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# Nevada bill would hurt ability to advocate for at-risk species, groups say

By *John Sadler*

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CARSON CITY — A bill that would restrict access to the location of rare plants and animals from open records law in Nevada has drawn the ire of environmental groups, many of which deem the legislation unnecessary for the protection of rare species.

Assembly Bill 71 would make information on the location of rare plants and animals maintained by the Division of Natural Heritage of the state Department of Conservation and Natural Resources confidential.

The bill was heard on Wednesday in the Assembly Committee on Natural Resources during the state legislative session. No vote was taken.

The proposal calls for location records to be released if they are part of a “legitimate activity” of conservation, environmental review or scientific research; limited to necessary records for that request; and unlikely to result in harm to a rare plant or animal.

Officials with the division of natural resources, who proposed the bill, said restricting the information at other times could help protect at-risk species from vandals.

“Similar to other resources ... perhaps cultural resources or historical resources, there is a need from time to time to mask certain data,” said Jim Lawrence, the deputy director of the state Department of Conservation and Natural Resources.

**The environmentalists aren't buying that argument.**

**“While Assembly Bill 71 will not save imperiled species ... maintaining transparency will allow the public important access to information,” a letter from multiple groups opposing the proposal read. “For example, access to such records has proven an important component of conservationists’ campaigns to save sensitive species from threats and extinction.”**

Patrick Donnelly, the Nevada state director for the Center for Biological Diversity, said the bill would harm the ability of organizations to advocate for endangered or threatened species.

“This legislation would also allow (the Department of Conservation) to have unfettered discretion over who they deem has a ‘legitimate’ activity with a species,” Donnelly said. “This could lend itself to First Amendment concerns if certain parties, such as my organization, are not in political favor with the department.”

Donnelly said the Department of Conservation has given no information about public records leading to damage to any species, stating that they blamed the damage of Tiehm’s buckwheat, a rare Nevada wildflower whose population was significantly damaged last year, on ground squirrels.

“Perhaps the squirrels did a public records request,” Donnelly said.

Lawrence said that under the bill, Tiehm’s buckwheat would not be covered under the information restrictions. He stressed the intent is to protect threatened species further and to be clear about what information is and is not available.

“We’re really trying to make clear in statute when we can release confidential information,” he said.

Kyle Roerink, the executive director of the Great Basin Water Network, said that any proposal that could restrict access to public records could create situations in which the public could be “left in the dark as it relates to the official business of an agency or a division.”

“We cannot discount the fact that Assembly Bill 71 could be used one day to conceal information from the public eye without proper justification or consequence,” Roerink said.