

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

**Seventy-Seventh Session
April 25, 2013**

The Senate Committee on Natural Resources was called to order by Chair Aaron D. Ford at 1:31 p.m. on Thursday, April 25, 2013, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, 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 Aaron D. Ford, Chair
Senator Mark A. Manendo, Vice Chair
Senator Tick Segerblom
Senator James A. Settelmeyer
Senator Pete Goicoechea

GUEST LEGISLATORS PRESENT:

Assemblywoman Irene Bustamante Adams, Assembly District No. 42

STAFF MEMBERS PRESENT:

Michael J. Stewart, Policy Analyst
Brenda Erdoes, Counsel
Lynn Berry, Committee Secretary

OTHERS PRESENT:

Richard L. Haskins II, Deputy Director, Department of Wildlife
Bruno Bowles, Southern Nevada Water Authority
James L. Wadhams, Las Vegas Convention and Visitors Authority
Elmer Bull, Administrator, Habitat Division, Department of Wildlife
Jason King, P.E., State Engineer, Division of Water Resources, State
Department of Conservation and Natural Resources

Chair Ford:

We will be hearing Assembly Bill (A.B.) 128 today. I will open the hearing on A.B. 128.

ASSEMBLY BILL 128 (1st Reprint): Exempts a person from the payment of a fee for the management of aquatic invasive species under certain circumstances. (BDR 43-809)

Assemblywoman Irene Bustamante Adams (Assembly District No. 42):

I worked last Session with the Department of Wildlife (NDOW) to pass A.B. No. 167 of the 76th Session, which was an aquatic invasive species bill. The purpose of A.B. No. 167 of the 76th Session was to protect Nevada's waters from further infestation. The infestation of waters came through the movement of contaminated trailered watercraft from state to state. Last Session we worked on the framework for the program. I have provided you a summary and overview in my handout ([Exhibit C](#)).

Richard Haskins II (Deputy Director, Department of Wildlife):

Last Session the Legislature provided us with the authority to establish the aquatic invasive species program. We have passed regulations addressing invasive species through the Board of Wildlife Commissioners. We have established a framework for the collection of an aquatic invasive species decal fee. We are monitoring waters to follow the spread of aquatic invasive species and take corrective action if necessary.

We are putting in place an information and education program to make people aware of their responsibility to clean, drain and dry their boats and of the aquatic invasive species decal.

California and Arizona share water borders with Nevada. In order for Nevada to have reciprocity with these states, we need additional authority. The other states have robust aquatic invasive species programs. The aquatic invasive species is a local, regional and national issue.

The boaters that come from those states are paying for an aquatic invasive program via some mechanism, such as a legislative appropriation or a boat registration. We are seeking the ability, only on the shared waters, to recognize their programs and waive the responsibility of boaters to purchase a separate nonresident decal from Nevada.

Senator Goicoechea:

Can you be a California boater in Topaz and a Nevada resident?

Mr. Haskins:

Yes. The liability we are discussing is for nonresident boaters. Currently, when California boaters on Topaz Lake cross the Nevada boundary, they are required to have a Nevada aquatic invasive species decal. When our laws are similar to the other states enforcement can be shared. If our laws are different, we can enforce only on the Nevada side. This legislation will clear this up.

Senator Goicoechea:

How will you capture the boater whose boat comes out wet and undrained and then goes to the other side and leaves?

Mr. Haskins:

There are always people who will play games. The first few years we will be doing a soft rollout, focusing on education, not writing tickets. If, in the future, we are aware of someone trying to beat the system, the warden could observe where he or she is boating and issue a citation. That is not our intent at this time.

Bruno Bowles (Southern Nevada Water Authority):

We support A.B. 128. We agree with reciprocity. Joining other states indicates the regionalism of this problem. Aquatic invasive species are damaging to the environment. The water authority has spent millions of dollars working on the quagga mussels infestation in Lake Mead. This bill will help stop the spread of these mussels and educate boaters regarding the devastating economic and ecological impact. Additional information is in the handout ([Exhibit D](#)).

Chair Ford:

I will note for the record that Kyle Davis, Nevada Conservation League, is in support of A.B. 128.

James L. Wadhams (Las Vegas Convention and Visitors Authority):

I am here on behalf of the Las Vegas Convention and Visitors Authority. We are neutral on this bill. Our concern is the accessibility to the required decals, especially for the 33 percent of visitors to Laughlin who come from California. The visitors to that area would not be exempt.

The NDOW is working on an outreach program to inform people that either the decal or the authorization for the decal would be legal. This can be done by Internet or telephone. This will help avoid deterrence of visitor traffic coming into the Laughlin area.

We are not opposed to the intent of the bill; we want to make sure there is accessibility to obtain the decal. We had proposed an amendment, but it may not be needed. We compliment the agency and sponsor for working with us on this issue.

Assemblywoman Bustamante Adams:

When A.B. 123 first came out, we were contacted by the Laughlin Nevada Chamber of Commerce about the same issue of the accessibility of the decal. We communicated our commitment for the soft rollout and to educate people as much as possible. We want to work together to ensure boaters are aware and to keep boating strong in Nevada. That is still our commitment.

Mr. Haskins:

The decals are available over the Internet, by phone or at the NDOW office. The decal will be mailed to you. There is a place on the registration card for the decal number in case you are unable to get the actual decal. The card will be proof that a visitor has purchased the decal should he or she be stopped by a warden.

Chair Ford:

Are you withdrawing the amendment?

Mr. Wadhams:

Yes, we are. The issue is being addressed.

Chair Ford:

I will close the hearing on A.B. 128 and open the hearing on A.B. 483.

ASSEMBLY BILL 483: Limits the amount of the fees that the State Engineer may charge and collect for certain applications to appropriate water for wildlife purposes submitted by the Department of Wildlife. (BDR S-745)

Elmer Bull (Administrator, Habitat Division, Department of Wildlife):

The NDOW administers a number of wildlife management areas throughout the State. A wildlife management area is a large tract of land that is either owned by NDOW or managed through an agreement with an entity that owns the property for the benefit of the wildlife in those areas, as well as the visiting public.

This bill is specific to the Humboldt Wildlife Management Area. It is managed primarily for the wetland values present when water supplies make it to that area. In 1975, NDOW filed four applications with the State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources, to protect the drain and flood flows that enter the Humboldt Sink. The flows come down the Humboldt River through a canal system that runs through farm areas in the Lovelock valley. This water is what is left after other users have had the opportunity to use what they need. This water is important to the wetland habitat and the species that live there. The applications were to protect the water so that no other party could file an application and transport the water elsewhere.

These applications were protested by a few parties on the Humboldt River system. Due to a large workload at the State Engineer's office, no hearings were scheduled regarding the protests or applications until 1988. In March 1989, the State Engineer overruled the protests and allowed the applications to move forward.

In 1975, the fees for applications were \$25, for a total of \$100 for the four applications. Since then, formulas and assessment rates changed multiple times and the fee escalated to \$387,500. This exceeded NDOW's ability to pay.

The State Engineer was going through old records and found our applications from 38 years ago. They asked NDOW if they were still interested in the water rights. We indicated we were but could not pay the current fees. We are seeking relief from the \$387,500. Assembly Bill 483 proposes a fee of \$1,000 per application for a total of \$4,000. The State Engineer is in agreement with the proposed fees. Additional information is in my written testimony ([Exhibit E](#)).

Senator Goicoechea:

Will there be language in statute saying the NDOW's fees would be \$1,000 for other water applications, or is this very specific to this issue?

Jason King, P.E. (State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources):

This will not go into statute. It would be something the Legislature agrees on which is enough for the permits to be signed.

Brenda Erdoes (Counsel):

The concept for A.B. 483 is for older applications, not current or future ones. This has the force and effect of law for the time period it takes to process the older applications. We were told this should be a relatively short time period; therefore, we did not put it into the *Nevada Revised Statutes*.

Senator Goicoechea:

Are there any other applications pending?

Mr. King:

This bill is specific only to the four applications filed in 1975.

Senator Settlemeyer:

We are speaking about one agency paying another agency, a bookkeeping issue. If I had known about the increase of fees, I might have voted no on a previous bill.

Mr. King:

There was no fee for wildlife in 1975. It fell under the category of storage for a flat \$25 fee. Between 1975 and 1989, the fee structure was changed to \$50 per cubic feet per second. The fee went up because a lot of water flows through the Humboldt area. Our office agrees this is a reasonable one-time waiver of these fees. The NDOW is a sister resource agency. The Humboldt Wildlife Management Area is an asset of the State. We feel this is a reasonable compromise.

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Chair Ford:

I will close the hearing on A.B. 483. There being no further business, the Senate Committee on Natural Resources is adjourned at 1:57 p.m.

RESPECTFULLY SUBMITTED:

Lynn Berry,
Committee Secretary

APPROVED BY:

Senator Aaron D. Ford, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	2		Attendance Roster
A.B. 128	C	3	Assemblywoman Irene Bustamante Adams	Overview of A.B. 128
A.B. 128	D	4	Bruno Bowles	Talking Points on A.B. 128
A.B. 483	E	1	Elmer Bull	Presentation