
ASSEMBLY BILL NO. 171—COMMITTEE ON NATURAL RESOURCES

FEBRUARY 24, 2021

Referred to Committee on Natural Resources

SUMMARY—Establishes certain protections for certain swamp cedars. (BDR 47-468)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to natural resources; providing certain protections for a certain population of Rocky Mountain junipers; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, it is unlawful to cut, destroy, mutilate, pick or remove any
2 flora on any: (1) private lands without a written permit from the owner, occupant or
3 authorized agent of the owner or occupant; or (2) state lands under the jurisdiction
4 of the Division of State Parks of the State Department of Conservation and Natural
5 Resources except in accordance with regulations of the Division. (NRS 527.050)
6 Further, no flora on the list of fully protected species may be removed or destroyed
7 from any other land except pursuant to a special permit issued by the State Forester
8 Firewarden. (NRS 527.050, 527.270) **Section 1** of this bill declares that it is the
9 policy of this State to protect the Spring Valley population of Rocky Mountain
10 junipers, known as “swamp cedars,” that occur in White Pine County within the
11 Bahsahwahbee Traditional Cultural Property. **Sections 1 and 2** of this bill make it
12 unlawful for any swamp cedar within that property to willfully or negligently be
13 cut, destroyed, mutilated or removed without first obtaining a special permit from
14 the State Forester Firewarden.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 527 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 **1. It is hereby declared to be the policy of the State of Nevada**
4 **to protect the Spring Valley population of Rocky Mountain**
5 **junipers (*Juniperus scopulorum*), known as “swamp cedars,” that**
6 **occur in White Pine County within the Bahsahwahbee Traditional**
7 **Cultural Property as such swamp cedars are a rare occurrence of**
8 **low-elevation Rocky Mountain junipers and are considered sacred**
9 **by certain Native American tribes in the State.**

10 **2. It is unlawful for any person, firm, company or**
11 **corporation, his, her, its or their agent or agents, willfully or**
12 **negligently to cut, destroy, mutilate or remove any swamp cedar**
13 **described in subsection 1 without first obtaining a special permit**
14 **from the State Forester Firewarden and complying with any other**
15 **applicable requirements set forth in NRS 527.050.**

16 **3. Except as otherwise provided in this subsection, the State**
17 **Forester Firewarden may adopt regulations necessary to carry out**
18 **the provisions of this section. The State Forester Firewarden may**
19 **not charge a fee for a special permit to cut, destroy, mutilate or**
20 **remove any swamp cedar described in subsection 1.**

21 **Sec. 2.** NRS 527.050 is hereby amended to read as follows:

22 527.050 1. It is unlawful for any person, firm, company or
23 corporation, his, her, its or their agent or agents, willfully or
24 negligently:

25 (a) To cut, destroy, mutilate, pick or remove any tree, shrub,
26 plant, fern, wild flower, cacti, desert or montane flora, or any seeds,
27 roots or bulbs of either or any of the foregoing from any private
28 lands, without obtaining:

29 (1) A written permit therefor from the owner or occupant or
30 the duly authorized agent of the owner or occupant; and

31 (2) If the flora ~~has~~:

32 **(I) Has** been placed on the list of fully protected species
33 pursuant to NRS 527.270, a special permit ~~from~~ **issued by** the
34 State Forester Firewarden ~~is~~ **pursuant to NRS 527.270; and**

35 **(II) Is a swamp cedar described in section 1 of this act, a**
36 **special permit issued by the State Forester Firewarden pursuant to**
37 **section 1 of this act.**

38 (b) To cut, destroy, mutilate, pick or remove any flora on any
39 state lands under the jurisdiction of the Division of State Parks of
40 the State Department of Conservation and Natural Resources
41 without:



1 (1) Complying with regulations of the Division of State
2 Parks; and

3 (2) If the flora ~~has~~ :

4 (I) *Has* been placed on the list of fully protected species
5 pursuant to NRS 527.270, obtaining a special permit ~~from~~ *issued*
6 *by* the State Forester Firewarden ~~from~~ *pursuant to NRS 527.270; and*

7 (II) *Is a swamp cedar described in section 1 of this act, a*
8 *special permit issued by the State Forester Firewarden pursuant to*
9 *section 1 of this act.*

10 (c) To cut, destroy, mutilate, pick or remove any flora ~~that has~~
11 ~~been placed on the list of fully protected species pursuant to NRS~~
12 ~~527.270~~ from any lands within the State of Nevada not otherwise
13 described in paragraphs (a) and (b) without obtaining :

14 (I) *If the flora has been placed on the list of fully protected*
15 *species pursuant to NRS 527.270, a special permit ~~from~~ issued by*
16 *the State Forester Firewarden ~~from~~ pursuant to NRS 527.270; and*

17 (II) *If the flora is a swamp cedar described in section 1 of*
18 *this act, a special permit issued by the State Forester Firewarden*
19 *pursuant to section 1 of this act.*

20 ↪ For the purposes of this subsection, the State Forester Firewarden
21 may establish regulations for enforcement, including the issuance of
22 collecting permits and the designation of state and federal agencies
23 from which such permits may be obtained.

24 2. Every person violating the provisions of this section is guilty
25 of a public offense proportionate to the value of the plants, flowers,
26 trees, seeds, roots or bulbs cut, destroyed, mutilated, picked or
27 removed, and in no event less than a misdemeanor.

28 3. The State Forester Firewarden and his or her representatives,
29 public officials charged with the administration of reserved and
30 unreserved lands belonging to the United States, and peace officers
31 shall enforce the provisions of this section.

32 4. Except as to flora that has been placed on the list of fully
33 protected species of native flora pursuant to NRS 527.270 or as to
34 flora on state park lands regulated by the Division of State Parks, the
35 provisions of this section do not apply to Indians, native to Nevada,
36 who gather any such article for food or medicinal use for themselves
37 or for any other person being treated by Indian religious ceremony.

38 **Sec. 3.** This act becomes effective on July 1, 2021.

