

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

**Eightieth Session
May 30, 2019**

The Senate Committee on Natural Resources was called to order by Chair Melanie Scheible at 5:00 p.m. on Thursday, May 30, 2019, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Melanie Scheible, Chair
Senator Chris Brooks, Vice Chair
Senator Dallas Harris
Senator Pete Goicoechea
Senator Ira Hansen

GUEST LEGISLATORS PRESENT:

Assemblywoman Heidi Swank, Assembly District No. 16
Assemblyman Steve Yeager, Assembly District No. 9

STAFF MEMBERS PRESENT:

Alysa Keller, Committee Policy Analyst
Erin Sturdivant, Committee Counsel
Steve Woodbury, Committee Secretary

OTHERS PRESENT:

Jim Lawrence, Deputy Director, State Department of Conservation and Natural Resources
Andy Maggi, Nevada Conservation League
Daniel Pierrott, Nevada Bighorns Unlimited
Robert Mergell, Administrator, Division of State Parks, State Department of Conservation and Natural Resources

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Jennifer Carr, Deputy Administrator, Division of Environmental Protection, State
Department of Conservation and Natural Resources

CHAIR SCHEIBLE:

I will open the hearing on Assembly Bill (A.B.) 229.

ASSEMBLY BILL 229 (1st Reprint): Requires the establishment of a technical advisory program for the protection and preservation of certain buildings and structures. (BDR 33-299)

ASSEMBLYWOMAN HEIDI SWANK (Assembly District No. 16):

This bill creates a technical advisory network based on a similar program in Iowa. The program works through the State Historic Preservation Office (SHPO) and allows owners of buildings that are 50 years or older to get technical advice through a grant program.

Working with older buildings is sometimes difficult. There may be dated techniques where specialized advice might be needed to help with a particular building. The bill allows SHPO to compile a list of people who are qualified under the Secretary of the Interior's Historic Preservation Professional Qualifications Standards. People who need help with their older buildings can access the list from the SHPO website and engage with the appropriate technical advisor.

A grant program will cover the technical advisor's travel and salary costs. Grantees will cover the costs of lodging and meals.

People using this program will not be bound to act on the advice they are given. It is a way to help people working on older buildings find resources that may not be easily accessible.

CHAIR SCHEIBLE:

I see there is a fiscal note. Was this bill heard in the Assembly Committee on Ways and Means?

ASSEMBLYWOMAN SWANK:

Yes it was. There is a fiscal note from the State Department of Conservation and Natural Resources (DCNR). An updated fiscal note from the DCNR zeros out the original amount. There is a \$10,000 appropriation in the first year of the

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biennium that SHPO will use to compile the list. Section 3 of the bill states that the act is effective July 1, 2019 for compiling the list.

Since SHPO is a small office, we want to make sure it has enough time to develop the list. The bill provides approximately one year to do so. The grant program starts in January 2021, and there is \$20,000 in the second year of the biennium to administer the program in that year.

SENATOR GOICOECHEA:

Is the \$30,000 going to come from the Division of Environmental Protection (NDEP) fees?

ASSEMBLYWOMAN SWANK:

It is a General Fund appropriation.

JIM LAWRENCE (Deputy Director, State Department of Conservation and Natural Resources):

When the bill first came out, SHPO put a fiscal note on it. With the amendment and the appropriation included in the current bill, we put an unsolicited fiscal note bringing the fiscal impact to zero.

CHAIR SCHEIBLE:

I will close the hearing on A.B. 229. I will open a work session and accept a motion on A.B. 229.

SENATOR BROOKS MOVED TO RE-REFER A.B. 229 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR HANSEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SCHEIBLE:

I will open the hearing on A.B. 331.

ASSEMBLY BILL 331 (2nd Reprint): Creates the Outdoor Education and Recreation Grant Program. (BDR 35-89)

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ASSEMBLYMAN STEVE YEAGER (Assembly District No. 9):
I am reading from my written testimony ([Exhibit C](#)) presenting A.B. 331.

ANDY MAGGI (Nevada Conservation League):
The Nevada Conservation League supports A.B. 331.

DANIEL PIERROTT (Nevada Bighorns Unlimited)
Nevada Bighorns Unlimited supports A.B. 331.

SENATOR GOICOECHEA:
Is this program funded in the Division of State Parks (DSP) budget or is the funding being requested?

ROBERT MERGELL (Administrator, Division of State Parks, State Department of Conservation and Natural Resources):
The program is funded with an appropriation; it is not coming out of the DSP budget.

SENATOR GOICOECHEA:
Was the appropriation made in the Assembly Committee on Ways and Means?

MR. MERGELL:
Yes, it was.

CHAIR SCHEIBLE:
I will open a work session and accept a motion on A.B. 331.

SENATOR BROOKS MOVED TO DO PASS A.B. 331.

SENATOR HANSEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SCHEIBLE:
I will open the hearing on A.B. 537.

ASSEMBLY BILL 537 (1st Reprint): Revises provisions relating to certain penalties imposed by the State Department of Conservation and Natural Resources. (BDR 40-1270)

JENNIFER CARR (Deputy Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources):

I am reading from my written testimony presenting A.B. 537 ([Exhibit D](#)).

SENATOR GOICOECHEA:

It appears that section 1 of the bill applies to nonpoint source pollution. The rest appears to address permitted activities but gives the DCNR more teeth. I am concerned about the provisions allowing the DCNR to compel compliance by injunction or other appropriate remedy. It sounds like it is talking about an offender who might not have a permit in hand.

Ms. CARR:

Your comment refers to what the amendment coming out of the Assembly addresses. The original language, now section 1.5, reflects *Nevada Revised Statutes* 445A.700, used to exempt diffused sources from this section. The Assembly wanted to strike the diffuse source exemption, and section 1 of the bill was created.

The diffuse source program is the same as the Nonpoint Source Pollution Management Program (NSP), which is for overland flow, storm water runoff and things of that nature from agriculture or mining. This program has been in place for a long time. It is less relevant now that we have the United States Environmental Protection Agency National Pollutant Discharge Elimination System and Municipal Separate Storm Sewer System programs, but the NSP program still exists. It also allows for local jurisdictions to take over the diffuse source program from the DCNR, but the diffuse source program is specifically exempt from enforcement. This is why it was originally exempt from settlement actions as well. However, the Assembly decided it was important to have other appropriate remedies at the DCNR's disposal for violations related to diffuse sources. There may be cases where fines and penalties can be avoided and where an alleged violator could engage in an environmental project to improve the environment as opposed to potentially having to pay fees.

SENATOR GOICOECHEA:

Directors should be able to take appropriate action, but there should be a mechanism, such as a preliminary notification of the problem, where correction could take place without bringing an injunction. Would the Director first issue an order requiring the offender to take corrective action? If corrective action was not taken, would the Director bring the injunction?

MS. CARR:

Yes, this bill does not change the way NDEP does business. If there is a violation of any of the NDEP statutes, a finding and order are issued, and the formal enforcement process is initiated. Seeking an injunction rarely occurs.

For the diffuse source program, we would follow a similar format, working with the alleged violator to find an appropriate remedy that might help restore the environment rather than imposing fines and penalties. However, the diffuse source program is obsolete, and the rules have not been used in a very long time.

SENATOR GOICOECHEA:

Somebody might decide to use it, and the procedure that will be followed should be established on the record. This procedure should include notification that there is an issue needing to be addressed and the opportunity for the offender to do so prior to further action being taken. It has been a wet year in eastern Nevada. There are probably some issues there.

CHAIR SCHEIBLE:

I will close the hearing and open the work session on A.B. 537.

SENATOR GOICOECHEA MOVED TO DO PASS A.B. 537.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SCHEIBLE:

I will re-open the work session on A.B. 229.

SENATOR BROOKS MOVED TO RESCIND THE PREVIOUS ACTION
TAKEN ON A.B. 229.

SENATOR HANSEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SCHEIBLE:

I will accept a new motion on A.B. 229.

SENATOR BROOKS MOVED TO DO PASS A.B. 229.

SENATOR HANSEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SCHEIBLE:

Seeing no public testimony, I will adjourn the meeting at 5:30 p.m.

RESPECTFULLY SUBMITTED:

Steve Woodbury,
Committee Secretary

APPROVED BY:

Senator Melanie Scheible, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
A.B. 331	C	1	Assemblyman Steve Yeager	Written Testimony
A.B. 537	D	3	Jennifer Carr / State Department of Conservation and Natural Resources	Written Testimony