

SENATE BILL NO. 56—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE DIVISION OF FORESTRY
OF THE STATE DEPARTMENT OF
CONSERVATION AND NATURAL RESOURCES)

PREFILED NOVEMBER 19, 2018

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to natural resources.
(BDR 47-359)

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 natural resources; revising provisions related to the protection of flora; revising certain definitions related to the protection of trees and flora and to forest practice and reforestation; revising provisions relating to a written plan for a prescribed fire; revising the information required to be included in an application for a logging permit; revising provisions regarding logging operations; authorizing the suspension or revocation of a logging permit for operating ground-based equipment on saturated soil; revising the requirements for the performance bond which must accompany an application for a timberland conversion certificate; eliminating the requirement that the State Forester Firewarden cause a decennial report to be created regarding certain renewable natural resources in the State; eliminating the authority of the State Forester Firewarden to reduce the required amount for certain performance bonds; making various other changes relating to forestry; providing a penalty; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

Under existing law, it is unlawful to cut, destroy, mutilate, pick or remove any flora on any: (1) private lands without a written permit from the owner, occupant or authorized agent of the owner or occupant; or (2) state lands under the jurisdiction of the Division of State Parks of the State Department of Conservation and Natural Resources except in accordance with regulations of the Division. (NRS 527.050) Further, no flora on the list of fully protected species may be removed or destroyed from any land except pursuant to a special permit issued by the State Forester Firewarden. (NRS 527.270) **Section 1** of this bill clarifies that, in addition to obtaining written permission from the owner or complying with regulations of the Division, as applicable, a special permit must be obtained from the State Forester Firewarden in order to remove from private lands or state lands any flora that has been placed on the list of fully protected species.

Under existing law, the term "controlled fire" is used to describe the controlled application of fire to natural vegetation under specified conditions after precautionary actions have been taken to ensure that the fire is confined to a predetermined area. (NRS 527.122, 527.126, 527.128) **Sections 2-4** of this bill change the term "controlled fire" to "prescribed fire."

Section 6 of this bill defines "ground-based equipment" to refer to certain mobile logging equipment including tractors.

Section 29 of this bill eliminates the definition of "tractor." **Sections 19-24** of this bill make conforming changes.

Existing law defines the term "adequately stocked" as having sound thrifty trees well distributed over the growing area and meeting certain criteria for tree growth and size. (NRS 528.013) **Sections 7, 12 and 29** of this bill replace "adequately stocked" with the term "minimally stocked" and revise the criteria to be considered minimally stocked.

Under existing law, "slash" means split product material, branches, limbs or stems of any species left in the harvest area as a result of current timber harvesting. (NRS 528.024) **Section 9** of this bill eliminates split product material from the definition and expands the scope of the term to include forest management activities.

Under existing law, "stream" means a natural watercourse designated by certain symbols in the most recent United States Geological Survey. (NRS 528.0255) **Section 10** of this bill revises the definition to mean a perennial or intermittent natural watercourse that supports riparian vegetation.

Under existing law, "thrifty trees" means trees with usually long, full, pointed tops and lower limbs frequently dead, but containing very few dead limbs in the upper green portion of the crown. (NRS 528.026) **Section 11** of this bill defines "thrifty trees" as trees with healthy foliage, at least 40-percent live crown ratio and a generally healthy appearance.

Existing law provides that a timber owner or operator must submit an application and secure a logging permit from the State Forester Firewarden prior to any logging or cutting operation. (NRS 528.042, 528.043) **Section 14** of this bill requires a timber owner or operator to submit a statement of the objectives of the harvest and the conditions of the stand as part of the logging permit application and makes other changes to the application requirements.

Under existing law, a logging permit may be suspended or revoked under certain circumstances. (NRS 528.047) **Section 15** of this bill provides that a logging permit may also be suspended or revoked for operating ground-based equipment on saturated soil.

Under existing law, no person may engage in tractor logging on a slope whose gradient is 30 percent or more without first obtaining a variance from the State Forester Firewarden. (NRS 528.048) **Section 16** of this bill changes the restriction



so that use of ground-based equipment on a slope greater than 30 percent is prohibited.

Existing law restricts the cutting practices of every timber owner or operator conducting logging operations within this State. (NRS 528.050) **Section 17** of this bill makes various changes to those restrictions, including adding a requirement that the logging harvest area be minimally stocked not later than 5 years after completion of the logging operations.

Under existing law, felling of trees, skidding, rigging and construction of tractor or truck roads or landings, and the operation of such vehicles during a logging operation, is prohibited within 200 feet of the high-water mark of certain bodies of water, with limited exceptions. (NRS 528.053) **Section 18** of this bill reduces the prohibited area to 50 feet but also authorizes a committee composed of the State Forester Firewarden, the Director of the Department of Wildlife and the State Engineer to prohibit such activities in an area greater than 50 feet when site conditions warrant.

Under existing law, upon completion of a logging or cutting operation, the timber owner or operator is required to sow suitable grass seed in the spring when moisture conditions are favorable on skid trails, skid roads, unmaintained tractor and truck roads and landings. (NRS 528.057) **Section 23** of this bill provides that the seed may be sowed when moisture conditions are favorable regardless of the season.

Under existing law, a timber owner or operator conducting logging operations in the State is required to undertake certain fire prevention and suppression measures. (NRS 528.070) **Section 25** of this bill removes the requirement that timber owners or operators fell certain dead trees and standing dead tree sections as part of those fire prevention and suppression practices.

Under existing law, a timberland conversion certificate from the State Forester Firewarden is required to convert timber lands for other use and a performance bond is required as part of the application for a conversion certificate. (NRS 528.082, 528.083) **Section 26** of this bill amends the list of types of acceptable performance bonds.

Under existing law, the State Forester Firewarden shall, in coordination and cooperation with the Tahoe Regional Planning Agency and the fire chiefs within the Lake Tahoe Basin, submit a report concerning fire prevention and forest health in the Nevada portion of the Lake Tahoe Basin to certain governmental agencies. (NRS 528.150) **Section 27** of this bill revises the required contents of this report.

Under existing law, the State Forester Firewarden must cause a report on certain renewable natural resources in the State to be created at least every 10 years. (NRS 527.310) Further, the State Forester Firewarden may enter into cooperative agreements with certain entities to collect and publish data related to the report. (NRS 527.320) **Section 29** of this bill eliminates the reporting requirement and the authority of the State Forester Firewarden to enter into cooperative agreements related to the report.

Section 29 also eliminates the authority of the State Forester Firewarden to reduce a performance bond required to secure a timberland conversion certificate or logging permit.

Existing law defines various terms related to forest practice and reforestation (NRS 528.013-528.027) **Section 29** removes the definitions for "old-growth," "prior-cut," "seed tree," "snag" and "young-growth."



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

Section 1. NRS 527.050 is hereby amended to read as follows:

527.050 1. It is unlawful for any person, firm, company or corporation, his, her, its or their agent or agents, willfully or negligently:

(a) To cut, destroy, mutilate, pick or remove any tree, shrub, plant, fern, wild flower, cacti, desert or montane flora, or any seeds, roots or bulbs of either or any of the foregoing from any private lands, without ~~the~~ *obtaining:*

(1) *A* written permit therefor from the owner or occupant or the duly authorized agent of the owner or occupant ~~the~~; *and*

(2) *If the flora has been placed on the list of fully protected species pursuant to NRS 527.270, a special permit from the State Forester Firewarden.*

(b) To cut, destroy, mutilate, pick or remove any flora on any state lands under the jurisdiction of the Division of State Parks of the State Department of Conservation and Natural Resources ~~except in accordance~~ *without:*

(1) *Complying* with regulations of the Division ~~of~~ *of State Parks; and*

(2) *If the flora has been placed on the list of fully protected species pursuant to NRS 527.270, obtaining a special permit from the State Forester Firewarden.*

(c) To cut, destroy, mutilate, pick or remove any flora ~~declared endangered by the State Forester Firewarden~~ *that has been placed on the list of fully protected species pursuant to NRS 527.270* from any lands ~~other than state park lands provided for in paragraph (b), owned by or under the control of~~ *within* the State of Nevada ~~for the United States~~ *not otherwise described in paragraphs (a) and (b)* without *obtaining* a ~~written~~ *special* permit ~~therefor~~ from the State Forester Firewarden . ~~for the State Forester Firewarden's designate.~~

➡ For the purposes of this subsection, the State Forester Firewarden may establish regulations for enforcement, including the issuance of collecting permits and the designation of state and federal agencies from which such permits may be obtained.

2. Every person violating the provisions of this section is guilty of a public offense proportionate to the value of the plants, flowers, trees, seeds, roots or bulbs cut, destroyed, mutilated, picked or removed, and in no event less than a misdemeanor.

3. The State Forester Firewarden and his or her representatives, public officials charged with the administration of reserved and



unreserved lands belonging to the United States, and peace officers shall enforce the provisions of this section.

4. Except as to flora ~~declared endangered by the State Forester Firewarden~~ *that has been placed on the list of fully protected species of native flora* pursuant to NRS 527.270 or as to flora on state park lands regulated by the Division of State Parks, the provisions of this section do not apply to Indians, native to Nevada, who gather any such article for food or medicinal use for themselves or for any other person being treated by Indian religious ceremony.

Sec. 2. NRS 527.122 is hereby amended to read as follows:

527.122 As used in NRS 527.122 to 527.128, inclusive, unless the context otherwise requires:

1. "Authority" means the State Forester Firewarden, or a local government, whichever is charged with responsibility for fire protection in the area where a ~~controlled~~ *prescribed* fire is to take place.

2. ~~"Controlled"~~ *"Prescribed"* fire" means the ~~controlled~~ *prescribed* application of fire to natural vegetation under specified conditions and after precautionary actions have been taken to ensure that the fire is confined to a predetermined area.

Sec. 3. NRS 527.126 is hereby amended to read as follows:

527.126 1. The authority may authorize an agency of this state or any political subdivision of this state to commence a ~~controlled~~ *prescribed* fire.

2. A ~~controlled~~ *prescribed* fire must be conducted:

(a) Pursuant to a written plan which has been submitted to and authorized by the authority; and

(b) Under the direct supervision of at least one person who is qualified to oversee such fires and who remains on-site for the duration of the fire.

3. A ~~controlled~~ *prescribed* fire which is commenced pursuant to this section and which complies with laws relating to air pollution shall be deemed in the best interest of the public and not to constitute a public or private nuisance.

4. The State of Nevada, an agency of this state or any political subdivision or local government of this state, or any officer or employee thereof, is not liable for any damage or injury to property or persons, including death, which is caused by a ~~controlled~~ *prescribed* fire that is authorized pursuant to this section, unless the fire was conducted in a grossly negligent manner.

Sec. 4. NRS 527.128 is hereby amended to read as follows:

527.128 1. The written plan required by NRS 527.126 must remain on-site for the duration of the fire. The plan must be prepared by a person qualified to oversee a ~~controlled~~ *prescribed* fire and contain at least:



- 1 (a) A description and map of the area to be burned;
- 2 (b) A list of the personnel and equipment necessary to
- 3 commence and control the fire;
- 4 (c) A description of the meteorological factors that must be
- 5 present before commencing a ~~controlled~~ *prescribed* fire, including
- 6 surface wind speed and direction, transport wind speed and
- 7 direction, minimum mixing height, minimum relative humidity,
- 8 maximum temperature and fine fuel moisture;
- 9 (d) A description of considerations related to common
- 10 behavioral patterns of fires in the area to be burned, including
- 11 various burning techniques, the anticipated length of the flame and
- 12 the anticipated speed of the fire; and

13 (e) The signature of the person who prepared the plan.

14 2. Before signing the written plan, the person qualified to

15 oversee the fire must evaluate and approve the anticipated impact of

16 the fire on surrounding areas which are sensitive to smoke.

17 3. The State Forester Firewarden shall establish the

18 qualifications for a person to oversee a ~~controlled~~ *prescribed* fire.

19 **Sec. 5.** Chapter 528 of NRS is hereby amended by adding

20 thereto the provisions set forth as sections 6 and 7 of this act.

21 **Sec. 6.** *“Ground-based equipment” means mobile equipment,*

22 *including, without limitation, tractors, dozers, skidders,*

23 *excavators, loaders, mechanized harvesters and forwarders, that*

24 *are used for harvesting, site preparation or slash hazard*

25 *reduction.*

26 **Sec. 7.** *“Minimally stocked” means having sound, thrifty*

27 *trees distributed over the growing area, excluding rocky areas,*

28 *meadows and bodies of water, in which:*

29 1. *There are 250 trees per acre, at least 6 inches in height, but*

30 *less than 4 inches d.b.h.;*

31 2. *There are 150 trees per acre, 4 to 6 inches d.b.h.;*

32 3. *There are 75 trees per acre, 8 to 10 inches d.b.h.;*

33 4. *There are 40 trees per acre, 12 inches d.b.h. or larger; or*

34 5. *Any other minimum stocking levels of the area as set forth*

35 *in a logging plan that were approved by the State Forester*

36 *Firewarden are satisfied.*

37 **Sec. 8.** NRS 528.012 is hereby amended to read as follows:

38 528.012 As used in this chapter, unless the context otherwise

39 requires, the terms defined in NRS ~~528.013~~ *528.014* to ~~528.027,~~

40 *528.0263*, inclusive, *and sections 6 and 7 of this act* have the

41 meanings ascribed to them in such sections.

42 **Sec. 9.** NRS 528.024 is hereby amended to read as follows:

43 528.024 “Slash” means ~~split-product-material,~~ branches,

44 limbs or stems of any species left in the harvest area as a result of

45 current ~~timber harvesting,~~ *forest management activities.*



1 **Sec. 10.** NRS 528.0255 is hereby amended to read as follows:
2 528.0255 “Stream” means a *perennial or intermittent* natural
3 watercourse ~~[designated by a solid line or dash and three dot symbol~~
4 ~~shown in blue on the most recently published United States~~
5 ~~Geological Survey 7.5 minute series topographic map.]~~ *that*
6 *supports riparian vegetation.*

7 **Sec. 11.** NRS 528.026 is hereby amended to read as follows:
8 528.026 “Thrifty trees” means trees with ~~[usually long, full,~~
9 ~~pointed tops and lower limbs frequently dead, but containing very~~
10 ~~few dead limbs in the upper green portion of the crown. Such trees~~
11 ~~usually fall within Dunning’s tree classes 1 and 2, and Keen’s tree~~
12 ~~classes 1a, 1b, 2a and 2b.]~~ *healthy foliage, a live crown ratio of at*
13 *least 40 percent and a generally healthy appearance.*

14 **Sec. 12.** NRS 528.0263 is hereby amended to read as follows:
15 528.0263 “Timber owner” means a person or entity who owns
16 a tree-dominated landscape which is naturally capable of supporting
17 ~~[adequately]~~ *minimally* stocked stands of native trees in perpetuity,
18 and is not otherwise devoted to nonforestry commercial or urban
19 uses.

20 **Sec. 13.** NRS 528.030 is hereby amended to read as follows:
21 528.030 1. NRS 528.010 to 528.090, inclusive, *and sections*
22 ~~6 and 7 of this act~~ are adopted:

23 (a) To establish minimum standards of forest practice and to
24 require compliance therewith by every timber owner or operator.

25 (b) To promote the sustained productivity of the forests of the
26 Sierra Nevada Mountains in Nevada.

27 (c) To preserve the natural water supply of the State in the
28 interests of the economic welfare of the State.

29 2. The provisions of NRS 528.010 to 528.090, inclusive, *and*
30 ~~sections 6 and 7 of this act~~ shall not be construed in any way to
31 condone any activity which causes significant degradation of water
32 quality.

33 **Sec. 14.** NRS 528.043 is hereby amended to read as follows:

34 528.043 An application for a logging permit shall be
35 accompanied by:

36 1. A logging plan including, ~~[but not limited to,]~~ *without*
37 *limitation,* the following information:

38 (a) An accurate topographical map showing exterior boundaries
39 of the areas to be logged and the roads, structures and landings,
40 existing and proposed.

41 (b) *A statement that contains the objectives of the harvest and*
42 *the conditions of the stand, including, without limitation:*

43 *(1) The current species composition and density of the*
44 *stand;*



(2) *The anticipated species composition and density of the stand post treatment; and*

(3) *The current insects and diseases present at the stand.*

(c) The volume of timber to be removed.

~~[(e)]~~ (d) The time required for removal of such volume.

~~[(d) The specification as to the percentage of merchantable volume to be removed and the composition of any residual stand.]~~

(e) The revegetation plan, if applicable.

(f) The slash-disposal and cleanup plans ~~[(f)]~~, *including, without limitation, the timing and the methods of the disposal of the slash.*

(g) The road construction specifications and erosion control measures.

(h) *The spill prevention plan.*

(i) An outline of the fire prevention and protection plans and procedures.

~~[(i)]~~ (j) A description of tools and equipment suitable and available for fire fighting, and the number of persons normally available for fire fighting.

(k) *The minimum stocking levels of the area as approved by the State Forester Firewarden.*

2. If a variance is requested pursuant to NRS 528.048, the applicant shall also furnish the State Forester Firewarden with information and data regarding:

(a) Soil characteristics;

(b) Reproduction capability of the area;

(c) Ground and litter cover;

(d) Soil erosion hazards;

(e) Natural drainage features;

(f) Percent of gradient and aspect of slopes;

(g) Description of the method of logging and equipment to be used; and

(h) Such other information as the State Forester Firewarden may require.

3. A performance bond in an amount set by the State Forester Firewarden, ~~[and based upon the contract price or value of the timber to be cut.]~~ which shall be conditioned upon compliance with all provisions of the logging permit, and shall be approved as to form and sufficiency by the State Forester Firewarden.

Sec. 15. NRS 528.047 is hereby amended to read as follows:

528.047 Any logging permit may be suspended or revoked for any of the following reasons:

1. Failure to comply with:

(a) The forest practice rules or regulations;

(b) The conditions of the permit;

(c) The original logging plan; or



(d) Any accepted alternate logging plan.

2. Refusal to allow any inspection by the State Forester Firewarden or the agent of the State Forester Firewarden.

3. Inadequate performance bond.

4. *Operating ground-based equipment on saturated soil.*

Sec. 16. NRS 528.048 is hereby amended to read as follows:

528.048 1. No person may ~~engage in tractor logging~~ *operate ground-based equipment* on a slope ~~[whose gradient]~~ *that is greater than* 30 percent ~~for more~~ without first obtaining a variance from the State Forester Firewarden.

2. The State Forester Firewarden shall act on a request for a variance within 45 days after receipt of a proper application, which shall include the information required by subsection 2 of NRS 528.043. If a variance is granted, it is subject to such conditions and requirements as the State Forester Firewarden may prescribe.

3. In acting on a request for a variance, the State Forester Firewarden shall consider the following factors:

(a) The extent to which ~~tractor logging~~ *ground-based equipment* may destroy advanced regeneration and litter cover;

(b) The extent to which ~~tractor logging~~ *ground-based equipment* may cause soils to be displaced or erode; and

(c) The extent to which ~~tractor logging~~ *ground-based equipment* may cause siltation and eroded soils to infiltrate the ~~[200-foot]~~ *50-foot* stream buffer.

4. An applicant may request a hearing before the State Forester Firewarden within 10 days after the denial of a request for a variance.

5. Upon any final denial, any performance bond shall be returned to the applicant.

Sec. 17. NRS 528.050 is hereby amended to read as follows:

528.050 ~~[The cutting practices of]~~

1. *Except as otherwise provided in subsection 2,* every timber owner or operator conducting logging operations within this state shall ~~conform to the following:~~

~~—1. Areas of old growth timber shall have reserved and left uncut for future crops all sound, immature trees 18 inches d.b.h. or less, with an average of not less than 10 satisfactorily located seed trees 18 inches d.b.h. or larger to be left per acre, and no area will be more than one eighth mile from seed source unless the area is adequately stocked. Seed trees shall be approved by the State Forester Firewarden.]~~ *cause the harvest area to be minimally stocked not later than 5 years after completion of the logging operations.*

2. ~~[Areas of young growth and prior cut timber harvested for saw logs and veneer logs shall have reserved and left uncut for~~



~~future crops all sound, immature trees of 18 inches d.b.h. or less, with an average of not less than 10 satisfactorily located seed trees 18 inches d.b.h. or larger to be left per acre, and no area will be more than one eighth mile from the seed source unless the area is adequately stocked. Seed trees shall be approved by the State Forester Firewarden.~~

~~3. On areas of young growth and prior cut timber where forest products other than saw logs and veneer logs are being harvested an adequately stocked stand shall be left.~~

~~4. The following may be cut regardless of size:~~

~~(a) Trees with dead tops.~~

~~(b) Trees with butt burns, with over half of the circumference burned and exposed wood showing decay.~~

~~(c) Trees with bad lightning scars.~~

~~(d) Trees infested with insects or disease.~~

~~(e) Trees injured or broken during operations.~~

~~(f) Trees to be removed for purpose of clearing of rights of way, landings, campsites or firebreaks.~~

~~(g) Excessively crooked trees.~~

~~(h) Suppressed trees with less than 25 percent crown.~~

~~5. No tractor logging shall be conducted on saturated soils.~~

~~→} The provisions of [this section] **subsection 1** do not apply [if] :~~

~~(a) If trees are being removed to change the use of the land from forest production to another use, but the timber owner or the agent of the timber owner shall obtain a timberland conversion certificate as provided in this chapter [f]; or~~

~~(b) To a logging operation that only involves the salvage of dead timber.~~

Sec. 18. 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]~~ **50** 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 **pursuant to subsection 2** 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]~~ **50-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.

4. The committee may prohibit a logging operation from felling trees, skidding, rigging or constructing roads or landings, or operating vehicles, in an area greater than 50 feet, measured on the slope, from the high-water mark of any lake, reservoir, stream or other body of water if the committee determines that the site conditions of the logging operation warrant such prohibition.

Sec. 19. NRS 528.055 is hereby amended to read as follows:

528.055 1. ~~{Tractor-skid}~~ *Skid* trails, landings, logging ~~{truck}~~ roads and firebreaks shall be so located, constructed, used and left after timber harvesting that erosion caused by water flow therefrom and water flow in natural watercourses shall be limited to a reasonable minimum that will not impair the productivity of the soil or appreciably diminish the quality of the water.

2. Roadside berms shall be constructed where necessary to guide surface water flow to the point of planned diversion required by NRS 528.0551 and 528.0552, and to prevent unnecessary erosion of fills and side cast material.

Sec. 20. NRS 528.0551 is hereby amended to read as follows:

528.0551 1. Except as provided in NRS 528.0552, 528.0553 and 528.0554, water breaks or culverts, or both, shall be constructed for all logging ~~{truck}~~ roads, ~~{tractor}~~ skid trails and firebreaks no later than November 15 of each year. Water breaks or culverts, or both, shall:

(a) Be located in minimal fill areas;

(b) Be effective in diverting surface water from logging ~~{truck}~~ roads, ~~{tractor}~~ skid trails and firebreaks;

(c) Provide unrestricted discharge into an area having sufficient filter capacity to effectively remove water-borne sediment to



1 prevent a serious risk of causing significant degradation of water
2 quality; and

3 (d) Be installed at such intervals as are necessary to reasonably
4 prevent surface water on or from such logging ~~{truck}~~ roads,
5 ~~{tractor}~~ skid trails and firebreaks from accumulating in sufficient
6 volume or accelerating to sufficient velocity to cause excessive
7 erosion. The following guidelines shall be considered in determining
8 reasonable water break or culvert intervals:

9 (1) On grades of 10 percent or less, intervals of 100 to 200
10 feet;

11 (2) On grades of 11 to 25 percent, intervals of 75 to 150 feet;

12 (3) On grades of 26 to 49 percent, intervals of 50 to 100 feet;
13 and

14 (4) On grades of 50 percent or more, intervals of 30 to 75
15 feet.

16 2. Advance flagging of water break or culvert locations shall be
17 provided wherever necessary to insure that the location and spacing
18 of the water breaks or culverts, or both, is adequate to prevent water
19 flow from creating a serious risk of causing significant degradation
20 of water quality.

21 3. On permanent ~~{truck}~~ roads, water breaks or culverts, or
22 both, shall be cut a minimum of 12 inches into the firm road surface
23 and shall be constructed so that they will not be rendered ineffective
24 by the passage of motorized vehicles.

25 **Sec. 21.** NRS 528.0553 is hereby amended to read as follows:

26 528.0553 If weather or soil conditions, or both, prevent
27 installation of water breaks, culverts or outsloped drainage
28 structures, or any combination thereof, prior to November 15 of
29 each year as required by NRS 528.0551 and 528.0552, the drainage
30 of ~~{truck}~~ roads, ~~{tractor}~~ skid trails and firebreaks shall be
31 maintained by hand to prevent excessive erosion until permanent
32 facilities can be installed.

33 **Sec. 22.** NRS 528.0554 is hereby amended to read as follows:

34 528.0554 Wherever terrain or any other factor precludes proper
35 diversion of water flow from ~~{tractor}~~ skid trails as required by NRS
36 528.0551 and 528.0552, slash shall be scattered on such ~~{tractor}~~
37 skid trails in sufficient quantity to retard water flow thereon and
38 hold erosion to a minimum.

39 **Sec. 23.** NRS 528.057 is hereby amended to read as follows:

40 528.057 1. Every timber owner or operator, upon completion
41 of his or her logging or cutting operation, shall sow suitable grass
42 seed on skid trails, skid roads, unmaintained ~~{tractor and truck}~~
43 roads and landings to help maintain the productive condition of the
44 cut-over timberlands. Drill seedings shall be done where feasible.

45 2. The seed shall:



- (a) Be approved by the State Forester Firewarden;
- (b) Not be sown during windy weather or when the ground is frozen or under any other unsuitable conditions; and
- (c) Be spread evenly at not less than 12 pounds per acre ~~in the spring~~ when moisture conditions are favorable.

Sec. 24. NRS 528.060 is hereby amended to read as follows:

528.060 For the purpose of protecting from damage those trees required to be left for reserve and to leave cut-over timberland in a productive condition and to regulate timberland conversion, the State Forester Firewarden:

1. Shall make reasonable rules in relation to stump heights, felling of trees, skid trails and skid roads, ~~tractor and truck~~ *other* roads, landings and rigging as the State Forester Firewarden deems wise and necessary.

2. May adopt such regulations as are necessary to carry out the provisions of NRS 528.010 to 528.090, inclusive.

Sec. 25. 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~~ *must include, without limitation, lopping and scattering* 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~~ *Such lopping and scattering must be performed* currently in the course of operations. In areas where a timber owner or operator chooses to pile and burn lopped slash, the slash ~~shall~~ *must* be piled and burned where the burning will not damage residual trees or reproduction. The piled slash ~~shall~~ *must* be burned at a safe time as determined by the State Forester Firewarden. Piles that fail to burn clean ~~shall~~ *must* be repiled and burned. All reasonable precautions ~~shall~~ *must* be taken to confine such burning to the piled slash.

Sec. 26. NRS 528.083 is hereby amended to read as follows:

528.083 An application for a timberland conversion certificate shall be accompanied by the following:

1. A conversion plan on a form prescribed by the State Forester Firewarden, which shall set forth in detail information pertaining to:



- 1 (a) The present and future use of such land;
- 2 (b) The soil and topography of such land;
- 3 (c) The conversion techniques;
- 4 (d) The conversion time schedule; and
- 5 (e) Such other information as the State Forester Firewarden may
- 6 require.

7 2. An affidavit on a form prescribed by the State Forester
8 Firewarden, which shall include:

- 9 (a) The name of the applicant;
- 10 (b) The nature of the use to which such land is to be devoted;
- 11 (c) The dates when such conversion is to commence and be
- 12 completed; and
- 13 (d) The signature of the applicant.

14 3. A performance bond of not less than an amount equal to \$75
15 for each acre of the land to be converted, which shall be conditioned
16 on compliance with the provisions of the timberland conversion
17 certificate, and shall insure the cost of any needed stabilization,
18 revegetation or rehabilitation work. Such performance bond shall be
19 in one of the following forms:

20 (a) A surety bond with a surety qualified to do business in this
21 state ~~}; or~~

22 (b) A personal bond accompanied by a ~~{deposit of:~~
23 ~~—(1) Cash, a cashier's check or a money order}~~ **surety bond,**
24 **certificate of deposit or treasury note** in the required amount. ~~}; or~~

25 ~~—(2) Negotiable securities acceptable to the State Forester~~
26 ~~Firewarden in the required amount together with a power of attorney~~
27 ~~in favor of the State Forester Firewarden to sell such securities in~~
28 ~~the event of default.~~

29 ~~—(c) An individual surety executed on a form prescribed by the~~
30 ~~State Forester Firewarden and guaranteed by at least two persons of~~
31 ~~financial standing acceptable to the State Forester Firewarden.]~~

32 4. Such additional information as the applicant may desire to
33 submit or as the State Forester Firewarden may require.

34 **Sec. 27.** NRS 528.150 is hereby amended to read as follows:

35 528.150 1. On or before January 1 of each year, the State
36 Forester Firewarden shall, in coordination and cooperation with the
37 Tahoe Regional Planning Agency and the fire chiefs within the Lake
38 Tahoe Basin, submit a report concerning fire prevention and forest
39 health in the Nevada portion of the Lake Tahoe Basin to:

40 (a) The Legislative Committee for the Review and Oversight of
41 the Tahoe Regional Planning Agency and Marlette Lake Water
42 System created by NRS 218E.555 and to the Director of the
43 Legislative Counsel Bureau for transmittal to the Legislature;

44 (b) The Governor;

45 (c) The Tahoe Regional Planning Agency; and



(d) Each United States Senator and Representative in Congress who is elected to represent the State of Nevada.

2. The report submitted by the State Forester Firewarden pursuant to subsection 1 must address, without limitation:

(a) The status of:

(1) The implementation of plans for the prevention of fires in the Nevada portion of the Lake Tahoe Basin, including, without limitation, plans relating to the reduction of fuel for fires;

(2) Efforts concerning forest restoration in the Nevada portion of the Lake Tahoe Basin; and

(3) Efforts concerning rehabilitation of vegetation, if any, as a result of *a fire or other event which significantly disturbs the vegetation* in the Nevada portion of the Lake Tahoe Basin.

(b) Compliance with:

(1) The goals and policies for fire prevention and forest health in the Nevada portion of the Lake Tahoe Basin; and

(2) Any recommendations concerning fire prevention or public safety made by any fire department or fire protection district in the Nevada portion of the Lake Tahoe Basin.

(c) Any efforts to:

(1) Increase public awareness in the Nevada portion of the Lake Tahoe Basin regarding fire prevention and public safety; and

(2) Coordinate with other federal, state, local and private entities with regard to projects to reduce fire hazards in the Nevada portion of the Lake Tahoe Basin.

Sec. 28. Any agreement entered into pursuant to NRS 527.320 before the effective date of this act is not affected by the provisions of section 29 of this act.

Sec. 29. NRS 527.310, 527.320, 528.013, 528.019, 528.022, 528.023, 528.025, 528.0265, 528.027, 528.046 and 528.087 are hereby repealed.

Sec. 30. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

527.310 Decennial report: Preparation; contents; financing.
527.320 Cooperative agreements; annual reports; demonstrations.

528.013 “Adequately stocked” defined.

528.019 “Old growth” defined.

528.022 “Prior-cut” defined.



- 528.023 “Seed tree” defined.
- 528.025 “Snag” defined.
- 528.0265 “Tractor” defined.
- 528.027 “Young growth” defined.
- 528.046 Logging permit: Reduction of performance bond.
- 528.087 Timberland conversion certificate: Reduction of performance bond.

