

SENATE

ENVIRONMENT, PUBLIC RESOURCES and AGRICULTURE COMMITTEE

MINUTES OF MEETING

Wednesday, February 2, 1977

The third meeting of the Environment, Public Resources and Agriculture Committee was called to order on the above date at 1:42 p.m.

Senator Gary Sheerin was in the Chair.

PRESENT: Chairman Sheerin
Senator Dodge
Senator Neal
Senator Glaser

ABSENT: Senator Lamb
Senator Echols

OTHERS PRESENT: DeLoyd Satterthwaite, Nevada Wool Growers Assn.
Louis Bergeuin, Nevada Cattlemen's Assn.
John Marvel, Nevada Cattlemen's Assn.
Nellie Laird, NRTA/AARP Joint Legislative Committee
Stan Cooper, Nev. Div. for Aging Services
Orvis E. Reil, NRTA/AARP State Joint Legislative Committee
Mary M. Reil, senior citizen
Fred Fulstone, Jr., Nevada Wool Grower
Rick Breen, Legislative Intern
Norman Hall, Dept. Conservation & Natural Resources
John Meder, State Parks
Ronald Albaugh, Nevada Cattlemen's Assn.
Stan Lattin, Nev. Cattlemen's Assn.
Harold VanEvey, Nev. Cattlemen's Assn.
David Matley
Lorree Ratto, Legislative Intern
W. A. Morgan, U. S. Forest Service, So. Lake Tahoe
L. H. Berkson, attorney
Bruce Kent, rancher
Sen. Will Faiss
Dean A. Rhoads, Assemblyman
Terry Crawford, Fish & Game Wardens Assoc.
Ray Knisely
Glen Griffith, Department of Fish and Game
Bill Parsons, Chief of Law Enforcement, Fish and Game
Department

Testimony and discussions were heard on SB27, SB17 and SJR9.

SB 27 Extends season restrictions to all hunting, fishing and trapping except of certain predators.

SENATOR DODGE, introducer of SB27, testified this new section to be added to the Nevada Fish and Game Code, in affect, would say that, notwithstanding other regulations of the Fish and Game Department, the rancher or livestock operator or agent or employees could hunt or trap predatory animals upon any land owned or leased by the rancher or on which the rancher enjoys grazing rights. The whole crux of this, said Senator Dodge, is the question as to whether the livestock operator should be entitled to protect his own livestock from predatory destruction. SB27 does not give the right to the livestock operator to go onto someone elses lands to control predators; it is only land under his own control by ownership or lease. Senator Dodge concluded his testimony by stating as author of the bill, he feels anyone is entitled to protect their own property against predatory destruction.

GLEN GRIFFITH, Department of Fish and Game, next testified saying his department is concerned with SB27. He stated the Department under "Classification of Wildlife, NRS 501.110," 1969 covers game animals and game fish by classifying in protected and non-protected species. There is no predator classification. The mountain lion is a game animal with a hunting season. The bobcat is a fur bearer and is classed as an unprotected species with no regulation or season or means or methods or hours of take. Depredation permits are issued to handle depredating animals. Mr. Griffith stated SB27 is viewed as too difficult to enforce, much of the lands cannot be distinguished between private or public, nor is it known where one grazing area ends and another begins; and who is constituted as an appropriate agent. He said there are only two animals in question: the bobcat and the coyote. There is no real means of determining total take on bobcats, however, the Department has determined from fur houses that the pelt business is somewhat lucrative and the Department would like to maintain this trapping revenue for those in the business if at all possible.

MR. GRIFFITH continued by stating the Department knows the livestock industry would like to see the mountain lion unprotected, however, there is another group that would like to see it a managed species. Because of a reduction in numbers of lions in recent years due to biology itself of the animal and through loss from natural attrition of fighting, protectionests approached the Department after last season and after lack of sympathy from the Fish and Game, went to the Federal Government in an effort to make the mountain lion a managed species. The Department seeks an area of management between the two factions.

BILL PARSONS, Chief of Law Enforcement, Fish and Game Department, was next to testify. He stated under existing statutes of the Fish and Game laws, Sec. 503.595, the Department is able to handle depredation complaints by issuance of permits to the land owner at no cost; specified within that permit would be the area in which he can operate. The permits are issued for unprotected, as well as protected wildlife. He stated he was not aware of any problems concerning issuance of the permits; that the Department has been able to handle them quickly and that the permits are issued on an on-going basis for a year at a time. Mr. Parsons stated under existing Fish and Game laws, Sec. 502.010, the license requirement in SB27 shall not apply to protection of persons or property from unprotected wild birds or animals on or in immediate vicinity of home or ranch premises. He stated that basic statute has been in effect for a number of years. He said permits are issued for aerial gunnery to take coyotes or bobcats under the authority of the Department as well as the Federal Government, and that adequate authority exists under present statutes to handle wildlife depredation complaints.

MR. GRIFFITH stated he believes adequate safeguards are built into the statutes to cover the people who have predator problems and also for the people on the other side who want to close and prohibit the taking of the predator animals. He said Statute 501.110 classifies predatory as unprotected wildlife.

SENATOR DODGE in asking what happens to an endangered species, queried whether the livestock industry in Nevada could be guaranteed the opportunity to protect their own livestock from endangered species.

MR. GRIFFITH answered: Endangered species are untouchable.

In reply to SENATOR NEAL'S question as to what can be done about a predator killing animals, Mr. Griffith replied there are provisions for establishing seasons.

SENATOR DODGE asked if livestock people would have no problem in obtaining permits for protection of their own livestock even during a completely closed season. He asked of Mr. Griffith if he had a basic opposition to the proposition that these people ought to be entitled to protect their livestock on areas of which they are lawful possession.

In reply, Mr. Griffith said it is for that reason that provision are drawn in as commission policies to allow these things to be done outside the regular season of limitations which are imposed upon the rest of the people.

SENATOR DODGE stated that if Mr. Griffith is concerned about the language of SB27 as far as administration goes, perhaps he could suggest changes so that the bill would be acceptable and could be put into law.

MR. GRIFFITH stated he believes the present provisions which the Department now operates under, pretty well takes care of the situation in SB27.

SENATOR DODGE stated he felt if a man is on property he has lawful possession of, he is instinctively going to protect his animals from a predator.

MR. GRIFFITH replied the Department would be supportive of such action.

SENATOR GLASER stated one has to have a permit to protect his livestock from a predator and his concern is with the time element involved in getting a permit under the present system.

MR. PARSONS stated a permit can be issued for a full fiscal year. A written application for a permit is necessary due to identity problems.

DeLOYD SATTERTHWAITE, Tuscarora, representing Nevada Woolgrowers Association, testifying in favor of SB27, stated the coyote is the only predator left uncontrolled and his concern is the power the Fish and Game has to put that animal on the fur bearing or endangered species list. He stated SB27 will not prevent the Fish and Game from putting the coyote on one of those lists, but it will exempt the rancher from the law. He added the mountain lion can be controlled with a depredation permit and the bobcat is a minor problem to the rancher.

LOUIS BERGEUIN, representing Nevada Cattlemen's Association, testified he agreed totally in principle with Mr. Satterthwaite. He is concerned with the livestock that could be lost while awaiting a depredation permit; but stated no rancher was going to sit still and watch his livestock destroyed by a predator, permit or no permit. He said animals being protected from predator animals are the food of this nation. He would like to see a statutory provision for control, no regulation by the bureaucrats which can change from day to day.

MR. GRIFFITH stated Fish and Game can re-classify animals, but it has to be done through proper channels. He said at this time any one can kill a coyote at will and the Fish and Game sees no reason to change that situation.

FRED FULSTONE, JR., Smith, read a prepared statement in favor of predator control. He said food and fibre furnished through the livestock industry must be protected. He voiced the opinion that livestock grazing management is man's most important tool for maintaining the productivity and quality from the wild lands environment, therefore, it is necessary the livestock producer in the various federal and state agencies work together for mutual benefit of the livestock man, the general public, and wildlife. He concurred passage of SB27.

Senator Neal moved "DO PASS."
Senator Dodge seconded with commentary.

Chairman Sheerin said through admission of the cattlemen and wool-growers, the coyote is a problem and he felt the bill did create an "over-kill" problem. He requested Senator Dodge withdraw his second so that an amendment could be discussed.

Senator Dodge complied.

SB27 held in committee for admendment.

SB17 Permits free use of state parks by Nevada residents over 60 years of age.

SENATOR WILL FAISS, introducer of the bill, gave a summation of SB17 followed with the statement that camping is one form of recreation available to seniors at a minimum cost. However, when the senior is on a fixed income, they are unable to avail themselves by use of the state parks because of the \$2 fee for overnight camping. He said Utah state parks are free to seniors and he felt obliterating the \$2 fee would be one way to help the seniors enjoy themselves at a minimum cost. He stated he is interested in getting behind the people who have paid to establish this system and now cannot participate because of the cost.

JOHN MEDER, Administrator Nevada Division for State Parks, testified for SB17, with a prepared statement which is attached as Exhibit "A."

RAY KNISLEY, citizen at large, in testifying, stated the bill took the wrong approach. That all people over 60 are not indigent. He believes the younger families need a price break on recreation more than the older person.

Chairman Sheerin explained the bill did not indicate all seniors are indigent, but followed the aspect that younger people have greater earning power and that the seniors are generally on a fixed income.

ORVIS REIL, representing NRTA/AARP, State Joint Legislative Committee, testified in favor of SB17.

STAN COOPER, Nevada Division for Aging Services, testified in favor of SB17.

NELLIE LAIRD, NRTA/AARP, Joint Legislative Committee, testified in favor of SB17.

Senator Neal moved "DO PASS" with referral to Senate Finance Committee. Senator Glaser seconded the motion. Motion carried unanimously.

SJR9 Memorializes Congress to enable Forest Service to purchase lands at Lake Tahoe.

LES BERKSON, attorney at South Lake Tahoe, in testifying, stated the resolution involves 240 acres located at Lake Tahoe on the westerly side of Highway 50 between Round Hill, backing up to Nevada Beach, and going to where Jennings is attempting to construct a new hotel. The Forest Service wishes to purchase this property which is near being foreclosed on due to two heavy liens against it because the Forest Service believes it is a scenic and natural forest and meadow area basically in the core area of South Lake Tahoe adjacent to hotels and they wish it to remain in that type posture. The property is presently zoned for 1700 units under TRPA zoning and if it goes to a private developer, it could be lost forever.

Mr. Berkson said he planned to meet in Washington, D.C., next week with Nevada congressmen in an attempt to propose special legislation which would allow a credit for the IRS lien (in the amount of two million dollars) to be credited against the Forest Service purchase of the property. If that is not successful, the Forest Service has prepared an offer to purchase approximately one-half of the property at this time, and place an option on the remainder to be purchased two years hence. The purpose of this resolution is an endorsement of the Nevada Legislature which goes hand in hand with the attempt to protect environment and ecology at Lake Tahoe. Also, the Forest Service is offering the fair market price for the land.

BILL MORGAN, U. S. Forest Service, South Lake Tahoe, replied to Senator Dodge's question of whether there is other forest land in the vicinity of the property with a positive answer, saying the property is bounded on the west by Nevada Beach National Forest Campground and Picnic Area. Also in answer to Senator Dodge, he stated the present 4-H Campsite in that area would not be disturbed.

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SENATOR GLASER state he realized the Redfield Estate has encountered problems with the IRS and wondered if the Forest Service could have the same problems with this, the Rabe Estate.

In reply, Mr. Berkson said they had been in contact with the IRS on the local level to San Francisco and to the Department of Justice. To this point all indications were that the IRS will go along with this type of legislation.

MR. BERKSON said a deficiency of four to five thousand dollars could arise, but efforts are being made to break loose monies from land and water conservation funds in Washington which are available for purchases of this nature. He said other avenues could also be taken but the main purpose of this route is to direct more attention and money from Washington to Lake Tahoe Basin in order to preserve it and this resolution, he feels, may be a starting point.

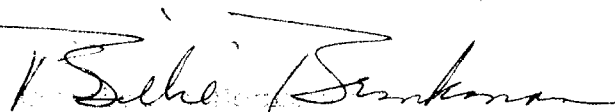
Senator Dodge moved "DO PASS."
Senator Neal seconded the motion.
Motion carried unanimously.

Mr. Berkson indicated he would like to take SJR9 to Washington next week.

Chairman Sheerin stated he would take SJR9 to the Senate on the following day with the request it be treated as an emergency measure, and so that it could be sent to the Assembly for voting this week.

There being no further business, the meeting was adjourned at 2:30 p.m.

Respectfully submitted,


Billie Brinkman, Secretary

APPROVED:


Gary Sheerin, Chairman

MEMO

TO Senate Environment, Public Resources and
Agriculture Committee
FROM John L. Meder *John L. Meder*
SUBJECT SENATE BILL 17

DATE February 2, 1977



NEVADA STATE PARK SYSTEM

At present no fees are charged Nevada residents who are more than 62 years old, by the State Park System for day-use activities. These activities include picnicking, fishing, and boat launching. The \$2.00 camping fee is charged, however.

On January 1, 1977, a new procedure was adopted which allows senior citizens to purchase \$20.00 worth of coupons for \$7.50 and use them for camping from noon on Sunday until noon on Friday. The purpose of this arrangement is to attract senior citizens to the parks during the lower use time and, hopefully, providing recreation opportunities to a greater number of citizens.

All other residents can purchase \$20.00 worth of coupons for \$15.00. The coupons are usable for all park fees and can be used from year to year.

We have no objection to Senate Bill 17 and have estimated that loss of income based on the 1976 user fees of \$136,704, would have been about \$8,500.

SENATE BILL NO. 27—SENATOR DODGE

JANUARY 18, 1977

Referred to Committee on Environment, Public Resources
and Agriculture

SUMMARY—Extends season restrictions to all hunting, fishing and trapping
except of certain predators. (BDR 45-345)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: Effect less than \$2,000.

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

AN ACT relating to fish and game; providing for additional restrictions on the tak-
ing of animals and fish; providing an exception of certain predators; and provid-
ing 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 501.015 is hereby amended to read as follows:
2 501.015 As used in this Title, "closed season" means all periods
3 except those designated as "open season." [During any such season it is
4 unlawful to fish, to hunt game animals or game birds or to hunt or trap
5 fur-bearing animals. There shall be no closed season on those species of
6 wild animals or wild birds classified as unprotected.]
7 SEC. 2. NRS 501.065 is hereby amended to read as follows:
8 501.065 As used in this Title, "open season" means that period
9 designated under the provisions of this Title during which it is legal to
10 fish [or to hunt game animals or game birds or to hunt or to trap fur-
11 bearing animals. Such period], *hunt or trap*. "Open season" includes the
12 first day and last day designated. [There shall be no open season on those
13 species of wildlife classified as protected.]
14 SEC. 3. Chapter 501 of NRS is hereby amended by adding thereto a
15 new section which shall read as follows:
16 1. *As used in this section:*
17 (a) "Livestock" means animals of the bovine, caprine, equine, ovine
18 or porcine species.
19 (b) "Rancher" means a person engaged in the breeding, feeding or
20 rearing of livestock for sale as a commercial enterprise.
21 2. *The provisions of this Title do not apply to any rancher, any*
22 *agent of a rancher or any employee under the supervision of a rancher*

Original bill is 2 pages long.
Contact the Research Library for
a copy of the complete bill.

*

S. B. 17

SENATE BILL NO. 17—SENATORS FAISS, ECHOLS,
HERNSTADT, NEAL, WILSON AND SHEERIN

JANUARY 18, 1977

Referred to Committee on Environment, Public Resources
and Agriculture

SUMMARY—Permits free use of state parks by Nevada residents over 60
years of age. (BDR 35-482)

FISCAL NOTE: Local Government Impact: No.
State or Industrial Insurance Impact: Yes.

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

AN ACT relating to state parks and monuments; providing for free use of state
parks by Nevada residents over 60 years of age; 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 407.065 is hereby amended to read as follows:
2 407.065 The system is hereby authorized to:
3 1. Designate, establish, name, plan, operate, control, protect, develop
4 and maintain state parks, monuments and recreation areas for the use
5 of the general public.
6 2. Protect state parks and property controlled or administered by it
7 from misuse or damage and to preserve the peace within such areas. At
8 the discretion of the administrator, rangers and employees of the system
9 shall have the same power to make arrests as any other peace officer for
10 violations of law committed inside the boundaries of state parks or real
11 property controlled or administered by the system. The administrator
12 may appoint or designate certain system employees to have the general
13 authority of peace officers as provided in NRS 169.125, but such
14 employees shall not be police officers or firemen for the purposes of
15 NRS 286.510.
16 3. Allow multiple use of state parks and real property controlled or
17 administered by it for any lawful purpose, including but not limited to,
18 grazing, mining, development of natural resources, hunting and fishing,
19 and subject to such rules and regulations as may be promulgated in
20 furtherance of the purposes of the system.
21 4. Conduct and operate such special services as may be necessary for

Original bill is 2 pages long.
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a copy of the complete bill.

SENATE JOINT RESOLUTION NO. 9—SENATOR SHEERIN

FEBRUARY 1, 1977

Referred to Committee on Environment, Public Resources
and Agriculture

SUMMARY—Memorializes Congress to enable Forest Service to
purchase lands at Lake Tahoe. (BDR 1150)



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

SENATE JOINT RESOLUTION—Memorializing Congress to enact legislation
enabling the U.S. Forest Service to purchase lands at Lake Tahoe.

- 1 WHEREAS, It is imperative that the scenic, natural beauty and recrea-
2 tional opportunities of the Lake Tahoe region be preserved perpetually;
3 and
4 WHEREAS, In furtherance of the preservation of Lake Tahoe's scenic
5 natural beauty and to provide recreational opportunities, the United
6 States Forest Service desires to purchase approximately 240 acres of
7 natural meadow and forest land at Lake Tahoe known as the Rabe Estate
8 Property and located generally along U.S. Highway 50 and Elk Point
9 Road adjacent to the Forest Service Nevada Beach Forest Camp, Doug-
10 las County, Nevada; and
11 WHEREAS, The property is owned by the Rabe Estate and available for
12 purchase and would otherwise be subject to private development which
13 could destroy its scenic beauty, interfere with the natural ecology, impair
14 recreational use and place severe demands on the resources of the Lake
15 Tahoe area; and
16 WHEREAS, The United States Internal Revenue Service has a substantial
17 lien against the property; and
18 WHEREAS, The Forest Service has funds available to purchase only
19 about one-half of the property and it would be of substantial benefit to all
20 concerned for the Forest Service to purchase the Rabe Property in its
21 entirety; and
22 WHEREAS, Such purchase by the Forest Service would be assured if the
23 Congress of the United States would enact legislation to allow a credit by
24 the Forest Service for the lien of the Internal Revenue Service or would
25 otherwise enact appropriate legislation providing funds; now, therefore,
26 be it
27 *Resolved by the Senate and Assembly of the State of Nevada, jointly,*
28 That the Legislature hereby respectfully memorializes the Congress of the
29 United States to recognize the importance of preserving the scenic beauty,

Original bill is 2 pages long.
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a copy of the complete bill.

GUEST REGISTER

COMMITTEE

DATE: Feb 2, 1977

THOSE WISHING TO TESTIFY SHOULD IDENTIFY THEMSELVES BEFORE GIVING TESTIMONY.....

NAME	DO YOU WISH TO TESTIFY	BILL NO.	REPRESENTING
DELOY & Sattenthwaite	yes	S.B. 27	NEVADA Wool Growers
Louis BERGUEIN	yes	SB 27	Nevada Cattlemen Assn
John Marvel		SB- 27	Nevada Cattlemen Assn
Melli Laird		SB 17	NRTA/AARP Joint Legislative Committee
Stan Cooper	yes	SB 17	Nevada Division for Aging Services
Miss E. Rejl		SB 17	NRTA/AARP State Joint Legislative Comm.
Mary M. Keil	No	SB 17	Interested Senior Citizen
Fred Tubstone Jr.	yes	SB 27	Nevada wool growers.
Rick Breen	No		Spike Wilson - Intern
Norman Hall		SB-17&SJR9	Dept Conservation & Natural Resour
Jorin MEDER	YES	SB-17	STATE PARKS
Ronald Tallant		SB 27	Nevada Cattlemen Assn
Stan Sattin		"	" " "
Harold Van Every		"	" " "
David Mabbey		SB 27	self.
Lorree Ratto	No		Legislative Intern - Sen Sheerin
W.A. Morgan			US FOREST SERVICE
H. Benson			atly
Wace Kent			Rancher
Sen Will Fair	yes		
Esby Dean A. Rhoad	No		Assemblyman
Tony Crawford	NO	SB 27	FISH + GAME WARDENS ASSO. - PRES.
Ray Knisley	yes	S.B. 17	