

Amendment No. 120

Senate Amendment to Senate Bill No. 499	(BDR 47-492)
Proposed by: Senate Committee on Natural Resources	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

JFD/EGO



Date: 4/22/2017

S.B. No. 499—Revises provisions relating to forestry. (BDR 47-492)



SENATE BILL NO. 499—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
FOR THE REVIEW AND OVERSIGHT OF THE
TAHOE REGIONAL PLANNING AGENCY AND
THE MARLETTE LAKE WATER SYSTEM)

MARCH 27, 2017

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to forestry. (BDR 47-492)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to forestry; revising provisions governing ~~variances for certain~~
logging and related activities ; ~~near bodies of water;~~ and providing
other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes minimum standards for forest practices and procedural requirements with which timber owners and operators are required to comply when conducting logging operations. (NRS 528.010-528.090) For purposes of the applicability of these standards and requirements, sections 1.3 and 1.7 of this bill define "logging operation" and "timber owner."

Existing law prohibits certain activities, including the felling of trees, from occurring within 200 feet from a body of water unless a variance is obtained from a committee consisting of the State Forester Firewarden, the Director of the Department of Wildlife and the State Engineer. (NRS 528.053) This bill clarifies that the requirement for obtaining a variance only applies to a logging operation. ~~and does not apply to certain activities related to the prevention or reduction of the impact of a wildfire on a building or structure.~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 528 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. *"Logging operation" means the ~~felling~~ commercial harvesting of trees ~~and the carrying, dragging or otherwise conveying of the logs to a site for~~ by a timber owner or the agent of a timber owner by felling, skidding, forwarding or yarding, onsite processing and loading of trees or logs onto trucks.*

~~{The term does not include the cutting or felling of trees within the immediate vicinity of a building or other structure to prevent or reduce the impact of a wildfire on the building or structure.}~~

Sec. 1.7. "Timber owner" means a person or entity who owns a tree-dominated landscape which is naturally capable of supporting adequately stocked stands of native trees in perpetuity, and is not otherwise devoted to nonforestry commercial or urban uses.

Sec. 2. NRS 528.010 is hereby amended to read as follows:

528.010 NRS 528.010 to 528.090, inclusive, ~~and section 1.7~~ sections 1.3 and 1.7 of this act may be cited as the Nevada Forest Practice Act of 1955.

Sec. 3. NRS 528.012 is hereby amended to read as follows:

528.012 As used in this chapter, unless the context otherwise requires, the terms defined in NRS 528.013 to 528.027, inclusive, ~~and section 1.7~~ sections 1.3 and 1.7 of this act have the meanings ascribed to them in such sections.

Sec. 4. NRS 528.053 is hereby amended to read as follows:

528.053 1. No felling of trees, skidding, rigging or construction of tractor or truck roads or landings, or the operation of such vehicles, may take place during a logging operation within 200 feet, measured on the slope, of the high-water mark of any lake, reservoir, stream or other body of water unless a variance is first obtained from a committee composed of the State Forester Firewarden, the Director of the Department of Wildlife and the State Engineer.

2. The committee may grant a variance authorizing any of the activities prohibited by subsection 1 within a 200-foot buffer area if the committee determines that the goals of conserving forest resources and achieving forest regeneration, preserving watersheds, reaching or maintaining water quality standards adopted by federal and state law, continuing water flows, preserving and providing for the propagation of fish life and stream habitat and preventing significant soil erosion will not be compromised.

3. In acting on a request for such variances, the committee shall consider the following factors:

(a) The extent to which such requested activity is consistent with good forestry management for the harvesting of timber;

(b) The extent to which such requested activity significantly impedes or interrupts the natural volume and flow of water;

(c) The extent to which such requested activity significantly affects a continuation of the natural quality of the water pursuant to state and federal water quality standards;

(d) The extent to which such requested activity is consistent with the prevention of significant soil erosion;

(e) The extent to which such requested activity may significantly obstruct fish passage, cause sedimentation in fish spawning areas, infringe on feeding and nursing areas and cause variations of water temperatures; and

(f) The filtration of sediment-laden water as a consequence of timber harvesting on adjacent slopes.

Sec. 4.3. NRS 528.070 is hereby amended to read as follows:

528.070 The fire prevention and suppression practices of every timber owner or operator conducting logging operations in this State shall conform to the following:

1. All such timber owners or operators shall fell all snags over 20 feet in height which are 16 inches d.b.h. or larger concurrently with the felling of live merchantable timber on forest lands in this State. However, in salvaging fire-killed or insect-killed timber where the average number of snags, after logging, will be

greater than four per acre, the timber owner or operator shall dispose of only an average of four snags per acre.

2. All limbs from unutilized portions of trees and reproduction, felled or knocked down by logging or construction, within 100 feet of the traveled surface of any public road and main logging roads shall be lopped and scattered currently in the course of operations. In areas where a timber owner or operator chooses to pile and burn lopped slash, the slash shall be piled and burned where the burning will not damage residual trees or reproduction. The piled slash shall be burned at a safe time as determined by the State Forester Firewarden. Piles that fail to burn clean shall be repiled and burned. All reasonable precautions shall be taken to confine such burning to the piled slash.

Sec. 4.5. NRS 528.080 is hereby amended to read as follows:

528.080 1. Every timber owner or operator operating during the fire season shall have a fire protection organization and program for the prevention and suppression of fires on operating areas. The timber owner or operator shall make immediate and continuing attack on all forest fires occurring in his or her operating area and upon adjacent lands owned or controlled by the operator, employing his or her normal logging crew and equipment to the extent necessary to suppress such fires, and he or she shall observe the following practices:

(a) Perform loading, equipment servicing, welding and other hazardous operations over bare ground that extends at least 10 feet on all sides from such operations.

(b) Obtain permits for blasting from the local forest officer, as required by law. A worker shall remain on the scene for at least 1 hour following any blasting.

(c) Each year the timber owner or operator shall give written notice to the State Forester Firewarden of the timber owner's or operator's intent to commence logging operations on a specified area, prior to the commencement of operations. The State Forester Firewarden shall then furnish a standard fire plan form which the operator shall fill out and return to the State Forester Firewarden not later than 10 days prior to commencement of operations.

2. The fire plan shall be observed and shall include at least the following:

(a) Names of all personnel having responsibility in fire suppression, indicating their duties and line of authority.

(b) Location and number of persons ordinarily available for fire fighting.

(c) Arrangement for receiving reports of fires at any and all times during the dry season, and arrangement for summoning the crew both on and off shift.

(d) Lists showing the type, number and location of tools and equipment reserved for use only on fires, and, also, those units of regular operating equipment that may be used for fire fighting.

(e) Legal description of logging area.

3. The State Forester Firewarden may promulgate such additional reasonable rules and regulations as he or she may deem necessary.

Sec. 4.7. NRS 528.082 is hereby amended to read as follows:

528.082 1. Any ~~person, firm, partnership, association or corporation owning timberland which~~ timber owner whose timberland is to be devoted to any use other than the growing of timber shall file an application for a timberland conversion certificate with the State Forester Firewarden.

2. Such application shall be on a form prescribed by the State Forester Firewarden and shall include the following information:

(a) The name of the ~~timberland owner of record~~ timber owner and his or her address.

(b) The legal description of the land to be converted.

(c) The approximate number of acres to be converted.

1 **Sec. 5.** NRS 528.090 is hereby amended to read as follows:
2 528.090 Any person who violates any of the provisions of NRS 528.010 to
3 528.090, inclusive, ~~and *section 4*~~ sections 1.3 and 1.7 of this act or any of the
4 rules or regulations made under the authority of NRS 528.010 to 528.090, inclusive,
5 ~~and *section 4*~~ sections 1.3 and 1.7 of this act is guilty of a misdemeanor.

6 **Sec. 6.** This act becomes effective on July 1, 2017.