

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON NATURAL RESOURCES**

**Eighty-First Session
March 24, 2021**

The Committee on Natural Resources was called to order by Chair Howard Watts at 4:01 p.m. on Wednesday, March 24, 2021, Online. 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/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblyman Howard Watts, Chair
Assemblywoman Lesley E. Cohen, Vice Chair
Assemblywoman Natha C. Anderson
Assemblywoman Annie Black
Assemblywoman Tracy Brown-May
Assemblywoman Maggie Carlton
Assemblyman John Ellison
Assemblywoman Cecelia González
Assemblywoman Alexis Hansen
Assemblywoman Susie Martinez
Assemblywoman Robin L. Titus
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Melanie Scheible, Senate District No. 9

STAFF MEMBERS PRESENT:

Jann Stinnesbeck, Committee Policy Analyst
Allan Amburn, Committee Counsel
Devon Kajatt, Committee Manager
Nancy Davis, Committee Secretary
Trinity Thom, Committee Assistant



OTHERS PRESENT:

Heidi Swank, Private Citizen, Mendota Heights, Minnesota
Jake Tibbitts, Natural Resources Manager, Department of Natural Resources, Eureka County
Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation
Meghan Brown, Deputy Administrator, Plant Industry Division, State Department of Agriculture
Jaina Moan, External Affairs Director, The Nature Conservancy
Keith Lee, representing Alert Wildfire Systems
Christi Cabrera, Policy and Advocacy Director, Nevada Conservation League
Kacey KC, State Forester Firewarden, Division of Forestry, State Department of Conservation and Natural Resources
Mickey Hazelwood, Eastern Sierra Nevada Program Director, The Nature Conservancy
Kara Steeland, representing Truckee Meadows Water Authority

Chair Watts:

[Roll was taken. Committee rules and protocol were reviewed.] We will begin by hearing Assembly Bill 85. I would like to welcome former Chair of the Committee, Heidi Swank, to present this bill.

Assembly Bill 85: Revises provisions relating to noxious weeds. (BDR 49-108)

Heidi Swank, Private Citizen, Mendota Heights, Minnesota:

As we all know, and for folks who have been on the Committee on Natural Resources, or even not and just living in Nevada, cheatgrass is a major issue in northern Nevada. Since its introduction in 1906, it has overtaken the sagebrush sea and currently dominates roughly 20 million acres in Nevada and the Great Basin.

The impacts of this are several: It replaces sagebrush that sage grouse rely on for, among other things, migration corridors. It also fuels fires such as the massive Martin Fire that we saw in 2018. It has undermined the sagebrush sea, which is a historic landscape in Nevada. However, there are ongoing efforts to hold back cheatgrass, not only in Nevada, but across the West. We know that in areas that are fully dominated by cheatgrass, known as a cheatgrass monoculture, the removal of all the cheatgrass in those areas is probably not possible or practicable. There are other areas that could have the cheatgrass removed, or at least held back from that area becoming a cheatgrass monoculture.

With that in mind, we also know that invasive plants and noxious weeds programs are run by the State Department of Agriculture. The Department of Agriculture sets lists of plants that are designated as noxious weeds. Noxious weeds are prioritized for action against their spread. They also receive a small amount of funding towards those efforts to eradicate or at least control the noxious weeds. Currently, according to *Nevada Revised Statutes* (NRS) 555.130, cheatgrass could not be deemed a noxious weed because of that little part in statute

that actually dates back to 1929 and says any grass that is already established in the state cannot be deemed a noxious weed.

This bill deletes that piece of language and would allow the State Quarantine Officer to deem cheatgrass, or any other long-established invasive plants like red brome, which is a problem in southern Nevada, to be designated a noxious weed and therefore have access to some small amounts of funding through the federal government. This does not require the State Quarantine Officer to make that designation; it just says that the person in that office can, and it allows that judgment to be made by the State Quarantine Officer who is an expert in those classifications and would be able to work with folks all over the state to determine if that classification should be made or not. Mr. Tibbitts is here today with an amendment and will be testifying in opposition. He and I will be working together on his amendment.

Chair Watts:

Are there any questions?

Assemblywoman Titus:

I would like to say it is great to see you, Ms. Swank. It is good to know you are still engaged, and thank you for bringing this bill forward.

Assemblyman Ellison:

Does this mean that at any given time, the State Quarantine Officer can say, I feel this is a noxious weed, and declare it as such?

Heidi Swank:

That is correct. The State Quarantine Officer is an expert in these sorts of classifications and would be able, through regulation, to deem it a noxious weed. There are no plans for that to happen; this is merely eliminating a roadblock so that we can let the experts do their jobs.

Chair Watts:

Are there any other questions? Seeing none, I will move on to testimony in support of Assembly Bill 85. Hearing none, is there anyone wishing to testify in opposition?

Jake Tibbitts, Natural Resources Manager, Department of Natural Resources, Eureka County:

I have submitted a potential amendment [[Exhibit C](#)], and I am in communication with Ms. Swank to find something that will meet the intent of the bill and work for all of us. We believe in the intent of A.B. 85; we do want to address the issues of cheatgrass, our shortened fire cycles, and continuing loss of our sagebrush ecosystem. Our concern is that currently, by listing cheatgrass as a noxious weed, many other implications are pulled in as far as abatement issues. There are also civil penalties in NRS 555.201. Currently, the State Quarantine Officer designates weeds as noxious weeds and they go through a regulatory process to do that. It is a statewide listing of those weeds.

I manage one of eight recognized weed districts in the state under NRS Chapter 555. I can tell you right now, we already have extreme limitations on addressing the weeds that are on the noxious weed list. If you were to add weeds such as these widespread weeds, and the legal obligations that are in this statute related to noxious weeds, we think it could cause some undue considerations. We do believe there is a way to get there; we are proposing the amendment to create some new type of designation called something like "weeds for strategic control" that would empower the State Quarantine Officer to list these fire-prone weeds that we are trying to target in very specific geographic areas to keep cheatgrass out of that area, which is the intent. We do think there is a way to get there. Again, we support the concept and are looking forward to making this work for everyone.

Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation:

We have struggled to determine where our organization's position fits into the three options for testifying on bills. If I correctly understand the criteria for picking from the three options, we are here today to testify in opposition to A.B. 85. The Nevada Farm Bureau Federation strongly supports increased efforts and effectiveness in controlling noxious weeds. We also strongly support the effort and effectiveness in reversing the explosive expansion of cheatgrass dominance that has led to the disastrous effects on wildfire conditions. Our concern with A.B. 85 is our belief that making the changes to the existing law by deleting the word "proposed" will have the desired changes in the Department of Agriculture's ability or capacity to do anything different than what they do now. When you put the entire section of NRS Chapter 555 and the noxious weeds into perspective, there are significant, severe consequences for how noxious weed control measures are applied for private property owners. In those instances where noxious weed problems are capable of being correctable, we support the responsibility that the current law calls for. We do not believe that all weeds, especially cheatgrass, can be corrected by noxious weed law as envisioned in A.B. 85. We believe that A.B. 85 will not necessarily improve the end results. At the same time, we think there could be negative consequences by taking out the safety provisions for applying noxious weed authority in cases where specific weed control is not practical or possibly impossible.

Chair Watts:

Is there anyone else wishing to testify in opposition? Hearing no one, I will hear those in neutral.

Meghan Brown, Deputy Administrator, Plant Industry Division, State Department of Agriculture:

I am here to answer any questions the Committee may have regarding A.B. 85.

Chair Watts:

Are there any questions?

Assemblyman Ellison:

I just received a letter from the Nevada Mining Association; it mentions ranching, public lands, and private lands [[Exhibit D](#)]. Have you had a chance to look at that letter?

Meghan Brown:

I have not reviewed all of the testimony, but I am happy to review it and share it with other members of the Department of Agriculture.

Assemblywoman Titus:

In recent years, the cheatgrass has been considered under the grazing permits. It is springtime now and with these grazing allotments, ranchers can bring their cattle in to graze as the cheatgrass is edible for a small amount of time. If it is decided that cheatgrass is a noxious weed, will that change grazing permits? I am curious if this will affect the figuring or calculation in the grazing allotments.

Meghan Brown:

I do not administer Bureau of Land Management, U.S. Department of the Interior permits or Forest Service, U.S. Department of Agriculture grazing permits, so I am not sure how that would change designation and calculation of grazing permits.

Chair Watts:

Are there any other questions? Seeing none, is there anyone else wishing to testify in neutral? Hearing no one, are there any closing remarks?

Heidi Swank:

Mr. Tibbitts and I will meet on Friday regarding the amendment [[Exhibit C](#)]. In response to Mr. Busselman's testimony, this is not removing any safety provisions. We have a State Quarantine Officer because he is an expert in this area and can make those judgments. The State Quarantine Officer is our safety provision in Nevada. Also, I want to emphasize that this does not change anything going forward. It allows the State Quarantine Officer to do his job; instead of putting that piece in legislation, we really should let the science dictate that.

Chair Watts:

I will close the hearing on [A.B. 85](#). We will now move to a bill draft request (BDR) introduction.

BDR 51-559—Revises provisions governing the production and sale of eggs and egg products. (Later introduced as [Assembly Bill 399](#).)

I will entertain a motion to introduce BDR 51-559.

ASSEMBLYWOMAN COHEN MADE A MOTION FOR COMMITTEE
INTRODUCTION OF BILL DRAFT REQUEST 51-559.

ASSEMBLYWOMAN TITUS SECONDED THE MOTION.

Is there any discussion? Hearing none, we will vote.

THE MOTION PASSED UNANIMOUSLY.

I would now like the Committee to reconsider Assembly Bill 34, which we heard on February 22, 2021, and voted on March 10, 2021.

Assembly Bill 34: Revises provisions governing the control of pests, noxious weeds and pesticides. (BDR 49-272)

It has come to my attention that the bill needs an additional amendment [[Exhibit E](#)]. The purpose of this reconsideration would be to remove language that authorizes the imposition of a fee. The result of the removal of this fee authority means the two-thirds requirement will be removed from the bill once it is reprinted. I have sent the amendment to all the members and it is available on the Nevada Electronic Legislative Information System. I will entertain a motion to reconsider the Committee's action on A.B. 34.

ASSEMBLYWOMAN COHEN MOVED TO RECONSIDER THE COMMITTEE'S ACTION ON ASSEMBLY BILL 34.

ASSEMBLYWOMAN MARTINEZ SECONDED THE MOTION.

Is there any discussion on the motion? Hearing none, we will vote.

THE MOTION PASSED UNANIMOUSLY.

I will now open our work session starting with Assembly Bill 34.

Assembly Bill 34: Revises provisions governing the control of pests, noxious weeds and pesticides. (BDR 49-272)

I provided an overview of the additional amendment [[Exhibit E](#)], which removes the fee authority and would remove the two-thirds requirement for the bill once it is reprinted. Are there any questions? Hearing none, I will entertain a motion to amend and do pass Assembly Bill 34. To be clear, the motion to amend and do pass will include the original amendments as well as the additional amendment to remove the fee authority.

ASSEMBLYMAN WHEELER MOVED TO AMEND AND DO PASS ASSEMBLY BILL 34.

ASSEMBLYWOMAN COHEN SECONDED THE MOTION.

Is there any discussion? Hearing none, we will vote.

THE MOTION PASSED. (ASSEMBLYMAN ELLISON VOTED NO.)

I will assign the floor statement to Assemblywoman González. Next on our work session is Assembly Bill 40.

Assembly Bill 40: Revises provisions relating to petroleum storage tanks. (BDR 40-343)

Jann Stinnesbeck, Committee Policy Analyst:

Assembly Bill 40 was heard in this Committee on February 17, 2021 [[Exhibit F](#)]. The bill expands the definitions of "operator" and "storage tank." The bill requires that before a storage tank is eligible for the coverage of certain costs from the Fund for Cleaning Up Discharges of Petroleum, the operator must, unless certain requirements are met, demonstrate that the storage tank is being monitored for a discharge; and a discharge has not occurred. Lastly, the bill removes the definition of "small business" and instead requires the Board to Review Claims in the Division of Environmental Protection of the State Department of Conservation and Natural Resources to define the term by regulation. There are two proposed amendments. The first is by the Division of Environmental Protection and the second is by the Nevada Petroleum Marketers and Convenience Store Association. Both amendments make changes to the disbursement of funds for cleaning up discharge of petroleum.

Chair Watts:

Are there any questions? Seeing none, I will accept a motion to amend and do pass.

ASSEMBLYWOMAN COHEN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 40.

ASSEMBLYWOMAN GONZÁLEZ SECONDED THE MOTION.

Is there any discussion? Hearing none, we will vote.

THE MOTION PASSED. (ASSEMBLYMAN ELLISON VOTED NO.)

I will assign the floor statement to Assemblywoman Hansen. That concludes our work session. I will open the hearing on Assembly Bill 84.

Assembly Bill 84: Revises provisions relating to wildfires. (BDR 42-110)

Senator Melanie Scheible, Senate District No. 9:

I am here to present Assembly Bill 84, which authorizes the State Forester Firewarden with certain approval to enter into public-private partnerships to address the threat of catastrophic wildfires. With me to present the bill is Jaina Moan, External Affairs Director, The Nature Conservancy. I will first provide brief background information and a summary of this very short bill.

Assembly Bill 84 was proposed by the Committee to Conduct an Interim Study Concerning Wildfires. It was my pleasure to serve as the vice chair of that Committee during the 2019-2020 interim. As you know, the committee was created in 2019 by Assembly Concurrent Resolution 4 of the 80th Session. The committee was tasked with considering methods of reducing wildfire fuels, issues related to early response to wildfires, and the

economic impact of wildfires on the state and local communities. While studying wildfires this past interim, it became clear that we need to harness all resources available, including the private sector.

Former Assemblywoman Heidi Swank, Chair of the committee, recommended the concept in A.B. 84, and the committee unanimously voted to request the bill draft. Hundreds of wildfires occur each year in Nevada. In recent years, we have experienced especially devastating wildfires. In 2018, the Martin Fire and the South Sugarloaf Fire alone burned nearly 1 million acres of land in northeast Nevada. Extremely dry conditions caused in part by climate change, along with the spread of invasive plants like cheatgrass and increased housing development in the wildland-urban interface, have left the state particularly vulnerable to dangerous fires.

Because of Nevada's large proportion of public lands, several agencies share responsibility for wildfire prevention and protection in the state. While it is often local government that first responds to a wildfire, wildfire prevention and suppression are usually done in coordination with state, federal, and other partners. As we look to the future, the threat of catastrophic wildfires will only increase. Therefore, we must remain vigilant and find new ways of addressing this ever-increasing threat. Assembly Bill 84 seeks to do this by authorizing the state to enter into public-private partnerships. Specifically, A.B. 84 authorizes public-private partnerships to address, without limitation, investment in wildfire prevention, restoration, infrastructure, and workforce development for enhancing landscape resiliency against the threat of wildfires. I will now turn the presentation over to Jaina Moan.

Jaina Moan, External Affairs Director, The Nature Conservancy:

I am here today with my colleague, Mr. Hazelwood. I will present A.B. 84 and he will present Assembly Joint Resolution 2. Both the bill and the resolution originated from the Committee to Conduct an Interim Study Concerning Wildfires. We thank that committee for their work in the interim.

Their hearings daylighted a number of opportunities for enhancing wildfire prevention, readiness, response, and restoration efforts. As the committee was wrapping up its meetings, Assemblywoman Swank asked The Nature Conservancy if we had any ideas that would help the state address the issue of wildfire, but that did not require a financial outlay. At that time, we were in the thick of the COVID-19 pandemic and the outlook for state revenue was grim. Assembly Bill 84 and Assembly Joint Resolution 2 are two ideas that resulted from our discussion with Assemblywoman Swank in response to this question, and we are pleased to be here to copresent them to you today.

For the next few minutes, I want to share why we think public-private partnerships are a useful tool for addressing wildfire threat.

Public-private partnerships (PPPs) are financial and legal arrangements that use private investments to fund or provide public goods or services. Public-private partnerships are frequently used to develop transportation and infrastructure projects. In Nevada, there are

three places in statute we have found that authorize public-private partnerships: *Nevada Revised Statutes* (NRS) Chapter 338 authorizes PPPs for transportation facilities; NRS Chapter 321 authorizes them for the preservation and adaptive reuse of historic properties; and in NRS 408.357 they were approved to complete the Boulder City Bypass Project.

In these instances, PPPs were established to help finance large infrastructure or renovation projects. With A.B. 84, we are proposing that they can also be used to address wildfire threat. We know we need to reduce fuel loads and enhance healthy soils in our forests and rangelands. These activities are large natural infrastructure endeavors, so the rationale behind A.B. 84 is that a public-private partnership model can help leverage public funds with private investments in wildfire threat reduction and landscape resiliency enhancement.

We have done a little research into how public-private partnerships have been used to address wildfire threat, and we have found that they are a multipurpose tool. They can be used to enhance wildfire prevention and readiness efforts by directly deploying on-the-ground conservation crews. For example, in 2010, the City of Auburn, California, used a PPP to mobilize local volunteers and conservation corps for forest thinning projects. Public-private partnerships have also been used to provide direct wildfire response with both equipment and operations support. For example, in San Diego in 2013, utilities and the company Erickson Air-Crane joined agencies through public-private partnerships to provide helitanker equipment and manpower to support wildfire suppression operations.

Public-private partnerships have also been successfully used to implement forest restoration on a large landscape level. Effective forest restoration treatments seek to avoid stand-replacing fires by reducing fuel loads through mechanical treatments and prescribed fire. To be effective, forest restoration needs to be done on a large scale and requires substantial investment.

The National Forest Foundation has helped establish public-private partnerships to provide long-term funding for forest restoration work. I have two examples of successful efforts.

The first is the Yuba Project in Sierra County, California, which is a partnership between the Yuba Water Agency; the Tahoe National Forest, Forest Service (USFS), U.S. Department of Agriculture; a nongovernment organization called Blue Forest Conservation; and the California Department of Forestry and Fire Protection (CAL FIRE). The PPP is funded by the Forest Resilience Bond, which is financed by collective contributions from the partners and has taken the lead on implementing projects on over 5,000 acres in the Yuba River watershed. Treatments are designed to reduce surface and ladder fuels to a level that would allow for safe fire suppression and improve wildlife habitat.

The second example is the Northern Arizona Forest Fund. A power and water utility, the Salt River Project, partnered with the National Forest Foundation to implement forest restoration projects in the headwaters of the Salt and Verde Rivers that are a source of drinking water for the Phoenix metropolitan area. The source of revenue for the Northern Arizona Forest Fund is a mixture of public and private revenue generated from forest

restoration investment packages. The fund is used to implement on-the-ground restoration and fuel reduction projects.

The PPP model is also being used to enhance resiliency in rangelands. In 2020, a public-private partnership called the Cheatgrass Challenge was launched in Idaho. In this inaugural year, the challenge selected six restoration projects in sagebrush habitat to receive a total of \$750,000 of investment generated from a mix of federal and state agency funds and private investments.

In addition to establishing innovative funding mechanisms for forest restoration, these public-private partnerships help provide jobs and connect communities to their watersheds.

In closing, we think that public-private partnerships are a useful mechanism for addressing the threat of wildfire in both our forests and rangelands. Assembly Bill 84 will give Nevada's State Forester Firewarden the ability to enter into and manage public-private partnerships, and it will be another tool in our box for tackling this complex problem. We hope that you will support this bill and we are happy to answer any questions.

Chair Watts:

Thank you for providing some examples of public-private partnerships that have been used to address this issue. Are there any questions?

Assemblywoman Titus:

As a member of that interim committee, I think it is critical that we make some progress in saving our Nevada lands. I do believe that those who testify and present this bill really care about helping preserve Nevada's wildland. Conceptually, I am in support of the State Forester Firewarden entering into public-private partnerships. Memorandums of understanding are another thing they do in their job that is within their scope. I want to ensure, for the record, this does not allow the State Forester Firewarden to commit any state dollars. It is the understanding that private dollars would be used. Any state dollars would have to go through the normal process of either the Interim Finance Committee or coming back here to the finance committees. I want to make it clear that this is just an agreement to do the work, but we cannot obligate our state funds with these agreements.

Senator Scheible:

Without having run that exact question by legal counsel, I would agree. That is my understanding of the bill. I could foresee a circumstance in which we would want to pay a private organization to do something like fuel abatement, for example, but to your point, that would have to go through the normal process to get an allocation. This does not allow the State Forester Firewarden to start handing money to private organizations.

Assemblyman Ellison:

Will this bill allow ranchers or construction workers to be first responders without being fined for crossing the line? Also, does this bill also include the removal of brush and debris?

Jaina Moan:

Yes, this bill would include addressing the reduction of fuel load prior to a fire. That was our interest in discussing this bill. Will you repeat your first question?

Assemblyman Ellison:

A few years back, the Bureau of Land Management (BLM), U.S. Department of the Interior, allowed for the first responders to be ranchers or construction workers so they could actively start fighting the fire instead of waiting for firefighters to arrive. Will this bill allow for that?

Jaina Moan:

I believe that any sort of agreement that would pertain to who could participate in certain activities would be worked out by the specific public-private partnership. This bill simply gives the authorization for the State Forester Firewarden to enter into such agreements. Any sort of partners who would respond to a fire or conduct any of the activities under that partnership would be specified by that individual agreement. However, that is not to say that a PPP could not include ranchers and members of a community as first responders. That is similar to the example I provided in San Diego where there was a PPP, and the Yuba Water Agency as well.

Assemblyman Ellison:

You mentioned the Cheatgrass Challenge in Idaho. I think that is a great idea. When they go back in, will they plant native grass to get away from the cheatgrass?

Jaina Moan:

There are currently six projects that have been funded by the Cheatgrass Challenge. They range from restoration improvements to reseeding projects and there is also a pinion-juniper project as well. The projects with that particular challenge are selected each year by the partners involved in the Cheatgrass Challenge, and they also select how to spend the funds they have collectively contributed to.

Chair Watts:

The State Forester Firewarden with the Division of Forestry, State Department of Conservation and Natural Resources, is here to testify in neutral and may be able to address some of these questions as well.

Assemblywoman Cohen:

I am wondering about the process of negotiating and entering into the PPP. Does the State Forester Firewarden have access to a deputy attorney general (DAG) to help with that type of negotiation and to ensure there is nothing in the contract that should not be?

Chair Watts:

I will let the sponsor speak about how they envision the process working, and I would ask that you follow up specifically with the State Forester Firewarden.

Jaina Moan:

I cannot say what the specific process would be. I imagine it would be a contractual arrangement that would go through the typical channels of contractual agreements that the State Department of Conservation and Natural Resources enters into.

Assemblywoman Anderson:

Are these agreements long-term or short-term or is that part of the negotiation process?

Jaina Moan:

It depends on what the purpose of the agreement is. Certainly, many public-private partnerships are entered into for transportation infrastructure, and the case I cited that was authorized in NRS was for the Boulder City Bypass Project, which is a finite project with a certain length of time. These public-private partnerships can be long-term endeavors. Many times, the forest-funding restoration efforts are long-term endeavors because those efforts are seeking to build up a fund to help with restoration. Restoration efforts also take time. I can imagine that those agreements would extend multiple years with options for parties to come and go. The time frame for the public-private partnerships would be dependent upon the purpose of the PPP when it was created.

Assemblywoman Anderson:

I am wondering about a long-term PPP, such as a 25-year agreement. Is there ever any sort of legislative oversight, governor oversight, a public body oversight, or does this continue to be an agreement where the oversight is only within the Department?

Chair Watts:

Contracts are subject to internal controls and we, as the Legislature, get reviews of the internal controls and processes that agencies have from the Division of Internal Audits, Office of Finance, Office of the Governor. Also, in general, practices would be subject to legislative audits as well. One other note is that while the Division would oversee those programs, there are frequently other formal reports that are not listed with this legislation. We also have various interim and bodies during the session to which we get reports on activities. Are there any other questions? Seeing none, I will open up for testimony in support of A.B. 84.

Jake Tibbitts, Natural Resources Manager, Department of Natural Resources, Eureka County:

We support A.B. 84 as written. We note that the best wildfire response and risk reduction efforts have local buy-in and are locally led. We see great opportunities in this bill to assist local fire districts, fire response agencies, and groups like the two firewise communities we have in Eureka County with leveraging private-party efforts and resources and to drive innovation in the wildfire risk reduction arena.

Keith Lee, representing Alert Wildfire Systems:

Alert Wildfire Systems is doing business as WildfireLIVE, a Nevada corporation which, in conjunction with the University of Nevada, Reno (UNR), is deploying and operating cameras

that detect, confirm, and assist in fighting wildfires. This technology was developed by the team at the UNR Nevada Seismological Laboratory (NSL). The fire camera system began in 2013 with the NSL's ALERTTahoe fire camera program and has grown to more than 800 cameras, spanning 5 states. We support A.B. 84. Allowing the State Forester Firewarden to expand her authority to contract with private companies to establish partnerships to assist in the battle against wildfires is crucial to the success in prevention, early detection, suppression, mitigation, and identification of the cause of the wildfire. This concept of public-private partnership has worked well in California, where over time, the independently owned utilities, CAL FIRE, and other state agencies have entered into these contracts that have allowed the disbursement and deployment of almost 800 cameras. This is a great concept and puts one more arrow into the quiver of the State Forester Firewarden in her efforts to prevent and combat wildfires. [Written testimony and a presentation were also provided, [Exhibit G](#) and [Exhibit H](#).]

Christi Cabrera, Policy and Advocacy Director, Nevada Conservation League:

I am here in support of A.B. 84. Science tells us that climate change is making the West hotter and drier, contributing to larger, more intense wildfires. Last year's fire season set new records in terms of geographic scale, fire intensity, and rates of spread. These wildfires have disastrous impacts on natural areas and wildlife habitat. The pollution effects of smoke are hazardous to our health. Encouraging collaboration and partnerships will help our state better mitigate and respond to wildfire, and we urge your support.

Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation:

We are testifying today in support of A.B. 84. Nevada Farm Bureau Federation has a policy in favor of empowering local officials to work cooperatively with state agencies, federal agencies, and other public firefighting agencies to establish local management programs, plans, and organized efforts. We support giving the State Forester Firewarden the empowerment necessary for local entities through the agreements and subsequent authorities presented in A.B. 84.

Chair Watts:

Are there any other callers wishing to testify in support? Hearing no one, I will move to those wishing to testify in opposition. Hearing no one, I will move on to those in neutral.

Kacey KC, State Forester Firewarden, Division of Forestry, State Department of Conservation and Natural Resources:

I will try to answer some of the questions that have been asked. We do have a process for contracts or agreements that go through both our assigned DAG and also either the State Board of Examiners or the Interim Finance Committee. There is a legislative review process for all of our stuff. Our assigned DAG reviews all of our contracts and works on the language with us and the proponents. A good example of that was our NV Energy agreement that falls under this. The DAG worked very closely with NV Energy lawyers to get the language correct, all the way down to our subgrant agreements. We do subgrants with different communities, and the DAG reviews all of our subgrant forms.

We understand that this would not commit any funds of the state unless we went through the process.

As far as allowing ranchers as first responders to fires, that is something we currently do, both through our rural fire protection association and through our agreement with the federal agencies. We work very closely with them. Through provisions for emergency response, we are allowed to make emergency contracts with ranchers if they have equipment we need; we can sign them up on-site. All of these are approved processes.

Chair Watts:

Are there any additional questions?

Assemblyman Ellison:

Is pruning and removal of underbrush something you will expand in the future? Not only does this protect the habitat, it protects the sage grouse.

Kacey KC:

It is different on every project. Every project that we look at, we are working in partnership with usually private landowners, BLM, USFS, the U.S. Department of Defense, or whomever the landowner might be. Before we do a project, we do a project plan that looks at what our goals and objectives are and what our resource objectives are: if we are looking for increased water supply, a decrease in noxious weeds or cheatgrass, or if we are looking for forest health improvements. Usually we are looking at multiple objectives considering habitat and cultural resources as well. All of our projects go through a very thorough vetting process, so everyone is aware of how this project should be implemented. We do pruning projects, but it is more likely that we would do a thinning project rather than a pruning project. We learned a long time ago that pruning sometimes rings the dinner bell for bugs, insects, and disease. We are constantly looking at what is going to be most effective for the objectives that we need to meet.

Chair Watts:

Are there any other questions? Seeing none, I will move on to those in neutral on A.B. 84. Hearing no one, are there any closing remarks?

Jaina Moan:

I want to thank you for your consideration of this bill. We do think that public-private partnerships are a good tool that we can use for our toolbox for fighting wildland fires.

Senator Scheible:

I will echo Ms. Moan's gratitude to all of you for hearing this bill today and engaging with us. We hope you will support this going forward.

Chair Watts:

I will close the hearing on Assembly Bill 84. [Also provided but not mentioned is [Exhibit I](#).] Now I will open the hearing on Assembly Joint Resolution 2.

Assembly Joint Resolution 2: Recognizes that forest health and water quality are inextricably linked. (BDR R-112)

Senator Melanie Scheible, Senate District No. 9:

It is my pleasure to present Assembly Joint Resolution 2, which recognizes that forest health and water quality are inextricably linked. The resolution is also a measure proposed by the Committee to Conduct an Interim Study Concerning Wildfires. One amendment to the resolution has been proposed by The Nature Conservancy [[Exhibit J](#)]. There is also an amendment proposed by Eureka County [[Exhibit K](#)], and I consider both to be friendly amendments. With me today to help present the resolution is Mickey Hazelwood, Eastern Sierra Nevada Program Director, The Nature Conservancy. I will provide a brief summary of the resolution before I turn it over to Mr. Hazelwood for further discussion.

As you know from the presentation you just heard, during the 2019-2020 interim, the Committee to Conduct an Interim Study Concerning Wildfires heard testimony on the catastrophic impact that wildfires have on various environments, including watersheds and conservation science practices that might need wildfire management. Healthy forests work as organic filters to keep sediment and other contaminants out of water. They also operate as natural sponges by collecting precipitation. The ability of forests to aid in the filtration of water provides enormous benefits to the ecosystem and to the public health of our communities as it reduces the need for water treatment. The loss or degradation of forests negatively impacts water quality in watersheds and increases the risk of depleted groundwater levels.

Assembly Joint Resolution 2, as introduced, recognizes that forest health and water quality are inextricably linked and expresses support for the federal government, state agencies, and local government to work with the water purveyors and other stakeholders to identify watersheds that can be improved by better forest health measures. As I previously mentioned, there are two proposed amendments that are available on the Nevada Electronic Legislative Information System (NELIS). I believe that those amendments provide additional language that strengthens the resolution. I will now introduce Mr. Hazelwood, who will provide you with additional information about A.J.R. 2.

Mickey Hazelwood, Eastern Sierra Nevada Program Director, The Nature Conservancy:

The Nature Conservancy is encouraged by the introduction of Assembly Joint Resolution 2 because it addresses an issue we believe is highly important to Nevada and Nevadans.

I have a PowerPoint presentation I would like to share with you [[Exhibit L](#)]. As this resolution acknowledges, the links between our forested landscapes and water resources are inextricable. The waters flowing from the snow-capped mountain ranges from which our state takes its name are truly the lifeblood of the driest state in the union, sustaining both people and nature. Unfortunately, many of those landscapes we are talking about today are at risk of wildfire.

The Nature Conservancy became engaged in this issue through our work in the Truckee River watershed, where for the past two decades, The Nature Conservancy in Nevada has promoted the health of the Truckee River, investing over \$50 million in its restoration and protection [page 2, [Exhibit L](#)]. Most recently that work has focused on restoration of the headwaters forest, in collaboration with the Forest Service, U.S. Department of Agriculture; Truckee Meadows Water Authority; National Forest Foundation; and others, because we realize if we want clean, healthy rivers and streams, we have to work to protect their source waters. This infographic is specific to the Truckee River watershed, but the links demonstrated here are true to watersheds across the state. Healthy forests maximize snow retention, meter snow melt and water delivery, and naturally filter that water. These systems not only support fish and wildlife, they provide the water that supports our homes, businesses, and agriculture, and provides places where Nevadans and folks who visit our state can recreate. Across the state, these systems are important to our way of life and our economy.

However, one spark in the wrong place on the wrong day can change all that. When these landscapes are struck by unnaturally large and intense wildfires, the postfire impacts can be devastating. These types of fires leave denuded landscapes that cannot adequately support wildlife or human needs, and these landscapes allow sediment, ash, and debris to be readily transported into our waterways and water bodies.

Page 3 shows pictures of the Rio Grande watershed in New Mexico. I used to recreate there many years ago. The image on the left is from the Las Conchas Fire in 2011. The image in the center is a snippet of the more than 150,000 acres burned at high intensity during that event. The image on the right is of the water quality of prefire and postfire runoff from the landscape upstream. I was able to revisit this landscape almost exactly three years ago. I spent time talking with the folks who lived through this event and are currently working to mitigate ongoing impacts. I was there seven years later and I took a drive out into this landscape, and it looks exactly like the image on page 3. I drove past trailhead after trailhead, places where I used to go. There was not a car in sight. I stood in Los Alamos, pumping gas in my rental car, looking up at the burned slope outside of town. I was taken aback at how devastating it was. I could picture myself in Gardnerville, Austin, Ely, or anywhere, and it was truly a gut-wrenching experience for me.

When I returned from that trip, it was confirmed to me that an event like this could happen here at home. These pictures are from summer 2018, when a thunderstorm dropped rain on the Slinkard fire scar near Topaz Lake [page 3, [Exhibit L](#)]. Fortunately, this sludge did not make it into Topaz Lake; however, it did shut down U.S. Highway 395 for a better part of a 24-hour period. It impacted the businesses in Topaz Lake. We have seen in recent years, large rangeland fires across the state. We have seen how fires in those landscapes also impact streams and important spring systems that rise from them.

This is an issue across Nevada. These events can impact the life of any Nevadan. This is an issue whether you are a farmer, rancher, or small business owner. It does not matter if you enjoy recreating in this state as a hunter, angler, birdwatcher, hiker, or skier. We have seen

people from all walks of life impacted by events like these all across the western United States, and we do not want to see Nevada fall further victim to events like these. Again, we appreciate the spirit of A.J.R. 2.

Page 5 [[Exhibit L](#)] shows what we proposed in our amendment [[Exhibit J](#)]. We added the words "snow" and "metered release," in addition to "rainfall." As we discussed, that gradual release of snowmelt in our systems allows us to have water in those systems during the driest times of the year when we need that water the most.

We added the word "quantity" because catastrophic wildfires can impact the quantity of water available in our watersheds, as well as quality. As an example, healthy systems meter out this water and provide adequate quantity at times when we need it most. Unhealthy, burned landscapes likely will not do that.

We also proposed the addition of the following "whereas" statements because we felt there were some other links that need to be explicitly made in this resolution:

WHEREAS, climate change is exacerbating drought and size and intensity of wildfire in our forests, presenting a direct threat to water resources from deforestation and postfire runoff; and

WHEREAS, fire suppression has resulted in the proliferation of closed-canopied forests, which have reduced snow accumulation on the forest floor and accelerated the timing of snowmelt as to be mismatched with ecosystem and human needs; and

WHEREAS, healthy forests, water quantity and water quality are important for economic development, the recreation economy, and for the management of wildlife species [page 4, [Exhibit J](#)].

We believe this resolution is a step in the right direction toward protecting our state from unwanted impacts to our forests and water resources. We appreciate that it memorializes the important links between our forests and the quantity and quality of our waters. We greatly appreciate that it encourages the cooperation and collaboration that is so important in tackling an issue that is much bigger than any one agency or organization. We hope this resolution will serve as a tool and a key which will open the door to additional resources to restore and maintain our forested watersheds for the future. Again, we want to thank each of you for considering Assembly Joint Resolution 2, and we hope you will support it.

Chair Watts:

Members, are there any questions?

Assemblywoman Titus:

During that committee, we had lots of different discussions on how we can reverse some of these tragedies that we have had. I would like to clarify that this particular resolution will not be contrary to the contract agreement that we have for our sage grouse program and the juniper sage interface. We have literally cut down thousands of acres of junipers in my neighborhood, which I frequently objected to because for me growing up in Nevada, it was almost a sin to cut down a tree because it takes so long for them to grow. My heart aches when I see those trees being lopped off. They continue to do so with the understanding that potentially it will increase habitat for sage grouse. We all know that their habitat is disappearing, mostly because of forest fires. I want to ensure that this is not running contrary to any contracts we might have with our federal or private partners to cut down these trees.

Mickey Hazelwood:

I am not aware of any potential conflicts between those efforts and this resolution. The way I understand it, this is a nonbinding resolution. This addresses ecological needs that are connected with landscape.

Senator Scheible:

I also did not see any potential conflict in reading the bill and thinking about the sage grouse habitat management that has been done in the past. I would also agree with Mr. Hazelwood that this is a resolution that sets forth guiding principles. If it were to be read in tandem with a legally binding contract or another piece of our statute, then the statute or contract would generally prevail.

Assemblywoman Titus:

Thank you for that clarification. I needed it on the record because we have spent hundreds of hours and millions of dollars on that particular contract that cuts down trees.

Chair Watts:

I will also note that there is some clarity with the amendment proposed by Eureka County [[Exhibit K](#)]. The resolution does not prioritize forests and trees over other management strategies that could assist in promoting healthy watersheds. Is there any additional clarification you would like to add, Mr. Amburn?

Allan Amburn, Committee Counsel:

Basically, this is a nonbinding resolution. Essentially, all it is doing is identifying places where better forest management can be made.

Chair Watts:

Are there any other questions? Seeing none, we will move on to testimony in support of A.J.R. 2.

Jake Tibbitts, Natural Resources Manager, Department of Natural Resources, Eureka County:

Eureka County does support A.J.R. 2 as written, but we point out that healthy rangelands carry the same stated benefits of healthy forests. Since most of the landmass in Nevada is rangeland, it seems this linkage should also be promoted.

Further, overall soil health, regardless of land classification, is very important for water quality and quantity. There is currently a soil health effort being pursued nationwide; thus far, about 30 states this year have stood up related soil health legislation. Assembly Joint Resolution 2 is the natural fit for this effort in Nevada. Please also consider that as you are moving forward with A.J.R. 2.

We would also suggest specifically naming conservation districts in A.J.R. 2 in addition to "state agencies and local governments" [page 2, line 8]. Conservation districts are recognized in *Nevada Revised Statutes* Chapter 548 as the local link to local communities for all renewable natural resource conservation matters. We would also suggest focusing specifically on including private landowners and land users in the mix. We would also suggest focusing on collaborative and voluntary programs and identifying and implementing these programs in the constraints of our current appropriations and funding.

We did provide written testimony that includes the proposed amendment [[Exhibit K](#)]. I have included some links with information on this nationwide healthy soil legislation and policy initiatives to see what other states have done related to soil health.

As you have heard, our potential amendment has been considered a friendly amendment. We look forward to helping push this across the finish line.

Assemblywoman Cohen:

I was reviewing the proposed amendment [[Exhibit K](#)] and I am a little confused. The amendment shows that the orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment. Since there is no original language, should that language be blue?

Jake Tibbitts:

Yes. That was a clerical error.

Chair Watts:

I believe that language should be green, as additional new language. Are there any other questions? Seeing none, I will move on to the next caller in support.

Kara Steeland, representing Truckee Meadows Water Authority:

Truckee Meadows Water Authority (TMWA) is a municipal water purveyor for Reno and Sparks, serving over 425,000 customers in the region. It is my pleasure to be here today in support of A.J.R. 2 on behalf of TMWA. We believe in the importance of a healthy watershed and that water quality and forest health are undoubtedly connected.

Truckee Meadows Water Authority's water source for the region's drinking water supply is in the forested high waters of the Truckee River and tributaries. On average, over 85 percent of our communities' drinking water comes from the Truckee River. We rely on a healthy watershed to provide a clean water source for the communities. Since TMWA does not own most of the lands surrounding its source water areas, we collaborate with other organizations to ensure that the region's water supply continues to be of excellent quality. Through working cooperatively with community organizations, we have improved the protection of the region's drinking water supply.

We have worked closely with The Nature Conservancy and the Forest Service on a modeling effort to assess how important healthy forests are for our regional water supply and how large wildfires can impact drinking water quality. Increased turbidity and sedimentation from degraded natural landscape can affect drinking water treatment processes and potentially increase the cost of water treatment. Independence Lake in California provides another great example of our partnership with The Nature Conservancy. This lake is an essential drought supply for the Truckee Meadows. Truckee Meadows Water Authority has helped fund The Nature Conservancy to improve forest health around the lake, such as mechanical pruning and prescribed burning. Maintaining the integrity of the forest's ecosystem surrounding Independence Lake is key to maintaining good water quality. In addition to this effort, TMWA provides funding to many agencies and organizations throughout the watershed for forest management and restoration through the Truckee River Fund. These partnerships are one part of TMWA's large Source Water Protection Program to ensure continued protection of the region's surface water and groundwater resources. I appreciate the opportunity to speak in support of A.J.R. 2 on behalf of TMWA.

Christi Cabrera, Policy and Advocacy Director, Nevada Conservation League:

As the driest state in the Union, Nevada places a high value on our water resources. Forests play a critical role in collecting, filtering, and storing water, which is directly tied to water quality. However, our forests are threatened by drought, heat, and wildfire, all of which are exacerbated by climate change. To understand the threat of climate change and wildfire on our forests and our water resources, we need cooperation and coordination among land managers and water purveyors. This resolution is a step in the right direction to help protect our forests and our precious water resources. We urge your support.

Chair Watts:

I will move on to the next caller in support. Hearing no one, I will move on to anyone wishing to provide testimony in opposition to A.J.R. 2. Hearing no one, is there anyone here in neutral? Hearing no one, would the presenters like to make closing remarks?

Mickey Hazelwood:

I would like to say that The Nature Conservancy and I support Eureka County's proposed amendment. As I mentioned earlier, we have seen the impacts of rangeland fires on our water resources. There is an inextricable link there also. I would also like to say thank you for your time and consideration of this resolution.

Senator Scheible:

I would like to echo Mr. Hazelwood's comments and thank all of you for sticking with us through this presentation and for considering the bill.

Chair Watts:

I will close the hearing on A.J.R. 2. That takes us to the last item on our agenda, which is public comment. Is there anyone wishing to provide public comment? Hearing no one, our next meeting is Monday, March 29, 2021, at 4 p.m. This meeting is adjourned [at 5:32 p.m.].

RESPECTFULLY SUBMITTED:

Nancy Davis
Committee Secretary

APPROVED BY:

Assemblyman Howard Watts, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is written testimony and a proposed amendment to [Assembly Bill 85](#), submitted and presented by Jake Tibbitts, Natural Resources Manager, Department of Natural Resources, Eureka County.

[Exhibit D](#) is a letter submitted by Nikki Bailey-Lundahl, Government Affairs Manager, Nevada Mining Association, regarding [Assembly Bill 85](#).

[Exhibit E](#) is a proposed amendment to [Assembly Bill 34](#), dated March 17, 2021, submitted by the Assembly Committee on Natural Resources.

[Exhibit F](#) is the Work Session Document for [Assembly Bill 40](#), submitted and presented by Jann Stinnesbeck, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is written testimony submitted and presented by Keith Lee, representing Alert Wildfire Systems, in support of [Assembly Bill 84](#).

[Exhibit H](#) is a copy of a PowerPoint presentation submitted by Keith Lee, representing Alert Wildfire Systems, regarding ALERTWildfire and WildfireLIVE.

[Exhibit I](#) is a letter dated March 24, 2021, submitted by Chet Fairbank, Managing Member, Sierra Peaks Enterprises, LLC, in support of [Assembly Bill 84](#).

[Exhibit J](#) is a letter dated March 19, 2021, with an attached proposed amendment to [Assembly Joint Resolution 2](#), submitted by Mauricia M.M. Baca, Nevada State Director, The Nature Conservancy.

[Exhibit K](#) is written testimony and a proposed amendment to [Assembly Joint Resolution 2](#), submitted and presented by Jake Tibbitts, Natural Resources Manager, Department of Natural Resources, Eureka County.

[Exhibit L](#) is a copy of a PowerPoint presentation titled "Assembly Joint Resolution 2," dated March 24, 2021, submitted and presented by Mickey Hazelwood, Eastern Sierra Nevada Program Director, The Nature Conservancy.