

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

**Eighty-first Session  
March 2, 2021**

The Senate Committee on Natural Resources was called to order by Chair Fabian Donate at 3:35 p.m. on Tuesday, March 2, 2021, Online. [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:**

Senator James A. Settelmeyer, Senatorial District No. 17

**STAFF MEMBERS PRESENT:**

Jennifer Ruedy, Policy Analyst  
Christine Miner, Committee Secretary

**OTHERS PRESENT:**

Mike Dzyak, State Fire Marshal, State Fire Marshal Division, Department of Public Safety  
Tony Wasley, Director, Department of Wildlife  
Jennifer Newmark, Administrator, Wildlife Diversity, Department of Wildlife  
Zach Conine, State Treasurer  
Corey Dalton  
Lewis Souder  
Patrick Donnelly, Nevada State Director, Center for Biological Diversity

**CHAIR DONATE:**

We will begin with a work session on Senate Bill (S.B.) 33.

Senate Committee on Natural Resources  
March 2, 2021  
Page 2

**SENATE BILL 33**: Revises certain provisions relating to natural resource management. (BDR 47-312)

JENNIFER RUEDY (Policy Analyst):

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

CHAIR DONATE:

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

SENATOR SCHEIBLE MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 33.

SENATOR BROOKS SECONDED THE MOTION.

SENATOR GOICOECHEA:

Although I will support S.B. 33, I have concerns with some language in the bill. In jurisdictions with no building codes in effect, it will be the duty of the State Fire Marshal to submit warnings and enforce laws. It may be a bigger duty than realized.

MIKE DZYAK (State Fire Marshal, State Fire Marshal Division, Department of Public Safety):

My authorities as State Fire Marshal are limited to certain types of facilities by *Nevada Revised Statutes* (NRS) 477.030. The language in the amendment to adopt the International Wildland-Urban Interface Code (IWUIC) has been completed by the State Fire Marshal Division. The Division sets the base code. It falls to local jurisdictions to handle enforcement unless the State Fire Marshal is requested. Authority to specifically enforce commercial buildings in a jurisdiction is not part of the duties of the State Fire Marshal unless a jurisdiction makes the request. The Division supports any county lacking building code expertise. The Fire Marshal has authority on anything outlined in NRS 477.030.

SENATOR GOICOECHEA:

In section 17, subsection 3 of S.B. 33, it states "The State Fire Marshal is responsible for the enforcement of the provisions of subsection 1 in all areas of the State in which there is no building code in effect." There are rural areas in the State without building codes in effect. The bill indicates enforcement of the

code is at the local government's fire protection level, not the State's. What happens if a jurisdiction does not have a code?

MR. DZYAK:

I appreciate your concerns. I am unaware of the volume of building code issues in rural areas. I do not know the volume of building into the Wildland-Urban Interface that may be happening in rural counties. Enforcement is more successful at the county level. Lyon County is considered to be in the Wildland-Urban Interface, whereas Douglas County has entirely different issues. The adoption of IWUIC gives guidance and the ability for counties to follow the codes. Statute allows the Fire Marshall Division to assist if needed. It could prove to be a bigger issue, but in looking at it now, I have my doubts.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DONATE:

We will move to S.B. 43.

**SENATE BILL 43**: Revises provisions relating to the Advisory Board on Outdoor Recreation. (BDR 35-344)

MS. RUEDY:

I will read the summary of the bill and the two amendments from the work session document ([Exhibit C](#)). In the process of drafting the first amendment, the four words "or its successor organization" in the original bill were deleted by amendment language. The second amendment adds the four words back into the bill. The Nevada Association of Counties agreed to the language.

SENATOR SCHEIBLE:

I see the first amendment proposed by the Division of Outdoor Recreation, but I do not see the second amendment.

MS. RUEDY:

In the work session document [Exhibit C](#), on the main page, there is an amendment explanation of the language added back into the bill. It is not contained on a second hard copy.

Senate Committee on Natural Resources  
March 2, 2021  
Page 4

CHAIR DONATE:

I will entertain a motion to amend and do pass as amended S.B. 43.

SENATOR SCHEIBLE MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 43.

SENATOR BROOKS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DONATE:

We will proceed to S.B. 53.

**SENATE BILL 53**: Makes various changes relating to the Division of State Parks  
of the State Department of Conservation and Natural Resources.  
(BDR 35-338)

MS. RUEDY:

I will read the summary of the bill from the work session document ([Exhibit D](#)).  
A map of the regional boundaries is included.

CHAIR DONATE:

I will entertain a do pass motion for S.B. 53.

SENATOR GOICOECHEA MOVED TO DO PASS S.B. 53.

SENATOR HANSEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DONATE:

We will proceed to the hearing on S.B. 125.

**SENATE BILL 125**: Revises provisions related to falconry. (BDR 45-158)

SENATOR JAMES A. SETTELMAYER (Senatorial District No. 17):

I have a coin with the name of former Governor Mike O'Callaghan written on it from his 1974 campaign for Governor. What does this have to do with falconry? Mike O'Callaghan was a falconer and had a red-tailed hawk at the Governor's Mansion.

This is my second bill dealing with falconry. There were falconers on my property rescuing an injured falcon with intention to nurse it back to health. I respect these actions and my interest in falconry continues to grow. Falconry is a fascinating sport to observe. The falconer plays the role of the hunting dog, sometimes having to jump in a ditch to retrieve a duck. This is necessary to prevent the falcon from retrieving the duck, gorging itself and potentially eating too much.

In the wild, 90 percent of birds of prey die in their first year. In their second year, another half of the birds die. In captivity, birds are trained and turned back to the wild at the appropriate time. Falconry has had a presence for eons.

Senate Bill 125 was created to assist falconers. Falconers possess owls, hawks and similar birds but are prohibited by Nevada law from possessing any eagle species. The bill seeks to allow falconers to acquire golden eagles for falconry purposes.

There are some disagreements with the language put forth by the falconers. The Department of Wildlife (NDOW) has submitted a proposed amendment ([Exhibit E](#)). This proposed amendment is what we will address in this hearing. Section 3 of the proposed amendment states:

The Commission may adopt regulations that provide for a person who is licensed as a Master Falconer by the Department to possess a golden eagle for purposes of rehabilitation and other certain circumstances, provided that he or she meets the conditions outlined in federal law.

In my opinion, falconers give up their personal rights to have these birds. The federal government and NDOW have the right to enter the premises of a falconer and search the property at any time to ensure the birds are properly cared for.

The amendment authorizes NDOW to allow golden eagles in falconry and develop related administrative code regulations.

TONY WASLEY (Director, Department of Wildlife):

The Department views some circumstances as legitimate possession of golden eagles. For example, rehabilitation for eagles can be temporarily homed by falconers. There is a federal lottery system the U.S. Fish and Wildlife Service administers providing opportunities for falconers to possess golden eagles. Nevada statute prohibits either of these circumstances. The Department offered new language for S.B. 125 in the proposed amendment, [Exhibit E](#), to allow for possession of golden eagles in Nevada.

SENATOR SCHEIBLE:

Would the other circumstances in the proposed amendment include the federal lottery system for taking a certain number of golden or bald eagles per year?

SENATOR SETTELMAYER:

Law prohibits the possession of bald eagles. Senate Bill 125 pertains only to golden eagles.

MR. WASLEY:

Lawful possession of birds potentially obtained through the U.S. Fish and Wildlife Service lottery is one of the other circumstances. The falconers also want to be allowed to be in possession of a bird if that individual moved into Nevada with a previously acquired bird. The circumstances could vary, and the Department wants oversight and awareness of possession of eagles in Nevada to assist in the rule-making process for the Board of Wildlife Commissioners.

SENATOR SCHEIBLE:

Would this bill prohibit the commercial trade of golden eagles, or is that still precluded by federal law?

MR. WASLEY:

The Department shares that concern. I am unaware of any existing commercial trade for eagles. It is a prohibited activity.

JENNIFER NEWMARK (Administrator, Wildlife Diversity, Department of Wildlife):

Under the federal Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act, these two species are protected. Federal law allows possession of

golden eagles under certain circumstances. The U.S. Fish and Wildlife Service lottery program offers six golden eagles a year for falconry purposes. There is no provision under that act for bald eagles to be used in falconry.

SENATOR GOICOECHEA:

Are you saying up to six golden eagles could be acquired through the federal lottery? Is the federal lottery program the only way for a falconer to access an eagle?

Ms. NEWMARK:

A falconer could apply for an eagle through the federal lottery program. For a young eagle in a rehabilitation situation, a falconer could play an important role in training the eagle to fly, hunt and be returned to the wild. This is also an opportunity for falconers to have an eagle in their possession.

SENATOR GOICOECHEA:

It appears to be a limited market.

Ms. NEWMARK:

That is correct.

SENATOR BROOKS:

Why does the bill require a two-thirds majority vote? Could there be a potential fee attached?

SENATOR SETTELMAYER:

To bring in a group that previously was not licensed triggers a two-thirds vote. Fee-paid registrations by individuals applying to NDOW for the right to possess a golden eagle triggers the two-thirds vote.

Ms. RUEDY:

Electronic communication with the Committee Counsel explains that the bill is expanding the applicability of the existing fee in section 2 of S.B. 125, and this triggers the two-thirds vote.

CHAIR DONATE:

How did the bill come to fruition?

SENATOR SETTELMAYER:

Individuals hunt on my ranch with falcons, and I have been educated on the survival of birds in the wild. Falconers often rehabilitate birds and return them to the wild. Falconers teach the birds how to hunt better. In the wild, the birds may die; the care provided by falconers help birds survive. I compare it to the first-time driver needing personal instructions to succeed.

ZACH CONINE (State Treasurer):

I am not testifying as the State Treasurer, but I am in support of S.B. 125. As a youth, I helped birds of prey for my first job at the Hudson Valley Raptor Center in New York. I worked closely with falconers who helped birds return to the wild.

COREY DALTON:

I support S.B. 125. As a licensed falconer in Nevada, I look forward to being part of the conservation efforts in helping golden eagles return to the wild. Eagles that are in distress need rehabilitation. There are not enough eagle falconers across the U.S to rehabilitate golden eagles injured in the wild. Nevada falconers look forward to working with NDOW to create criteria for the application and qualification processes.

LEWIS SOUDER:

I support Nevada falconers and am in favor of S.B. 125. About 80 percent of birds hatching in the spring do not make it through their first year of life. Many eagles struggling in their first year become part of the rehabilitation program. Adult eagles of breeding age may become part of the eagle rehabilitation program, and it is good conservation.

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

I have submitted a letter of opposition on S.B. 125 ([Exhibit F](#)). The Center for Biological Diversity supports falconry for rehabilitation purposes. The Center does not support taking eagles out of the wild. The U.S. Fish and Wildlife Service lottery program takes golden eagles out of the wild. Nevada is a place of refuge for the golden eagle with its wide open spaces. We propose amending the bill prohibiting NDOW from issuing depredation permits for golden eagles.

CHAIR DONATE:

The Opinions application on the Nevada Legislature Website reflected 10 viewpoints in opposition of S.B. 125. I will close the hearing on S.B. 125.



Senate Committee on Natural Resources  
March 2, 2021  
Page 9

CHAIR DONATE:

Concluding the day's business, we will adjourn at 4:23 p.m.

RESPECTFULLY SUBMITTED:

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Christine Miner,  
Committee Secretary

APPROVED BY:

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Senator Fabian Donate, Chair

DATE: \_\_\_\_\_

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit Letter</b>	<b>Begins on Page</b>	<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
S.B. 33	B	1	Jennifer Ruedy	Work Session Document
S.B. 43	C	1	Jennifer Ruedy	Work Session Document
S.B. 53	D	1	Jennifer Ruedy	Work Session Document
S.B. 125	E	1	Senator James A. Settlemeyer	Proposed Amendment from Department of Wildlife
S.B. 125	F	1	Patrick Donnelly / Center for Biological Diversity	Letter in Opposition