

MINUTES

ENVIRONMENT AND PUBLIC RESOURCES COMMITTEE
April 19, 1977

Members Present: Chairman Moody
Mr. Coulter
Mr. Kissam
Mr. Ross
Mr. Chaney
Mr. Polish
Mr. Serpa
Mr. Rhoads

Members Absent: Mr. Jeffrey

Guests Present: Les Berkson, Incline Village General Improvement
District
Hewett C. Wells, Nevada Wildlife Federation
Alex Glock, Former Fish & Game Commissioner
Steve Frady, Nevada Appeal
Ruby Ruedy, Reno
Tim Meigs, Clear Creek Bowman
Janet B. Allen, Nevada Indian Commission
Norman L. Allen, Nevada Indian Commission
James Vidovich, Pyramid Lake Tribe
Frederick B. Lee, Jr., Attorney, Pyramid Lake Tribe
Harold Wyatt, Inter-Tribal Council
Donald Quilici, Nevada Wildlife Federation
John Sweetland, Carson City Game Management Board
Wendell McCurry, Nevada Environmental Protection
Service
Elmer D. Miller, "The Native Nevadan"
Robert Johnston, Nevada Indian Legal Services
Glen Griffith, Nevada Fish and Game Department
Don Gruwell, Mineral County Sportsmen
Eleanor Little
Marlene Broncho
Linda D. Brown, Coordinator, State Indian Comm.
W. W. White, I.V.G.I.D.
Greg Engelhard, I.V.G.I.D.
Kermit McMillin, I.V.G.I.D.

The meeting was called to order by Chairman Moody, who called for testimony on A.B. 189 from Indian representatives.

ASSEMBLY BILL 189

Harold Wyatt, Executive Director of the Inter-Tribal Council and a member of the Washoe Tribe, testified that hunting and fishing has always been a way of life with the Washoe people and expressed

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appreciation for the free licenses the Indians have had in the past. Regarding the deficit which Mr. Griffith of the Fish and Game Department mentioned was facing the department, he did not feel that it was fair for the Indians to have to bear the burden of reducing the deficit by deleting their free licenses. He stated that they are not there to ask for things that are not justly theirs to begin with, but want to protect what few remaining rights they have. He feels the bill, in its present form, is a discrimination bill against the Indian people as it does not propose to eliminate the hunting and fishing rights for the elderly and servicemen.

James Vidovich, Chairman of the Pyramid Lake Paiute Tribe, testified that it is necessary and essential to issue free hunting and fishing permits to the Indians of the state. He feels that it is a sad day in the State of Nevada when you have to take away hunting and fishing rights for one of the poorest minorities in the state. He stated that their hunting and fishing is done basically for subsistence. He said that they have been forced by the Fish and Game Commission into setting regulations for trophy fishing. They do not fish for trophies, they fish for subsistence, and feel that the trophy fishing situation is detrimental to the Indians. Both he and Mr. Wyatt referred to Hewett Wells (who testified later) and the organizations which he represents and said that they feel that Mr. Wells is behind much of the legislation detrimental to the Indians.

Mr. Polish asked if Mr. Vidovich did not feel that buying licenses would be to their advantage in improved fishing and hunting by giving the Fish and Game Department more money for this purpose. Mr. Vidovich asked the same question back as he did not seem to know the answer and Mr. Polish said that it was a necessary thing, due to inflation and all other costs going up. Mr. Vidovich said that they are also in a position where they could raise their fees for hunting and fishing at Pyramid Lake.

Mr. Chaney asked if their main purpose in hunting and fishing was for food. Mr. Vidovich said that was true.

Mr. Moody asked if a non-Indian could fish at Pyramid Lake without a license if they have a permit from the Indians. Mr. Vidovich said basically now, yes they can. The fee is \$3.00 per day for one day and two years ago it was \$1.50. They doubled it when the Fish and Game raised their fees.

Frederick B. Lee, Jr., Attorney for the Pyramid Lake Tribe, clarified the fee raise, and said that it was a parallel raise when the Fish and Game raised their fees. It was not to compensate anything, but to keep in line with the going rates. He also said that Indian hunting and fishing is for subsistence and has been a cultural thing also. It would cause an incredible hardship on the Indians all over the state to take away the free licenses.

Mr. Kissam said that in previous testimony it was stated that if

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the permits were taken away the Indians would raise their fees. Mr. Lee said this would probably not take place because the fees are not based on revenge but are based on a Fish and Wildlife Service proposal having to do with a fish management program. He doesn't think the Indians would just jack up their fees, and they wouldn't be that short sighted. He feels that you should balance social policies against just income for the Fish and Game.

Mr. Wyatt stated that a permit is required of the Indians to hunt and fish on another tribe's reservation. His tribe cannot hunt out of season as they do not have a reservation.

Mr. Lee feels that the extra income needed by Fish and Game should be derived from increased fees for out of state hunters and fishermen, and thereby preserve our traditions.

Mr. Serpa asked about the fact that out of state people can fish on Pyramid Lake without a Nevada license and just using the Indian permit, and how do they resolve that with present laws of everyone needing a license. Mr. Lee said this is true, but the problem is presently in litigation. The Indians feel that out of state people should not have to have a Nevada license to fish Pyramid Lake.

Mr. Moody asked if the Fish and Game revenue is not affected greatly by the Indians allowing out of state people to fish without a Nevada license. Mr. Lee answered by saying that when people go to Idaho to fish they don't need a Nevada license, and the reservation is a similar situation. That is the question under litigation now. The state is not presently involved with fish planting and other matters, although they used to be on a contract basis. It is now a federal matter. He hoped that some of the general bad feelings against the Indians due to Pyramid Lake would not rub off on the committee with regard to the issue at hand.

Chairman Moody asked for any further testimony in favor of A.B. 189

Hewett C. Wells, Past President of the Nevada Wildlife Federation, National Delegate from the State of Nevada to the National Wildlife Federation and Vice President of the Interstate Congress for Equal Rights and Responsibilities. His position is that the National Wildlife Federation passed a resolution stating that they support the Constitution of the United States which provides that all persons regardless of race creed or color, should receive equal treatment, rights and privileges under the law. He feels that the special rights and treatment received by the Indians is in direct conflict with the Constitution. The Fish and Game has jurisdiction over the state game and wildlife and the Indian reservations have jurisdiction within their boundaries and have their own laws and they can handle their fish and game in manner in which they choose. Therefore, off of the reservation Indians should obey the same laws as anybody else.

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Elmer D. Miller, Editor of "The Native Nevadan", Inter-tribal Council periodical, rebutted Mr. Wells with an eloquent speech. He said that the person before him spoke of the Constitution, and we should all live by it and it was written for all citizens of the country. He informed Mr. Wells that he should go back and read the total environment that surrounded the drawing up of the Constitution and what was done with the question of the Indians of this particular country at that particular time, and also reminded Mr. Wells that it wasn't until 1924 that the Indians of this country were given the right to vote. He also reminded Mr. Wells that all of these things that have to do with national wildlife regulations were not made with any input by any one particular Indian group in this country. There might have been an Indian individual in it but not a group. That these laws, rules and regulations that he speaks of came about through the dynamics of people with his particular interests.

Mr. Lee said that giving the Indians the free licenses doesn't give them unlimited hunting and fishing. They are bound by the same laws, rules and regulations as anyone else.

John Sweetland, Chairman of the Game Management Board for Carson City, said his sole concern is the wildlife of the State of Nevada and what the Legislature intends to do about it. It is a limited resource that takes management, funding and studies, which is handled by the Fish and Game as dictated by the Legislature with the funds available. He feels that all citizens should be concerned with the welfare and management of wildlife a resources instead of who is paying what to whom. So his group is supporting A.B. 189 for the benefit of the wildlife in Nevada.

Donald Quilici, Director of the Nevada Wildlife Federation, which goes on record as supporting passage of A.B. 189 with the elimination of Section 4. They believe everyone required to have a license should be required to purchase them. The Fish and Game Department needs to become financially self sustaining which is difficult to do if all license holders are not doing their fair share. The elimination of Section 4 would provide the Fish and Game Department with approximately \$43,000 per year which on a three to one federal, state matching ratio would result in approximately \$170,000 additional income per year.

Don Gruwell, Mineral County Game Management Board, and speaker for the Sportsmen's Club of Mineral County, asked for passage of A.B. 189. He feels that the Indians should have all the privileges along with the responsibilities. The state took the initiative at Pyramid Lake many years ago to restock when the lake was on the decline. Still everyone has to pay a fee to the Indians to use the lake. If the Indians can afford to pay the fees to each other to use each others facilities, why can't they pay the fees to hunt and fish off of the reservations.

Testimony was concluded on A.B. 189.

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Chairman Moody called for testimony in favor of S.B. 328.

SENATE BILL 328 - Permits use of treated effluent within Tahoe Basin.

W. W. White, who has been a state employee for some fifty years, said that he has been a party to most of the statutes on the books on health and sanitation. He was instrumental in drafting the rule against discharging any effluent into Lake Tahoe and the Lake Tahoe Watershed. Some years later, with the increase in population at the lake, it became feasible to use some of the treated effluent for such uses as watering golf courses, under very strict rules and supervision to make sure nothing reached the lake itself. Otherwise everything was discharged outside the basin. At this time there is three times as much water appropriated at the lake as is available to develop the lake and this year with the severe problems they need all they can get hold of due to the drought. He believes that the use of treated effluent can be used efficiently and would like to see it implemented on a wider scope than is being used now under the existing rules and regulations, so would like to see the restriction now in the statute be removed so that effluent can be used in the watershed, not in the lake itself.

Mr. Moody asked if this could be used to open up any kind of a door for anybody else to use. Mr. White said yes it would, but under a controlled condition.

Mr. Kissam asked what the limit of the watershed is. Mr. White answered that it is the ridges of anything that drains into Lake Tahoe. Mr. Kissam asked what assurances there were that nothing would run into the lake. Mr. White said they would have to provide the safeguards to show that this could not be done. If there were any chance that there would be a detrimental effect, it would be stopped immediately. Mr. Kissam asked who would monitor the program. Mr. White answered that the E.P.A. would. They are operating under an E.P.A. permit and they must submit a monthly report to them. In case of any kind of a failure (this is a telephone report) they must show this and they must do the monitoring.

Mr. Serpa asked if there could be a delay where the monitoring system didn't pick up a pollution in the lake where the effluent might be leaking back into the lake or getting there in some run-off. He also asked if we could do irreparable damage to the lake because of this. Mr. White said he thought at one time it would be irreversible, but after his long experience he now believes it could be reversible, because for all intents and purposes has been destroyed three or four times and has come back. There would be less likelihood of this happening in a drought period than in a very wet period. If the soil were saturated there would be more run-off. There is always the possibility, but it up to them to see that it does not happen. Mr. Serpa asked if Mr. White could see down the road to using this water for domestic purposes. Mr. White said yes, but he is not an advocate because of his background in public health.

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He will not do like some officials who will stand up and drink this water to show off. He said that he would estimate that more than one-half of the water being drunk in the United States today has been through the human body eight to ten times.

Les Berkson, Attorney for the Incline Village General Improvement District, said that there was no opposition to this bill at the Senate hearing. Ernie Gregory of the E.P.A. testified in favor of it there. The health department is in favor of the bill. As far as the uses in a drought year that are extremely beneficial, one is for fire protection. The bill was amended by the Senate committee to include "under a permit issued pursuant to the provisions of NRS 445.131 to 445.354, inclusive." One of the purposes was clarification of the permit provisions which are very all inclusive. Permission has to be obtained from the Federal E.P.A. as well as the State Health Department in order to allow use of this water in the basin. If they are caught letting any of this leak into the lake, directly or indirectly, they are subject to a \$25,000 a day fine.

Wendell McCurry of the Nevada Environmental Protection Service and Public Health Officer for the state is in favor of S.B. 328 which makes a provision for beneficial use in the Tahoe Basin.

Mr. Serpa asked if the additional policing problems would be set up so they would not be additional burden on the state with more money and personnel. Mr. McCurry said there would not be any additional money or personnel required. The burden of additional cost would be on each district using the water.

Mr. White said this will be a more expensive way to get water than from the lake or other natural sources, but because water is getting so scarce it is worth most any cost.

Testimony was concluded in the hearing on S.B. 328.

The next item on the agenda was A.J.R. 51, which was introduced by Chairman Moody.

ASSEMBLY JOINT RESOLUTION 51 - Requests Economic Adjustment Committee to assist University of Nevada's Desert Research Institute in its efforts to revitalize Walker Lake in Mineral County, Nevada.

Mr. Moody explained that this resolution requests the Department of Defense to fund the Desert Research Institute to continue their study on Walker Lake. The D.R.I. has been working down there in conjunction with the Fish and Game Department for the last two years through a grant from the Office of Water Research and Technology under the Department of Interior. They have accomplished many things including finding uranium in Walker Lake. They should determine who really owns Walker Lake, whether it belongs to the Bureau of Land Management or Mineral County or the Indians. Last year representatives from the Department of Defense came to Hawthorne.

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They have money available to boost the economy of any area where a military base has been closed or drastically reduced. They have lost 1,000 employees from the Naval Ammunition Depot in the past three years. They indicated they may fund something like this. This Resolution asks the Department of Defense to continue funding the study.

Glen Griffith of the Nevada Fish and Game Department, testified that the department supports completely the intent of A.J.R. 51. They have been working with the Desert Research Institute and are trying to establish an exotic fish in Walker Lake. There are no native fish that can exist in the lake any longer because of the deterioration and buildup in chemicals. They have been experimenting with in excess of 23 different species from various places in the United States and Canada and have exhausted just about everything except overseas species from Russia, Australia and Israel. With the international situation it is difficult to get the State Department to cooperate in getting these fish so anything that can be done to change the biological makeup and attributes of the lake might create another fishery or re-establish the fishery. It is the third largest body of water in the state and should not be allowed to die.

Mr. Rhoads asked if we get an exotic fish in there would there be regulations against doing anything with the water which would endanger the fish. Mr. Griffith said no, this would only be to establish a sport fishery as at Pyramid. This would only be for recreational use.

Don Gruwell from Mineral County, spoke in favor of A.J.R. 51. The Naval Ammunition Depot was the only sustaining industry they had, along with some mining industry, and he would like to see the study carried on to develop the fishing in Walker Lake and build up the recreational development of the area which would be a big boost to the economy of Hawthorne.

Mr. Ross moved that the committee recommend Do Pass for A.J.R. 51, was seconded by Mr. Chaney, and the motion was passed unanimously.

Mr. Polish moved that the committee recommend Do Pass for S.B. 328, was seconded by Mr. Rhoads, with Mr. Moody, Mr. Coulter, Mr. Kissam, Mr. Ross, Mr. Chaney, Mr. Polish and Mr. Rhoads voting in favor of the motion. Mr. Serpa voted in opposition to the motion, and the motion was passed.

Mr. Rhoads moved that the Do Pass As Amended vote that was previously taken and passed unanimously on A.B. 189 be rescinded, was seconded by Mr. Ross and the motion was passed unanimously.

Following a brief discussion Mr. Ross moved that the committee recommend a Do Pass as amended on A.B. 189, with Section 4 removed and was seconded by Mr. Rhoads. The motion passed with Mr. Moody Mr. Ross, Mr. Polish, Mr. Serpa, Mr. Rhoads and Mr. Kissam voting

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in favor of the motion, and Mr. Chaney and Mr. Coulter voting against the Motion.

The meeting was adjourned by Chairman Moody.

Respectfully submitted,

Ruth Olguin

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Assembly Attache