

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON NATURAL RESOURCES**

**Eighty-First Session
April 28, 2021**

The Committee on Natural Resources was called to order by Chair Howard Watts at 4:02 p.m. on Wednesday, April 28, 2021, Online and in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. 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 Howard Watts, Chair
Assemblywoman Lesley E. Cohen, Vice Chair
Assemblywoman Natha C. Anderson
Assemblywoman Annie Black
Assemblywoman Tracy Brown-May
Assemblywoman Maggie Carlton
Assemblyman John Ellison
Assemblywoman Cecelia González
Assemblywoman Alexis Hansen
Assemblywoman Susie Martinez
Assemblywoman Robin L. Titus
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Sarah Peters, Assembly District No. 24
Senator James Ohrenschall, Senate District No. 21

STAFF MEMBERS PRESENT:

Jann Stinnesbeck, Committee Policy Analyst
Allan Amburn, Committee Counsel
Devon Kajatt, Committee Manager
Nancy Davis, Committee Secretary
Trinity Thom, Committee Assistant



OTHERS PRESENT:

Cadence Matijevich, Administrator, Division of Consumer Equitability, State Department of Agriculture
Will Adler, representing Scientists for Consumer Safety
James R. Lawrence, Deputy Director, State Department of Conservation and Natural Resources
Emily Walsh, representing League to Save Lake Tahoe; and Nevada Conservation League
Charles Olander, Intern for Senator James Ohrenschall
Tick Segerblom, Commissioner, Clark County
Stephen Rowland, President, Citizens for Active Management of the Frenchman-Sunrise Area
Helen Mortenson, Secretary-Treasurer, Citizens for Active Management of the Frenchman-Sunrise Area
Michael Dias, Private Citizen, Las Vegas, Nevada
Teresa Crawford, Member, Legislative Committee, Toiyabe Chapter, Sierra Club
Jaina Moon, External Affairs Director, The Nature Conservancy
Bill Curran, Private Citizen, Las Vegas, Nevada

Chair Watts:

[Roll was called. Committee rules and protocol were reviewed.] We have three bills on our agenda today and will begin with Senate Bill 404.

Senate Bill 404: Revises provisions governing cannabis. (BDR 51-1086)

Cadence Matijevich, Administrator, Division of Consumer Equitability, State Department of Agriculture:

Thank you for the opportunity to present Senate Bill 404 to you today. My presentation will be based upon the mock-up proposed amendment [[Exhibit C](#)] prepared for your Committee by the Legal Division of the Legislative Counsel Bureau and available on the Nevada Electronic Legislative Information System.

This bill seeks to resolve what has been an ongoing issue over the last several years regarding the licensing, inspection, and testing of certain weighing and measuring devices used in cannabis establishments in Nevada.

Existing law requires that all weighing and measuring devices used for a commercial purpose in Nevada be licensed as commercial weighing and measuring equipment, and charges the State Sealer of Consumer Equitability with the duty to inspect and test all licensed commercial weighing and measuring equipment. *Nevada Revised Statutes* 581.0025 defines commercial weighing and measuring equipment to mean "weights and measures, and weighing and measuring devices, used commercially in: 1. Establishing the size, quantity, extent, area or measurement of quantities, things, produce or articles for distribution or

consumption, purchase, offer or submission for sale, hire or award; or 2. Computing any basic charge or payment for services rendered on the basis of weight or measure."

Many of the weighing and measuring devices currently in use in cannabis establishments clearly meet the definition of commercial weighing and measuring equipment. Those devices are currently licensed by the Division of Consumer Equitability, State Department of Agriculture, and are routinely inspected and tested by our Weights and Measures Inspectors.

What this bill seeks to address is the licensing, inspection, and testing of those weighing and measuring devices used in cannabis establishments which do not meet the definition of commercial weighing and measuring equipment. These devices are typically used by cannabis establishments for inventory management purposes and to comply with certain regulations of Nevada's Cannabis Compliance Board, including determining weight and measurement values entered into the seed-to-sale tracking system used to monitor the chain of custody of cannabis from the point of acquisition or planting to the end consumer.

While the State Sealer of Consumer Equitability may not necessarily have an interest in ensuring noncommercial devices used for these inventory management and chain of custody purposes are suitable for their intended use, properly installed, maintained, and accurate, the Cannabis Compliance Board and other regulatory entities appear to have a keen interest in doing so.

This interest from other regulatory bodies and agencies has created confusion and frustration for many cannabis establishment operators, as they have received conflicting direction from enforcement personnel as to which of the devices used in cannabis establishments are and are not considered to be used for commercial purposes and therefore subject to licensing, testing, and inspection by the Division of Consumer Equitability.

The Division of Consumer Equitability has held a number of educational sessions to try to address this confusion and conflicting direction, but has found that with staff turnover, both in industry and at regulatory agencies, this continues to be an issue.

To their credit, many cannabis establishment operators will request that the Division of Consumer Equitability perform special inspection and testing of their noncommercial devices, just to have something on hand to present to enforcement personnel from other agencies to try to demonstrate their diligence in compliance. It is worth noting that the Division of Consumer Equitability's fees for inspection of noncommercial devices are higher than the annual license fee for commercial devices.

While this bill would increase the number of devices which are subject to licensing, and therefore the number of devices subject to licensing fees, we believe that the overall cost to industry related to inspection and testing of weighing and measuring devices by the Division of Consumer Equitability may actually go down if this bill were to be passed. This is because cannabis establishments would no longer have the need to request special inspection of devices under our noncommercial fee schedule. Additionally, they could avoid paying

fees which they are currently subject to for special inspection trips when they decide to begin using a noncommercial device for a commercial purpose.

Admittedly, this bill would also provide efficiency benefits for the Division of Consumer Equitability as we believe it will reduce the number of repeat trips to cannabis establishments to inspect devices based on their use for noncommercial purposes being changed to use for commercial purposes.

The language which is proposed to be added by amendment [[Exhibit C](#)], notated in green, bold, and underlined in the mock-up document, is intended to address concerns raised by industry representatives regarding applicability of the bill to weighing and measuring devices used in cannabis independent testing laboratories. The language added in the mock-up would exempt such facilities from the requirements of the bill pertaining to licensing, inspection, testing, and sealing of cannabis weighing and measuring equipment. *Nevada Revised Statutes* 678B.290 and Cannabis Compliance Board Regulation 11.020 requires that cannabis independent testing laboratories obtain accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization within one year after licensure. As a component of that accreditation process, the facilities would need to demonstrate to the accreditation body that the weighing and measuring devices used in the facility are accurate and meet established specifications. This requirement would mean that inspection and testing of those same devices by the Division of Consumer Equitability would be duplicative and therefore an exemption of those devices would be appropriate.

These concerns were brought up when the bill was heard in the Senate, but due to timing issues were not able to be resolved in the Senate prior to certain deadlines. We very much appreciate your Committee requesting the preparation of this mock-up for today's hearing.

Mr. Chair, I believe the language in the bill as introduced and the mock-up is fairly straightforward. I am prepared to walk through each section of the mock-up, but I know that the Committee's time is limited and you have other items on your agenda today, so I would defer to you if you want me to do so or not. I would note that section 9 [pages 5 and 6, [Exhibit C](#)] newly grants authority to the State Sealer of Consumer Equitability to establish a fee for the licensing of cannabis weighing and measuring equipment that is required to be inspected and tested by the State Sealer of Consumer Equitability. This new fee authority is the reason that the bill carries a two-thirds majority vote requirement.

Chair Watts:

Thank you for your presentation. I believe, in the interest of time, we can skip the walk-through of the language especially since it has already been presented, and we can go directly to questions from the members.

Assemblywoman Titus:

After reading the amendment, my question was answered. I had concerns about the noncommercial establishments weighing their products.

Assemblyman Ellison:

Did you state that you have two types of scales? One is for the planting of seeds and one is for the actual cannabis. Is that correct, or did I misunderstand you?

Cadence Matijevich:

I apologize if my testimony was confusing. For the purposes of cannabis establishments, we are primarily talking about scales which could be used for weighing plants in any part of its life cycle. The difference in this bill is the distinction between whether the scale is being used for what is defined as a commercial purpose in statute, or whether it is being used for some other purpose—a scale that might be used for management purposes or determining values that are reported into the seed-to-sale system, which are not directly related to the sale of the product—it is more about tracking it through its life cycle; therefore, it would not meet our current definition of "commercial." That noncommercial purpose, which is normally what the State Sealer of Consumer Equitability is concerned about, does not apply. However, due to the nature of cannabis, there are other regulatory agencies that do have a very keen interest in ensuring that those devices are accurate. Because we are the agency charged with verifying the accuracy, we are seeking to put that requirement into place for any device that is used in a cannabis establishment, with the exception of those independent cannabis testing laboratories that have been previously certified.

Chair Watts:

Are there any other questions? Seeing none, I will open it up to anyone wishing to testify in support of S.B. 404.

Will Adler, representing Scientists for Consumer Safety:

Scientists for Consumer Safety wants to thank Ms. Matijevich for working so hard on the amendment to include our concerns with commercial and noncommercial scales, especially in the laboratory setting, because none of the things that go into a laboratory end up going to consumers, ever. This bill serves a pretty good purpose because cannabis needs to be accurately weighed, especially in the marijuana industry, when things are sold by the pound. A pound of marijuana sells for \$1,000 to \$2,000, and it does matter, and it is a big issue in our industry. We thank the Division for taking this on.

Chair Watts:

Is there anyone else wishing to testify in support? Hearing no one, is there anyone in opposition? Hearing no one, is there anyone in neutral? Hearing no one, are there any closing remarks?

Cadence Matijevich:

Thank you for the opportunity to present the bill.

Chair Watts:

We appreciate all the Department's efforts on weeds, noxious and otherwise. I will close the hearing on S.B. 404. I will open the hearing for Senate Joint Resolution 12.

Senate Joint Resolution 12: Expresses the priority of the timely completion of the Tahoe East Shore Trail extension project and urges Congress to provide federal funding for completion of the project. (BDR R-363)

James R. Lawrence, Deputy Director, State Department of Conservation and Natural Resources:

I also represent the State Department of Conservation and Natural Resources (DCNR) on the Tahoe Regional Planning Agency's Governing Board. I want to thank you for the opportunity to testify in support of Senate Joint Resolution 12. I also want to thank the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System for supporting this legislation and for all the time and work spent dedicated to the Tahoe issues over the interim.

Senate Joint Resolution 12 expresses the important prioritization of the timely completion of the Tahoe East Shore Trail extension project and urges Congress to provide federal funding for completion of the project. Lake Tahoe is renowned for its natural beauty and spectacular recreational opportunities, drawing visitors from nearby metropolitan areas, from across the nation, and from around the world. Lake Tahoe's recreational opportunities support a \$5 billion tourism and outdoor recreation economy for the region. That comes with challenges. The challenge of balancing a sustainable outdoor recreation economy while protecting the environment, visitor experience, and the quality of life for residents is one of the greatest challenges facing the Lake Tahoe Basin today.

Perhaps the largest transportation and recreation areas and challenges on the Nevada side of the Lake Tahoe Basin are along the State Route 28 highway corridor. This is commonly referred to as the East Shore. It is an 11-mile stretch of highway that, at the south point, is near Spooner Summit at the intersection of U.S. Highway 50 and State Route 28. The north point of the corridor is at the intersection of State Route 28 and Lakeshore Boulevard in Incline Village. This 11-mile stretch of highway experiences peak congestion during the summer months as this corridor provides access to several of Lake Tahoe's most popular beaches, including Sand Harbor, which is within Lake Tahoe Nevada State Park. Traffic congestion is an everyday, common occurrence along this corridor as the drivers attempt to find parking along the highway shoulder and pedestrians walk along the highway carrying coolers and strollers to gain access to the beaches.

Weekday commuters often experience lengthy delays and waiting in traffic due to the line of cars waiting to enter Sand Harbor when it opens in the morning. In addition to beach-access and transportation challenges, there are environmental challenges with the erosion that is created due to the off-shoulder parking, as well as the trails and the management of having a sustainable recreational system.

In recognition of the transportation challenges along the East Shore, 13 stakeholder agencies and groups adopted what is called the State Route 28 National Scenic Byway Corridor Management Plan, which was adopted in 2013. This is a complete corridor management plan that includes the Tahoe East Shore Trail, which will run the entire length of the corridor,

and includes parking nodes and shuttle services to move people along the highway to the beach recreation destinations so they do not have to walk on the shoulder of the highway.

Some of the State Route 28 Corridor Management Plan improvements have been constructed and implemented. The first three miles of the Tahoe East Shore Trail, which is a shared-use path from Incline Village to Sand Harbor, has been completed, along with the necessary trailhead parking. This is a phenomenal trail that I highly recommend you visit. It is one of only a few places I can think of in the Tahoe Basin where you can walk parallel to the lake for a three-mile stretch, and it is largely flat so different generations and user groups can use it.

The Division of State Parks, DCNR, recently issued a request for proposal for a statewide reservation system that will include day-use reservations at Sand Harbor to help alleviate the traffic lines when the park opens. Although some progress has been made, full transportation and environmental benefits cannot be realized until the Tahoe East Shore Trail is completed, along with the parking component that goes along with it. Most of the remaining trail segments and parking areas are on land managed by the Forest Service (USFS), U.S. Department of Agriculture. Passage of S.J.R. 12 demonstrates Nevada's commitment to the completion of the Tahoe East Shore Trail, recognizing that Nevada cannot complete this critical project alone and that a commitment is needed from our federal partners. I would also add that I do serve on the Tahoe Regional Planning Agency's Governing Board, and this afternoon the Board unanimously adopted the Regional Transportation Plan. This project is seen as one of the key priorities in achieving some of the transportation benefits we are looking for in the basin. This concludes my testimony, and I will be happy to answer any questions.

Chair Watts:

I had the opportunity to go along the Tahoe East Shore Trail a few weeks ago. It is truly impressive and an excellent resource. I encourage everyone to try to check it out. I am very much looking forward to the expansion of that trail. I think there is also the vision of eventually having a multiuse trail that goes around the entire lake. That would be an excellent complement to the experiences that are available within the area. Are there any questions?

Assemblywoman Anderson:

I am honored to serve Assembly District 30, and I get the chance to drive up to Tahoe often. The Tahoe East Shore Trail has been where I go to get my mind cleared for the last year and a half. I really appreciate the work that has been done to ensure this is a reality. Are there plans for people to look at for the long-term goals?

James Lawrence:

Thank you both for the compliments on the trail. A lot of stakeholders were involved in the Tahoe East Shore Trail efforts for the first three miles. It is extremely popular and wonderful to hear that it is being used. On the Tahoe Regional Planning Agency website, and I believe on the Tahoe Transportation District website, there is the State Route 28 Corridor

Management Plan. This is a planning and guidance document; I can get the link to it for you. The engineering and design work has just begun for some of the next trail segments. If you walk the Tahoe East Shore Trail, not only is it a great experience, but take a look at some of the engineering challenges. Because it is along the lake, there is a certain amount of engineering and design that needs to go into this project. The engineering and design for the next phases are underway and the environmental document that the USFS has released is out. We are making substantial progress; funding is always going to be the challenge though.

Assemblyman Ellison:

Are you looking to restrict any of the road access or strictly focus on trails?

James Lawrence:

There is nothing on the corridor management plan that restricts road access. The biggest challenge we have along that stretch is parking along the road's shoulder. It is a very dangerous situation, particularly in the summertime. There is a goal of eliminating the shoulder parking so that we can have a safer experience for the visitors and also take care of the erosion problem that the parking causes. Building parking nodes along the corridor would allow either a shuttle that can take people to the various trailheads, or they could walk along the Tahoe East Shore Trail, which would be parallel to the highway, to get to the trailheads. In short, there are no road access restrictions, but the goal is to restrict and limit shoulder parking and replace it with parking nodes.

Assemblyman Ellison:

A few years ago, when I was up there, there was a lot of shoulder repair work being done. It seems that the roads could be widened. The parking can get crazy up there. Everyone wants to see Lake Tahoe; it is beautiful even if you are just driving around it. It is a palace of its own. Widening that road may be something to look at in the future.

James Lawrence:

That is certainly part of the mix. It is all part of the Tahoe Basin; everything slows down, particularly on the Nevada side, and the topography really constrains how much road can be built or widened. Certainly, that is something that is looked at in the mix when all of the projects are being evaluated: how do we achieve our environmental goals without creating any environmental damage?

Assemblywoman Cohen:

What is included in the plan for accessibility for people with physical disabilities or an inability to get around easily?

James Lawrence:

That question actually highlights one of my favorite things about the Tahoe East Shore Trail. I have been blessed and fortunate to be working with the State of Nevada for over 20 years and have been working on the Lake Tahoe Basin issues for almost 30 years. I raised my child, who is now attending University of Nevada, Las Vegas, in this area. I am bringing this up because I have been recreating at Lake Tahoe with folks with different types of abilities

and of different generations. Although it is a beautiful place, there are challenges at Lake Tahoe with the topography. Many of the hikes either go straight down or straight up.

What I love about the Tahoe East Shore Trail is that, currently, it is a wide, three-mile, multiuse path that can accommodate bicycles, scooters, and pedestrians. It is built to standards that different age groups and folks with different abilities can use and enjoy the trail. I do not know of anywhere else in the Lake Tahoe Basin where you can be that close to the lake for that long. It is a wonderful experience. For the rest of the trail, if this resolution goes through, it is anticipated that the engineering design will take all of those things into account to ensure that it is accessible to different types of user groups with different types of abilities.

Assemblywoman Cohen:

I am assuming the parking will also include those considerations.

James Lawrence:

Yes. When developing the parking nodes, those types of considerations will be taken, as well as potential drop-off spots, which are necessary as well. Again, one of the shining lights of the Tahoe East Shore Trail is that it is one of the few places that is accessible to different user groups.

Chair Watts:

Our other presenter for this resolution is available. Assemblywoman Peters, would you like to add some comments?

Assemblywoman Sarah Peters, Assembly District No. 24:

This is a relatively straightforward bill, continuing on with a project that has already been implemented in some areas of Lake Tahoe, and expressing the Legislature's support of continuing that development on to the other portions of the phased build-out. I would like to bring a few things to your attention. We are a patient, shovel-ready project waiting for federal funding. Our hope with this resolution is to encourage our federal delegates to build that into their budget. We know upcoming budgets will involve infrastructure. This is a great way of including outdoor recreation opportunities, reducing congestion in the Lake Tahoe area, and getting those infrastructure dollars into the state of Nevada.

We also have an obligation at Lake Tahoe to be a partner with our other supporting agencies of the region. This build-out has been a huge part of how we participated in that partnership, ensuring that all people have access to the beauty that is Lake Tahoe while taking care of those resources.

I apologize if Mr. Lawrence already stated that we also have talked with the Incline Village General Improvement District about their pipeline, which is a wastewater pipeline that runs under the road on State Route 28. This Tahoe East Shore Trail project gives us an opportunity to leverage resources to build in the replacement pipeline for that wastewater without having to disturb the traffic of the highway. That is a great way to leverage

resources in a time when we know things are tight and we also want to ensure we are not creating too much stress on the natural resources that support our infrastructure around the lake. Historically, erosion has been a problem with all issues, including increased turbidity of the lake.

Chair Watts:

Are there any other questions? Did you serve on the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System?

Assemblywoman Peters:

I had the pleasure of being the vice chair of the interim committee.

Chair Watts:

We will now move on to testimony. Is there anyone wishing to testify in support of S.J.R. 12?

Emily Walsh, representing League to Save Lake Tahoe:

The League to Save Lake Tahoe is in support of S.J.R. 12. The bill presenters have done an excellent job of discussing the outcomes and the process of the State Route 28 Corridor Management Plan. The Tahoe East Shore Trail has already become the crown jewel of the trail systems in the Lake Tahoe Basin, and it is a great alternative to having to experience the beauty of this area through or with an automobile, especially on the east side of the lake, which has seen a complete improvement with this project. We support all efforts to complete this trail.

Chair Watts:

Is there anyone else wishing to provide testimony in support? Hearing no one, is there anyone in opposition? Hearing no one, is there anyone in neutral? Hearing no one, are there closing remarks?

James Lawrence:

Thank you for the opportunity to present this measure. [Received but not mentioned are [Exhibit D](#) and [Exhibit E](#).]

Chair Watts:

I will close the hearing on S.J.R. 12 and open the hearing on Senate Joint Resolution 10.

Senate Joint Resolution 10: Urges Congress to protect the public lands including and adjacent to Sunrise Mountain, Frenchman Mountain and Rainbow Gardens.
(BDR R-101)

Senator James Ohrenschall, Senate District No. 21:

Many people who have not had a chance to go hiking or climb up Frenchman Mountain or Sunrise Mountain or do some off-road activities in Rainbow Gardens do not really know what a genuine treasure we have between Lake Mead, the urban Las Vegas Valley, and

Henderson. It is a treasure that needs to be protected. We have the Gypsum Cave there, which has tremendous archeological and paleontological significance. My colleague, Senator Ira Hansen, lent me a copy of Dr. Mark Harrington's book, *Gypsum Cave, Nevada*, which was published in 1933. This book describes his research there; he found some amazing examples of prehistoric animals and evidence of human life in that cave.

There is an archeological site called the Great Unconformity there, which as far as I know, there is only one other place like it on the planet. It is a tremendous resource. I was assisted on this legislation from the beginning by an intern from the University of Nevada, Reno, Charles Olander. He would like to speak to the bill. We also have other presenters on Zoom who have all been very active on this legislation.

Charles Olander, Intern for Senator James Ohrenschall:

I am a senior studying political science and international affairs at the University of Nevada, Reno; I have the honor of working with Senator Ohrenschall; and I am an Eagle Scout from Troop 550 out of Rescue, California.

It is my pleasure to help present Senate Joint Resolution 10, which urges Congress to protect the public lands including and adjacent to Sunrise Mountain, Frenchman Mountain, and Rainbow Gardens, because I know the recreational and educational value that places like those offer.

As a Boy Scout I had the opportunity to camp, hike, and backpack all over. The difference between protected areas and unprotected areas can be striking. The difference between a great trip and a bad trip often came down to things like well-groomed trails, litter-free destinations, and bathrooms and other facilities that have been well taken care of. The Frenchman and Sunrise Mountain areas deserve these protections because they hold immense recreational and educational value that local Las Vegas communities and tourists alike deserve to enjoy.

Before I hand the presentation off to our experts, I would like to tell you about some great experiences I have had in similar places to illustrate the potential that this area has. While I was in the Boy Scouts, every year we would go to Camp Winton on the Lower Bear River Reservoir for a week in the summer. If you were a new camper, you got the opportunity to go on a short nighttime hike about half a mile out of camp to a small cave. In this cave there were maybe a dozen or so Native American petroglyphs. The leaders of the hike would get to teach the new campers about Native American history, local animals, and how the area had changed over time. This little cave was a lot like the Gypsum Cave referenced in S.J.R. 10. With the proper care, the area could offer to young Nevadans and out-of-state visitors the same invaluable learning experiences I was fortunate to have as a young Scout.

Protected areas are not just good for teaching young people about science and history, they simply make every experience better. Another trip my troop would make annually was to Pinnacles National Monument, which has been upgraded to a national park since the last time I visited. Being a national monument, it was well protected. The well-groomed trails,

maintained camp sites, and well-maintained facilities were crucial for teaching young campers skills such as backpacking. No one wants to walk a trail or stay in a campsite littered with glass bottles or defaced with graffiti.

The areas covered in S.J.R. 10 also have immense scientific value. Gypsum Cave was once home to humans and now-extinct mammals, such as the ground sloth, described in the book Senator Ohrenschall referenced. The cave offers an invaluable resource for understanding an ancient ecosystem. Similarly, the Great Unconformity offers geologists the opportunity to study a rather unique case: rock that is 1.7 billion years old borders rock that is much newer, a youthful 520 million years old. That 1.2 billion-year gap represents over a quarter of the Earth's life. While unconformities of a few hundred million years are not particularly rare, these so called "great unconformities" can only be witnessed in just a few places in the entire world. Unfortunately, all of the signs along the trail to the Great Unconformity have been vandalized.

In conclusion, protecting valuable recreational areas like Frenchman Mountain, Sunrise Mountain, Gypsum Cave, and the Great Unconformity is essential to guaranteeing that generations of Nevadans get to enjoy the natural beauty, recreational value, and scientific value that they offer.

Tick Segerblom, Commissioner, Clark County:

The east part of Las Vegas Valley needs a park. Everyone on the west part of Las Vegas goes to Red Rock Canyon National Conservation Area; it is a great place to go. The fact is, we should not have to drive all the way from east Las Vegas all the way to the west part of the valley just to experience a great natural wonder. That is what we have right here. The Great Unconformity is truly unique, and it fits perfectly with our master plan for the eastern part of the Valley. It would make a great addition. Anything you can do to support this going forward—hopefully, the county and state can work together to ensure there is money to build it out. In the meantime, let us get it protected.

Stephen Rowland, President, Citizens for Active Management of the Frenchman-Sunrise Area:

I have been a professor at the University of Nevada, Las Vegas for 40 years, and I have taken students out on field trips and done my own research in this area for four decades. It has just been spectacular. I am going to show a few images with my presentation so you can see what this area looks like. Frenchman Mountain is commonly mistakenly called Sunrise Mountain. Sunrise Mountain is to the north, and Rainbow Gardens are to the east [page 4, [Exhibit F](#)]. This area is about 44,000 acres, surrounded on the north by Nellis Air Force Base, on the east by Lake Mead, and on the south by Clark County Wetlands Park. It is just spectacular country—geologically, scenically, and archeologically. Another image is of Rainbow Gardens, perfectly, beautifully named for the curved, colorful ridges [page 3]. The next picture is Lava Butte, one of the more spectacular features. This is a 15-million-year-old volcano that is exposed. The geological features in the Rainbow Gardens and Frenchman Mountain area are unparalleled. That is going to sound hyperbolic, but literally, there is

nowhere else in the world that has the spectacular geology so easily exposed as in the Frenchman Mountain and Rainbow Gardens area.

Grand Canyon geology stops at the top of the graph and the Frenchman Mountain and Rainbow Gardens geology continues for several tens of millions of years of rock, which are not exposed in the Grand Canyon. This is really national-park, world-class geology. We already discussed the Great Unconformity, where there is half-a-billion-year-old sandstone lying on top of 1.7-billion-year-old granite and schist.

This is a wonderful place for outdoor education. I have taken Cub Scout groups there and explained to them the difference between sedimentary, igneous, and metamorphic rock. I have taken graduate students in geology there and talked about isotope geochemistry. There is a tremendous range of opportunities for outdoor education that is being squandered.

Our group worked collaboratively with the Bureau of Land Management (BLM), U.S. Department of the Interior, back in the 1990s to set up an interpretive site, with a dedication in February 1995, 26 years ago; then-Secretary of the Interior, Bruce Babbitt, helped dedicate this site. Here is a young Senator Harry Reid at the site, admiring the 24" x 48" granite stone panel that explains the geology of that region [page 1, [Exhibit F](#)]. It ended badly. Vandalism could not be controlled, and finally, that panel that then-Senator Reid was admiring had to be removed because BLM did not have the law enforcement bandwidth to protect it. Up on top of the ridge nearby, we had another interpretive panel that overlooked Las Vegas Valley, similarly with geologic interpretive messages. It was partly constructed with the help of Boy Scouts who helped carry some of the materials up to the ridge. It was destroyed by vandalism. The trail that went up to that ridge was destroyed by vandals. Vandalism and graffiti continue to be an ongoing problem, and BLM just does not have the manpower to protect and patrol it. This area is a jewel waiting to be enjoyed by Las Vegas and people from outside the city and outside the country. I have a friend who teaches geology in Norway who brings his students here to visit this area. It needs a higher level of protective status, and Senator Ohrenschall's bill would be an important first step in that direction.

Helen Mortenson, Secretary-Treasurer, Citizens for Active Management of the Frenchman-Sunrise Area:

The Citizens for Active Management of the Frenchman-Sunrise Area was organized in 1993. We are a nonprofit organization, and our motto is, "Would you like another outdoor recreation area?" Former Senator Tom Hickey was the organization's first president. I appreciate the comments that Senator Ohrenschall made about Gypsum Cave. It is extremely important to include this in the 44,000-acre site of the Frenchman Mountain, Sunrise Mountain, Gypsum Cave, and Rainbow Gardens area.

What is so important about the Gypsum Cave is what Mr. Harrington discovered in that cave: Ice Age animals—Ice Age horse, Ice Age camel, and Ice Age sloth. He also discovered painted atlatl darts and Native American flutes—extremely important native artifacts. These painted artifacts led to the research done by Anne DuBarton from Desert Research Institute,

and Keith Myhrer and Kish LaPierre from Nellis Air Force Base, who went to Pintwater Cave, 65 miles northwest of Gypsum Cave, and found the same painted darts with the same pattern. That is extremely important for the Tule Springs Fossil Beds National Monument, the connection between Gypsum Cave and Tule Springs. When Dr. Harrington finished his work with Gypsum Cave, he also worked on the *Pleistocene Studies in Southern Nevada, Nevada State Museum Anthropological Papers Number 13*.

In 1962 Willard Libby wanted to do carbon dating and he wanted someplace to test that. He gathered a bunch of scientists together and decided that this area in the Las Vegas Valley would be the project head. All the scientists gathered together in 1962. With that, they included Gypsum Cave as a reference.

During that time, National Geographic thought there was going to be a big explosion about the early Americans, and they came and took 6,000 photographs. That all went to sleep for a little while, until *National Geographic* magazine came out with the December 2000 issue. In that issue, there is a map called Peopling of the Americas. Believe it or not, Tule Springs is on this map. That really set us off. We had a reunion in 2002 for all the scientists who worked on the 1962 project. We started again about getting designation to get this space saved.

The event again came up in 2007 with the *National Geographic Adventure* magazine. It stated that we are the number one adventure city in the United States. The reason we are number one is because one page in the magazine has a map showing all the national parks—Grand Canyon, Zion, Bryce Canyon, and Death Valley—with Las Vegas as the center point. This is a huge industry for our state to get tourism here that will stay here, thanks to National Geographic.

It is very important that Gypsum Cave and the Great Unconformity areas be protected. It is a very sad thing. In 2019, Get Outdoors Nevada paired up with REI [Recreational Equipment, Inc.], who paid for people to help clean up the Great Unconformity area, which was a huge trash pile. People took off from work and were paid to come here to help clean up the area. Over 100 people showed up from Utah, Arizona, California, and Nevada. We had a huge turnout; it was extremely successful. It is all back like it was again. We have had killings out there, burnt cars; there is no control of this place. We need someone bigger to help preserve this, like the U.S. National Park Service. We need this whole area set aside like the BLM has done with Red Rock Canyon. The BLM only visits this area about twice a month, if at all. They do not have the money, staff, or the power.

When we organized the Citizens for Active Management, Tom Hickey said that his 44,000-acre backyard—which was meant to include Frenchman Mountain, Gypsum Cave, et cetera—is a shooting range. People are going out there shooting the insulators off of the power poles. Nevada Power got involved. We got Silver State Services involved, and they actually patrolled and monitored the area. We got it a little bit under control. Then we had the dedication of the monument, and we thought we were really doing well. The Liliam Lujan Hickey Elementary School and the Dr. William H. Bailey Middle School won awards

and we went with them back to Washington, D.C., to get the Take Pride in America Award. We thought we were really doing good. But it was BLM's responsibility to keep it going. There is no way to protect it without some person or entity helping us.

The people at the National Park Service at Lake Mead have everything right there. If they could take over managing this property, that would be wonderful. I really praise the new Secretary of the Interior, Deb Haaland. We have the Gypsum Cave, and one of the prominent things about Gypsum Cave is the Salt Song Trail. Gypsum Cave is one of the destinations of four different states; many different Native Americans come to Gypsum Cave for their events. I presented a poster to Kenny Anderson, Cultural and Environmental Chair, Las Vegas Paiutes, and his committee. I said, What would you like to do, there is another powerline coming through here. He said, We would like to have a caretaker's cottage out there that we would like to be responsible for.

Gypsum Cave has not gone unscathed either. A group of our members went in there, with BLM's permission. There was graffiti on the wall, near where the camel was found. The place was trashed with beer cans and litter. It is a party place where people go. There is no control over it. We are working with Nellis Air Force Base. Kish LaPierre has a marvelous group that meets twice a year with the Native Americans. They have caves and rock shelters on Nellis Air Force Base land that borders the Gypsum Cave area. Dr. Kevin Rafferty sent one of his students to document what was on our side [Testimony went beyond allotted time.]

Chair Watts:

You have used up your allotted time; thank you for sharing all of that information. We will move on to the next presenter.

Michael Dias, Private Citizen, Las Vegas, Nevada:

Thank you for allowing me to speak regarding this important matter. I am not a scientist, but I have lived in Sunrise Manor at the base of Frenchman Mountain for over 46 years. For 30 of those years, I was a member of the Sunrise Manor Town Advisory Board. I have hiked up the west side of Frenchman Mountain as far as I could, and I was amazed at all the living things that were up there. There were acres of the largest barrel cactus I have ever seen. I saw desert tortoises eating the vegetation. One night, I saw a two-foot-tall owl on my backyard railing. It was truly a once-in-a-lifetime thrill. On the east side of Frenchman Mountain, in Rainbow Gardens, I drove on the service road from the very south end of South Hollywood Boulevard north to get to East Lake Mead Boulevard. It was truly an eye-opening experience. The rock formations and multicolors of all the rocks rival Red Rock Canyon and deserve the same protection.

Then there is the Great Unconformity. This is truly a unique feature on the side of the mountain. In 1996, I attended Senator Reid's dedication of the monument of the Great Unconformity. I was so disheartened a year later to see that it was destroyed by graffiti and gunshots. The whole area was a mess with broken glass and litter; it was so disappointing. This whole area as described needs and deserves to be protected for future generations to

allow them to enjoy this area as much as I have. With the wild growth this valley has experienced over the past 40 years, we need to protect all of our natural wonders. I would like to thank Senator Ohrenschall and the rest of the sponsors for this bill and for their forward thinking regarding this matter.

Chair Watts:

Does that conclude your presentation?

Senator Ohrenschall:

Yes, thank you for your indulgence. There are some very passionate people who have been working for a long time on this legislation.

Chair Watts:

I would note that I grew up in the east part of Las Vegas, looking at Frenchman Mountain, as a kid. I visited the Great Unconformity on a geology trip when I was at University of Nevada, Las Vegas and have also hiked up the tower road to the top of Frenchman Mountain. The view of the Rainbow Gardens from the top is pretty magnificent. I even saw a lunar eclipse from the base of Frenchman. It is a place that holds a lot of significance to many of us in southern Nevada, including myself. I appreciate all of the passion and expertise brought to the presentation. I will now open up to questions from members.

Assemblywoman Titus:

Thank you for all the presentations and the passion I see—not just the passion today, but a passion that has been there for decades. It was mentioned that this area is approximately 44,000 acres. I looked at a copy of the map and it indicates that the landfill is currently closed. Who owns that landfill? Is it private property?

Senator Ohrenschall:

I believe the landfill is owned by Clark County, and it is not part of the federal land that BLM owns.

Assemblywoman Titus:

If it is closed now, and is privately owned, would it be reopened and would it have an impact on what you are doing?

Senator Ohrenschall:

My feeling with this bill is that the current federal lands that are managed by BLM are what I am hoping Congress would try to preserve. I have read some history of Red Rock Canyon. Anyone who has had a chance to just drive through Red Rock Canyon without even getting out and hiking, I think has to know that is one of the most special places in the United States. From what I have read, back in the 1940s, 1950s, and 1960s, people would dump old cars at Red Rock Canyon and use them for target practice. They would break bottles and vandalize that area. It had the same problems that Frenchman Mountain and Sunrise Mountain have now. In the early 1970s, Congress acted and increased protections. In the late 1980s and early 1990s, protections were further increased. Now, there are strict rules and beautifully

maintained paths, parking lots, and bathrooms. Families can go there to enjoy the area; at 10 p.m. Red Rock Canyon closes. There are no parties or vandalism happening after hours. I think that if that kind of protection was brought to the Gypsum Cave, or a Great Unconformity National Monument, or a Rainbow Gardens National Recreational Area, or a Frenchman Mountain National Conservation Area, our community could enjoy that area, get out and hike, and enjoy the treasure we have, if it were protected the way Red Rock Canyon is.

As far as I know, the landfill is not part of the public lands; I do not believe this bill would affect that land unless the federal government took it over.

Assemblywoman Titus:

Is the PABCO Gypsum mine closed?

Senator Ohrenschall:

I believe the PABCO Gypsum mine is still active.

Assemblywoman Titus:

Do you know if there are any other active mining claims within this area?

Senator Ohrenschall:

I do not have the answer to that. I did try to find out whether this area was mentioned in either of two land bills that are currently pending in Congress. The answer I got was that currently there is no mention of increased protection of these areas. As to the PABCO Gypsum mine or any other mining claims, I will have to get that information for you.

Assemblywoman Titus:

Thank you, I would love to know if there are any other claims in this area, knowing the gypsum is there.

Chair Watts:

I appreciate your willingness to track down any information on other land ownership or active mining claims that may be in the area. Are there any other questions? Seeing none, I will move to those wishing to testify in support of S.J.R 10.

Emily Walsh, representing Nevada Conservation League:

Sunrise Mountain, Frenchman Mountain, and Rainbow Gardens are unique and remarkable areas that are worthy of protection and federal designation. These areas are home to historic sites, are of cultural significance for our indigenous communities, and have ample opportunities for outdoor recreation. Nevada's lands and open spaces have become even more important during the COVID-19 pandemic with families seeking solace in the outdoors for recreational opportunities and healthy benefits, affirming the connection between our land's health and our communities' health. It is important that we protect these special spaces so they are available for future generations, and we urge the Committee to support this resolution.

Teresa Crawford, Member, Legislative Committee, Toiyabe Chapter, Sierra Club:

On behalf of the Sierra Club and our more than 40,000 members and supporters, we speak strongly in support of S.J.R. 10. For the Frenchman Mountain, Sunrise Mountain, and Rainbow Gardens area, after decades of work and heartbreaking desecration, it is time for this area to receive the federal designation it deserves. This area has the highest peak in the Las Vegas Valley, globally significant geology, and populations of state-protected bearpaw poppies. I would also like to address that Gypsum Cave is an indigenous site that dates to 3,000 B.C. and remains a place of great religious and cultural significance to the Southern Paiutes. It is heartbreaking to hear of vandalism, desecration, trash, and partying going on in what is someone else's church.

This area is a logical companion to Tule Springs Fossil Beds National Monument. Someday I hope we will have all the fossils back in Nevada and wonderful science and research going on. I want to thank all the presenters who have worked so hard to bring us to this point. Hopefully, this will be a unanimous vote in support of S.J.R. 10. [Written testimony was also provided, [Exhibit G](#).]

Jaina Moan, External Affairs Director, The Nature Conservancy:

We are here to voice our support for S.J.R. 10 to protect the public lands including and adjacent to Sunrise Mountain, Frenchman Mountain, and Rainbow Gardens. These areas are truly special places for many reasons, from the sensitive plant species that live there, to the geological wonder that is the Great Unconformity, to various cultural treasures that tell the story of our own humanity, like Gypsum Cave. We are concerned about threats to this area. Other folks spoke about the threats, so I will not belabor them, but I would like to add that The Nature Conservancy has recently worked to document root proliferation in this area and we have noticed that illegal motorized route proliferation has gotten worse in recent years.

On a personal note, as someone who regularly enjoys her public lands, I appreciate that from the top of Frenchman Mountain, one can see stunning views of the rich palette of colors presented by Rainbow Gardens and the view of Lake Mead beyond. It is truly an amazing place. We appreciate Senator Ohrenschall and the other bill sponsors for bringing this resolution forward. We urge the Committee's support for S.J.R. 10.

Bill Curran, Private Citizen, Las Vegas, Nevada:

Unlike some of the other testifiers, I am not a member of the environmentalist community per se, although I consider myself to be an environmentalist. To the contrary, I probably have represented many people who are against the development of communities. I have been in Nevada for nearly 50 years; I have lived in both northern and southern Nevada. I have seen development of our state in ways that sometimes I would consider to have been unwise. I think in all, our development has been beneficial to both our state and to our residents.

I want to say that I strongly support this resolution. I have heard presenters describe this area as a jewel, a gem, and a treasure. I consider that to be what it is. The only point I could add beyond what you have already heard is, if you look to the west to Red Rock Canyon, you should be cognizant of the fact that it is also under threat. There is long-standing litigation at

the southern end of the Red Rock area near the old gypsum mine site, which is scheduled for thousands of new homes. On the other end, in the center of what we consider the Red Rock area, is what has traditionally been known as Bonnie Springs. You may remember the area, and you probably took your kids there or went there as kids yourselves. That has now been approved for residential development by a major developer who I am sure will do a nice job. That wraps up my testimony. I think this is a rare, unique opportunity to preserve something that can have great significance for our community.

Chair Watts:

I will hear the next caller in support. Hearing no one, we will move on to those in opposition. Hearing no one, is there anyone in neutral? Hearing no one, are there any closing remarks?

Senator Ohrenschall:

The idea for this bill actually came out of a conversation I had with former Senator Tom Hickey one night, sitting at his kitchen table. He talked about the idea of trying to protect this area and make it an area that our constituents could really enjoy and have the protection of a place like Red Rock Canyon and Lake Mead National Recreational Area have. My friend Helen Mortenson has worked tirelessly helping develop the Ice Age Fossils State Park with her late husband, Assemblyman Mortenson. Dr. Rowland, Mike Dias, I want to thank all of them, and thank University of Nevada, Reno intern, Charles Olander, for helping present the bill. I hope you will consider moving forward with this legislation.

Chair Watts:

With that, I will close the hearing on S.J.R. 10. That leaves the last item on our agenda which is public comment. Is there anyone wishing to provide public comment? Hearing no one, our next meeting is Monday, May 3, 2021. This meeting is adjourned [at 5:30 p.m.].

RESPECTFULLY SUBMITTED:

Nancy Davis
Committee Secretary

APPROVED BY:

Assemblyman Howard Watts, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a proposed amendment to Senate Bill 404, submitted and presented by Cadence Matijevich, Administrator, Division of Consumer Equitability, State Department of Agriculture.

[Exhibit D](#) is a letter dated April 27, 2021, submitted by Amy R. Berry, Chief Executive Officer, Tahoe Fund, in support of Senate Joint Resolution 12.

[Exhibit E](#) is a letter dated April 28, 2021, submitted by Joanne S. Marchetta, Executive Director, Tahoe Regional Planning Agency, in support of Senate Joint Resolution 12.

[Exhibit F](#) is a document titled "Frenchman Mountain-Rainbow Gardens Geologic National Recreation Area," submitted and presented by Stephen Rowland, President, Citizens for Active Management of the Frenchman-Sunrise Area, in support of Senate Joint Resolution 10.

[Exhibit G](#) is written testimony dated April 28, 2021, submitted by Teresa Crawford, Member, Legislative Committee, Toiyabe Chapter, Sierra Club, in support of Senate Joint Resolution 10.