

**MINUTES OF THE
SENATE COMMITTEE ON NATURAL RESOURCES**

**Seventy-fifth Session
May 5, 2009**

The Senate Committee on Natural Resources was called to order by Chair David R. Parks at 3:48 p.m. on Tuesday, May 5, 2009, in Room 2144 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator David R. Parks, Chair
Senator Allison Copening, Vice Chair
Senator Dean A. Rhoads
Senator Dennis Nolan

COMMITTEE MEMBERS ABSENT:

Senator Bob Coffin (Excused)
Senator Bernice Mathews (Excused)
Senator Mark E. Amodei (Excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Pete Goicoechea, Assembly District 35

STAFF MEMBERS PRESENT:

Randy Stephenson, Committee Counsel
Michelle Van Geel, Committee Policy Analyst
Olivia Lodato, Committee Secretary

OTHERS PRESENT:

Jason King, P.E., Deputy State Engineer, Division of Water Resources, State
Department of Conservation and Natural Resources
Andy Belanger, Senior Management Analyst, Las Vegas Valley Water District,
Southern Nevada Water Authority
Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation

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Kyle Davis, Political and Policy Director, Nevada Conservation League and Education Fund
Pete Anderson, State Forester Firewarden, Division of Forestry, State Department of Conservation and Natural Resources
Steve Walker, Douglas County; Carson City; Incline Village General Improvement District

Chair Parks opened the Committee meeting with the announcement Senators Coffin, Mathews and Amodei were in other meetings. He said there were two bills to be heard and five bills on work session. There was also an item from the Assembly which required a concur or not concur vote.

Michelle Van Geel, Committee Policy Analyst, opened discussion on Senate Bill (S.B.) 109.

SENATE BILL (S.B.) 109 1st Reprint: Deletes the provisions that place each state grazing board within the State Department of Agriculture. (BDR 50-495)

Ms. Van Geel said Assembly Bill Amendment No. 576 added a reporting requirement. It required each state grazing board to report its revenues and expenditures annually to the Director of the Legislative Counsel Bureau. The last date for reporting was set at February 15 of each year.

Senator Rhoads said the bill had to do with the livestock industry. He said there were six grazing boards throughout the State. The grazing boards received a portion of the grazing fees paid to the federal government. The money was generated from private participation, and the State had no involvement. He was not in favor of the amendment.

Senator Nolan said he deferred to Senator Rhoads, who had more knowledge than the rest of the Committee in the livestock industry. He supported his motion to not concur.

SENATOR RHOADS MOVED TO NOT CONCUR WITH AMENDMENT NO. 576 TO S.B. 109.

SENATOR NOLAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks said there were three bills that could be moved off work session. He said he would hold the other two bills, Assembly Bill (A.B.) 15 and A.B. 199, until all the Senators were present.

ASSEMBLY BILL 15 (1st Reprint): Revises provisions governing sterilization requirements for dogs and cats. (BDR 50-203)

ASSEMBLY BILL 199: Revises provisions relating to fights between animals. (BDR 50-717)

Chair Parks opened the discussion on A.B. 73.

ASSEMBLY BILL 73 (1st Reprint): Makes various changes to provisions governing watercraft. (BDR 43-345)

Ms. Van Geel said the bill required an operator of a water vessel that was towing a person on water skis or another device must be at least 16 years old, or at least 14 years old if there was a passenger who was at least 18 years old on the boat (Exhibit C). She said an observer on a boat must be at least 14 years old, or at least 12 years old if a passenger was 18 years old, Exhibit C. The bill also removed the requirement for certain boats to be equipped with an efficient bell or whistle, Exhibit C.

SENATOR COPENING MOVED TO DO PASS A.B. 73.

SENATOR NOLAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks opened discussion on A.B. 377.

ASSEMBLY BILL 377 (1st Reprint): Revises the policy of this State concerning water. (BDR 48-887)

Ms. Van Geel said A.B. 377 declared it was the policy of the State to encourage the State Engineer to use the best available science when making decisions about the availability of ground and surface water resources ([Exhibit D](#)).

Senator Nolan asked who determined the best available science.

Jason King, P.E., Deputy State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources, said the determination of the best available science was up to the State Engineer. He said they did not say the newest science or newest data because sometimes that was not the best science available.

Senator Nolan asked if the U.S. Geological Survey (USGS) made a lot of determinations on the science used for geology and water. He said the Desert Research Institute (DRI) was also involved at looking at new ways to determine the location and how much water was underground. He said those were large entities with many resources. He asked if the State Engineer always made the judgment call as to the best science.

Mr. King said the State Water Engineer respected DRI and USGS. He said even after their studies appeared, these agencies debated their own studies. He said they knew the shortcomings of the studies they were performing. It was the responsibility of the State Engineer and his technical staff to meet with both USGS and DRI if they had competing results.

Senator Nolan said he had a lot of confidence in the State Engineer.

Chair Parks asked if there were any further questions concerning A.B. 377.

SENATOR COPENING MOVED TO DO PASS A.B. 377.

SENATOR RHOADS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks opened the discussion on A.B. 480.

[ASSEMBLY BILL 480 \(2nd Reprint\)](#): Makes various changes relating to fees collected by the State Engineer. (BDR 48-1161)

Ms. Van Geel said A.B. 480 increased the fees for certain applications and permits in the Office of the State Engineer ([Exhibit E](#)). She said it created fees for several new project applications. She added the fees had not been increased since 1989.

SENATOR COPENING MOVED TO DO PASS A.B. 480.

SENATOR NOLAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Parks said he was holding the two other bills from the work session until all the Senators were present. Assemblyman Goicoechea was in the meeting and would present A.B. 416.

[ASSEMBLY BILL 416 \(1st Reprint\)](#): Requires the State Engineer or a person designated by him to conduct an inventory of a basin before approving an application for an interbasin transfer of groundwater under certain circumstances. (BDR 48-732)

Assemblyman Pete Goicoechea, Assembly District 35, said A.B. 416 was a relatively simple bill addressing a need that should have been in statute 20 years ago. He said if it had been in place, there would be an inventory of water basins. The bill required the State Engineer to conduct a study of a basin before allowing an interbasin transfer. He said the language in the Legislation said if a basin had not been noticed for a hearing, then the State Engineer shall require an inventory of the basin. He said A.B. 416 required the State Engineer to estimate the surface and groundwater. He wanted a snapshot in time of the amount of water in a groundwater basin at a specific time. He said they would not be able to measure all the small streams and sources of water. He did not want a three-year study. He said the groundwater study was easier and USGS inventories were in place on groundwater. The bill allowed for 250 acre-feet of water to be excluded from the provisions of A.B. 416. He reiterated the bill stated if an application for an interbasin transfer was requested and the basin

had not been noticed for a hearing, the State Engineer shall conduct a study. The cost of the study cannot exceed the cost of what it would cost the State Engineer to do the study.

Senator Rhoads asked Assemblyman Goicoechea if there were studies available already. He asked if there were 30, 40 or 50 percent of the basins studied.

Assemblyman Goicoechea said in cases where the State Engineer said there was adequate data in place to support the inventory, he could use the existing information. He said that was a decision the State Engineer made. He said many of the basins did not have an adequate studies or measurements. There was not enough information available on the surface water.

Senator Nolan asked Assemblyman Goicoechea about the application process for an interbasin transfer. He asked if it was a lengthy process and if it included proof of ownership of water rights. He asked if beneficial use was required to transfer water between basins. He wondered what was involved in doing an inventory of groundwater. He said water flows were different in different seasons, and he asked if A.B. 416 contemplated those issues.

Assemblyman Goicoechea said A.B. 416 required the inventory be done in a one-year period. He said they were interested in a specific time period for future mitigation. Ten years after approval, it would be possible to return to the basin and determine the water use at the same time of year.

Senator Nolan said the intention of A.B. 416 was to return to the basin where the water was pumped and determine at a later date if the water table was falling or some type of ecological impact had occurred that was not foreseen.

Assemblyman Goicoechea said Senator Nolan was correct. He said the State Engineer already required extensive studies before he approved an interbasin transfer. He said the bill would provide a snapshot in time of the available water when a transfer was requested. He said there were a number of basins not fully appropriated in Nevada. Assemblyman Goicoechea said application could be made and the beneficial use on the application would be an interbasin transfer. He said the State Engineer could then conduct an inventory of the basin.

Chair Parks asked about the 250 acre-feet of groundwater. He asked how the number was determined.

Assemblyman Goicoechea said it was a small enough number an exemption should be granted. He said 250 acre-feet of water was not enough water to irrigate 80 acres.

Chair Parks said the bill was strictly posteffective as opposed to any applications already requested.

Assemblyman Goicoechea said the act did not apply to an application for an interbasin transfer of groundwater for which a notice of hearing has been issued before July 1.

Chair Parks asked for further testimony on A.B. 416.

Andy Belanger, Senior Management Analyst, Las Vegas Valley Water District, Southern Nevada Water Authority, said he supported A.B. 416. He said the Southern Nevada Water Authority worked with Assemblyman Goicoechea on the language in the bill. His organization did inventories for their projects before they made applications for interbasin transfers. He said Snake Valley, the basin which straddled the border between Nevada and Utah, required a \$6 million USGS study characterizing that basin as well as the surrounding hydrographic basins. He supported inventories and studies of basins. He said Southern Nevada Water Authority was willing to comply with the provisions of the statute.

Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation, said he supported the bill. He said the Nevada Farm Bureau Federation's policy supported inventories and studies. He said they viewed it as a protection for existing water-right owners in a particular area. He said the inventory recommended by A.B. 416 worked to accomplish their goals.

Kyle Davis, Political and Policy Director, Nevada Conservation League and Education Fund, said they supported A.B. 416.

Mr. King said he worked with Assemblyman Goicoechea and the other interested parties on the language in the bill. He said his office was neutral on A.B. 416.

Chair Parks closed the hearing on A.B. 416 and opened the hearing on A.B. 75.

ASSEMBLY BILL 75 (1st Reprint): Requires the State Forester Firewarden to submit annual reports concerning fire prevention and forest health in the Nevada portion of the Lake Tahoe Basin to certain persons and entities. (BDR 47-439)

Pete Anderson, State Forester Firewarden, Division of Forestry, State Department of Conservation and Natural Resources, referenced the Angora Fire, which occurred in June 2007. He said the fire destroyed 250 homes and blackened over 3,100 acres of forested land, and thousands of people were evacuated ([Exhibit F](#)). He said Governor Gibbons and Governor Schwarzenegger established the California-Nevada Tahoe Basin Fire Commission after the fire to review the laws, practices and policies affecting the vulnerability of the Tahoe Basin to wildfires, [Exhibit F](#).

Mr. Anderson said A.B. 75 was the result of the findings by the Commission. The bill required the State Forester Firewarden to submit annual reports concerning fire prevention and forest health in the Nevada portion of the Lake Tahoe Basin, [Exhibit F](#), to the Governor, the Legislature, and the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency. He said the Marlette Lake Water System, the Nevada Congressional Delegation and the Tahoe Regional Planning Agency also received the annual report, [Exhibit F](#). Mr. Anderson said it was imperative proactive efforts on multiple forestry and wildfire management issues were continued. He said passage of the bill enhanced the public safety of Lake Tahoe Basin residents and visitors, [Exhibit F](#).

Senator Copenig asked about the bill's effect on the State.

Mr. Anderson said the fiscal impact on the Firewarden was for compiling the data, developing the report and producing the publication annually. He said there was also a small fiscal impact associated with printing the document. He said everything else would be done with his staff.

Chair Parks said the Angora Fire was a horrible fire of major proportion. He asked if there was discussion of a sunset on the report required in A.B. 75. He said every year bills passed that required reports be generated, and then the reports continued beyond their useful lives.

Mr. Anderson said there was no discussion of a sunset on the bill. He said in the future the ecology of the Basin forest might reach a status where the report was no longer needed. He said in the short term it was important to continue with the reports.

Steve Walker, Douglas County; Carson City; Incline Village General Improvement District, said the counties were in support of a report on fire management practices that they could review each year.

Chair Parks asked Mr. Anderson about the costs for his office to generate the report. He asked about the number of man-hours involved.

Mr. Anderson said it was not a burden. He said they integrated effectively with all the parties within the jurisdiction in the Basin. He said it was an exercise of compiling existing data from different jurisdictions.

Chair Parks asked for anyone else who wanted to speak in favor or opposition to A.B. 75. He closed the hearing on the bill. He asked for public comment. As there was none, he adjourned the meeting at 4:22 p.m.

RESPECTFULLY SUBMITTED:

Olivia Lodato,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____