

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

**Eighty-first Session
May 6, 2021**

The Senate Committee on Natural Resources was called to order by Chair Fabian Donate at 3:36 p.m. on Thursday, May 6, 2021, Online and in Room 2144 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Fabian Donate, Chair
Senator Melanie Scheible, Vice Chair
Senator Chris Brooks
Senator Pete Goicoechea
Senator Ira Hansen

GUEST LEGISLATORS PRESENT:

Assemblyman Howard Watts, Assembly District No. 15

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Policy Analyst
Allan Amburn, Counsel
Christine Miner, Committee Secretary

OTHERS PRESENT:

Heidi Swank, Ph.D., Chair, Committee to Conduct an Interim Study Concerning Wildfires
Meghan Brown, Deputy Administrator, Division of Plant Industry, State Department of Agriculture
Jake Tibbitts, Natural Resources Manager, Eureka County
Cynthia Laframboise, Chair, Nevada State Board on Geographic Names
Christi Cabrera, Nevada Conservation League
William Pregman, Battle Born Progress
Edith Duarte, Western States Petroleum Association

Senate Committee on Natural Resources
May 6, 2021
Page 2

Jennifer Carr, P.E., Deputy Administrator, Administrative Services and Water Programs, Division of Environmental Protection, State Department of Conservation and Natural Resources

Tim Shestek, Senior Director, State Affairs, American Chemistry Council

Jake Ward-Herzik, Nevada Mining Association

Delanie Spilsbury

Rupert Steele, Chair, Confederated Tribes of the Goshute Reservation

Monte Sanford, Ph.D.

Ian Bigley, Progressive Leadership Alliance of Nevada

Marla McDade Williams, Reno-Sparks Indian Colony

Kyle Roerink, Executive Director, Great Basin Water Network

Lisa Ortega, Sierra Club Toiyabe Chapter

Shania Marques

Jaina Moan, The Nature Conservancy

Bradley Crowell, Director, State Department of Conservation and Natural Resources

Teresa Crawford, Sierra Club Toiyabe Chapter

CHAIR DONATE:

We will open the hearing on Assembly Bill (A.B.) 85.

ASSEMBLY BILL 85 (1st Reprint): Revises provisions relating to noxious weeds.
(BDR 49-108)

HEIDI SWANK, PH.D. (Chair, Committee to Conduct an Interim Study Concerning Wildfires):

Cheatgrass is a major issue in northern Nevada. Since its introduction in 1906, it has overtaken the sagebrush sea and dominates 20 million acres in the Great Basin. The impacts of the spread of cheatgrass are several. It replaces sagebrush that sage grouse rely on for migration corridors, it fuels wildfires such as the 2018 massive Martin Fire and undermines the sagebrush sea, a historic landscape in northern Nevada.

Ongoing efforts to control cheatgrass continue. The monocultural cheatgrass areas cannot be saved. Other areas where it does not dominate could be saved. The Noxious Weed Program is run by the State Department of Agriculture that sets lists of plants designated as noxious weeds. Noxious weeds are prioritized for action against spread.

Cheatgrass cannot be deemed a noxious weed because of language in *Nevada Revised Statutes* (NRS) 555.130. The removal of the language will allow, but not require, the State Quarantine Officer to deem cheatgrass or other long-established invasive plants as noxious weeds.

Incorporated in the bill is an amendment from Eureka County allowing the designation in specific areas and not the entire State. A proposed amendment from the Nevada Department of Transportation ([Exhibit B](#)) requires the State Quarantine Officer to consult with governing bodies or administrative entities with jurisdiction over public rights-of-way within the designated geographic areas if the State Quarantine Officer is making a temporary designation.

SENATOR GOICOECHEA:

I am apprehensive about the ability to control cheatgrass as a noxious weed. Identifying specific areas might help with controlling cheatgrass, but wholesale control of cheatgrass as a noxious weed is very expensive.

DR. SWANK:

The areas of cheatgrass monoculture are not controllable. In other areas without significant spread of cheatgrass, the State Quarantine Officer, if feasible and specific areas are identified, can apply controls in coordination with any agency that might be affected by the designation.

SENATOR GOICOECHEA:

Would the State Quarantine Officer have to hold a hearing before designating an area?

MEGHAN BROWN (Deputy Administrator, Division of Plant Industry, State Department of Agriculture):

A public process procedure is needed to change the noxious weed list. I am not prepared to speak specifically on how the amendment will affect that process. I would defer to counsel.

JAKE TIBBITTS (Natural Resources Manager, Eureka County):

Eureka County is neutral on A.B. 85 and changed its opposition upon the acceptance of the amendment providing some clarity and allowing Eureka County to move to a neutral position on the bill.

Senate Committee on Natural Resources
May 6, 2021
Page 4

CHAIR DONATE:

We will close the hearing on A.B. 85 and open the work session on A.B. 6.

ASSEMBLY BILL 6 (1st Reprint): Revises provisions governing an application for a temporary change relating to appropriated water. (BDR 48-309)

JENNIFER RUEDY (Policy Analyst):

I will read the summary of the bill from the work session document ([Exhibit C](#)).

CHAIR DONATE:

I will entertain a motion to do pass A.B. 6.

SENATOR SCHEIBLE MOVED TO DO PASS A.B. 6.

SENATOR BROOKS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DONATE:

We will move to A.B. 52.

ASSEMBLY BILL 52 (1st Reprint): Makes various changes related to the Land Use Planning Advisory Council. (BDR 26-342)

Ms. RUEDY:

I will read the summary of the bill and the amendment from the work session document ([Exhibit D](#)).

CHAIR DONATE:

I will entertain a motion to amend and do pass as amended A.B. 52.

SENATOR SCHEIBLE MOVED TO AMEND AND DO PASS AS AMENDED A.B. 52.

SENATOR BROOKS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DONATE:

We will move to A.B. 72.

ASSEMBLY BILL 72: Revises provisions relating to the Nevada State Board on Geographic Names. (BDR 26-258)

MS. RUEDY:

I will read the summary of the bill from the work session document ([Exhibit E](#)).

SENATOR GOICOECHEA:

There are 12 voting Board members, and an Executive Secretary is selected who is a nonvoting member. Is the Executive Secretary selected from the 12 members on the Board?

ALLAN AMBURN (Counsel):

According to section 1, subsection 2 of A.B. 72, the voting members of the Board shall select the Executive Secretary who is a nonvoting member. The Executive Secretary has to be someone who is not a member of the Board.

SENATOR GOICOECHEA

Would the Executive Secretary be an additional nonvoting member to the 12 voting members of the Board?

CYNTHIA LAFRAMBOISE (Chair, Nevada State Board on Geographic Names):

Yes, and I concur with legal counsel.

CHAIR DONATE:

I will entertain a motion to amend and do pass as amended A.B. 72.

SENATOR SCHEIBLE MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 72.

SENATOR BROOKS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DONATE:

We will open the hearing on A.B. 97.

ASSEMBLY BILL 97 (1st Reprint): Revises provisions governing toxic chemicals.
(BDR 40-141)

ASSEMBLYMAN HOWARD WATTS (Assembly District No. 15):

Assembly Bill 97 addresses certain toxic chemicals particularly those impacting firefighters. Perfluoroalkyl and polyfluoroalkyl (PFAS) substances are chemicals used to make products greaseproof and waterproof. These substances are found in wide ranges of products including cookware, food packaging, apparel, carpets and firefighting.

Several of these compounds have been linked to serious health problems including cancer, hormone disruption and immune suppression. Because PFAS substances do not break down easily in the environment, they are referred to as forever chemicals. Contamination by these chemicals has become a major issue nationwide, particularly near manufacturing facilities and military and air force bases used in firefighting, training and testing.

Firefighters face high levels of potential exposure during training, firefighting and the presence of the compounds in their turnout gear. From 2013 to 2015, Nevada's Division of Environmental Protection (NDEP) and the U.S. Environmental Protection Agency (EPA) studied 98 sites within 18 public water systems in Nevada, including those serving the Las Vegas and Reno metropolitan areas. The studies found levels below current health advisory levels. No industrial sources of this pollution are in Nevada, though other areas in the Country have problems with contaminated water from industrial sources.

Our military installations paint a different story. Of 11 samples taken at Nellis Air Force Base, 8 were above the advisory level of 70 nanograms per liter with the highest concentration at 42,000 nanograms per liter, 600 times above safe levels.

At Creech Air Force Base, 4 of 8 samples were above safe levels with the highest concentrations at 21,000 nanograms per liter. At Nevada Air National Guard Base in Reno and at the Reno-Tahoe International Airport, all 11 samples taken were above safe levels with the highest concentrations at 110,000 nanograms per liter. This is more than 1,500 times the health advisory level.

Action is being taken regarding these chemicals. Earlier this year, the EPA announced it was developing drinking water standards for the two most common PFAS chemicals: perfluorooctanoic acid and perfluorooctane sulfonate.

The NDEP secured a grant to develop a PFAS action plan. It is actively working to monitor pollution in Nevada and address the contamination of Nevada's U.S. Department of Defense sites. The Division has the authority to address high levels of contaminants of concern before drinking water standards are set by the EPA.

Assembly Bill 97 seeks to complement and build upon the federal action. Sections 7 through 14.5 take additional actions on these classes of chemicals. Section 12 prevents the use of firefighting foam containing these chemicals from being used in training to minimize firefighter exposure and limit their use in testing.

Section 13 calls for any discharge of firefighting foams to be reported to NDEP ensuring our environmental regulators have the information needed to keep water systems and citizens safe. Section 14.5 establishes a working group with diverse stakeholders to assist NDEP in the development of a PFAS action plan and make any appropriate recommendations for further action.

The bill deals with certain fire-retardant chemicals called organohalogens. These substances increase the time for ignition and combustion and provide a critical lifesaving window when fires break out. They add to the toxins present in the smoke that firefighters and others are exposed to. They could leach out of some consumer products putting families at risk.

Sections 16 through 26 ensure that children's products, upholstered furniture, textiles and mattresses manufactured or sold in Nevada in the future are free from high concentrations of these chemicals.

Cancer is the leading cause of death for firefighters due to the toxic chemicals they are exposed to on the job. Assembly Bill 97 seeks to balance overall safety with reducing the hazards first responders and the community face. The bill looks to protect citizens from the potential impacts of exposure to these chemicals.

SENATOR SCHEIBLE:

Has the fiscal note been changed with the incorporated amendments?

ASSEMBLYMAN WATTS:

The fiscal note was based on the original version of the bill. With the first reprint, the bill no longer has a fiscal note.

SENATOR SCHEIBLE:

Does every agency in the State have to change its standard operations or just one or two and in what circumstances?

ASSEMBLYMAN WATTS:

The firefighting foams are meant for fuel fires and in certain circumstances where these types of extinguishing materials are used. It is not the foam found in typical fire extinguishers. Substances used in specific facilities to deal with specific types of fires are the firefighting foam issues addressed in the provisions of A.B. 97.

The chemical components found in firefighting foams are also found in products like cookware and food packaging. The concentrations have been well below action levels when water has been sampled in our communities. The higher concentrations are found on military installations in Nevada.

CHRISTI CABRERA (Nevada Conservation League):

The Nevada Conservation League supports A.B. 97. The PFAS are toxic chemicals that can contaminate water, harm the environment and are linked to numerous impacts. The chemicals do not break down in the natural environment and can be found in soil and drinking water. They can accumulate and remain in the environment, wildlife and our bodies for extended periods. For this reason, they are commonly referred to as forever chemicals.

Studies have shown that exposure to PFAS can cause adverse health effects including increased risk of cancer, suppressed immune systems, increased

cholesterol and problems in fetal development. This bill is a step forward to keep Nevadans and the environment safe from toxic chemicals.

WILLIAM PREGMAN (Battle Born Progress):

Battle Born Progress supports A.B. 97 and agrees everything must be done to keep our environment and drinking water safe.

EDITH DUARTE (Western States Petroleum Association):

The Western States Petroleum Association is neutral on A.B. 97. In the petroleum industry, petroleum fires need to be extinguished quickly and efficiently. Firefighting foam with PFAS substances work for the petroleum industry, and there is no other product as efficient.

JENNIFER CARR, P.E. (Deputy Administrator, Administrative Services and Water Programs, Division of Environmental Protection, State Department of Conservation and Natural Resources):

The Division of Environmental Protection is neutral on A.B. 97 and supports efforts to protect Nevada. I will read from my written testimony ([Exhibit F](#)).

TIM SHESTEK (Senior Director, State Affairs, American Chemistry Council):

The American Chemistry Council is neutral on A.B. 97 given the amendments adopted in the bill.

JAKE WARD-HERZIK (Nevada Mining Association):

The Nevada Mining Association is neutral on A.B. 97 based on the amendments incorporated in the bill. The Nevada mining industry will continue to work toward alternative firefighting solutions for mining operations.

CHAIR DONATE:

We will close the hearing on A.B. 97 and open the hearing on A.B. 171.

ASSEMBLY BILL 171 (1st Reprint): Establishes certain protections for certain swamp cedars. (BDR 47-468)

ASSEMBLYMAN HOWARD WATTS (Assembly District No. 15):

I will present A.B. 171, a measure I brought before the Legislative Committee on Public Lands. My interest comes from conversations and consultations with friends and colleagues in eastern Nevada, the Indigenous communities and tribal governments. We sit on the ancestral and occupied territory of the Washoe

people who served as stewards of this land for generations. This measure seeks to provide protections for a special ecologically unique and culturally significant grove of trees known as swamp cedars in Spring Valley in White Pine County.

DELANIE SPILSBURY:

I am a Western Shoshone woman whose family has lived in the Great Basin for time immemorial. I am enrolled with the Ely Shoshone Tribe of Nevada and live near McGill. I have served on the Commission on Tourism and the boards of the Great Basin National Heritage Area and the Great Basin Water Network. On behalf of Nevada's Indigenous communities, I ask your support in protecting the swamp cedars.

For many years, the Confederated Tribes of the Goshute Reservation, the Ely Shoshone Tribe of Nevada and the Duckwater Shoshone Tribe of the Duckwater Reservation have been working to tell an important story about our heritage. We seek protections for the sacred Spring Valley stand of Rocky Mountain juniper trees known as swamp cedars.

Spiritually and culturally, the swamp cedars grow within an area referred to as Bahsahwahbee, which means the sacred water valley. Bahsahwahbee was an important meeting place for the Newe Tribe who are the present day Western Shoshone and Goshute people.

Before colonization, Indigenous people of the Great Basin travelled far and wide to congregate in Spring Valley. It was a place for prayer, celebration, medicine and rejuvenation, as it is today. The spiritual and cultural past of the swamp cedars represent what it means to be Native and Newe.

The swamp cedars tell a damning story about the history of Nevada and the ethnic cleansing of my people. Spring Valley was home to at least three major massacres of Native people between 1850 and 1900. Two were military-led engagements, and the third was conducted by a band of vigilantes. My grandmother was one of two children who survived the last massacre. Hiding in a ditch, she witnessed bloodthirsty thugs viciously kill her relatives and friends and desecrate her place of worship, her place of solace.

The swamp cedars in Spring Valley embody the spirits of the lives lost during the massacres. Bodies of our relatives nourish those junipers. Their spirits, souls

and remains are what is left in Spring Valley in the trees. This is where I visit my relatives.

The significance of Bahsahwahbee to my people is difficult to describe. Bahsahwahbee has been compared to Mecca and Vatican City. Comparisons of massacre sites are Wounded Knee and other sites where Native people were unjustly attacked. There is only one Bahsahwahbee. If swamp cedars are gone from Bahsahwahbee, then it is all gone.

Bahsahwahbee Traditional Cultural Property is listed on the National Register of Historic Places. The area is within the boundaries of the redesignated Great Basin National Heritage Area.

The designations sound like proper safeguards, yet we have learned over many years those terms only offer normal protections. We need policies with more teeth at all levels. Protections for sacred trees like swamp cedars are needed, and a change is long overdue. Proposals to protect the swamp cedars are opportunities to listen, learn and respect our wishes. It is hoped this will build bridges between tribal governments and the State.

Although the swamp cedars may not be considered unique genetic species, they are unique to the tribal people. They bring feelings of comfort and sadness. The Rocky Mountain juniper is just a juniper on top of a mountain. On the valley floor of Bahsahwahbee, a swamp cedar is the connection to my ancestors, heritage and people—my existence. If Bahsahwahbee and the swamp cedars are harmed, it will be my personal extinction event. The swamp cedars and Bahsahwahbee represent what it means to be Native and Newe. Assembly Bill 171 seeks to protect the spirits of Newe ancestors and the culture and history of the Newe people.

RUPERT STEELE (Chair, Confederated Tribes of the Goshute Reservation):

The Missing and Murdered Indigenous Persons Awareness Day occurred on May 5, and this is a proud day for the Indigenous people. My ancestors massacred at the site in Bahsahwahbee are still there. It hurts spiritually when loved ones are lost. They gave up their lives for me to survive, and it is inspiring. I visit the site often to pray and communicate my pride in them. I use the same herbs used by my ancestors in ceremonies. The site is a sacred place to gather, cry and tell stories.

Our ancestors inspire our tribes to be strong like they were, and I ask for their guidance. The swamp cedars represent who I am. The areas of Spring Valley are sacred to our tribes. They represent our survival, culture and religion. I urge your support of A.B. 171.

MONTE SANFORD, PH.D.:

Many people are not familiar with the Native American holocaust. What it was like for the Indigenous people is not taught. Centuries of Indigenous people suffered through one massacre after another. The massacres at Bahsahwahbee were part of the Native American genocide. We tend not to think of it that way, but it is. This area has been and is a religious gathering and ceremonial area for Native tribes. The gathering area was known to others, and the Indians were targeted. They could be killed amass with "flock shooting." Bahsahwahbee and its significance has a special meaning. It is important to recognize the many murdered and forgotten Indigenous people who lost their lives at Bahsahwahbee and other massacre sites.

Nevada protects certain plant species including Christmas trees, yucca and cacti. Seeking protections of the swamp cedar trees within Spring Valley in the traditional cultural property is a special circumstance to the Indigenous people.

ASSEMBLYMAN WATTS:

Section 1 of A.B. 171 contains the main components of the bill. It adds to NRS 527 a declaration about the importance of protecting the Rocky Mountain junipers known as swamp cedars. It creates a specific geographic boundary for the trees located in White Pine County within the boundaries of the Bahsahwahbee Traditional Cultural Property.

The bill provides that it is unlawful for any entity to willfully or negligently cut, destroy, mutilate or remove any swamp cedar within that area without first obtaining a special permit from the State Forester Firewarden and complying with any other applicable requirements. This protection is seen in other portions of NRS 527. Protections in statutes include the way pinion pine nuts are harvested, Christmas trees, cacti and yucca. There is an entire section allowing the State, through a regulatory process, to add specific plant species to a fully protected list due to their rarity and ecological value where similar protections to these apply. Assembly Bill 171 applies that same level of State protection to this grove of trees based on their cultural significance. The rest of the bill makes conforming changes.

Debates question whether these trees, commonly seen on mountainsides, are common to valleys. This is the only known grove of these species occurring entirely in the bottom of the valley. This is due to the water table being shallow and available for the trees to access in a way that normally the resources needed to survive and thrive would not be there.

Studies have not been done to determine if these trees are genetically different from the Rocky Mountain junipers found in the rest of the State. The bill seeks to geographically define the protections and does not apply to all Rocky Mountain junipers in the State.

Discussions on the roles of the State and federal governments for trees located on federally managed public lands have been continual. Certain actions for land management status must be taken by the federal government. Some water, wildlife and flora resources are held in public trust and managed more directly by the State. Having asserted State authority to manage other plant populations for reasons of importance to the State, the bill proposes to extend that to protect this grove of trees for its cultural and spiritual significance.

SENATOR HANSEN:

I support the bill but have concerns about some things discussed about the past when speaking of the massacres of Indigenous people. I am familiar with the Sand Creek massacre, the Cherokee Trail of Tears, the Seminole Wars and Wounded Knee massacre. Although I am not Native American, I am someone who understands history. Historically, there is no question about the 1863 massacre. However, the 1859 massacre is highly questionable with many anomalies in the story. The 1897 massacre is more questionable because the original accounts indicated cavalry were involved, and there were no cavalry in that part of Nevada at that time.

Historical inaccuracies in the bill bother me. There are high-water tables throughout the Rocky Mountains, not just the site referred to in the bill. The idea that this juniper is surviving only because of the high-water table does not make sense.

I support the concerns of the Indigenous people; the site is of historical significance and should be protected. The reason the Washoe Tribes were driven out of the area mentioned was because of Paiute Indians who were more powerful. Historically, the Paiutes and Shoshone tribes had many fights as did

many Indian tribes in the West. The five civilized tribes in the eastern parts of the Country were in constant conflicts with other tribes. Historical anomalies make some statements in the bill questionable. I do not support the idea that it is unique to European civilization, and it did not occur prior to us being here. I want the historical record kept in some perspective.

ASSEMBLYMAN WATTS:

I appreciate that you are well-read and educated on many of these issues. The history of this continent is complicated. Human histories and stories exist in different versions and bear importance to certain people. There will sometimes be disagreements on interpretations.

MS. CABRERA:

The Nevada Conservation League supports A.B. 171. Swamp cedars are sacred to our Indigenous populations and are ecologically unique. The trees are threatened by climate change, drought and overpumping of groundwater. The trees deserve protections.

IAN BIGLEY (Progressive Leadership Alliance of Nevada):

The Progressive Leadership Alliance of Nevada supports A.B. 171. The members of the Indigenous tribes are appreciated for sharing their stories and providing an opportunity for non-native people to gain perspective and understanding. It is hoped this is an opportunity to build bridges rather than divides.

The Legislature has the opportunity to recognize the cultural and spiritual significance of the swamp cedars and respect the practices continuing at the site. It is a place of prayer and part of the necessary healing process for communities going through ongoing historic trauma.

Although the history of U.S. involvement in the swamp cedars is one of massacres of the Indigenous people, this is an opportunity to start a new story—investing in protections and enhancing the land and people of Nevada. Protecting the swamp cedars is a small but important step toward healing the land and people.

MARLA MCDADE WILLIAMS (Reno-Sparks Indian Colony):

The Reno-Sparks Indian Colony supports A.B. 171. Its members are Paiute, Shoshone and Washoe, and their ancestors have been affected by similar issues

throughout the history of the State and Country. Historical cultural areas are of importance to all Nevadans.

KYLE ROERINK (Executive Director, Great Basin Water Network):

The Great Basin Water Network supports A.B. 171. The swamp cedar populations in Spring Valley are globally unique. It is substantiated by academic research. The saline nature of the water table is the difference. The area is distinguished by a beautiful and terrible history and is worthy of fully protected status. Land development and human actions could imperil the trees.

LISA ORTEGA (Sierra Club Toiyabe Chapter):

The Sierra Club Toiyabe Chapter and its members support A.B. 171. I will read my written testimony ([Exhibit G](#)).

SHANIA MARQUES:

I am a member of the Ely Shoshone Tribe of Nevada as a cultural representative. The swamp cedars are an important part of our culture and past. The trees are unique biologically and historically, and their protections are essential. Possible destruction without protections would destroy our connection to the past. I urge support of A.B. 171.

JAINA MOAN (The Nature Conservancy):

The Nature Conservancy supports A.B. 171. The Conservancy recognizes the spiritual and cultural importance of the swamp cedars and supports additional protections for the trees in Spring Valley. Bahsahwahbee is a deeply important cultural landscape. The singular qualities of this area are rooted in a deep relationship that our own human species has developed toward this population of trees over countless generations since time immemorial. Recognizing the swamp cedars as protected flora will provide a layer of protection needed to conserve this special place.

MR. PREGMAN:

Battle Born Progress supports A.B. 171 and concurs with sentiments of previous support testimony.

Senate Committee on Natural Resources
May 6, 2021
Page 16

BRADLEY CROWELL (Director, State Department of Conservation and Natural Resources):

The State Department of Conservation and Natural Resources is neutral on A.B. 171. I will read my written testimony outlining the concerns of the Department ([Exhibit H](#)).

ASSEMBLYMAN WATTS:

The swamp cedar area is unique not just because of the shallow water table. The cultural and historic significance is reason to take action for protections at the State level. The proposal has evolved since first presented before the Legislative Committee on Public Lands. Designating a species as fully protected by the State is based on scientific evaluations applying to an entire species at risk or threatened. It was decided to use the same authority that protects other species like cacti and yucca. The policy in A.B. 171 is focused on protecting a specific grove of trees in a specific geographic area.

CHAIR DONATE:

We will close the hearing on A.B. 171 and open the hearing on Assembly Joint Resolution (A.J.R.) 4.

ASSEMBLY JOINT RESOLUTION 4 (1st Reprint): Urges Congress and the President of the United States to protect certain land containing swamp cedars in Spring Valley. (BDR R-467)

ASSEMBLYMAN HOWARD WATTS (Assembly District No. 15):

Assembly Joint Resolution 4 is a measure about protecting the swamp cedar trees in Bahsahwahbee. The trees are located on federal land. It looks to address the federal land management responsibilities by calling for additional federal protection.

Bahsahwahbee is a designated Traditional Cultural Property. It is an area of critical environmental concern for the swamp cedars and located in the Great Basin National Heritage Area. These federal designations have been given to provide recognition and some protections and awareness. The protections are not enough to guarantee the trees will endure into future generations. This resolution calls upon the U.S. Congress and the U.S. President to look into additional actions that could be taken to protect these specific lands. It will take federal authority to strengthen protections on federal lands in the specific area. The open-ended and proposed ideas by Indigenous leaders include an expansion

of the Great Basin National Park with a separate area including the trees or possibly as a national monument. Any federal action to increase protections for the area would be welcomed and encouraged.

DR. SANFORD:

The National Register of Historic Places designated Bahsahwahbee as a Traditional Cultural Property. It is a small area of Spring Valley. The designation provides little to no protections. It does not disallow the destruction of this designation; it simply provides for a process if a site is to be destroyed.

Areas of Critical Environmental Concern are designations provided by the Bureau of Land Management (BLM) that offer some level of protection. It prevents any surface occupancy of the designated sites, and developers could not occupy the area.

The Department of Conservation and Natural Resources is concerned about setting precedent. Nevada has Christmas trees, yuccas and cacti protected under NRS 527, and it includes federal lands and specific language in NRS 522 regarding federal property. The State has authority for those protections on federal land. It is similar to authority the Department of Wildlife has for regulating hunting and fishing.

Approval of A.J.R. 4 urging Congress to protect this area adds additional protections for the Indigenous community.

MS. CABRERA:

The Nevada Conservation League supports A.J.R. 4. It is important to preserve places with such historical and cultural significance, and the resolution seeks to permanently protect the swamp cedars and the special place where they grow.

MR. BIGLEY:

The Progressive Leadership Alliance of Nevada supports A.J.R. 4. This legislation recognizes that sacred places for Indigenous people exist outside of the arbitrarily setup of reservation boundaries. In this case, they exist on stolen lands declared as federal. Nevada tribes continually work to preserve the swamp cedars for future generations. It is imperative for Nevada to provide protections to a place of such significance for the rightful caretakers.

MR. ROERINK:

The Great Basin Water Network supports A.J.R. 4. It is asking U.S. Congress and the U.S. Executive Branch to preserve and acknowledge a site with much history. The intent is recognition of significant Native sites that exist outside of the bounds of reservations. The 14,000-acre site overseen by the BLM is listed as a Traditional Cultural Property on the National Register of Historic Places as an area of critical and environmental concern. The nominal protections do not bear the weight of a National Historic Landmark or a national monument.

TERESA CRAWFORD (Sierra Club Toiyabe Chapter):

The Sierra Club Toiyabe Chapter and its members support A.J.R. 4. I will read from my written testimony ([Exhibit I](#)).

MS. WILLIAMS:

The Reno-Sparks Indian Colony supports A.J.R. 4.

MS. MOAN:

The Nature Conservancy supports A.J.R. 4 and additional protections to the culturally significant place.

The Nature Conservancy recently completed a mapping of resilient, connected landscapes in the United States. Unique topographies, geologies and other characteristics were identified as places resilient to climate change and able to support specie climate migrations among connected places. Using this data, the Conservancy qualitatively identified several climate-resilient passages in Nevada. These networks of lands and waters will provide multigenerational refuges for plants and wildlife from drought and heat and allow species to disperse across Spring Valley from Snake Range to the Schell Creek Range.

Bahsahwahbee is a unique ecosystem and microhabitat, and there is no similar place anywhere.

CHAIR DONATE:

I respect the sentiments of Ms. Spilsbury and Dr. Sanford. It was warming and powerful to hear their testimonies giving background for this subject. It is important we continue to uplift issues and voices that have been ignored for too long.

We will close the hearing on A.J.R. 4.

Senate Committee on Natural Resources
May 6, 2021
Page 19

Chair DONATE:

Having no further business, I will adjourn this meeting at 5:22 p.m.

RESPECTFULLY SUBMITTED:

Christine Miner,
Committee Secretary

APPROVED BY:

Senator Fabian Donate, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begin s on Page	Witness / Entity	Description
	A	1		Agenda
A.B. 85	B	1	Heidi Swank / Committee to Conduct an Interim Study Concerning Wildfires	Proposed Amendment from Department of Transportation
A.B. 6	C	1	Jennifer Reudy	Work Session Document
A.B. 52	D	1	Jennifer Reudy	Work Session Document
A.B. 72	E	1	Jennifer Reudy	Work Session Document
A.B. 97	F	1	Jennifer Carr / Division of Environmental Protection, State Department of Conservation and Natural Resources	Written Testimony
A.B. 171	G	1	Lisa Ortega / Sierra Club Toiyabe Chapter	Written Testimony
A.B. 171	H	1	Bradley Crowell / State Department of Conservation and Natural Resources	Written Testimony
A.J.R. 4	I	1	Teresa Crawford / Sierra Club Toiyabe Chapter	Written Testimony