

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

**Seventy-Ninth Session
February 7, 2017**

The joint meeting of the Assembly Committee on Natural Resources, Agriculture, and Mining and the Senate Committee on Natural Resources was called to order by Chair Heidi Swank at 2:04 p.m. on Tuesday, February 7, 2017, in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, 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/App/NELIS/REL/79th2017.

ASSEMBLY COMMITTEE MEMBERS PRESENT:

Assemblywoman Heidi Swank, Chair
Assemblywoman Lesley E. Cohen, Vice Chair
Assemblyman Chris Brooks
Assemblywoman Maggie Carlton
Assemblyman John Ellison
Assemblywoman Sandra Jauregui
Assemblywoman Lisa Krasner
Assemblywoman Robin L. Titus
Assemblyman Justin Watkins
Assemblyman Jim Wheeler
Assemblyman Steve Yeager

SENATE COMMITTEE MEMBERS PRESENT:

Senator Yvanna D. Cancela, Chair
Senator Mark A. Manendo, Vice Chair
Senator Pete Goicoechea
Senator Julia Ratti
Senator James A. Settelmeyer



COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Susan E. Scholley, Committee Policy Analyst
Randy Stephenson, Committee Counsel
Nancy Davis, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Bradley R. Crowell, Director, State Department of Conservation and Natural Resources
Jason King, P.E., State Engineer and Administrator, Office of the State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources
Eric M. Johnson, Administrator, Division of State Parks, State Department of Conservation and Natural Resources
Greg Lovato, Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources
Charlie Donohue, Administrator and State Lands Registrar, Division of State Lands, State Department of Conservation and Natural Resources
Joe Freeland, State Forester Firewarden, Division of Forestry, State Department of Conservation and Natural Resources
Rebecca Lynn Palmer, State Historic Preservation Officer, Administrator, Office of Historic Preservation, State Department of Conservation and Natural Resources
James Lawrence, Deputy Director, Office of the Director, State Department of Conservation and Natural Resources
Kristin Szabo, Administrator, Nevada Natural Heritage Program, State Department of Conservation and Natural Resources
John Bosta, Private Citizen, Amargosa Valley, Nevada
Wade Hinden, Private Citizen, Pahrump, Nevada

Chair Swank:

[Roll was called. Committee protocol was reviewed.] Welcome everyone to the first joint meeting of the Senate Committee on Natural Resources and the Assembly Committee on Natural Resources, Agriculture, and Mining. Today we have presentations of the programs and activities of the State Department of Conservation and Natural Resources. I apologize members; we are on a tight timeline. Several members need to get to other meetings, and this room will be used by another committee. We will need to conclude this meeting by 3:30 p.m. Bradley Crowell will begin the presentation.

Bradley R. Crowell, Director, State Department of Conservation and Natural Resources:

To begin, I would like to give a broad sense of the State Department of Conservation and Natural Resources (DCNR) ([Exhibit C](#)). The DNCR has a far-reaching mission that reflects the importance of Nevada's abundant and unique natural and cultural resources—from managing our state's precious water resources, to protecting the air we breathe and the water we drink, to responsibly managing our state lands and beyond.

We are constantly looking for ways to enhance our stewardship with Nevada's natural resources in every part of our state and to provide the highest level of service to the residents of Nevada, our out-of-state visitors, and our overseas visitors.

As we advance the mission of DCNR, we are constantly focused on achieving Nevada-based solutions that work for all Nevadans. These principles are applied to each of DCNR's 7 core programs and 11 boards and councils under the Department's purview. In addition to these core missions, DCNR is also responsible for spearheading multiple special initiatives established under Governor Sandoval's leadership.

The Department is currently home to four initiatives established under Governor Sandoval. First is the Sagebrush Ecosystem Program, which has focused on sage grouse most recently, but provides a framework for engagement on other sensitive sagebrush ecosystem-related issues. You will hear more about that in the presentations today. Next is the drought initiative, which resulted from the 2015 Nevada Drought Forum that the Governor convened. Third is the Commission on Off-Highway Vehicles (OHV) that focuses on registration and other issues with the benefit of the OHV community and the communities and stakeholders associated with OHVs. Finally, the Explore Your Nevada initiative, which was announced by the Governor at his State of the State Address, will enhance our parks system across the state and will establish two exciting new elements: the Walker River State Recreation area and the Tule Springs State Park. You will hear more about that in the presentation when I conclude my remarks.

These efforts recognize DCNR's strong track record of successfully working with a broad spectrum of stakeholders and coordinating with other state agencies to find solutions that work for Nevada. I appreciate this Committee's attention and input on the Department's activities as we go through the legislative session.

**Jason King, P.E., State Engineer and Administrator, Office of the State Engineer,
Division of Water Resources, State Department of Conservation and Natural
Resources:**

It is a pleasure for me to be here to give you an overview of our agency. I will be brief because I will be back in front of this joint meeting a week from today to talk again about our agency, about water law, and some of the bills that are going to be before these Committees this session. You will hear me talk about the Division of Water Resources and the State Engineer's Office; they are one and the same. We are a regulatory agency. Our main office is in Carson City; however, we do have offices in Las Vegas, Elko, and Winnemucca. The mission of the Division of Water Resources is: "Conserve, protect, manage and enhance the state's water resources for Nevada's citizens through the appropriation and reallocation of public waters" [page 4, ([Exhibit C](#))].

Some of the things we do in furtherance of that mission are to issue water rights for all beneficial uses in the state with the exception of domestic wells, which we will hear a lot about this session. We perform a variety of field work throughout the state. We conduct crop and pumpage inventories, we measure depths to water in over 2,000 wells statewide. We gather stream and spring flow rates, and we also measure precipitation. We participate in hydrologic studies to better understand the health of our 256 groundwater basins, and we oversee numerous monitoring plans statewide.

Our office is also responsible for dam safety. We have 682 dams statewide. We review all proposed dam designs for structural, geotechnical, and hydrologic stability before they are approved and can be built. We inspect those dams while they are being constructed, and we inspect them regularly after they have been constructed. We also provide emergency response after earthquakes and flood events.

Our office is responsible for well drilling statewide. We license all the well drillers throughout the state. All water wells in Nevada have to be drilled by a licensed well driller. Again, we perform field inspections to verify construction standards and well drilling procedures, and ensure they are being followed. We also review all well logs after the wells have been drilled. One of the responsibilities of the well drillers is to submit the well log to our office, which we review for completeness. If the well log is complete, it is scanned and goes into our database. We have over 90,000 well logs in our database. If you want to see what depth to water is, or what the geology is in certain parts of the state, our well log database is the place to go.

We have a very strong hydrology section. They are responsible for analyzing all the data we collect in order to help us understand the health of the water resources in all of our groundwater basins. The hydrology section also performs hydrologic studies on hundreds of water rights applications that we receive ensuring that, if approved, they do not conflict with existing rights and ensuring that there is water availability.

We have an adjudication section which verifies points of diversion, places of use and manner of use of prestatutory vested claims, and reserved rights. The adjudication section also quantifies the diversion rates, volumes of water, and assigns priorities to those vested claims. Without adjudicating those prestatutory vested claims, you never know with absolute certainty how much water is committed in a given groundwater basin or stream system.

We are very proud of our website and the job that our information technology group does with our information. We are constantly trying to push as much information online as we can. We have our water rights information database, scanned permits and maps, water rights ownership, dam information, well logs, State Engineer's rulings and orders, and hydrographs of depth to water throughout the state. Again, we are very proud of how much information we have online.

The next slide [page 10, ([Exhibit C](#))] highlights something that is very exciting to our office. A new section is being proposed within our agency as a result of the Governor's Nevada Drought Forum. It is called the Drought Resiliency and Water Planning Section. To that end, the Governor's budget has asked for nine additional positions within our agency to strengthen our role in dealing with drought and water planning. There is also a bill that we will be discussing, Senate Bill 74, that fits hand in glove with this initiative. That bill allows for the creation of an advisory committee on water planning and drought.

Every legislative session that I come to, I am always asked, "How is your office doing on backlogged water right applications?" I define backlogged water right applications as those applications that are more than one year old since becoming ready for action. We are hovering right around the 1,000 mark, which may sound bad. It is not as good as I would like it to be, but we are very proud of that number; it is the lowest it has been since 1977. In the early 2000s, it was pushing 4,000. We have made a concerted effort to get it to 1,000. You may notice that over the last three years, it is staying at 1,000. That is not because we are sitting on our hands, but that there is no more low-hanging fruit. The bulk of those applications that are in our backlog are there for a reason: the applicant has asked us not to take action. They may be waiting adjudication. There may be litigation involved. There may be some applications before those that we cannot act on because of prior appropriation; therefore, we cannot act on subsequent ones.

Another point I want to discuss is that for the last four years, I have been beating the drum about how issues related to litigation of water rights decisions are through the roof. Our deputy attorney general's caseload is very heavy and growing. I am here to reiterate the position that we are reaching critical mass when it comes to litigation. There will be many water bills in front of you, and I am hoping some of them can add clarity to the water law and actually reduce the amount of litigation that we are seeing.

Some of the bills you will be seeing deal with surface water/groundwater connectivity, critical management areas, and interbasin transfers of groundwater. For your information, round three of Southern Nevada Water Authority's water right applications to move

groundwater from White Pine County to southern Nevada has been set. A third hearing has been scheduled for September 2017. We will also be talking a lot about domestic wells during the session.

Our office has submitted four bills: Senate Bill 47 is a general housekeeping bill; Senate Bill 51 is a modernization of 1919 adjudication language—it does not change the process; Senate Bill 73 is a very important bill to our office and many of your constituents. It deals with conjunctive management of surface water and groundwater and also deals with critical management areas. I already spoke about Senate Bill 74, which deals with the new Drought Resiliency and Water Planning Section.

Senator Manendo:

Are there any dams that you know of that need to be decommissioned?

Jason King:

No, there are not. We have dams that are obviously not in as good a condition as others, but none of them need to be decommissioned. That is a big part of why we follow up on our inspections. We follow up with the dam owner, and we require short-term and long-term corrections if needed.

Assemblywoman Titus:

When you come back next week, would you let us know how many applications are up for interbasin transfers of water, and what your Division is doing with that? I would also like to know how many have already been authorized and the status of the interbasin transfers.

Jason King:

I will bring that next week.

Eric M. Johnson, Administrator, Division of State Parks, State Department of Conservation and Natural Resources:

I will give a general overview of the parks system, and then I will go into a little more detail on the Explore Your Nevada initiative. The state park system in Nevada has been around for about 77 years. Our mission statement is very straightforward and very simple. Management of natural resources is our bread and butter because that is what people are coming to the parks to enjoy. We are quite proud of some of the state treasures we have in our parks. The slide presentation [page 16, ([Exhibit C](#))] shows our new website. It is a little more relevant—our old website was becoming outdated. There is also a link to the Governor's initiative on that website that provides more details as well as a frequently asked questions page.

Currently, Nevada has 23 state parks. They comprise not quite half of the state land. Last year we hit a record with 3.54 million visitors. This has never been done before, and it is impressive considering many of the parks in the north are still coming out of the drought. We have two parks that drive visitation; they are our trendsetters. They are the Valley of Fire

in Clark County and Lake Tahoe in northern Nevada. Those parks generate about 2 million of the visitors—there is very heavy use in those areas. You will note that there are parks in almost every county in the state, and we cover just about every geographical region. Laughlin reaches temperatures of 120 degrees, and Wild Horse Reservoir can be as cold as 40 degrees below zero.

There is an economic impact to the State Parks Division with \$160 million expended by visitors. This is not just in-state money changing hands. Fifty percent of our visitors come from overseas or out of state. We are noticing a large increase in visitors from Asia; we maintain a pretty high percentage of visitors from Europe. We do maintain partnerships with many commercial ventures, and it is a pretty simple process. People approach us with an idea, and if it looks like it will benefit the visitors and is something there is a demand for, we enter into an agreement with them. They have been largely successful.

The Explore Your Nevada initiative has four main elements that I will go into detail about. The Walker River State Recreation Area is a very unique opportunity. The state was approached to accept 12,000 acres and 28 miles of the East Walker River. This is in Lyon and Mineral Counties. It is not quite straight south of Yerington. It is a pretty exciting opportunity; it is also daunting. It involves taking fields out of agriculture production, and the responsibility that comes with that, to maintain that sustainability, is huge. We think we have a process in place to do that.

Tule Springs State Park is land the state currently owns. It is a remnant of the Floyd Lamb State Park. It is 315 acres that, if you looked at it driving by, would not catch your eye. If you walk around with a paleontologist, you are literally tripping over mammoth tusks. It is really quite impressive. The proposal includes a small-scale development geared toward getting school groups out there. It is in Las Vegas, and we hope it will be more accessible to the schools.

I will give you some details on the new amenities. We are trying to get a little bit more relevant in today's age. Our system is good and solid, but it is also a little dated. Full hook-up campsites are the number one request. Pull-through campsites are not going to be new; we will be adapting existing campsites.

We will have Wi-Fi-enabled locations: I know that raises some eyebrows, but we do want to ensure that the visitor has an opportunity to have Wi-Fi. That is also a part of getting the youth outside. The age group that is using parks is getting older, and if you want to engage kids, they have to have the ability to use their phones, using interpretative applications.

Equestrian facilities are specific to Lahontan State Recreation Area. As you can imagine, Lahontan is a very water-based recreational area. We want to provide a way to make it usable even during drought years. There is a large demand for equestrian facilities in that part of the state.

Forty-eight of our fifty states have park systems with a cabin rental component. Those cabin systems support the parks during lean budget years. We are trying to adopt that with part of our initiative. We will start with the Wild Horse State Recreation Area, which is geared toward the ice fishermen.

There will be enhanced staffing at park units. State Parks is very efficient; we are proud of that, but our visitation is now requiring that we increase our staffing in order to maintain the level of customer service that people expect. This is throughout the state: Valley of Fire, Spring Mountain Ranch, Big Bend of the Colorado, Lahontan, and Van Sickle Bi-State Park. This also includes forming an eastern region which would be all of Lincoln, White Pine, and Elko Counties. This is what we hope the initiative will accomplish—maintaining current and future recreation in the state for the visitors and for the citizens.

Chair Swank:

I would like some more information on the partnerships with schools. As I represent a very urban district, that is something I am very concerned about: getting our kids outside. If you can get me any information you have on that, I would appreciate it.

Eric Johnson:

I am happy to do that.

Assemblywoman Cohen:

Can you tell us more about the international and national visitors to the state with regard to their utilizing these resources? Are you able to track that? For instance, how many visitors are there to the website who are from out of state?

Eric Johnson:

We track visitor origin or demographics through ZIP codes when they complete our visitor surveys. We are seeing many visitors coming from the Asian market. What is interesting is their own marketing seems to be driving that visitation. I can provide more detailed information on how we get our data and what it shows us.

Assemblyman Wheeler:

You gave a number that got me thinking. You said we have 145,000 acres of state parks. Do you know how many acres we have of national parks and how that affects the state parks as far as visitors?

Eric Johnson:

I do not know the exact acreage, but I can get the information for you. We have two national parks entirely within Nevada. I know the visitation at Lake Mead National Recreation Area has some impact on the Valley of Fire because travelers to Lake Mead stop at the Valley of Fire. Instead of travelling through the park, they end up making a day of it because that is the route to Lake Mead. In my personal opinion, I do not know if Great Basin National Park has a big impact on our user group. I can try to get information from those two parks.

Assemblyman Wheeler:

I would like that information. It seems to me a lot of people would go to a national park, and I wonder how that affects the lack of visitors to our parks. By the way, it is 2.8 million acres of national parks.

Senator Goicoechea:

Mr. Johnson, I assume you will be before us again at a later date. I would like some more information as to what the original agreement was between the Walker Lake restoration and the buy-out, how much water was going to be maintained on those lands, and what the current transfer will bring. I am very concerned that we do not need 12,000 acres of weeds and sagebrush. I do not know how the water rights transfer went as well as the taxes that were incurred in the original 20-year deal and how much is going to transfer.

Eric Johnson:

I will bring detailed information at a later date.

Assemblywoman Titus:

This is the first time I am hearing about the potential Lahontan Recreation Area equestrian facility. Perhaps you can fill me in. That area is in my district, and Lake Lahontan is mostly noted for water, when it has water. There is a wonderful area along the Carson River that the horses and equestrian folks use now. Are you looking along Buckland Station for the development of equine recreation?

Eric Johnson:

This new proposed development is going to be on the north end of the Silver Springs side by Beach 11. We call it the trestle area. That area has a lot of trees and a more expansive area to ride. The existing area is well used and people seem to enjoy it, but it is a very linear ride and it is very sandy. This other area has an opportunity for trials courses and is large enough for an arena if someone wanted to have events.

Assemblywoman Titus:

I know that area. Is it near the China Camp that helped build the dam?

Eric Johnson:

It is going to be about 12 miles southwest of that. It is near the railroad trestle crossing on the Silver Springs side. It is within 1/2 mile of that location.

Assemblywoman Titus:

Perhaps you can email me some more detail. I would like to see the plans. Also, regarding the water usage, I am sure we will beat this up and will hear more about it on the budgetary aspect later on, but the original plan was to leave some water behind when we first purchased those ranches. Am I now hearing that there is going to be no water left behind on those ranches?

Eric Johnson:

Those ranch owners have agreed to continue using surface water on those properties—on the areas that have been identified for restoration—for up to seven years until the sustainability is achieved. They will be using their own staff for this restoration effort; it is on their dime, using their surface water. After the restoration, the surface water is scheduled to be moved off those properties.

Assemblywoman Titus:

What about the agriculture wells that are out there? There are a number of wells on those properties. Where is that water going?

Eric Johnson:

A portion of the primary groundwater on the Pitchfork Ranch is going to be retained by the Walker Basin Conservancy because that is in a basin where the groundwater can be moved downstream. All of the primary groundwater associated with the Rafter 7 Ranch and the Flying M Ranch is staying with the properties.

Assemblywoman Titus:

Sustainable fisheries are one of the attractions that the folks are pretty excited about, myself included. The largest trout I ever caught was in the area of the Pitchfork Ranch. The agreement of sustainable water and keeping water flow in the east fork of the Walker River is going to take some cooperation with upstream users, the Bridgeport Reservoir, et cetera. Are we, as a state, looking at those agreements and how that is going to affect the water? Has there been any conversation with California and some of the other people who are using that water?

Eric Johnson:

We have not engaged with California yet. We have been talking to the Nevada Department of Wildlife (NDOW). It may be important to note that the surface water transfer is at a consumptive use rate. Theoretically, the flow will increase, because it is just the consumptive use rate, which, as we discussed about a week ago, is approximately 50 percent of the actual surface water rights.

Assemblyman Ellison:

Will you repeat that statement? How much surface water rights?

Eric Johnson:

I do not have the exact figures, but the surface water transfer is only at the consumptive use rate. In other words, they have allowed for conveyance lost through the system and that water stays in the river and in the ditches.

Assemblyman Ellison:

Regarding Rye Patch State Recreation Area, do you have any idea where we will be with the runoff from the Ruby Mountains?

Eric Johnson:

I spoke with Jim Hawkins, supervisor at Rye Patch; he thinks the reservoir will be nearly full. He does anticipate both campgrounds being full most of the summer.

Senator Settlemeyer:

On the part that was being discussed earlier in Lyon County and the concept of consumptive use, is that river going to be measured at the beginning where the ranch is, or at the end? Are you guaranteeing delivery of a certain amount of water? Or are you saying this is the number that goes in the river and what is lost, is lost?

Eric Johnson:

I do not know at which gauge, but I am assuming the Wabuska gauge, which is at the end. I will need to get that answer for you from the Walker Basin Conservancy since they are working that out with the Walker River Irrigation District.

Senator Settlemeyer:

I would appreciate it, considering that when you put 10 cubic feet per second (cfs) into a river on a 110-degree day, how are you going to guarantee anything gets to the end?

Assemblywoman Titus:

I am concerned about using the Wabuska gauge as your end point measurement because that is already where the East Walker and the West Walker Rivers conjoin. Would you not want to measure that on the East Walker end?

Eric Johnson:

Yes, I would agree with you. I will ask the Walker Basin Conservancy where they intend to do that.

Jason King:

The question is where is it going to be measured. A change of application is filed to move the consumptive use, as Mr. Johnson said. The idea is to get it to the Wabuska gauge; however, you do have to calculate for the losses in the system. In other words, if you were going to try to move 20,000 acre-feet through the Wabuska gauge and, if you have to move it through X miles of river, you also have to account for those losses. The short answer to that question is, the 20,000 acre-feet, where it would have been delivered up on the ranches, does not necessarily translate to 20,000 acre-feet at the Wabuska gauge.

Senator Settlemeyer:

I guess the question is that in conveyance systems that I utilize and work with, you put your water in at the beginning, for whatever cfs, and if it gets to the bottom, then it gets to the bottom. Are you guaranteeing delivery of water?

Jason King:

That is the idea. When the change application was filed to change it from irrigation to instream flows, recreation, et cetera, you are labelling that water, whatever amount that is, and the federal water master is guaranteeing that labelled water down to the Wabuska gauge. If you do not label it, then it is there for whoever is next in priority to take.

Senator Settlemeyer:

I do not believe that anyone can counter Mother Nature.

Chair Swank:

We will be delving more into water issues next Tuesday. I think now we will move on to our next presentation.

Greg Lovato, Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources:

Thank you for the opportunity to introduce, and for many of you, reacquaint you with the Division of Environmental Protection (NDEP) and what we do. Our long-held mission is to preserve and enhance Nevada's environment, to protect public health, sustain healthy ecosystems, and contribute to a vibrant economy. In December, after 40 years, we updated our strategic plan to include four guiding core values. Those include getting results, teamwork, acting with integrity, and customer service [page 24, ([Exhibit C](#))].

The NDEP has 265 employees and 11 bureaus. We have offices in Carson City and Las Vegas, and we provide staff support to three boards and commissions. These include the State Environmental Commission, the Board for Financing Water Projects, and the Board to Review Claims for the Petroleum Fund. The Division is 100 percent fee- and grant-funded.

We implement programs under major federal environmental laws including the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, and the Resource Conservation and Recovery Act. Authority to implement these programs is delegated by the United States Environmental Protection Agency (EPA) to the NDEP to act in lieu of the EPA. This is very important to the state. Among other things, it allows us to identify issues and respond quickly. We are also able to work closely with the regulated community to explain any new requirements and ensure their smooth implementation, as well as, if necessary, set any equitable fees. We also actively engage with the EPA as a coregulator during the federal rulemaking development process. We review the proposed federal rules and what is in the interest of the state. We participate in managing or changing the proposed rules through administrative and, if necessary, judicial processes.

Our work is divided into seven primary responsibilities. We oversee investigation and, if necessary, cleanup of contaminated properties to levels that are consistent with their designated land use and zoning. The cleanups are typically conducted voluntarily by responsible parties, but in cases where there is an eminent and substantial hazard, the Division has resources to conduct cleanups and pursue cost recovery. We are currently

managing a number of large and complex cleanups. These include the former Rio Tinto copper mine in northern Nevada where a \$25 million cleanup is scheduled to be certified as complete this year. Also, the Basic Management Incorporated (BMI) complex near Henderson has had a number of perchlorethylene releases, which is a dry cleaning solvent. We are also doing cleanups associated with lead, mercury, and arsenic from historic mining operations and cleanup at some of our U.S. Department of Defense facilities. Many of these cleanups involve legacy sites with multiple responsible parties and may involve multiple jurisdictions, bankruptcy reorganizations, or property transfers requiring significant legal resources. We regulate underground storage tanks to prevent the release of petroleum products into the environment. We also administer the Fund for Cleaning Up Discharges of Petroleum to reimburse costs for cleanups from tanks that have already leaked.

We also provide regulatory oversight at federal facilities. At the Nevada National Security Site (NNSS), which was formerly known as the Nevada Test Site, we oversee efforts to characterize the geology and modeling of potential contaminant migration from past underground nuclear testing. We also oversee the cleanup of industrial sites that are located on the NNSS, including soil and groundwater characterization activities that are ongoing there. We exercise nonregulatory oversight over the disposal of low-level radioactive waste and regulatory oversight over waste that is a mixture of low-level radioactive waste and hazardous waste. We review all of the waste streams that are destined for disposal at the NNSS and we also perform onsite reviews at facilities that are planning to shift their waste to the NNSS from across the U.S. Department of Energy's Nuclear Weapons Complex.

You can see a map of the NNSS that shows the areas where at least one underground test was conducted and how we have grouped those sites to evaluate groundwater. On the left is a photograph of the mixed waste and low-level radioactive waste disposal area known as Area 5 [page 27, ([Exhibit C](#))].

We also ensure that the mining industry is complying with state regulatory programs that protect surface water and groundwater and that sufficient financial resources are set aside to reclaim lands disturbed by mining. Our mining program is a state-only program, and we regulate fluid management and closure reclamation through permitting, monitoring, compliance, and enforcement. There is currently about \$2.6 billion in total bonding for mining reclamation in Nevada. These bond amounts are regularly updated to ensure that the bond remains sufficient to fully reclaim those sites. This past December, as part of a legal settlement, the EPA proposed a major federal rulemaking related to mining financial assurance to address potential releases of hazardous substances. The rule is scheduled to be finalized in December 2017. The Division is actively engaged to try to make sure that any final rule protects the integrity of our successful state program, eliminates any unnecessary regulatory burden, while remaining fully protective of human health and the environment.

We are responsible for ensuring the safe management of solid and hazardous waste. We do this by regulating facilities that generate, transport, treat, store, dispose, or recycle hazardous waste, and by regulating the collection and disposal of solid waste. We use

traditional regulatory approaches, and we are implementing a federal program in lieu of the EPA. In our waste programs, we also encourage businesses, institutions, and individuals to reduce the amount of waste they generate and to participate in recycling programs that conserve our natural resources.

The Division of Environmental Protection, along with Clark County and Washoe County, works to ensure compliance with National and Nevada Ambient Air Quality Standards. Common regulated pollutants include ozone, nitrogen oxides, sulfur dioxide, and particulate matter. As we meet here today, I am very happy to report that all of the Nevada air basins are in attainment with all standards. Nevada is 1 of only 14 states nationwide in attainment.

We regulate a wide range of issues from construction dust to large power plants. Additionally, we have an alternative fuels and mobile source program that we operate in cooperation with the Department of Motor Vehicles (DMV) and other agencies. The pending Volkswagen settlement will also give us the opportunity to reduce or eliminate sources of nitrogen oxides.

Monitoring air quality across the state allows us to evaluate trends in regulated pollutants and ensure the efficacy of our program. We adopt regulations and program implementation plans to demonstrate to the EPA that we have both adequate authority and control necessary to implement the federal air program. We also implement a chemical accident prevention program, which was created after two previous incidents to assure that facilities are designed, constructed, and operated to protect life and property through prevention of catastrophic releases of highly hazardous substances.

We protect waters of the state from the discharge of pollutants and contaminants to preserve beneficial uses of those waters and maintain healthy aquatic habitat. We do this by developing standards to protect water quality that are specific to a watershed and its beneficial uses; and we evaluate the chemical, physical, and biological health of watersheds throughout the state in comparison with the standards. We develop local, regional, and statewide plans to ensure that water quality standards are maintained and that impaired surface waters are restored when possible.

We also work to ensure public water systems provide safe and reliable drinking water. At this time, over 99 percent of residents and visitors consuming water from regulated systems in Nevada receive drinking water that meets all primary drinking water standards. In 2016, we secured EPA grant funding to initiate a statewide voluntary program for sampling drinking water in elementary schools for lead and copper. While we do not anticipate problems, we recognized the potential for concern, and we wanted to partner with the school districts and provide a resource to help increase community confidence in our school environments.

We provide low-cost financing for improvements to drinking and wastewater infrastructure through the State Revolving Fund and infrastructure grants program. In addition

to wastewater treatment facilities and drinking water supplies, we also regulate a wide range of facilities including mine pit dewatering, blowdown water from power plants, commercial septic systems, leach fields, and storm water runoff.

The Division has a prefiled bill to address a couple of important statutory clarifications for administration of the state drinking water program. Assembly Bill 50 has been referred to this Assembly Committee, and at the pleasure of Madam Chair we will come back to present and support this legislation.

Finally, we provide education and outreach through a number of programs. We promote recycling and environmental stewardship at community events and in partnership with school districts. We provide educational materials for use in the classroom, such as the popular Project Water Education for Teachers (Project WET), and through our recycling website.

The photograph of the tree [page 32, ([Exhibit C](#))] is from the second place winner of our third annual recycled art contest in the high school category. The winner was Syamini Breathwaite of Pahrump.

Chair Swank:

I would like you to talk a little more about the Volkswagen settlement. I think there will be at least one bill coming through this Committee that has to do with that.

Greg Lovato:

The Volkswagen settlement is underway. Currently, the structure of the settlement will be that approximately \$25 million will be coming to Nevada for NDEP to administer. The dates of when that will happen are unsure; it has to do with the nationwide federal settlement. We were hearing earlier that it could happen this February; we heard today that it could happen at the end of the year. We are not exactly sure when the funds will be available. Those funds will be put toward pollution reduction projects including reduction of nitrogen oxides, which was the original reason Volkswagen had enforcement brought against them. We are going to be working with the Office of Energy, Office of the Governor; the Department of Transportation (NDOT); and other state agencies to look at what types of projects will work. We are going to be taking solicitations from other institutions on pollution reduction projects. It will be a process that we will set up. The Advisory Committee on the Control of Emissions from Motor Vehicles will be consulted and will help advise NDEP as to how to carry out the use of that money.

Chair Swank:

Any other questions? [There were none.]

**Charlie Donohue, Administrator and State Lands Registrar, Division of State Lands,
State Department of Conservation and Natural Resources:**

I appreciate a number of the comments that were made regarding commitment to natural resources and enthusiasm for Nevada and serving Nevadans. I think it dovetails very nicely with our mission statement where we believe that the work we do at the Division of State Lands protects and enhances the natural environment and we are dedicated to land stewardship. The Division of State Lands is a relatively small agency within DCNR. We have 19 full-time employees. We have several units within our agency, and you might say we are spread a little thin, but we still do a lot of good work. One of the primary functions of the Division is to secure and dispose of land or interest in lands. We do that on behalf of the state. We take title in the name of the State of Nevada, and one of my functions is to assign those lands to other managing agencies.

When you talk about the Walker River Recreation Area, that will be taken in the name of the State of Nevada and will be assigned to State Parks to manage the property if we have a favorable outcome from the Legislature.

I assign lands to Parks, NDOW's wildlife management areas, and to other state agencies. The picture on the slide [page 35, ([Exhibit C](#))] is of the DMV on Decatur Boulevard in Las Vegas.

I am also responsible for land exchanges or boundary line adjustments if we have issues with some of our neighbors. We always seem to have issues with our neighbors, whether it is in the Lake Tahoe Basin or out in rural Nevada. We probably work on a handful of boundary line adjustments every year to resolve encroachment issues or trespass issues.

Something that I do not do very often is dispose of property, but you might recall last session we did dispose of a Nevada National Guard facility in Hawthorne. It is my agency's responsibility to identify lands for the state working collaboratively with the managing agencies. One way we do that, particularly in southern Nevada, is we work with the Bureau of Land Management (BLM) to secure recreational and public purpose leases.

The State Land Office generally completes approximately 300 land use projects annually. Those include either easements, licenses, or leases. We are responsible for navigable water permits, buoys, and piers at Lake Tahoe. We are also responsible for authorizing activities on the Truckee River and the Carson River. If a utility company were to cross one of those rivers, we would be the entity that authorized the occupancy and use of that property. While we are doing that, we also ensure that there is fair market return on the use of state land. The pictures on the next slide [page 36, ([Exhibit C](#))] are of a buoy field in Lake Tahoe and the Nevada State Prison (NSP) here in Carson City. That gives you a little bit of an overview of NSP and the number of authorizations on that property.

One of the responsibilities of the Division is to maintain the historic land records of the state. We combine that with a geographic information system (GIS) component. Several years

ago, the Legislature provided us with funds to update and modernize our land management system. It is our bread and butter, it actually does our invoicing, it keeps polygons for the spatial information, it keeps the individual abstracts, documents, and interests electronically. Our land agents do not need to go into our vault and pull files to do work and research. They can do much of it electronically at their desks. A public version is available on our website to see the disbursement of state lands throughout the state.

I would like to point out that the historic payment document [page 37, ([Exhibit C](#))] is actually a payment document from the Pitchfork Ranch. I thought folks might be interested in that. There is also a certification that State Lands did for the new license plate facility after it moved from NSP down to the Northern Nevada Correctional Center. One of our responsibilities is to work with the State Public Works Board, Department of Administration, to certify that the projects that are going to be implemented are actually on State grounds.

One of our units provides planning assistance. A couple of sessions ago, the focus was to provide more planning assistance to state agencies and determine what their needs were for lands. Every 12 to 18 months, my staff meets with agencies to find out what their future land needs may be, to identify any opportunities for disposal, and how we can help them.

We maintain what we refer to as our lands portfolio, which is posted on our website as well as on the State Public Works Board website. On that you can see all the different lands that the Division of State Lands has assigned to other managing agencies, whether it be DMV, Parks, or NDOW. This unit is also responsible for the State Clearinghouse. We coordinate comments on federal actions, on federal lands, through the National Environmental Policy Act (NEPA) process. We work very closely with the local jurisdictions, the county commissioners, as well as the Nevada Association of Counties (NACO) in terms of getting not just the state perspective, but the local perspective as well. As part of the NEPA process, the federal government is supposed to be consulting with the local jurisdictions and, hopefully, making the best land management decisions possible.

I serve as the executive officer for the Land Use Planning Advisory Council. There has been legislation for this body in the Assembly Committee on Government Affairs in the last couple of sessions, manipulating the structure of that body to add NACO as well as to modify the Executive Council.

Many members of this Committee know that the Division of State Lands is the lead agency for the Lake Tahoe Environmental Improvement Program. That is the interagency Nevada Tahoe Resource Team where we have membership from the Division of State Parks, the Department of Wildlife, the Division of Forestry (NDF), as well as State Lands employees coordinating project implementation at Lake Tahoe to improve the thresholds and make forward progress on the environmental improvement program.

Moving forward, there are some high profile projects with Eric Johnson and his staff to improve the recreational facilities at the parks, whether it is at Van Sickle Bi-State Park or Sand Harbor. We work with State Parks and NDF on forest restoration projects, which I would like to emphasize. This is not just fuel reduction, but we take a very wholistic approach when we are moving forward with these projects. We are trying to get the spacing right so that we are growing large, robust trees so the vegetative community can withstand a wildfire if that were to happen in the state parks. We coordinate the Lake Tahoe License Plate program, which is a grant program. We receive approximately \$400,000 annually from DMV for the registration of Lake Tahoe license plates, and we provide grants to local jurisdictions and state agencies to implement projects in the Tahoe Basin.

I would like to give you a brief update on the Question 1 program [a 2002 ballot question approved by voters to authorize the State to issue bonds for conservation and resource preservation]. We still have a little money left, approximately \$18.6 million in authority remaining from the original \$65.5 million. Our program was very unique in that our authority was to provide grants to other entities for project implementation. Also, during the downturn of the economy and the way that program was structured, we were only receiving authority of approximately \$1 million through the budget process. The Office of the State Treasurer was a little reluctant to sell that \$1 million in the nonexempt category for either conservation easements or acquisitions because we would be going it alone. The other element of the program could be packaged with capital improvement projects and the costs of that bond sale would not be borne by the program itself. I am happy to answer any questions.

Senator Manendo:

You mentioned the DMV. Do you have any projected lands for expansion or new DMV facilities in southern Nevada? I know we opened the new one on East Sahara Avenue, but the need is still great; the lines are too long. Would you briefly let me know what you have available?

Charlie Donohue:

Through Bureau of Land Management's Recreation and Public Purposes Act, we have actually secured land for the DMV on Silverado Ranch Boulevard across the freeway from the South Point Hotel, Casino, and Spa. They have identified that area for the commercial driver's license course, which was originally proposed to be at the Decatur Boulevard office, but they could not get it constructed before residents moved in. We work with DMV regularly because we understand there is a great need in southern Nevada.

Senator Manendo:

Is there any other land?

Charlie Donohue:

I would have to look, but if not, we can go find some.

Senator Manendo:

I will help if needed; this is a huge issue in southern Nevada.

Assemblywoman Titus:

Have you done your position statement yet on the expansion of the Fallon Naval Air Station?

Charlie Donohue:

Yes. We coordinated comments with the Office of the Governor and local jurisdictions. Those comments have been submitted through the clearinghouse already.

Joe Freeland, State Forester Firewarden, Division of Forestry, State Department of Conservation and Natural Resources:

The Nevada Division of Forestry was founded circa 1959. We are primarily a natural resource agency that focuses on two main areas [page 41, ([Exhibit C](#))]. The first area is forest rangeland and desert ecosystem health. You have heard the water issues, you have heard about pollution, water quality, and you have heard about the land base. We focus on the vegetation on state and private land. We try to provide a nexus in our role with the federal land management agencies as it relates to vegetation. That is the first part of our job, providing technical expertise and some direct support for state and private lands.

The second part of our mission is the fire management emergency response. It is a wildland fire management mission now. Those of you that have travelled with us for a while know that we used to have a mission in some counties that was much broader and had an emergency medical services presence. We now deal pretty much exclusively with wildland fire by helping before, during, and after a fire. The natural resource vegetation mission and the wildland fire mission are two of the areas we focus on the most.

I would like to dive a little deeper into the fire management picture. That picture right now is an aircraft program that has three medium helicopters that are based in Minden. We assign them throughout the state as we or our partners need them. They can respond to wildland fires, floods, earthquakes, or whatever a county or local jurisdiction may need. Beyond that, we do have fire engines scattered throughout the state, and we have the conservation camp crews that are throughout the state who can be used to fight wildland fires. The way we look at wildland fire is not just the response. We look at the mitigation and prevention side, which is proactive. Whether we are talking about community protection or natural resource protection, we are talking about what can be done before and after the fire as well as during. This includes the Cooperative Forest Fire Prevention Program commonly known as the Smokey Bear Program, hazardous fuels removal, or other active management that can help with forest, rangeland, or desert ecosystem health.

Fire-adapted communities is a term we have been using very heavily for the last 10 to 20 years. What that means is active participation from communities, property owners, and land management organizations that have a common picture of what the risks are to the community or natural resources and how we work together to mitigate some of those risks.

Another concept that we use frequently in the fire management side is mutual aid. That is the local, state, federal, and tribal partners agreeing to respond to each other's needs for the first 24 hours. We do that at limited or no cost to each other. That gives you better bang for the buck as a citizen.

Another element of our fire management program that some of you may not be aware of is the Wildland Fire Protection Program. That program is fairly new, just several years old. It is a contract between a local jurisdiction, a county, or a fire protection district and NDF. That contract essentially directs NDF to provide services for those counties or protection districts, such as active engagement on extended attack of developing fires. It is a physical presence of the State of Nevada to assist that local community in their bigger, more complicated fires. It also provides use of the inmate crews in non-wildland fire emergencies, such as floods. Today we actually have six crews in Washoe County and Carson City helping with flood mitigation. Those counties actually have that service provided to them at no charge. There are four counties that have not chosen to opt in. The reason they have not is for logical reasons: two do not have very high fire risk, and two have chosen not to because they do not have a compelling business case yet.

I want to mention one thing before I leave. The fire management program is the backbone of Nevada. It is really our rangeland fire protection association (RFPA), which some of you who were in the last session helped Governor Sandoval launch. Today Humboldt and Pershing Counties have an RFPA and we have one in northern Elko County with the state of Idaho. From our perspective, both are working very smoothly. If there is an appetite from the livestock industry for more of them, we are going to be at their service to do that.

Our rural voluntary fire departments (VFD) have been our backbone forever, and they still are. As an aside, it is getting more difficult all the time with an aging rural population base. We are seeing lower numbers in the rural VFD than we have ever seen, and it is a challenge.

Leaving fire management, I will go to our conservation camp crews. That is almost a simultaneous evolution with NDF and the Department of Corrections (NDOC). About the time we were created, the Governor and this legislative body designed a relationship between the NDOC and NDF. Today we have nine conservation camps scattered throughout the state. They provide a variety of services. First, they help the local communities with public service assignments or chores. I think most of you have seen them in your communities. You see those green and white buses with orange-dressed inmates in Clark County and throughout the state. If you have not seen them in your county, something is probably wrong. I do not have them scattered well enough. They also help with wildland fire suppression. They are 12-person squads. When we combine two squads together, we make a fire crew. When we go into emergency operations, like today's flood or tomorrow's wildland fire, those crews will be dispersed throughout the state. We can have up to 70 crews in our current budget configuration. Typically, because of inmate turnover and a variety of other things, we field about 35 fire crews at any given time. We are constantly trying to push that to the higher end, but right now that is about our limit.

We led off the presentation with natural resource management, forest and rangeland health, and watershed management. For those of you not familiar with our *Nevada Revised Statutes* (NRS), we are generally watershed-based. We have all talked about the concern and focus on water. The vegetation profile is a key component to whether or not we have sustainable water quality and quantity. That is a focus of ours, and we work very closely with our partners in federal land management to try to be consistent and share projects when possible. We have a nursery and seed bank both in Las Vegas and in Washoe Valley. They grow those things that the private market does not wish to grow but is what we need for plant conservation, whether it is sagebrush or other plants. We do that for the benefit of the citizens of Nevada and, typically, where there is not a competitive edge with another provider.

We have a support services organization that covers things like radio safety training and heavy equipment and fleet training. They are lean, they are agile, and they help us accomplish our mission in a fiscally conservative yet effective way, in using state-of-the-art technology.

I will wrap it up with a couple of thoughts. We do not have a lot of specific legislation proposed for this session, but we do have some things we would like you to be aware of, consider, and maybe partner with us on. The first is our aging aircraft fleet. As I said, we have three medium helicopters; all of them were built in the late 1960s. We have parts and stability in that program for somewhere between six and ten years. In about ten years, we are going to have a tough time keeping them in the air safely. We are going to be creative and offer proposals for in the future, but we would like to have that on your minds as well.

You will hear from other land management agencies on the federal side regarding response versus risk reduction from an investment standpoint. Right now, most of the local, state, and federal agencies spend most of their energy on response. If we do not spend more of our time, energy, and capacity on being proactive, things we can do to get homeowners, communities, or land managers to reduce the risks of catastrophic fires, bug epidemics, et cetera, we will continue to spend more and more of our limited capacity on response. I ask you to keep that in mind when you hear proposals that are proactive. Landscape scale management is going to serve us better than piecemeal scale management. Wherever you can, please support those concepts. If you want to dive in a little deeper, we can sure spend time with you to help you understand where we are trying to go.

I will end with fire-adapted communities. Where the community is invested, they take their time and share their vision of risk and are willing to work with local, state, and federal partners to reduce that risk. We are having great results. Where the community is not excited about it, it is much more difficult.

Chair Swank:

Thank you. We are very short on time and have a lot more to get through. I will ask that the members contact the presenters if they have questions so we can get through the presentations.

Rebecca Lynn Palmer, State Historic Preservation Officer, Administrator, Office of Historic Preservation, State Department of Conservation and Natural Resources:

The State Historic Preservation Office was established in 1977 and has three offices staffed with 14 employees around the state. One of our duties is the maintenance of a cultural resource database, which has 98,000 archaeological sites and 14,000 architectural resources. One of those resources is the Cold Springs Pony Express Station in Churchill County, which is pictured in the presentation [page 48, ([Exhibit C](#))]. The next picture shows our program activities and highlights two of our more popular programs. The first one is the Nevada State Register of Historic Places. The picture is of the Nordyke House, built in 1902, which is in Mason Valley. It was listed in the Register in 2014 as an example of recycled architecture and a mobile building. Since 1979, 154 other resources have been added to this list, including Lorenzi Park in Las Vegas and Midas Schoolhouse in Elko County. Recent modifications to our website have made it even easier for members of the public to find State and National Register-listed properties near them.

Our most popular program is the Nevada Site Stewardship Program, which was established by the Legislature in 2005. It has over 200 active volunteers ranging in age from 8 to 86 who have provided over 4,500 hours of volunteer time in fiscal year (FY) 2016. They have driven over 47,000 miles of Nevada roads to visit, inspect, and monitor over 230 archaeological and historical sites across Nevada, such as the site in Clark County shown in the presentation [page 49, ([Exhibit C](#))].

Another visible program supports the 268 Nevada Historical Markers located along Nevada's highways and byways. With the very welcome assistance of NDOT, these markers continue to inform the travelling public across the state. The Division assists applicants and local governments to comply with provisions of the National Historic Preservation Act and to ensure that over 2,000 critical infrastructure, mining, transportation, and other development projects are reviewed every year, and they move quickly through our system.

This Division manages a number of grant programs to assist local governments and private nonprofits to rehabilitate, preserve, and protect Nevada's cultural resources. Since 1976, the Division has provided grants each year to worthwhile projects: the structural analysis and support for the Fallon City Hall to prevent further catastrophic subsidence; the development of a preservation plan for Henderson; and the historical documentation of the remains of the town site of St. Thomas, once submerged under the waters of Lake Mead but now available for researchers to capture the memories of its former residents.

The Commission for Cultural Centers and Historic Preservation has distributed a total of \$40 million in general obligation bond funds since 1993 to establish cultural centers in over 90 historic buildings across Nevada from the post office and federal building in Las Vegas to Bowers Mansion in Washoe County.

Finally, this Division provides technical assistance to commercial property owners who wish to pursue the 20 percent rehabilitation tax credit offered jointly by the National Park Service and the Internal Revenue Service. Recent projects have included the previously mentioned post office and federal building in Las Vegas and the Pink House in Genoa. I am happy to answer any questions.

James Lawrence, Deputy Director, Office of the Director, State Department of Conservation and Natural Resources:

I am going to talk about two programs within our Director's Office: the Sagebrush Ecosystem Program and the Conservation Districts Program.

The Sagebrush Ecosystem Program's mission statement is shown in the presentation [page 51, ([Exhibit C](#))]. What I want you to know is that this truly is an interagency, multidisciplinary effort to protect sagebrush ecosystems. Two sessions ago, this body actually made Nevada the first state to memorialize in statute the protection of sage grouse and the protection of sagebrush ecosystems. To my knowledge, we are the only state to have done that. We have a Sagebrush Ecosystem Council that has nine voting and six nonvoting stakeholders representing various parties in Nevada. Those nonvoting members are the three directors from the applicable federal agencies as well as the three directors from the State Department of Conservation and Natural Resources, the Department of Wildlife, and the State Department of Agriculture. This provides a mechanism for the state to provide a voice and an input to the federal agencies as they implement the land use plans for sage grouse. We also have a technical team that is interdisciplinary with the Department of Wildlife, the Department of Agriculture, and DCNR, which means that all of our projects and recommendations are multidisciplinary. Some accomplishments I want to mention are that in 2015, the U.S. Fish and Wildlife Service decided that listing the greater sage grouse as a threatened or endangered species was not warranted. We have developed a mechanism to do habitat suitability mapping that is derived at the state level to ensure we are mapping properly for greater sage grouse habitat areas, and we also developed the Conservation Credit System. Director Crowell mentioned that we look for state solutions. This was a solution by the Council. It provides incentives for mitigation and conservation work at the landowner level.

Some other accomplishments are that we recently signed a memorandum of understanding with the BLM and the USFS to allow for the use of Nevada's Conservation Credit System in their land use authorizations and their National Environmental Policy Act (NEPA) process. That was a big lift to ensure we get the Conservation Credit System as part of their NEPA analysis for their land use authorizations. We are also participating region wide. We were awarded a grant from the Natural Resources Conservation Service (NRCS) that we are

collaborating on with the Colorado Cattlemen's Association and the Colorado NRCS, which has the ability to bring \$1.2 million to Nevada from federal agencies to do greater sage grouse conservation. In the last legislative session, this body appropriated \$2 million, \$1 million for each of the fiscal years, for us to give grants and enter into agreements with landowners to do conservation work and generate credits. We are in four agreements with the first million dollars, with potential to generate 5,000 conservation credits. We are now doing the review for the second round of funding. We have 11 proposals requesting \$2.1 million, which is more than we have available, that would enroll 85,000 acres into the Conservation Credit System.

I mentioned that the U.S. Fish and Wildlife Service came out with the decision not to list the sage grouse. A part of that decision that they are going to revisit in 2020 is whether the species warrants listing or not. The big thing on our mind is to ensure we are demonstrating regulatory assurances, tracking, and memorializing all of our efforts for greater sage grouse conservation so when 2020 comes, we can demonstrate that we have done the conservation actions necessary to protect the species.

Continuing on with project implementation for the Conservation Credit System, we are also working with our partners to develop credits on public land, which is going to be very critical in a state that has so much land under federal management. We have an adaptive management process where the Council, on an annual basis, looks at what we have done and makes changes or adjustments based on what we have learned from our efforts and from the latest scientific data. That is a brief overview of the Sagebrush Ecosystem Program.

I will now move into the Conservation Districts Program. Again, the mission statement is in the presentation [page 56, ([Exhibit C](#))]. This is located within the DCNR's Director's Office. This is really conservation at the grassroots level. The conservation districts are coming from the local government and local landowners perspectives. We have a program with four people in the Director's Office—one is located in Carson City. We made some changes a couple of sessions ago where we have three staff that are out in the regions: one in Winnemucca, one in Ely, and one in Elko. This means we have folks out there helping the local districts and working with NRCS to ensure we are getting projects done on the ground. We have pass-through grants to districts to help with capacity issues and the administrative work of each of the 20 local districts. We also have a competitive grant pool, which is a great success story. In FY 2015 and FY 2016, this body appropriated \$40,000 for our state Conservation Districts Program for a competitive grant to the local districts. We took that \$40,000 and were able to match that with \$40,000 from NRCS, which made \$80,000. We were then able to fund five projects. Those projects totaled \$261,000 in conservation efforts. With the state appropriation of \$40,000, we were able to leverage and turn it into \$261,000 in conservation work. That is a very quick overview of the Conservation Districts Program and the Sagebrush Ecosystem Program.

Kristin Szabo, Administrator, Nevada Natural Heritage Program, State Department of Conservation and Natural Resources:

We are a nonregulatory program with eight full-time employees located in Carson City. Our primary responsibilities are to collect, maintain, and distribute comprehensive information on the locations, biology, and conservation status of all at-risk plants and animals in the state, including invertebrates.

Our staff assesses the conservation status of all species for their rarity and extinction risk, allowing us to prioritize which species we should be concerned about and where to direct our focus. This is a rigorous scientific review, based on consistent methodology, and although it is rigorous and scientific, there is a straightforward rank from one to five. As you can see on the presentation [page 60, ([Exhibit C](#))], one is critically imperiled and five is secure, widespread, and abundant.

Generally speaking, species ranked between a one and a three become our tracking priorities. We actively gather and maintain information for these species. We currently have 566 species on our tracking list. We also maintain a watch list of close to 200 species. These are species that are not rare enough to warrant tracking right now, but we passively collect data in case they are elevated to the tracking list in the future. We have more than 14,000 location records mapped in our database.

Because of the rigorous methodology that we follow, the data is quality-controlled, scientifically objective, and supported by documented references. Our staff are constantly adding information so that our database does not become outdated. This is important because an outdated database would fail to meet environmental review requirements and conservation objectives.

We compile our data from a variety of sources including our own agency fieldwork, state and federal partners, museum records, university studies, and published literature. We also maintain species taxonomy, natural history data, and for some species, we have evaluated their vulnerability to climate change. Our botanists serve as advisors to the State Forester Firewarden and provide environmental review and scientific expertise on rare plant-related issues.

Our largest data consumer is NDOT. We provide on-demand data services to them so that their projects can comply with federal laws such as the NEPA and the Endangered Species Act. It has helped to streamline their projects and help to make them more efficient and cost-effective. We also provide our data on request to other state and federal partners, private consultants, and scientific researchers to inform them of environmental review, land use planning decisions, and conservation planning decisions.

Chair Swank:

We are running out of time, but I want to encourage members to reach out to presenters if they have questions to ensure they are educating themselves on these issues. Mr. Crowell, you can briefly wrap it up.

Bradley Crowell:

We are available to meet on any and all topics discussed today. Please do not hesitate to ask. We will be before many of you on individual bills this session.

Chair Swank:

Thank you. I will move on to public comment. Please keep your comments succinct.

John Bosta, Private Citizen, Amargosa Valley, Nevada:

I am the acting president of Private Well Owners Cooperative, Nye County. Our mission and purpose is to protect the groundwater for our drinking water sources in Nye County. We are very dry; we do not have rivers. Our drinking water sources are our domestic wells. We need to continue to protect the water of the domestic wells from the quasi-municipal utilities and so on who are trying to take our groundwater. It has been the intent of the Legislature to protect our domestic well water. I am one of two individuals who have a lawsuit in the Nevada Supreme Court over the issues of the groundwater in Pahrump and in Amargosa Valley and the rest of Nye County. Most of our water comes to us through the Exchange Act of 1880. This was an act that Nevada requested they be allowed to select 2 million acres of land throughout the state and they surrendered 3.9 million acres of 16th and 36th sections in each township back to the federal government. Township 20S, Range 53E in Pahrump, all of the private land, is state-selected land patents. The federal government did not withhold the water on the face of the patent, it went to the State of Nevada. Nevada did not withhold water on the face of the patent to the private individual. In that township, there is no excess federal water; however, the State Engineer, in 1970, had 900,000 acre-feet of water that he put out in water rights. Water rights are different than our groundwater. Our groundwater is part of the soil and is real property. As you move forward on your legislation, I think it is important to realize that the groundwater for the domestic wells is real property. We have an 1872 act which says the percolating water belongs to the land. Then, we have a 1917 district court decision which says that all the water above and below the ground belongs to the public.

I wanted to introduce myself, and for you to have the opportunity to see me in a coat and tie. I have not done that since I was married.

Wade Hinden, Private Citizen, Pahrump, Nevada:

Since we are from Nye County and I was not sure of your procedure, I have the mission statement of the Private Well Owners Cooperative ([Exhibit D](#)) that I would like to give to the members of the Committee.

Chair Swank:

Thank you. That concludes our meeting for today. We will be meeting jointly again on Thursday to hear presentations by the Nevada Department of Wildlife. This meeting is adjourned [at 3:34 p.m.].

RESPECTFULLY SUBMITTED:

Nancy Davis
Committee Secretary

APPROVED BY:

Assemblywoman Heidi Swank, Chair

DATE: _____

Senator Yvanna D. Cancela, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a copy of a PowerPoint presentation titled "Agency Overviews: Senate Natural Resources and Assembly Committee on Natural Resources, Agriculture, and Mining," dated February 7, 2017, presented by Bradley R. Crowell, Director, State Department of Conservation and Natural Resources (DCNR) and other DNCR staff.

[Exhibit D](#) is a brochure titled "Private Well Owners Cooperative of Nye County," submitted by Wade Hinden, Private Citizen, Pahrump, Nevada.