

**TESTIMONY ON ASSEMBLY BILL 1**  
**BEFORE THE COMMITTEE ON**  
**NATURAL RESOURCES, AGRICULTURE, AND MINING**  
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Good afternoon. My name is Richard Karpel and I'm the new executive director of the Nevada Press Association. Coincidentally, I'm also the executive director of an organization called the Public Notice Resource Center – a nonprofit organization now based in Nevada that promotes effective public notice.

I'm not representing PNRC today, but I mention my affiliation with the organization to let you know that I've thoroughly studied the issue of public notice in the U.S. You could even say I wrote the book on public notice. That book — “Public Notice: An American Tradition” — was published just last month. Feel free to grab a copy following this hearing.

There are three outcomes that are certain if Assembly Bill 1 passes:

- The citizens of Nevada will know less about environmental regulations proposed by the State Environmental Commission and the local air pollution boards of Clark and Washoe Counties.
- The only people outside of the agencies who will know about the proposals are the lobbyists and other insiders who follow these matters closely.
- The agencies will receive less citizen input about their proposals and it will become easier for them to pass new environmental regulations.

Those are givens.

I suspect the proponents of the legislation think they can eliminate newspaper notices with no harm. That's precisely what the leadership of the environmental agencies in Michigan and Arkansas thought before legislators in those states allowed them to swap newspaper notice for notice on their own obscure websites.

Two years ago in Michigan, the Dept. of Environmental Quality was allowed to run exclusive notice on its website asking for comments on its draft approval of a proposal submitted by Nestle Waters to pump more groundwater from the state's wells. It was on the website for 41 days and nobody noticed it. On the 42<sup>nd</sup> day a reporter for the Grand Rapids Press discovered the notice and wrote about it. The agency received zero comments for the first 41 days. Compare that with the 3,000 comments it received in the three days after the story was published in the Grand Rapids Press. It eventually received over 81,000 comments.<sup>1</sup>

Four years earlier, the Arkansas Department of Environmental Quality approved a permit to allow Cargill and a group of local farmers to build a Concentrated Animal Feeding Operation on the banks of the Buffalo National River.<sup>2</sup> New public notice rules approved by EPA allowed the agency to provide exclusive notice of the permit filing on its website. Although it was posted for 30 days on the website, the agency didn't receive any comments.<sup>3</sup> Citizens in Newton County were astonished when they discovered later that year that a hog farm was being built near their homes.<sup>4</sup> The state ended up spending hundred of thousands of dollars defending the multiple lawsuits that followed.

In both Michigan and Arkansas, the heads of the environmental agencies eventually admitted that the move from newspapers to government websites was a mistake. "I understand the way people feel," the Arkansas director told a local newspaper when she was still heading the agency. "They feel like this happened and nobody knew anything about it."<sup>5</sup>

That public reaction was the predictable result of legislation that, like AB1, gives government agencies the authority to post notices on their websites instead of local newspapers.

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<sup>1</sup> Ellison, "[Public wasn't adequately notified of Nestle water request](#)" *Grand Rapids Press*, Dec. 6, 2016

<sup>2</sup> [Letter from ADEQ Director Teresa Marks to the National Park Service](#), Jan. 3, 2013

<sup>3</sup> Id. pg. 2

<sup>4</sup> David Ramsey, "[Hog farm near the Buffalo River stirs controversy.](#)" *Arkansas Times*, Aug. 15, 2013

<sup>5</sup> See Ramsey above, *Arkansas Times*, Aug. 15, 2013