



# Gubernatorial Conservation Scorecard 2009



# Dear Nevadan,

The Nevada Conservation League has been the source for effective conservation advocacy in Carson City since our founding in 2001. Biennially, we have produced the Conservation Scorecard, which evaluates our state legislators based upon their votes on key conservation issues during the legislative session. In the 2007 Scorecard, we dedicated a page to evaluating the Governor, and this year for the first time, we have produced a Gubernatorial Conservation Scorecard.

In Nevada, the executive branch wields a great deal of power, as our legislature only meets for 120 days every other year. The Governor holds significant power in the areas of budgeting and appointments, and also has the ability to shape the debate on important policy issues. This is why we feel it is appropriate to evaluate the performance of the state's Chief Executive.

For the 2009 Gubernatorial Conservation Scorecard, the Nevada Conservation League gives Governor Jim Gibbons an overall grade of F for his conservation record.

The environmental community had cautious optimism after the 2007 legislative session for the Gibbons administration. Although the Governor received a grade of C minus in the previous scorecard, there was hope that the committees and appointments that were forthcoming would be positive steps on behalf of Nevada's environment. Unfortunately, most of the good that was done by a few of these committees was

overshadowed by a broken appointment process, a failure to lead on important issues, and an apparent hostility toward working with stakeholders to reach common ground.

The Gibbons administration has shown some leadership on energy issues. The creation of the Climate Change Advisory Committee resulted in some good ideas that were passed into law in the 2009 legislative session. In addition, the Renewable Transmission Access Advisory Committee has done some good work in identifying areas suitable for renewable energy development. However, the Governor overshadowed all of this by spending most of 2008 advocating for the construction of new coal-fired power plants at the expense of developing our in-state resources.

As we head into the 2010 elections, it is clear that Governor Gibbons lacks leadership capabilities, certainly on conservation issues, but on many other issues as well. His detached management style has resulted in a situation where leaders on both sides of the aisle don't trust him to keep his word and see little value in working with his office. As a result, the Governor finds difficulty in passing policy, even good ideas with popular support. The Governor's poor performance on policy issues combined with his unwillingness to work with others to find common ground should give voters serious concern as they go to the ballot box in 2010. Voters should seek a stronger leader with a solid conservation ethic in the Governor's Office.





## Off-Highway Vehicles

Going into the 2009 legislative session, the conservation community's top priority was Senate Bill 394. This bill would establish a registration system for off-highway vehicles in order to promote responsible use on public lands. OHV registration had been debated in previous sessions; however, negotiations between different interests had failed to produce a feasible compromise bill in the three previous sessions. Prior to the 2009 session, the major interests (including OHV enthusiasts, OHV dealers, traditional public lands users and conservationists) formed an OHV Working Group to

create a consensus bill during the interim. However, there were still many hurdles to clear once the session began. The Working Group developed the bill working directly with the Legislative Committee on Public Lands. Their attempts to work with the Governor were hindered by mixed messages as to what the Governor would and would not support in terms of his no new fees policy, even if the OHV users supported the program. Key input from state agencies was also missing from the process, as the Governor directed them not to cooperate or interact with the Working Group. The Bill moved forward, barely clearing several key deadlines despite stall tactics and adamant DMV opposition. Luckily, legislators on both sides of the aisle understood the need for the legislation, and the bill passed the Senate unanimously and passed the Assembly with only six no votes. The override vote was the same, and the legislation became law!

## The King of Vetoes

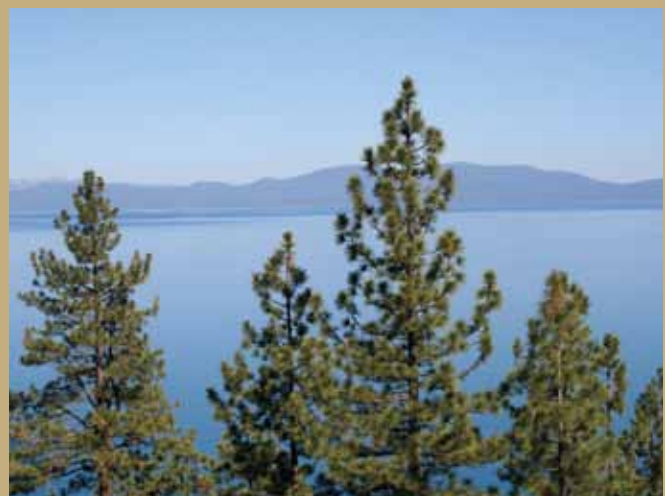
During the 2009 legislative session, Governor Gibbons vetoed a record number of bills and had a record number overridden. The sheer number was unexpected, and the legislature responded with large bipartisan override votes. The Governor vetoed four pro-conservation bills, and had three overridden. Here are the details:

AB 119 – This bill simply ratified the results of WC 3, an initiative on the Washoe County ballot that required land use plans to be in balance and accordance with sustainable water resources. The bill was vetoed by the Governor, but supporters reached an agreement with local officials to implement the bill outside of state law.

AB 246 – This bill created an apprentice hunter program as well as two tag programs that would bring much needed revenue to the Department of Wildlife for habitat restoration. The Governor refused to work with bill sponsors to find a compromise, and his veto was overridden by unanimous votes in both houses.

AB 480 – In the executive budget, the Governor proposed large budget cuts for the State Engineer's office. As a result, the agricultural and conservation communities agreed to specific fee increases on the State Engineer's services. This bill passed with only 3 no votes in either house, yet the Governor vetoed it due to a blanket policy against fee increases. The veto was overridden with only 4 votes to sustain.

SB 394 – Off-highway vehicle reform – See next section.



## Nevada Board of Wildlife Commissioners

The Nevada Board of Wildlife Commissioners (Commission) is a 9-member commission, appointed by the Governor, responsible for setting policies for the Nevada Department of Wildlife (NDOW). The Commission solicits input from individuals, conservation organizations and 17 county advisory boards to aid in setting policy. Traditionally the same entities provide recommendations to the Governor for appointments to the Board. Despite several solid appointments, Governor Gibbons has appointed a majority whose singular focus is to restore mule deer herds via predator management programs. These appointments have resulted in a Commission that is



Photo: D.Ghiglieri



openly hostile towards NDOW, the County Advisory Boards, and individuals and groups who don't share their personal agenda. Instances of bickering, altering of meeting agendas, and breaching of the open meeting law have bogged down the Commission, whose meetings now include two Deputy Attorney Generals (DAG) – one to represent the Commission and one to represent NDOW. Traditionally one DAG is present to represent and provide legal advice to both parties. The Governor's deaf ear to recommendations by well-respected organizations is well known in the conservation community. This tendency was best highlighted by his appointment of a designated conservation representative that was not nearly as well qualified as other individuals recommended by the conservation community.

## Mission Statement

*The Nevada Conservation League is the independent political voice of Nevada's Conservation Community. We work to maintain and enhance the natural character of Nevada and the quality of life for Nevadans through effective advocacy, the election of pro-conservation candidates and building collaboration.*

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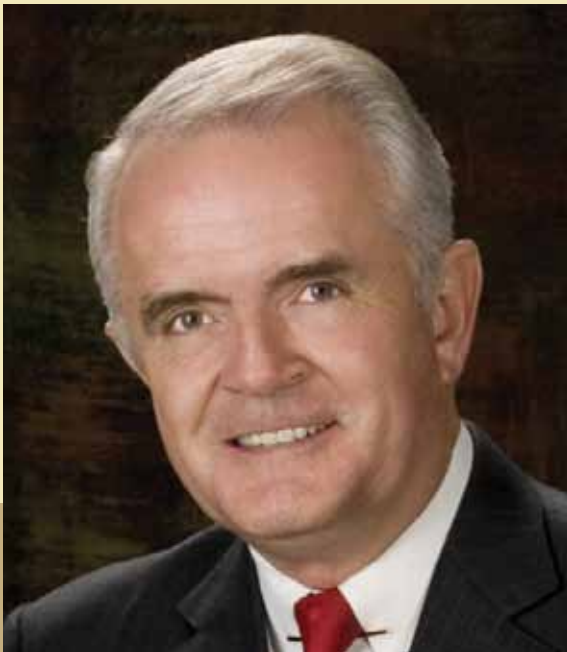
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# 2009 Gubernatorial Conservation Scorecard

## Leadership Grade – F

Nevadans expect and need strong leadership on conservation from their Governor. A Governor should set clear priorities, engage in the policymaking process, work with all sides and consider all solutions while striving to be effective in bringing about substantive change. Unfortunately, Governor Gibbons has failed on these accounts. For example, at a time that western governors were forming the Western Climate Initiative to deal with climate change on a regional level, Governor Gibbons chose not to be a part of this process.<sup>1</sup> On the positive side, the Governor has created two committees to work on climate and renewable energy issues, the Nevada Climate Change Advisory Committee and the Renewable Energy Transmission Access Advisory Committee. However, his lack of leadership skills resulted in committees left to their own devices to merely “figure it out” and consequently provided no true direction to address these critical issues facing Nevada. Good ideas and good intentions are a dime a dozen, but true leadership requires follow-through. Governor Gibbons declared a war on cheatgrass, a dangerous invasive species, in August of 2007 but failed to follow through on this initiative by not providing the necessary resources to fund this war.<sup>2</sup>

In addition, the Governor has been absent in the discussions about key conservation issues in the state. Whether it is the multitude of issues around

energy, or the development of the state budget during the 2009 session, Governor Gibbons has only inserted himself in the process when the Constitution required him to do so. Longtime legislative leaders described him as the least engaged governor in the past 3½ decades.<sup>3</sup> The conservation community needs a leader that will set goals for our state and follow through to make them happen.

## Budgeting & Administration Grade – F

A chief executive governs best when he hires competent people and relies upon their sound counsel. A governor should always be looking to maximize opportunities and should ensure effective implementation of the law. These do not seem to be the guiding principles of the Gibbons administration. Instead, the guiding principle seems to be no new taxes, no new fees. This slogan is far from a governing philosophy, and it leads to bad government at every turn.

To be clear, the Governor has appointed a few highly qualified people to head important conservation agencies. However, he has not utilized them effectively, as executive branch agencies were not able to ask for any increase in funding, even for pressing issues such as the fight against cheatgrass and the backlog of applications in the State Engineer’s office. In addition, the executive branch refused to prepare fiscal notes for legislation that called for fee



increases, even if the underlying policy was positive. This policy put millions of federal dollars that were on the table at risk due to lack of matching funds.

## Appointments & Administration Grade – D

The Governor in Nevada is entrusted to make many appointments to boards and commissions in our state. We expect the appointment of individuals to these boards and commissions to be well qualified, open to new information and mindful of the environment. Unfortunately, this has not always been the case. The Governor has made some very positive appointments to the Public Utilities Commission and the conservation position on the Environmental Commission. However, his appointments to the Wildlife Commission have allowed a reckless focus on predator control to become the dominant theme, cutting off issues that are grounded in sound scientific wildlife management; and he made the mistake of appointing a supporter of the Yucca Mountain project to the Nevada Commission on Nuclear Projects.<sup>5</sup> Overall, the Governor's appointments are a mixed bag, but certainly less than we expect.



## 2009 Legislative Session Grade - D

Historically, Nevada governors have been actively engaged during the legislative session, aggressively advocating their priorities and working with the Legislature to reach compromise. Governor Gibbons



does not rank well in this particular category. A true conservation champion acts to protect our environment, even when the choices are difficult and the opposition is significant. Our Governor refused to act, even when the choice was easy. During the 2009 legislative session, the Governor vetoed four key conservation bills.<sup>6</sup> Three of these bills passed both houses of the Legislature with large bipartisan majorities, and the fourth was approved by 73% of the voters affected by the bill.<sup>7</sup> Despite these facts, Governor Gibbons apparently felt it was more important to act on blind ideology than to do the right thing. Overall, the Governor did sign some strong conservation legislation, and in fact, he signed 71% of the key bills sent to his desk, but he was not actively involved in the negotiations on key bills. In addition, his blanket policy against fee increases resulted in bad evaluation of good legislation, because executive branch agencies refused to estimate the income from proposed fee increases.

1 Mascaro, L. (2007, February 28) Gibbons Holds Out. Las Vegas Sun

2 Miller, J. (2007, August 7) Gibbons joins battle against weed that fuels wildfires: Four Western governors pledge to get rid of invasive cheatgrass. Las Vegas Review Journal

3 Coolican, J.P. & McGrath Schwartz, D. (2009, May 31) Jim Gibbons: Gov. Veto. Las Vegas Sun

4 Nevada Legislature. (2009) Executive Agency Fiscal Note. Retrieved October 13, 2009 from <http://leg.state.nv.us/75th2009/FiscalNotes/4951.pdf>

5 Myers, D. (2007, July 26) Breach in the wall: Nevada's governor gives federal officials a leg up on making Yucca Mountain a dump site. Reno News & Review

6 Nevada Legislature. (2009) Bills vetoed by the Governor for the 75th (2009) Session. Retrieved October 13, 2009 from <http://leg.state.nv.us/75th2009/Reports/vetoed.cfm>

7 Nevada Secretary of State. (2009) Nevada Secretary of State: Elections Results: Washoe. Retrieved October 13, 2009 from <http://www.sos.state.nv.us/electionsresults/2008StateWideGeneral/Washoe.asp>