

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON NATURAL RESOURCES, AGRICULTURE, AND
MINING**

**Seventy-Sixth Session
March 15, 2011**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Maggie Carlton at 1:35 p.m. on Tuesday, March 15, 2011, in Room 3161 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/76th2011/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Maggie Carlton, Chair
Assemblyman Joseph M. Hogan, Vice Chair
Assemblyman Paul Aizley
Assemblyman Elliot T. Anderson
Assemblyman David P. Bobzien
Assemblywoman Irene Bustamante Adams
Assemblyman John Ellison
Assemblyman Ed A. Goedhart
Assemblyman Ira Hansen
Assemblyman Kelly Kite
Assemblyman Pete Livermore
Assemblyman Harvey J. Munford
Assemblywoman Peggy Pierce

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Amelie Welden, Committee Policy Analyst
Judith Coolbaugh, Committee Secretary
Sherwood Howard, Committee Assistant

OTHERS PRESENT:

Darrell Lacy, Director, Community Development, Nye County
John Wagner, State Chairman, Independent American Party
Kyle Davis, representing the Nevada Conservation League
Nancy Scott, representing the League of Women Voters of Nevada
Patrick T. Sanderson, Private Citizen, Carson City, Nevada

Chair Carlton:

[There was no roll call. The Chair reminded Committee members, witnesses, and members of the audience of Committee rules and protocol.] I am opening the hearing on Assembly Joint Resolution 5.

Assembly Joint Resolution 5: Urges the Federal Government to engage in discussions regarding the mitigation of water contamination in Nevada which resulted from certain nuclear activities that were conducted in this State by the Federal Government. (BDR R-895)

Assemblyman Edwin (Ed) A. Goedhart, Assembly District No. 36:

I came here today to urge your support for A.J.R. 5. This resolution is a joint resolution urging the federal government to engage in discussions with the State of Nevada and Nye County regarding the mitigation of water contamination in Nevada which resulted from nuclear activities that were conducted in the Nevada Test Site (now called Nevada National Security Site) which I will refer to [as] NNSS. The NNSS is wholly contained within the Nye County borders. [Assemblyman Goedhart continued to read from prepared testimony ([Exhibit C](#)). Supplemental dialogue and information has been included where appropriate. The figures given in Assemblyman Goedhart's testimony are shown in the *Nye County Water Resources Plan* ([Exhibit D](#)).] I would like to introduce Darrell Lacy who has worked with Nye County and on its behalf in regard to the nuclear waste issues.

Darrell Lacy, Director, Community Development, Nye County:

As stated in the Resolution, Nye County has almost 98 percent of its land area controlled by various federal agencies. The Nevada National Security Site has approximately 1,360 square miles withdrawn from public access for use in the weapons testing program and related national security activities. [Mr. Lacy

continued to read from prepared testimony ([Exhibit E](#)). Supplemental dialogue and information has been added where it is appropriate. Mr. Lacy also submitted a report entitled *Nye County Perspective* ([Exhibit F](#)).]

Chair Carlton:

Thank you. Is there anyone else you would like to call to testify?

Assemblyman Goedhart:

No, we are going to keep it short and simple.

Chair Carlton:

Are there any questions?

Assemblyman Hansen:

In today's dollars, what is the value of the water?

Assemblyman Goedhart:

In 2004, the fair market value of the water rights in the Amargosa Desert was \$675 per acre-foot, and in the Pahrump Valley, it was \$7,000 per acre-foot. That average is \$3,800 per acre-foot. The total value of the groundwater resource was estimated to be \$18 billion. [See [Exhibit D](#).] You can come up with a lot of different figures. The amount could be a one-time payment, or it could be the amount necessary to purchase the water rights. Needless to say, it is in the billions of dollars. Mr. Lacy has indicated that Nye County was developing a long-range master plan which showed unappropriated water in areas adjacent to the NNSS. Applications made for that water resource were turned down because people were concerned. They were fearful, that in pumping the water up from the aquifers, the gradient of decline would increase which would further accelerate the movement of the contaminated water off the NNSS. Even now, as we move forward with green energy projects, there is still a need for water. Water is a scarce resource in southern Nevada, so having a large chunk of it contaminated is a serious problem.

Assemblyman Hansen:

Currently, it is not possible to clean the water, so it is unusable. If the federal government were to mitigate the damage with a monetary settlement, how much revenue would the state receive?

Assemblyman Goedhart:

The amount would be large. However, the intent of this bill is not to put a dollar value on the water loss. It is designed to raise awareness of the inequity that is being perpetuated on Nevada by the federal government. It is especially damaging to Nye County. I am not sure if the water can ever be

cleaned, but technology does evolve and continues to improve. Many of the short-life radionuclides in the water have already started to diminish. The problematic ones are plutonium and uranium which have extremely long half-lives. Even though our problem is of huge magnitude, we continue to be at the bottom of the federal government's priority list. This resolution will build awareness and support and put pressure on the federal government to remediate the problem.

Assemblyman Hansen:

The federal government forced BP, a private sector company, to pay \$20 billion for the Gulf of Mexico oil spill cleanup. When it comes to damage the federal agencies have caused here, which is equal to or of worse harm to this state, there is no mitigation.

Assemblyman Hogan:

What are the state's options other than cash payments? I am concerned about adjacent lands that may have uncontaminated aquifers. Would opening up access to other uncontaminated water supplies provide some relief?

Darrell Lacy:

We provided a copy of the 2004 *Nye County Water Resources Plan*—for the record—which does outline some of those issues. [See [Exhibit D](#).] In general, there are few other water sources available, and all of the other local basins are already over allocated. There may be other areas in the county where water might be available, but it would be very expensive to transfer the water into the area. Adjacent to the test site, there is a source of unallocated water that has never been adjudicated by the state engineer to determine whether or not the amounts of water shown in studies are actually there. The water rights to these uncommitted water sources are currently being contested by the U.S. Department of Energy (DOE), the U.S. Fish and Wildlife Service, and other federal agencies. These uncommitted water sources are in limbo until the adjudication process is finalized.

Chair Carlton:

I have a question on page 2, lines 39 through 44. What would this resolution do to enhance the discussions that are currently going on? What kind of edge would this give the state in those discussions?

Assemblyman Goedhart:

It is important to have the Assembly, Senate, and Governor acknowledge support for this resolution. Currently, the ongoing discussions are not about mitigation, settlement, or cleanup. Their purpose is to quantify how fast and how far the plume of contaminated water is moving and to identify the direction

of movement. This bill will help focus attention on this issue. Sometimes to come to a resolution, you have to increase public awareness of the problem. It will build support for a solution.

Chair Carlton:

The current discussions are based on tracking the water's movement and developing scientific data. Would this resolution take the issue to the next level, which is compensation and mitigation?

Darrell Lacy:

Yes, that is the long-term objective of the bill. In the short-term, more money is needed to determine the extent of the problem and what direction the water flow is moving. It will also determine how soon the water will be off the NNSS and into areas that may put the public at risk. Some work is being done in these areas right now. Through its Environmental Management program, the DOE spent \$65 million from its last year's budget at the test site. Probably one third of those funds went toward the water characterization program. The rest went for building cleanup. We are asking that a higher priority be placed on the NNSS and other local area water resources.

Chair Carlton:

Are there any other questions?

Assemblyman Kite:

I have been involved with water disputes in northern Nevada for a number of years. The Southern Nevada Water Authority (SNWA) suggested the development of desalination plants in southern California. If settlement funds are provided, will that money go into desalination plants since we cannot replace or clean up the contaminated water? Is that a possibility?

Assemblyman Goedhart:

You have a point which should be looked at. If the federal government determines they have contaminated this water resource and cannot clean it up, the question becomes how they are going to replace this water resource. A way to replace the water resource would be to consider building desalination plants. Ms. Mulroy from SNWA identified the best site for a plant is in Baja, California. Fresh water could be brought into southern Nevada to supplant their water, so we could take more water out of Lake Mead. That scenario would go a long way toward compensating Nevada for the water resources that the federal government destroyed by nuclear testing.

Assemblyman Aizley:

Has the contaminated water spread into the Amargosa River or into the pup fish area?

Assemblyman Goedhart:

Currently, a series of wells have been drilled to estimate the flows of the contaminated water plumes. Almost everyone is in agreement that there is a widespread movement of water coming from the test site. However, you still need to be concerned about fast-flow channels. North of Beatty is the area of most immediate concern. It is an area where water has already flowed off the borders of the test site, but currently it has not contaminated wells used for public drinking water.

This whole area is part of the Death Valley regional groundwater flow model. It is an area that encompasses about 18,000 square miles, and it has complex geology. The water goes to the Oasis Valley on the Amargosa River, and then it passes through the narrows outside of Beatty. The water does migrate into the Amargosa Valley. If we look at geological time instead of human time, these radionuclides will probably end up in Death Valley because it is the sink for the entire region.

Right now, on a short-term basis, we do not see any negative impact on the drilled wells in the area. The DOE annually tests the public's water sources. [Assemblyman Goedhart also submitted, for the record, a transcript of a court case which resulted in a *Compliance Order on Consent* ([Exhibit G](#)). It was between the state of New Mexico and the DOE regarding the radionuclide contamination of water by the Los Alamos National Laboratory.]

Chair Carlton:

Are there any other questions? [There were none.] We do have some other people signed in to testify.

John Wagner, State Chairman, Independent American Party:

My testimony is very brief. The federal government caused the problem, so they should help take care of the problem.

Kyle Davis, representing the Nevada Conservation League:

We are in support of the resolution. The contamination of the water has created a significant environmental problem. We have concerns about the impact it will have on other water resources, including water that is available for wildlife. We would be in favor of adding language that addresses containment and decontamination in addition to mitigation.

Nancy Scott, representing the League of Women Voters of Nevada:

One of our organization's positions is to protect the clean water of this state. We are in support of this resolution.

Patrick T. Sanderson, Private Citizen, Carson City, Nevada:

I had family that worked on the test site in the 1950s and 1960s. I helped build the Tonopah Test Range starting in 1972. At that time, we were told the largest underground river in the United States ran through the test site. I am definitely in support of this resolution. If you do not start someplace, you will never get anywhere. Whatever we can do to address this problem, we should do since water is the most important issue in the state. I am glad to see that a bill is finally coming forward to put pressure on the federal government. Alaska got its problems resolved with the federal government because its congressional delegation put pressure on them.

Chair Carlton:

Is anyone in opposition? [There was no one.] Is there anyone who is neutral on the bill? [There was no one.] Is there any other public comment? [There was none.] I am closing the hearing on A.J.R. 5, and it will be on our next work session.

This meeting is adjourned [at 2:02 p.m.].

RESPECTFULLY SUBMITTED:

Judith Coolbaugh
Committee Secretary

APPROVED BY:

Assemblywoman Maggie Carlton, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Natural Resources, Agriculture, and Mining

Date: March 15, 2011

Time of Meeting: 1:35 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.J.R. 5	C	Assemblyman Goedhart	Testimony
A.J.R. 5	D	Assemblyman Goedhart	<i>Nye County Water Resources Plan</i>
A.J.R. 5	E	Darrell Lacy	Testimony
A.J.R. 5	F	Darrell Lacy	<i>Nye County Perspective</i>
A.J.R. 5	G	Assemblyman Goedhart	<i>Compliance Order on Consent</i>