

H E A R I N G  
M I N U T E S -- 57th Session

**Assembly**

ENVIRONMENT &amp; PUBLIC RESOURCES &amp; FISH AND GAME COMMITTEE-Room 214

February 26, 1973

Members Present:	Chairman Bremner	Broadbent
	Vice-Chairman Crawford	Lowman
	Ford	Smalley
	Gojack	
	Banner	

Members Absent: Jacobsen

Guests:	Eric Cronkhite	State Park System
	George Zappettini	Division of Forestry
	Frank W. Groves	Department of Fish and Game
	Robert Long	Division of Forestry
	Tina Nappe	Foresta Institute
	Bryn Armstrong	Press Pool--Las Vegas Sun
	Fred Wright	Department of Fish and Game
	Dick Miller	Advisory Comm. on Envir. Education
	Grace Bordewich	League of Women Voters
	Peter Harlan	Audubon Society
	Russ Nielsen	United Press International
	Samuel Shar	Foresta Institute

Chairman Bremner called the hearing to order at 8:05 a.m. and stated that this hearing would concern A.B. 141; to amend NRS 527.050, relating to removal of flora, by withdrawing exemption for use in homes and gardens; prohibiting removal of protected species by institutions and Indians; and providing other matters properly relating thereto.

The chairman then asked Mrs. Jean Ford to start testimony. She said that NRS 527.050 has been in the books since 1937 (the basic statute). The Endangered Species Act was passed in 1969 and was devised to protect certain species against endangerment. The forester has been provided a committee to advise hem of certain species and the Fish and Game Society has been responsible with this, also. The people who have been involved with these groups, feel that this would be a desirable bill.

Mr. Peter Harlan, representing the Audubon Society, spoke in opposition to A.B. 141. He felt that the clause in question, which would deny the persons the right to pick cacti or other desert flora, does not seem to be right. They are in favor of someone digging, removing, destroying should be prohibited, but someone just picking should be able to pick. The things that are destructing the plants more is the herbicide spraying and the cattle chewing on the plants. Mr. Harlan went on to say that the Barrow cactis and the desert holly have come to a place where they are endangered, because of commercial interest of digging, and removing, and then selling them. He concluded in saying that this should be brought up in schools toward educating the children of the endangered species, and all about the laws about these plants, and that this bill should be clarified between digging and picking.

Questions:

Mrs. Ford mentioned that the bill already says that no one should be al-

lowed to destroy, mutilate, pick, or remove...and that this covers picking, unless you get a permit. Mr. Harlan said that this covers endangered species only, and still felt that this bill be clarified. Mr. Lowman asked if Mr. Harlan thought that the Indians should have a right to pick and sell these plants, and he answered that he did not think anyone should be allowed and no exceptions be made.

Mr. Cronkhite, Administrator of the Nevada State Parks System, also agreed that the bill should be clarified. He said that the main concern is to suggest an amendment which would delete Section 4 (b). (Copy of this suggestion is attached as Exhibit #1). Mr. Cronkhite brought up about a newspaper article concerning Arrow Canyon in Southern Nevada, in which a group of geology students went through this canyon and painted big numbers with circles around the numbers on the rocks, etc. This covered a mile and a half of territory. When these students were written to about this matter, the reply mentioned that the only reasons were for scientific purposes. (the copy of this letter of reply is attached at Exhibit #2). Mr. Cronkhite did not think this was a very legitimate reason for painting up the canyon, and thought something should be done about it. He said that this could be applied as an example for the protection of the wildflowers, trees, shrubs and other plants. For this reason, Mr. Cronkhite suggested the deletion of (a) and (b) in Section 4.

Questions:

Mr. Lowman asked if the deletion of (c) could be possible, also, and Mr. Cronkhite answered that this phrase is very closely tied in with the heritage of this state and that the Indians should have the right. Mr. Crawford asked if there were notices posed about the certain plants that are not supposed to be picked and the answer was yes.

Tina Nappe, speaking for herself, is involved with the Foresta Institute. She spoke for this bill, agreeing with the suggested amendments that have been requested earlier in this hearing. (Tina Nappe's testimony is attached as Exhibit #3).

Robert Long, from the Division of Forestry, testified next on A.B.141. He mentioned that the previous witnesses that have spoken testified with more expertise. Two laws already are in the books concerning this type of subject. One law is about endangered species, and the other allowing people to collect cacti and other flora. He said that it has been found that cacti is now becoming endangered, and the possible solution to this problem is by amending Section 4 the italicized portion, which they already have done. He went on and said that (c) in Section 4 could be re-worded.

Questions:

Mr. Lowman asked if it would present any problems if the committee abolished all three parts in Section 4, and suggest a permit for everyone picking anything, and Mr. Long answered that it would have to be checked with the State Forestry Department, but did not think it would be a problem.

The Chairman brought up that suppose if someone from Red Mountain wanted to pick some flora, he would have to go to Tonopah to receive a permit, and Mr. Long agreed that this would create a problem.

Mr. Crawford asked about the cost of a misdemeanor, and was answered that to was suggested to go up \$300.

Mrs. Ford confirmed that it is really being suggested to remove all or

a portion of the exemptions in Section 4, and then a person would need a permit to do anything.

The chairman then called Mr. Richard G. Miller, from the Advisory Board of Endangered Species, and involved with the Fish and Game Department. He started out suggesting an extra sentence be put in Section 4, line 19. (This change is attached as Exhibit #4) This subject should be contained within the state of Nevada, according to Mr. Miller, and the state should not depend on any federal agency to issue permits. He brought up about the permits that the Fish and Game Department issue, and how they charge for the permits to be issued. Mr. Miller concluded his statement by saying that he was glad to see that this bill would eliminate the free picking for home use and gardening, and eliminated usir plants for the use of commercial sale.

Mr. Peter Harlan asked again to be heard about the matter of permits. He wanted to say that he was in great favor of issuing permits, because it allows the state institutions to be able to see what is going on in this type of problem.

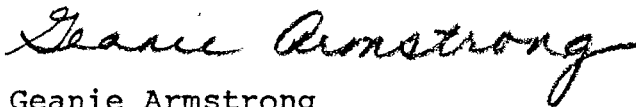
Questions:

Mrs. Ford directed a question to the Division of Forestry about the permits and how they would give the right of what limit of flora could be dealt with. The answer was that the permit will have the right to do this. Mrs. Ford also asked how they felt about charging for the issued permits, and was answered that this seems to be normal procedures elsewhere, so they would probably do the same.

Mr. Robert Long asked if the money would be used to implement the program, and Mrs. Ford said that it would have to be discussed.

Chairman Bremner thanked the witnesses for their testimonies, and called the hearing closed at 8:40 a.m. until the next hearing on Wednesday, February 28, 8:00 a.m. in room 131.

Respectfully Submitted,



Geanie Armstrong  
Assembly Attache



**NEVADA  
STATE  
PARK  
SYSTEM**

ERIC R. CRONKHITE  
Administrator

ROOM 221  
NYE BUILDING  
201 S. FALL STREET  
CARSON CITY  
NEVADA 89701  
702/882-7339

Exhibit 1

159

February 5, 1973

Mr. Roger Bremner, Chairman  
Committee on Environment and Public Resources

Dear Mr. Bremner:

Subject: AB141

In reviewing AB141, we find that Section 1, 4b, pertaining to the exception of institutions of learning, etc., is in conflict with State Park regulations.

As the statute is enacted, institutions of learning have full run to desecrate the countryside of plant materials, this legislation sets out to preserve, including State Parks.

We are told by the Deputy Attorney General assigned to this agency, that the legislation under NRS 527.050 may very well supercede State Park rules and regulations which allow no one to remove vegetation without permit.

We ask that your committee delete subsection 4b which would then require any institution, whether legitimate or otherwise, to apply for a permit the same as any other citizen.

Your consideration of this request would be most appreciated and in the event we may give you any additional information, or appear before your committee, please let us know.

Sincerely,

Eric R. Cronkhite  
Park Administrator

ERC:lk

cc: Cranford L. Crawford, Jr.  
James J. Banner  
Mary Gojack  
James E. Smalley  
Robert V. Broadbent  
Jean E. Ford  
Lawrence E. Jacobsen  
Zelvin D. Lowman



February 14, 1973

*Exhibit 2*

Mrs. Thalia Dondero  
808 Bonita Avenue  
Las Vegas, Nevada 89105

Dear Mrs. Dondero:

I am writing in regard to your concern over the activities of our group in the Arrow Canyon. I tried several times to call you when I was in Las Vegas, but you were apparently out of your home.

I am very sorry that I was not in our camp on January 29th when you and the Park Commissioners visited the Canyon. I am sure that, had we been able to discuss the situation, a great deal of concern would have been spared us all. On the following Thursday I visited Mr. Boyles at the Bureau of Land Management and we discussed the matter of paint and trash in some detail. As a consequence we now have an amicable understanding with the Bureau and I hope that we may be able to reach a similar accommodation with your group and the Park Commission. In fact, if the Park becomes a reality, I would hope to participate in preparing interpretive materials. Our group has more specific information about the geology of the Canyon than anybody else, and we will be happy to share it.

I would like to inform you as to exactly what we have done in regard to maintaining the natural condition of the Canyon. First of all, we always have removed all of our own cans and trash at the time of our departure. In the process, we also remove a fair amount left by others in the immediate vicinity of our camp site. Secondly, the only rock painting done by us with my authorization has been strictly for scientific purposes. Our people are generally engaged in two year projects. They obtain a basic general collection during their first visit to the Canyon and a year later they return to obtain additional specimens from selected collecting points. In most cases the items they are seeking are invisible to the unaided eye and it is necessary for them to find a thin layer, perhaps only a few inches thick, within the several thousands of feet of very similar rocks exposed in the Canyon. For this reason we mark the individual beds from which collections were made. These marks are made in such a way so that they persist for no longer than the lifetime of a student's project ---- at most about two years. The paint that we use fades fairly rapidly and is applied in a very thin coat. Numbers placed on the Canyon wall three years ago by one

Mrs. Thalia Domdero

-2-

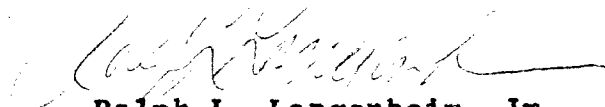
February 14, 1973

of our doctoral candidates are no longer visible. Thirdly, we are not the only people who have collected and marked their localities in the Canyon. The long series of yellow numbers --- over two hundred of them ---- which you noted, are not our work. Nor do they belong to the workers from BYU, Utah, St. Louis University, Washington State or UCLA who are known to us. These numbers, unfortunately, are of chrome yellow --- a long lived pigment --- that may be good for a decade. We don't use the stuff. Fourthly, the name painted on the wall behind the camp was done by one of our students last year. He was reprimanded severely and nothing like that has happened before or since. At the suggestion of Mr. Boyles' staff we have removed that inscription. Fifthly, if our numbers are still obnoxiously visible, we will remove them at the conclusion of the current collecting program. Sixthly, needless to say, now that it appears that a Park may be created in the Canyon, we will find other, less efficient, but more acceptable means of marking our collecting sites in future work.

You may be interested in knowing something of our project. In company with my students, I have been working on the geology of the Arrow Canyon Range since 1956; first from the University of California at Berkeley and later from Illinois. During this time about twenty-five theses --- Bachelors, Masters and Doctors --- have been completed. These have resulted in about twenty publications in a variety of geological journals. Copies of each thesis have been deposited in the library of the University of Nevada so that the work is available to Nevadans. Reprints of the publications have similarly been distributed. The work has been financially supported by both of the universities with which I have been affiliated and by research grants from the Geological Society of America, The American Association of Petroleum Geologists and Sigma Xi. On two occasions the Nevada Bureau of Mines provided us with extra field vehicles.

In addition to the students, professional geologists from Germany, England, and Brazil have visited the area with our group. Also we have been contacted or visited by petroleum geologists seeking our advice in their search for oil in Nevada. Finally, the results of our mapping are being incorporated in the new geological map of the State. Thus we hope that our work has had significance beyond the training of our students and that we have contributed our share to further the welfare of the State in which we are working.

Sincerely yours,



Ralph L. Langenheim, Jr.  
Professor of Geology

RLL:sal

STATEMENT  
A.B. 141  
TINA NAPPE

Exhibit 3 102

Several years ago I was a member of a small group who succeeded in getting Nevada's rare and endangered species bill passed. Because no funds were appropriated, implementation of its provisions has languished. However, citizen effort on behalf of rare and endangered species has continued. Last fall efforts were made with the Division of Forestry encouragement to set up classifications of plants. One result of these initial reviews was a closer scrutiny of the enforcement laws.

The proposed changes are the result primarily of cactus collecting in Clark County. I fell myself to be unsure as to whether the bill fully implements what I consider to be a desirable system.

My feeling is that plants as well as animals should have protection. There should be a permit system similar to that established by the Nevada Department of Fish and Game. There should be general collecting permits with a request that the collector describe generally where and what he would like to collect. There should be regulations on commercially desirable plants. But total protection might be a necessity.

This permit system has several implications. It establishes the fact that the state has an interest in the perpetuation of plant species. It makes the permit holder aware of which office is invested with flora management responsibilities. Furthermore, many collectors are valuable resources for information. To my knowledge there has been little communication between those who collect and our resource managing state agency.

Strapped for man power and funding, the Division of Forestry would create by this permit system a file of those who are interested and in what particular species and areas.

This information is important for the Division to carry out the provisions of the rare and endangered species law and to provide adequate information input into the various "planning" aspects of government. We are considering during this legislature land planning bills that direct the state to think ahead instead of react. The National Environmental Protection Agency requires all federal agencies or receivers of federal funds to consider environmental ramifications of proposed projects. This provision is only a small portion of what the Division of Forestry will be getting into.

I would like to point out too the need for the state to assert its interest in its flora rather than relying on federal maintenance of lands. The state should know who is coming into Nevada and for what.

There can be no doubt that it is not the collector who has been the prime destructive force of our state's flora. Livestock grazing and scrapping vegetation away for development have been prime culprits. Now the growing invasion of man into our more remote areas trampling by vehicle or foot the last wilderness pockets will have a marked effect on flora. Therefore, not only the process of collecting should be regulated but provisions for wilful destructiveness and the possession of rare and endangered plants should be instituted.

On the other hand, increasing population expands the numbers of those who are interested in plants too. This can be good and bad. Good because we need information and have very few people who know or care enough about plants. Someone who does care is a great addition to our state. On the other hand, this interest can be destructive as many individuals descend upon a few species without regard for the wild populations. There is evidence that this is happening with cacti.

In such cases the rare and endangered species restrictions would be useful. I believe that these restrictions should apply to everyone and all institutions. They should not necessarily forbid any collecting. But a limit should be placed on the collecting depending on the species' population and reproductive rate and the purpose of the collecting. Universities should not be exempt. Experience with scientific collections of pupfish in Nye County Nevada demonstrated that scientists will collect without any regard for how many others were collecting or for what. Only strong enforcement from the Nevada Department of Fish and Game finally straightened the collecting situation out. Furthermore, I do not think that an amateur botanist who has demonstrated an ability to care and raise plants should be excluded from consideration.

I hope you will consider these suggestions of a bill already headed in the right direction.

Thank you.



Exhibit 4<sup>163</sup>

ASSEMBLY BILL NO. 141—MESDAMES FORD AND GOJACK

JANUARY 30, 1973

Referred to Committee on Environment and Public Resources

SUMMARY—Restricts removal of flora. Fiscal Note: No. (BDR 47-33)

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

An Act to amend NRS 527.050, relating to removal of flora, by withdrawing exemption for use in homes and gardens; prohibiting removal of protected species by institutions and Indians; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. NRS 527.050 is hereby amended to read as follows:  
2 527.050 1. It is unlawful for any person, firm, company or corpora-  
3 tion, his, its or their agent or agents, willfully or negligently to cut,  
4 destroy, mutilate, pick or remove any tree, shrub, plant, fern, wild flower,  
5 cacti, desert flora, or any seeds, roots or bulbs of either or any of the  
6 foregoing from any of the lands owned by or under the control of the  
7 State of Nevada or the United States, or from any private lands, without  
8 a written permit therefor from the owner or occupant of any private land,  
9 or his duly authorized agent, or from the federal or state agency which  
10 controls or regulates any public land.  
11 2. Every person violating the provisions of this section shall be guilty  
12 of a public offense, as prescribed in NRS 193.155, proportionate to the  
13 value of the plants, flowers, trees, seeds, roots or bulbs cut, destroyed,  
14 mutilated, picked or removed, and in no event less than a misdemeanor,  
15 punishable by a fine of not less than \$10.  
16 3. The state forester firewarden and his representatives, public offi-  
17 cials charged with the administration of reserved and unreserved lands  
18 belonging to the United States, and peace officers shall enforce the provi-  
19 \*sions of this section.  
20 4. [The] *Except as to flora declared endangered by the state forester*  
21 *firewarden pursuant to NRS 527.270, the provisions of this section shall*  
22 *not apply:*  
23 (a) [To persons picking cacti or other desert flora for the use and  
24 adornment of homes and gardens within the State of Nevada.  
25 (b)] To institutions of learning of this state or of the United States,

\*  
Along with section 3, line 19, add this:

The state forester fireworden is hereby authorized to issue collec-  
ting permits in the name of the state of Nevada, and make and enforce  
regulations and rules in compliance with this act.

AGENDA FOR COMMITTEE ON ENVIRONMENT & PUBLIC RESOURCES

HEARING: Date FEBRUARY 26 Time 8:00 a.m. Room 214

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>

\*Please do not ask for counsel unless necessary.

HEARINGS PENDING

MONDAY,  
 Date FEB. 26 Time 8:00 a.m. Room 214  
 Subject A.B. 141--RESTRICTION OF REMOVAL OF FLORA

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Date \_\_\_\_\_ Time \_\_\_\_\_ Room \_\_\_\_\_  
 Subject \_\_\_\_\_