard with local jurisdictions in developing new projects to mitigate impacts on wildlife. While we understand the intent of this bill, we feel there are too many areas yet unaddressed by the legislation pertaining to the development process. Adding an additional layer of oversight at the state level that can take up to 30 days to complete can cause significant delays in the construction process, costing developers precious time and potentially having significant impacts on finances.

Additionally, as written, the legislation does not take into account the local entitlement process. This could cause significant delays. As I mentioned, we have spoken with the

sponsor and have committed to working with her. However, as written, NAIOP is opposed to A.B. 211. We thank the sponsor, you, and your Committee for your time and we would be happy to answer any questions.

Jake Tibbitts, Natural Resources Manager, Department of Natural Resources, Eureka County:

Eureka County opposes A.B. 211 as written. I have submitted written testimony [[Exhibit E](#)], and I will summarize our testimony. We do not oppose subdivisions and developments being done in a way to minimize impact to wildlife. Eureka County values and supports and has strong plans and policies in place for the conservation of wildlife and their habitats.

We are very appreciative to the sponsor and Mr. Davis for meeting with us to discuss our concerns. We do believe there is common ground to be met on this bill and that existing mechanisms in state law can reach the intent. We note that NRS 278.335 has existing requirements for various state agencies and A.B. 211 does not provide parity with this current process. State agencies that review subdivision maps should not have conflicting review authorities.

Since Nevada is over 80 percent federal land, most subdivisions have some federal nexus with federal permitting through the National Environmental Policy Act. The Department of Wildlife already plays a major role in this federal process. It is not justified for NDOW to have another duplicative role if there is a federal process. There are many other current mechanisms in place in state law to work together to address private land subdivision impacts to wildlife, including the already existing State and Local Government Cooperation Act, which is in NRS 277.182 through NRS 277.188.

Further, NDOW has a local biologist covering each county and is engaged in county matters. The county advisory boards to manage wildlife cover each and every county. There is a conservation district covering each and every county. All of these entities have a role in wildlife management. For subdivisions in most of Nevada, there is also the Sagebrush Ecosystem Council and it is associated with the Sagebrush Ecosystem Technical Team, which is the state technical team that has a major role in these matters.

In closing, we wish to reiterate that we welcome and value a strong working relationship with NDOW. We wish to work in a coordinated way with them and the sponsor to address the intent of A.B. 211. We commit to this effort to find common ground towards this goal.

Jamie Rodriguez, Government Affairs Manager, Office of the County Manager, Washoe County:

I want to thank Assemblywoman Jauregui and the sponsor for working with us yesterday to discuss our concerns. In Washoe County, we take impact to wildlife very seriously and we want to state that we are not opposed to having NDOW review our tentative subdivision maps. In fact, this already occurs in Washoe County and has for many years. We have a

multispecies environmental conservation plan as part of our master plan. However, it is not approved by the U.S. Fish and Wildlife Service, which is required to be exempt from NDOW. It is not something we are looking to do, as we already work with NDOW.

Our opposition is in some of the specifics of the bill. We have concerns about both the fees and timeline. As has been stated, agency reviews are usually done in about 15 days or a two-week time period. Doubling that and making it 30 days would cause changes in operation and our ability to meet the provisions of timelines for when applications are submitted to the planning commission and when they have to be heard. The likely impact of this would be that those timelines would need to be extended to allow NDOW those 30 days, or we would recommend that they be put into parity with other reviewing agencies.

We are concerned with the fee of up to \$5,000. While I appreciate that that is the maximum, the concern is that the determination of the fee would not be known until the review is completed. We are not sure exactly how all of those things would be determined. We are concerned that this would open the door for the numerous other reviewing agencies, who do so without cost now, to come back and ask for such fees. We are facing affordable housing concerns in Washoe County and adding fees like this would make it harder for us to ensure that affordable housing can be developed in our region.

Lastly, our concern is with the effective date of July 1, 2021. We are unsure of what would happen between now and July 1 and when NDOW would be able to complete the regulatory process of determining those fee schedules.

Again, we do very much support NDOW reviewing our maps and taking into consideration wildlife impact, which is why Washoe County does have our environmental conservation plan and has worked with NDOW on these tentative maps for many years. We very much look forward to continuing to work with the sponsor and find a solution for our concerns.

Dan Morgan, Chief Executive Officer, Builders Association of Northern Nevada:

We are here today in opposition to A.B. 211. Throughout the Truckee Meadows and northern Nevada, local governments have included and collaborated with development for the evaluation of impacts on wildlife and wildlife habitat.

These issues are clearly addressed in the *2019 Truckee Meadows Regional Plan*, *2020 Reimagine Reno Master Plan*, and the *Washoe County Master Plan*. For example, policy NR 7 of the *2019 Truckee Meadows Regional Plan* states that local government master plans must include wildlife habitat and corridor strategies. Policy C.13.2 of the *Washoe County Master Plan* provides that the county must collaborate with appropriate federal and state agencies to consider mitigation measures for a wildlife habitat area. Section N-FN.7 of the *2020 Reimagine Reno Master Plan* requires that wildlife corridors be identified and incorporated into plans. Section SD.3 of the *2020 Reimagine Reno Master Plan* requires new development to protect and conserve wildlife habitat. Section 7.1F of the *2020 Reimagine Reno Master Plan* requires the city to refer applications that impact migration areas or endangered species to appropriate agencies, including the

Department of Wildlife. In other words, throughout Washoe County and the Truckee Meadows, local government already reviews and seeks federal and state review of wildlife impacts whenever there is a possible issue.

By requiring all maps to be reviewed by the Department of Wildlife, we believe that this bill is an unnecessary expansion of regulatory review and will only create significant additional time and economic burden on the Department of Wildlife. It will also have a negative impact on the development process and timelines, resulting in negative impacts on construction, construction jobs, and residential housing affordability.

We hope we can work with the sponsor to amend the bill to exempt review of plans if a local government already has a wildlife mitigation strategy in its master plan. Thank you very much for your time today.

Dagny Stapleton, Executive Director, Nevada Association of Counties:

I want to begin by thanking the sponsor for meeting with us and hearing our concerns. As the bill is currently written, on behalf of the 16 counties outside of Clark County, we are opposed. However, we want to make it clear that we are not unsupportive of NDOW's review or analysis of wildlife impacts for any development project at the local level that is outside the multispecies habitat conservation area. Understanding the impacts of development and public works to wildlife and habitats is a way of life for counties in Nevada. This is because the federal government manages 86 percent of Nevada's total land. Because of that, county projects are almost always already subject to review under national environmental law.

The National Environmental Policy Act process results in environmental reviews both when the impact is significant and even when it is not. The federal agencies, such as the Bureau of Land Management within the U.S. Department of the Interior and the Forest Service, U.S. Department of Agriculture, in addition to their own analysis, many times also consult with the Department of Wildlife. In existing law, an agency may find that a project has no significant impact after consultation with NDOW, and the agency will conduct a brief review called an environmental assessment and the project will move forward. However, under A.B. 211, even after such determination state law would mandate that NDOW get a fee for an analysis that it may have already created.

Additionally, on projects in some urban areas where they may not be a nexus of federal land, NDOW already provides review. However, to ensure that NDOW already does have a review and the impacts to wildlife are taken into consideration, we are supportive of a requirement and law ensuring that an NDOW review happens. However, we believe this already does and should, in the future, happen without an additional fee.

We would also like to note that counties already proactively seek to preserve and protect Nevada's wildlife and ecosystem, whether through their participation in the Land Use Planning Advisory Council of the Division of State Lands, State Department of Conservation and Natural Resources; their interactions with the Sagebrush Ecosystem Council, which

regulates issues in the 16 counties outside of Clark County; acting and cooperating with the Bureau of Land Management and the U.S. Forest Service on habitat-wide management plans and individual projects; or through the creation of their own commissions devoted to natural resources issues.

Again, we thank Assemblywoman Jauregui and Mr. Davis for their willingness to discuss the bill with us and hope to be part of conversations going forward on this bill. Thank you so much.

Chair Flores:

Before we let you go, Assemblyman Ellison may have a question directed to you.

Assemblyman Ellison:

For the last several years, there have been thousands of permits across the state. If we passed this bill, as presented, what would be the burden on the departments or agencies in the counties?

Assemblywoman Jauregui:

Assemblyman Ellison, we are going to have the Department of Wildlife in the neutral position to answer any questions you may have directly for them and the impact on their department.

Assemblyman Ellison:

I am just worried because the counties and cities are also going to be involved in this process. That is why I thought the Nevada Association of Counties could answer that question. I would be more than happy to let the Department of Wildlife answer that.

Marla McDade Williams, representing Churchill County:

We want to thank Assemblywoman Jauregui and Mr. Davis for meeting with us to discuss our concerns with A.B. 211. We concur with the remarks of previous speakers and we look forward to continuing to work on a resolution that is workable for everyone in this process.

Chair Flores:

[There were no more callers.] At this time, we will move to those wishing to speak in the neutral position.

Alan Jenne, Administrator of Habitat, Department of Wildlife:

The Department of Wildlife appreciates the opportunity to testify in neutral with the ability to provide some comments for consideration of A.B. 211. The Department of Wildlife currently has a very active technical review program that annually reviews over 600 projects across the state. Most of our review is tied to the federal requirement in the National Environmental Policy Act for any project with a federal nexus on federal lands or using federal funds to coordinate with state wildlife agencies. These reviews that we provide are funded by sportsmen's dollars through our common funding sources.

The current situation we see ourselves in is that we receive 10 to 20 development- or subdivision-related reviews per year. In these circumstances, our reviews focus on wildlife species and their habitats, and assisting those projects that may impact novel or quality habitats to consider and incorporate workable solutions into their development plans.

Based on our extensive experience in working through the projects with the project's proponents to avoid, minimize, and mitigate projects, we would like to offer the following for consideration: the language in section 1, subsection 1, paragraph (b), "shall include in its comments, without limitation, a plan for how the subdivider may avoid, minimize or mitigate the potential impacts to wildlife and wildlife habitat." The Department of Wildlife recommends that the language be modified to remove "a plan" and replace it with "alternatives." Also, we would ask that the "or" between minimize and mitigate be replaced with an "and." The modification to "and" versus "or" provides the opportunity to find the right mix of avoidance, minimization, and mitigation actions necessary to address concerns. Generally, the review of the maps is early in the solution-seeking discussion and we believe that offering alternatives for consideration would be more appropriate. Additionally, in some instances, the larger developments have consultants that include wildlife and habitat issues into larger development plans.

In section 1, subsection 3, we would recommend that the fee structure be modified to an annual fee. This change would ensure that those larger, more detailed projects that take over a year to address would cover the additional workload required. We have several large developments that we are involved with for many years and require workloads well beyond the one-time fee structure.

Also, in section 1, subsection 3, we ask that language be added to direct the fees collected in this bill to an existing account in NRS 701.630, the Energy Planning and Conservation Account. To address this more comprehensive funding pool, we would also propose that the account name be changed to the "Development, Planning, and Conservation Fund." I definitely appreciate the opportunity to comment, and I can answer any questions the Committee may have.

Chair Flores:

Thank you for joining us this morning. I know we do have a question.

Assemblywoman Anderson:

Thank you, Assemblywoman Jauregui and Kyle Davis, for bringing this. My question is for the Department of Wildlife. I just want to make sure that I am understanding correctly. There is no fiscal note attached. I know we are a policy committee and we worry about policy. With these changes, will that fiscal note stay the same way? Can you clarify about how the funding is done for that map review at this time?

Alan Jenne:

This fiscal note would be positive. As mentioned, it is only 10 to 20 plans that we currently see annually. It is an exhaustive workload. The funding fee structure would help provide the

support to do the additional workload. Plus, it would help substitute for the sportsmen's funds that are currently being used to support this program. We do have a federal grant that covers 75 percent of the cost, but this would assist with the 25 percent matched to that federal grant program.

Assemblywoman Anderson:

I think having that information about the matching grant is an important element to be aware of. If I am understanding that correctly, there is a matching grant. Is that what your answer was? There is another way for us to get funding for this, so it is not going to be a huge burden on the already overworked workload.

Alan Jenne:

There is a federal grant that we use to support our technical review program, which this is a portion of. However, that is a 75/25 percent match. Currently, the funds that create the match are the sportsmen's fee from user-based fees like hunting and fishing licenses and tags.

Chair Flores:

I would like to remind you to please submit your amendment in writing. If you could provide that to our committee manager, she will make sure all members get that. Before we do anything else with this bill, that will be necessary. Members, are there any additional questions? [There were none.] If we could continue with those wishing to testify in neutral for Assembly Bill 211.

Joanna Jacob, Government Affairs Manager, Clark County:

Chair Flores, we just wanted to go on record in neutral to thank Assemblywoman Jauregui and Mr. Davis for working with us on the amendment. Clark County does manage a multiple species habitat conservation plan. On behalf of the permittees of our local cities in southern Nevada, this is a regional service and we began that process in 1990.

I wanted to say thank you for working with us on the amendment. We will continue to be in the group working on this bill. I know that there have been several amendments discussed today and we look forward to those conversations.

Chair Flores:

[There were no more callers in neutral.] Assemblywoman Jauregui, if we could have you come back and make any closing remarks you may have.

Assemblywoman Jauregui:

Thank you for allowing me to present Assembly Bill 211 to you this morning. I urge your support for Assembly Bill 211 because our current rate of development coupled with Nevada's growing population will continue to place a strain on wildlife populations. However, with thoughtful planning informed by consultation with experts and relying on the best available science, harm to wildlife and habitat can be minimized or avoided.

I am proud to champion legislation that allows continued development in a way that protects our natural environment and the wildlife that makes the Silver State unique. I am happy to work with those whom we have heard from today. Again, we did start meetings and a lot of the concerns can be easily addressed. I will be reaching out to everyone so that we can continue to work and bring forward a bill that we can all agree on is a positive thing for Nevada to save wildlife and wildlife habitat. Mr. Davis, are there any closing remarks you would like to give?

Kyle Davis:

No, thank you. I appreciate the time today. We will certainly work with all of the people you heard from today and look to bring a bill back to you that we can process.

Chair Flores:

Thank you, Mr. Davis and Assemblywoman Jauregui, for the presentation this morning. We appreciate your working with so many different stakeholders. We look forward to what comes from those meetings. We will go ahead and close out the hearing on A.B. 211.

At this time, I would like to invite those wishing to speak in public comment. [There was no one.] We will go ahead and close out public comment.

Members, thank you for your discussion this morning. We only had a couple of questions; I think the nature of the hearing just played out that way. Thank you again to all those who called in to share your support or opposition for this bill.

Tomorrow morning, March 17, 2021, we will be meeting at 9 a.m., and we will be hearing Assembly Bill 218, which is going to be presented by Assemblywoman Titus. Give yourself the opportunity to reach out preemptively if you have any questions that you need addressed ahead of time. Please come ready tomorrow. Thank you again. This meeting is adjourned [at 10:02 a.m.].

RESPECTFULLY SUBMITTED:

Kyla Beecher
Committee Secretary

APPROVED BY:

Assemblyman Edgar Flores, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a proposed amendment to Assembly Bill 211, dated March 16, 2021, submitted by Joanna Jacob, Government Affairs Manager, Clark County.

[Exhibit D](#) is written testimony dated March 16, 2021, submitted by Denise Rohrer, Co-Chair, Sierra Club Toiyabe Chapter, in support of Assembly Bill 211.

[Exhibit E](#) is written testimony submitted by Jake Tibbitts, Natural Resources Manager, Department of Natural Resources, Eureka County, in opposition to Assembly Bill 211.