

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON NATURAL RESOURCES**

**Eighty-Second Session
March 27, 2023**

The Committee on Natural Resources was called to order by Chair Lesley E. Cohen at 4:05 p.m. on Monday, March 27, 2023, in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada, and to Room 130, Greenhaw Technical Arts Building, Great Basin College, 1500 College Parkway, Elko, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/82nd2023.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Lesley E. Cohen, Chair
Assemblywoman Natha C. Anderson, Vice Chair
Assemblywoman Shannon Bilbray-Axelrod
Assemblywoman Tracy Brown-May
Assemblywoman Venicia Considine
Assemblyman Rich DeLong
Assemblywoman Bea Duran
Assemblyman Bert Gurr
Assemblywoman Alexis Hansen
Assemblywoman Selena La Rue Hatch
Assemblyman Howard Watts
Assemblyman Toby Yurek

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman P.K. O'Neill, Assembly District No. 40



STAFF MEMBERS PRESENT:

Becky Peratt, Committee Policy Analyst
Erin Sturdivant, Committee Legal Counsel
Connie Barlow, Committee Manager
Nancy Davis, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Ben Shawcroft, General Manager, Truckee-Carson Irrigation District
Diane Baley, Mapping and Water Rights Specialist, Truckee-Carson Irrigation District
Steve Walker, representing Eureka County
Kyle Roerink, Executive Director, Great Basin Water Network
Patrick Donnelly, Nevada State Director, Center for Biological Diversity
Will Adler, representing Pyramid Lake Paiute Tribe
Adam Sullivan, P.E., State Engineer and Administrator, Division of Water Resources, State Department of Conservation and Natural Resources
Micheline Fairbank, Deputy Administrator, Division of Water Resources, State Department of Conservation and Natural Resources
Chris Brooks, Senior Vice President, External Relations, Arevia Power
Lauren Renda, Philanthropic Advisor, Community Foundation of Northern Nevada
Jordan Goshert, Deputy Director, Administrative Services, Department of Wildlife
Kyle Davis, representing Coalition for Nevada's Wildlife
Pam Harrington, Nevada Field Coordinator, Trout Unlimited
Jaina Moan, External Affairs Director, The Nature Conservancy
Tina Nappe, Private Citizen, Reno, Nevada
Michael Flores, Vice President, Government and Community Engagement, University of Nevada, Reno
Christi Cabrera-Georgeson, Deputy Director, Nevada Conservation League
Karen Boeger, Board Member at Large, Nevada Chapter, Backcountry Hunters and Anglers

Chair Cohen:

[Roll was called. Rules and protocol of the Committee were reviewed.] I believe we are going to go in order today, and I will open the hearing on Assembly Bill 325.

Assembly Bill 325: Revises provisions relating to water. (BDR 48-915)

Assemblyman P.K. O'Neill, Assembly District No. 40:

I am here today to present to you Assembly Bill 325 for your consideration. The bill relates to water rights that are within the boundaries of an irrigation project within federal reclamation projects. The bill provides some exceptions from current requirements regarding temporary changes to the place of diversion, place of use, or manner of use of a water right,

and the State Engineer's mapping filing requirements where certain specific circumstances exist.

For a little background, during my campaign and after election, I was speaking with a variety of constituents, including several ranchers from Lyon and Churchill Counties on water issues. One topic that has come forward is the duplicity which now exists for individuals within the Truckee-Carson Irrigation District (TCID), having to complete two sets of paperwork, one with the Division of Water Resources (NDWR) and one with TCID. This bill will eliminate the duplication and allow NDWR to focus on the issues that only they can resolve and expedite their services to their customers, our constituents. Helping me today is Ben Shawcroft, General Manager of TCID, and Diane Baley, the mapping of water rights specialist at TCID, to assist in the presentation and answer questions. I would like to have them give an opening statement and afterwards I will go through the bill.

Ben Shawcroft, General Manager, Truckee-Carson Irrigation District:

I am accompanied by Diane Baley, who is our mapping and water rights specialist. We are here to help introduce A.B. 325. If we have questions, I am going to be referring to Ms. Baley because she really is our in-house expert on these issues. Currently, if you own water rights within the district and you want to temporarily move that water to another piece of ground within the district, you must file an application for a temporary transfer with the State Engineer. Truckee-Carson Irrigation District provides a service to its users where we will review these applications prior to being filed with the State Engineer. We do this to help the user ensure that the application is prepared properly with supporting documentation and maps so that the application does not get rejected by the State Engineer. In the end, this saves time and money for the user. These temporary transfers should be a quick and convenient way for the user to move water around in a given year to make the best use of their water. The problem, however, is that the review process at the Office of the State Engineer is taking much too long to be of real benefit to the user. It makes it difficult for the user to plan their season, not knowing when, or if, their application will be approved. It is our understanding that this is largely due to the limited staff and resources of the State Engineer's Office that can be directed to these types of applications. This bill removes the requirement that such applications be reviewed by the State Engineer and provides that they only be reviewed and approved by the irrigation district. This only applies to an irrigation district within a federal reclamation project, the Truckee-Carson Irrigation District. It makes sense to do this because TCID has the historical records and maps on which these applications rely and we can process them much more quickly than what is being done by the State Engineer. Ultimately, this will be a benefit to the user and it will be done at a lower cost. As such, we ask that you support A.B. 325. We are happy to answer any questions.

Chair Cohen:

Mr. Shawcroft, I want to make sure I understood what you said. Are you saying that this irrigation district, the Truckee-Carson Irrigation District is the only one within a federal reclamation project?

Ben Shawcroft:

That is correct.

Assemblyman O'Neill:

I want to add before we go into the bill itself, this deals with surface water, not groundwater. With that said, I would like to go through the bill as best I can as quickly as I can so we can get to the real meat and the questions and answers.

Section 2 provides that a person is not required to file an application with the State Engineer for a temporary change of the point of diversion, manner of use, or place of use for water already appropriated, if: "1. The temporary change occurs within the boundaries of an irrigation district within a federal reclamation project; 2. The irrigation district approves the temporary change; and 3. The temporary change does not exceed 1 year."

Section 3 provides an exception to the State Engineer's map requirements and provides that the State Engineer may accept a map that does not conform to the regular requirements if: "1. The map is filed in connection with an application to appropriate water or to change the point of diversion, manner of use or place of use of water that is subject to the control of an irrigation district within a federal reclamation project; and 2. The irrigation district in which the water is located has approved the map." I am ready for questions and answers, hopefully more answers than questions.

Chair Cohen:

Where do we know that it is just for surface water?

Assemblyman O'Neill:

The *Nevada Revised Statutes* (NRS) Chapter 533 deals with surface water.

Chair Cohen:

Thank you for that. We will now go to questions from the Committee.

Assemblyman Watts:

This is a question that will sound familiar to many of my colleagues. First off, Mr. Shawcroft, will you go back to those timelines that you are seeing? Under the current process with the State Engineer, what are the timelines that you are seeing, and what are the ideal timelines that maybe you have seen in the past or would like to see for the processing of these applications?

Ben Shawcroft:

I will actually refer this one to Ms. Baley as she deals with these on a regular basis

Diane Baley, Mapping and Water Rights Specialist, Truckee-Carson Irrigation District:

Over the years, we had some people at the state who had more time to deal with this stuff. The time frames were a little less than what they are now. It is really difficult for the state to dedicate the time they need for some of these temporaries; some of them are fairly

complicated. Once upon a time, we could, in an emergency situation, get a temporary transfer through within a couple of weeks, but now it is taking months and months. The problem is that the farmers are trying to plan whether they are going to have water where they need it to be. The extra time is causing some problems and we do a lot of the work ourselves at TCID: the applications, mapping, and helping the water users with those. We have all the records, all the maps, and we have dealt extensively with the people at NDWR, we have a very good rapport with them. I believe we could continue on basically the same way we are doing, just a little quicker.

Assemblyman Watts:

It sounds like this is something that also comes along with the seasonal cycle. Is there a potential situation where you may have a particular user filing in multiple years for temporary changes to these change applications?

Diane Baley:

We do have water users who file pretty much every year depending on the circumstance. Sometimes they are the same, sometimes they are just different enough that the state has to do a more extensive review and it does take time.

Assemblyman Watts:

Is there anything in this bill that would have information on the decisions made by the irrigation district be shared with the State Engineer's Office?

Ben Shawcroft:

Our plan is to actually put into process a procedure or policy where once TCID has reviewed and approved it, then we provide notice to the State Engineer's Office because it could potentially impact another application with their office for a permanent transfer.

Assemblyman Watts:

I do not see that in statute. I would like to see some work to get that fleshed out. To your request, Assemblyman O'Neill, I do have an answer. It is more staff for the Division of Water Resources.

Assemblyman O'Neill:

I will second that, Assemblyman Watts.

Assemblyman Yurek:

Once again, I find myself fascinated at these water policies. As a freshman trying to learn all about this, I usually try to take advantage of any opportunity that I have to meet individuals like you in advance of the hearing, so I can establish a framework, that I will confess at this moment I do not have. If it is possible, and if it is more timely, I would be happy to meet with you afterwards, because we are asking for an exception to a process that I do not fully understand. If you can help me understand, in a short time frame, this federal reclamation project, as well as the interplay with the irrigation district and the State Engineer; the original permitting process, and who is making what decisions based on what; and taking the State

Engineer out of this exemption for this application for a temporary change. Also to understand if it would be appropriate or are we going to be missing some sort of step in there. I apologize for my own ignorance on this, but if you cannot explain that shortly, and if it is going to be long, we can meet afterwards. Thank you,

Ben Shawcroft:

It is a bit of a complex answer, and I would hate to also state something incorrectly as I try to explain it. What we have with the federal reclamation is the project itself, which was created in 1902, a very long time ago. The water was made available to the users and the users still own the water rights. The Bureau of Reclamation owns the facility. The Truckee-Carson Irrigation District maintains and operates the facility, and the water users own the water rights. There are a lot of different layers that are also governed by federal court decrees, such as the Alpine Decree and the Orr Ditch Decree on different river systems. That is managed and governed by the federal water master and by the federal district court. Then there is the layer of Nevada state water rights and water law that governs the use of that resource within Nevada. There is that interplay between the two. The nuances kind of depend on the situation that we are talking about as far as which governs—state law versus federal law with the decrees. We would have to get into a much longer discussion than we can get into today, but there is that interplay. In most cases, we are able to figure out which governs because there is a case law that addresses a lot of those issues.

Assemblywoman La Rue Hatch:

My first question is that obviously this applies to one district in one place in the state. Are other users, other farmers, or ranchers applying to the State Engineer for these temporary changes?

Ben Shawcroft:

Yes, applications for temporary transfers of water are taking place all the time among all the various basins within Nevada. We are not unique in that regard. Truckee-Carson Irrigation District is unique in that all of the water that makes it to our project is then governed by our rules and regulations, and it is treated a little bit differently than standard users throughout the state.

Assemblywoman La Rue Hatch:

If other people are doing this and the problem is that your one district has an extra burden, could this be easily solved by your matching your paperwork to the State Engineer instead of changing all of this for an exemption for one single basin?

Ben Shawcroft:

The problem we have identified is that TCID has, we say, the best records available for the water rights and the maps for our irrigation district. Therefore, that is really what we rely on; that is what we look at primarily to make these determinations. Having both entities look at it, we identify certain conflicts sometimes, which in our opinion should be resolved in favor of the TCID records because those are the historical records. Did that answer your question? Maybe you can state your question again if I missed something.

Assemblywoman La Rue Hatch:

I was asking if the process is so burdensome, instead of changing NRS, which will affect everybody, why not fix the burden within your district?

Diane Baley:

For the record, I have been at TCID for 35 years. I have dealt with many aspects of the state and we have gone through quite a few different employees of the state. We have always worked together very well and tried to work through our issues. It has gotten to the point now where it is very burdensome for the state. It is my understanding there is not enough staff there. Currently, there is one gentleman trying to deal with our stuff plus the other part of his job. He is really having a difficult time trying to get these permits issued in a timely manner. We do follow all the steps, we do apply, and everything. Because of all these records, our project is much more detailed than a lot of other projects. We are down to hundredths of an acre and tiny little pieces and map shifts. This gentleman at NDWR is having a really hard time keeping up with this. We are trying to not only alleviate our part of it, but also the state's part of it for something that really should not be that difficult. These applications are only for one year; they are temporary. At the end of the year, it reverts back to where it was. It is a lot of work for something for such a very short period of time. It is taking up a lot of people's time that probably is not necessary.

Assemblyman O'Neill:

We are going to simplify so the State Engineer can deal with those other people. The intent of this bill is to provide better service to our customers, our constituents. Truckee-Carson Irrigation District will take care of their immediate areas of responsibilities, allowing the State Engineer to take care of everybody else's. As was stated earlier, the ranchers want to get to their fields quickly, knowing that they have water and can move their water around in an expeditious time period and not have to wait two to three months plus when actually the growing season is coming to an end. The intent of this bill is to simplify and provide better services of the government.

Assemblywoman La Rue Hatch:

It sounds like we are all in agreement that the State Engineer is overtaxed, and hopefully we all support getting them more staff members so that they can do the work that they need to do. I do have some concerns over a lack of oversight, especially when it comes to water, which is our most precious resource in Nevada. I know you mentioned to my colleague that some of these users file annually for a change. What I want to know is, with this new language, if someone files a permit that says it is for one year only, can he come back every single year and say it is for one year only? As a result, he gets a permanent change that has never been reviewed by the State Engineer.

Assemblyman O'Neill:

The answer to that is yes, but every year it has to be reviewed and approved. It does not become an automatic. The user cannot do it without applying to TCID. Truckee-Carson Irrigation District looks at their water as one of the most valuable resources they have. These ranchers look at it, too, both in the good years and in the drought years that we have

experienced. The answer is yes, they can come back, but every year that application has to go through the same process again and again.

Chair Cohen:

What is the most number of years that someone has received temporary transfers?

Diane Baley:

We have some people who go multiple years, 10 to 15 years in some cases. Again, you have to understand how things work. We have people who lease water from other people. There is very limited water, as we all know, and it is not readily available to be purchased and transferred on a permanent basis, whereas some farmers are willing to lease to somebody on a temporary basis. In some cases, it is multiple years. Truckee-Carson Irrigation District sponsors a temporary transfer every year using county water that the county does not have a use for at this point, and it puts it to beneficial use every year. It is a yearly transfer and there is never going to be any permanent transfer ever for this water, unless the county does it for themselves. This does keep that valuable resource in production and it helps the farmers. A lot of this water is leased water with no means for a permanent transfer.

Chair Cohen:

We have heard the State Engineer's Office is overtaxed right now. How long would you say this has been an issue for your customers?

Diane Baley:

It has always been an issue as far as trying to make sure we can get a permit issued in a timely manner, when the farmers need the water. It has become more of an issue within the last five years or so. There was a gentleman at the state who was able to dedicate quite a bit of his time to our plight, so to speak. When he left, it has been difficult to have a person who was that dedicated to what we need. It is in the spring, it is not all year, but it does put a burden on the state to try to get our stuff through just for such a short time frame.

Chair Cohen:

Do we have any other questions? Seeing none, we are going to move on to those in support in Carson City. Seeing no one in Carson, Las Vegas, or Elko, is there anyone on the phone in support? Hearing no one, I will move to opposition in Carson City.

Steve Walker, representing Eureka County:

Assemblyman O'Neill's statement that this was for surface waters only needs to be codified into the bill. There are other water rights that are not under the jurisdiction of the TCID. I know, I had one, which has been sold to Churchill County. We feel we need to make sure that this is just for surface water rights. There was a suggestion to section 2, subsection 1, that states, "The temporary change occurs within the boundaries of an irrigation district" We would suggest that should be "jurisdiction" rather than "boundaries." Also an explanation of the manner of use change. The manner of use change in water typically would go to something like the agriculture or municipal industrial. I am assuming, having lived in Fallon, that the manner of use changes are basically when you are pumping out of the

canal to water your lawn, as a quasi-municipal. I think some explanation of that might be necessary.

Chair Cohen:

Would you support the bill otherwise?

Steve Walker:

I am speaking in opposition only so I can try to put our concerns into the bill. If those changes were accepted, we would be neutral or in support of the bill.

Kyle Roerink, Executive Director, Great Basin Water Network:

We oppose A.B. 325. We know lots of farmers out there who keep good records and would also like exemptions from NRS. I think this could become a slippery slope where we could have people lining up year after year saying, Hey, we want an exemption. I think that is something to be concerned about. I think we also have to take into consideration what many of you have said is that this is about funding NDWR. I think we really all need to be getting on the bandwagon and not changing statute because of those issues. We need to be doing the work and have consistency. Thank you for allowing me a moment to lobby on that front and I appreciate your time.

Patrick Donnelly, Nevada State Director, Center for Biological Diversity:

This is not the first bill this Committee has heard where someone has said the State Engineer's Office is not able to respond in a timely fashion, so we need to change the law. That does not seem like the appropriate response to delays in action from the State Engineer's Office. It seems like they need more personnel. To read briefly from the NRS 533.025, "Water belongs to public. The water of all sources of water supply within the boundaries of the State whether above or beneath the surface of the ground, belongs to the public." The State Engineer is the public's agent for administering that water. This bill would transfer the jurisdiction and authority over the public's water within a given area to local control. While locals should have input on the management of water, that water is within the jurisdiction of the state and must remain that way. We must oppose this bill. Thank you.

Will Adler, representing Pyramid Lake Paiute Tribe:

Pyramid Lake Paiute Tribe would have to come in opposition on A.B. 325 as well. The premise of the bill being proposed is trying to solve a symptom of something that is not related to the bill itself, which is again, the lack of staffing of the State Engineer's Office. Pyramid Lake Paiute Tribe in particular has to oppose this bill because previous change applications in previous water right uses, specifically in the Truckee River and in some of these restrictive basins that we are speaking to like the Newlands Project, have already been deeded against. Pyramid Lake actually had their water rights put into question or noticed. We would not have a notification of these change applications or how this process would work if this went forward because the temporary change applications go forward without any notification, whether they were in compliance with state law, or they did violate previous water rights, or the senior water rights chain that we see in this layer. Again, we would be supportive of some way to do a quick-change application or some documented way to get

into the State Engineer's Office to relieve some of these symptoms for continual change applications and such. The lack of documentation, the lack of touching the state at all in this process would leave us out of the loop or not be able to know what is going on in our backyard.

Chair Cohen:

Seeing no one else in opposition in Carson City, Las Vegas, or Elko, is there anyone on the phone in opposition? Hearing no one, I will go to neutral.

Adam Sullivan, P.E., State Engineer and Administrator, Division of Water Resources, State Department of Conservation and Natural Resources:

We are testifying as neutral on this. This is a good concept, and I want to make a couple of points about why TCID is a special case. We have been working cooperatively with TCID on this issue over a number of years of how to streamline what we do at the State Engineer's Office, what TCID does, and what we need to do to do our job for the water users. I do appreciate the recognition that the State Engineer's Office is limited in staff, both from the questions and from the testimony. This is what we do for TCID: mapping and temporary change applications, which is something that we spend a lot of time on small discrepancies in the mapping that we have versus the mapping that TCID has. That is what we are trying to address here. An important point is that TCID is the only federal irrigation district in the state. This is a special rule, and without going into much detail, to make this change would allow TCID to operate just like all the other irrigation districts within the state. One of the purposes for an irrigation district is once that surface water enters the district, they have some authority and responsibility to move the water around within the district for efficiency as needed. This would allow TCID to work just like all other irrigation districts in the state. From my perspective, with this bill, TCID would still maintain the appropriate level of oversight both from the state as well as from the Bureau of Reclamation, which could be done within the terms of the decrees that govern water distribution for TCID. This is something that would reduce redundancy and would add government efficiency. One quick addition is that temporary change applications are not published in the ordinary way that permanent change applications are published, just to clear up some of the earlier discussion.

Chair Cohen:

Does that have to do with the notice?

Micheline Fairbank, Deputy Administrator, Division of Water Resources, State Department of Conservation and Natural Resources:

Current law and current statute provide that temporary applications, those applications that are for one year or less, are not required to be published unless the State Engineer makes a finding that it implicates the public interest. As a matter of course, these change applications that we have within the Truckee-Carson Irrigation District are many times movements between farm units and other unique things that happen within irrigation districts all throughout Nevada. Whether we are talking about the Walker River Irrigation District, Pershing County Water Conservation District, or the Muddy River Irrigation Company. Typically, those are not published. This legislation does not change the status of how things

are typically done. What it does is provide TCID equal footing as all the other irrigation districts. They are managing the water within their district, and we are not having to sign off on every change. We do have some discrepancies on mapping, and it becomes a very time-consuming process, which is onerous for all involved.

Assemblyman DeLong:

As a point of clarification, I think the way I heard this is correct. Every irrigation district manages the water within that district without doing change applications to the State Engineer except for the Newlands Project.

Micheline Fairbank:

Yes.

Assemblyman DeLong:

Therefore, this change would just make the Newlands Project managed the same way as all the other irrigation districts.

Adam Sullivan:

To a certain extent, yes. There are still some different processes because it is a federal district and because of the way the ownership of individual water rights are. But those are things that we could still work with. This would make it more similar to other irrigation districts in the state.

Chair Cohen:

Thank you both for answering questions. Is there anyone else in neutral in Carson City, Las Vegas, or Elko? Seeing no one is there anyone on the phone? Hearing no one, would the sponsor like to make a closing statement?

Assemblyman O'Neill:

I just want to say a couple of things. First of all, I appreciate the last clarification from our State Engineer in that this is actually bringing TCID to somewhat equal footing to the other water districts. Second, I want to say I am very disappointed in those who spoke in opposition. I have an open-door policy. It is amazing how some of the lobbyists who spoke today have been in my office recently talking about other issues and never once brought up any other issues to me. To be sort of bushwhacked on this is upsetting, but I am still willing, and I invite them to come back into the office at any time to discuss and hammer this out to see if we can find common ground to make a good bill even better. As to the one question on the codification of water rights, I would offer the Legal Division to answer the question since it is in the NRS chapter that deals with surface waters. Why would it have to be codified again if it is in that chapter would be my question to legal to answer. Otherwise, I really appreciate the time and I think we will be seeing more of each other real soon.

Chair Cohen:

I will close the hearing on Assembly Bill 325 and open the hearing on Assembly Bill 349.

Assembly Bill 349: Establishes the Nevada Wildlife Conservation Program. (BDR 45-912)

Assemblyman P.K. O'Neill, Assembly District No. 40:

I am here to present to you Assembly Bill 349 for your consideration. The bill establishes the Nevada Wildlife Conservation Program. Nevada is blessed with an abundance of wildlife, and this bill will help us manage wildlife and wildlife habitat for future generations to enjoy. The genesis of this bill came about from a conversation I recently had with Assemblyman Yurek of Assembly District 19 and Assemblyman Watts of Assembly District 15 and their desires to address some of the issues dealing with habitats and the somewhat cumbersome process that we have going forward. I have with me today former Senator Chris Brooks, who will be assisting me. I would like for him to give a few statements before I actually go into the bill itself.

Chris Brooks, Senior Vice President, External Relations, Arevia Power:

I am a former member of this wonderful Committee, former member of this body, and former colleague of Assemblyman O'Neill. I want to thank Assemblyman Yurek and Assemblyman Watts for helping facilitate the introduction of this bill with Assemblyman O'Neill. I feel that there is a great need for this particular mechanism. I come to this subject from a couple of different places, as the former chair of the Senate Finance Committee, as a former member of the Senate and Assembly Natural Resources Committees, and as a former chair of the Interim Finance Committee as well. I saw some of the difficulties in facilitating the funding of wildlife conservation and habitat conservation in our state. This really came to light when I left the Legislature to rejoin my private industry that I had spent the last 30 years in, which is energy.

When we are developing huge projects across the state of Nevada, renewable energy, traditional energy, mining, pipelines, and transmission lines are using tremendous amounts of public lands across the state and have impacts on wildlife habitat and on the wildlife in our state. The Department of Wildlife (NDOW) has very few mechanisms by which they can mitigate some of those impacts. Many other states have accounts that they have set up. They work similar to an endowment account where industries, such as the industry I am in, which is the renewable energy development and construction industry, can identify opportunities to make contributions to the conservation of habitat and wildlife in our state by contributing to a fund. That fund can have an independent body that determines, with NDOW, how wildlife and the wildlife habitat can be protected and enhanced in our great state.

Currently, there is not a mechanism by which to do that. You have to identify an exact project, an exact dollar amount, and then work that through NDOW, then through the money committees, and fund that one project. I think what we in the industry, and what we in Nevada, would be best served by is having an account by which industries can contribute their monies to. That account can grow like an endowment and create very flexible funding for long term projects for mitigation and for habitat improvement in the state of Nevada. I think this is a great example of a way that it could be done. I am glad that this was brought forward.

I worked with the former director and a former deputy director of the Department of Wildlife, and I also approached President Sandoval of the University of Nevada, Reno about a concept similar to this already operating in parallel with the former director of the Department of Wildlife. To see the new director, Alan Jenne, and his deputy take this up, I think this is incredibly important and a wonderful opportunity. To put this into scope and scale, there are tens of billions of dollars in just the next few years of energy, transmission, mineral development, and renewable energy development that are happening and that will take place in the state of Nevada. I think it is urgent and imperative that our state come up with a mechanism by which they can take full advantage of that energy development and of that transmission development in our state to the benefit of wildlife and habitat for future generations in our state. It is coming, whether we have a way to take advantage of it or not. As a representative of my company who is in that industry, we are looking for ways that we can help the habitat and the wildlife in our state.

Assemblyman O'Neill:

I will now go through the bill itself. There are only six sections to the seven-page bill. I would like to walk the Committee through the bill section by section. Section 1 makes the conforming change to provide that money received by Department of Wildlife for the Nevada Wildlife Conservation Program account is not required to be deposited in the Wildlife Account in the State General Fund.

Section 2 simply provides for the addition of sections 3 and 4 of the bill in *Nevada Revised Statutes* (NRS) Chapter 502, Licenses, Tags and Permits. Section 3 creates the Nevada Wildlife Conservation Program Account in the State General Fund and establishes the Nevada Wildlife Conservation Program to support the preservation, protection, management, and restoration of wildlife and wildlife habitats in this state. The bill requires the Department of Wildlife to administer the program and authorizes but does not require the Department to contract with the Community Foundation of Northern Nevada to assist in the administration of the program, including, without limitation, the collection of donations for the program. In addition to any direct legislative appropriation, the Department may apply for and accept any gift, grant, bequest, or donation for deposit in the account and used by the program. The bill allows donors to the program to remain anonymous if they so prefer. The money in the account must be used in accordance with any recommendation of the Board of the Nevada Wildlife Conservation Program, including, but not limited to, providing matching funds as a condition of any federal grant related to the preservation, protection, management, and restoration of wildlife and wildlife habitats.

In section 3, subsection 6, the Department is required to submit a report on or before February 1 of each year to the Interim Finance Committee concerning the Nevada Wildlife Conservation Program Account, including without limitation:

- (a) The number of donations and total value of each donation during the immediately preceding calendar year;
- (b) The total amount of any grants of money received by the Department for deposit in the Account during the immediately preceding calendar year;
- (c) The total amount of money received

by the Program, the amount of money expended from the Account, and a description of each project for which the money was spent; and (d) Any recommendations concerning legislation to improve the Program.

Moving to section 4, originally the bill created a five-member Board of the Nevada Wildlife Conservation Program. I have submitted an amendment [[Exhibit C](#)] that would reduce the number of board members from five to three, removing two members appointed by legislative leadership. As you know, the larger the board, the more unwieldy it becomes. A smaller board will also reduce costs for the Board, and anything associated with their activities. The Board will be composed of an appointee by the Governor from a field related to management of wildlife. Another member of the Board, appointed by the chairman of the Board of Wildlife Commissioners, with a background in rangelands or management of wildlife. The third member of the Board will be the chair of the Commission, or a member of the Commission appointed by the chair. Members of the Board must be Nevada residents and will serve a term of two years. The Board is charged with advising the Department on the expenditure of money from the Nevada Wildlife Conservation Program Account. Section 4 also sets forth certain parameters for the operation of the Board. At its first meeting of each year, the members of the Board shall elect a chair who shall serve until the next chair is elected. The Board shall meet as necessary at the call of the chair. A majority of the members of the Board constitutes a quorum for the transaction of business and a majority of those members present at any meeting is sufficient for any official action taken by the Board. While engaged in the business of the Board, to the extent of legislative appropriations, each member of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Section 5 makes a conforming change to account for the confidentiality of personal identifying information of certain donors to the program. Section 6 sets forth the effective date of July 1, 2023. That is the entirety of [A.B. 349](#).

I know this is a policy committee and normally you are not allowed to talk any financial impacts, but with your permission, I would like to just make a short statement. There is a current fiscal note from the Department of Wildlife. The note states the Department will be receiving revenue from the program; however, the impact cannot be determined at this time. From my understanding and for my intent of the bill itself, the expenses of those three board members will be paid for out of the funds being contributed to the account. There should be no direct impact to the Department of Wildlife. I think you will hear from people who come forward that there are current employees of the Department of Wildlife who are handling other committees, and could take this on also. I would be open to questions and answers.

Chair Cohen:

Is Ms. Renda here for a presentation or for questions?

Assemblyman O'Neill:

I think she is here to answer questions, unless she would like to make a statement.

Lauren Renda, Philanthropic Advisor, Community Foundation of Northern Nevada:

I am testifying in neutral for this bill. I can be called upon for questions as to the administration of the fund on behalf of the Community Foundation of Northern Nevada.

Chair Cohen:

With that, I have a question from Assemblyman Watts.

Assemblyman Watts:

The question I want to ask is to Mr. Brooks. I appreciate some of the background that you provided on this. I remember when we served on the Interim Finance Committee (IFC) together and had to deal with the constant items around donations and grants to the Department of Wildlife, including in severe drought situations and other emergencies where those items were waiting for approval while wildlife were at risk and sportsman groups were ready to go. The funds were there, and we became a hang-up in the process. I believe we worked on some legislation particularly around some of those emergency situations to try and prevent cases like that from happening moving forward. I guess one of the things that I think about that you and I also have some experience with is the Nevada Clean Energy Fund or Green Bank. The state created an entity, but it is a nonprofit entity. It has a board that is prescribed in statute. After that, it is not administered as most state budgets are; it is kind of its own entity. The board can appropriate some funds, it can have some reporting, and it can have some transparency back to the state, but they have a little bit more autonomy when it comes to any staffing, some of the programmatic issues, and being able to take some of those donations and move money around without always having to come back to IFC. I wanted to provide a little bit of context to members about what some of those arrangements can look like. To put it into a question, Is that something that you see, using one of the alternative arrangements that we have for setting up entities in the state that would provide the flexibility to receive donations without having to wait to allow some anonymous donors to give contributions, et cetera?

Chris Brooks:

That is exactly the need for the ability to be flexible and rapid, and how you evolve habitat conservation and wildlife conservation projects. Also, it is the need to be able to accept, sometimes anonymous, donations from donors and to be able to be accept those without necessarily having a program attached to them. You used the drought conditions as an example, and we both saw that happen in real life. It was frustrating and heartbreaking. I think this would alleviate that. You used a good example of the Clean Energy Fund; I think the Nevada Dream Tag Program is a good analog as well of how this could work.

Assemblyman Watts:

The concept is, because this is a separate entity, the Community Foundation of Northern Nevada would help do the administration of accepting those gifts, of managing the balances, and doing the interface work so that we do not have to figure out how we get an employee staffed up at NDOW. Instead, there is a partnership with the Community Foundation where they will handle that administrative workload, serve as a fiscal sponsor, and have a fiscal sponsor-type arrangement. Is that how the administration is envisioned?

Lauren Renda:

That is correct. We would help administer any grants from the fund. We would help to accept any gifts to the fund, whether that would be from an entity or an individual. The Foundation, being a 501(c)(3) nonprofit, any fund established with us is also considered a charitable entity. Any donations made to the fund would qualify for charitable deductions. We would provide gift letters for tax purposes, and things like that.

Assemblyman Yurek:

I can understand how this program is designed to bring in additional resources through anonymous donations and whatnot to make those resources more readily available to be more efficiently and timely distributed in times of need. Can you help us understand what the current timeline is? For example, in the drought conditions you and Assemblyman Watts were referring to, what would that typical timeline be to get those resources where they needed to be? How would this program reduce that time frame? What might that time frame look like?

Chris Brooks:

I do not know exactly what goes into creating a work program; for example, what it did to get to the place that it finally got to the money committees of the Nevada Legislature. However, once that happens, if it is even approved to be on the agenda and brought forward, that process could take months. At the absolute best-case scenario, it is a 30-day program. Most of that work already took place at the Department of Wildlife before it even got to that situation. The Department of Wildlife can probably better answer that question.

Jordan Goshert, Deputy Director, Administrative Services, Department of Wildlife:

When we receive a donation, we have to meet the deadlines to get on the agenda of the IFC, which typically is a month to a month and a half before the next IFC meeting. We then have to wait for IFC to approve it before we can spend it. Sometimes it is three months or more. Sometimes we do not meet the next IFC deadline, and we have to wait for the following meeting. It can be quite a while.

Assemblyman Yurek:

What would we anticipate if a request came in under this sort of program? Theoretically, what could that timeline be reduced to in order to deploy those resources more efficiently?

Lauren Renda:

Under the Community Foundation administration, we run two grant cycles per year. However, we do have the ability to run emergency grant cycles. As soon as this proposed board or committee could review an emergency request and either approve or deny it in full or in part, it takes about two weeks for us to get a check distribution out from the date that grant is approved. It is quite fast.

Assemblywoman La Rue Hatch:

I think this is an important bill, and I appreciate that you are working on this. I have a comment and then a question. My comment is on the makeup of the board. I liked it at five.

I personally think three might be a little small, and I think that, as a history teacher, whether we look at the troika or the triumvirate, neither ended well. I think five is a good number. My question is specifically with the Community Foundation of Northern Nevada. I notice that we are putting this foundation in statute. Will you speak to, first, why were they specifically chosen, and second, why do we need to name them specifically instead of just saying they may contract with a nonprofit?

Jordan Goshert:

We currently work with the Northern Nevada Community Foundation with the Dream Tag Program, and it is very successful. We wanted to put their name in here so that we may contract with them. The partnership with them has been great so far.

Assemblyman O'Neill:

I respectfully submit this, and I go back to Assemblyman Watts; we joke around, we tumble a little bit, I even arm wrestled with the speaker. I did not want this bill or this Board to become political. Currently, both houses have a majority. I do not want to build the Board to become political in any form or fashion. That is why I was looking at that balance to remove them. I have been on small committees, including our state's Commission on Ethics. It was difficult sometimes to get the scheduling of our five to six members that we needed to have a committee hearing, which is the other reason why I went with three. I was also looking at the expense. I do not want money that people donate to do these worthwhile programs going to the administration part of it. One thing I always look at before I donate money is what the administrative costs are versus what goes to the program itself. I understand your position, but those are my reasons.

Assemblywoman La Rue Hatch:

I am going to follow up to the Community Foundation. I recognize that they are a great partner. If we put them in statute, something happens, and they do not exist anymore, or they are less of a great partner for some reason, what is our recourse? Now we have to wait for Legislature to come back to change that.

Jordan Goshert:

I believe that is why the language that we "may" contract with them is in section 3, subsection 2. We are not obligated to do so. If you feel that needs to be changed, then we are open.

Assemblyman Gurr:

This seems like a pretty broad definition of "preservation, protection, management and restoration of wildlife and wildlife habitats." What is the perceived use for these funds? Are there any parameters, or is it just somebody who comes up with an idea, presents it, receives a grant, and keeps going? Can people come up with programs and come to you to do it, or is the Department going to set the parameters?

Chris Brooks:

In our initial thought process of what would lead to the opportunities that would exist, all sorts of projects were envisioned, from a guzzler for bighorn sheep to habitat restoration, whether it be like pinyon-juniper mitigation or invasive species removal, all the way to actual wildlife corridors and an improvement of wildlife corridors for big game. I think it is anything that is within the purview of the Department of Wildlife or under their responsibility. It is anything that NDOW would identify or the Board in conjunction with NDOW would identify as projects. In its current form, for instance, if I am making impacts on the land as an energy developer and I want to make, not through a negotiation or a settlement but through a donation, some sort of an improvement to habitat. Let us say I wanted to improve sage grouse habitat. I would have to identify the exact project. I would have to go through the process of identifying the project and funding the project specifically, requesting that a particular project be funded. The Department of Wildlife would have to take that, turn it into some sort of a work program, and take it to the Legislature to see if we could approve that one project. At least from the industry partners this is envisioning an account, almost as an endowment, that can grow and into which we are contributing money for the overall mission of habitat improvement and wildlife improvements in the entire state of Nevada. The experts at NDOW and on the Board would determine the best use of that, but it would be within the responsibility that NDOW currently has.

Assemblyman Gurr:

I think that answers my question, but I am not sure. I am concerned about the broad scope in here and how wide it is. As a follow-up, most of the habitat belongs to the federal government. I guess that has to be worked through with the Department and how that goes. I guess you answered my question.

Assemblyman O'Neill:

I understand your concerns, but we do want to keep it broad, so we can address several of the issues that our state is experiencing, and our wildlife is experiencing. As Mr. Brooks said, to deal with the various issues as we grow and maybe encroach out. Locally we have several issues with deer and even bear coming down. We have had mountain lions in Carson City. This could help by taking some of that funding and putting up some better habitats and keeping our deer a little farther up the hill from us and not crossing over Carson Street and getting hit, et cetera. Some of the broadness, this is one time I agree with you that we need a broad statement to really address the issues instead of narrowing it down and becoming very specific in the usage of these funds that are donated.

Chris Brooks:

In the state of Nevada, NDOW has responsibilities for wildlife and habitat, even on some of our federal lands.

Assemblywoman Brown-May:

I have to say, first of all, this is insightful. I just want to make sure that I understand what you are attempting to do. It sounds like we are creating a contribution mechanism through which we can accept funds from the general population that are not fees. It is not raising

revenue, but making it voluntary to be able for them to invest in the areas that are important for them, and we can then direct that towards habitat maintenance and other projects. We are a nonprofit entity, so those contributions are tax-deductible through a 501(c)(3) and can be utilized to draw down additional federal dollars. Do I have it?

Assemblyman O'Neill:

Yes.

Assemblywoman Brown-May:

I just want to make sure I wrap my head around the whole thing. Without raising fees for Nevadans, we are going to draw additional federal dollars based on contributions of people who actually care about maintaining habitat.

Assemblyman O'Neill:

Yes, again.

Chair Cohen:

Are there any other questions? I hope I never hear about accounts being swept again for the rest of my life, but is there any possibility of this account being swept?

Assemblyman O'Neill:

I have to tell you I have a very sensitive spot about that myself. We do pay fees and the accounts are swept. I think it would be best answered by legal counsel. It is my understanding, though, this could not be swept because of the way it is set up. Although it is still an account within NDOW, it is a special account of donations for specific purposes as designated in NRS, not be subject to that ability. Since there are no fees, it is donations and it would not be swept. I would be happy to put that as an amendment to the statute to make it very clear, if legal says it is necessary. It is a very sensitive point that historically I have had issues with. Thank you for bringing that forward.

Chris Brooks:

Section 3, subsection 5, says,

Any interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

I am hoping that is enough clarity that it would make this not eligible to be swept in a budget process.

Chair Cohen:

I think I will get an answer from legal at some point to double-check. I am talking about when there is a financial emergency, not just in an ordinary course of those regular yearly turnovers.

Assemblywoman Hansen:

This conversation just brought to mind maybe a question or a comment. I am intrigued by the creativity of this, and I feel very optimistic. In regard to the sweep, as I recall in 2011, because of the budget crisis, it seems like there was a sweep that was done by the Executive Branch, but then the court intervened, and I think it was found to be not constitutional. I am not sure, maybe history is not serving me right. It would seem that maybe legal can check for us that we have a precedent and that could not be done. I would like to be reminded if I am right or wrong?

Assemblyman DeLong:

A little bit of history: When that occurred, I was serving as chair of the Commission on Mineral Resources and a number of the accounts of the Division of Minerals were swept; a sweep did occur. Some accounts were swept, and other accounts were not depending on how they were established, at least for the Division of Minerals. I cannot speak to other divisions or departments.

Assemblyman O'Neill:

My experiences were both as a division chief. They all came from fees. When we had fees, we were putting money aside in the early 2000s to reinvest into our information technology programs in the state, which were in dire need and we are still working on today in the Department of Public Safety. Additionally, our motorcycle safety fees, which were paid by those who have motorcycle endorsements, were swept into the General Fund and damaged the motorcycle safety course. It is my understanding—once again, I will acquiesce to legal, naturally—it is the fees or the taxes paid, not contributions that come from various sources for these specific incidences.

Assemblyman Gurr:

That brings up a question in section 1. It says money received by the Department from the sale of licenses, fees described in NRS 278.337, and fees pursuant and remittances. Does that mean that you will be collecting fees from the sale of tags and license fees in Nevada? Because then it could be swept. They swept the Real Estate Division, too, in 2011.

Chris Brooks:

Section 1, subsection 1(f), adds the Nevada Wildlife Conservation Program Account to that list of revenue sources that get deposited with the State Treasurer for the credit to the Wildlife Account. I think it has fees, remittances, appropriations, and then, additionally, all other sources. I think each one of those sources would be treated separately based upon the type of revenue that they are. What they do have in common under section 1 is where they end up, and that is where they end up must be deposited with the State Treasurer for credit to the Wildlife Account in the General Fund.

Assemblyman Gurr:

So it does go into the General Fund.

Chris Brooks:

The Nevada Wildlife Conservation Program Account is added to that list of accounts.

Assemblyman Gurr:

Is this going to collect fees from license sales?

Assemblyman O'Neill:

We are only adding what is in the bold italicized included in there. It then goes to where they will be. It is not from sales of hunting licenses, duck tags, et cetera; it is just the addition of this that will be a line item or budget item within the state account.

Assemblywoman Hansen:

Based on Assemblyman Gurr's question about State General Fund, I just want to make sure I took my notes right. Assemblyman O'Neill, when you were going over section 1, you said section 1 is conforming change to provide for money received by NDOW is not required to be deposited in the General Fund. Is that because now these donations are part of this conservation fund, so they do not go to the to the General Fund? In my layman terms, it seems like they are exempt because it is this fund.

Assemblyman O'Neill:

I have my notes, I will reread. Section 1 makes a conforming change to provide that money received by the Department of Wildlife for the Nevada Wildlife Conservation Program Account is not required to be deposited in the Wildlife Account in the State General Fund.

Assemblywoman Hansen:

Thank you for clarifying. I missed a word.

Chair Cohen:

With that, I am going to move on to support. We will start in Carson City.

Kyle Davis, representing Coalition for Nevada's Wildlife:

We are happy to be here today in support of A.B. 349 and appreciate Assemblyman O'Neill for bringing the bill forward. Many sportsmen's organizations that we work with give millions of dollars and thousands of man-hours to the Department of Wildlife to support our wildlife resources. Certainly our organizations, many times, are the first that are called in times of emergency, like you have heard about today. Anything we can do that is going to make that process a little bit easier and be able to get that money on the ground faster to help our wildlife resources, we are certainly going to be in support of.

Pam Harrington, Nevada Field Coordinator, Trout Unlimited:

Trout Unlimited supports A.B. 349. I have to say, in my career, I have had challenges trying to cobble together lots of money to get a project done. Anything that will streamline and

reduce the red tape where you can get the stars to align, we are all for it. I hope NDOW can push this forward and do a great job for all of us, particularly that section 1 provision that allows them to hold these monies in the Nevada Wildlife Conservation Program Account. That is brilliant. It allows them to be nimble. With all these other deadlines, you have to get this money together to leverage, and you are not doing your job if you do not leverage the money. It is just the way it is. We are supportive and I appreciate all the work you guys do for us. Thank you.

Will Adler, representing Pyramid Lake Paiute Tribe:

Pyramid Lake Paiute Tribe would like to be in full support of A.B. 349, as to date there have been many cooperative projects between the state and tribal nations to get additional guzzler projects and bighorn sheep reintroduced to ranges. I think having additional funds and additional avenues to receive those funds, and additional flexibility to have Nevada not miss out on any of those funds, is key for going forward with the best mind possible to try and fix as many problems as possible. Thanks to Assemblyman O'Neill for bringing this forward, and please support A.B. 349

Jaina Moan, External Affairs Director, The Nature Conservancy:

The Nature Conservancy supports A.B. 349 to create Nevada Wildlife Conservation Program and an account in the General Fund. Nevada is one of the few western states that lacks a dedicated conservation fund to support things like wildlife and wildlife habitat. The creation of such account is a good first step to meeting the conservation needs for our state, especially as we see greater need for mitigation from energy and infrastructure development. Healthy ecosystems contribute to cleaner air and water. Nevada is fortunate to have rich biodiversity across our state. Restoring and maintaining habitat for Nevada's incredible wildlife is a good investment for our future. We thank the bill sponsors for bringing this forward and we hope that you will support A.B. 349. Thank you so much for hearing our comments.

Tina Nappe, Private Citizen, Reno, Nevada:

I do not know when I have been so excited to see a bill before you. My involvement primarily with nongame wildlife goes back to the 1960s when Nevada had the first endangered species bill passed in the nation. It was to really start reining in and knowing more about our nongame species. There has been no way for somebody more modest like me, I am not an energy provider, to help support even small studies of birds, or something that the Audubon Society or the Sierra Club could give a little bit of money to. If someone had a project that they wanted to do, there has been, from my perspective, almost no way that we could contribute to NDOW except by buying licenses. Since many of us are not hunters, that really did not work for us. This provides an avenue and after 50 years of involvement, I cannot tell you how excited I am about this whole aspect because it reaches out to smaller organizations and people who have more modest means. The Department of Wildlife could say we are interested in doing a study on white-faced ibis—I am very concerned about white-faced ibis—and we need some funds for this study, are you willing to help? I am in favor of this, whether you have three or five people on the board, I am all for it. Thank you so much.

Michael Flores, Vice President, Government and Community Engagement, University of Nevada, Reno:

I want to thank the bill sponsor and Mr. Brooks as well for bringing this forward. We have been working with Mr. Brooks since last year on this concept, and our researchers and faculty are thrilled about the potential opportunities here. We stand in full support of [A.B. 349](#).

Christi Cabrera-Georgeson, Deputy Director, Nevada Conservation League:

We are in strong support. Our abundance of wildlife is what makes our state unique and one of the most biodiverse in the country. Wildlife is also crucial to our outdoor recreation economy. We are all for protecting them.

Chair Cohen:

Seeing no one in Elko or Las Vegas, is there anyone on the phone in support? Hearing no one, I will go to opposition in Carson City.

Karen Boeger, Board Member at Large, Nevada Chapter, Backcountry Hunters and Anglers:

We urge you to support this bill establishing the Nevada Wildlife Conservation Program. As initially worded, the act provides a needed structure for NDOW to accept large-size gifts, grants, and endowments along with the flexibility for those monies to contribute directly through NDOW's purposeful projects. That seems to be efficient, effective, saving time, and costs. The Dream Tag has already provided a precedent for governance of the program. The benefits of this program to our wildlife and habitat are both statewide and diverse, so there is nothing to be lost there. As Ms. Harrington mentioned, the essential key to the function and flexibility of the program is that section 1 provisions that the monies that are received by NDOW for the program account are not required to be deposited in the Wildlife Account in the General Fund. In its original language, creating a bipartisan dedicated conservation funding mechanism would be one of the most positive, visionary, and practical actions you can take this session in our opinion, and we urge you to do so. As to the amendment [\[Exhibit C\]](#), since I do not have my board here, we would really like the opportunity to talk to our NDOW people and seek their opinions to see just how they feel about that, because I can see pluses and minuses to this amendment. As is, it seems like it may be more bipartisan, simplified, and makes it easier to get decisions done. We are remaining neutral on the amendment language. Thank you very much for this opportunity.

Patrick Donnelly, Nevada State Director, Center for Biological Diversity:

We are going to part ways with our conservation allies and oppose this legislation. While we have heard a lot about generous gifts being made to the state to manage wildlife, this bill is about mitigating large-scale energy production and mining. That can entail millions of dollars in mitigation fees. That money needs to be strategically deployed by the agencies to mitigate the impacts of the projects being mitigated. A political board should not be the ones making those decisions. Those decisions about the use of mitigation money should be left in the hands of scientists and wildlife managers. If this bill is going to create a mechanism for mitigating large scale destruction from energy and mining projects, then there needs to be

more structure put in place so that those decisions are made on a scientific basis and not by political appointees.

Chair Cohen:

Seeing no other opposition in Carson City, and seeing no one in Elko or Las Vegas, is there anyone on the phone in opposition? Hearing no one, do we have anyone in neutral in Carson City?

Jordan Goshert:

I am here today to testify in neutral for the Department of Wildlife. While the Department does have the ability to collect donations through the Wildlife Trust Fund, large amounts of money dedicated to multiple projects over multiple years would be handled more efficiently through a conservation program as established by this bill, A.B. 349. This program is organized exclusively for charitable donations and endowments. The existing Wildlife Trust Fund account is used for dedicated purposes where the contributor will define specific projects they want their contribution to go towards. This program will allow a donor to donate funds for the broad purpose of preserving, protecting, managing, and restoring wildlife and wildlife habitats. The Board of the Nevada Wildlife Conservation Program, created by this bill, will then decide the purpose of the funding that is granted to the Department of Wildlife. Having a board allocate the funding separate from the Department will help bring diverse perspectives and management over the funding.

This program will be a charitable fund administered by an organization such as the Community Foundation of Northern Nevada, exempt from taxation purposes, that is able to receive anonymous donations and is organized to provide support to the Department in its effort to preserve, protect, manage, and restore the natural resources of Nevada. The Department of Wildlife has a longstanding working relationship with the Community Foundation of Northern Nevada through the Dream Tag Program. Grants from the program that are distributed to the Department will enhance its ability to more timely react to threats or impacts to natural resources while also providing required match to federal grant funding. The Department sees this program as being able to provide a steady source of nonfederal funding to the agency over time. Other states have used programs like this to meet their federal match requirement. Revenue sources, such as proposed in this bill, could help the Department keep license fees for hunting, fishing, and boating affordable so families can easily enjoy Nevada's great outdoors.

Chair Cohen:

Seeing no one else in Carson City and no one in Elko or Las Vegas, is there anyone on the phone? Hearing no one, I will invite the presenters back up for any closing statements

Assemblyman O'Neill:

Looking at the time, I am standing between us and dinner. I will try to make this very quick. I want to thank you all for this time and for the consideration on this bill. I think you heard enough from us and from those in support on the value this bill brings to you and brings to our constituents in the state of Nevada today, tomorrow, and for years to come. I do want to

say one thing, the one part about nimbleness: this is what we all look for. Government has been known for years to be stagnant, taking forever to get something done. Some of that is for a good reason, that we study and review projects. When we talk about wildlife needs, some things have to be done in a quick and efficient manner. This bill will provide for that ability. For the comment that this bill will stifle mining and some of our economic growth, I will stand on my record and say to you that would be the last thing I would ever bring forward to you. Right now, when mining develops, before they break ground, they have to talk about their mitigation once their mine has mined out. That is part of the cost of doing business. They have it set aside with the division of mining. This will not affect any of the mitigation of those projects. This is a separate project to deal with specific issues that people want to be addressed for the good of our state. I thank you all and see you at dinner.

Chair Cohen:

I will bring the hearing on Assembly Bill 349 to a close and open up public comment. Is there anyone in Carson City or on the phone for public comment? [Public comment was heard.]

We will be in recess [at 5:46 p.m.]. [The meeting was adjourned on the floor of the Assembly at 6:53 p.m.]

RESPECTFULLY SUBMITTED:

Nancy Davis
Committee Secretary

APPROVED BY:

Assemblywoman Lesley E. Cohen, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a proposed amendment to Assembly Bill 349, submitted by Assemblyman P.K. O'Neill, Assembly District No. 40.